



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 18<sup>th</sup> October 2022

**DEVELOPMENT:** Installation of a solar farm with associated infrastructure.

**SITE:** Land North of Huddlestone Farm, Horsham Road, Steyning, West Sussex

**WARD:** Steyning and Ashurst

**APPLICATION:** DC/22/0100

**APPLICANT:** **Name:** Bolney Green Limited **Address:** C/O Enso Energy Limited

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Councillors Lloyd and Platt.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.1 The overall site area comprises some 42.2ha of agricultural land, used for both pasture and arable fields. Within the application site area, it is proposed to install a solar farm across parts of 2 fields aligning east-west, amounting to an enclosed area of approx. 27.25ha, along with the required infrastructure necessary to convert the energy from the panels and feed back into the national grid. The solar array would generate some 18MW of renewable energy (equivalent power for some 4,500 family homes per year).
- 1.2 The proposals have been amended during the course of consideration to arrive at the above quantum, with two parcels of panels now omitted from the plans to address landscape impacts. This has reduced the originally submitted array from an enclosed area of approx. 35ha to the 27ha now being considered, and consequently the energy generation from 21MW down to 18MW.

1.3 The site has been selected owing to having a relatively short cable route / connection to grid point, and therefore resulting in reduced energy losses which occur during the connection. The current proposal has been the result of public consultations carried out by the applicant involving a much larger site (49.9MW / 85ha), and has been refined and reduced following public interaction, with a proposal that has no on-site battery storage need.

1.4 The estimated life-span of the installation would be some 40 years, after which the site would be decommissioned and dismantled, with associated works subject to discussions with the LPA at the time.

Panels:

1.5 The panel array would comprise a ground-mounted frame, with galvanised metal with posts driven into the ground, and therefore no need for concrete foundations. The panels are single-axis tracker panels, arranged in linear rows – north-south, and have small motors to rotate panels slowly throughout the day to maximise solar exposure. At highest point, panels would reach 3m (when tilted at 60degrees), although the central axis would sit some 2m above ground level.

Farm Diversification:

1.6 The overall site area of some 42.2ha is classified as Grade 3b agricultural land with much of the site identified as being of heavy clay, which is slowly permeable with a history of waterlogging / wetness, which in turn prevents access to the areas of the farm which is of a higher grade land, with this higher grade land falling outside of the application site.

1.7 The proposed solar farm would be considered to enable ‘farm diversification’, which enables “*the entrepreneurial use of farm resources for a non-agricultural purpose for commercial gain*”. This reduces dependence of farmers on agriculture as a source of income, with the proposal therefore helping to secure the farming business.

Associated Infrastructure:

1.8 The proposed solar farm development would connect to the Distribution Network Operation (DNP) network via the overhead 33kv line that crosses the site and would enable the renewable energy to be exported directly to the national electricity grid. The connection to overhead lines is to form a separate application for utilities work. The planning agent has confirmed that there would be no connection to the Bolney substation from this site.

1.9 Aligned to the solar panels would be Inverter, Transformer and switchgear stations throughout site, housed in green metal containers 12.2m x 2.4m x 2.9m (h), which are needed to convert DC to AC and ensure safe on-site operating systems. The wider infrastructure that would accompany the panels includes:

- Substation (11.7m x 4m x 3.9m [h]),
- Auxiliary transformer ( 4.1m x 4.1m footprint enclosed by 2m fence with 1x 5.7m high weather station and communications satellite dish)
- Control room (6m x 3m x 3m[h])
- Storage containers (12.2m x 2.4m x 2.9m [h]) within fenced enclosure on crushed aggregate surface.
- Weather station poles, up to 3 m in height, located around the site including at least one near the substation compound
- 2.1m deer proof perimeter fence
- Security / CCTV cameras on 3.1m poles Security and monitoring CCTV/infra-red cameras mounted on up to 3 m high posts along the internal perimeter of the Site
- Underground cabling to connect the panels and inverters/transformer stations to the proposed on-site substation and control room are included within the proposals

#### Temporary Access /Haul Route

- 1.10 The farm site is currently primarily accessed via farm track at Huddleston Farm, off the B2135 Horsham Road, which is shared with a number of other residential properties. However, there is a secondary field access to the farmlands set immediately north to a residential property, Nutwood House, which is also access to the PROW (FP\_2600). This secondary access point is to form the temporary construction access to the site, with the access widened to 6m, bound on the north by the PROW finger sign and on the south by an electricity pole.
- 1.11 The PROW will remain in open and accessible throughout the works, with appropriate signage advising users of the construction vehicles, and the use of a Banksman to facilitate safe access and egress of vehicles.
- 1.12 Once operational, the site would be accessed via Huddleston Farm for maintenance purposes, likely by way of a transit van once or twice a month only.
- 1.13 Compacted internal crushed aggregate tracks to allow vehicular access between fields are to be laid having a width between 3.5m and 6m. These connect the associated plant and equipment onsite.
- 1.14 There is to be an estimated 7-months construction period with 8 HGV movements per day during construction. The creation of the 6m access route / temp haul route would require the removal of a section of hedgerow, but the route avoids more significant tree root protection areas. The loss of this section of hedgerow is to be replaced elsewhere on site as part of a wider landscaping scheme.

#### Mitigation / Ecology / Biodiversity:

- 1.15 Landscape planting, biodiversity enhancements and surface water attenuation measures are included as part of the current proposal, which would also include the planting of new wildflower meadows around site boundaries.
- 1.16 Grassland habitats are to be established and or remain underneath and between panel rows, which would enable sheep grazing. Around the site, some 2km of new native hedgerow is to be planted (60cm stock - along southern sides, PROW and northern sides of the blocks) and new woodland planting (1.5m high stock - to northern side of main block). In addition, wildlife enhancements would include, bird, bat boxes, hedgehog boxes, insect hotels and log piles (10 of each across the site).
- 1.17 The proposal would enable increased soil biodiversity and carbon sequestration owing to the development leading to no ground disturbance / tillage, which would otherwise occur throughout the farming of the land.

#### DESCRIPTION OF THE SITE

- 1.18 The site lies to the eastern side of the B2135 / Horsham Road, approximately 2km north of Steyning, 2.5km west of Small Dole and around the same distance south-west of Henfield. It lies on a sloping site in a rural area with residential and farm properties dotted around the site, including a number of grade II listed buildings:
- Huddleston Farm Cottages to the south-west – circa 300m
  - Wappingthorn Farm to the south-west – circa 770m
  - Northover Manor to the north-west – circa 500m
  - Horsebridge House to the north-west – circa 660m
  - Upper Wyckham Farm to the south – circa 470m
  - Wyckham Farm to the south-east – circa 810m

- 1.19 The land is in agricultural use and considered to be Grade 3b (*moderate quality agricultural land - capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.*)
- 1.20 A number of public rights of way run through and close to the site, with FP\_2602 running north-south within the application site, FP\_2600 running parallel some 370m to the west, and Bridleway\_3512 running along Horsebridge Common to the north with good views over much of the application site and up to the ridgeline. Further to the south and beyond the ridgeline are footpaths FP\_2601, Bridleway\_3511, FP\_2732 and FP\_2563. These paths don't benefit from views directly of the site owing to intervening landscape features and the crest of the ridgeline itself. However, to the east, some oblique distanced views of the site are afforded from the Bridleway\_3512 and FP\_3200 alongside the Adur River.
- 1.21 Some 350m to the south of the site is an Archaeological Notification Area (ANA) and one area of ancient woodland abuts the site: Huddleston Wood to the western side. Another area of ancient woodland, Wyckham Wood, lies some 215m to the east of the site.

## BACKGROUND

- 1.22 In April 2014, the Council considered an application for a solar farm on the Huddleston Farm site (DC/13/2420), comprising an area of some 35ha and generating in the region of 16MW. The installation was noted to give rise to a low hum from the inverters when power is converted and distributed through to the grid (some 75db measured immediately beside the building), which was to be exported through to the grid via underground lines. A 3-month construction period was envisioned with access taken from the existing farm-track serving Huddleston Farm and other properties.
- 1.23 The proposals included fixed panels arranged in east-west rows facing south along with associated infrastructure (fencing, ancillary equipment, substation, inverters, CCTV poles and new trees and hedgerow). The site area comprised the central field of the current proposals, extending from the northern boundary up to the southern field boundary.
- 1.24 The proposal was taken to committee with a recommendation for refusal, noting the environmental benefits and the provision of renewable energy, but also considering the visual impact occurring to users of the PROW and bridleway at Tottington Mount (some 4.1km to the south-east), and significant adverse effects on visual amenity to some residential properties looking out over the site. The identified harm at the time was envisioned for some 15 years whilst the planting matures sufficient to provide screening. The Council formally refused the proposal at committee for the following reason:
- 1     *The proposed development by reason of its siting, extent and the character of the use would result in significant adverse visual amenity impacts on users of the footpaths on the site and in the surrounding area together with owners of nearby residential properties as well as significant adverse landscape character impacts on the site itself and its immediate surrounds as well as on the setting of the South Downs National Park. The proposal is therefore contrary to the requirements of Policies CP1, CP2 & CP3 of the Core Strategy, Policies DC1, DC2 & DC9 of the General Development Control Policies and Section 11 of the National Planning Policy Framework.***
- 1.25 The decision was subsequently appealed to The Planning Inspectorate, which was then referred to the Secretary of State for formal consideration in August 2015, in order to consider the impact on the South Downs National Park. The formal decision by the SoS was issued on January 2016, dismissing the appeal. At the time, the key determining considerations in assessing renewable energy proposals lay in whether or not such proposals would result in

'adverse significant impact on landscape'. In this instance, the appeal proposal was judged to lead to a *'change to the character of the landscape which would be severe, even with to proposed mitigation within and immediately adjacent to the site'*. The SoS went on to state that *'the introduction of a visible new feature and its uncharacteristic regimentation would appear markedly out of place in the receiving landscape. The impact of the proposal on the countryside would be dramatic, most notably from the public footpath within the site and from its continuation to the north and from part of the bridleway between Ashurst Place Farm and Heron Farm. Sweeping views across a parkland-like landscape and their seamless integration with the rising slopes of the South Downs National Park would be lost to an unforgiving utilitarian aspect. Even with the degree of landscaping sought by the Council, the development would remain as highly intrusive and damaging to the rural scene. Moreover, the new screening between the footpath within the site and the installation would rob users of a tangible appreciation of the wider open countryside and severely impair the enjoyment of the route.'*

- 1.26 In relation to living conditions of nearby properties, neither the Inspector nor the SoS considered adverse harm to nearby living conditions to be adversely diminished as a result of the proposal.
- 1.27 The benefits of renewable energy were recognised as a positive, with the potential for the site to generate some 16MW of 'green' energy per year (approx. 3,400 households). However, the SoS did not consider that the environmental credentials of the proposal outweighed the harm arising from the development. Although the solar farm would be envisaged to have a lifespan of some 30 years, this was still a considerable period of time within which the negative aspects of the development would be perceived.
- 1.28 It is noted that at the same time, two other applications for solar farms were also considered by the Council (DC/13/2310, Ford Farm, and DC/13/2381, Priors Byne Farm), both located some 3.6km to the NE of the current site.
- 1.29 The site at Ford Farm (DC/13/2310) was to produce some 10MW (2,400 homes) of power across an area of 28.28ha, with the panels occupying some 9.23ha of the site, and had been refused for reasons of scale and resulting intrusiveness on the visual enjoyment of the countryside outweighing the environmental benefits.
- 1.30 The site at Priors Byne Farm (DC/13/2381) was to produce some 7.6MW (1,700 homes) of power across an area of 17.7ha, with the panels occupying some 9.23ha of the site, and had also been refused for the same reasons of scale and resulting intrusiveness on the visual enjoyment of the countryside outweighing the environmental benefits.
- 1.31 These two decisions were also subject to appeal decisions, with both being allowed by the Inspector, with DC/13/2381 (Priors Byne Farm) having been allowed in March 2015 and DC/13/2310 (Ford Farm) having been allowed in September 2015. Both solar farms have subsequently been constructed.
- 1.32 Both Inspectors noted that the sites each comprised a landscape character of medium sized fields generally enclosed by hedgerows, where trees and hedges limit intervisibility. Both proposals were considered to result in some adverse harm on visual amenity, particularly from users of PROW, despite mitigation measures involving additional planting. In particular, the site at Ford Farm was noted by the Inspector to be separated from busy public roads and intensive human activity, where the tranquillity of the landscape was a notable feature. However, the identified harm arising from each of the proposals was considered to be localised. In the planning balance, the benefit of the resulting output of renewable energy and associated environmental benefits were considered to outweigh the adverse effects that were identified.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 11 - Tourism and Cultural Facilities  
Policy 30 – Protected Landscapes  
Policy 31 - Green Infrastructure and Biodiversity  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 34 - Cultural and Heritage Assets  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 38 - Strategic Policy: Flooding  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

The Steyning Neighbourhood Plan has progressed through Examination and was subject to a Referendum on 14<sup>th</sup> July 2022, where the majority of votes were cast in favour of the NP. Following the referendum, the NP has been formally 'made' and now carries full weight in decision making.

