

Case Officer: Matthew Chadwick

Applicant: Greenheath NRG Limited

Proposal: Installation of a standalone Solar PV array, associated infrastructure, grid connection, access and landscaping

Ward: Deddington

Councillors: Cllr. Hugo Brown, Cllr Mike Kerford-Byrnes and Cllr Bryn Williams

Reason for Referral: Major development for commercial renewable energy schemes

Expiry Date: 14 September 2020

Committee Date: 10 September 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an agricultural field in arable use that forms part of the agricultural holding of Hill Farm as well as a strip of lane through other fields to provide an extended vehicular access track for the construction period. The farm complex is situated approximately 0.5km to the north of Duns Tew, a village in the southwest of the District close to the border with West Oxfordshire. The farm is accessed via a private track that follows local topography as it runs across gently rolling farmland to lead towards the main farm buildings. These buildings comprise several traditional vernacular agricultural buildings including two Grade II listed 18th century barns as well as more modern utilitarian farm buildings.
- 1.2. The levels of the application site drop from south to north so that it rolls down into a valley where a small stream (Deddington Brook) runs adjacent to the northern edge of the site. Further to the north the landscape rises up again towards the village of Deddington beyond. To the west of the application site is an existing solar site and to the east is an agricultural field.

2. CONSTRAINTS

- 2.1. The boundary of the Duns Tew Conservation Area lies approximately 1km to the south and the edge of the Deddington Conservation Area is almost 1.2km to the north. There are a number of public rights of way that pass in close proximity to the application site. The northern edge of the site lies within Flood Zones 2 and 3 and is within the floodplain of Deddington Brook.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the installation of ground mounted solar PV panels with associated infrastructure. The solar panels are to generate up to 8.92MW of energy with each array measuring approximately 2.21 metres in height. The inverters are to be set within the rows of panels. The substations are to be sited between the two sections of solar panels. The associated infrastructure varies in height up to a maximum of 2.6m high for the inverter.

- 3.2. The site is to be accessed from an existing agricultural access from the Oxford Road to the east. Improvements are proposed to the access and a temporary construction compound is proposed between this access and the site.
- 3.3. Planting is shown on the submitted plans to the north of the site, however this is outside of the red line boundary of the application site but is within the wider blue line site.
- 3.4. The plans have been amended during the course of the application to address the comments of the Environment Agency and Local Highway Authority. The red line application boundary has been amended to include the alterations to the access onto Oxford Road and, at the time of writing this report, the consultation for this change is still ongoing.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/00004/SO	SCREENING OPINION - Erection of a 5MW solar farm and associated infrastructure	Screening Opinion not requesting EIA
15/00570/F	Erection of 5MW PV Solar Farm and associated infrastructure	Application Permitted
16/00053/NMA	Non-Material Amendment to 15/00570/F - Amended layout is required to accommodate the requirements of the planning conditions of the permission (Protection of the Deddington Brook, no panels with Flood Zone 3 etc)	Application Permitted
16/00366/DISC	Discharge conditions 6 (Updated Badger Survey), 9 (Landscaping Scheme), 11 (Construction Traffic Management Plan), 12 (Archaeology Written Scheme of Investigation) & 15 (Landscaping Management Plan Deddington Brook Buffer Zone) of 15/00570/F	Application Permitted
17/00233/DISC	Discharge of condition 3 (written confirmation of first exportation of electricity) of 15/00570/F	Application Permitted
17/00279/DISC	Discharge of condition 10 (Schedule of landscape management) of 15/00570/F	Application Permitted
19/00911/F	Variation of Condition 3 of 15/00570/F – To extend the operational time to 40 years	Application Permitted

- 4.2. All of the above applications relate to the solar site to the northwest of the current application site.

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 **8 May 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 all in support of the principle of a solar array on this site.

