

# Home Farm, Merton

12/01414/F

**Ward:** Otmoor

**District Councillor:** Cllr T Hallchurch

**Case Officer:** Caroline Roche

**Recommendation:** Approval

**Applicant:** R S Assemblies Ltd

**Application Description:** Installation of photovoltaic panels (circa 84,282 panels), installation of inverter and converter stations, erection of boundary fencing and CCTV cameras and connection to the existing electricity grid

**Committee Referral:** Major development

## 1. Site Description and Proposed Development

- 1.1 The application site is a 37.7 hectare site to the north of the Merton/Ambrosden road, to the west of Ambrosden and immediately south of the existing MOD depot at Graven Hill. The site is Grade 4 agricultural land currently used for grazing and cereal crops. The site is one large open field, very flat in its topography with a 3 metre high hedgerow on the southern boundary and part of the western boundary and a 40 metre deep woodland belt on all other boundaries (although outside of the red line area). The access to the site is via the existing access to Home Farm. Although in the ownership of the applicant the access was not shown within the red line of the initial submission. This has been amended and a reconsultation process is underway. The buildings associated with Home Farm lie to the south of the site. A very small proportion of the site in the most southerly corner lies within Flood Zone 2. In the vicinity of the site but not within the site boundary are a couple of public footpaths and bridleways.
- 1.2 The application seeks full planning permission for the development described above. The proposed panels would cover the extent of the existing field with a number of access tracks running between various arrays of panels. The panels themselves are mounted on metal framework which is anchored underground. Each row of panels will face in a southerly direction at an angle of 30 degrees and sufficiently separated so as to not cast a shadow on the row of panels behind. Each panel measures 0.99m wide by 1.64m high and there will be in the region of 80,282 panels. Once mounted on the framework the maximum height of the structures will be 2.3m above ground. The proposal includes 13 small buildings each measuring 2.4m by 9m with a height of 2.4m which will accommodate the inverters and transformers. There are electricity cables currently crossing the site. A direct link can be made to this connection and the proposal includes replacing the existing cables with underground connections. The proposal also includes a 2m high stock fence and security cameras placed on poles at a height of 2.5 metres at 35 metres intervals around the perimeter of the site. Whilst the site will be covered in panels it is still possible for the land to be grazed.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. Due to reconsulation following the receipt of an amended site plan showing the access the final date for comment will be 14 February 2013.

No letters of objection have been received to date.

## 3. Consultations

- 3.1 **Merton Parish Council:** Has not commented on the application.
- 3.2 **Ambrosden Parish Council:** Unanimous agreement to support the principle of the application and applaud the ECO nature of the proposal, compared to the incinerators that have been approved elsewhere in the district, but make the following comments;
1. Site is positioned adjacent a number of field ditches streams and maintenance of these should be assured in the future, but no ground levelling which may affect surface water drainage should be undertaken
  2. The site is well screened, and it should be conditioned that the hedges are retained
  3. An appropriate traffic management plan should be provided during construction, and it should be noted that Ambrosden Parish Council is finalising a traffic calming scheme for Merton Road, Ambrosden, including the introduction of chicanes and road humps at the south end of Merton Road, Ambrosden
  4. The applicants should be made aware of the proposals to redevelop the MOD site to the north of the application site, and the impact construction work and debris may have on the solar panels
  5. Ambrosden Parish Council would like to be assured that no upgrades or additional power lines will be installed

### Cherwell District Council Consultees

- 3.3 **Anti-Social Behaviour Manager:** No observations or objections.
- 3.4 **Landscape Officer:** This site is in a very flat low lying landscape which means that intervening hedges create a high level of screening.

I visited various viewpoints and concluded that I wouldn't be able to see the site from any of them. Graven Hill is currently MOD land and the side facing the site well wooded. The only other high point in the area is Muswell Hill at a distance. I have visited there numerous times before and can be fairly confident that only a minor long distance impact of the site will be visible. I would agree that the landscape and visual impact assessment is fair and accurate.

I am concerned about the tree belt on the SW side overshadowing the panels and therefore being cut down at some future date. I think that this should be raised as a concern.

I would assume that the security lighting would be activated by sensors? If it was on permanently it would adversely affect the night-time landscape of the area.

Apart from my queries about existing trees and lighting I don't have an objection to this proposal.

