

Report to: Planning Committee
Date: 20th August 2024
Application No: 230800
Location: Land South of Cross Levels Way, Eastbourne
Proposal: Construction and operation of a solar photovoltaic farm with battery energy storage and associated infrastructure including transformers, inverters, DNO Substation, customer switchgear, security cameras, fencing, access tracks, landscaping, and safeguarding of land for potential pedestrian/cycle link.

Applicant: Mr Samuel
Ward: Upperton and St Anthonys
Recommendation: Delegate to Head of Development Management, to:

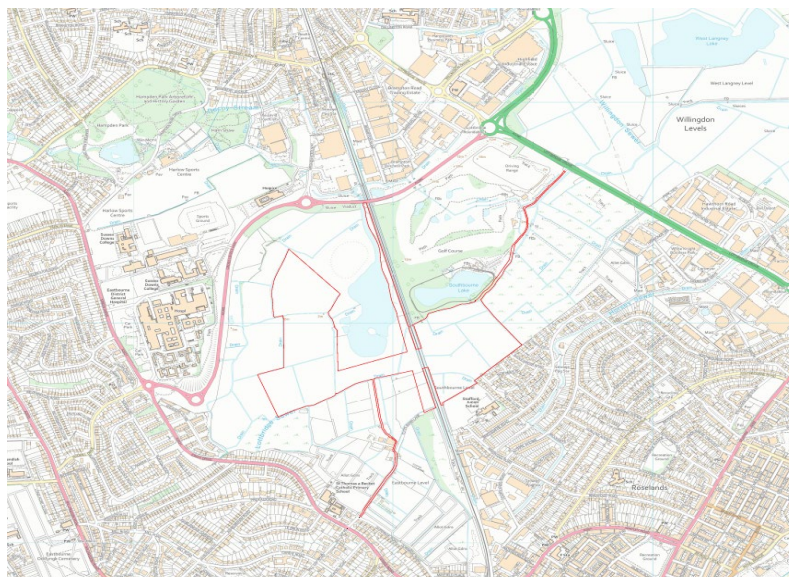
- a) Receive a copy of District Licence from NatureSpace
- b) Conclude remaining consultation process with Natural England regarding Habitats Regulations requirements
- c) Conclude consultation with the Councils Environment Protection officer
- d) Conclude consultation with the County Archaeologist following the outcome of trial trenching.

and on the provision that no substantive objection is raised from these consultations, to:

Grant planning permission subject to conditions, including the imposition of any required mitigations.

Contact Officer: **Name:** Chloe Timm
E-mail: chloe.timm@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	The application is being presented to the Planning Committee in line with the Council's Schemes of Delegation, as it proposes a major development. The application has also received a significant number of representations.
1.2	The application seeks planning permission for the installation of a solar farm, battery storage and associated infrastructure on land within Eastbourne Park measuring approximately 31.9 hectares.
1.3	The site is separated into two interconnecting parcels, 'eastern parcel' (to the east of the railway line) and 'western parcel' (west of the railway line). The western parcel is comprised of four fields and the eastern parcel is five fields, each field is bounded by ditches and are classed as subgrade 3b agricultural land (moderate quality, not Best and Most Versatile).
1.4	Officers have liaised with statutory, internal and other consultees, and a number of technical matters remain outstanding and are subject to further written response, including Councils Environmental Protection Team, ESCC County Archaeology team and Natural England.
1.5	This site has indisputable potential to contain internationally significant preserved prehistoric timber remains that may require either preservation in-situ, or detailed, protracted and expensive archaeological excavation. ESCC County Archaeologist has approved a Written Scheme of Investigation (WSI) for a pre-determination archaeological evaluation of the site. Given the significant costs involved, delegated authority is sought from Members in line with the recommendation above, to conclude the requisite investigation and to incorporate any recommendations of the County Archaeologist in any grant of planning permission.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework:</u></p> <ul style="list-style-type: none"> 2. Achieving sustainable development 4. Decision making 6. Building a strong, competitive economy 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historic environment.

