

29 November 2016

Regulation 3 Application

Application No: WSCC/057/16/WH

The erection of a solar farm comprising photovoltaic ground mounted panels, transformers, Distribution Network Operator Building and pole mounted CCTV cameras.

The Former Westhampnett Landfill, Coach Road, Westhampnett, Chichester PO19 7RT

Report by Strategic Planning Manager

Local Member: Jeremy Hunt

District: Chichester

Executive Summary

This report relates to an application for planning permission to create a solar farm on a restored landfill adjacent to the A27 in Westhampnett, Chichester. The works would involve the installation of solar panels of 2.73m in height across the 15.9 hectare site, to provide an estimated 7MW of renewable energy to the national grid

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level, along with other material considerations.

The main planning policies of relevance to this application are Policies 1, 2, 9, 17, 40, 41, 42, 45, and 48 of the Chichester Local Plan: Key Policies 2014 -2019 and paragraphs 14, 17, 28, 95, 96, 97, 98, 103, 109, 123, 186, 196, 197, and 203 – 206 of the National Planning Policy Framework (NPPF).

No statutory objections have been raised to the proposals, but Westhampnett Parish Council have objected to the application which they consider would be detrimental to adjoining residents, to health, biodiversity, drainage, and airplanes using Goodwood Aerodrome; they also considered the submitted information to be inadequate.

In response to public consultation, representations from 32 people were received, raising concerns or objecting to the proposal. The main concerns relate to impacts on character, noise, views, wildlife, cumulative impact, lack of local benefit, lack of planting, inadequate submitted information, increased flooding, glare, and impact on the setting of the South Downs National Park and Goodwood House.

Consideration of Key Issues

The main material considerations in relation to this application are whether the development is acceptable in terms of:

- The principle of the development;
- Its impact on residential amenity; and
- Its impact on the environment.

Principle of the Development

The proposed use of a former landfill as a solar farm, enabling the production of renewable energy, is supported in principle. The production of even small amounts of renewable energy is strongly supported in both national guidance and local policy. As a former landfill the site is not considered to be high quality agricultural land or 'greenfield'. It will be subject to ongoing methane and leachate management, so the potential for uses other than the grazing of animals is limited. The present proposal is therefore considered, in principle, to result in the beneficial use of a site for which options are limited, with the resulting production of renewable energy.

Impact on Residential Amenity

The development site abuts residential properties on the northern boundary in particular, and there are also dwellings to the north-west and south-east. The applicant has demonstrated that there may be some impact from noise at night, but that mitigation could satisfactorily overcome it, primarily through not operating the air conditioning unit. It is considered that while although there would be a change to the outlook of residents abutting the site to the north, it would not be significantly detrimental. The structures are relatively low lying, and while the site slopes upwards, it does so gently so that the highest part of the site would be some 130m from the common boundary. Solar panels installed on this part of the site would not therefore be visually intrusive. Landscaping would be provided to screen views of panels in closer proximity, on the lower parts of the site. On balance therefore it is considered that the development is acceptable in terms of its impact on residential amenity.

Impacts upon the Environment

The application site is in relatively close proximity to several Listed Buildings located on Stane Street to the north of the site. However, they are separated from the site by existing dwellings and buildings forming part of the Roman Walk development currently under construction; therefore, it is not considered there would be a detrimental impact on their setting. Further, although the development would be visible from locations in the immediate vicinity of the site, it is considered that the impact on the wider landscape would be limited, particularly given the flat topography of the area and the enclosure of the site and surrounding sites with trees. The potential impact on the water environment would be limited as the site is already sealed with an impermeable clay cap, and the built development would be relatively small, and able to be managed within existing ditches. The impact on biodiversity could be managed by an ecological condition requiring an appropriate scheme for mitigation and enhancement. The loss of green space is not considered significant as the site is not publicly accessible, biodiversity could be maintained around and underneath the panels.

Conclusion

Planning permission is sought for the installation of a solar farm on a former landfill at Westhampnett. The development is considered to be acceptable in principle as it would make use of a parcel of land with limited potential for other uses, providing renewable energy with a direct community benefit as the scheme would be operated by the County Council. The land abuts residential properties, particularly to the north, so there would be a change in outlook for some residents. However, the impact is not considered detrimental, particularly with the provision of landscaping

along the common boundary. The potential impact on the wider landscape would not be significant as the site is relatively well-screened from view by existing vegetation and buildings, and the surrounding area is relatively flat. The impact on the water environment would be minimal as the site is already sealed with an impermeable clay cap. Finally, the environmental benefit of the production of renewable energy which would result from the development should be given significant weight.

Recommendation

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

1. Introduction

- 1.1 This report relates to an application for planning permission to create a solar farm on a restored landfill adjacent to the A27 in Westhampnett, Chichester. The works would involve the installation of solar panels of 2.73m in height across the 15.9 hectare site, to provide an estimated 7MW of renewable energy to the national grid.

