

PLANNING APPLICATION REPORT

REF NO: BE/8/23/PL

LOCATION: Colworth Manor Farm  
Colworth Lane  
Colworth  
Chichester  
PO20 2DU

PROPOSAL: Polytunnels for soft fruit production (resubmission following BE/106/22/PL). This site is in CIL Zone 3 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>It is proposed to place 10 hectares of polytunnels across the site. These will be 8.2m wide and a maximum of 3.65m high. The polytunnels will facilitate growing of soft fruit including strawberries, blackberries, raspberries, and blueberries. They will be in place for 10 months each year and will be removed in November &amp; December. They are at least 50m from residential properties. It is proposed to landscape unused parts and edges of the site with hedging, trees, and wildflower meadows.</p> <p>The site will be accessed by field tracks at the northern end of the site which will be connected to Colworth Manor Farm (inside the Chichester district) and then via Colworth Lane to the A259. This requires a new section of access track and a bridge over an existing watercourse. There is a secondary access to the south from Horse Croft Field which is accessed from Babsham Lane, but the applicant has agreed a condition to prevent this from being used other than in emergencies.</p>
SITE AREA	16.4 hectares.
TOPOGRAPHY	The site rises gradually from the east & north-east to the west.
TREES	Existing tree and hedge planting along parts of the western edge but no trees are affected by the proposed development.
BOUNDARY TREATMENT	Mix of hedging/trees and fencing (either low level or 1.8/2m). Some properties are open to the field.
SITE CHARACTERISTICS	A large arable field. The supporting documents state it was previously used for intensive salad crop production and then more recently for cereal crops. There are drainage ditches to the south-eastern boundary. On the north-eastern boundary lies a watercourse which is part of the Elbridge Rife, which is classed as a main river.
CHARACTER OF LOCALITY	Part of a rural landscape. The character of the local landscape is a broad, low lying, fertile alluvial plain that stretches from the

South Downs to the coast. This has produced prime agricultural land, ideally suited to traditional mixed arable/pastoral farming. The countryside is, dominated by large fields bounded by sporadic and broken hedgerows, with sparse groups of trees, but very little woodland. There are dwellings to the west either fronting the A259 or Babsham Lane. There are commercial sites bordering the field on the western side including Elbridge Farm and Babsham Farm which are both used for waste transfer/recycling.

## RELEVANT SITE HISTORY

BE/106/22/PL	Polytunnels for soft fruit production. This application is in CIL Zone 3 (zero rated) as other development.	Refused 01-12-22
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The previous application was refused in December 2022 due to insufficient information concerning impacts on protected wildlife species. The previous application was for a larger area of polytunnels (11.2 hectares) and the polytunnels were slightly narrower (6.9m).

Chichester DC are currently determining a similar application (22/02324/FUL). That site (Upton's Field) also forms part of Colworth Manor Farm, and the proposal is for 8.77 hectares of polytunnels for soft fruit production. This currently has an objection from the Environment Agency (EA) concerning pollution to an existing aquifer. There is no aquifer within the site area of ADC's application and the EA have not objected to ADC's application.

## REPRESENTATIONS

Bersted Parish Council object for the following reasons:

- The scheme will create noise, nuisance, and disturbance to the residents nearby.
- No application has yet been made to develop the strategic SD3 allocation; and
- Had the following questions regarding the scheme:
  - a. Between what hours would the polytunnels be accessed.
  - b. Operating times during the winter.
  - c. Confirm that Babsham Lane would not be used to access the field.
- Request that the conditions previously requested by Environmental Health should be imposed if the application is approved.

As at 24/03/23, there were 17 letters of objection, raising the following issues:

- Harm to the integrity of the strategic gap.
- Conflict with Green Belt policy.
- No application has yet been made to develop the strategic SD3 allocation and construction is to be completed by 2035, so this application represents a commercial expansion not a replacement.
- No existing access from the north so the applicant will use Babsham Lane in contravention of any condition.
- The new access needs a separate permission.
- WSCC state the access arrangements are existing which is wrong.
- The new access will destroy hedging, reed beds and trees.