2.2	<p><u>Eastbourne Core Strategy 2006-2027:</u></p> <p>B1 Spatial Development Strategy and Distribution</p> <p>B2 Creating Sustainable Neighbourhoods</p> <p>C6 Roselands and Bridgemere Neighbourhood Policy</p> <p>D1 Sustainable Development</p> <p>D5 Housing</p> <p>D9 Natural Environment</p> <p>D10 Historic Environment</p> <p>D10a Design</p> <p>D11 Eastbourne Park.</p>
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>HO2 Predominantly Residential Areas</p> <p>HO20 Residential Amenity</p> <p>NE1 Development Outside the Built-up Area Boundary</p> <p>NE4 Sustainable Drainage Systems</p> <p>NE14 Source Protection Zone</p> <p>NE16 Development within 250 metres of a Former Landfill Site</p> <p>NE17 Contaminated Land</p> <p>NE18 Noise</p> <p>NE16 Local Nature Reserves</p> <p>NE20 Site of Nature Conservation Importance</p> <p>NE22 Wildlife Habitats</p> <p>NE23 Nature Conservation of Other Sites</p> <p>NE28 Environmental Amenity</p> <p>UHT1 Design of New Development</p> <p>IUHT4 Visual Amenity</p> <p>UHT7 Landscaping</p> <p>US4 Flood Protection and Surface Water Disposal</p> <p>US5 Tidal Flood Risk</p> <p>US6 Integrity of Flood Defences.</p>
2.4	<p><u>Supplementary Planning Documents and other relevant guidance:</u></p> <p>Eastbourne Park SPD</p> <p>Trees and Development SPG</p> <p>Sustainability in Development</p> <p>EBC Sustainability in Development TAN</p>

EBC Biodiversity Net Gain TAN Eastbourne Biodiversity Strategy 2021-2025.
--

3.	Site Description
3.1	The application site is 31.9 hectares of subgrade 3b (moderate quality and best most versatile) agricultural land, is a designated local wildlife site, within an archaeological notification area, is flood zone 3 and is a functional flood plain.
3.2	The site is situated approximately 2.0 km to the north of Eastbourne town centre and approximately 2.0 km to the south of Hampden Park. The site extends to approximately 31.9 hectares in area and is split into two development parcels east and west of the East Coastway Railway Line. The existing use comprises agricultural land and is bound by hedgerows and watercourses. There are several ordinary watercourses on the site that run along the field/site boundaries. The Lottbridge Sewer bisects the site, flowing from the southwest to the northeast. The Lottbridge Sewer is classified as a 'Main River'.
3.3	The site is separated into two interconnecting parcels, 'eastern parcel' (to the east of the railway line) and 'western parcel' (west of the railway line). The western parcel is comprised of four fields and the eastern parcel is five fields, each field is bounded by ditches and are classed as subgrade 3b agricultural land (moderate quality, not Best and Most Versatile).
3.4	The eastern site is bordered by the miniature railway the residential properties on Bridgemere estate and Stafford junior school, the western site is bounded by residential properties on Weavers Close and Kings Drive and The A2280(Cross Levels Way).
3.5	Eastbourne Park is a flat low-lying landscape of approximately 400 hectares of grazed Wetland at the centre of Eastbourne. Its primary role is an essential flood storage area and plays a fundamental role in mitigating the effects on flooding on many of the surrounding built environment.
3.6	<u>Site Constraints:</u> Flood Zone 3 Functional Flood Plain Local Wildlife Site – Non-statutory sites that contain features of substantive nature conservation value. Archaeological Notification Area.

4.	Proposed Development
4.1	Construction and operation of a solar photovoltaic farm with battery energy storage and associated infrastructure including transformers, inverters,

	DNO Substation, customer switchgear, security cameras, fencing, access tracks, landscaping, and safeguarding of land for potential pedestrian/cycle link.
4.2	Access to the eastern parcel will be via Lottbridge Drove during construction and then via Badlesmere Road once operational and access for the western parcel will be via Tutts Barn Lane. It is expected to generate no more than 4 vehicle trips weekly once operational.
4.3	The solar farm would operate for the lifespan of the proposed development (circa 40 years), at which point it would be decommissioned and the land restored.

5.	Relevant Planning History:
5.1	<u>220762:</u> Pre-application Advice: Installation of solar photovoltaic farm with battery storage and associated infrastructure Pre-app Issued 16/11/2022.

6.	Consultations:
6.1	<u>County Landscape Officer:</u> It is recommended that the proposed development can be supported as it could have acceptable effects on local landscape character and views subject to the imposition of conditions outlined below. Should the planning authority be minded to support the application it is recommended that this be subject to a condition requiring the submission of the following: a) Satisfactory detailed planting plans. b) Details of tree protection measures during construction.
6.2	<u>ESCC Archaeology:</u> The County Archaeologist recognises that the application site sits within a landscape known to be rich in 'in-situ' archaeological remains of all periods. However, it is the specific potential for the site to contain significant, perhaps even nationally important, preserved timber structures of prehistoric origin analogous to those already discovered on the Willingdon Levels that merits particular consideration prior to the determination of the application. ESCC County Archaeologist has approved a Written Scheme of Investigation (WSI) for an archaeological evaluation of the site, which would need to be undertaken prior to determination so that the findings can inform the recommendations of the County Archaeologist, in the interest of the heritage significance of the site.