Policy SNDP1 – Green Infrastructure & Biodiversity  
Policy SNDP2 – Responsible Environmental Design  
Policy SNDP3 – Contribution to Character

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/13/2420	Solar farm comprising arrays of photovoltaic panels and ancillary plant, equipment, equipment housing and underground cable to connect the park to the national grid.	Application Refused on 16 <sup>th</sup> April 2014 – <i>Appeal Dismissed on 26<sup>th</sup> January 2016</i>
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## 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

## INTERNAL CONSULTATIONS

### 3.2 **Landscape Consultant:** Objection

Initial comments relating to the initial 35ha / 21MW proposal: Objection

Updated comments relating to the revised 27ha / 18MW proposals [Summarised]:  
Objection maintained

Based on the information presented, it is considered that the development would have an adverse impact on landscape character, qualities and visual amenity. There are significant concerns that the proposed development, in conjunction with the other notable schemes, will have an adverse and eroding impact on the landscape character and qualities of: the Low Weald National Character Area (NCA); the Low Weald; Wiston Low Weald; Upper Adur Valley; Ashurst and Wiston Wooded Farmlands; Steyning and Henfield Brooks; and Farmland and Floodplains Landscape Character Areas (LCAs) and to the Cohesive Assarts Historic Landscape Character Area (HLCA), as well as harmful effects to the special landscape qualities of the South Downs National Park. The proposals also result in harm to the receptors and visual resources of the PRoW network and the Downs Link. Consequently, from a landscape perspective, the proposed development would not conform with Policies 2, SD6, 25, 26, 30, 31, 33 & 36 of the Horsham District Planning Framework (2015), Policies SCP1, SCP2 & SCP3 of the Steyning Neighbourhood Development Plan (2022), and therefore at conflict with the National Planning Policy Framework (2021), Planning Practice Guidance and National Design Guide.

Whilst the submitted amendments show a reduction in urbanising-built form (i.e., PV panels and associated infrastructure) from the southern half of the second parcel (south-east of Huddlestone Wood) and now omits the fourth parcel entirely from the development proposals (west of Wyckham Wood), the changes do not however, address the missing information within the submitted Landscape and Visual Impact Assessment (LVIA) as prepared by Landscape Visual Limited. The crux of the issue therefore remains extant in terms of the Site's location within the rural Countryside and its proximity to, and in the setting of, the South Downs National Park (SDNP) as identified by the Horsham District Planning Framework (2015) Proposals Maps and South Downs Local Plan (2019) Policies Map.

We also note that the Site and its immediate surroundings as being considered in several different landscape character assessments which have not been mentioned or addressed within the submitted LVIA. The onus remains on the development to demonstrate how the proposals can be brought forward without unacceptable or undue adverse impact and / or significant material effects to the landscape character, qualities and / or condition of the Site and surroundings, the Landscape Character Areas (LCAs), and the South Downs National Park (SDNP) as noted above and detailed below in our previous landscape response.

Consequently, in absence of a comprehensive LVIA, we have therefore made the professional judgement that the proposals would have an adverse and eroding impact on the landscape character and visual resources of the Low Weald NCA; the Low Weald; Wiston Low Weald; Upper Adur Valley; Ashurst and Wiston Wooded Farmlands; Steyning and Henfield Brooks; and Farmland and Floodplains LCAs and to the Cohesive Assarts Historic Landscape Character Area (HLCA), which results in further harmful effects on the special landscape qualities of the South Downs National Park (SDNP) and the receptors and visual resources of the Public Right of Way (PRoW) network and the Downs Link.

Overall, given our concerns regarding adverse impacts on landscape character, the site's rural countryside location and special qualities of the SDNP, as well as insufficient supporting information, we would not be supportive of this application as it is currently presented and we are of the judgement that the application does not comply with Policies 2, SD6, 25, 26, 30, 31, 33 & 36 of the Horsham District Planning Framework (2015), Policies SCP1, SCP2

& SCP3 of the Steyning Neighbourhood Development Plan (2022), and therefore at conflict with the National Planning Policy Framework (2021), Planning Practice Guidance and National Design Guide.

Reference to the comments made in respect of the original proposals, for completeness [summarised]:

*Although the nature of the proposed development means that landscape features such as hedgerows and trees will predominately remain, this doesn't automatically mean that the principle of this form of development will not have an adverse impact on the character of the site, and general sense of place. This is even more pertinent in this location given the potential cumulative landscape and visual impacts created by this and other solar energy farms schemes in the local area.*

*The application has been supported by a Landscape and Visual Impact Assessment (LVIA) undertaken by Landscape Visual Limited. The LVIA has been carried out accordance with the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition ('GLVIA3') (2013).*

*As acknowledged in the LVIA (Para 1.4.3 & 3.3.5), the site visits and photography used to inform the assessment were undertaken in March (early Spring) when leaf cover and screening are at a minimum and therefore representative of the worst-case scenario and in August (summer) during full leaf cover. Therefore, it is noted that visibility of the Site would be greater in early Spring (where deciduous trees have little leaf cover) than illustrated in some of the photography presented in this ES. Though winter views would have been appreciated, all judgements have been reviewed on the basis that this constraint is considered, which is welcomed.*

*The LVIA Methodology (Appendix 1) states that the scope of the LVIA is derived from the Town and Country Planning (EIA) Regulations 2011 (as amended). Schedule 4 of the EIA Regulations has also been referenced stating that "with respect to landscape and views, an LVIA typically considers the direct and indirect effects of a proposal, its potential cumulative effects, considers the changes which would arise over time, and whether those changes would be beneficial, neutral or adverse".*

*The LVIA (Section 3.0) has identified the landscape baseline of the site as including the National Character Area (NCA) as defined by Natural England, the Horsham District Landscape Assessment, the South Downs National Park Landscape Character Assessment, and the South Downs National Park: View Characterisation and Analysis. We note however, that the Site and its surroundings are considered in several different landscape character assessments which have not been mentioned or addressed within the submitted LVIA [including Landscape Character Assessment of West Sussex (2003), A Strategy for the West Sussex Landscape (2005), A Strategy for the West Sussex Landscape (2005), Sussex Historic Landscape Characterisation (2010), and the Steyning Character Assessment (2019)]*

*Similarly, to the above, the LVIA (Para. 3.1.23) does make reference to Views from the scarp looking north across the Low Weald outside the National Park' view type but disregards the 'Views from the scarp looking north across the Rother Valley to the Greensand Hills' view type. Where mentioned, the inclusion of the special qualities, aim and management guidance is welcomed, but does not fully address the identified threats and that the insufficient supporting information means that the LVIA posits an inaccurate assessment of indirect effects.*

*Overall, where appropriately mentioned within the LVIA, the landscape baseline is generally welcomed however, we are of the judgement that the LVIA (as currently submitted) fails to*



consider all of the relevant landscape character assessments as referenced above (please refer to Table 1). Furthermore, justification should be provided for any departure from the findings of an existing established landscape character assessment. We would expect that for development of this scale and nature and owing [among others] to the special qualities and characteristics as highlighted above, that the LVIA should include refined and detailed analysis of all landscape character types / landscape character areas as identified within their respective studies.

Notwithstanding the above, GLVIA3 recognises that landscape value is not always signified by designation “the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value”. This has been considered in the assessment (Table 5.1 and Para. 5.1.5) which states that overall, the Site has been judged as having a ‘High to Medium’ value. Overall, we also consider the value of the local landscape including the Site to be a fair assessment and as such it is not considered to be a valued landscape for the purposes of paragraph 174(a) of the NPPF but does contain a number of valued landscape qualities.

With regards to the impacts of the proposed development, and its inconsistency as a result of the lack of evidence from the baseline study as required by GLVIA3 (Para. 5.43), we consider the judgements of susceptibility is too low and should therefore be revised. Because of this judgement, there is concern that the landscape receptors’ sensitivity, magnitude of change and significance of effect may also differ from that stated.

Notwithstanding the above, it also needs to be acknowledged that the proposed development, would adversely affect the rural landscape, by introducing solar array structures, but by also introducing other discordant industrial features such as fencing, CCTV cameras, racking, DNO and client switching, battery sub-stations, storage, and tracks. In turn, this would substantially change the character of the landscape and the perceived sense of place, resulting in the loss of a coherent and representative part of the Wiston Low Weald / Upper Adur Valley LCAs the Ashurst and Wiston Wooded Farmlands and Steyning and Henfield Brooks LCAs and Cohesive Assarts HLCA. The attractive and finely balanced mosaic of irregular pastoral and arable fields enclosed by a strong framework of mature trees, woodland shaws and Ancient Woodlands would be degraded. Huddlestone Farm would no longer be surrounded by an historic landscape of fields assarted from woodland and modern field amalgamation but instead would represent intrusive urban development within the rural countryside.

#### Review of visual impact

Visual effects are a result of the sensitivity of visual receptors (people who will experience changes to existing views) to the proposed development and the magnitude of those changes. The appraisal has identified visual receptors within the Study Area that are likely to have visibility of the Proposed Development. These include; Horsham Road, Henfield Conservation Area, the Downs Link, and a number of routes on the Public Right of Way (PRoW) network from the surrounding area and the South Downs National Park.

The LVIA (Table 6.2) states that effects will be long-term in duration, the LVIA Methodology (Section A1.2) also defines medium-term when lasting “up to 15 years post completion” and long term when lasting between “15 and 40 years post completion and for the duration of the operational life of the proposal” which is welcomed.

The receptors that have been identified, which includes [among others] PRoW users, Sustrans / Downs Link users and visitors within the South Downs National Park, have been reviewed and the LVA summarises that:

- “The Site is visible in near and middle-distance views from adjacent areas of open farmland to north.
- A local ridgeline limits views towards the Site from the wider landscape to the east.

- *The topography of the Huddlestone ridgeline restricts views from land to its south.*
- *Boundary vegetation screens most near and middle-distance views towards the Site from the south and the west.*
- *Further afield, there are scattered, limited areas of distant visibility across the valley floor and lower valley slopes of the River Adur to north-east up to 2 km from the Site.*
- *There are distant views towards some parts of the Site seen from the SDNP from the Major Scarp LCT, including Chanctonbury Ring, Steyning Round Hill and Tottington Mount”.*

*Currently, the LVIA has assessed those views of the proposed development will be possible to varying degrees with prominent close-distance views from Public footpath (2602) by high sensitivity receptors using this route which traverses through the Site at Huddlestone Farm, Bridleway (3512) to the north-east, and long panoramic views from the eastern edge of Chanctonbury Ring in the South Downs National Park and glimpsed views available as far as Footpath (2565) south of Henfield and the Henfield Conservation Area. Dense woodland vegetation and hedgerows will screen views further south close to the junction of Public footpaths (2601 & 2602), while there would be prominent middle-distance views towards the solar panels from the PRow network by high sensitivity visual receptors in the immediate area.*

*Overall, it has been judged that on completion of the development there will be a ‘Major’ Adverse effect (Significant) on the views from Public footpath (2602) which runs through the centre of the Site between two of the western field parcels and along part of its northern boundary. In the medium and longer term, once the mitigation planting has established, the residual effect will be ‘Major to Moderate’ Adverse. We agree with the methodology and support the judgement of visual effects, and it’s worth noting that we would also deem ‘Major to Moderate’ Adverse effects as Significant in accordance with the LVIA Methodology (Table A1.7) which defines “large-scale changes which introduce new, uncharacteristic or discordant or intrusive elements” as considered to be more significant.*

*Notwithstanding the above, it should also be acknowledged that there will in turn be a dramatic change to the views experiences by PRow, Sustrans and Downs Link users within the Site, its immediate location and within the South Downs National Park, as well as a change to the perceived sense of place and character because open panoramic views would become urbanised, enclosed and constrained. Therefore, though these impacts have, for the most part, been deemed as ‘Moderate’ Adverse in the medium and long-term, we would however judge the adverse impacts to be greater than what is currently judged in the LVIA. To conclude, we are therefore of the judgement that the proposed scheme will have a significant adverse impact on both landscape character and visual amenity and would advise that impacts on visual amenity are revised to take into consideration impacts on winter views.*

#### *Review of Cumulative Impact:*

*The need to consider cumulative effects in planning and decision making is set out in the NPPF. Paragraph 211(b) states “that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and / or from a number of sites in a locality”.*

*The overarching NPS for Energy (EN-1) 2011 also states that “when considering cumulative effects assessment, the ES should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other developments”.*

*The LVIA has undertaken a brief assessment of cumulative impacts, concluding that “no other major development scheme has been identified with any relevance to this proposal within the study area and cumulative impacts are not considered further in this LVA”. The LVIA has undertaken an assessment of cumulative impacts, with Priors Byne Solar Farm,*