- Tree screening will take 10 years to mature.
- Harm to landscape character.
- Impact on public long-distance views.
- Loss of amenity to users of the footpath/cycle route along Babsham Lane and the A259.
- Chichester DC state harm to a wildlife corridor.
- Harm to wildlife and no farmland bird mitigation strategy.
- Use of unrecyclable plastic is a crime.
- Water pollution.
- Crop spraying will be harmful to residents.
- Ground pollution from buried plastic sheets.
- No details of working hours.
- Hours of use must be restricted to between 8am and 6pm Mon-Fri and 8.30am to 1pm on Saturdays with no working on Sundays or bank holidays.
- Noise disturbance to residents.
- No noise assessment.
- Noise disturbance from workers/tractors and polytunnels during periods of high wind and rain.
- Need to consider dust and noise from existing businesses nearby.
- Lighting during the night.
- The residential buffer is unequal with some residents having 50m and some 75m. The applicant previously agreed to a buffer of 150-200m on a different site (Gibbons Field).
- Loss of private residential outlook/amenity from houses/gardens.
- Loss of privacy to windows from high vehicles accessing the site from Babsham Lane.
- Request that no polytunnels be sited closer than 150m/250m to residential properties.
- Crime risk as many of the residential properties bordering the field have little to no boundary treatments.
- Conflict with Human Rights Act.
- The application is misleading as the site has previously been used for cereal crops on a low intensity basis.
- Soft fruit is a luxury food, cereal crops are a necessity.
- Where will the workers come from as there is a current shortage.
- The previous application was refused so how can the new one be considered.
- Potential for future applications on the field to the south.
- Need full archaeological survey.
- Impact on attractiveness of the area for tourism.
- No community benefit or to the local economy.
- Permission for the new access must be gained before this application is granted.
- Contrary to the applicant, there is no existing access from the site to Colworth Farm.
- The access will not be agricultural unless used by heavy machinery which are stated to not be used.
- The application form is incorrect - tractors are heavy machinery and pesticides/fertilisers will be used.
- Despite the non-objection from West Sussex Fire, there was a previous fire which fire engines struggled to reach; and
- Need to see the detailed plans including drainage for full visibility of the proposal.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The following responses were provided during the determination of the last application to the questions raised by the Parish Council (which remain the same):

a. The applicant states the polytunnels will need to be accessed at various times during daylight hours for crop husbandry, spraying, maintenance of water infrastructure and seeding/picking. A condition restricting hours that only allowed works between 8am and 6pm would not be reasonable or appropriate particularly as there are no current restrictions on the agricultural land. The applicant states there will be

no operations at night (and no lighting installed). Therefore, a condition will be imposed to allow use only between dawn and dusk (except for security & maintenance purposes).

b. The polytunnels will be removed during November and December. Use during other winter months will be as per the rest of the year; and

c. The site will be accessed from the north and a condition will be imposed to enforce this.

The majority of the objections are considered elsewhere in this report, but the following comments are made in respect of some of the concerns:

- Arun DC does not have any areas of Green Belt therefore such policies do not apply.
- A planning condition restricting access from Babsham Lane is an appropriate form of control and will allow for enforcement against the applicant should there be a breach.
- There are permitted development rights (Class A Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) that allow for the creation of private access tracks on land used for agriculture (which includes horticulture). A prior approval application would need to be submitted but this only allows for the local authority (Chichester) to consider the siting and means of construction of the track. It does not allow for the consideration of natural habitat that may need to be removed as part of the works. Such permitted development access tracks often include bridges over ditches and watercourses. As the watercourse is a main river, an environmental permit from the Environment Agency will be required. This is a process separate to planning permission.
- WSCC only consider the access from the existing farm to the highway network. The existing access from Colworth Farm to the A259 via Colworth Lane will not change.
- There are no policies to prevent the use of plastic to cover polytunnels.
- The land is already farmed, and the owner/operator is already able to spray the land with chemicals.
- There is no evidence to indicate a contamination risk to soils from plastic or other materials used to cover the tunnels. It would not be in the owner/operator's interest to pollute their land. The applicant states that waste polythene will be recycled.
- There is no evidence to suggest that the polytunnels will be sufficiently noisy in periods of heavy wind or rain so as to cause harm to residential amenity. At such times residential windows are likely to be closed and the tunnels are sited at least 50m away from homes.
- It is unclear from the objection, in what capacity there should be consideration of dust/noise from existing nearby businesses.
- The applicant states that no lighting will be installed, and a condition will be imposed to reinforce this.
- It is acknowledged that the residential buffer zone is not consistent in depth however, it is at least 50m deep. This distance has been proposed to take account of the guidance in the Herefordshire Council "Polytunnels Planning Guide" which sets this distance to protect the amenity of residents. There is no other planning guidance to require a buffer zone of a greater depth.
- As there will be no access from Babsham Lane, other than in an emergency, there will be no associated harm from people looking out of buses or coaches into residential properties.
- There is no right in planning to a private view and ALP policy HOR DM1 only refers to views from public

land.

- The fact that residents have chosen to have low rear boundaries is not a matter that weighs against the determination of this application. Residents have the ability to erect new boundaries up to 2m in height to increase security or to install CCTV or other security measures.

- The nature of the former crop is immaterial. The land is agricultural, and a more intensive crop use could be commenced without the need for planning permission. There are no planning policies to govern what can or cannot be grown on agricultural land.

- The previous application was refused solely on grounds of potential for harm to protected species and this issue has now been satisfactorily resolved.

- It is not possible to refuse an application on the basis of the potential for future applications on adjacent land.

- In accordance with the advice of the council's archaeologist a survey will be required prior to commencement.