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. DEDDINGTON PARISH COUNCIL: **No objections.**

7.3. DUNS TEW PARISH COUNCIL: **No objections**, but comments that any traffic related to the building, maintenance and any future decommissioning strictly adheres to the plan to access the site from the A4260 (or the track off North Aston Road should this not be possible) and that it will not go through the village at any time and in particular not use Hill Farm Lane. A further comment that the screening hedging and trees are planted and maintained as outlined in the plan, including reinstatement where necessary, to maintain the view and the environment.

OTHER CONSULTEES

7.4. CDC BUILDING CONTROL: **No objections.**

7.5. CDC CONSERVATION: **No objections.**

7.6. OCC DRAINAGE: **Objects**, commenting that evidence would be required from Environment Agency that consent has been given to develop in Flood Zones 2 and 3, especially in the light that the FRA identifies the EA modelling is inaccurate.

These comments were made before the amendments to the scheme and before the Environment Agency removed their objection to the scheme. No further comments received to date from OCC Drainage.

7.7. ENVIRONMENT AGENCY: **No objections**, subject to conditions that no development is within Flood Zones 2 and 3 and that a buffer zone is created.

7.8. CDC ENVIRONMENTAL PROTECTION: **No objections.**

7.9. OCC HIGHWAYS: **No objections** subject to a condition relating to visibility splays.

- 7.10. CDC LANDSCAPE SERVICES: **No objections**, subject to a condition relating to a landscape management plan.
- 7.11. THAMES VALLEY POLICE DESIGN ADVISER: Comments that a higher specification fencing should be used.

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
- ESD6 – Sustainable Flood Risk Management
- 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. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid Cherwell Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- PD4: Protection of important views and vistas
- PD5: Building and Site Design

- 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- 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

- Heritage impact
- Flood risk
- Highway safety
- Loss of agricultural land
- 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 ESD13 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 slopes gently from south to north and is currently in agricultural use. The proposed development would be visible from the PROWs in the immediate vicinity and from the Oxford Road to the east.
- 9.9. The Landscape and Visual Impact Assessment submitted with the application looks at thirteen important viewpoints surrounding the site and makes an assessment as to the impact that the development would have in the wider landscape. The impacts of the development from these viewpoints range from minor to major; however, the major impacts are from very localised viewpoints. Planting is proposed to the north of the application site which would mitigate views from this direction. The solar array would be viewed in the context of the existing solar array to the west of the site.
- 9.10. The Council's Landscape Officer has assessed the scheme and has no objections to the proposal on landscape and visual impact grounds, subject to a condition relating to a landscape management plan.
- 9.11. Consideration has been given to the cumulative landscape and visual impacts of the development of this site and the existing solar farm immediately to the north. Officers consider that these cumulative impacts would not be significantly harmful to the character of the wider landscape. 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. The proposed development therefore complies with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the NPPF.

Heritage impact

- 9.12. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 9.13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise, Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 9.14. The site is not located within a conservation area and there are no listed buildings within the site itself. Both the Deddington and Duns Tew Conservation Areas are over 1km away from the site and the Grade II listed building at Hill Farm is over 200m away from the site. The Council's Conservation Officer has offered no objections to the scheme. Given the separation distances between these heritage assets and that there would be no direct views from these assets to the site, it is considered that the development would not cause harm to the setting or significance of the heritage assets.
- 9.15. A heritage assessment has been submitted with the application, with a geophysical survey undertaken. The geophysical survey carried out across the site identified the remains of a ridge and furrow cultivation and several probable settlement enclosures or structures running back from a single long ditch orientated approximately east-to-west. This closely mirrored the geophysical features identified by a similar survey in 2016 in the field immediately to the west for application 15/00570/F, which were subsequently determined to be the remains of two settlement foci within a Mid-Late Iron Age clothes-line settlement. The results from the current survey, taken in conjunction with the cropmark of a rectangular enclosure to the west, and a Romano-British (villa) settlement to the east, would indicate that the base of the valley was occupied by numerous small settlements at or just above the limit of flooding.
- 9.16. The heritage assessment states that the impact of the proposed development on the buried archaeological resource would be permanent and irreversible, but could be mitigated through design, as it was for the adjacent site which had a similar feature but archaeological conditions were imposed to ensure that appropriate mitigation was carried out. The report concludes that the overall harm to heritage assets would be negligible. Officers consider that this conclusion is reasonable and that, subject to conditions, the development would not cause harm to the archaeological assets and that the development is acceptable in this regard.
- 9.17. The County Council's Archaeologist has not commented on the proposals. It is considered important to include a condition requiring a staged programme of archaeological evaluation and mitigation to ensure that the impact on the archaeological feature on the site is mitigated. It is considered that subject to a condition in this regard, that the development would not cause harm to the heritage assets on the site or in the surrounding area and would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Flooding/Drainage