*Ford Farm Solar Farm, Lower May's Farm Solar Farm included in the assessment, as well as residential development proposals at Land off King's Barn Lane (approximately 2.3 km south of the proposed development).*

*It has been assessed that significant effects on the Ashurst and Wiston Wooded Farmlands LCA, Steyning and Henfield Brooks LCA, Arun to Adur Downs Scarp LCA, Adur to Ouse Downs Scarp LCA and Downs Link and South Downs Way will occur if any combination of the proposed solar farms or residential development were to be constructed together. It has also been assessed (Para. 6.5.3 that "no other cumulative landscape or visual effects would arise as a consequence of the proposal with the cumulative schemes". In our judgement however, we consider that there will be adverse (significant) sequential cumulative effects on landscape receptors not referred to in the LVIA (Please see Table 1) should the above development and proposals be constructed together and would advise that cumulative impacts are revised to take into consideration impacts on the currently excluded information.*

*We would expect that a cumulative visual assessment to also be provided and supported up by cumulative wireframes set beneath photographs and / or photomontages prepared from key viewpoints to illustrate the magnitude of cumulative visual effects (these can also be useful to illustrate the nature and degree of cumulative change to the landscape.*

*To conclude, we have significant concerns that the proposed development in conjunction with the other notable schemes will have a significant adverse impact on landscape character of the 'Wiston Low Weald' and 'Upper Adur Valley' LCAs, the 'Ashurst and Wiston Wooded Farmlands' and 'Steyning and Henfield Brooks' LCAs, and the 'Cohesive Assarts' HLCA, as well as indirect effects on the landscape qualities of the South Downs National Park and significant adverse visual harm to the PRoW network, and Downs Link and therefore would not conform with Policies 2, SD6, 25, 26, 30, 31, 33 & 36 of the Horsham District Planning Framework (2015), Policies SCP1, SCP2 & SCP3 of the Steyning Neighbourhood Development Plan 2019-2031, and therefore at conflict with the National Planning Policy Framework and Planning Practice Guidance.*

### **3.3 HDC Conservation: Comment** [Summarised]:

The current proposal brings the solar array closer to 1 and 2 Huddlestone Farm than the previous application /appeal (DC/13/2420). There have been updates to the NPPF, the adoption of HDPF and guidance in relation to setting of heritage assets since the previous application was considered.

The significance of 1 and 2 Huddlestone Farm Cottages relates to the historic fabric of the building and its character as a historic farmstead, dwelling has a legible historic and functional relationship with surrounding agricultural lands and which forms its setting which contributes to the appreciation and significance of the heritage asset. Although farm buildings now lessen the intervisibility of the site with the listed buildings – proposal is therefore considered to result in less than substantial harm to the significance of 1 and 2 Huddlestone Farm Cottages (at the lower end of the scale).

The significance of Northover Manor relates primarily to the historic fabric of the building – exemplifying local vernacular traditions and architectural interest. Whilst the property may not have a functional relationship with the application site, over time the perception of the heritage asset as a rural farmstead is understood by its setting with the open fields beyond. The proposed change to the appearance of the landscape would result in less than substantial harm to the setting of the heritage asset (at the lower end of the scale).

Calcot Farmhouse and Wappingthorn Farm are separated from the site by the B2135 with the location from the site with no functional or historic relationship to the site, therefore the proposal is not considered to detract from the understanding of their clear architectural and

historic interest and their rural setting which contributes to their significance – no resulting harm to the appreciation of these heritage assets.

The wider setting of Upper Wyckham Farm would be impacted by proposed solar array, but this impact is not considered to result in harm – opportunities would remain to understand and appreciate the significance of the heritage asset without visual or other sensory interference from proposed structures.

Para 202 of NPPF – where a development proposal would lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal.

#### 3.4 **HDC Environmental Health: No Objections**

Generally there should no adverse noise impacts at night. Additional information has been requested to support the following statement:

*"Potential low-frequency bias might exist at source, but due to distance to receptors, the residual acoustic environment will mask any significant tones or low frequency characteristics." NSR 7 (Shelleys Cottage) and NSR 12 (Nutwood House)*

Following review of the additional information, the concerns have been addressed and the low frequency component to the noise would not be readily discernible due to the quietness of the location.

#### 3.5 **HDC Economic Development: Support**

The proposal enables farm diversification and the diversification of a local farmer's income. The proposal is welcomed as farm diversification benefits the local rural economy and reduces farmers' dependence on agriculture for income. As indicated within the Planning Statement, this in turn provides support for the local agricultural supply chain. As a result, this aligns with key priorities within the district's Economic Strategy, particularly in relation to supporting local enterprise to become more resilient and productive.

It is not clear whether any local job opportunities would be created through the development, for example during the construction phase. Either way, there are wider economic benefits of renewable energy developments beyond farm diversification, for example through the creation of green jobs, which help support a resilient and sustainable economy in the long-term. Moreover, the clear environmental benefits to renewable energy schemes and this proposal, would help us work towards a carbon-neutral economy with less reliance on fossil fuels and helping to reduce Horsham District's contribution towards climate change.

*Nothing further raised by way of amended scheme – original comments stand*

#### 3.5 **Arboricultural Comments: Comment**

[Summarised]:

An existing track is located where proposed temp construction route is proposed. A small area of new trackway sits within the Ancient Woodland buffer. A condition can be applied to ensure this is of no-dig construction.

#### 3.6 **Ecology Comments: No Objections (following additional information on Skylark and a Biodiversity Net Gain spreadsheet)**

[Summarised]

We are satisfied that there is sufficient ecological information available for determination subject to securing appropriate compensation measures for Skylark (Priority species) – condition acceptable.

The completed BNG spreadsheet is on order and supports the summary of the Ecological Assessment Report (Enso Energy, Jan 2022).

There is the potential for an increase in foraging opportunities for Skylark and other farmland birds, although the nature of the solar farm and research carried out suggests that Skylarks may actively avoid nesting at solar farms, with the proposal therefore leading to a loss of nesting habitat for this Priority Species – suggest that a Skylark Mitigation Strategy is secured to ensure compensation for loss of breeding habitat and to allow the LPA to demonstrate that they have met their duty under the NERC Act 2006.

Lighting will be directed to maintain dark corridors for nocturnal species. Any other lighting required for security reasons should be infra-red to prevent impact on sensitive nocturnal wildlife.

A precautionary approach is to be taken in the event of hedgerows being removed, to be informed by an Ecologist, to secure protection of Hazel Dormouse – a license would be required from Natural England.

Advisory conditions to secure a Landscape and Ecological Management Plan, delivery of Biodiversity Net Gains, and a Construction and Environmental Management Plan (for Biodiversity).

## OUTSIDE AGENCIES

### 3.6 **South Downs National Park:** Comment

Initial comments relating to the 35ha / 21MW proposal [Summarised]: Comment

Updated comments relating to the revised 27ha /18MW proposals [Summarised]: Comment

There is recognition that the proposal has been amended to omit two areas of arrays which may assist in reducing the harmful effects, there is still no assessment of visual and landscape impacts upon the important and publicly accessible viewpoints within the National Park, which therefore makes it difficult to assess whether the amended scheme represents an improvement in this regard. It also remains unclear whether the scheme avoids or adequately mitigates for adverse impacts on the designated landscape

Reference to the initial comments in respect of the original proposals, for completeness [summarised]:

*Concern over lack of assessment of visual and landscape impacts upon important and publicly accessible viewpoints within the National Park, and failure to avoid or adequately mitigate for adverse impacts on the designated landscape.*

*Concern that visual amenity impacts should take account of winter views.*

*The LVIA should consider direct and indirect effects on the National Park designated landscape, in particular the effect upon its purpose for designation, its special qualities and the relevant policies for the South Downs National Park Partnership Management Plan (2020):*

- Policy 1 - Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures*
- Policy 3 - Protect and enhance tranquillity and dark night skies*
- Policy 5 - Conserve and enhance populations of priority species in and around the National Park, delivering targeted action where required*
- Policy 56 – Support appropriate renewable energy schemes, sustainable resource management and energy efficiency in communities and businesses in the National Park, with the aim of meeting Government climate change targets*

*Agreement that a LEMP condition is required in the event of an approval.*

*Glint and Glare assessment only takes into account a 1km study area.*

*The submitted Environmental Statement includes a section on Landscape and Visual Effects – it does not progress beyond identifying that the National Park is located 1.3km to the south at the closest point and that the scheme would not cause harm to its setting – no evidence or analysis is provided within the LVIA to support this view and no cumulative impact assessment of other solar developments in the locality that are within the setting of the National Park*

*The submitted ZTV should be extended to 5km to ensure that all relevant sections of the ROW are included to the south east and glint and glare assessments should also be undertaken from relevant viewpoints along South Downs Way.*

*Viewpoint 10 (from Chanctonbury Ring) indicates development would not be visible which is a positive..*

*Viewpoints 11 and 12 (from bridleways 3182 and 2754) only indicate development area and don't include 'mock up' – development would be clearly visible from these viewpoints.*

### 3.7 **WSSC Highways:** No Objection (following submission of a Road Safety Audit)

#### **Access:**

Access to the site is currently a gated farm access and a public right of way (2600). This will be widened to 6m to allow HGV/LGV traffic associated with the solar farm installation. Visibility splays will also be improved at this access and splays of 2.4m x 215m in the leading direction and 2.4m x 91m in the secondary direction are proposed. The visibility splay in the secondary direction, which is under DMRB standards, is however an improvement over what currently exists. Once the installation is complete the access will receive minimal trips. It is estimated to attract 2 trips a month, by a transit van or similar, for a period of 40 years. Decommissioning of the site will require another planning application; and if the land is returned to agricultural use in the future, the access created here will be reconsidered for the land use it will be used for. Swept path diagrams for the largest vehicle, which will not exceed 16.5m, have been submitted and confirm a longer vehicle can make the turn in and out of the improved access.

#### **S278:**

Pre-commencement condition to require s278 agreement to ensure access is constructed and approved prior to any works commencing. Within the site, internal access roads will be created and allow for the safe movement of the maintenance vehicles, and turning to exit the site in forward gear

#### **Trips**

There will be 973 HGV deliveries, which equates to 14 two-way trips per day, and 5 two-way LGV movements per day outside of the peak traffic hours. This increase in trips over the 30-week period is accepted by WSSC and would not be considered as severe, using the access routes identified.

#### **Construction Traffic Management Plan**

Construction Traffic Management Plan submitted for assessment as part of the application. This plan will be used to ensure the safe and effective routing of all construction vehicles to the site over the 30-week installation period. This plan should be followed and shared with any persons who will be accessing the site during the installation phase. The access will need to be provided prior to the construction phase and should be progressed as soon as possible. Banksman will be provided for all deliveries to the site, temporary signage will be erected and in place for the duration of the construction phase. Routing of the construction traffic has been identified in the plan and will use A and B roads. Therefore, unless there are any unusual impacts from the construction traffic WSSC do not expect the need for a S59

agreement. Any signage on the highway should be discussed with WSCC Area highways Manager and / or Local Traffic Engineer and should be included on any plan.

*Road Traffic Casualty and Collision Database (RTCC)*

An interrogation of the WSCC RTCC Database has found two recorded incidents in the last 5 years which occurred approx. 215m south of the access onto the B2135. Both incidents occurred when it was dark and were not attributed to the highway layout. Causation factors were driver impairment and swerving to avoid an animal in the road. Therefore, WSCC are satisfied there are no historic patterns of incidents occurring at the proposed access.

*Conditions advised*

**3.8 WSCC Rights of Way: No Objection**

Public Footpaths 2600 and 2602 run in a generally north - south alignment through the proposed development, within the red line of the planning application boundary - Footpath 2600 only in part, towards its northern junction with Horsham Road

It is understood that the application does not impact upon, or propose any alteration, to the Public Right of Way.

The stile at the junction of Footpath 2600 and Horsham Road should be removed and replaced with a 1.2m gap, unless a structure is required for livestock control in which case it should be replaced with a gate that conforms to British Standard BS 5709-2018, the minimum width of such a gate being 1.2m. The PROW Team are available to advise the applicant on a suitable structure, if required.

All other stiles within the red line of the boundary should be removed and replaced with a 1.2m gap, unless a structure is required for livestock control in which case it should be replaced with a gate that conforms to British Standard BS 5709-2018, the minimum width of such a gate being 1.2m.

*Nothing further raised by way of amended scheme – original comments stand*

**3.9 WSCC Flood Risk Management: No Objection**

Moderate risk of groundwater flooding from map data. An ordinary watercourse runs alongside the boundary – works affecting flows should be subject to Ordinary Watercourse Consent and an appropriate buffer exclusion zone should be included. Proposed SUDS needs to be subject to considerations.

*Nothing further raised by way of amended scheme – original comments stand*

**3.10 WSCC Fire and Rescue: Comment**

More information needed

Details needed on fire safety and fire-fighting provisions including fire tender access to all properties and containers on the site – no information of roadways or tracks to the site – and the supply of water of other fire-fighting medium for use in the event of a fire and any safety precautions to be taken when attending a fire.