- It is unlikely people will stop visiting the Arun district just because polytunnels are erected in this field.

- Whilst it would have been helpful to establish permission for the northern access prior to submission of this application, there is no requirement to do so. The existing access tracks on Colworth Farm to the north is shown on Google aerial photography. A rough approximation of the likely new route is included in the committee presentation.

- Agriculture is defined by the Town and Country Planning Act 1990 as "includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes". Therefore, it is not necessary to operate heavy machinery for an access track to be agricultural.

- The sections of the application form concerning "Industrial or Commercial Processes and Machinery" and "Hazardous Substances" cover industrial substances and machinery not the use of tractors or pesticides/fertilisers. The latter can already be used on the land and no planning permission is required to do so. The applicant confirms the use of small tractors in other parts of the submission.

- The full drainage scheme will be secured by a condition and therefore residents can view these plans through the future discharge of conditions application.

In addition, the applicant has made the following comments:

- There will be no access from Babsham Lane, and the applicant is happy to accept a condition to prevent this. Additionally, all construction access will be from the North.

- The plastic used for the polytunnels has a lifespan of 5-10 years and is then recycled. Occasionally the plastic may be temporarily stored in a roll on the site before the tunnel structures are erected or may be rolled up on the tunnel structure to allow ventilation to the plants during hot weather.

- The application is not premature as it is necessary for the applicant to plan ahead for when they will lose their current polytunnels due to residential development.

- The loss of polytunnel land arising from the future housing developments represents 17% of the existing protected crops and would have a significant impact on the business; and

- Polytunnels are an appropriate form of development in the countryside being a form of agriculture and are also appropriate in Strategic Gaps.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENT AGENCY - No objection subject to informatives.

HEALTH & SAFETY EXECUTIVE - On the previous application, state they do not advise on safety grounds, against the granting of planning permission. Requested that the gas pipeline operator be consulted.

WSSC WASTE & MINERALS - No impact on mineral deposits but 10 hectares of the site falls within the 250m consultation buffer zone for existing waste infrastructure. The proposed development (for polytunnels) would not in the County Council's view introduce a sensitive neighbouring land use to the waste site, and accordingly it would not prevent or prejudice the continued efficient operation of the existing waste site by way of indirect sterilisation. Therefore, no objection.

WSSC HIGHWAYS - No objection. There is no change to the access to the A259. There is no reason to suggest the proposal would give rise to a significant material intensification of movements to/from site.

WSSC FIRE & RESCUE - State there is insufficient information for comment to be made on firefighting and fire vehicle access.

CHICHESTER DC - No objection provided that the applicant demonstrates that the proposal will not adversely affect the potential or value of the adjacent wildlife corridor and that a suitable buffer area is put in place to ensure this area is protected. Require that the ecological survey addresses this and any potential impacts on the corridor.

ADC LANDSCAPE OFFICER - Request further landscape detail to demonstrate how negative impacts of these proposals could be minimised/mitigated for in the short and long term. Stated this application will inevitably compromise the integrity of the strategic gap and the planting detail is vague. The landscape effects of natural screening can work against the local landscape character, detracting from it, rather than enhancing it - such as by removing all trace of open views.

ADC ENVIRONMENTAL HEALTH - No objection subject to maintenance of the 50m buffer zone and a construction management condition.

ADC DRAINAGE ENGINEERS - On the previous application, requested standard pre-commencement conditions.

COUNCIL'S ARCHAEOLOGIST - No objection subject to pre-commencement condition. There is no material evidence that this site contains such archaeological interest that the development should not be permitted. It is a large site that lies on a part of the coastal plain that has frequently been demonstrated to contain evidence of past settlement and since it has never been investigated the possibility remains that it might contain hitherto unidentified deposits. If so, it is equally possible that these might survive to such a level that they could be affected by construction of the infiltration swales and other drainage-structures.

COUNCIL'S ECOLOGIST - No objection subject to securing biodiversity mitigation and enhancement

measures. This includes a farmland bird mitigation strategy, biodiversity construction management plan, a biodiversity enhancement strategy and a sensitive lighting scheme.

#### COMMENTS ON CONSULTATION RESPONSES:

HEALTH & SAFETY EXECUTIVE - The gas pipeline operator (SGN) has been consulted but no comments have been received. None were received on the previous application either.

WSCC HIGHWAYS - On the previous application they also separately advised that a condition to prevent access from the southern access except in emergencies would be reasonable.

WSCC FIRE & RESCUE - It is material that there will be emergency access from the Babsham Lane access and that there will be water supplies on site as the polytunnel design makes use of water captured from them in order to irrigate the crops.

#### POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary (BUAB).

Flood Zone 3 only along the north-western boundary.

Adjacent to a Main River (Elbridge Rife).

Future Flood Zone 3 to a greater extent of the site by 2111 (NW boundary & SE corner).

Area of Advert Special Control.

