

Case Officer: Shona King

Applicant: Birkett Solar Farm Limited

Proposal: Construction and operation of a solar photovoltaic ('PV') farm, with battery storage and other associated infrastructure including inverters, security cameras, fencing, access tracks and landscaping

Ward: Launton And Otmoor

Councillors: Councillor Hallchurch, Councillor Holland and Councillor Hughes

Reason for Referral: Major development

Expiry Date: 4 May 2020

Committee Date:

21 May 2020

Extension of time 29 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the installation of ground mounted solar PV panels along with associated infrastructure within agricultural fields. Access tracks are proposed within the site.

Consultations

The following consultees have raised **objections** to the application:

- Ambrosden Parish Council, OCC Lead Local Flood Authority

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Archaeology, CDC Landscape Services, CDC Building Control, CDC Environmental Protection, CDC Legal Services Rights of Way Officer, Natural England, Thames Valley Police

The following consultees have not commented on the application to date:

- CDC Ecology, BBOWT, CPRE, British Horse Society, Open Spaces Society, Ramblers Society, Southern Gas Network

Two letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The site comprises mainly Grade 4 (poor quality) agricultural land. Arncott Bridge Meadows SSSI is situated to the south of the site. The site is bordered by a public right of way along its northern boundary (110/3/20) and is crossed by another (110/4/30). The site is within a Flood Zone 1.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Impact on the character and appearance of the area
- Highway safety and impact on Public Rights of Way
- Flooding/Drainage
- Ecology
- Residential Amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises approximately 47 hectares of flat open agricultural land currently laid to grass, noted to be mainly Grade 4 (poor quality) agricultural land, located to the west of Arncott immediately adjacent to the existing MOD site and Moto Parc racetrack and other agricultural land.
- 1.2. An existing 14ha solar farm is situated immediately to the north west boundary of the site. The River Ray is situated approximately 230m at its closest point. It is situated within 100m of the proposed access point and in a northwest to southwest direction. The M40 passes the site to the south west approximately 0.7km away.

2. CONSTRAINTS

- 2.1. Arncott Bridge Meadows SSSI is situated to the south of the site. The site is bordered by a public right of way along its northern boundary (110/3/20) and is crossed by another (110/4/30). The site is within a Flood Zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the installation of ground mounted solar PV panels with associated infrastructure (batteries, inverters, substations and access tracks). The solar panels are to generate up to 25MW of energy and are to be positioned facing south across the site with each array measuring approximately 2.31 metres in height. The inverters are to be set within the rows of panels. The DNO substation and control room/customer substation are to be sited close to the solar farm

entrance. The associated infrastructure varies in height up to a maximum of 4.1m high for the DNO substation.

- 3.2. The site is to be accessed from an existing track which is a shared access with Brook Farm, the existing solar farm and the Scottish and Southern Electricity Networks substation.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 April 2020**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Visual impact
- Unsuitable single-track access
- Impact on LB adjacent to the access
- Better access route available
- Safety of horse riders and motocross riders
- Proximity to Brook Farm
- Protection of bridleway required
- Impact on biodiversity

- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. ARNCOTT PARISH COUNCIL: **No comment to date**

- 7.3. FENCOTT AND MURCOTT PARISH COUNCIL: **No comment to date**

7.4. ABROSDEN PARISH COUNCIL: **Comment** as follows:

- Concern about visual impact on public footpath – landscaping condition requiring planting while leaving a sensible width for the footway
- Concern about visual impact when viewed from Merton Road, Ambrosden. Trees and tall hedges should be provided as part of a planning condition.
- Construction method statement condition. Construction vehicles must be routed via Palmers Avenue and not through Ambrosden. They should not use routes through Merton Road, Blackthorn or Ploughley Roads in Ambrosden.
- Construction Management Plan required to ensure Bridleway remains open during construction.
- Limit on construction hours, and no generators to remain running outside of working hours.
- Support OCC comments and suggestions dated 6/3/2020

CONSULTEES

7.5. OCC HIGHWAYS: Original comments – **Objection** due to impact on PRowWs

OCC HIGHWAYS: Revised comments – **No objection** subject to a condition requiring a Construction Traffic Management Plan

7.6. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects** - No drainage has been provided for the access track, infiltration testing is required, and more detail required on construction stage drainage requirements.