2. Site and Description

- 2.1 The application site is located in Westhampnett, just east of Chichester (see [Appendix 2 – Site Location](#)). It is an old landfill to which non-inert waste was imported until 1995 after which it was restored and grassed. It was re-profiled in 2006 and has been used since then for the grazing of cattle and sheep.
- 2.2 The site extends to some 15.9 hectares, and has a domed profile, with the approximate centre of the site being some seven metres higher than the edges (see [Appendix 3 – Site Topography](#)). The site contains gas wells and gas and water monitoring boreholes predominantly around the site perimeter, with the gas collected and piped to a flare in a compound in the south-west of the site. The applicant has also stated that groundwater from the site is collected and passed through a reed bed system before being discharged under an Environment Agency permit.
- 2.3 The site is enclosed by a chain link fence, and is accessed from the west on Coach Road where there is a chain linked gate topped with barbed wire. There are trees and hedges of varying sizes and depths around the perimeter of the site.
- 2.4 Coach Road runs in a north-south direction to the west of the site, beyond which is Chichester Watersports, which makes use of the adjacent lake (formerly a gravel pit). Coach Road adjoins Stane Street, which runs east-west, some 200 metres north of the site entrance and some 90m from its northern boundary. The Chichester Household Waste Recycling Site is located on Stane Street, some 400 metres west of its junction with Coach Road. The public entrance to the facility is via Coach Road, some 40 metres north of the application site's entrance.
- 2.5 Between the site's northern boundary and Stane Street, there are existing dwellings (including those on Tilemakers Close, Coach Road, Stane Street and

Dairy Lane), and land on which dwellings have been permitted and are currently under construction (to the north-east). On the northern side of Stane Street, there are a large number of dwellings accessed from Wealden Drive, and to the east, the Rolls Royce factory.

- 2.6 To the east of the site is Dairy Lane which contains several large rural dwellings and assorted buildings at its southern end, and a small industrial unit. There are fields beyond this to the east.
- 2.7 The A27 extends in a west-east direction along the site's southern boundary.
- 2.8 The site is not within an area designated for landscape, ecological, or historic reasons. Most of the site is within Flood Zone 1 in which there is a low risk of flooding, though the very southern edge lies within Flood Zone 2, considered to have a 1 in 100 annual probability of flooding.
- 2.9 The South Downs National Park is located some 1.5km north of the site, beyond Goodwood Aerodrome. Goodwood House and the surrounding registered parkland, is some 2km to the north. There are no public rights of way in the vicinity of the site, the nearest being on the northern side of Stane Street. There is a row of four Grade II listed buildings on the opposite side of Stane Street, at closest some 130m from the site. Westhampnett House and the Dovecot within its grounds are also Grade II listed, located some 180m to the north-west on the opposite side of Stane Street. The Parish Church of St Peter is immediately west of this and is Grade II* listed, as is Grayle House further west of that.

3. **Relevant Planning History**

- 3.1 As already noted, the application site was previously in use as a landfill. The applicant indicates that the site was in use from 1970, with tipping initially ceasing in 1983 before reopening between 1988 and 1991. The site was finally closed and restored in 1995.
- 3.2 Planning permission was subsequently granted by this Council in 2006 to 'reprofile the site with imported soils (for restoration purposes)' (ref. WH/536/06).

4. **The Proposal**

- 4.1 Planning permission is sought to create a solar farm on the former landfill site by installing 28,098 'photovoltaic modules' (solar panels) mounted on steel frames (see [Appendix 4 – Proposed Site Layout](#)). Each panel would be around 1m in width x 1.65m in height. Three panels would be installed on each steel frame (tall 'portrait' orientation) in an 'array' which would be positioned in groups of 21 or more in south-facing rows.
- 4.2 Each array would have a maximum height of 2.73 metres, sloping downwards at an angle of 20 degrees to be 1m above ground level (see [Appendix 5 – Solar Panel Elevations](#)).
- 4.3 The panels would have anti-reflective coating to maximise light capture, with the added benefit of minimising glare from the site.

- 4.4 Importantly, the frames supporting the solar panels would sit on top of the ground, with the specific intention of preserving the integrity of the landfill cap.
- 4.5 Various small buildings would also be installed around the site, all to be coloured green. Four transformer buildings of some 2.5m in height, 2.6m in length and 1.1m in width would be installed around the centre of the site. A Distribution Network Operator (DNO) building measuring some 6.1m X 2.5m with a height of 3.3m would be located adjacent to existing hardstanding in the west of the site. Four shipping containers would also be located in this area to house the 'energy storage system' (i.e. batteries). Finally, a customer switchgear building measuring 6.1m X 2.4m X 2.6m in height would be positioned in this area.
- 4.6 No lighting is proposed at the site. Ten CCTV cameras with a height of 4.05m would be installed around the perimeter of the site, with infra-red technology to avoid the need for lighting.
- 4.7 The existing access road into the site would be retained for accessing the buildings to be positioned around it, with an extended road created into the centre of the site to allow for site maintenance. This would be formed of porous material to minimise impact on the water environment.
- 4.8 The existing chainlink fence around the site would be retained. No additional fencing is proposed.
- 4.9 The existing landscaping around the perimeter of the site would be bolstered with additional planting along the northern boundary (see [Appendix 4: Proposed Site Layout](#)).
- 4.10 It is anticipated that the construction would take three months, during which time there would be some 210 HGV movements.
- 4.11 Once the solar farm has been installed, the applicant has confirmed that the land can be used for the grazing of animals.
- 4.12 The existing infrastructure for managing leachate from the landfill and monitoring boreholes would be retained.