Part Pagham Zone B.

Part Gas Pipeline buffer.

Within a safeguarded waste site buffer.

Archaeological Notification Area.

Grade 1/2 Agricultural Land; and

Settlement Gap.

The proposal does not affect any public footpaths or Tree Preservation Orders.

#### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM5	ENV DM5 Development and biodiversity
HORDM1	HOR DM1 Horticulture
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

West Sussex Waste Local Plan 2014:

	West Sussex Waste W2 Safeguarding Waste Management Sites
<u>Bersted Neighbourhood Plan 2014 Policy ES2</u>	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Bersted Neighbourhood Development Plan (BNDP) have been considered within this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal largely complies with relevant Development Plan policies in respect of countryside development, strategic gap policy, horticultural development, highway safety, residential amenities and protected wildlife species but there are some minor conflicts due to the lack of a detailed landscape scheme, the lack of a sequential flood assessment and the likely adverse impact on the integrity of the strategic gap.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

**OTHER MATERIAL CONSIDERATIONS**

It is material that the applicant will lose 24.88 hectares of soft fruit production from polytunnels on sites known as Drewitts and Jack's Dyke (originally approved in 2010 & 2012) which are part of the Arun Local Plan strategic allocation SD3 (West Bersted) for 2,500 dwellings to be delivered by 2035. BE/8/23/PL alongside the similar application in the Chichester district would deliver 18.77 hectares of polytunnels for soft fruit production. No applications have been submitted for these parts of the SD3 allocation and in the



short to medium term, these new polytunnels could add to existing production.

## CONCLUSIONS

### PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. However, section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Should there be any conflict between the ALP and the BNDP then this would be resolved in favour of the former.

This is the case in respect of BNDP policies ES3 (strategic gap) and ES7 (countryside) which are much stricter than the ALP equivalents and do not enable criteria to be applied to proposals. In both cases, the policy conflicts are resolved in favour of the ALP as the newer plan document.

### Countryside & Horticultural Policy

Policy C SP1 states development in the countryside will be permitted where it is for the operational needs of agriculture and horticulture such as this. Policy HOR DM1 specifically refers to glasshouses and polytunnel development and states these will be permitted subject to meeting 12 criteria. The following is a response to these criteria:

- a. The polytunnels are a standard height (3.65m high) and are not significantly bulky structures. They (and the proposed tree planting) will result in change to the character & appearance of the countryside east of the A259, but this change will not significantly damage the landscape. Some residents argue that there will be no local economic benefit as the applicant is an international company and the workers not from the UK. The policy does not require the benefit to be local.
- b. There will be no harm to any heritage assets and although an archaeological survey will be subject of a condition, since the polytunnels will not be permanently affixed to the ground (rather affixed like a tent), there will be no long-lasting harm to any archaeological deposits. The harm to the natural environment will be limited as this is an existing agricultural field and no trees will be lost.
- c. Crop spraying will be within regulated acceptable limits and take place in the polytunnels. The applicant states research suggests 60% less pesticide is used on fruit grown under polytunnels, due to drier conditions.
- d. There will be an impact on (and loss of) long public views across currently substantially open land towards the north-east and east. The policy states this is only an issue where the landscape value is defined as major or substantial for the corresponding Landscape Character Area in the Arun Landscape Study 2006 (ALS). The site forms part of the Sefton Bottom to Elbridge Coastal Plain area (LCA7) which is defined as having only a slight landscape value. The polytunnels are of an identical design to that used elsewhere at Colworth Manor Farm and are an existing feature of the wider landscape character area. Landscape impact is assessed in more detail elsewhere in this report.
- e. The polytunnels design will make use of water captured from them in order to irrigate the crops in a sustainable manner.
- f. The applicant has provided a drainage statement which states surface water will drain to the ground (infiltrate) via vegetated swales between polytunnel rows. Check-dams will be provided at regular

intervals (as a function of slope) along the swales to ensure the storage volume within the swale structures are optimised allowing infiltration through the base and sides. In the case of exceedance of the design event, a network of exceedance swales is proposed to carry excess flows to an existing watercourse. The council's drainage engineer has raised no objections subject to standard planning conditions. This will also agree any water discharge to the field boundary ditches. This also ensures no conflict with BNDP policy ES2 or ALP policy W DM3.

g. The site will be accessed from Colworth Manor Farm to the north, via existing agricultural tracks and a short new section of track which will cross an existing main river. Whilst there may be some associated increase in vehicle movements at Colworth Manor Farm and a corresponding increase on local roads (principally the A259), WSCC Highways raise no objections and advise no conflict with para 111 of the NPPF. There is also then no conflict with ALP policy T SP1. Colworth Manor Farm is in the Chichester district and Chichester DC have not raised objections to this aspect.

h. No lighting is proposed. The applicant states daytime use only. Conditions will be imposed to enforce these aspects.