6.3	<p><u>County Ecology:</u></p> <p>Whilst the application documentation has not met best practise standards and/or the requirements of NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels through the application of planning conditions.</p>
6.4	<p><u>Natural England:</u></p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites</p>
6.5	<p><u>Arboriculture Officer:</u></p> <p>Arboricultural Report: Appendix A - Tree Survey. Confirms that there are no plans to remove any trees. Appendix B – Tree Protection Barriers. Describes an acceptable means of protecting those trees, on and where applicable off site.</p> <p>Given, the above information, I'm satisfied that this development will not negatively affect those trees on, or adjacent to this development.</p>
6.6	<p><u>Environment Agency:</u></p> <p>We have no objection to the proposed development as submitted, provided that a condition for development to be carried out in accordance with the submitted flood risk assessment be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.</p>
6.7	<p><u>SUDS:</u></p> <p>The applicant took pre-application advice and has incorporated the advice given during the consultation held with the LLFA and PCWLMB into their Flood Risk Assessment.</p> <p>If the Local Planning Authority is minded to grant planning permission, the PCWLMB and LLFA requests conditions to ensure surface water runoff from the development is managed safely.</p>
6.8	<p><u>East Sussex Highways:</u></p> <p>The Highway authority has no objection to this major, full application for the construction and operation of a solar photovoltaic farm, subject to the imposition of the conditions.</p>
6.9	<p><u>Health and Safety Executive:</u></p> <p>Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines.</p>

	<p>This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.</p>
6.10	<p><u>Network Rail:</u></p> <p>Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.</p> <p>Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.</p>
6.11	<p><u>Contaminated Land Officer:</u></p> <p>The proposed development requires the site preparation works, which will predominantly relate to the cultivation and levelling of the site ready for the installation of the frames to support the solar panels. This means that assessment of the site for its suitability for the development of solar farm is pertinent.</p> <p>I have reviewed the 17 parts of the Phase 1 Desktop study report prepared by Wardell Armstrong for the use of the site as Solar Farm (Report ref: ST19983 dated March 2023). This desk study report has summarised the available information and potential risks for the proposed development at the Site. I concur with the source-pathways-receptors identified in the report para 7.1-7.16. The Site is considered to present an overall Low to Moderate risk from past land use, surrounding land use, ground instability and contamination. The part of the site is used as a historic landfill, though the extent of boundary of the landfill is not clear. I agree in principle the conclusions and recommendation of the Phase 1 report. The report para 10.8, which recommended a ground investigation to be undertaken to address the various environmental and geotechnical issues identified within the report.</p> <p>If LPA is minded to grant a planning permission for solar farm, then I recommend the imposition of conditions.</p>
6.12	<p><u>Planning Policy Officer:</u></p> <p>The principle of the proposal would be supported by planning policy, subject to the demonstration that the development would not adversely affect flood storage capacity and provided the requirements of the above policies are met. However, it is for the Case Officer to weigh all material considerations</p>

	including relevant local and national policies in determination of the application.
6.13	<u>Environmental Protection Officer:</u> Consultation yet to be concluded.

7.	Other Representations:
7.1	<p><u>Notification:</u></p> <p>Notification of this application has been undertaken in the form of:</p> <ul style="list-style-type: none"> a. neighbour notification letters; b. site notices displayed in roads neighbouring the site; and c. a press advert in a locally distributed newspaper.
7.2	<p><u>Neighbour Representations:</u></p> <p>157 letters of objection have been received, which raise the following concerns based upon material planning grounds:</p> <ul style="list-style-type: none"> Ecological Impacts Archaeological Impacts Flood Risk Visual Impact Noise Reflection Loss of Green Space Energy created will not be used locally Disruption during construction works Tutts Barn Lane access will impact highway safety to the school. <p>12 Letters of support have been received.</p>
7.3	<p><u>Other Representations:</u></p> <p><u>Eastbourne Biodiversity Group:</u></p> <p>There is a clear need for a fuller assessment of the biodiversity of this area of Eastbourne's marshland. It is certainly unique in Sussex. The wildlife that this marsh supports is likely to be even more important than we currently know. A more thorough survey should be undertaken as a matter of urgency - to better ensure the long-term protection and enhancement of the site and to fulfil the council's obligations and responsibilities particularly strongly committed to in the Biodiversity Strategy 2021-2025 approved by Cabinet in May 2021.</p>