5 **Environmental Impact Assessment (EIA)**

- 5.1 The proposal does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011) ('the EIA Regulations').
- 5.2 The development does however fall within Schedule 2, Part 3(a) of the EIA Regulations, as it relates to an 'industrial installation for the production of electricity', though the site is not within a 'sensitive area', as defined in regulation 2(1) of the EIA Regulations.
- 5.3 The Annex to Planning Practice Guidance (PPG): Environmental Impact Assessment states that EIA should be considered for sites exceeding 0.5 hectares, and is more likely to be needed with thermal outputs of more than

50MW though “small stations using novel forms of generation should be considered carefully.” The present proposal does not have an output exceeding 50MW and the generation is not considered ‘novel’. The application site is a former landfill, adjacent to a major road, along with residential properties. On balance, the development is not considered likely to result in significant effects within the meaning set out in the EIA Regulations; therefore, EIA is not required.

6. Policy

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework (NPPF)). For the purposes of the application, the statutory development plan comprises the Chichester Local Plan: Key Policies 2014 - 2019.
- 6.2 Very early work has begun on the direction of the Westhampnett Neighbourhood Plan. However, a draft Plan has not been made available and it is not sufficiently progressed to be given any weight.
- 6.3 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

Chichester Local Plan: Key Policies 2014 -2019

- 6.4 The proposals map for the Chichester Local Plan identifies the application site as being within the ‘countryside’, just beyond the settlement boundary for Westhampnett which includes the dwellings immediately to the north.
- 6.5 The key policies in Local Plan, which are material to the determination of the application, are summarised below:

Policy 1 reflects a presumption in favour of sustainable development and any adverse impacts of granting permission would be outweighed by benefits.

Policy 2 identifies locations where sustainable development will be accommodated, and identifies Westhampnett as a ‘service village’ where provision is made for small scale housing, local community facilities and small scale employment, tourism or leisure proposals.

Policy 9 supports the provision of infrastructure to support the development identified in the Plan, subject to various criteria which are focused on protecting existing infrastructure from new development and providing infrastructure to support it.

Policy 17 identifies a large area south-west of Goodwood Aerodrome, beyond the existing village north-west of the site, for a mixed development comprising 500 homes, community facilities, and open space.

Policy 40 seeks to ensure development is sympathetic to local context and would not harm local character, amenity, landscape or environment. It also seeks to maximise the amount of energy supplied from renewable resources.

Policy 41 is of greatest relevance to the present proposal as it relates to off-site renewable energy. It states:

“Planning permission will be granted for off-site renewable energy (e.g. solar, biomass and energy crops, anaerobic digestion, wind and landfill gas) where it has been demonstrated that all the following criteria have been met:

- 1. There is no significant adverse effect on landscape or townscape character, ecology and wildlife, heritage assets whether designated or not, areas or features of historical significance or amenity value;*
- 2. There is no significant adverse impact on local amenity, health and quality of life as a result of noise, emissions to atmosphere, electronic interference or outlook through unacceptable visual intrusion; and*
- 3. There is no adverse impact on highway safety.*

Where development is granted, mitigation measures will be required as appropriate to minimise any environmental impacts.

All development proposals for a renewable energy generation scheme should, as far as is practicable, provide for the site to be reinstated to its former condition should the development cease to be operational.

When considering the social and economic benefits, account will be taken of the degree of community participation/ownership of a scheme.”

Policy 42 seeks to prevent inappropriate development in areas at risk of flooding and ensure new development would not give rise to increased risk of flood risk or increased surface water run-off.

Policy 45 supports sustainable development in the countryside where, among other things, it is complementary to and does not prejudice any viable agricultural operations on a farm and any other existing viable uses.

Policy 48 seeks to protect the natural environment, supporting development which, among other things, would have no adverse impact on the setting of the South Downs National Park, and the tranquil and rural character of the area; and where it recognises distinctive local landscape character.

National Planning Policy Framework (2012)

6.6 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. The Framework does not form part of the development plan but is a material consideration in determining planning applications, and helps guide decision-makers as to what matters are material to the decision-making process.