7.7. OCC ARCHAEOLOGY: **No objections** subject to conditions

7.8. CDC LANDSCAPE SERVICES: **No objections** subject to conditions

7.9. CDC BUILDING CONTROL: **Comments** that the Sub-station buildings would be exempt from the building regulations and the PV installation would be subject to installation by a competent person.

7.10. CDC ECOLOGY: **No comment to date**

7.11. CDC ENVIRONMENTAL PROTECTION: **No comments** regarding contaminated land, air quality, odour and light but recommend a condition requiring a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.

7.12. CDC LEGAL SERVICES RIGHTS OF WAY OFFICER: **Comments** that Arncott Bridleway 110/4 which crosses through the site, has been clearly shown on the plan and the applicant will need to ensure that this route is kept clear and accessible at all times during any development/installation works. Two of the other Public Right of Way Routes - Arncott Bridleway 110/3 and Arncott Footpath 110/6 are located on the red line boundary NW and W of the site so these two routes should not be affected by the proposed installation/development however, the applicant should ensure that both routes remain clear and accessible at all times. Fencott and Murcott Bridleway 209/6 is located SW of the site and this Bridleway should not be affected at all by these proposals

7.13. NATURAL ENGLAND: **No objection**

7.14. BBOWT: **No comment to date**

7.15. CPRE: **No comment to date**

7.16. BRITISH HORSE SOCIETY: **No comment to date**

7.17. OPEN SPACES SOCIETY: **No comment to date**

7.18. RAMBLERS ASSOCIATION: **No comment to date**

7.19. THAMES VALLEY POLICE: **Comment** – it is recommended that perimeter fencing complies with the requirements of LPS1175, Issue 8, B3, and that the applicants also incorporate a monitored perimeter intruder protection system (PIDS). In addition, it is recommended that an operational requirement exercise be carried out to aid in the specification of the proposed CCTV system, which should also work in conjunction with the recommended PID system.

7.20. SOUTHERN GAS NETWORK: **No comment to date**

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- ESD5 – Renewable Energy
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic Development in the Countryside
- C28 – Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Climate Change Act 2008

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Impact on the character and appearance of the area
- Highway safety and impact on Public Rights of Way
- Flooding/Drainage
- Ecology
- Residential Amenity

Principle of Development

- 9.2. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 9.3 The National Planning Policy Framework (NPPF) provides positive encouragement for renewable energy projects. Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future and should support renewable and low carbon energy and associated infrastructure. Paragraph 154 of the NPPF states that when determining applications for renewable and low carbon development local planning authorities should approve such applications if its impacts are or can be made acceptable.
- 9.4 Policy ESD5 of the CLP 2031 states that renewable and low carbon energy provision will be supported wherever adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
- 9.5 In principle, therefore, there is policy support for development of this nature. However, the overall acceptability of development is dependent on other material considerations.

Impact on the character and appearance of the area

- 9.6. Guidance in determining applications for renewable and low carbon energy projects is set out in the Planning Practice Guidance (PPG). The PPG advises that “the need for renewable or low carbon energy does not automatically override environmental protection and that cumulative impacts require particular attention, especially the increasing impact that such developments can have on landscape and local amenity as the number of turbines and solar arrays in an area increases”. It continues that “particular factors a local planning authority will need to consider include:
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”
- 9.7. Policy ESD 13 of the Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.8. The site is relatively flat and is currently in agricultural use and comprises mainly Grade 4 (poor quality) agricultural land. It is well screened in views from the public highway by mature hedges and buildings. However, the proposed development would be visible from the PROWs in the immediate vicinity and those that cross the site itself.
- 9.9. The Council’s Landscape Officer has assessed the scheme and has no objections to the proposal on landscape and visual impact grounds. The receiving landscape is very flat, with generally dense and intact boundary hedges. The intervening hedgerows between viewpoints and the site are also well maintained. The wider landscape is already impacted visually by the M40 to the west and MOD buildings to the east. The site is generally well screened until a pedestrian is very close to it. The magnitude of change would be major for a walker crossing the site or walking alongside it, but other visual receptors are too far from the site to be affected in anything other than a minor way.
- 9.10. It is recommended that any permission given is subject of a condition requiring the submission of landscape mitigation proposals showing detailed planting.
- 9.11. Consideration has to been given to the cumulative landscape and visual impacts of the development of this site and the existing solar farm immediately to the north. It has been concluded that these cumulative impacts would be minimal given the limited views gained of both sites. Whilst the proposal would result in two solar farms in close proximity to one another it is considered that they would not become a defining characteristic of the local landscape.

