

**Supplementary report to the Planning Applications Committee
on 9 November 2022**

SDNP/19/02125/FUL

Pages 9-22

Downlands House, Underhill Lane, Westmeston, BN6 8XE

Further objection received from the Ditchling Society on the grounds that the application site forms part of the residential garden of Downlands and therefore its development would be contrary to SD25 which excludes residential gardens from the definition of brownfield sites. This is on the basis that various applications and consents to extend the main house have consistently shown the whole of the land, including the Atcost Barn, as being the application site.

The agent has submitted further information to address these points as follows:

- The proposed new walls will introduce additional lines of support inside of the main frame, and these can be specified to take the majority of the additional loading now likely with the change to a green roof.
- The application drawings show detailed sections which include the 'knuckles' of the concrete frame; these would be visible under the new soffit, but only at the side post positions; and
- The application site forms part of the ownership of Downlands House but is a separate planning unit. Planning permission was granted under LW/93/1558 for use of the building for the over wintering of caravans. This is a storage use and so falls within Class B8 – and is clearly not a residential use. In any event the NPPF definition of brownfield land includes residential garden outside of built-up areas.

With regard to the last point, the NPPF definition is not relevant as the issue here is whether the site complies with policy SD25 (and similar wording in the Neighbourhood Plan) which allows development outside of settlement boundaries where "it is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park".

Officers are satisfied that the application site does form a separate planning unit to the residence of Downlands and has a lawful B8 storage use.

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Pages 23-40

130 South Street, Lewes, East Sussex BN7 2BS

No updates.

LW/22/0254

Pages 41-74

Land East of Uckfield Road (A26), Ringmer, East Sussex

Description of Development

The description of development is amended to delete the reference to battery storage which has been deleted from the proposals.

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‘Construction of a renewable led energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, grid connection infrastructure, grid cable route, site accesses, access gates, internal access tracks, security measures, other ancillary infrastructure and landscaping and biodiversity enhancements.’

Community Infrastructure Levy

As advised under the CIL regulations and CIL guide issued by the Valuation Office the infrastructure proposed under this application should not be treated as chargeable development for CIL purposes.

Representations

72 further letters of objection have been received commenting in summary on the following issues.

- Local residents are against the proposal
- For profit rather than growing food
- Should be looking to become self-sufficient in food production
- Should not be importing food
- Will the grazing actually happen?
- Solar panels are environmental damaging to produce
- Solar panels should be on buildings and not on green field sites
- Could lead to glare and glow during hours of darkness.
- Security fencing and CCTV cameras will be ugly and harm views of SDNP.
- Will cause further disruption in the village.
- The scale of the panels is greater than they appear on paper.
- Will detract from the amenity value provided by nearby public rights of way.
- There are better suited alternative sites nearby, including those identified in the latest Land Availability Assessment.
- Negative impact upon historical environment on Norlington Lane.
- Operation of associated machinery will generate noise.
- There are already two solar farms nearby.
- Concern the recommendation is biased as LDC provided a loan to the developer.
- Offshore wind turbines can generate a similar amount of energy more efficiently.

2 further letters of support have been received commenting in summary on the following matters.

- Balanced and thoughtful provision of renewable energy.
- Would hope the solar farm would be something the community could be proud of if done correctly.

Suggested Conditions

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If members are minded approving the application, then the referral to the Government Office should be accompanied with the following conditions

1. To commence within 3 years

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: The period of three years is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Temporary permission for 35 years

The development hereby approved is a for a period of 35 operational years from the date that electricity from the development is first exported for commercial operation.

Reason: In order to confirm that this permission is for a temporary period only.

3. Decommissioning Method Statement

No later than three months before the cessation of the permission a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of the solar farm, along with the measures, and a timetable for their completion (to be completed within 12 months from cessation of the permission), to secure the removal of the solar farm equipment and all associated road, equipment and structures in accordance with the Decommissioning Method Statement. Thereafter the land shall revert to its former agricultural use.

Reason: In the interests of the visual amenity of the site, and to ensure that no environmental harm is caused during decommissioning

4. Approved plans

The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed below, other than where those details are altered pursuant to the conditions of this planning permission.