6.7 For this application, the key relevant paragraphs in the NPPF are considered to be as follows:

- 14 (presumption in favour of sustainable development, and approving development that accords with the development plan);

- 17 (core planning principles);
- 28 (supporting a prosperous rural economy, including diversification);
- 95 (supports the move to a low carbon future);
- 96 (comply with local policy requirements for a decentralised energy supply);
- 97 (increase the use and supply of renewable and low carbon energy);
- 98 (applicants for energy development do not need to demonstrate need for renewable energy, and supports approval if impacts can be made acceptable);
- 103 (development should not increase flood risk);
- 109 (protection and enhancement of the natural and local environment);
- 123 (planning decisions should avoid impacts on health and quality of life);
- 186 (positive decision making);
- 196 (determining applications in accordance with the development plan);
- 197 (presumption in favour of sustainable development); and
- 203-206 (use of planning conditions).

Planning Policy Guidance

- 6.8 Planning Practice Guides (PPGs) were first published in March 2014 to accompany the NPPF. As with the NPPF, they are material considerations in considering planning applications.
- 6.9 PPG: Renewable and Low Carbon Energy notes that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses (paragraph 1). Paragraph 12 sets out the particular planning considerations relating to solar technology, including the effect on protected or designated areas, and the design of the modules. Paragraph 13 sets out the factors planning authorities will need to consider in relation to solar farms including focussing on previously developed and non-agricultural land; visual impact including from glint and glare; the need for security measures; and cumulative impact.
- 6.10 PPG: Climate Change notes that addressing climate change is one of the core land use planning principles the NPPF expects to underpin decision taking.

7. Consultations

- 7.1 ***Chichester District Council:*** No objection subject to consideration of the need for a gas risk assessment in relation to landfill gas, covering all infrastructure proposed, including roads. Tree planting must not interfere with existing gas

infrastructure. Note that the impact on air quality is not considered to be significant.

[Please note: although the consultation response notes that the comments relate only to contaminated land and air quality issues, Chichester District Council has confirmed that these are their final comments].

- 7.2 **Environment Agency:** No objection subject to the inclusion of conditions requiring that no piling or penetrative foundations are used without the written consent of the planning authority, and that if contamination is found, a remediation strategy is submitted.
- 7.3 **Westhampnett Parish Council:** Objects. Consider proposal would be detrimental to adjoining residents, particularly flats to north who would view rear of panels; health effects of living close to transformers and associated equipment; site is home to skylarks and other protected species; concrete ballast/block will affect site drainage; application incomplete indicating it is premature; glare detrimental to Goodwood; contrary to Westhampnett Neighbourhood Plan as site allocated as public open space.
- 7.4 **WSSC Drainage:** No objection. Notes that the site contains existing drainage infrastructure, and the works would offer a nominal betterment to surface water conditions, subject to conditions requiring surface and foul water drainage details prior to the commencement of works.
- 7.5 **Goodwood Aerodrome (safeguarding):** No objection on basis of distracting lights, flight safety, or visual distraction or increased bird strike. Note need to re-consult if cranes of more than 10m to be used, or lighting installed.
- 7.6 **WSSC Tree Officer:** Initial response raised concern over potential for planting along northern boundary given constraints (boreholes, ditch, extent of landfill etc.). Further planting sought along eastern and western boundaries. Applicant providing confirmation of feasibility of this planting, after which Tree Officer will respond. To be reported verbally.
- 7.7 **WSSC Highways:** No objection. Satisfied that construction and operation of the site would not result in 'severe' impact on the highway network. Seek a construction management plan by condition.
- 7.8 **WSSC Ecology:** No objection subject to a condition requiring a detailed ecological mitigation and enhancement plan. Note presence of reptiles on site, and skylarks, a ground nesting bird.
- 7.9 **Highways England:** No objection raised subject to conditions. Seek additional screening along southern boundary to prevent glint/glare on A27; satisfied that potential drainage impacts can be addressed by condition; seek Construction Management Plan to ensure traffic to/from the site during construction avoids peak times.

8. Representations

- 8.1 The application was publicised in accordance with Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

8.2 Publicity consisted of the erection of four site notices located around the application site, an advertisement in the local newspaper, and neighbour notification letters. In total, representations were received from 32 people raising concerns or objecting to the proposal. The main issues raised related to:

- Impact on the character of the area;
- Dominance in the landscape;
- The loss of amenity for neighbouring residents, particularly as the panels would be the same height as a single storey building;
- Topography of the site means that the impact on visual amenity and residential amenity will be significant;
- Noise from inverter and cooling fans;
- Health and safety concerns;
- Impact on views from the watersports centre, and loss of parking;
- Impact on wildlife, including skylarks;
- Cumulative impact with other development in area;
- Inadequacy of submitted information;
- Lack of local benefit;
- Inadequate planting/landscaping proposals;
- Impact on South Downs National Park;
- Impact on the historic setting of Goodwood House;
- Potential increase in flooding;
- Glare affecting road safety, particularly for A27; and
- Health implications of magnetic fields.

9. **Consideration of Key Issues**

9.1 The main material considerations in relation to this application are whether the development is acceptable in terms of the:

- Principle of the development;
- Impact on residential amenity; and
- Impact on the environment.