i. Noise will be limited to during daylight hours and will consist of normal agricultural processes and machinery (i.e., tractors & manual workers). Some residents say the land is only occasionally farmed by tractors and so the difference in noise levels may be significant. As the land is agricultural there is nothing to prevent intensive farming with machinery, with or without polytunnels. Environmental Health recommend conditions designed to protect residents from noise impacts but does not object.

j. This criterion is not relevant as there are no redundant glasshouses, polytunnels or packhouses on the development site.

k. The layout plan indicates the location of new landscaping consisting of 460m of new hedgerows on the south & west boundaries of the field to connect existing hedgerows; 0.95ha of new wildflower meadow loosely planted with trees on the west side of the site, adjacent to the rear gardens; a 1.3ha area of flower rich meadow to the north-east side of the site; and a 5-10m wide way-leave of low maintenance grassland along the Northern site boundary. There is some conflict with this criterion as full landscaping details (such as species, size at time of planting, precise locations etc.) have not been provided but a condition can be imposed to secure these details.

l. This criterion seeks to protect important soils and so it also relevant to consider ALP policy SO DM1. This states unless land is allocated for development, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. The policy then makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures.

The application is not accompanied by supporting reports concerning the impact on agricultural land. According to DEFRA's Post 1988 Agricultural Land Classification (England) mapping, the land is predominantly either grade 1 or 2 (best & most versatile). It is clear it has previously been used for salad and cereal production. There is no conflict with the policy as the proposed use is horticultural (which is a form of agriculture) and even though the plants may be grown above ground, the important soils will be preserved under the polytunnels and will be available in the future should they be required for ground-based crops.

In summary, the proposal complies with the policy except in respect of criterion (k), but this is only a minor conflict as full landscaping details can be controlled by way of a condition.

## Strategic Gap

The site is in a strategic gap which covers a very small strip of land west of the A259 and then land on the eastern side of the A259 extending east to the Aldingbourne Rife (and bordered to the south by the North Bersted Bypass). Policy SD SP3 states development in such areas will only be permitted where it does not undermine the physical and/or visual separation of settlements, compromise the integrity of the gap (either individually or cumulatively with other existing or proposed development), it cannot be located elsewhere and maintains the character of the undeveloped coast.

The development will not undermine the physical or visual separation of settlements as the only settlement bordering the gap is North Bersted to the south. There is also no harm to the character of the coast. There is disagreement between the applicant and residents on whether the polytunnels can be located elsewhere. The applicant states they cannot as they operate as part of the overall growing system on the Groves Farm and Colworth Manor Farm holdings to the west & north. Residents say the applicant holds other land in the area where these polytunnels could be sited. It is clear from comparing the submitted ownership plan with Google Earth and the ALP's proposals map, that the immediate land they own to the north is either already intensively farmed or covered in polytunnels and that the land they own to the east and south is also in the strategic gap.

The only other developments within the gap in this area are Elbridge Farm Recycling Centre, the houses on Babsham Lane, the Yeomans Honda garage and the boarding kennels on the other side of the A259 plus a small sliver of development in the site 6 development south of the Bypass. The proposal will develop a large part of the open gap east of the A259. The council's landscape officer says the application will inevitably compromise the integrity of the gap. On this basis, there is some conflict with the policy, which is addressed in the following sections.

## Cumulative Impact

Both C SP1 and SD SP3 refer to the need to consider cumulative impacts. It is acknowledged that this area of the district (and over into Chichester) is heavily characterised by polytunnel development. This is clearly apparent when looking at the site on Google Earth. However, on a recent appeal decision concerning a residential site in South Gloucestershire (DCS ref 200-011-632), an Inspector remarked that it is not appropriate to assess a site and its context from the air - this should instead be done from the ground.

Much of the existing polytunnels are on the west side of the A259 (which is screened by landscaping) or to the north at Colworth Manor Farm and as can be seen from photos provided with the submitted Landscape and Visual Appraisal (LVA), the existing polytunnels can only be glimpsed in the distance from nearby viewpoints. This would reduce over time as a result of the planting proposed to the northern, eastern, and southern boundaries of the site. Whilst residents may feel that the area is already characterised visually by polytunnels, this is only really apparent from viewing the landscape from above which is not the appropriate test.

## LANDSCAPE IMPACT:

ALP policies LAN DM1 and HOR DM1 seek to protect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. LAN DM1 also requires that views in/out of the South Downs National Park not be subject to significant harm.