Eastbourne Society:

The Board of Trustees of The Eastbourne Society is not against the concept of a solar farm being built within the town, but we are objecting to this application as we believe more work needs to be done by the applicant not only on the impact that the solar farm will have on the biodiversity of the site, but also on the way the company will manage the farm to preserve and enhance biodiversity once it is operational.

We also believe the visual impact of the proposed development of the proposed development should be a major factor when this application is considered. The area is part of the lungs of the town. That was a reason that it was designated Eastbourne Park, to prevent any encroaching development.

Furthermore, to state the obvious, Eastbourne's economy is currently largely dependent on tourism. The visual impact of its location, not only as a seaside town but also as a gateway to the South Downs, cannot be undervalued or taken for granted and must also be a major factor when this application is considered.

Regardless of the outcome, since Eastbourne has been named as one of the sunniest towns in the UK, we would encourage the installation of solar panels on all suitable roofs in the town.

Finally, we would support the suggestion that land at Stone Cross, next to the wind farm turbines, could possibly be considered as an alternative site for a solar farm.

Buglife – The Invertebrate Conservation Trust:

Buglife currently objects to this planning application on the following grounds:

- (i) Potential impact on the South Downs Important Invertebrate Area, Sites of Special Scientific Interest and Local Wildlife Sites
- (ii) Lack of invertebrate surveys to inform assessment
- (iii) Inadequate mitigation proposals for impacts of solar panels on aquatic invertebrates
- (iv) Inappropriate management proposals.

Sussex Ornithological Society:

We wish to make clear that we do not object to PV solar farms in principle, but we do object to placing them on land in Sussex designated as being of ecological and biodiversity importance including on Local Wildlife Sites (LWS). The Sussex Ornithological Society (SOS) therefore objects to this proposal.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>In assessing the application, it is considered that planning policy, visual impact and impact on landscape, flooding, use of agricultural land, construction impacts and traffic, impact on archaeological remains and impact on wildlife and ecology, are the key issues that require considering in the application assessment.</p>
8.2	<p><u>Principle of Development:</u></p> <p>The Department for Energy Security and Net Zero created in 2023 with one of the goals to quintuple the UKs solar power by 2035. The Government seeks large scale solar deployment across the UK looking for development on mainly brownfield, industrial and low/medium grade agricultural land.</p> <p>The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments, is clearly supportive of proposals which generate renewable energy, and it recognises the role which planning must play if the reduction in greenhouse gas emissions and renewable energy targets are to be met. Para 157 of the NPPF states ‘the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Para 160(b) says local plans should consider identifying suitable areas for renewable and low carbon energy sources, Eastbourne Park is one area that has been identified by the Council as an area suitable for renewable energy development.</p> <p>Core strategy policy D1: Sustainable Development states there is a presumption in favour of sustainable development. Development should be sustainable, well designed and constructed, and demonstrate that it has taken into account the principles of sustainable development including delivering economic, social and environmental well-being, enhancing the natural and built environment, and making efficient use of land and infrastructure.</p> <p>Core Strategy Policy D11: Eastbourne Park encourages renewable energy generation, with the exception of wind turbines, taking care to ensure that new installations do not cause obstructions to watercourses or have an unacceptable effect on local fauna. Applications for solar would be considered subject to outcomes of details landscape impact and biodiversity impact assessment and a woodland management plan. The policy seeks to conserve and enhance the existing environmental and ecological characteristics of Eastbourne Park for future generations, whilst</p>