Principle of the Development

9.2 The proposal involves the installation of solar panels on a former landfill to create renewable energy. It is therefore necessary to consider whether the use of a former landfill for renewable energy is appropriate, in principle.

9.3 The production of renewable energy is strongly supported in both national policy guidance and local planning policy. A core principle of the NPPF is to support the transition to a low carbon future (paragraph 17), also noting that *“even small scale projects provide a valuable contribution to cutting greenhouse gas emissions”* (paragraph 98). PPG: Renewable and low carbon energy notes that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses (paragraph 1).

- 9.4 Planning policy and guidance is therefore strongly supportive of renewable energy projects, subject to consideration of the impact of the development which will be considered in the following sections.
- 9.5 The site's status as a restored landfill means that it continues to require methane gas and leachate management. Although it has been restored, the presence of this infrastructure means it would not be considered 'greenfield' land. The use of previously-developed land such as the site is preferable to greenfield land, particularly where it is of higher quality for agriculture.
- 9.6 Owing to its former use as a landfill site, there are few options for the use of the site. It is of limited quality in terms of its agricultural potential and can only be used for the grazing of animals, and not for arable crops. The site cannot be made publicly accessible because of the ongoing methane/leachate management. As a result, the development of a solar farm is considered a positive and productive use of the land, where there are limited development options available.
- 9.7 *The proposed use of a former landfill as a solar farm, enabling the production of renewable energy, is supported in principle. The production of even small amounts of renewable energy is strongly supported in both national guidance and local policy. As a former landfill the site is not considered to be high quality agricultural land or 'greenfield'. It will be subject to ongoing methane and leachate management, so the potential for uses other than the grazing of animals is limited. The present proposal is therefore considered, in principle, to result in the beneficial use of a site for which options are limited, with the resulting production of renewable energy.*

Impact on Residential Amenity

- 9.8 The applicant is seeking to install solar panels across a site which currently contains very limited physical development, and which is in close proximity to residential properties, particularly to the north. There is therefore the potential for impact on residential amenity.
- 9.9 The site abuts residential development along the full length of its northern boundary, though the eastern half (Roman Walk) is in the process of being built. This development will include a Community Hall and pub in the centre, with most dwellings separated from the application site by roads around the southern perimeter of the site. At closest, dwellings would be some seven metres from the common boundary, though landscaping is shown on the approved plans, separating the residential development from the application site.
- 9.10 Existing dwellings are adjacent to the common boundary to the north of the site, and include Montagu House, a three storey block of flats. The flats would be some 35m from the closest solar panels.
- 9.11 Policy 41 of the Chichester Local Plan sets out criteria for considering off-site renewable energy, the second of which relates to local amenity, supporting such development where:

"2. There is no significant adverse impact on local amenity, health and quality of life as a result of noise, emissions to atmosphere, electronic interference or outlook through unacceptable visual intrusion."

- 9.12 A Noise Report has been submitted with the application, confirming that the baseline noise levels are fairly high (50dB during the day, 32 – 34dB at night) and that noise emissions would result from the battery storage containers, specifically the associated air conditioning (AC) units and extract fans. The substations would result in noise levels of up to 40dB at properties north of the site, an 8dB increase over background levels. The World Health Organisation notes that night time noise levels above 40dB may disturb sleep, so mitigation is proposed to reduce noise to an acceptable level.
- 9.13 The applicant proposes limiting the hours of operation of the AC units and extract fans associated with the battery containers to between 7am and 11pm, and installing a louvered screen around the AC units, and in-line attenuators around the extract fans. It is considered that subject to a condition securing the hours of operation of the AC units and extract fans associated with the battery containers, the development is acceptable in terms of noise impact.
- 9.14 The proposed development would not result in emissions to atmosphere or electronic interference, so there would be no impact on residential amenity resulting from these factors.
- 9.15 Nonetheless, in response to concerns raised by local residents about the risk of developing a solar farm on a landfill still emitting methane, the applicant has noted that methane gas at the levels recorded on the site dissipates quickly and the equipment would not cause any additional safety risk. They cite similar schemes on other landfill sites, including one near Dorchester that has been operating without concern since 2012.
- 9.16 The key impact resulting from the scheme is therefore likely to be through unacceptable visual intrusion affecting outlook.
- 9.17 Existing and future residents of dwellings to the north of the site would look over the rear of rows of solar panels to 2.73m in height, sloping upwards into the site. There is therefore the potential for significant impact on outlook.
- 9.18 However, while there would be a change in the appearance of the site the dwellings overlook, the development is not considered to be detrimental to the residents' enjoyment of their property, or to cause significant visual intrusion.
- 9.19 The panels would be approximately single storey in height, and at the boundary, would be level with the adjacent land. The land rises to the south, so the panels would be at a higher level towards the centre of the site, but this would be at some distance from the dwellings. The highest part of the site would be at closest some 130m from the common boundary and some 200m from the façade of Montagu House. In this context, it is not considered that the panels would be visually intrusive.
- 9.20 Further, to mitigate the impact, the applicant is proposing to provide planting along the northern and eastern boundaries, the details of which would be secured by condition. This would help to screen views of the panels in closer

proximity to the residential properties, on the lower parts of the site. Ground testing would be undertaken to establish the extent and depth of the clay cap to ensure it is not breached.