The site forms part of the Sefter Bottom to Elbridge Coastal Plain Landscape Character Area (LCA7). As

set out elsewhere, the ALS (2006) identifies the landscape value as slight and so whilst the polytunnels and new tree planting will change the character of this open agricultural landscape (as per the comments of the landscape officer), the harm cannot be said to be significant. It is also material that the applicant could plant trees without planning permission and so arguments that the trees themselves will change the landscape have limited weight. The applicant has submitted an LVA which advises that:

- The site lies in the open countryside of the Coastal Plain and generally reflects the large-scale working agricultural and horticultural landscape of the wider area.
- Neither the site nor the local area is designated in terms of their intrinsic landscape quality.
- The site lies close to the northern expansion of North Bersted and is locally exposed to detracting uses on Elbridge Farm to the north-west and the Babsham Business Centre to the south-west, each of which has open storage close to the site.
- The site is also flanked along part of its western boundary by a run of residential properties on Babsham Lane, the former alignment of the A259.
- The site is contained on its western boundary by the combination of adjacent built form and planting running parallel to the A259.
- From the north, containment is provided by several bands of vegetation just north of the site.
- To the south and east, the site is more open, although viewing locations are essentially limited to the A259 North Bersted Bypass from where other existing polytunnels can also be seen.
- The general location of the site can just be discerned in clear weather conditions in views from distant locations on the higher ground to the north within the South Downs National Park.

The LVA concludes the landscape sensitivity of the site and local landscape to the development, is ranked as medium landscape sensitivity at a local scale and that the character of the wider landscape setting of the South Downs National Park will not be harmed. The overall magnitude of landscape effect at day 1 would be 'low adverse' (equating to a deterioration in the landscape resource that would be just perceptible). As new planting matures and becomes more effective, the adverse effects would reduce.

Residents are concerned there will be a loss of amenity for users of the footpath/cycle route along Babsham Lane, the A259 and from Gladius Way (also the A259). The LVA states the proposal would give rise to slight to moderate adverse effects at day 1 from the Footpath/ Cycleway adjacent to part of the site's western boundary and similar effects might be experienced by at least some of the residential properties adjacent to the western side of the site where the polytunnels would be about 50m from rear garden boundaries. The effects would be mitigated to some degree by year 10 as landscaping matures.

Overall, the proposal accords with policy LAN DM1, and as demonstrated above, the relevant parts of HOR DM1.

#### RESIDENTIAL AMENITIES:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires that development contribute positively to the quality of the environment and ensure it does not have a significantly negative impact on residential amenity. As already discussed, policy HOR DM1 seeks only to protect residential amenity in respect of noise & lighting, and it has been established elsewhere that the proposal will not harm residential amenity in this way.

The Arun Design Guide (ADG) does not refer to polytunnels and the ADC Horticultural Local Development Order (which in any case does not apply to this proposal) does not set any requirements for distances from dwellings. Herefordshire Council have a "Polytunnels Planning Guide" (June 2018) which recommends a minimum distance of 30m from the boundary of any residential curtilage or 50m from any dwelling whichever distance is the greater. The NFU and British Summer Fruits Ltd previously agreed a "Code of Practice for the Use of Polytunnels for the Production of Soft Fruit" which stated that

these must not be sited within 30 metres of the boundary of the nearest residential dwelling.

Whilst this is not ADC policy, and therefore not directly applicable, it does provide some helpful guidance for comparison. It is positive that the application layout demonstrates that the polytunnels will be no closer than 50m to the curtilages of existing houses. This is in excess of the guidance referred to above and so will minimise any privacy concerns and together with the limited height, will prevent the polytunnels from harming light to gardens or being overbearing.

In respect of the other objections raised, it should be noted that there is no right in planning law to a view, it is unlikely that dust will be created from the use of the polytunnels. Noise has been considered and there are no concerns from environmental health. The proposal will not result in any material harm to local residents and there is no conflict with the relevant ALP policies.

#### FLOODING:

The site is predominantly in Flood Zone 1 (FZ) which is low risk, but the part of the site along the north-western boundary (where the main river lies) is noted as being in FZ3 (high risk). Furthermore, climate change predictions indicate that by 2111, there will be a greater extent of FZ3 on the north-western boundary and the south-eastern corner.

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. Agricultural development is defined by the NPPG as less vulnerable and is compatible with FZ3 locations.

Government guidance states a sequential site assessment is required where a site is at high risk of current or future flooding, and this would still apply to this proposal. The applicant has not provided such an assessment however it is material that the land is used for agriculture, the current FZ3 extent does not affect the siting of the polytunnels, the cause of future flooding is tidal (via the Aldingbourne Rife) and there are existing sea defences at Felpham which are likely to be maintained. Any workers on site would be able to 'escape' via the access to the south (which would be permitted for use in emergencies) should flooding prevent escape to the north.

There is a minor conflict with policy due to no sequential site assessment associated with future flooding however this is outweighed by material considerations.

#### ECOLOGICAL CONSIDERATIONS:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The applicant has supplied an ecological impact assessment (EIA) which followed a site survey in February 2022 and then further species-specific surveys during May and June. The latter found a Badger Sett (4-5 holes) on separate land to the east of the site and also red-listed bird species nesting in the field crop but did not find any evidence of Water Voles or reptiles in the ditches. The EIA recommends several mitigation measures including:

- New hedgerow planting and the addition of trees to existing hedgerow lines that will be of benefit to a wide range of farmland bird species, including those recorded on site.
- A 5-10m wide wayleave of low maintenance grassland will be maintained along the northern site boundary to benefit water voles.
- New hedgerow planting proposed will extend the continuous network of wildlife corridors that cross the estate and will be of benefit to Badgers, small mammals, and farmland bird species.