	<p>at the same time sensitively developing the town's most important under-utilised resource.</p> <p>Key Principle 10: Renewable Energy of the Eastbourne Park SPD aims to encourage renewable energy and assist the Borough in becoming a 'low carbon town'. This can be achieved through the installation of appropriate renewable energy technologies that utilise the natural resources available and are appropriate in size and scale to the local natural environment.</p> <p>The Renewable Energy Potential Study for Eastbourne, carried out in August 2009, mapped suitable sites across the Borough for renewable energy technologies. Eastbourne Park has been assessed as being suitable for Solar Photo Voltaic Cells - due to the amount of sunshine hours in Eastbourne and the flat location of the Park. However, an appropriate balance needs to be found that demonstrates a commitment to reducing carbon emissions in the Borough, whilst at the same time ensuring that the natural environment is not spoilt by the presence of large obtrusive structures.</p> <p>Overall it is considered that the proposal accords with adopted policies, and that any impacts of the development can be suitable mitigated against.</p>
8.3	<p><u>Design, Character and Impact Upon Landscape:</u></p> <p>The solar panels will be laid out in rows running east to west, with a gap of approximately 3-4m between each row. The panels will be mounted on a frame, to be installed using spiked foundations approximately 1-2m deep.</p> <p>The proposed plans submitted with the application provide an indicative layout only and the final layout will be secured via condition. Panels are typically mounted in four horizontal rows with one row fixed directly above the other and angled at the optimum position for absorbing solar irradiation. At the lowest edge will be between 0.9m-2.1m and highest at 4.2m. This is 1m higher than regular solar installation to ensure flood risk mitigation, this could potentially be lowered on the final design.</p> <p>The proposal includes a green buffer between the site and the nearest residential properties and will have planting along the boundaries to help mitigate any visual impact the proposal will have and the retention of existing trees and hedgerows.</p>
8.4	<p><u>Impact Upon Heritage Assets:</u></p> <p>The application site can be considered as an extension or continuation of the Willingdon Levels, an expanse of marshland located between Eastbourne and Polegate. The broad stratigraphic formation, high archaeological potential and rich palaeo-environmental reserves that characterise the Willingdon Levels are well attested. Borehole evidence currently suggests that the application site contains peat deposits at c.1m – 1.5m. below current ground level. The application site lies within an Archaeological Notification Area (a non – designated heritage asset)</p>

	<p>associated with the known prehistoric wetlands (the Willingdon Levels) and recorded Romano-British, medieval and post-medieval archaeological remains.</p> <p>Following consultation with County Archaeology a request for trial trenches has been requested prior to determination of the application to ensure the proposed development will not impact any remains that may be within the site.</p> <p>The trial trenches have not yet taken place, however, it is requested that planning committee provide delegated powers to determine the application following satisfactory outcome once this has taken place.</p>
8.5	<p><u>Transport and Parking:</u></p> <p>The development once operational will generate approximately 4 trips per week to the site.</p> <p>The construction phase is estimated to take a duration of 12-18 weeks, this will result in significant traffic generation during this time. It is expected that total daily trips arriving (am) and departing (pm) will include 8 cars, 5LGVs and 3 HGVs and would be split between the eastern and western sites.</p> <p>The nature of the proposed development does not necessitate particular consideration to non-vehicular access. However, the applicant intends to safeguard land within the site to facilitate the future provision of a new cycle/pedestrian route for construction by others.</p> <p>Following consultation with East Sussex Highways, no objection has been received subject to the imposition of conditions.</p>
8.6	<p><u>Residential Amenity:</u></p> <p>The proposed development is considered to have no detrimental impact on the amenity of residential occupiers that surround the application site.</p> <p>The development includes mitigation measures to ensure that any impacts are kept to a minimum and have a low to now impact. These measures include screening along the boundaries to prevent any glint or glare, no external lighting at night, and plant machinery located away from boundaries with residents.</p>
8.7	<p><u>Flooding and Drainage:</u></p> <p>The application site falls within flood zone 3 and is a functional flood plain for the Borough.</p> <p>The proposed Solar Farm development and mitigation measures proposed in this FRA are compatible with natural flood management and retain existing ditch / watercourse network that crosses the site; through conversion to permanent pasture and introduction of interception swales</p>

creating a significant amount of onsite depression storage, the proposals seek to restore and enhance natural hydrological processes to 'slow the flow' and provide a benefit in reducing overland flows during extreme rainfall events. On this basis the proposed development would not increase flood risk onsite or elsewhere and would preserve the site's natural drainage regime.

The Environment Agency have raised no objection to the proposal subject to condition relating to compliance with the flood risk assessment and an informative relating to the Environmental Permit (England and Wales) Regulations 2016.

SUDS also raise no objection to the proposal relating to conditions for maintenance and management of the drainage system and submission of details to manage on-site and off-site flood risk during construction and an informative relating to an application to the Pevensey and Cuckmere Water Level Management Board.