- Location Plan 2134-D001 rev j
- Topographical Survey North of Norlington Lane Ringmer Lewes East Sussex 2D-1-2500
- Site layout plan OVE1001-100 rev. u
- Temporary Construction Compound OVE1001-180
- PV Array details OVE1001-200
- DNO substation OVE1001-220
- Customer cabin OVE1001-221
- Spare parts/maintenance container OVE1001-222
- 20' Substation OVE1001-223
- 40' Substation OVE1001-224
- Access track cross section OVE1001-230
- Fence and gates OVESCO SD-01
- CCTV pole mounting OVE1001-232
- Weather Station OVE1001-233
- Landscape and Ecological Enhancement Plan 1289/11f

5. Construction Environmental Management Plan

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Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing, by the local planning authority. The CEMP shall be written in accordance with the latest Institute of Air Quality Management guidance documents and BS 5228 Parts 1 & 2. The development shall be undertaken in accordance with the approved plan.

Reason: In the interests of the living conditions of occupiers of nearby properties and to manage air quality and noise.

6. Archaeology (pre-commencement)

a) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.

b) No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the local planning authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the Written Scheme of Investigation

Reason: To enable the recording of any items of historical and archaeological interest.

7. External lighting Plan (pre-operation)

a) No external lighting shall be installed unless it is in accordance with (b below) or an External Lighting Plan (ELP) which shall have been submitted to and approved in writing by the Local Planning Authority prior to the first use of the site as an operational solar farm. The ELP should include a plan showing the location of proposed lighting in relation to sensitive wildlife habitats. The external lighting scheme shall be installed in accordance with the approved ELP and retained as such thereafter.

b) No external artificial lighting shall be installed or operated during the period of this planning permission, except for the manually operated lights to be attached to the substation and transformer/inverter cabinets for use in an emergency maintenance visit situation.

Reason: To ensure that any external lighting does not harm the amenity of neighbouring premises, and that it does not disturb sensitive species of wildlife.

8. Grazing Management Plan

a) Within two years of the first commercial export of electricity, a Grazing Management Plan (GMP) shall be submitted to the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, what animals or poultry are to be grazed there, and it shall set out details of how the grazing is to be managed. Any changes to the GMP during the lifetime of the permission to be submitted to the Local Planning Authority.

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b) Within two years of the first commercial export of electricity, the grazing of livestock shall commence on such parts of the site, and according to such principles as have been approved by the Grazing Management Plan.

Reason: To ensure that, during the temporary 35 year period in which the site is used for the generation of renewable energy, part of it will remain in use as agricultural (grazing) land, thereby deriving multiple benefits from this rural land.

9. Landscape proposals

The landscape proposals that are hereby approved, as per the Landscape and Ecological Management Plan (document 1289/11f) and as per the Landscape and Ecological Enhancement Plan (1289) shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation. No hedgerows or trees shall be removed or shortened unless such works are specified in the approved plans.

Reason: To ensure satisfactory landscape treatment which will screen the development, mitigate its visual impact, and enhance the character and appearance of the site and the area.

10. Ecological mitigation and enhancement

The development shall be carried out in full accordance with the proposals that are set out in the Ecological Appraisal (document ES488 v2) including all the measures that are proposed in sections 8 and 9.

Reason: To protect and enhance flora, fauna and to ensure a net gain in biodiversity on the site.

11. Materials and Finishes

Prior to commencement of development, details of the materials, finishes and colours of the ancillary equipment and structures shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the containers blend in with the landscape, and that they do not detract from the character or the visual amenity of the landscape.

12. Site Security

The site shall be secured in accordance with the proposals that are set out in the Design and Access Statement. No fences (whether around the boundaries or adjacent to public rights of way or highways) shall exceed a height of 2.2 metres. All fences (other than those surrounding the substation) shall be capable of being seen through. All fences (except those around the substation) shall include gates to allow passage for small mammals including foxes and badgers. Poles for CCTV cameras shall not exceed a height of 2.4m, and the cameras shall face inwards only.

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Reason: This condition is applied to ensure that public safety is protected, and that crime is prevented.