Highway safety and impact on Public Rights of Way

- 9.12. The Local Highway Authority (LHA) originally raised concerns regarding the proposal due to the impact on the public rights of way adjacent to and within the site. The LHA was concerned that not enough consideration had been given to the amenity of the users of the PROWs during the construction period and no information regarding the impacts of construction on the PROWs and the mitigation of any such impacts. Following the submission of additional information, the LHA has removed its objection subject to a condition requiring the submission of a Construction Traffic Management Plan.
- 9.13. The LHA also raised issues of re-routing one of the bridleways (110/4) and suggested that applicants seek to formally accommodate the bridleway on a revised alignment along its whole length as users do not currently use the legal line. However, this requires a separate diversion application and such an application is not necessary in order to make this proposal acceptable in planning terms.

- 9.14. Subject to the recommended conditions it is considered that the proposals would not have any adverse impact upon the local highway network from a traffic and safety point of view.

Flooding/Drainage

- 9.15. The site lies within Flood Zone 1 and a Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that the areas on the site shown to be at risk from surface water flooding are localised and close to existing drainage channels. The ground conditions within the site are impermeable and there is a risk of waterlogging and surface water flows within the site after high rainfall. However, this is predicted to flow to the River Ray overland or within existing drainage channels with limited ponding. The FRA also concludes that during the construction phase additional drainage measures should be implemented to help attenuate the increase on surface water flows if surface water is observed discharging from the construction compound.
- 9.16. The Lead Local Flood Authority (LLFA) has raised an objection to the application proposals. The LLFA is concerned that, whilst sustainable drainage principles have been proposed, drainage has not been provided for the access track. Infiltration testing is required along with a plan demonstrating how surface water will be managed during construction. The applicant's agent has advised that much of the access track is not in the applicant's control and no works are proposed to the access track. The tracks within the site, however, are to be constructed and therefore how these are to be drained can be controlled. Infiltration testing and surface water management can be required by condition and such conditions are set out below.

Ecology

Legislative context

- 9.2. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.3. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.4. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.5. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot,

destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.6. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.7. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.8. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.9. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.10. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.11. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.12. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.13. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.14. Natural England (NE)'s Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.15. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and dormice.
- 9.15. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether NE would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.16. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.17. The application is supported by a detailed protected species survey which concluded that:
- An offsite badger sett is identified to the south-west of the Site and the site layout has been designed to avoid works within 30m of this location.

- There is no evidence of badgers within the remainder of the Site, however there is the potential for individual setts to occur associated with boundary habitats or those within 30m of the Site. A pre-commencement badger survey is therefore recommended to allow this to be assessed prior to commencement of installation/construction works. This would also form the basis for designing badger access features into any perimeter fencing;
- The Site is likely to be used by local bat populations for foraging and commuting; no roosting habitats are identified as being directly or indirectly impacted by the proposals;
- The Site contains aquatic habitats supporting breeding populations of GCN with ditches which may also provide habitat in some years. Associated boundary habitats including semi-improved grassland, tall ruderal herb, hedgerows and ditches, as well as the pasture fields themselves, are likely to provide terrestrial habitat for this species. Mitigation measures designed into the scheme, or to be secured in a European Protected Species Mitigation Licence (EPSML) would secure the long-term viability of the metapopulation and ensure legislative compliance.
- The pasture and boundary habitats within the Site have the potential to support populations of common reptile species such as grass snake, common lizard and slow worm – an appropriate Precautionary Method of Works would be developed in tandem with the EPSML application for GCN to secure a method of working which would avoid impacts to these species;
- Breeding birds, including ground nesting species, make use of appropriate habitats within the Site and on the site boundaries – an appropriate Precautionary Method of Works is proposed to ensure that these species are not impacted;
- Two ditches to the north of the Site may provide low quality habitat for water vole; however, no evidence of this species was recorded during the surveys and the site layout would secure avoidance of impacts;
- Suitable habitat for dormice is restricted to boundary and offsite dense scrub and woodland habitats; the retention of these features and the layout of the proposals with an appropriate standoff would ensure that this species is not impacted.
- No impacts to offsite Statutory or Non-Statutory Designated Sites are identified – specific consideration has been given for the potential for impacts to Arncott Bridge Meadows SSSI.