8.8

Ecology and Biodiversity:

The red line boundary falls wholly within a Local Wildlife Site (formally Site of Nature Conservation Importance). Local Wildlife Sites are non-statutory sites that contain features of substantive nature conservation value. local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, minimise impacts on and provide net gains for biodiversity and should wherever possible help to improve local environmental conditions.

Para 186 of the NPPF states planning permission should be refused if the development would result in a significant harm to biodiversity that cannot be avoided, adequately mitigated, or as a last resort compensated for. Opportunities to improve biodiversity in and around developments should be integrated as part of their design and development to conserve or enhance biodiversity should be supported.

Core Strategy Policy D11 Eastbourne Park seeks to conserve and enhance the existing environmental and ecological characteristics of Eastbourne Park for future generations, whilst at the same time sensitively developing the town's most important under-utilised resource.

Natural England is the statutory consultee for nationally and internationally designated sites. Their response of 15 February 2024 states they have no objection to this proposal which "*based on the plans submitted...will not have likely significant effects on statutorily protected sites.*"

The LPA, as Competent Authority, has completed a Habitats Regulation Assessment in accordance with its requirements under The Conservation of Habitats and Species Regulations 2017.

Stage 2 (Screening Assessment) concluded that, given the hydrological connection of the application site to the Pevensey Levels, without

mitigation the proposed development would impact upon neighbouring Pevensey Levels Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Ramsar sites (wetlands of international importance) resulting from fluvial water pollution via surface water run-off and foul water discharge. As such, Appropriate Assessment is required and has been completed.

The application was supported by a surface water drainage assessment by PFA Consulting which demonstrated natural flood risk management and the use of conversion to permanent pasture and interception swales to mitigate the impacts.

Therefore, Appropriate Assessment has concluded that there would be no likely significant effect upon the integrity of European designated sites within the Pevensey Levels and, at the time of writing, the Appropriate Assessment is with Natural England for formal agreement.

Great Crested Newts are presumed to be on site and the applicant intends to enter into the District Licence Scheme, administered by NatureSpace. At the time of writing this report the application has not been concluded and it is recommended delegate powers are given to planning officers to determine the application once the licence is in place.

Following consultation with the County Ecologist no objection has been raised against the proposed development. During their review the County Ecologist requested further information and amendments to mitigation proposal which has resulted in a recommendation for approval in principle, subject to the imposition of conditions.

Consultation with the Arboriculture Officer no objection has been raised and the officer is satisfied with the details submitted to protect existing trees on site.

8.9

Glint and Glare:

The glint and glare report submitted with the application indicates that subject to mitigation measures the solar panels would have no adverse impacts on the residential occupiers that surround the site. The report predicted that solar reflections are geometrically possible for 53 of the 73 identified dwelling receptors, 44 out of these 53 dwelling receptors, no or low impact is predicted due to existing screening significantly obstructing the visibility of the reflecting area or sufficient mitigating circumstances. For the remaining 9 dwellings screening in the form of vegetation to the south-western and south-eastern border of both sites will reduce the visibility of the proposed development.

The report predicted that solar reflections are geometrically possible 0.7km of the A2286. Existing screening in the form of vegetation is predicted to significantly obstruct the visibility of the reflecting area for this entire section of road. Therefore, no impact is predicted, and no mitigation is required.

	<p>The report predicted that solar reflections are geometrically possible towards approximately 1km of railway line. Existing screening in the form of vegetation is predicted to significantly obstruct the visibility of the reflecting area for approximately 0.7km of railway line. For the remaining 0.3km of railway the reflecting area associated with the site east is predicted to be visible; however, it will be outside a train driver's primary field of view. Therefore, a low impact is predicted, and no mitigation is recommended.</p> <p>No significant impacts are predicted for aviation activity associated with the nearby airfields and no geometric modelling is recommended.</p>
8.10	<p><u>Planning Obligations:</u></p> <p>None.</p>
8.11	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.12	<p><u>Conclusions:</u></p> <p>The site is allocated within the local plan as a suitable location for renewable energy and therefore complies with planning policy regarding the use of the site.</p> <p>The proposed solar farm will have no detrimental impacts on the amenity of residential occupiers that surround the site, nor will the visual impact cause significant harm.</p> <p>The application is found to be in accordance with national and local planning policy.</p>

9.	Recommendations
9.1	<p>Delegate to Head of Development Management, to:</p> <ul style="list-style-type: none"> a) Receive a copy of District Licence from NatureSpace; b) Conclude remaining consultation process with Natural England regarding Habitats Regulations requirements; c) Conclude consultation with the Councils Environment Protection officer; d) Conclude consultation with the County Archaeologist following the outcome of trial trenching.
9.2	<p>On the provision that no substantive objection is raised from these consultations, to:</p>