13. Noise

Noise arising from the site shall not exceed the typical background sound level at the closest residential receptors to the site, existing at the time of the approval of this planning permission, when assessed in accordance with the methodology and principles set out in BS4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason: To protect the amenity of residents in the locality.

14. Public rights of way

No public right of way shall be closed or obstructed either during the installation of the development or during its period of operation. A minimum buffer zone of 5 metres shall be maintained between the public rights of way and the nearest solar panels or other equipment.

Reason: To ensure that users of public rights of way are not inconvenienced.

15. Drainage

a) The development shall be carried out in accordance with the Flood Risk Assessment (reference RMA-C2301_1) and the following mitigation measures, such measures to be fully implemented prior to operation and subsequently in accordance with the scheme's timing./phasing arrangements:

- The solar panels shall be elevated a minimum of 0.85 metres above ground level
- There will be an 8-metre buffer between any development and Norlington Stream

The mitigation measures shall be fully implemented prior to first commercial export of electricity and subsequently in accordance with the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site, to reduce the risk of flooding to the proposed development and to ensure there is access to the main reiver for maintenance and emergency works.

b) No development shall take place until a detailed Surface Water Drainage Scheme for the site, based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site, and to reduce the risk of flooding to the proposed development.

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c) Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site. To prevent any increased risk of flooding, both on and off the site.

16. Highways

a) No development shall take place until details of the layout of the reconstructed access onto the A26 and the specification for the construction of the access which shall include details of drainage have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the agreed specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

b) The development shall not be brought into use until details of the layout of the reconstructed accesses onto Norlington Lane and the specification for the construction of the accesses which shall include details of drainage have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not be maintained until the construction of the accesses has been completed in accordance with the agreed specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

c) The access to the A26 shall not be used for the development hereby permitted until the areas shown on the submitted plan (Drawing SK01) are cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

d) No development shall take place until a turning space for vehicles has been provided and constructed in accordance with the details which shall be submitted to and approved in writing by the Planning Authority in consultation with the Highways Authority and the turning space shall thereafter be retained for that use and shall not be obstructed

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

e) No development shall take place, including any ground works, until a Construction 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 restricted to the following matter,

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- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and egress and routing of vehicles during construction,
- The parking of vehicles by site operatives 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 and utilisation 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.

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

f) No development shall take place 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.

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

Reason: To protect the safe operation of the local highway network.

17. Unsuspected 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 development 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 any contamination identified during the construction works is fully characterised, assessed and remediated.

LW/19/0926

Pages 75-114

Newhaven Marina, West Quay, Newhaven, East Sussex

Recommendation

Following the response from Historic England (below) the recommendation No.1 is amended to read

1. Subject to no adverse comments being received from the Health and Safety Executive the application be granted subject to a S106 agreement and conditions as listed below.

Heads of Terms for legal agreement:

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- Transport contributions and improvements
- Commuted sum for play space
- Viability review mechanism
- Public space management plan
- Local Labour agreement

2. Recommendation 2 remains unchanged

Consultations

Historic England have responded to the revised/updated visual impact assessment supplied by the applicant.

They make the following points in summary.

- Concerns regarding the development on heritage grounds
- This harm relates visual disruption to the fort and harbour, which reduces the legibility of this historic interrelationship, on the aesthetic value of the fort, and on the special sense of arrival at this location – all of which contribute to the significance of the scheduled monument.
- They conclude that the harm would be in the range of middle range of less than substantial harm to the significance of this designated heritage asset.
- They advise that their concerns could only be mitigated through a reduction in quantum or significant changes in the arrangement of the development which would further reduce harm to the scheduled monument.

OFFICERS COMMENT

Officers have invited the applicant to consider amending the scheme to mitigate the impacts on the Fort and the harbour.

The applicant has confirmed that on viability grounds the scheme cannot absorb any reduction in unit number and have declined to accede to request for an amendment.

It therefore falls to the committee to determine the application as required by paragraph 202 of the NPPF.

Para 202 states ' Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In short therefore it is for Members to balance whether the public benefits of the proposal out-weigh the harm to the heritage asset.

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