3.5 **Ecology Officer:** No specific objections on ecological grounds to the above application but wish to make the following comments:

- The design and access statement confirms that a buffer of at least 5m will be maintained around the ditch systems and hedgerows that border the field affected. This should be sufficient to retain the majority of their wildlife value. It would be more beneficial for the ditches if in some areas access by sheep was restricted along the banks so that marginal and emergent vegetation can develop along them, depending on stock levels. All hedges, trees and ditches should be protected during any construction by demarcated buffer zones in which materials should not be stored and there should be no works or transportation.
- The applicant does not specify the grass type that the cereal crop will be replaced with. There is an opportunity for further biodiversity enhancement through the use of a more species rich grass seed mix which is still suitable for grazing by sheep and the soil type. We should be seeking such biodiversity enhancements where possible under the NPPF and Cherwell policy. I can advise further on this if necessary or I suggest they refer to their ecologist.
- I did not find any mention of whether there is a need to light the area for security or works purposes. Any lighting may disturb commuting and foraging bats using the hedgerows, embankment, trees and wider site and may constitute an offence under the Habitat Regulations. A condition should be included on any permission that any lighting proposals should be submitted to us for approval pre-commencement of any works.
- A condition should be included that if work does not commence by October 2013 (a year after the previous Badger survey, see ecological report submitted) an updated badger survey should be carried out one month pre-commencement of works the results of which should be submitted to us along with any mitigation plans should they prove necessary. Best practice with regard to badgers should be observed throughout any construction (refer them to Natural England's interim guidance document 'Badgers and Development').
- Any operations which may disturb nesting birds within the trees and hedges should not be undertaken between March 1st and August 31st inclusive unless checked by an ecologist to confirm absence of nests for the avoidance of an offence under the Wild life and Countryside Act 1981.
- Photovoltaic panels can cause problems for invertebrates attracted to polarized light (particularly those laying eggs in water bodies), whilst the nearest water body is 600m away at Merton Grounds if it is possible to incorporate patterns of rough or painted glass on the panels (I'm afraid my knowledge of the panels usage is not sufficiently detailed to know if this is feasible) then this can reduce this problem and should be encouraged.

Following the submission of further information/clarification the Council's Ecologist made the following comments;

The comment regarding lighting and the attached letter does address my queries. I concur that the area is not likely to support large populations of invertebrates and I have no specific objections on those grounds - therefore I do not have any further comments to make.

- 3.6 **Tree Officer:** The Landscape Character and Visual Impact Assessment, which accompanies the application, places significant emphasis and value on the retained woodland shelter belts and the existing hedgerow trees and the benefits they provide with screening the development and reducing its impact within the landscape. Although highlighting the obvious benefit of screening, the impact assessment fails to acknowledge the potential impact of shading the trees may have upon the panels and the impact this may have upon energy efficiency as well as considering the required felling or pruning works which may be necessary to resolve the issue.

The main areas of potential shade concerns are provided by the hedgerow trees to the south-east boundary and the section of plantation along the western boundary where the risks of reduced natural light levels are likely to be present. From the information provided, it would appear that existing mature and younger developing trees may be capable of casting shade across an approximate 10% of the overall site.

The plantation trees are of a young age with the potential to significantly increase in height and density, the hedgerow trees, although of an older age are still expected to increase in dimensions. Both plantation and individual trees provide not only acknowledged amenity value in the landscape but also provide diverse and increasing wildlife habitat values which may be compromised at a later date should there be any proposals tree works necessary to improve light levels. As the boundary plantations are outside of the red-line boundary, it is unclear as to whether or not there may be issues of ownership which may create or restrict maintenance problems in the future.

With the issue of reduced light levels not being adequately considered at the design stage, I have concerns that the development will place increasing pressures upon the existing trees with proposals leading to unacceptable levels of felling or pruning which may have detrimental impacts upon either the landscape character, the structural or physiological condition of the trees themselves and any associated wildlife habitat. These potential negative impacts would appear to be in contravention of both Policy C7 of the Adopted Cherwell Local Plan 1996 and Policy EN21 of the Non-Statutory Cherwell Local Plan 2011.

It may be advisable for the applicant to undertake an assessment of shading and natural light levels and, if necessary or appropriate, increase the distances between panels and trees in the specific areas of the site most likely to be affected.