- 9.18. Policy ESD6 of the Cherwell Local Plan 2011 – 2031 states that the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding.
- 9.19. The site lies within Flood Zone 1, 2 and 3 and a Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency (EA) initially objected to the proposals, as some of the solar array was within Flood Zones 2 and 3. Following amendments to the scheme, the solar array has been moved southwards into the site so that none of it now sits within Flood Zones 2 and 3. The solar panels are to be raised above existing ground level to offer flood resilience to the structures and no concrete or hard standing is proposed. The security fencing surrounding the site has also been moved so that it is not within Flood Zones 2 and 3. The EA subsequently removed its objection, subject to a condition that all built development is outside of Flood Zones 2 and 3.

9.20. The Lead Local Flood Authority (LLFA) has raised an objection to the application proposals. This objection related to the EA's initial objection and the LLFA has not commented on the amended information following the EA's removal of its objection. Given that the EA has no objections to the scheme and that no built development would be located in Flood Zones 2 and 3, it is considered that the development would not create any drainage issues or increase risk of flooding elsewhere and that the proposal thus complies with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Highway safety

9.21. A construction access for the development is proposed through the existing agricultural access onto Oxford Road. Improvements are proposed to this access and the track leading up to the site. The access from Oxford Road is proposed to be improved by widening the existing farm access, reducing the gradient, providing adequate visibility splays and providing diverging and merging lanes. On completion of the solar farm it is proposed that the access from Oxford Road would be scaled back to provide a simple field access which would be used by agricultural vehicles to access the farmland and for occasional maintenance vehicles accessing the solar array.

9.22. A construction traffic management plan has been submitted alongside the application. A temporary construction compound is proposed between the site and the Oxford Road and gates are proposed which are set back 20m from the highway to allow a construction vehicle to pull off the road. The designated route for HGV construction traffic would be via Junction 10 on the M40 via the B430 and B4030 to the A4260, Oxford Road turning left into the site. HGVs would turn left out of the site on to the A4260 and travel northwards to Junction 11 on the M40 at Banbury.

9.23. The Local Highway Authority (LHA) originally raised concerns regarding the access onto Oxford Road, as it was considered that the proposed access design would impact on highway safety. Following amendments to the scheme to improve the access, the LHA removed its objection. It is therefore considered that the development would not cause harm to the safety of the local highway network, subject to these improvements being secured in a Section 278 agreement and the protection of the visibility splays being secured in a planning condition. The proposed development therefore complies with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Loss of agricultural land

9.24. An Agricultural Land Classification report has been submitted with the application. This states that the entirety of the site is located within Grade 3b, which the Government define as 'moderate quality agricultural land... capable of producing moderate yields of a narrow range of crops, principally:

- cereals and grass
- lower yields of a wider range of crops
- high yields of grass which can be grazed or harvested over most of the year'.

9.25. This land falls outside of the best and most versatile agricultural land which the Government encourages to protect from significant, inappropriate or unsustainable development proposals. It is therefore considered that the proposals would not result in the loss of the best and most versatile agricultural land and that the development is therefore acceptable in this regard.

Ecology

Legislative context

- 9.26. 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.
- 9.27. 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.
- 9.28. 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.
- 9.29. 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.
- 9.30. 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

- 9.31. 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.