- The landscape proposals include several new wildflower meadow areas.
- Existing hedgerows will be protected from construction activity with site traffic avoiding travel under tree canopies and toolbox talks provided to site operatives to avoid propping up polytunnel frames against hedges prior to construction.
- Provision of a Farmland Bird Mitigation Strategy.
- Badger Sett activity will be monitored leading up to polytunnel installation in case the badgers start digging a new entrance on the application site of the hedge and require avoidance measures during polytunnel installation; and
- An estate-wide litter strategy will be adopted to minimize diffuse and indirect impacts and prevent pollution from entering the ditch-network.

The EIA stated several ponds are located in close proximity to the site and that amphibians such as toads/newts may utilise the two ponds adjacent to the site. A Great Crested Newt (GCN) Assessment Report has been submitted but this found no evidence of GCN and noted the nearby ponds as having low suitability to support them. The council's ecologist has reviewed the surveys and raise no objection subject to conditions. These include the need for a Farmland Bird Mitigation Strategy.

The consultation comments of Chichester DC state the potential for harm to a wildlife corridor. This is a designation entirely within the Chichester District which is part of their emerging Local Plan Review. It is known as the "Proposed Westhampnett to Pagham Harbour Strategic Wildlife Corridor" and is situated the other side of the main river/district boundary.

The Chichester LP Review is currently at the Regulation 19 stage and so can be attributed some planning weight in decision making, albeit the weight to be attached to the policies in this emerging plan is a matter for the decision maker. The associated policy NE4 states that development proposals outside, but in close proximity to the strategic wildlife corridor will be acceptable where it can be demonstrated that: (a) the development will not have an adverse impact on the integrity and function of the wildlife corridor; and (b) the proposal will not undermine the connectivity and ecological value of the corridor. It also states all proposals for new development within or in close proximity to wildlife corridors should take opportunities available in order to extend and enhance those corridors.

The proposal includes new Wildflower Meadow with loosely planted trees adjacent to part of the north-eastern boundary which will extend and enhance the corridors. Whilst there is no response to this policy designation in the supporting documents, it is material that the polytunnels will be 10-15m from the district boundary at the closest point and that the council's ecologist raises no objections to the impact on his boundary.

The site is partly within the Pagham Harbour Zone B however ALP policy ENV DM2 only requires a financial contribution if residential development is proposed.

#### SUMMARY:

The development seeks to make provision now to compensate for the future loss of existing polytunnels on land west of the A259 which falls within the 'West of Bersted' strategic allocation for 2500 houses. The proposal is largely in accordance with the policies of the development plan, the exceptions being the lack of a detailed landscape scheme, the lack of a sequential flood assessment and the likely adverse impact on the integrity of the strategic gap. The landscape scheme and flooding conflicts are minor, and a landscaping scheme would be secured by condition. This leaves harm to the integrity of the gap and, in this regard, it is material that the landscape is already heavily characterised by polytunnels, that these structures are small scale and temporary and that there will be no significant adverse harm to the landscape character area. The proposal is in accordance with the development plan as a whole.

The presumption in favour of sustainable development (para 11c of the NPPF) states that development proposals that accord with an up-to-date development plan should be approved without delay. This proposal has been delayed once due to concerns with the adequacy of protected species surveys, but this issue has now been satisfactorily resolved. Therefore, it recommended that permission is now granted subject to conditions.

## **HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). The recommendation for approval of the grant of permission in this case does not interfere unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal, the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## **RECOMMENDATION**

### **APPROVE CONDITIONALLY**

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan 4221-TB-010 Rev C.  
Polytunnel Layout Plan 4221-TB-011 Rev F; and  
Proposed Floor Plan and Elevations 4221-TB-012 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HOR DM1, D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt Assessment Report (GPM Ecology, January 2023) and the Ecological Impact Assessment (GPM Ecology, August 2022 as already

submitted with the planning application.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan.

- 4 A buffer zone of at least 50 metres shall be maintained at all times between the polytunnels and the dwellings on Babsham Lane.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 5 The polytunnels shall be dismantled and the covering & hoop structures removed from the site on or before the 1st of November in each calendar year. They may then be reassembled on or after the 1st of January in the following calendar year.

Reason: As the proposal is for seasonal polytunnels and in the interests of landscape and visual amenity in accordance with policies HOR DM1 and D DM1 of the Arun Local Plan.

- 6 As per the submitted "Planning, Sustainable Design and Access Statement" (January 2023), the site shall only be accessed from the north. The existing access to the south from Horse Croft Field (and from there onto Babsham Lane) shall only be used in emergencies when the northern access is blocked.