Following the submission of further information/clarification the Council's Arboriculturalist made the following comments;

Although no details have been provided regarding the particular Forestry Commission scheme, I am satisfied that the management of the identified plantation will be the subject of an approved and monitored maintenance regime which, in turn should ensure appropriate care and retention of the trees. The final comment regarding the type of PV panels and the requirement for daylight rather than direct light reduces the impact of shade upon adjacent panels. As a result, I am able to confirm that I have no further arboricultural concerns regarding this proposed project.

- 3.7 Biodiversity and Countryside Officer:** Merton Footpath 7 runs to the south and Merton Bridleway No 4 runs to the west of this application site but neither will be affected by the proposed development.

### **Oxfordshire County Council Consultees**

- 3.8 Highways Liaison Officer:** When constructed the proposal would have a negligible traffic impact. Greater activity would be apparent through the construction phases, however, subject to adherence with the submitted construction phase traffic management plan I do not consider associated vehicles would have any significant adverse impact upon the safety or convenience of local highway users. Do not wish to object to the granting of planning permission subject to conditions being imposed.
- 3.9 County Archaeologist:** The initial response identified that the site was in proximity to known archaeologically significant sites therefore in order to comply with the NPPF it was suggested that prior to determination the applicant should implement an archaeological field evaluation and that due to the proximity of the site to Scheduled Roman Town of Alchester and its nationally important Parade Ground English Heritage should be consulted on the application. Having received the archaeological evaluation report requested further comments were made. The evaluation has identified a number of archaeological features across the site dating from the Late Iron Age or Early Roman period through to the post medieval period. A number of Roman linear features were encountered which may relate to Roman boundary ditches and drainage. In addition to these two trenches recorded Saxon features which may relate to two buildings on the site. Evidence for the Saxon period in particular is fairly rare for this area and therefore these features are particularly interesting. The evaluation has shown that a number of archaeological features will be disturbed by this development. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

### **Other Consultees**

- 3.10 Environment Agency:** Has assessed the application as having a low environmental risk and have no objection to the proposal.
- 3.11 MOD Safeguarding Weston on the Green:** The MOD has no safeguarding objections to this proposal.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C2: Protected species  
C7: Topography and character of the landscape  
C8: Sporadic development in the open countryside  
C9: Development compatible with rural location  
C14: Retention of trees and hedgerows  
C25: Scheduled Ancient Monuments  
C28: Layout, design and external appearance of new development  
ENV1: Detrimental levels of noise...or other types of environmental pollution

South East Plan 2009

CC1: Sustainable development  
CC2: Climate change  
NRM4: Sustainable Flood Risk Management  
NRM5: Conservation and improvement of biodiversity  
NRM11: Development Design for Energy Efficiency and Renewable Energy  
NRM13: Regional renewable energy targets  
NRM14: Sub regional targets for land based renewable energy  
NRM15: Location of renewable energy development  
NRM16: Renewable energy development criteria  
C4: Landscape and countryside management  
BE6: Management of the Historic Environment

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning for Renewable Energy - Companion Guide to PPS22

Cherwell Local Plan - Proposed Submission (August 2012)

The draft Local Plan went out for public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD1: Mitigating and Adapting to Climate Change  
ESD2: Energy Hierarchy  
ESD5: Renewable Energy  
ESD6: Sustainable flood risk management  
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13: Local Landscape Protection and Enhancement

## Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case are as follows:

EMP7 – Farm Diversification

TR5 – Road safety

EN16 – Development of greenfield land including the most versatile (grades 1, 2 and 3a) agricultural land

EN21 – Proposals for renewable energy schemes

EN22 – Nature Conservation

EN23 – Ecological surveys

EN24 – Protection of sites and species

EN34 – Conserve and enhance character and appearance of landscape

EN35 – Retention of woodlands, trees, hedges etc

EN36 – Enhancement of the character and appearance of the landscape

EN37 – Retention of trees and hedgerows

EN39 – Preserve setting of listed buildings and conservation areas

EN44 – Setting of listed buildings

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of solar farms in rural locations
- Grade of Agricultural Land
- NPPF and Sustainable Development
- Proposed Submission Cherwell Local Plan
- Visual impacts on local landscapes
- Impacts on the historic environment
- Highway Safety and access
- Residential amenity
- Biodiversity, ecology and trees
- Flooding

### **Principle of solar farms in rural locations**

5.2 Solar panels are commonly used in the UK on a small scale and predominantly on buildings or in urban areas. However, large scale solar farms are a common sight in some European countries and in the last couple of years applications for similar schemes have become more common in the UK, particularly in southern parts of England, where the resource is greater. Despite a number of applications for solar farms being approved in some parts of the UK, it is understood that there are still very few implemented schemes within the UK.