**3.11 Environment Agency: No Objection (following submission of Flood Risk Assessment)**

Advisory conditions

**3.12 Southern Water: Comment**

Reference to the use of SUDS which are not adoptable by Southern Water

*Nothing further raised by way of amended scheme – original comments stand*

## PUBLIC CONSULTATIONS

### 3.13 **Steyping Parish Council:** No Objection

Initial comments relating to the initial 35ha / 21MW proposals: Objection

Due to the proposed site being on farmland in a biodiverse area with wetlands and ancient woodlands that can be seen from the South Downs National Park and would include within it public footpaths and a bridle path.

Updated comments relating to the revised 27ha / 18MW proposals: No Objection

The PC would like to change their previous comment to **No Objection**

#### **Representations:**

- 3.14 Letters of representation have been received in response to this application from 128 separate addresses. Most are from within the district, but 2 letters are noted from Shoreham and Lancing. Representations have also been received from Greening Steyping, CPRE and Friends of the South Downs.

Representations received relating to the initial 35ha / 21MW proposals:

- 3.15 To date, 107 letters of support have been received:

- Essential development to enable the move away from fossil fuels – sustainable future, clean air, enabling a greener future, reducing climate change risks
- Environmental Benefits outweigh limited tree and landscape impact – positive benefit to children's future
- Right thing to do despite 'cost' – vital for UK to achieve its CO2 reduction targets
- Reduced reliance on Russian oil – enables local power supply and become self-sufficient with more resilience to stop price increases
- Demand for more EV cars requires more power supply such as this
- Potential to power 90% of Steyping, Upper Beeding and Bramber
- Resulting increased biodiversity net gain and wildlife measures – pollinator from other crop-based agricultural fields nearby, allowing field to recover, free of synthetic fertilisers or herbicides,
- Defra advice to farmers to diversify following Brexit and reduction in Basic Payment Scheme, poor quality Weald Clay (grade 3b and below), proposal would enable improvement of farmland by way of permanent pasture being established with no fertiliser and sprays – good use of sub-standard farmland
- sheep to continue grazing the land
- Monetary input into local community (£20,000 – promised by applicant)
- Educational boards to be installed
- Remote location, little impact on surrounding countryside – no extra cabling needed
- Disappointed that PC objected to proposal – don't speak for all community
- Not seen from SDNP, not large enough to worry about loss of a view, Greensand Ridge to the south precludes views from SDNP, better looking than pig farm at Tinpots Hill
- Project should be championed by PC
- Not seen once vegetation is established – barely visible from Downslink, the river or Downs – very localised visual impact
- (solar panels) Better than fracking

- 3.16 To date, 21 letters of objection have been received:

- No evidence to support stated figures of generated energy and CO2 savings, Draft Overarching National Policy Statement for Energy (EN-1) (Sept 2021) that all infrastructure projects should include whole life carbon assessment and other criteria – which has not been submitted
- Current energy demands does not warrant proposed installation size



- Limited benefit from installation – better to include 2 extra turbines in Rampion off-shore windfarm site
- No details on connection to Bolney substation
- Inappropriate use of AONB, development on edge of SDPN and Sussex Conservation Area – seen from Truleigh Hill and Chanctonbury Ring
- Unforgiving and utilitarian, landscaping likely not implemented and remain highly obtrusive, more landscaping along PROW would rob users of a tangible appreciation of wider open countryside and severely impair enjoyment of the route
- Loss of habitat
- Change of use of agricultural / farmland into an industrial site, glaring panels instead of pasture, gravel tracks for access
- 7 months of dust, noise and construction works – impact on HGVs passing alongside house for 30 weeks
- Access road to be re-designed for the point of view of safety and amenity – existing gate only used for occasional and seasonal traffic – no details on where site workers will park or how 60-70 workers will be transported each day
- Lasting damage to fields, possibly toxic soil pollution, limited air and rainwater
- Devastating impacts on local community, devastating health benefits and well-being of those living in surrounding area as many enjoy hiking and cycling the local network of public access paths – 3m deer proof fence alongside PROW / caged footpath
- Noise and disturbance, light pollution
- Objections as per previously raised and cited by PINS appeal decision – not materially different although greater harm as lifespan is now 40+ years
- One of the best managed farms with a diverse crop rotation and best use of various soil types across the farm, large and well-run dairy herd and use neighbouring farmland for supplementary cropping – farmers encouraged to produce food so maybe we should not be covering productive farmland in solar panels
- One of the best managed farms with a diverse crop rotation and best use of various soil types across the farm, large and well-run dairy herd and use neighbouring farmland for supplementary cropping – farmers encouraged to produce food so maybe we should not be covering productive farmland in solar panels
- Whole site planted with arable crops year on year shows the land remains productive and viable, financial implications alone should not be reason to allow this, climate change might lead to this type of land being favoured for arable / food crops given higher clay content majority of wheat is imported to the UK, so consideration of the production of crops at the site needs to be taken into account as this can contribute to lowering food miles
- First and foremost a commercial development
- Offer of £20,000 towards local initiatives has influenced local opinions
- Likely significant water run-off , gully erosion, loss of topsoil occurring from intense rainfalls falling on solar panels
- Untrue that grazing would occur under panels – most become populated by weeds, leading to rabbit infestation – pest problems for adjacent farms
- current proposal now closer to ancient woodlands at Wyckham Wood and Huddleston Wood
- Readily seen from SDNP – larger than previously refused scheme
- Highway access along PROW
- Must declare and assess all linked ENSO applications to enable LPA to apply their 2009 duty / scrutiny of cumulative effects
- Diminishment of adjacent heritage assets
- Wetland birds mistake panels for water sources

- Technology likely to become obsolete in 15-20 years so temp haul route will be needed again for decommissioning, risk assessment needs to be carried out in proximity to Nutwood House
- Fire risk, what are fire prevention systems in place, what fumes are emitted in event of a fire, measures to prevent theft, sabotage

Additional representations relating to the revised 27ha / 18MW proposals:

At the time of writing 6 x additional comments, from three separate parties / address points have been received in response to the revised plans, all expressing support:

- Climate emergency declared by Parish Council so development would support local climate action and comply with intentions in Steyning Neighbourhood, need for self-sufficient green energy given recent hottest day on record – impact of global warming is now being affected locally
- need to ensure future power supply and self-sufficient power generation
- low grade farmland – not sustainable for crop production compared to offsetting carbon generated by fossil fuels
- Impact to SDNP is a minor issue that could be resolved by additional screening if necessary. Other local solar farms (Bines Green) fit in well and have hedges, and others in the countryside blend in well, minor visual impact
- All may have to accept some slight reduction in views
- All must play a part in reducing global warming

For clarity the initial letters received still remain relevant and a material consideration in the assessment of the revised proposal.

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

**Planning Background:**

- 6.1 In considering this application reference is to be had to the previous planning proposal on this site (DC/13/2420) and the subsequent appeal decision, which considered a ground-mounted solar farm proposal for a site area of 32ha (16MW / 3,400 homes), and associated infrastructure. It is noted that this earlier application and subsequent appeal were determined on the basis of the Council's planning policies at the time, which have since been replaced by the Horsham District Planning Framework (adopted November 2015). Although the Appeal was recovered by the Secretary of State with a formal decision being issued in January 2016, the policies of the 2007 Horsham District Local Development Framework (Core Strategy and General Development Control Policies) were the ones against which the appeal case was assessed. Therefore, there has been a material change in local planning policies since the last case was considered.

- 6.2 It is also noted that the previous case and appeal took account of the 2012 NPPF, which directed Local Planning Authorities to approve applications for renewable or low-carbon energy proposals if the impacts are (or can be made) acceptable (para 98).
- 6.3 When dealing with the Natural Environment, para 115 (of the NPPF 2012) stated that conserving the landscape and scenic beauty in areas such as National Parks was to be given great weight, as these benefitted from the highest status of protection.
- 6.4 In the most recent issue of the NPPF (2021), para 158(b) still directs LPAs to approved renewable or low-carbon developments if the impacts are (or can be made) acceptable, but para 176 introduces an additional consideration to developments within the setting of National Parks, which should be 'sensitively designed to avoid or minimise adverse impacts'. Therefore, there has also been a material change in national planning policies since the last case was considered and determined.
- 6.5 The emphasis of conserving and enhancing the natural beauty and special qualities of the South Downs National Park landscape and its setting, is set out under Policy 1 of the South Downs Partnership and Management Plan (2020). This document and the shift to include consideration of the setting of National Parks also presents a material change to local planning policies since the determination of the previous case.
- 6.6 At the time of the previous application, the close proximity between the site and the national grid connection point was noted and the agricultural land selected for the site was of a low grade (Grade 3b). These factors have been reiterated as part of the current scheme and are not contested.
- 6.7 The national and local landscape character assessments and land management guidelines in place at the time of the appeal scheme remain the same, with the Council's Landscape Character Assessment, and that of West Sussex County Council, both dating to 2003, and therefore remain consistent with the previous case.
- 6.8 The previous proposal had a shorter life-span (some 30 years) with all the development located in the large central field, which extended further south up the hill-side. The solar panels were aligned east-west and were fixed with the solar panels facing south. The array was also ground mounted and permanently angled to face south, with the panels starting at a height of around 1m above ground level and their tops reaching a height of around 2.2m. These are material differences to the scale and nature of the current application being considered, which proposed single-axis mounted tracker panels, aligned in rows north-south.
- 6.9 The Planning Inspector noted that the solar panels would be reversible at the end of the array's envisioned life-span, but in recovering the appeal, the SoS afforded no positive weight to reversibility, with only moderate weight attached to any resulting ecological benefits arising from additional planting. The intended 40-year lifespan of the panels currently proposed is a significant period of time, and whilst the panels and associated infrastructure is noted to be ultimately removable, the installation would endure for over a generation in human terms.

**Principle of Development:**

- 6.10 Nationally, Chapter 14 of the NPPF deals specifically with climate change and renewable and low carbon energy proposals, setting out that there should be positive local strategies in place that '*maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)*'. Local Planning Authorities are encouraged to approve the application if its impacts are (or can be made) acceptable. It is also clear in the NPPF that it does not protect all countryside from development for its own sake, but rather seeks to set a hierarchy of valued landscapes, with a recent change that ensures the settings of valued landscapes, such as National Parks are taken into account when considering development proposals.

- 6.11 Locally, Policy 36 of the HDPF supports the provision of renewable energy schemes where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value, whilst Policy 2 supports development which adapts to climate change and helps to reduce the District's carbon emissions.
- 6.12 The Steyning Neighbourhood Plan, which has just been voted on in a local referendum, sets out an ambition to be 'climate smart' with climate change stated to be a central issue of the emerging local plan. Although there are no specific policies in relation to large-scale renewable energy developments, policy SNDP2.2 does set out a requirement that development proposals be energy self-sufficient, utilising renewable energy sources wherever possible.
- 6.13 In July 2019, Horsham District Council declared a climate emergency, aspiring to become carbon neutral by 2030.
- 6.14 The South Downs Partnership Management Plan (2020) supports appropriate renewable energy schemes in the National Park with the aim of supporting Government climate change targets, but recognises that cumulative impact of developments can erode the special qualities of the National Park, and the very reasons for its designation. However, there is also growing recognition that a decline in soil health over the last 50 years has contributed to climate change. There is now a focus set out in the South Downs Partnership Management Plan (2020) recognising that improving soil and water quality and habitat and woodland creation can play active roles in building resilience to the very impacts of climate change.
- 6.15 It is therefore clear that since the last application for a solar farm was considered on this site, there has been a material change in planning policies, in addition to the declaration of a climate emergency.
- 6.16 The development of renewable and low-carbon energy proposals remains supported in principle under HDPF policy 36 (provided that no adverse impacts occur on landscape, heritage, biodiversity and amenity), and via paragraph 158 of the NPPF which directs Local Planning Authorities to approve renewable and low carbon development if the impacts are (or can be made) acceptable.
- 6.17 The principle of the proposal is therefore considered to be in accordance with local and national planning policies.

### **Impact on Landscape Character**

- 6.18 Chapter 15 of the NPPF (2021) recognises the importance of the intrinsic landscape character, but also the wider benefits that natural capital and ecosystems play within the natural environment, along with trees, woodland and benefits arising from the most versatile agricultural land. The provision of biodiversity net gains and creating ecological corridors that are resilient to current and future pressures are encouraged, and planning decisions should distinguish between the hierarchy of international, national and locally designated sites, with great weight attributed to conserving and protecting the landscape and scenic beauty of National Parks, which have the highest status of protection.
- 6.19 Para 176 (of the NPPF) deals specifically with development affecting National Parks, going on to cover development within their setting which should be '*sensitively located and designed to avoid or minimise adverse impacts on the designated areas*'. Whilst the landscape character of the area is of high quality, it does not constitute a 'valued landscape' triggering consideration under Paragraph 174 of the NPPF. This is consistent with the conclusions of the Council's Landscape consultant and was not previously disputed by the appeal inspector.