	Grant planning permission subject to conditions, including the imposition of any required mitigations.
--	--

10.	Conditions:
10.1	<p>Timeframe: The development hereby permitted shall be begun before the expiration of three years from the date of permission.</p> <p>Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
10.2	<p>Drawings: The development hereby permitted shall be carried out in accordance with the approved drawings submitted on 29th January 2020:</p> <ul style="list-style-type: none"> - Drawing No: LCS073-DZ-01 Rev 08 - Eastbourne Development Zone Plan - Drawing No: LCS-SD-15 Rev 01 - Customer Substation Floor Plan - Drawing No: LCS-SD-02.2 Rev 01 - Customer Substation Elevations and Dimensions Plan - Drawing No: LCS-SD-10.1 Rev 02 - 40ft Battery Container (HVAC on roof) (on platform) - Drawing No: LCS-SD-26.1 Rev 01 - Transformer (On Platform) - Drawing No: LCS073 SD-01 Rev 01 - Panel Arrangement 4 Landscape - Drawing No: LCS-SD-16-Rev 01 - Inverter Floor plan - Drawing No: LCS-SD-08.1 Rev 02 - Inverter Elevations and Dimensions Plan (On Platform) - Standard Detail - Drawing No: LCS073-PLE-02 Rev 01 - Eastbourne Layout Plan - Access Detail - Drawing No: LCS073-SD-02 Rev 01 - Front and Rear Panel Elevations - Drawing No: LCS-SD-01.3 Rev 01 - DNO Substation Elevations and Dimensions Plan (On Platform) Standard Detail - Drawing No: LCS073-PLE-01 Rev12 - Eastbourne Layout Plan External - Document: Transport Report November 2023 - Document: Planning, Design and Access Statement November 2023 - Document: Noise Assessment November 2023 - Document: Ecological Impact Assessment November 2023

	<ul style="list-style-type: none"> - Document: Shadow Habitat Regulations Assessment Dated 24/04/2024 Report no. 03 Rev v2 - Document: Construction Management Plan – Biodiversity – 24/04/2024 R01 Rev. V2.0 - Document: Biodiversity Metric 4.0 dated 24/03/2024 v2. - Document: Consultee Technical Note 05/06/2024 Ref 15432/R04/WW_GS_NJ_v2. <p>Reason: For the avoidance of doubt and ensure that development is carried out in accordance with the plans to which the permission relates.</p>
10.3	<p>CEMP (Biodiversity): No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), incorporating a detailed construction site plan, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> 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. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities are mitigated.</p>
10.4	<p>Biodiversity Method Statement: No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles during the construction phase has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

	<p>e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from the works. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.</p>
10.5	<p>LEMP: A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> 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, together with a plan of management compartments; 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. <p>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 plans 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.</p> <p>Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.</p>
10.6	<p>Biodiversity Monitoring Strategy (Habitats): No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy for habitats has been submitted to, and approved in writing by, the local planning authority.</p> <p>The purpose of the strategy shall be to track the development of grassland and terrestrial sections of adjacent watercourses i.e. their banks, from baseline to post-intervention target condition as set out in the final scheme Biodiversity Metric 4.0 (completed by William Wells, 24/03/24, v2). Monitoring will focus on the Coastal Floodplain Grazing Marsh including</p>

grassland and banks of the adjacent watercourses only i.e. not the open water sections. Monitoring shall support the proposed long-term management and run for the same 30 year period. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose;
- b) Identification of adequate baseline conditions prior to the start of development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis which should be a standardised and repeatable survey technique and include details of the minimum standard for a surveyor's botanical skills;
- e) Location of monitoring;
- f) Timing and duration of monitoring (minimum 30 year period);
- g) Responsible persons and lines of communication; and
- h) Monitoring report format and review process, and where appropriate, publication of results and outcomes;.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

10.7

Lighting Design Strategy for light-sensitive biodiversity: Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such