This committee granted approval for a scheme smaller than this near Newton Purcell in 2011.

- 5.3 National, regional and emerging local planning policy strongly supports and encourages the development of renewable forms of energy providing that it does not conflict with other policies. However where conflict does arise significant weight must be given to the need for renewable energy. The Companion Guide to PPS22 remains extant and deals with specific forms of renewable energy but does not refer to large scale solar farms. This is likely to be because at the time of publishing the document in 2004 solar farms had not been widely considered. Despite this lack of specific reference it is still possible to assess the proposal based on other principles and policies. It is therefore considered that the proposal should be assessed against those matters listed above in section 5.1.

#### **Grade of Agricultural Land**

- 5.4 The site consists of grade 4 agricultural land. Policy EN16 of the Non-Statutory Cherwell Local Plan resists development on the most versatile agricultural land unless there is an overriding need for the development and opportunities have been assessed to accommodate the development on previously developed sites and land within the built up limits of settlements. It goes on to state that if development needs to take place on agricultural land, then the use of the land in grades 3b, 4 and 5 should be used in preference to higher quality land except where other sustainability considerations suggest otherwise. This reflects guidance in the NPPF which states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 5.5 The proposed use of grade 4 agricultural land complies with Policy EN16 and the NPPF in that the most versatile land is not being used. However it is also worth referring to the fact that whilst the production of cereal crop will cease the land will be planted with grasses and it will remain possible for sheep to graze around and beneath the structures should the land owner wish to implement such a strategy.

#### **NPPF and Sustainable Development**

- 5.6 The NPPF places great emphasis on the presumption in favour of sustainable development. At Chapter 10 it sets out that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. The NPPF places a lot of emphasis on Local Planning Authorities (LPAs) developing policies around the need to encourage energy efficiency however in relation to determining planning applications the NPPF states LPAs should;
- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and



- Approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.
- 5.7 The presumption therefore lies in favour of the development of the solar farm unless there are material considerations that make the development unacceptable. The rest of the report will therefore go on to consider the other material considerations, taking into account development plan policies and guidance within the NPPF.

#### **Proposed Submission Cherwell Local Plan (August 2012)**

- 5.8 This document has been published for consultation. It is therefore not an adopted document and carries limited weight however it sets out policies relevant to the Council's intended approach to strategic development and principles.
- 5.9 Policy ESD5 of the proposed submission Local Plan sets out that the Council supports renewable and low carbon energy wherever any adverse impacts can be addressed satisfactorily and states that planning applications involving renewable energy development will be assessed against the following issues;
- Impacts on landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas
  - Visual impacts on local landscapes
  - Impacts on the historic environment including designated and non designated assets
  - Impacts on the Green Belt, particularly visual impacts of openness
  - Impacts on aviation activities
  - Highways and access issues, and
  - Impacts on residential amenity
- 5.10 The list set out above is fairly comprehensive in covering the considerations material to assessing the proposal therefore each will be dealt with in the remainder of the report.

#### **Visual impacts on local landscapes**

- 5.11 The application submission is supported by a Landscape Character and Visual Impact Assessment with the key question for consideration being whether the proposed site can accommodate a solar development without adverse impacts upon the landscape character and visual amenity of its surroundings. The Assessment made the following conclusions;
- Although the site is located within flat open farmland landscape, due to the significant woodland plantations, native field hedgerows and hedgerow trees which surround the site and provide an effective screening when viewing it from local visual receptors, its suggested that the site could lend itself to the development of a proposed new solar farm with minimal landscape character and visual amenity impacts upon its surroundings.
  - Views of the proposed development from public footpaths, bridleways and roads adjacent to and surrounding the site are comprehensively screened by a combination of surrounding topography, native field hedgerows with associated hedgerow trees, woodland plantations and

tree groups which are all indicative of the landscape character of the area.