- 9.32. 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.
- 9.33. 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.
- 9.34. 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.
- 9.35. This policy is 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.
- 9.36. 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

- 9.37. 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')

- 9.38. 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.
- 9.39. 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.
- 9.40. 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.
- 9.41. The application is supported by a preliminary ecological appraisal. This report concludes that there is potential for bats, nesting birds and badgers to be affected by the development and proposes mitigation measures including bat and bird boxes, gaps in the security fencing to allow badgers to enter and exit and a buffer zone along the northern boundary of the site. The recommendations of this report will be required by condition and it is considered that subject to this condition that the proposals comply with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Residential amenity

- 9.42. There are no dwellings in close proximity to either the panels or the construction access. As a result, it is considered that the proposals would not cause harm to the amenities of neighbours and that the development would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 and Government guidance within the NPPF in this regard.

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 DEVELOPMENT TO GRANT PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION PERIOD AND 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: Duns Tew Energy Park location Plan (PV-0446-02 Rev 9,3); Site Layout Plan (PV-0446-02 Rev 28.5); 20 ft Storage Cont. Elevation Plan (1939/D003 v.1); Outside of Redline Boundary Planting Scheme (PL401 Rev P04); Security Fencing (1939/D001 v.1); Table 4L11 20° for PV-Panel QCells QPLUS-G4 1670x1000x32 (17010001 Rev A); Access Road / CCTV Detail (1939/D002 v.1); 40 ft Storage Cont. Elevation Plan (1939/D004 v.1); Hill Farm, North Aston Road, Duns Tew Proposed Access Track (Appendix 6.1); Proposed Construction Access (Appendix 6.2); Hill Farm, North Aston Road, Duns Tew Proposed Field Access (Appendix 6.3) and Tracking Analysis 16.5m Artic Vehicle (4159-TR02 Rev A).

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 Implementation

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape Maintenance

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, to ensure the creation of a pleasant environment for the development 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.

Archaeology

7. 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.

8. Following the approval of the Written Scheme of Investigation referred to in condition 7, 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

9. The development hereby approved shall be carried out in accordance with the recommendations set out in Sections 5 and 7 of the Preliminary Ecological Appraisal carried out by Western Ecology dated August 2019

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.

Flood risk and biodiversity

10. The development shall not be carried out other than in accordance with the submitted flood risk assessment reference 2640/FRA, version D4, by Hafren Water, dated May 2020 and the following mitigation measures:

- All built development must be located within Flood Zone 1
- The solar structures shall be designed to be open to flood water

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To ensure that fluvial flood risk is not increased off site in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.

11. No development shall take place until a scheme for the provision and management of a minimum eight metre wide ecological buffer zone alongside the Deddington Brook has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme.

Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and fencing. The scheme shall include:

- plans showing the extent and layout of the buffer zone which should be a

minimum 8 metre width, measured from the top of the bank and where possible include all of flood zone 3.

- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason - To reduce flood risk locally and make provision for biodiversity enhancements in accordance with the requirements of Policies ESD6 and ESD10 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required prior to development commencing to ensure this buffer zone is protected during construction so that there is no risk of increased flooding.

Lighting

12. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

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

Highways

13. The vision splays shown on drawing number Appendix 6.2 shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

14. The development shall be carried out in strict accordance with the recommendations set out within the Construction Traffic Management Plan Revision B prepared by ADL Traffic and Highways Engineering Ltd dated April 2020.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

15. No development shall commence unless and until full design details of the proposed gatehouse, security gate and fencing as shown on drawing titled 'Proposed Construction Access' (Appendix 6.2) have been 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 - In the interests of the visual amenities of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Removal of PD

16. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site other than those approved as part

of this consent without the grant of further specific planning permission from the Local Planning Authority.

Reason - In the interests of preserving the intrinsic natural beauty of the countryside from inappropriate development in accordance with the requirements of Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures shall be erected, altered, extended or installed at the site without the grant of further specific planning permission from the local planning authority other than that which is explicitly approved by this permission.

Reason - To ensure that further works do not result in significant cumulative harm to the natural environment in accordance with the requirements of Policies ESD10 and ESD13 of the Cherwell Local Plan 2011-2031.

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