- 9.21 On balance, it is considered that while the outlook of adjacent residents would change as a result of the development, it would be relatively low-lying so as not to be visually intrusive.
- 9.22 There may be a change in view for residents of Dairy Lane to the east. However, these dwellings are separated from the site by the road, and there are mature trees along much of the site's boundary, reducing the visual change. Additional landscaping is also proposed along this boundary to screen the development from view. Further, the views would be along the rows, from the narrower end points. It is not therefore considered that the impact on these properties would be significant.
- 9.23 Finally, Policy 41 of the Local Plan refers to the impact of electronic interference, and representations have raised concerns about the health implications of magnetic fields from the site. Advice to Parliament¹ states that the electric and magnetic fields in the vicinity of substations are well below levels associated with health impacts, and that the levels fall to indistinguishable levels within 5 metres of the substation housing. The equipment associated with this development would all be more than 5 metres from residential properties. It is considered therefore that the development is acceptable in this regard.
- 9.24 *The development site abuts residential properties on the northern boundary and there are also dwellings to the north-west and south-east. The applicant has demonstrated that there may be some impact from noise at night, but that mitigation could satisfactorily overcome it, primarily through not operating the air conditioning unit. It is considered that although there would be a change to the outlook of residents abutting the site to the north, it would not be detrimental. The structures are relatively low lying, and while the site slopes upwards, it does so gently so that the highest part of the site would be some 130m from the common boundary. Solar panels installed on this part of the site would not therefore be visually intrusive. Landscaping would be provided to screen views of panels in closer proximity, on the lower parts of the site. On balance therefore it is considered that the development is acceptable in terms of its impact on residential amenity.*

Impact upon the Environment

- 9.25 The proposal has the potential to result in adverse impacts on the environment, particularly in relation to landscape, drainage, and ecology, but also in terms of gas management and the loss of green space. This must be weighed against the benefit the scheme offers in terms of the provision of renewable energy.
- 9.26 Concern about impacts on the landscape has been raised in a number of representations because the proposal will introduce built structures to a site which slopes upwards above the surrounding landscape, and is currently predominantly laid to grass. However, while the development would affect

¹ <http://researchbriefings.files.parliament.uk/documents/SN06151/SN06151.pdf>

properties immediately abutting the site, as set out above, when viewed from further afield the site topography is far less apparent and it is well screened from view. Further, as already noted, the panels have been designed to absorb light, and are directed upwards, so the potential for glare is not considered to be significant.

- 9.27 Views from Stane Street, to the north of the site, including the Listed Buildings at 20 – 23 Stane Street, would be relatively distant at 130m away, and interrupted by the emerging development at Roman Walk. A community hall and a pub are proposed in the area between the listed buildings and the site, so views of the site, if any, would be on the higher part of the site, at an even greater distance. The listed buildings west of this are surrounded by mature trees, and separated from the site by several houses and Stane Street so would be unaffected by the development. It is not therefore considered that the setting of any listed buildings would be affected.
- 9.28 The site is well-screened to the south, along the A27, by a thick row of mature trees. There may be glimpsed views of the panels but the overall impact would not be significant. The panels would be tilted upwards (at a 20° angle) and designed to absorb, rather than reflect light so the potential for glare, either as a safety or visual concern, is not considered to be significant. In response to concerns raised by Highways England, additional planting along the boundary would be required by a condition requiring the approval, implementation and maintenance of a landscaping scheme.
- 9.29 Views beyond the A27 would be in the context of the dual carriageway and associated infrastructure including power lines.
- 9.30 The site is also well-screened to the east by mature trees abutting the site on Dairy Lane, beyond which are fields separated by hedgerows, with a major A27 junction beyond. In this context, the landscape impact is not considered to be significant.
- 9.31 Immediately to the west of the site is a large water body and Chichester Watersports, with a Household Waste Recycling Site and large out-of-town businesses to the north along Stane Street. The site is largely screened by a thick hedge along this boundary so there would be limited views into the site. Views of the site from the west beyond Coach Road would be in the context of the large buildings and infrastructure including the A27 and Stane Street so are not considered to be significantly affected, if the site is visible at all.
- 9.32 There would be a slight change in views from the Chichester Watersports Centre, located opposite the site to the south-west on Coach Road, and the centre operators have raised concerns. However, the centre has only three relatively small windows facing the site, presumably because views are focused over the waterbody with the western elevation containing windows and a glazed balcony along the full extent. It is not considered that recreational users of the waterbody would be affected significantly as it is enclosed with mature trees, and separated from the application site by Coach Road and the large watersports building. Chichester Watersports note their intention to erect chalets around the lake which they state would be affected but a planning application has not yet been submitted for this.

