



The countryside charity  
Sussex

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Attention Case Officer: Ms Nicola Pettifer

Horsham District Council  
Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1RL

5 March 2024

Dear Ms Pettifer,

Representation supplementing our Objection, dated 21 January 2024, to

**DC/23/2172 Street Record, Burnthouse Lane, Cowfold, West Sussex**

**Construction and operation of a solar photovoltaic farm and associated infrastructure including transformers, inverters, DNO Substation, customer switchgear, security cameras, fencing, access tracks and landscaping**

1. In our objection, dated 21 January, we stated that:

- The quantity of renewable energy that would be generated annually by the proposed scheme should be calculated, not estimated.
- The Planning Design and Access Statement, paragraph 1.3 states that 'It is **estimated** that the solar panels would generate approximately 49.9 megawatts (MW) of renewable energy, providing power to 16,581 homes annually'.
- The quantity of renewable energy that would be generated annually by the proposed scheme is fundamental and most certainly should be calculated, not estimated, and the calculation included in the application bundle for public scrutiny and comment.
- The calculation should factor in the impact on output of latitude and aspect, cloud cover and seasonal variations in daylight hours, and any assumptions or presumptions made declared.
- Whether the functionality of and output from the solar pv panels would reduce over the operational life (40 years) of the scheme should also be considered and declared.

**2. We draw your attention to the recent High Court Judgment (21 February 2024) quashing a solar farm consent because its footprint was bigger than needed to produce its maximum permitted wattage.**

2.1 Planning Resource's summary of the case included the following:

- 'In July last year, Durham County Council granted planning consent for a 49.9MW solar farm with 45MW battery storage, a 66kV substation and associated infrastructure on 93 hectares of land north of the village of Burnhope. The council approved a subsequent non-material amendment to the application in November'.
- 'This amendment included a planning condition – condition 4 - that the "approved development, once operational, shall have an export capacity of not more than 49.9MW'.
- 'In his judgement on the case, Mr Justice Fordham said that the questions he needed to address included whether the council had granted planning permission for a solar farm with a capacity above 50MW'.
- 'Schemes at or above 50MW are considered to be national significant infrastructure projects (NSIPs) and undergo the "rigours of central government development consent", the judgment said'.
- 'The judge said that the planning permission approved "such a very large number and area" of solar panels that they could only have a capacity under 50MW if the panels were considerably below the power of panels conventionally used and available'.
- 'The judge said that there was "in my judgment a public law unreasonableness in not addressing whether the grant of planning permission was 'approving more panels over a larger area than were required' for a 50MW solar farm".
- 'The judge continued that the planning permission was unlawful because the council "failed to take into account an obviously material consideration, namely addressing whether it was approving more panels over a larger area than were required to produce the stated (and a lawful) electricity generating capacity".

<https://www.planningresource.co.uk/article/1862891/high-court-quashes-solar-farm-consent-its-footprint-bigger-needed-produce-its-maximum-permitted-wattage>

3. Is the footprint of DC/23/2172 bigger than needed to produce 49.9 watts, above which the scheme would be considered a national significant infrastructure project (NSIP) and undergo the "rigours of central government development consent".

3.1 Whether the application's footprint is bigger than needed to produce 49.9 watts should be determined.

Yours faithfully,

Dr R F Smith  
Trustee CPRE Sussex

Cc Chair CPRE Sussex