- 5.12 The scale of the proposed development is considerable with the panels covering an area just less than the total site area of 37.5 hectares. When standing in the middle of the site you get a true impression of how big the project will be and it is difficult to understand how it will not result in a significant landscape and visual impact. However the panels will not exceed 2.3 metres in height above ground level and the lowest of the surrounding hedgerows is 3m high. From the site you also appreciate how flat the landscape is with features such as Graven Hill and Muswell Hill being the only features prominent in the landscape.
- 5.13 The Council's Landscape Officer has considered the proposal and visited many of the viewpoints identified and reaches a similar conclusion to that reached in the submission, that with the exception of minor long distance views from Muswell Hill the development is unlikely to have a significant impact on the landscape and visual amenities of the area. Some close up views are likely to be achieved from Graven Hill but this is currently in Government ownership and whilst there are proposals to develop the site in the future, effectively opening it up to the public, the Masterplan indicates that the higher ground will remain wooded and as such there will be limited clear views into the site. The MOD at Graven Hill has been consulted but to date no response has been received.
- 5.14 Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and the character of the landscape and the explanatory text explains that tight control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced. Given the conclusions reached in the submitted landscape and visual assessment and by the Council's own landscape officer it is considered that the proposal does not run contrary to this policy. The character of the site itself will change but this is unlikely to affect the wider landscape and the effects are reversible given the nature of the development.

#### **Impacts on the historic environment**

- 5.15 The site itself was not originally identified as containing any features of historic significance, for example listed buildings or archaeology, nor are there any features in the immediate vicinity.
- 5.16 The nearest listed buildings are to the south at Astley Bridge Farm and within the villages of Ambrosden and Merton. Given that all of these are some distance away from the site and on a very similar land level, they and their settings are unlikely to be affected by the proposed solar farm.
- 5.17 The Scheduled Ancient Monument of Alchester Roman Town is located some distance to the north west of the site beyond the railway line. It is unlikely that the proposal will have an adverse impact on the setting of this site but English Heritage have been consulted and to date have not responded.
- 5.18 The submitted Landscape Character and Visual Impact Assessment concluded that due to the native hedgerow with associated hedgerow trees to the south east of the site combined with the substantial 40 metre wide mixed deciduous woodland plantations which define the remaining boundaries, the site is unlikely

to impact upon the settings of Scheduled Ancient Monuments or Listed Buildings within the vicinity. This conclusion is supported by officers.

- 5.19 The proximity of the site to the scheduled ancient monument highlighted the potential for it to support archaeological features. As such the County Council's Archaeologist required that an archaeological field evaluation be carried out prior to the determination of the application. This has been done and it did identify various late Iron Age or early Roman finds. As a result the County Archaeologist has not objected to the application subject to the applicants complying with conditions which require a staged programme of investigation which is to include a detailed record of any other finds encountered during the construction process.
- 5.20 Notwithstanding the fact that English Heritage have not yet commented on the application it is considered by officers that the advice contained within the NPPF as to how the impact on heritage assets should be assessed has been complied with and that in conclusion the proposal is unlikely to result in the loss of or significant harm to any heritage assets. As such the proposal is considered to comply with the NPPF and development plan policies which seek to conserve features of historic importance.

#### **Highway Safety and access**

- 5.21 The site is proposed to be accessed via the existing access to Home Farm. The access is designed to be used by articulated lorries, as such there should be no need to alter the existing access. The access is such that there is good visibility in both directions when leaving the site.
- 5.22 The Local Highway Authority is satisfied that after construction there will be no significant increase in traffic movements as a result of the development. There is likely however to be an increase in traffic during the construction phase.
- 5.23 The application has been supported with a Construction Traffic Management Plan. This sets out that there will be three phases to development with the total period being in the region of four weeks. During phase one there may be on average five HGV deliveries per day, phase two one per day and phase three 6 HGV's a day. HGVs will come from the M40 along the A41 and through Ambrosden and are proposed to be restricted to the hours of 0930 and 1430hrs to avoid peak hour traffic.
- 5.24 The Local Highway Authority is satisfied with the submitted Construction Traffic Management Plan and as such does not consider that the proposal will cause harm to highway safety.
- 5.25 Ambrosden Parish Council has made reference to their intention to install traffic calming measures through the village at a future date. Whilst this is noted it is assumed that this will not restrict the use of the road by HGVs using the highway network for access.
- 5.26 In relation to highway safety it is considered that the proposal complies with guidance contained within the NPPF.