- 9.33 Views from the South Downs National Park would be so distant that the site would be largely unnoticeable, particularly given the flat topography of the land in the vicinity, and any impact would be negligible, particularly in the context of the built development to the north of the site. While the application site has a sloping topography, its height is not so great as to mark it as a feature in the landscape, and it is not visible beyond the immediate area. It is not considered that the installation of solar panels would extend the visual envelope beyond the dwellings on Stane Street.
- 9.34 The development has some potential to affect surface water and drainage, though the site is already sealed with an impermeable clay cap, so the increase in run-off is unlikely to be significant. An additional area of access road would be created as part of the scheme, but this would be formed from permeable stone surfacing so would not result in changes to run-off. There would be a slight increase in impermeable surfacing resulting from the concrete plates that would support the solar panels. The applicant has submitted information confirming that existing ditches are sufficient to manage the minor additional run-off, anticipated to be 50m³, so the development is considered acceptable in this regard subject to full drainage details being secured by condition.
- 9.35 The development has the potential to result in impacts on biodiversity as the site has been relatively untouched for several years, other than for the grazing of animals. However, WSCC Ecologists confirm that they have no objection to the proposal provided that a condition is imposed requiring a detailed ecological mitigation document, method statement and enhancement plan to demonstrate how impacts on protected species including nesting birds (skylarks) and reptiles will be managed during construction, and the site's ecology enhanced in the long term. It is therefore considered that the proposal is acceptable in ecological terms.
- 9.36 The site is not accessible by the public so there would be no loss of public open space. Representations have raised concern about the loss of 'one of the last areas of green space' in Westhampnett. However, this is not considered to be the case, given the expanse of land beyond Dairy Lane to the east, and to the north of the village, albeit there is a large housing allocation to the north-west. Further, retaining greenspace for its own sake is not considered justifiable in planning terms, particularly when weighed against putting it to beneficial use for the production of renewable energy, and given the fact that biodiversity could be retained on site once the panels are in place.
- 9.37 Chichester District Council has raised concerns about landfill gas, seeking a gas risk assessment before works are undertaken. It is considered that this can be adequately managed by a condition requiring that this is undertaken. Similarly, the Environment Agency has requested conditions requiring that piling or other penetrative works are not undertaken without prior approval, and that unsuspected contamination is remediated. Conditions are proposed relating to each of these measures.
- 9.38 *The application site is in relatively close proximity to several Listed Buildings located on Stane Street to the north of the site. However, they are separated from the site by existing dwellings and buildings forming part of the Roman Walk development currently under construction; therefore, it is not considered there would be a detrimental impact on their setting. Further, although the*

development would be visible from locations in the immediate vicinity of the site, it is considered that the impact on the wider landscape would be limited, particularly given the flat topography of the area and the enclosure of the site and surrounding sites with trees. The potential impact on the water environment would be limited as the site is already sealed with an impermeable clay cap, and the built development would be relatively small, and able to be managed within existing ditches. The impact on biodiversity could be managed by an ecological condition requiring an appropriate scheme for mitigation and enhancement. The loss of green space is not considered significant as the site is not publicly accessible, biodiversity could be maintained around and underneath the panels.

10. **Overall Conclusion and Recommendation**

- 10.1 Planning permission is sought for the installation of a solar farm on a former landfill at Westhampnett. The development is considered to be acceptable in principle as it would make use of a parcel of land with limited potential for other uses, and would provide renewable energy. The land abuts residential properties, particularly to the north, so there would be a change in outlook for some residents. However, the impact is not considered detrimental, particularly with the provision of landscaping along the common boundary. The potential impact on the wider landscape would not be significant as the site is relatively well-screened from view by existing vegetation and buildings, and the surrounding area is relatively flat. The impact on the water environment would be minimal as the site is already sealed with an impermeable clay cap. Finally, the environmental benefit of the production of renewable energy which would result from the development should be given significant weight.
- 10.2 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at Appendix 1.

11. **Crime and Disorder Act Implications**

- 11.1 There are no implications. The Sussex Police Crime Prevention Design Advisor has provided detailed crime prevention advice which has been communicated to the applicant.

12. **Equality Act Implications**

- 12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees (and the representations made by third parties), and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

13. **Human Rights Act Implications**

- 13.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an

individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well-being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 13.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 13.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington
Strategic Planning Manager

Background Papers: As set out in Section 6.

List of Appendices

Appendix 1 – Conditions

[Appendix 2 – Site Location](#)

[Appendix 3 – Site Topography](#)

[Appendix 4 – Proposed Site Layout](#)

[Appendix 5 – Solar Panel Elevations](#)

Contact: Jane Moseley, extension 26948.