	<p>species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.</p>
10.8	<p>Tree Protection: Prior to the commencement of works the Tree Protection Plan and Arboricultural Method Statement are to be implemented as set out in the Arboricultural Method Statement dated 07 September 2023.</p> <p>The auditable scheme of arboricultural site supervision and record keeping will be implemented and adhered to throughout the entire construction period.</p> <p>If any damage to trees, root protection areas or other breaches of tree protection measures occur then the LPA shall be notified of the details of the incident and any mitigation/amelioration.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.9	<p>Landscaping Plan: Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by structures shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.</p> <p>Details shall include:</p> <ol style="list-style-type: none"> a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants; b) details of all hard surfaces; c) all boundary treatments; d) a schedule detailing sizes, species and numbers of all proposed trees/plants e) sufficient specification to ensure successful establishment and survival of new planting. <p>Any new tree(s) that die(s) are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which die, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority.</p> <p>Reason: To safeguard and enhance the character and amenity of the area.</p>
10.10	<p>Drainage Maintenance and Management Plan: A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those</p>

	<p>responsible for maintenance. The management plan shall cover the following:</p> <p>a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains. b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development</p> <p>These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.</p> <p>Reason: In the interest of the management of surface water.</p>
10.11	<p>Construction Flood Risk: Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.</p> <p>Reason: In the interest of the management of surface water during construction.</p>
10.12	<p>FRA: The development shall be carried out in accordance with the submitted flood risk assessment (ref: L514-DOC01-FRA-ISSUE 1.docx) and the following mitigation measures it details in section 5.10;</p> <ul style="list-style-type: none"> • Solar arrays and control equipment will be raised at least 0.3 metres above the fluvial design flood level (including allowance for climate change). • Panel supports and security fencing in flood risk areas will be securely piled into the ground and designed to allow for the effect of flowing water pressures and to be resistant to inundation during a flood event. • Security fencing mesh size in flood risk areas is increased to 150mm square to minimise the risk of it collecting debris. • All proposed built development (including security fencing) is at least 8 metres from the onsite Main Rivers and ordinary watercourses (except for access track watercourse crossings). • Construction contractor and operating staff will register to receive flood alerts/warnings from the Environment Agency and follow site evacuation procedures during periods of elevated tidal and fluvial flood risk. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development, prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, and ensure the required routine maintenance and emergency access for Environment Agency staff, in line with the Planning</p>

	Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.
10.13	<p>Access: No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
10.14	<p>Construction Traffic: Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.</p> <p>Reason: To secure safe and satisfactory means of vehicular access to the site during construction.</p>
10.15	<p>CEMP (Transport, Environmental Amenity and Flood Risk): No development shall take place, including any ground works or works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:</p> <ul style="list-style-type: none"> • anticipated number, frequency and types of vehicles used during construction; • method of access and egress and routing of vehicles during construction; • parking of vehicles by site operatives and visitors; • loading and unloading of plant, materials and waste; • times of any deliveries related to the development, which should seek to avoid peak travel times; • photographic survey of the condition of the surrounding highway; • storage of plant and materials; • erection and maintenance of any security hoarding; • provision and operation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); • confirmation of no burning of materials on site; • operating hours; • anticipated timescales for construction; • measures to manage flood risk during construction; and • public notification, including site notices with public contact details during the works. <p>Reason: In the interests of highway safety and the amenities of the area.</p>

10.16	<p>Highway Survey: No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.</p> <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.17	<p>Land Contaminated: No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <ul style="list-style-type: none"> (a) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected , including those off site; (b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179].</p>
10.18	<p>Verification Report: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p>

	<p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179].</p>
10.19	<p>Unidentified Land Contamination: 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.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179].</p>
10.20	<p>No material shall be imported to within the development site until the developer has submitted details of the assessment of the imported material which demonstrates the suitability of the material for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.</p>
10.21	<p>No development (including any construction, demolition, site clearance or removal of relic structures) approved by this planning permission, shall take place until an assessment of UXO (unexploded ordnance) risk is undertaken. The assessment must be taken by a competent person and conform with current guidance and best practice.</p> <p>Reason: In the interest of safety.</p>
10.22	<p>Informative: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> • on or within 8 metres of a main river (16 metres if tidal).
10.23	<p>Informative: The application site drains surface water runoff to the Pevensy and Cuckmere Water Level Management Board drainage district; therefore, the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as</p>

	<p>required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates.</p> <p>Any works affecting the watercourse adjacent to the development site will have to be discussed and agreed to by the Pevensey and Cuckmere Water Level Management Board. The applicant should approach the PCWLMB for discussions once the nature of these works is known. The application form and further information can be found at https://www.wlma.org.uk/pevensey-cuckmere/development/</p>
10.24	<p>Informative: Network Rail requests the applicant / developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.</p>

11.	Appendices
11.1	None.

12.	Background Papers
12.1	None.