#### **Residential amenity**

5.27 The nearest residential property to the proposed solar farm is Home Farm itself which is within the control of the applicant. Therefore the residential amenities of the occupants is not a significant consideration as they have a personal interest in the development. The nearest residential properties are other isolated farmhouses and the properties within the villages of Ambrosden and Merton. Given the low lying nature of the development, the landscaping and the surrounding landscape it is unlikely that these properties will get any views of the development, as such it is unlikely to be detrimental in terms of being overbearing or dominant.

5.28 Solar farms do not have any moving parts as such the only potential noise creation will be from the inverter and transformer cabins. However it is understood that these make minimal noise and this is further reduced by the fact that they are contained within cabins. It is unlikely that the operational solar farm will result in any noise and disturbance to residential properties in the vicinity of the site.

### **Biodiversity, Ecology and Trees**

5.29 The majority of the site is not identified as supporting any species or habitats of particular importance probably due to the fact that the site is an agricultural field regularly harvested and grazed. However at the boundary of the field is a combination of substantial hedgerows, woodland planting and ditches, some of which are within the red line and some which fall outside of the red line but all within the applicant's ownership. These areas are important as they do have some wildlife value.

5.30 The actual installation of the solar panels is only likely to affect the field and the proposals do not include the removal of any hedgerows. However the developers will be required to ensure the trees and hedgerows are not disturbed during the construction process.

5.31 The NPPF and local policy seeks to secure biodiversity enhancements through development proposals and in this instance this can be achieved through the appropriate selection of grass seed mix. A condition can be imposed to require the submission of further details relating to biodiversity enhancements as they currently seem to be described as improved grassland and a 5m buffer between the existing hedges and the solar arrays.

5.32 The Council's Ecologist raised a question about the impact the panels may have on invertebrates that lay eggs on water bodies and the potential for the panels to be mistaken for a large body of water due to the reflection of polarised light. The applicant's ecologist has responded to this with the following comments (in summary);

- Proposal not located close to water bodies and consequently the invertebrates most at risk are unlikely to be present on the site
- Ecologically poor habitat currently present is unlikely to support invertebrates in significant numbers
- Proposed biodiversity enhancements are likely to substantially increase invertebrate numbers which would offset any negative impact of insects mistaking the panels as water bodies
- It is not considered that any other mitigation is necessary

5.33 The Council Arboricultural and Landscape Officers have raised a concern about the impact the woodland planting may have on the efficiency of the panels and whether or not shading would lead to pressure to fell the trees, a concern due to the value of the trees as a visual feature and wildlife habitat. In response to this concern the agent has made the following response;

- The tree plantation is part of a Forestry Commission scheme, the plantation is managed woodland containing a variety of species. The management programme includes thinning and there is a continuous cycle of trees being felled when they reach a specific age. As each tree is felled a new tree is planted as part of the on-going management programme.
- With regard to the trees casting shadows this would be limited towards the end of the day when the sun is setting in the west and would only relate to the north western corner of the site and it is worth noting that the PV panels work in daylight and direct sunlight is not essential.

5.34 As the trees are managed through the Forestry Commission it would not be appropriate to condition their retention in this instance. Whilst they do afford some ecological value it would seem appropriate to assume that this will be recognised through the work that the Forestry Commission do. It would also seem that the potential for shading will not have an adverse impact on the productivity of the panels therefore there is unlikely to be pressure to fell the trees as a result of the development. The trees do provide some added screening benefits but it is considered that the site is so flat that the removal of the trees as controlled by the Forestry Commission would not result in the panels becoming visible across the wider countryside. It may however be appropriate to condition the retention of the hedgerows and require additional hedgerow planting along the boundary of the site if the removal of the trees leaves the site without a natural boundary screen.

### **Flooding**

5.35 A small proportion of the site lies within flood zone 2 and as such is at some risk of flooding. The application has been submitted with a Flood Risk Assessment (FRA). The FRA identifies that the area of the site at risk of flooding is unlikely to flood to a depth greater than 0.15 metres. This has been considered in the layout of the proposal with no inverter or transformer cabins being located within the flood zone. Furthermore the solar panels are set 0.50 metres off the ground and are therefore unlikely to be affected by flooding.

5.36 The FRA calculates that the increase in impermeable areas as a result of the development will be 295.9 square metres, less than 0.1% of the gross site area. It also sets out the following;

- The ground surface throughout the entire site, including that underlying the frames of the panels, will be grassed following completion of the development. Rainfall will run off the photovoltaic panels and the cabins and on to the grass sward beneath. However, the incident rainfall is expected to infiltrate into the underlying soils at the same rate as that pre-development. It is considered that the increase in evaporation from rainfall on the panels will more than mitigate for the effect of the minimal increase in the impermeable surface at ground level. Consequently, the development will not increase surface water run-off from the site and

will, therefore, not increase the flood risk elsewhere due to surface water run-off.