- 6.20 Paragraph 158 specifically deals with determining applications for low carbon or renewable development, whereby Local Authorities are directed to approve such applications if the impacts are (or can be made) acceptable.
- 6.21 In the HDPF, policies 2, 25 and 26 recognise the rural character and undeveloped nature of the countryside has a value that requires protection from inappropriate development, with the conservation and enhancement of the setting of the South Downs National Park (SDNP) also being a key consideration.
- 6.22 More locally, the Steyning NP seeks to protect and enhance, where practicable, valued landscape features of the parish (policy SNPD1.1), whilst expecting development proposals to demonstrate how they will positively contribute towards Steyning's Character (policy SNPD3.1). As part of the evidence papers contributing to the drafting of the NP, there is a Character Appraisal of Steyning Parish (summer 2019). This refers to the broader area within which the application site lies as the 'Farmlands and Floodplains' (LCA8), and while this area takes in some 50% of the Parish of Steyning, the Appraisal states that it is often not acknowledged or recognised as being part of Steyning on account of the separation afforded by the A283. The Appraisal is largely descriptive and offers no commentary on the acceptability or otherwise of proposals in this area.
- 6.23 The proposed application site straddles two Landscape Character Areas as defined in the 2003 HDC Landscape Character Area, with G1 (Ashurst & Wiston Wooded Farmlands) to the west and O3 (Steyning & Henfield Brooks) to the east. Character Area G1 is recognised as having the following key characteristics:
- Gently undulating wooded farmland, drained by small streams
  - Small to medium size pasture fields usually enclosed by hedgerows and shaws
  - Occasional glimpsed views of the Downs
  - Isolated farms and cottages on lanes and small tracks
  - Rural, mostly remote and tranquil character
- 6.24 To the east, the defined key characteristics of Character Area O3 relate primarily to the floodplain of the River Adur:
- Largely tranquil undeveloped rural character
  - Arable valleysides with fragmented hedgerow pattern and small isolated woodlands
  - Occasional patches of scrub and isolated trees and tree groupings with scrub following drainage ditches
  - Small fields of unimproved and semi-improved wet grassland divided mostly by drainage ditches
  - Seasonal flooding
- 6.25 County-wide, the site lies split between Landscape Character Areas LW7 (Wiston Low Weald) to the west, and LW9 (Upper Adur Valley) to the east, with similar characteristics as noted in the Horsham Landscape Character Assessment (2003).
- 6.26 It is noted in the Landscape Consultant's comments, that there is concern over a lack of reference to a number of Landscape Character Assessments, including those carried out by the County Council and the more recent Steyning Character Assessment. A helpful guide provided in the Council's Landscape Character Study (2003) reveals that the National Level / Regional Character Areas provide a broad framework for the county level Character Assessments, which in turn provide a framework for the more detailed District Level Assessments. Officers are therefore satisfied that the submitted LVIA covers the more detailed District Level Character Assessment, and that there is no omission of important detail as a result. Whilst there is no direct reference to the much more localised Steyning Character Appraisal, it is noted that the application was submitted whilst the NP was still in

draft stage and prior to its formal adoption. In any case, as mentioned above the offers no commentary on the acceptability or otherwise of proposals in this area.

- 6.27 The application site has a number of visual receptors on account of the PROWs and Bridlepath that either crosses the site, or which run close to the site. On account of the wider rolling landscape character in the area, there are longer-range views of the site possible, notably from the northwest (Henfield around 2.5km), southeast (Edburton / Truleigh Hill / Tottington Mount around 4.4km), and southwest (Chanctonbury Ring around 4km).

Previous scheme (DC13/2420)

- 6.28 When the appeal case for Huddlestone Farm was recovered in by the Secretary of State in August 2015, it was with a view of considering the impact on the South Downs National Park. The main considerations of the appeal were the effect of the proposal on the character and appearance of the landscape, including the South Downs National Park, and on the living environment of nearby residents and whether the benefits would significantly and demonstrably outweigh any identified harm.

- 6.29 In relation to the mid-long range views available at an angle from the east (Adur Valley / Downs Link), the Inspector considered the proposal would *'not be unduly damaging to the outlook from or the enjoyment of this bridleway'*. Further and more elevated views such as those from the South Downs at Devil's Dyke, Edburton Hill and Truleigh Hill were noted to present panoramic views, but with the site not appearing to be identifiable within the landscape pattern on account of topography and vegetation. Sufficient filtering would occur of the site when viewed from these elevated views. A similar assessment was made from elevated positions to the south-west at Chanctonbury Ring, where the site was not deemed to be readily perceptible owing to foreground woodland and hedgerows, and *'not readily apparent due to foreground woodland and hedgerows and, at worst, any views of the proposed development would be heavily filtered and of no material consequence'*.

- 6.30 The Inspector considered that sufficient mitigation was included within the scheme to ensure minimum visual impact arose from the elevated positions within the South Downs National Park, with the effects on the outlook from the National Park deemed 'very limited'.

- 6.31 In the formal decision, the SoS agreed that with suitable planting, the proposal would appear integrated into the landscape from distant viewpoints and from identified viewpoints within the National Park (Tottington Mount), concluding that:

***'The minor impact on the outlook from the National Park is an additional, but not determinative, factor'***.

- 6.32 The Inspector's report to the SoS noted the key landscape characteristics of the site to be *'a tranquil rural landscape made up of gently undulating countryside; small-moderate sized fields, typically with well-defined hedgerow boundaries; and a notable presence of trees, reinforced by blocks of woodland and linear shelter-belts'*. Large modern farm buildings were also noted, as were some areas of lost field boundaries. The solar farm was not considered to materially impact on the fabric of tranquillity of the landscape, and new hedgerow planting would reinforce the landscape structure. It was the regimented 'strings' of solar panels, aligned east to west, with the panels facing south, that were considered to be *'uncharacteristic man-made elements which would result in a very marked change in character to the site itself'*. The Inspector considered that when considered within the wider context of the Landscape Character Areas within which the solar farm was to be located, there would be limited impact.

***'The appeal proposal would not have any material impact on the fabric or the tranquillity of the landscape and new hedgerow planting would reinforce its structure. However, the regimented strings of solar arrays and related development would be uncharacteristic 'man-made' elements which would result in a very marked change to***

***the character of the site itself. Nonetheless, when considering the totality of the Landscape Character Areas within which the site is located, and from which it is visible, these would remain largely unaffected.'***

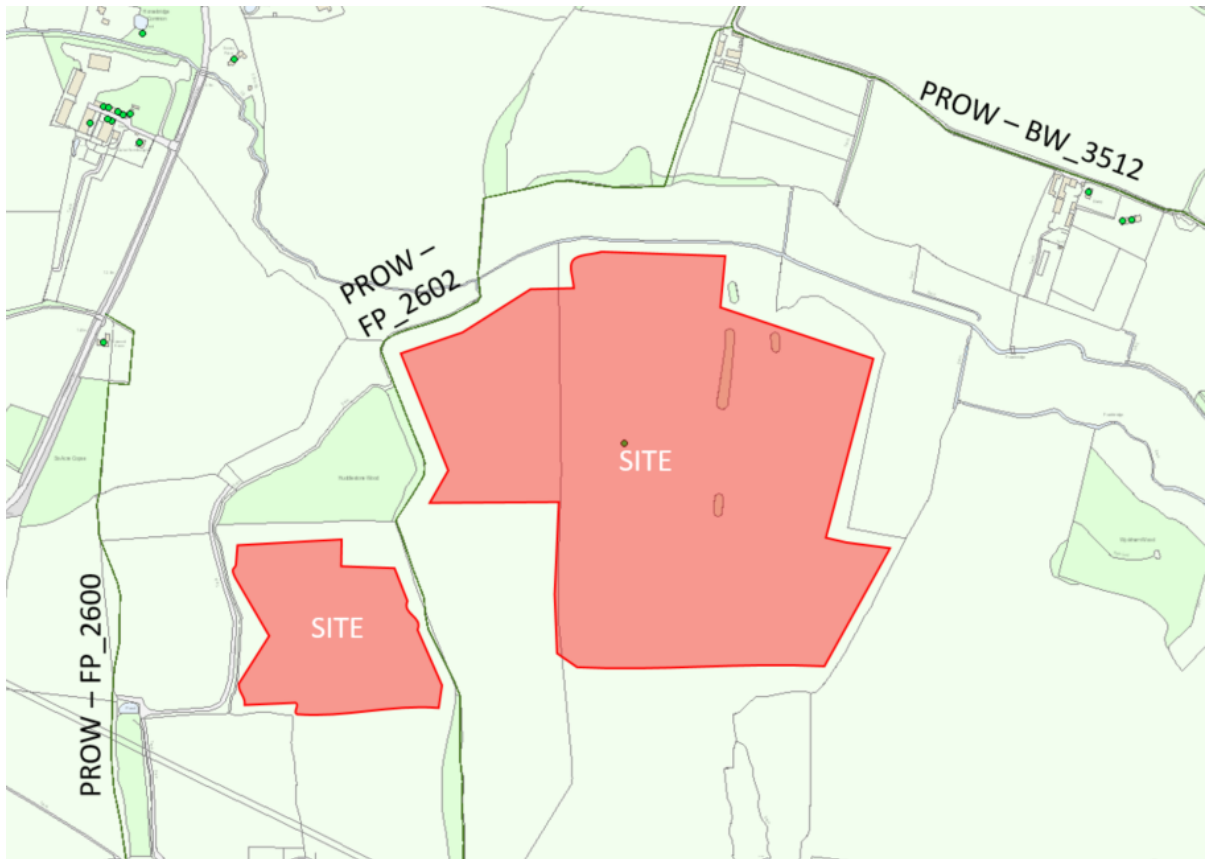
- 6.33 The Inspector went on to consider that a more striking impact would be had from the immediacy of the PROW through the site (FP\_2602), and from the bridleway along Horsebridge Common to the north (BW\_3512), from where the *'parkland-like quality of the site is seen to flow seamlessly into its backdrop of the South Downs National Park'*, concluding that the solar farm would *'appear highly intrusive in this attractive rural setting'*. The planting of additional hedgerows was noted to offer the potential of screening within a short time-frame, but this would also *'denigrate the ambience of the public footpath as the experience of the wider open countryside would be lost by the looming presence of a new hedgerow boundary and the funnelling effect on its route'*, and that the solar installation would *'rob users of a tangible appreciation of the wider open countryside and severely impair the enjoyment of the route'*. The Inspector went on to refer to the arrays as having an *'alien and uncompromising form'* with the associated infrastructure described as *'utilitarian'*.

***'In this instance the impacts of the proposal would, on balance, be very damaging to the rural landscape; and those effects could not be made acceptable.'***

- 6.34 There was also a note that the site would be seen within a broad rural vista from the southern side of Henfield (Southview Terrace), where it was concluded that the site would be noticeable and uncharacteristic element in the landscape.
- 6.35 Overall, the SoS's formal decision agreed with the Inspector's judgement in terms of the impact on the landscape appearance and character, which acknowledged the benefit of contributing towards local and national targets on renewable energy generation, but concluded that the proposal would lead to a *'harmful and pervasive impact on the appearance of the local landscape'*. These impacts on the local landscape were considered to outweigh the benefits of the proposal.

#### Current Proposals

- 6.36 The current planning application does set out a solar array that would have a marginally greater output than the previously considered application under DC/13/2420, with the potential to generate some 18MW compared to the previous 16MW (as revised July 2022). In terms of site area, the revised proposal includes a smaller enclosed site area (now some 27ha) compared to the previous enclosed area of some 35ha, extending to encompass the areas of landscape and access necessary to facilitate the development. In comparison to the previously proposed site area under DC/13/2420, the current site does not extend as far south up the hillside, and is therefore focussed on the lower and flatter parts of the central field. Furthermore, amended site plans now remove an additional area of the central field alongside PROW\_2602, and a parcel of land alongside Wyckham Wood which had been initially submitted.
- 6.37 Officer's renewed site visits to the site and the nearby PROW have identified a number of views available of the site from nearby PROW and bridleways. The Inspector's comments in the impact of the proposal from PROW (FP\_2602) and bridleway (BW\_3512) remain relevant, as does some element of view from the Downs Link to the east. Given the additional area included within this proposal (located to the west of PROW\_2602 and south of Huddlestone Wood), views of the site from FP\_2600 are also now a consideration, running north-south to the west of Huddlestone Wood.