Reason: In the interests of residential amenity and because the applicant has not proposed to use the southern access, in accordance with policy QE SP1 of the Arun Local Plan.

- 7 The polytunnels shall only be accessed between the hours of dawn and dusk except to allow for night-time security or essential maintenance visits.

Reason: To safeguard the amenities of the neighbouring residential properties in accordance with Arun Local Plan policies HOR DM1 and QE SP1.

- 8 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to erecting any polytunnel structures.

- 9 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the



site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is necessary for this to be a pre-commencement condition to protect existing watercourses prior to the polytunnel construction commencing.

- 10 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before polytunnel construction commences.

- 11 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out such surveys once the polytunnels have been erected.

- 12 Prior to the first commencement of the development, a Construction Management Plan shall be submitted in writing to the local planning authority for approval. Thereafter, the approved Plan shall be implemented and adhered to throughout the construction period. The plan must include the following:

- a) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works.
- b) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
- c) Measures to control the emission of dust and dirt during construction; and
- d) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted on site.

This condition is only required to be discharged prior to the initial construction stage but the approved management plan will continue to apply for all subsequent works on the site i.e. the yearly removal and erection of polytunnels.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is

necessary to have the construction site set-up agreed prior to access by construction staff.

- 13 No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. This shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: In the interests of wildlife protection, to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because such measures must be in place prior to construction activity occurring.

- 14 No development shall commence until a Farmland Bird Mitigation Strategy has been submitted to and approved in writing by the local planning authority. This shall seek to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g., Skylark plots.
- b) Detailed methodology for the compensation measures e.g., Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots'.
- c) Locations of the compensation measures by appropriate maps and/or plans; and
- d) Persons responsible for implementing the compensation measure.

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

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition because such measures must be in place prior to construction activity occurring.

- 15 None of the polytunnels shall be first brought into use unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding

season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

16 A Biodiversity Enhancement Strategy for protected and priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority prior to first use of the polytunnels. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) Detailed designs or product descriptions to achieve stated objectives.
- c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant).
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan.

17 No lighting shall be erected or installed on the site unless full details (including type of light appliance, the height and position of fitting, predicted illumination levels, and predicted light spillage) have been submitted to and approved in writing by the local planning authority. The scheme shall seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any nocturnal wildlife species by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Particular care should be exercised in respect of lighting directed to the site boundaries. Any lighting that is approved shall be installed and maintained on accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: In the interests of the amenities of the area, the site biodiversity (particularly nocturnal species) and to minimise unnecessary light spillage outside the development site affecting residential properties in accordance with policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

18 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The

infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 20 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 21 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 22 INFORMATIVE: The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice. The address is:

Southern Gas Networks Plc  
SGN Plant Location Team  
Archibald Suite  
Baird Avenue

Dryburgh Industrial Estate  
Dundee  
DD2 3TN

Search online at:

[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)

SGN personnel will contact you accordingly.

- 23 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 24 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 25 INFORMATIVE: The proposed access to the site from Colworth Farm will require the submission of a Prior Approval application in accordance with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to Chichester District Council.

The access will also cross a main river and this itself will require an Environmental Permit from the Environment Agency. Further information can be found on the gov.uk website - <https://www.gov.uk/topic/environmental-management/environmental-permits>. The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) to obtain advice about environmental permitting matters.

Under the Environmental Permitting (England and Wales) Regulations 2016, the operator of a waste site will require an environmental permit for the importation, storage, and treatment of waste. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

- 26 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act, 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 27 INFORMATIVE: The farming practices proposed in this application must comply with the requirements of the following legislation:
- Farming Rules for Water (FRfW), The Reduction and Prevention of Agriculture Diffuse Pollution (England) Regulations 2018,
  - The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)

(England) Regulations 2010 (SSAFO) where applicable (fuel stores).

- The Nitrate Pollution Prevention Regulation 2015 - Nitrate Vulnerable Zone rules do not apply to land inside greenhouses. Greenhouses include both glasshouses and polytunnels, in which crops are grown under cover in an enclosed space. However, if land is exposed to the open air at any time, the rules apply for the whole of that year. If the size of the holding changes, but the change only affects an area covered by greenhouses, there is not a need to update your map and records. However, rules on manure storage and recording the size of your holding and any rules applying to land outside the greenhouses will still apply.

- 28      **INFORMATIVE:** This proposal may involve taking/abstracting water from a surface source (e.g. river, stream, or canal) or from an underground source. If the plan is likely to take more than 20 cubic metres a day, then it is likely that an abstraction licence will be needed from the Environment Agency. Further information about abstraction licences can be found on the gov.uk website here: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-orimpoundment-licence>. To make an enquiry regarding an abstraction licence, please contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

## BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BE/8/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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