- 5.37 The Environment Agency has assessed the proposal and has not raised any objections nor sought to impose any conditions. Therefore it is considered that the proposal complies with guidance in the NPPF relating to flooding and the relevant development plan policies.

#### **Other issues**

- 5.38 The site is not within the Green Belt therefore considerations as to the appropriateness of the development and its impact on openness are not relevant to this application.

- 5.39 Given the nature of the development, with none of the structures exceeding 2.5m in height it is unlikely that the development would have any impact on aviation safety. Policy ESD5 of the proposed submission Local Plan list aviation safety as a particular issue of interest to the LPA in relation to schemes for renewable energy. However it's likely that this would be more significant in relation to schemes for wind energy where structures are considerably taller and have moving parts.

#### **Conclusion**

- 5.40 One of the key principles of the NPPF is that planning should support the transition to a low carbon future...and encourage the use of renewable resources (for example, by the development of renewable energy). Solar Farms are not yet a common feature in the English countryside and the principle of them may appear at odds with the character of rural locations therefore probably the most relevant consideration becomes the weight of balance between landscape impact and the need for renewable energy. However the visual impact of the proposal in this location is very localised and not considered to cause demonstrable harm despite its size, neither is it considered to harm residential amenities, highway safety, ecology or historic features. It is therefore considered that the balance should fall on the provision of renewable forms of energy where there are no significant material considerations which indicate otherwise.

## **6. Recommendation**

**Approval**, subject to:

- a) The expiration of the consultation period for English Heritage and MOD (Graven Hill) and the advertisement period resulting from the amended red line (showing the access) (14 February 2013).

b) the following conditions:

1. SC1.4 Full permission: Duration Limit (3 years) **(RC2)**
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:

- a. Application forms
- b. Flood Risk Assessment by Chris Dartnell dated 26 September 2012
- c. Design and Access Statement by Buckle Chamberlain Partnership Ltd dated September 2012
- d. Landscape Character and Visual Impact Assessment by TDA dated September 2012
- e. Extended Phase1 Habitat Survey by Acer Ecology dated October 2012
- f. Construction Traffic Management Plan by Traffic and Transport Planning dated September 2012
- g. Site Location Plan (Amended)
- h. Drawing no. 1057/002 B Site Layout Plan July 2012
- i. Drawing no. 1057/003 C Proposed Boundary details July 2012
- j. Drawing no. 1057/004 B Ground Installation, Mounting Details Fixed Tilt System July 2012
- k. Drawing no. 1057/005 B CCTV Camera Installation July 2012
- l. Drawing no. 1057/006 Inverter station July 2012

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

3. When the solar farm ceases its operational use the panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to solely agricultural use.  
**Reason:** The nature of the development is such that once it ceases operation it will not serve its purpose of generating power thus removing the justification for its presence and in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.
4. That before the development hereby permitted is brought into first use, the security fencing and the exterior surfaces of the electrical inverter and transformer cabinets and switchgear and meter housing shall be permanently coloured in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. **(RC4A)**
5. The existing hedgerow/trees along the boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition. **Reason:** In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
6. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS. **Reason:** To ensure the continued health of retained trees/hedges and to ensure that they are not adversely

affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details. **Reason:** To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy NRM5 of the South East Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
8. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1<sup>st</sup> March to 31<sup>st</sup> August inclusive. **Reason:** To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
9. In the case where the development hereby approved has not commenced within 1 year from the date of the approved Phase 1 Habitat Survey, prior to the commencement of the development hereby approved, a revised survey shall be undertaken to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing 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 NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
10. Prior to 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 area, which shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the National Planning Policy Framework.
11. Prior to the commencement of development and following the approval of the Written Scheme of Investigation referred to in condition 9, 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. **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 National Planning Policy Framework.

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

**The proposal accords with national guidance for the development of renewable energy. The proposal also accords with provisions of the development plan. The landscape impacts are localised in nature and this impact is not considered to be sufficient to outweigh the need for renewable energy generation, which is of regional and national importance. There are no other material considerations which justify a refusal of planning permission.**

**In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.**