*Site in relation to PROW*

- 6.38 Whilst the envisaged life-span of the installation would be some 40 years, the amended site plan seeks to limit the identified harm arising from the proposed installation to areas where additional landscaping or topography would best mitigate the wider visual impact as well as the sense of enclosure for users of the footpath that runs through the site (PROW\_2602). To this end, the site area covered by the current proposal does not extend southwards up the hill-side as far as the previous appeal proposals. Furthermore, the current proposal has been amended to reduce the site area within the central field, in order to address the visual impact from the PROW 2602 which benefits from an intrinsically open aspect in this location, with the site appearing as part of a wider, open and rolling rural landscape. Whilst human activities have inevitably shaped the farmed landscape, the current impression created on users of the PROW / bridleways retains one of overwhelming tranquillity and rural context, which acknowledges the presence of large utilitarian cattle sheds, silos and barns as part and parcel of the open countryside and necessary to farming activities.
- 6.39 The current proposal would result in a wide footpath corridor along the northern part of FP\_2602 and with increased tree planting and a hedgerow alongside the fence line to be maintained to 3-4m in height. Where the revisions to the scheme have now omitted a central area of panels, views from the PROW would then open up allowing a continued appreciation of the wider setting and the prevailing rural landscape, thus offering a betterment over and above the previously considered appeal scheme. Whilst the current proposal includes a new area of panels within the field to the west of the PROW\_2602, these are set behind an existing hedgerow that is interspersed with trees. As a result, it is not considered that this area of panels would create an undue sense of enclosure along the line of the PROW, nor lead to the adverse 'tunnelling' effect that was previously raised as a concern east of the footpath. The applicant states that the minimum 10m gap would be maintained between panels and the PROW, along with reinforced planting and more trees in comparison to the previous proposal (DC/13/2420), which would address the harm identified with the appeal scheme. As the new vegetation matures alongside the fencelines, the impact of the installation would also be reduced, returning to baseline once the site has been decommissioned and all equipment has been removed from the site.



- 6.40 The experience of walking along FP\_2602 through the western part of the site is already restricted along the western side in parts where the path abuts a dense tree screen to the woodland block in the north-west corner and a further tree belt to the south. The expansive views currently available across the open central field towards the eastern side provides an unrestricted connection to the rural farmed landscape and reinforces the perceived tranquillity of the site and its wider context. Whilst it is noted that the central field is currently planted with a maize crop, the enclosing impact arising from walking alongside this tall crop is limited to a short time of the year only, with the experience otherwise one of openness.
- 6.41 In order to address the diminished sense of openness and rural qualities experienced by users of the PROW\_2602, a large section of the central field abutting his footpath has now been omitted from the current proposal. This represents a significant change from the appeal proposal at this point along PROW\_2602, along with a reduced site coverage within the central field, which, under the appeal proposal, extended south to the ridgeline. However, the current proposal does seek to add a new area of panels into a field located on the western side of the hedgeline and PROW\_2602, which extends close to Huddlestone Wood along its northern side. Overall, officers consider that the likely diminishment occurring by way of the panels extending to within some 17m of the line of the PROW in the very western section of the site would be offset by the openness that is regained further south and east where the amended site plan now omits an area of the central field from the proposal. The removal of part of the central parcel would now allow for longer views over the field and across the rolling rural landscape significantly improving the experience for users of this footpath. Officers consider that the removal of panels within part of the central field adjacent to the PROW significantly addresses much of the harm to the experience of PROW\_2602 previously identified by the appeal inspector.
- 6.42 In relation to the mid-range views gained from bridleway BW\_3512 to the north of the site, and the previously raised concerns over the harm to the park-land like setting that can be clearly seen from this bridleway, the current proposal does not extend as far up the hill-side to the south as did the earlier application appealed under DC/13/2420, thus limiting some of the previously identified visual harm. It is also proposed to better mitigate the visual impact by way of a new woodland belt and shrub planting along the northern boundary. The proposal would also introduce a new and artificial field boundary along the site's southern boundary. Officers remain concerned that the coverage within the central field remains significant, however the omission of the more exposed parcel alongside Wyckham Wood from the proposals has appreciably reduced the extent of the solar farm across the open landscape, as has the omission of the central parcel alongside PROW\_2602 mentioned above at paragraph 6.40.
- 6.43 The increased shrub and woodland planting along the northern boundary is welcomed. This would present additional biodiversity features and would provide some beneficial filtering of the resulting views once mature and in leaf. However, it is considered that there would be remain a significant impact arising on account of the time taken for the vegetation to mature and establish, with views likely to remain of the installation as the ground levels slope upwards across the site, particularly given the height at which the single axis tracker panels sit above ground level.
- 6.44 In reference to the new western section of the proposed array alongside Huddlestone Wood, officers are satisfied that this would not impact on the available views from bridleway BW\_3512, on account of sloping topography and the intervening woodland block. Whilst this area in isolation would sit alongside FP\_2602, it lies beyond the existing vegetated field boundary and would be of limited impact in its own right with the proposed mitigating planting and separation from the existing field boundary. The available views of this section of the proposed site from FP\_2600 would also be more limited, on account of the topography and distance of the available views, along with the boundary planting proposed. In respect of longer views from Southview Terrace in Henfield, the reduction in the extent of the proposal

in the central fields combined with the additional planting significantly reduces the adverse impacts previously identified by the inspector.

- 6.45 In addition to the above amendments from the previous appeal scheme, the very nature of the proposed solar installation now differs to that which had previously been considered. Previously, fixed rows of panels mounted east-west to face permanently south on frames angled between 1m and some 2.2m had been proposed within the appeal scheme. In contrast, the current proposal would comprise rows of single axis tracker panels aligned north-south, with the axis mounted at a height of around 2m above ground, and the panels reaching a maximum height of 3m at full tilt (early / late in the day). The panels would rotate east-west throughout the day to follow the sun's overhead path, and at mid-day when the sun is directly overhead the panels would present a horizontal surface some 2m above ground in rows some 2.25m wide, and some 2m apart.
- 6.46 As a result the tracker panels and their slow rotation throughout the day would not present a static impact on the landscape, but rather one that would have subtle variations as the panels tilt from east to west throughout the day.
- 6.47 The height at which these types of panels are installed would also be higher than the previously proposed array. Whilst this would increase its potential visual impact, it would also allow for some element of a view and a feeling of space underneath the panels with less associated 'framework' than the fixed panels, a feature that would also enable sheep to graze freely across the site.
- 6.48 In respect of potential glint and glare from the panels, the application is accompanied by a detailed Glint and Glare Assessment. The Assessment identifies 10 residential and 7 road receptors within 1km of the site that have the potential to be affected. When considering the existing surrounding landscaping, a high potential impact is predicted at 2 properties which is then fully mitigated by the proposed landscaping. Similarly, the proposed landscaping would mitigate the high potential impact at 3 road points on the Horsham Road. In respect of impacts on aircraft, the assessment considered all eleven airfields within a 30km radius, of which only two (Shoreham and Truleigh Manor airfields) required further assessment given the proposals fall within their respective safeguarding buffer zones. The assessment concludes that green glare is predicted at Runway 28 at Truleigh Manor airfield which is an acceptable impact according to FAA guidance.
- 6.49 Accordingly the impact of glint and glare is not likely to result in harm provided the proposed landscape mitigation is implemented. Whilst the National Park Authority have commented that the study does not include views from the South Downs Way or more generally within a wider 5km radius, there is no known guidance that requires such an extensive assessment. Whilst there is the potential for glint and glare to users of the South Downs Way, this would be at considerable distance and be transitory both in terms of intervening landscaping and the experience of walkers. It would not be reasonable to require that a full glint and glare study be carried out at this distance or expect as a consequence that any very transitory impacts are fully mitigated.
- 6.50 Overall, the visual impact arising as a result of the proposed development would contribute to a significant change in character to the open and rural landscape, which is noted to have park-like characteristics. The previous appeal proposal concluded that 'pervasive harm' would occur as a result of the solar farm (DC/13/2420). In seeking to address this identified harm, the current proposal as amended does not extend as far south so as to limit the resulting harm to the flatter areas of the application site, and furthermore, now omits a sizable central area of panels in order to address the visual harm further by way of reducing the direct impact alongside the PROW\_2602 and by reducing the site coverage that is visible from the bridleway along Horsebridge Common (BW\_3512). These are notable improvements to the proposals previously considered at the appeal.

- 6.51 Officers acknowledge that the resulting impact would endure for some 40 years of the envisioned life-span of the array, which is a considerable length of time in human terms, but also acknowledge that the mitigating landscape and biodiversity enhancements would only begin to form within 1 year of implementation to form visual screening that would improve as the site ages, leading the panels appearing more exposed in the landscape in the early years.

Impact on the setting of the South Downs National Park

- 6.52 It is noted that the Landscape Consultant's comments raise some concerns in relation to disregarded viewpoints and view types within the National Park (particularly the Rother Valley to the Greensand Hills). Officers have reviewed the relevant documents (South Downs National Park: View Characterisation and Analysis (November 2015), and Viewshed Viewpoint map), and these reveal the Rother Valley and Greensand Hills are located some 18-28 miles to the west of the application site. Given the distances of involved, officers consider that the resulting impact arising from the proposed development on views from and to this area would be seen at such a distance, where any views of the site are interspersed by topography and other landscape features across a wide panorama, thus not being unduly damaging to the landscape or overall public enjoyment of the National Park.
- 6.53 Similarly, the National Park Authority raises concern over a 'lack of assessment of visual and landscape impacts upon important and publicly accessible viewpoints within the National Park, and failure to avoid or adequately mitigate for adverse impacts on the designated landscape'. A number of the submitted viewpoints show a photomontage of the proposed installation in place, with viewpoints 10, 11 and 12 within the National Park, but only viewpoint 10 indicates that the development may be visible from the elevated position at Chanctonbury Ring. The SDNPA considers that the installation would be visible from viewpoints 11 (Steyping Round Hill) and 12 (Tottington Mount), and as these do not show a 'mock-up' as other submitted viewpoints, insufficient assessment has been made in terms of the potential impact on the publicly accessible viewpoints within the SDNP.
- 6.54 Officers have assessed the submitted details, and note that Viewpoint 11 (Steyping Round Hill) includes a small portion of the site being potentially visible beyond the Huddlestone Farm complex that is visible in the landscape. From this distance some 3.9km southwest of the site, officers are satisfied that the resulting impact would be absorbed into the wider panoramic view of the landscape, comprising a very small element of a much larger tapestry of farmstead clusters, woodland blocks and other landscape features.
- 6.55 Viewpoint 12 (Tottington Mount), also indicates the approximate extent of the site, but in this instance, any resultant views of the proposed development upon completion are considered to be predominantly obscured by topography and landscape features. This location was also assessed previously by the appeal Inspector when considering DC/13/2420, who considered that the appeal proposal would not be evident as a whole on account of foreground topography, woodland and hedgerows. Views were considered to be *'limited to the small mid-ground shards of countryside, condensed as the route falls to lower ground, set within mature surrounds. The proposed development would be neither obvious nor intrusive'*. Given the reduced extent of development now proposed, officers consider this finding to remain relevant.
- 6.56 In respect of views across the site towards the National Park, the submitted LVIA concludes that the proposal *'would not hamper the availability of existing distance views seen southwards towards the chalk escarpment as a distance backdrop in southward views across the study area'*. Officers are of the view that the amended proposal, omitting two areas of the solar array would reduce the extent by which the proposed development is seen against the backdrop of the National Park to the south, albeit it is acknowledged that some harm would arise particularly in aforementioned views from BW\_3512 where the panorama of the National Park hills forms an attractive backdrop to the parkland setting of the site area.

- 6.57 In reference to views gained from within the setting of the National Park, notably the elevated sections along the South Downs Way (Scarp), the LVIA concludes that the site would lead to indirect effects arising from very small changes seen in long-distance views. Cumulative impacts potentially arising from this scheme and a proposed housing development at Kings Barn Lane (DC/21/2233) is considered to be small with a significance that would be minor and adverse, reducing to minor / negligible and adverse in the medium to long term as the associated landscape matures.
- 6.58 Officers have reviewed the current amended proposals and the Inspector's comments in association with the impact of the previous appeal proposals on views from the National Park (DC/13/2420- paragraphs 104-110), and have carried out multiple site visits to the site itself and the wider area. It is clear that the previous appeal proposal was robustly considered by the appointed Inspector who also carried out a series of site visits to various identified locations, and was satisfied that solar farm development set out under DC/13/2420 would have little impact on views from the National Park. In the more immediate views, the judgement was that the solar farm would lead to an intrusive and damaging impact on the *'sweeping views across the parkland-like landscape and their seamless integration with the rising sloped of the South Downs National Park'*, on account of the *'unforgiving utilitarian aspect'*
- 6.59 In relation to the likely impact on the setting of the South Downs National Park, officers consider there is sufficient information within the submitted documentation, particularly given the in-depth and robust assessment made previously, and following site visits in relation to the current proposal, in order to conclude that the proposal would have limited impact on the available views from the publicly accessible views within the National Park.
- 6.60 In relation to the more immediate and localised views gained from publicly accessible viewpoints closer to the site, which set the proposed development against the backdrop of the National Park, officers conclude that the level of identified harm would be more significant. However, this harm is tempered by the very localised nature of these viewpoints, and needs to be balanced against the mitigation offered by way of the proposal, such as ecological enhancement, increased boundary vegetation and screening and carbon sequestration, and the resulting public benefit thereby achieved from the development, with this being the provision of some 18MW of renewable energy, which is capable of being delivered within a short timeframe and with no physical constraints limiting early development.