9.18. The report outlines the following recommendations:

- Establishment and management of new pasture, wildflower meadow and tree/shrub/hedge habitat should be undertaken in accordance with the Mitigation Strategy developed to support the Landscape and Visual Impact Assessment, or by consultation with the Project Ecologist;
- Appropriate working practises for the installation of the solar farm should be adopted to ensure that there is no impact to badgers, reptiles dormice or nesting birds during the Construction Phase and incorporated into a Construction Ecological Management Plan (CEMP);

- An EPSML would be sought to ensure that works can proceed with legislative compliance to GCN.

9.19. Natural England has not raised any objections to the application and therefore Officers are satisfied that, subject to conditions, the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Residential amenity

9.20. There are dwellings in close proximity to the existing farm track giving access to the site. The living amenities of these dwellings could be affected during the construction works and it is recommended that a Construction Environment Management Plan is submitted for approval to ensure that the construction works do not adversely affect those residential properties. Following construction, it is not considered that the vehicles accessing the solar farm will result in significant detriment to the living amenities of those properties.

10. PLANNING BALANCE AND CONCLUSION

10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate earlier. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.

10.2. Economic objectives – The location of the proposed development in an area where there is adequate irradiation means that the solar farm development would be economically viable. Added to this is the capacity of the local infrastructure to link the development to the national grid and the proximity to another solar farm to enable sharing of infrastructure.

10.3. Social objectives – No local social benefits of the development have been put forward by the applicant however the development will deliver renewable energy to the national grid helping to support local infrastructure. The development will not result in significant detriment to the living amenities of nearby dwellings.

10.4. Environmental objectives – Whilst there may be some harm caused to the local environment due development on a greenfield site this is considered temporary in nature, would not result in the loss of Best Most Versatile agricultural land and the visual impact can be mitigated with additional planting. The wider environmental benefits of providing renewable energy are considered to outweigh this harm.

10.5. Overall, when considered as a whole, the economic, social and wider environmental benefits of the scheme are considered to weigh in favour of the proposal and to outweigh any adverse effects on landscape character and visual amenities of the area. It is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE

CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Drawing Nos PAP 001 rev 6, PAP 003 rev 07, PAP 004 rev 11, PAP 005 rev 01, PAP 006 rev 01, PAP 007 rev 01, PAP 008 rev 01, PAP 009 rev 01, PAP 010 rev 01, PAP 011 rev 01, PAP 013 rev 01, PAP 014 rev 01, PAP 015 rev 01, PAP 016 rev 01, PAP 017 rev 01, PSS 027 003 001.1, PSS 027 003 001.2, PSS 027 003 001.3, and PSS 027 003 001.4.
- Planning Design and Access Statement, Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019, Ecological Assessment prepared by Landscape Science Consultancy Ltd dated January 2020, Historic Environment Desk Based Assessment prepared by AECOM Infrastructure & Environment UK Limited dated January 2020, Flood Risk Assessment prepared by Kaya Consulting Ltd dated January 2020, Geophysical Survey Report prepared by Sumo Survey dated February 2020, Transport Report prepared by Mott MacDonald dated January 2020.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Temporary Permission

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented

within 12 months of the expiry of this permission.

Reason - To ensure the environment is protected during decommission in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping, mitigation and maintenance

5. The development shall be carried out in accordance with the landscape mitigation and maintenance details set out at figure 6 (a-d) of the Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019 and the landscape mitigation works shall be completed prior to the first use of the development for exporting electricity to the grid except where alternative timescales are set out in the aforesaid landscape mitigation and maintenance details.

Reason - In the interests of the visual amenities of the area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

Reason - In the interests of the visual amenities of the area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Construction Management Plan

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Booking system for HGV deliveries
- Details for the provision of Banksmen

Contact details of the Project Manager and Site Supervisor shall be submitted to the LPA prior to the commencement of any works on site.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

Drainage

8. Prior to the levelling of the site or construction of the access and internal tracks whichever is the earliest a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out and completed prior to the commencement of any construction works on the site and shall be retained as such thereafter.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Archaeology

9. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

10. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

Ecology

11. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 and 7 of the Ecological Assessment carried out by Landscape Science Consultancy Ltd dated January 2020.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity 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 -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Lighting

14. No external lighting shall be installed within the site area.

Reason - To safeguard the amenities of the area and to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Environmental Protection

15. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.