Appendix 1: Conditions and Informatives

COMMENCEMENT

1. 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.*

APPROVED PLANS

2. The proposed development shall not take place other than in accordance with the particulars of the application and the approved plans:

- Site Layout (drawing 800338+2-100 Rev. G);
- Indicative Framework Details (drawing 70022761-202 Rev. A);
- Typical DNO Substation Enclosure (drawing 70022761-204 Rev. A);
- Typical Buildings (drawing 70022761-203-Rev. A);
- Typical Energy Storage Enclosures (drawing 70022761-205 Rev. A);
- CCTV Camera Mounting Elevation (drawing 70022761-DPP Rev. A);

along with submitted supporting documents, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: *To secure a satisfactory development.*

Prior to Commencement

SURFACE WATER DRAINAGE

3. No development shall take place until a scheme of surface water drainage have been submitted to and approved by the County Planning Authority. Those details shall include:

- Design for 1:100yr return period.
- Inclusion of 30% peak run-off and 20% additional volume for climate change,
- Inclusion of pollution/siltation control measures,
- Finishes of all hard surfaces.

Once approved, the surface water drainage scheme shall be implemented in full.

Reason: *To protect the water environment.*

FOUL WATER DRAINAGE

4. No development shall take place until a scheme of foul water drainage has been submitted to and approved by the County Planning Authority. Once approved, the foul water drainage scheme shall be implemented in full.

Reason: *To protect water quality and ensure compliance with the NPPF*

LANDSCAPING SCHEME

5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in advance in writing by the County Planning Authority. The scheme shall include details of species, planting sizes, planting spacing, tree pits, soil amelioration/improvement, and on-going maintenance provision. Once approved the scheme shall be implemented in full in the first planting season (November – February) following the commencement of the development. Any plants which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the County Planning Authority.

Reason: To ensure the long term visual amenity of the site.

CONSTRUCTION MANAGEMENT PLAN

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives, staff and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- Access arrangements from the public highway, including temporary accesses and alterations to existing accesses.

Reason: In the interests of highway safety and the amenities of the area.

LANDFILL GAS ASSESSMENT

7. No development shall take place until a Landfill Gas Risk Assessment has been submitted to and approved in writing by the County Planning Authority. The Assessment shall include a survey of current landfill gas conditions at the landfill, and identify what measures are necessary to ensure users of the site are protected from gas, and that service routes do not provide paths for gas migration. The approved scheme shall thereafter be implemented in full.

Reason: to ensure the development does not result increase the risk posed to people and property by landfill gas emitted from the site.

ECOLOGICAL MITIGATION AND ENHANCEMENT SCHEME

8. No development shall take place until a detailed Ecological Mitigation and Enhancement Scheme has been submitted in writing and approved by the

County Planning Authority. The scheme shall include details demonstrating how impacts on protected species, including nesting birds and reptiles, will be managed during construction, and how the site's ecology will be furthered in the long-term. The approved scheme shall thereafter be implemented in full.

Reason: To ensure the scheme results in a positive ecological impact, in accordance with NPPF 118.

PILING

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/ turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

CONTAMINATION

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed, in accordance with paragraph 109 of the NPPF.

During Construction

CONSTRUCTION HOURS

11. No construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles shall take place unless between the hours of:

- 08.00 and 18.00 on Monday to Friday inclusive;
- 09.00 and 13.00 on Saturdays; and

not at any time on Sundays, Bank Holidays or Public Holidays, with the exception of HGVs travelling to/from the site which shall not do so between the hours of 08.00 and 09.00; or between 17.00 and 18.00 on the above permitted days, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of the amenity of the locality and of local residents.

NESTING BIRDS DURING CONSTRUCTION

12. No removal of any trees or shrubs shall be carried out on site between March to August inclusive in any year. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the County Planning Authority for approval prior to their erection.

Reason: To accord with paragraphs 108 and 118 of the NPPF

Operational Condition

OPERATIONAL HOURS FOR A/C UNITS AND EXTRACT FANS

13. The air conditioning units and extract fans associated with the battery containers shown on the approved Site Layout (ref. 70022761-100, Rev. G) shall only be in operation between the hours of 07.00 and 23.00.

Reason: To minimise noise emissions from the site to protect the amenity of local residents.

Restoration

SITE RESTORATION

14. The solar farm and all associated plant, buildings and equipment hereby permitted shall be removed from the site and the land restored to its former condition or a condition agreed with the County Planning Authority within 6 months of it no longer producing electricity.

Reason: To ensure the site is restored in a timely and acceptable manner.

Informatives

- A. The County Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating with the Applicant to secure acceptable amendments to the proposal to address those concerns. As a result, the County Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
- B. The applicant's attention is drawn to the following comments from Goodwood Aerodrome (consultation response dated 14 October 2016):
- Any cranes/construction equipment/high lift machinery in excess of 10m agl is referred to Goodwood Air Traffic for approval prior to work taking place
 - Any future developments within the site that require the installation of external lighting, is run through the Aerodrome safeguarding process so that we can mitigate any risks with lighting that may conflict with our aerodrome lighting pattern (defined as 'confusing or distracting lights' in the Air Navigation Order).