Conclusion on landscape impact

- 6.61 Overall, it is considered that the proposals have sought to address key aspects of harm identified by the appeal inspector, notably the close and mid-range views available from PROW\_2602 and BW\_3512, through the reduction in extent of panels on the southern hillside and east of PROW\_2602. Nevertheless, and as set out in detail by the Council's Landscape Consultant, the proposals will still result in the urbanisation of the countryside and lead to an adverse and eroding impact on the landscape character of the surrounding area as well as harm to the PROW network.
- 6.62 In respect of the impact on views from the South Downs National Park, the reduced scale of the proposals compared to the appeal scheme are such that the Inspector's findings that the impact on the outlook from the National Park would be 'very limited' remain relevant. Having considered the impact from various panoramic viewpoints it is clear that the combination of distance, intervening topography and woodland belts is such that the impact of the proposals would be minimal.
- 6.63 Officers acknowledge that there remains an impact on the setting of the National Park in views across the site from the north along BW\_3512 where the National Park forms a prominent backdrop. This impact is very limited in nature given the distance and localised

nature of the view. Overall, when considered as a whole against the requirements of Paragraph 176 of the NPPF, officers are of the view that the proposals have been sensitively located and designed to minimise adverse impacts on the setting of the National Park. Furthermore, officers conclude that the proposal would broadly accord with policy 30 of the HDPF on account of the proposals not affecting the natural beauty or public enjoyment of the National Park itself, and providing suitable mitigation given its location within the setting of the National Park. When considered against the statutory purposes of the National Park, officers do not consider that the proposal would unduly erode or harm the understanding and enjoyment of the special qualities of the National Park by the public.

- 6.64 Nevertheless the harm identified in more localised views generally would conflict with policies 25, 33 & 36 of the Horsham District Planning Framework (2015) and Policy SNDF1.1 of the Steyning Neighbourhood Development Plan (2022), and paragraph 174 of the NPPF. This harm is not as great as that identified by the appeal inspector in respect of the originally submitted proposals by virtue of the reductions made to the extent of panels across the landscape, but nevertheless is a level of harm that conflicts with the above policies and weighs significantly against the proposals.

### **Biodiversity**

- 6.65 HDPF policy 31 sets out the principles of maintaining and enhancing existing networks of green infrastructure, biodiversity, and woodland, along with introducing compensatory ecological mitigation measures where appropriate. The submitted details set out a number of biodiversity enhancement measures, new foraging habitat and new habitat creation.
- 6.66 In terms of the adjacent area of Ancient Woodland (AW), it is acknowledged that the proposed development is not to encroach into this area (Huddlestone Wood), with the exception of one new small section of trackway within the buffer of the AW, not the AW itself. It is suggested that a no-dig condition is added in relation to the temporary haul route.
- 6.67 With the exception of a combined 6m section of hedgerow, including at the site entrance off Horsham Road, which is to be removed in order to enable vehicular access to the site for construction and access, all other trees and hedgerows within the site, and tree groups, would be retained. The loss of hedgerows at the site entrance off Horsham Road are to enable the required visibility zones to facilitate the construction period only, with this access then being closed for all but the current farm access, thus enabling replacement to take place as part of the wider Ecological Enhancement and Mitigation Plans
- 6.68 The requirement to protect and enhance biodiversity and geodiversity is set out under paragraphs 174, 179 and 180 of the NPPF, and reflected in HDPF policy 31. Overall, the revised proposal would achieve net biodiversity gain (BNG), by way of the planting of scrub, native hedgerows, trees, creation of grazing grassland and wildflower grassland and increase foraging habitat, as required by para 174(d) of the NPPF. It is suggested that these measures be subject to a long-term LEMP (Landscape and Ecological Management Plan) condition.
- 6.69 Further details are required to demonstrate Skylark compensatory works, as it is considered that minimal evidence exists to assure that Skylarks will continue to nest between the panels, and therefore the proposed development is likely to lead to a net loss of Skylark nesting sites. It is suggested that compensatory measures comprise off-site nesting plots, set aside and potentially secured by way of a legal agreement. Subject to these compensatory measures to the Skylark habitat, the Council's Ecologist supports the proposed measures and BNG.
- 6.70 Overall, subject to conditions the proposal would accord with HDPF policy 31, and paragraph 180 of the NPPF.

## **Impact on Heritage or Cultural Assets**

- 6.71 HDPF policy 34 seeks to sustain and enhance the wider historic environment, which includes not only the heritage assets themselves, but also their wider setting.
- 6.72 The NPPF recognises the importance of heritage assets and their irreplaceable nature, and so seeks to conserve these in a manner appropriate to their significance. The NPPF seeks to avoid the loss of or harm to the significance of a designated heritage asset, including from development within its setting (para 200).
- 6.73 It is noted that the current proposal brings the proposed solar array closer to No's 1 and 2 Huddlestone Farm Cottages, which are both Grade II listed buildings, than the previously refused scheme in 2013 (DC/13/2420). It is also noted that the heritage assets were not specifically referred to as part of the previous scheme, but it is acknowledged that there has been a material change in planning policy since, in the way that heritage assets, and the significance of their settings, are considered.
- 6.74 Having reviewed the submitted Heritage Report, and visited the site, the Council's heritage officer recognises that the intervening farm buildings now lessens the intervisibility between the application site and Huddlestone Farm Cottages. However, the significance of this asset relates to its origins and character as a historic farmstead, with a legible historic and functional relationship to the surrounding agricultural land.
- 6.75 Furthermore, the potential impact on Northover Manor (also known as Northover Farmhouse) has been considered, although the significance of this building relates primarily to the historic building fabric with the building exemplifying local vernacular building traditions.
- 6.76 The wider rural perception of these heritage assets within the landscape is noted to be affected by way of the proposed development, however, the proposed change to the appearance of their landscape setting would be at the lower end of the 'less than substantial harm' scale.
- 6.77 Considerations of other listed properties in the vicinity to the application site have been given to Calcot Farmhouse (W), Wyckham Farm (SE) and Wappingthorn Farm (SW), which are further distanced from the application site with no direct line of sight. In particular, the separation of Calcot Farmhouse and Wappingthorn Farm from the site by way of the B2135, would appear to preclude any functional or historic relationship with the application site, and so the resulting changes arising from the proposed development would not harm the appreciation of these heritage assets. Whilst the proximity of Upper Wyckham Farm to the solar array is considered to impact on the wider setting of this heritage asset, it is not considered that this impact would result in harm.
- 6.78 As set out above, less than substantial harm has been identified to Northover Manor and Huddlestone Farm Cottages. Paragraph 202 of the NPPF requires less than substantial harm to the significance of a designated heritage asset be weighed against the public benefits of the proposal, which in this instance concerns the provision of renewable energy generation. In this case, the provision of renewable energy as a public benefit is considered to outweigh the less than substantial harm (noted to be at the lower end of the scale) to the setting of the identified heritage assets, Northover Manor and Huddlestone Cottages.

## **Impact on Amenity**

- 6.79 HDPF policy 33 requires consideration of neighbouring amenities when determining planning applications, for such matters as overlooking, light, noise and outlook, whilst HDPF policy 36 also seeks to avoid adverse impact on amenity value.

- 6.80 In this instance, the proposed development would be sufficiently distanced from neighbouring residential properties so as to not lead to a direct and harmful loss of amenity, by way of reducing light levels, increasing adverse noise events or creating an adverse loss of outlook. Whilst the solar array would be visible from a number of nearby properties on account of elevated positions and an undulating landscape, the proposal would lead to impacts on the view experienced from the windows of those properties, or their garden settings rather than the creation of any adverse massing that therefore leads to direct harmful impacts on living conditions. Impacts from glint and glare have been assessed at paragraphs 6.48 and 6.49 above and it has been suitably demonstrated that the proposed landscape mitigation would mitigate any impacts on the limited number of potential properties affected.
- 6.81 It is noted that the planning system does not attribute any private 'rights to a view'. The wider amenity of these properties would not be so harmfully impacted by having sight over the proposed solar farm on account of wider rural setting and intervening distances involved.
- 6.82 Different considerations need to be given to the amenities of the occupants of Nutwood House, which is sited immediately adjacent to the temporary site access and haul route which is to be used during the construction of the solar farm. This access is also likely to be used at the end of the envisaged 40-year lifespan, when the site is decommissioned, although full details of the decommissioning would be secured by way of a planning condition at the time.
- 6.83 During the envisaged 7-month (30 week) construction period, the access would be used for all activities and deliveries between Monday to Friday (08:00 – 18:00) and on Saturdays (08:00 – 13:00) only. Overall, an average of 7 HGV deliveries per day is estimated (or 14 two-way movements), with additional movements likely by way of smaller vehicles, such as staff transport and waste management. The following estimated deliveries are noted from the submitted reports, each is a two-way movement:
- 430 deliveries associated with the panels and mounting structures – 16.5m articulated HGV
  - Four inverter / transformer stations – to be delivered individually
  - 4 deliveries of internal equipment on 10m rigid lorries (or 16.5m articulated HGV)
  - 215 deliveries of material required for internal access tracts on 10m rigid vehicles
  - 5 x JCBs required on site – delivered by a 16.5m low loader
  - 315 Additional sand, gravel and cable deliveries
  - Some 60-70 construction workers – likely transported by minibus to site
- 6.84 Whilst the existing access exists directly onto the B2135 / Horsham Road, this is noted to be a field access only, used in association with agricultural purposes and therefore subject to a lower volume of traffic movements.
- 6.85 However, this property (Nutwood House) already sits adjacent to the B2135 with its private amenity area running alongside the B-class road that connects the settlement of Ashurst with the wider public highway network along the A283 further to the south. The property has an existing western flank wall some 5.3m off the public highway (B2135). By contrast, the temporary access route would be set to the north of the residential curtilage of this property, with a gap of some 33m to the north east corner of the house.
- 6.86 Considering the time-limited construction period, the route of the temporary construction access and its position in relation to the most private areas of the residential property at Nutwood House, it is acknowledged that some additional disturbance would occur, but within the context of the existing traffic movements along the B2135 / Horsham Road. Therefore, it is not considered that the temporary construction period would lead to permanent and adverse loss of residential amenities on the occupants of Nutwood House, in accordance with policy 33 of the HDPF.

## **Highways and Access**

- 6.87 As set out above, the proposed development is to be facilitated by a temporary construction access, using an existing field access and field tracks immediately north of Nutwood House. This access is to remain in place throughout the construction, aided by a banksman and operational restrictions and procedures to ensure the deliveries are managed into and out of the site.
- 6.88 The Local Highways Authority has reviewed the submitted information, with the proposed visibility splay improvements and swept path diagrams, and is satisfied that the site can be safely accessed by 16.5m long vehicles. The review of the submitted documents, including the proposed delivery numbers across the construction period, is not considered to lead to a severe increase in trips on the identified access roads.
- 6.89 All site operative parking is to occur within the site, with the public highway incapable of accommodating any on-street parking, waiting or deliveries. Therefore, all vehicles would access the site by way of temporary construction access and access routes, and would therefore not lead to any adverse impact on the existing highway network, as required by HDPF policies 40 and 41 and paragraph 111 of the NPPF.

## **Other Matters**

### Flooding

- 6.90 Part of the peripheral edges around the northern boundary of the site lie within the identified Flood Zone 3 and Flood Zone 2. However, on account of the nature of the proposed solar farm, there would only be fencing panel sub-frames and CCTV poles located within these areas at risk of flooding.
- 6.91 Accordingly, the likely impact arising as a result of the proposed development would be minimal. However, attenuation storage has been included into the overall design proposal, by way of a soakaway trenches located alongside the northern fence lines of the site, assisting with any future floodwater percolation, and with all new access tracks within the site comprising a gravel / permeable surface.

### Farm Diversification

- 6.92 Nationally, the NPPF (para 174) recognises the economic and other benefits of best and most versatile agricultural land.
- 6.93 Whilst this land has been successfully farmed for many years, combining both pasture lands and arable fields, the site has been assessed as being Grade 3b (moderate quality), which in this location results in the land having a clay / heavy clay loam texture, prone to wetness and waterlogging, and also summer drying out and cracking, with limited ability to hold nutrients, thus limiting the productive crops that thrive on this land.
- 6.94 Regular land usage from tilling and ploughing necessary for large-scale crop production would have contributed to the reduction in the soil quality and productivity. Agriculture is a source of Greenhouse Gas Emissions, not only from use of fuels associated with farm machinery and the production of methane, but also in the way that land is managed. Continuous ploughing and tiling of arable lands, as well as the application of fertilisers, releases carbon from the soils, whilst improved grasslands are also less effective at storing carbon.
- 6.95 The proposal would have the benefit of allowing the land to recover and act as carbon sequestration for the life-span of the proposal (some 40+ years), leading to environmental benefits, but also allowing the soil to regain its natural structure and increasing beneficial microorganisms within the soil.



- 6.96 The land would continue to be grazed by sheep, and thus it would maintain in agricultural use, therefore contributing towards food security as well as tackling climate change and securing ongoing financial stability and viability for the farm holding.

Water Neutrality

- 6.97 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.98 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.99 In this instance, there is no clear or compelling evidence to suggest the nature of the proposed development would result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

**Conclusion and Planning Balance**

- 6.100 In considering the current application regard must be had to the previous planning application for a solar array at this site and the subsequent appeal decision. It is noted that the appeal was recovered by the Secretary of State in order to consider the impact of the solar farm on the South Downs National Park.
- 6.101 Since the dismissal of the previous scheme at appeal in 2016, the issue of climate change has grown significantly in national and international importance. This is reflected in a series of policies and strategies that seek to promote and support renewable and low carbon energy generation, including the 25 Year Environmental Plan; the Sixth Carbon Budget; the UK Net Zero strategy; the Energy White Paper; the Environment Act 2021; the British Energy Security Strategy; the Net Zero Strategy: Build Back Greener as well as local climate change action priorities.
- 6.102 The proposed solar farm, as amended, would have a capacity of some 18MW, generating a significant amount of electricity from a clean, renewable source, meeting the energy needs of approximately 4,260 homes. Officers acknowledge that this is a substantial benefit that attracts significant weight in the planning balance. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the UK's Net Zero target. Given this imperative, the benefits of this proposal attracts significant weight in favour, more so than in respect of the previously appealed scheme given the greater importance now attached to mitigating the effects of climate change.
- 6.103 The proposal also promises to deliver positive net biodiversity gains to the site along with other ecological enhancements and the potential for carbon sequestration and soil restoration. This also weighs in favour of the proposals.
- 6.104 The proposals would result in 'less than substantial harm' to the settings of No's 1 and 2 Huddleston Farm Cottages and Northover Manor (also known as Northover Farmhouse).

However, in this case the wider public benefit arising from the significant potential generation of renewable energy, and the limited life-span of the installation, would sufficiently outweigh the modest level of harm to the settings of these heritage assets.

- 6.105 It is acknowledged that the scale and nature of the proposal, and its location alongside and close to a number of PROW, and the within the setting of the South Downs National Park, would lead to significant adverse impacts on the surrounding landscape character, as well as contributing to significant adverse visual harm to the PROW network that runs through and near to the site. As with the previous appeal decision, it remains that the overall landscape character, quality, setting and its wider appreciation will inevitably be diminished as a result of development within this sensitive location.
- 6.106 Following concerns raised by officers of the scale of the proposed array across the rolling park-land like setting, and its impact on visual receptors including the nearby PROW network, the applicants have sought to mitigate this harm by reducing the extent of the array within the central field and limiting the southern extent of the proposed array where land levels rise and become more visible in the wider landscape. Furthermore, a parcel of panels alongside Wyckham Wood to the east (which was not included as part of the appeal proposals) has now been omitted and an area south-east of PROW\_2602 has also been removed from the proposed layout to limit the potential impact on close-range and mid-range views. Additional planting and increased buffer zones, alongside re-orientating the array with the new tilting panels now running north-south through the site are further proposed with the current application. The improved boundary planting is noted, and would be of benefit in filtering views of the array once established.
- 6.107 Officers conclude that the adverse impact on the open experience of PROW 2602, previously identified as important by the appeal inspector and Secretary of State, has been significantly reduced by way of the current reduced proposal. Whilst some compromise to the user's experience is noted, particularly in the north-western corner of the site, the amended proposal has removed an area of panels alongside the PROW\_2602, enabling users to continue to enjoy long-range views across the open rural landscape and towards the eastern backdrop with the South Downs National Park in the distance. These amendments, and the additional planting proposed, would also reduce the impacts of the proposal in views from the more elevated Bridleway 3512 to the south compared to the previous appeal proposals.
- 6.108 The proposals would still be visible from, and would sit within views to, the South Downs National Park (SDNP). Impact on a National Park is afforded the highest levels of protection under the NPPF, which now includes an express requirement to consider impact on its setting (para 176). The South Downs National Park Authority and Council's Landscape Consultant continue to raise concern over the impact arising from the solar array on the outlook from the South Downs National Park, particularly given the elevated viewpoints within the Park. However, in considering these viewpoints from the National Park, the topography and intervening landscape features, officers are satisfied that the revised proposal has sought to suitably minimise the adverse impact on the setting of the National Park as required by paragraph 176 of the NPPF.
- 6.109 In considering the wider aspect of setting, the application site does form part of the rural view against which the distant and higher ridge-line of the National Park can be appreciated as the backdrop to the parkland setting of the site, particularly from the elevated vantage point of Bridleway 3512. In this regard, the introduction of the solar array would present an alien and intrusive feature in the local landscape, particularly in the early years whilst the new boundary vegetation is becoming established. Whilst there is some concern that, even once boundary landscaping has become established and effectively filters some of the views from the public receptor points (particularly BW\_3512) the proposed array would continue to represent an alien element of intrusiveness at odds with the prevailing landscape character.

- 6.110 Whilst a temporary consent is sought for 40 years, this is nevertheless a significant period of time during which these panels would remain in place causing appreciable visual impact on the landscape setting and qualities of the area.
- 6.111 Overall, the potential harm that would result from the introduction of this significant solar array into this sensitive landscape, which falls within the setting of the South Downs National Park, has been carefully assessed by officers, including having regard to cumulative impact with other development proposals. Whilst the proposals would be visible from a number of vantage points, the majority of these are at a considerable distance where any views would be significantly filtered by existing topography and landscaping, and the proposed landscaping such that any harm would be very limited. Of greater concern are the more localised views particularly west and north of the site where the panels would sit in an attractive landscape with the hills of the National Park as a backdrop. Officers consider that the amendments made to the proposal have significantly lessened the degree of harm that was previously judged to occur under DC/13/2420, and with the proposals originally submitted. Nevertheless, the proposals would continue to impose a significant 'man-made' intrusion onto the landscape, notably by way of the scale of the proposed installation, the design and size of the central axis panels, the alignment within the site north-south and the associated infrastructure necessary to support a solar PV installation such as this.
- 6.112 In considering the identified harm arising to the landscape character, officers have had regard to the previous appeal Inspector's decision which was subsequently recovered by the SoS. Although the level of harm is not judged by officers to be as great as that previously identified by the appeal inspector, largely on account of the reductions made to the extent of site coverage and increased landscape enhancements offered, there is nevertheless a level of localised harm that conflicts with local and national planning policies. This harm weighs against the proposal.
- 6.113 However, in considering the proposals as a whole, it is clear that they would make a significant contribution to providing renewable energy generation in the area. The benefits of the proposal in being able to power a large number of homes with renewable energy at a time of considerable climate concern are therefore undoubted and carry significant weight. Whilst the previous judgement of the Council and inspector was that this benefit was outweighed by the significant landscape harm that would arise, in this case the amendments and reductions to the extent of the solar array and the increased planting proposed is such that the balance now tips in favour of the proposals, with the clear benefit of the solar array outweighing the harm that would occur to the landscape character and setting of the area.
- 6.114 The recommendation of officers is therefore to approve the application subject to the conditions as set out below.

## 7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the following conditions:

Conditions:

- 1 **Plans list**
- 2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Temporary Permission:** The use of the land hereby permitted for generating electricity shall be discontinued on or before 40 years from the first operational use of the solar

photovoltaic panels, in accordance with a scheme of works to be submitted to and approved, in writing, by the Local Planning Authority at least 3 months before the expiry of this permission. The scheme of works shall include:

- Method statement for decommissioning and dismantling all equipment on site;
- Details of any items to be retained on site;
- Method statement for restoring the land to agriculture;
- Timescales for decommissioning removal and reinstatement of the land;
- Method Statement for the appropriate disposal / recycling of redundant equipment / structures;
- Provision for the review of the scheme as necessary.

The scheme of works shall be implemented in accordance with the agreed details and the land restored to its former use within 3 months of the written approval of the scheme of works.

Reason: The Local Planning Authority would not normally grant permission for such a use of land in this location, but it is considered reasonable to allow the development for a limited period in accordance with Policies 25, 30 and 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 **Pre-Commencement Condition:** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement Condition:** Prior to the commencement of development a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Skylark territories identified as lost or displaced. The content of the Skylark Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
  - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
  - c) locations of the compensation measures by appropriate maps and/or plans;
  - d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to, and approved in writing by, the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:
- details of maintenance regimes;
  - details of any new habitat created on-site;
  - details of treatment of site boundaries;
  - details of management responsibilities;
  - details of proposed enhancements to include: 10 of each- bird boxes, bat roost boxes, log piles/hibernacula & insect hotels; and
  - details of the proposed 2km of new hedgerow planting, plus additional woodland planting.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Para 174 and 180 of the NPPF (2021).

- 8 **Pre-Commencement Condition:** No development shall take place until a scheme for the provision and management of a minimum 5 metre wide buffer zone alongside the watercourse/wetland has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including

lighting, formal landscaping, solar panels and associated infrastructure. The scheme shall include:

- plans showing the extent and layout of the buffer zone;
- details of any proposed planting scheme (for example, native species);
- details demonstrating how the buffer zone will be protected during development and managed over the longer term; and
- details of any proposed footpaths, fencing, lighting, etc.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Para 174 and 180 of the NPPF (2021).

- 9 **Pre-Occupation / Use Condition:** No development shall commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement 2105-069 - SK01 – Rev A.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation / Use Condition:** No part of the development hereby permitted shall be first brought into use until details of the proposed fire safety and firefighting provisions for the solar farm, including fire appliance access to app properties and containers on site, have been submitted to and approved in writing by the Local Planning Authority. The approved firefighting measures shall be installed and ready for use prior to the first use of the development hereby permitted and shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation / Use Condition:** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006

(Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation / Use Condition:** Prior to first use of the development hereby permitted, the stile at the junction of Footpath 2600 and Horsham Road is to be removed and replaced with a 1.2m gap, unless a structure is required for livestock control in which case it should be replaced with a gate that conforms to British Standard BS 5709-2018, the minimum width of such a gate being 1.2m. . All other stiles within the red line of the boundary should be removed and replaced with a 1.2m gap, unless a structure is required for livestock control in which case it should be replaced with a gate that conforms to British Standard BS 5709-2018, the minimum width of such a gate being 1.2m. The PROW Team are available to advise the applicant on a suitable structure, if required

Reason: To retain the right of access for users of the Public Right of Way, in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition** All avoidance and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Report V3 including Appendix 5 (Avian Ecology Limited, January 2022) and the Landscape and Ecology Enhancement Plan (Landscape Visual Ref. No. 1270/10a, January 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** The materials, external colours and other details to be used in the development hereby permitted shall strictly accord with those indicated on the approved drawings associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** All external lighting shall be installed in accordance with the specifications and locations set out in the scheme, and directed to maintain dark corridors for nocturnal species. Any other lighting required for security reasons should be infra-red to prevent impact on sensitive nocturnal wildlife. All lighting shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 16 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment [P01 AIA - JANUARY 2022 by Barton Hyett, 14<sup>th</sup> Jan 2022].

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** In relation to the Public Rights Of Way 2602 and 2600, the following shall apply:

- The PROW shall be kept clear and unobstructed at all times throughout the construction and operational phases of the development hereby permitted, and a useable width of 2 metres shall be available at all times for lawful footpath users
- Adequate visibility splays must be available and maintained at all times, where the internal road crosses Public Footpath 2602
- Signs must be erected on the service road at either side of the junction with Footpath 2602 advising drivers of all vehicles of the presence of the public right of way (PROW) and of the requirement to give way to the public using the PROW
- The surface of the public footpath must not be adversely affected by the service road and this must not present a trip hazard or other obstacle to users of the footpath. The Applicant must make good any damage or undertake any remediation as required by the PROW Team
- Should any trenching be necessary for the laying of underground utilities, such as electrical cables, through a PROW, this would require the consent of the PROW Team. It is a criminal offence to disturb the surface of a PROW without such consent
- Perimeter fencing of the site alongside the PROW must not encroach the width of the PROW. A minimum width of 3m is suggested to be appropriate to ensure that the use of the PROW is not negatively impacted by the development (please note that this is a minimum requirement). Any side and overhead vegetation should be regularly cut back to ensure that encroachment does not occur with summer growth.

Reason: To retain the right of access for users of the Public Right of Way, in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ('Flood Risk and Drainage Impact Assessment – Adur Valley Solar Farm', dated 25/04/2022, by Neo Environmental Limited) and the following mitigation measures detailed within the FRA:

- The solar panels will have a stow height of at least 2.1m AOD.

These mitigation measures shall be fully implemented prior to use. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the safety of the development and to allow flood flows in accordance with Policy 38 of the Horsham District Planning Framework (2015).