

# **Parcel Land East of OS 3500 and North of Field Barn, Hook Norton Road, Sibford Ferris 12/01737/F**

**Ward:** Sibford

**District Councillor:** Councillor Reynolds

**Case Officer:** Jane Dunkin

**Recommendation:** Approval

**Applicant:** Mr John Taylor

**Application Description:** Proposed solar farm with combined use for renewable energy and agriculture

**Committee Referral:** Major Development: Site area exceeding 1ha

## **1. Site Description and Proposed Development**

- 1.1 The field in which the development is proposed amounts to around 6ha of arable farmland and is situated to the south east of the village of Sibford Ferris. The field is immediately adjacent to and east of the Sibford School Grounds and shares a short boundary with the Sibford Ferris Conservation Area. It is situated on the northern side of the Stour Valley which continues to descend to the south to a height approximately 60m lower than the highest point on the site.
- 1.2 The lowest point of the field is to the south, adjacent to the Darcy Dalton Way (public right of way), gradually rising to the north to a height of 14m before flattening on the eastern side and then falling again to the northern boundary of the field by 2-3m. The land also falls to the west from its highest point by 7m and by 13m to the south west.
- 1.3 The field is bounded by hedgerows to the east, north and west. The hedgerow on the eastern boundary is of greater height and includes more mature tree planting, the hedgerow boundaries to the north and west are lower in height and contain fewer trees. There is no screening to the south or south west of the field adjacent to the Darcy Dalton Way, however there are areas of woodland to the south east and south west beyond this footpath.
- 1.4 The proposed development would involve the installation of 63 units each holding 69 panels. They would be arranged in a linear format running west to east in lines of three units and would cover around half of the field, however would be concentrated on the eastern side and largely to the north. The panels would utilise the topography of the site rather than there being any requirement for cut and fill. The units would stand at a maximum height of 3m. A 1.2m high perimeter fence of timber posts at 1.8m intervals and galvanised stock fencing would surround the panels. Five 3m high security cameras are proposed around the perimeter of the panels, together with a small inverter cabinet in the centre of the site.
- 1.5 A comprehensive landscaping scheme is proposed which would consist of reinforcing the existing eastern hedgerow of the site, and introducing landscape

buffer areas to the north, west and south boundaries to include heavy standard trees at a height of 3.5m – 4.25m, woodland core mix including feathered trees at a height of 1.5m – 1.75m and under storey transplants at a height of 400mm-600mm. A native hedgerow mix is also proposed along the southern boundary of the site. The scheme also includes the planting of species rich grassland across the site and a 20m exclusion zone around an existing badger sett which is situated within the eastern boundary of the site.

1.6 There is no planning history relevant to this site.

## **2. Application Publicity**

2.1 The application has been advertised by way of neighbour letters, a press notice and site notice (one immediately to the south of the site, one at the point where the footpath running south of the site meets the Hook Norton Road and one on the village notice board). The final date for comment was the 24 January 2013. 42 letters of representation have been received, 15 of which support the application, 26 of which object to the application and one which neither supports nor opposes the application. The letters of representation are summarised below:

### **2.2 Representations of opposition**

- Fencing eyesore – why is it necessary?
- Area of High Landscape Value with footpaths and bridle ways. Attracts residents and visitors who bring revenue to area. 40-50 years before trees have any benefit. Abuts Conservation Area, intrusive development. Noise in tranquil area.
- Eyesore in open countryside, ugly intrusion will impact widely.
- Accept principle is important but environmental impact must be given sufficient consideration. Outstandingly beautiful area of rolling hills. Fundamental change to local landscape. Hedge will not be capable of screening. Concerned that similar applications will follow.
- Timing of notification divisive.
- Totally inappropriate in a rural location adjacent to a conservation area and within an area of High Landscape Value.
- Not in keeping with Conservation Area will not enhance enjoyment on countryside. Keep it rural.
- Lack of public advertisement. Unsightly next to Conservation Area. Why wasn't a notice put in the village? Ugly – hedge cannot fully hide. Move to area with less impact.
- Huge impact upon environment. Ugly on approach from Hook Norton. Spoil Sibford Ferris. Should have been more widely publicised
- Inappropriate development for this area. Large scale in rural setting. CCTV and fencing add to inappropriateness. Permission will lead to proliferation.
- Vast and unsightly. Quiet village, will cause distress to many people. Unnecessary precedent – no benefit to village. Several people haven't heard about this. Further time required for opinions to be noted.
- Severely damage rural environment. Major eyesore in a highly visible location. Inappropriate to further reduce local agricultural land base in favour of industrialisation. Utmost importance to retain as large a degree of agricultural self sufficiency as possible.
- Could affect growing tourism industry. Very visible from bridleways and footpaths. Borders a conservation area. Health risk to humans and

animals due to noise. Glint and glare intrusive and visible from a great distance. Beautiful countryside. Tranquillity totally destroyed.

- Blot on landscape must not be allowed. Highly visible, Green power aspect questionable – indestructible nature of panels when scrapped?
- Visual/landscape impact horrendous. Scenery spoilt. Development of significant scale not in keeping with local environment. Devalue houses. Urge to reject.
- Area characterised by beauty of countryside. Benefits in energy conservation but violently detrimental in a visual way. Breaking down into smaller areas which are concealed from view might be more acceptable. Terrible blight on local area.
- Area of outstanding beauty. Too close to school and village. Hamper access to school in an emergency. Could be better located on other areas of land. Glare unknown. Noise? Not enough sunlight in UK to make worthwhile. Is local community benefiting?
- Will interfere with views from properties on Main Street and Folly Court and from footpaths. Significant scale. Glint – major visual distraction. Not convinced will be concealed by high hedge – many years to grow. Recognise and support need to develop renewable energy but this site is not critical. Major asset to Sib valley – unspoilt beauty.
- Keen supporter of renewable energy but objects. Profound impact upon conservation area and general environment. Clearly visible from road. Disfigurement to the beautiful Oxfordshire landscape. Main property affected by proposal is owned by applicant. Applicant own hundreds of acres. Find south facing field out of site.
- Believe in solar energy, but concerns re size, spoiling look of valley, possible glare for drivers and effects on wildlife.
- Object strongly. Spoil the look of the environment. Proposal completely unacceptable. Impact horrendously on the landscape. Shows no sympathy to nature of area.
- Inconceivable that this should exist in this scenic, small, very beautiful valley. Ugly, vast and permanently intrusive. Local B&Bs would be affected. How long before another crops up?
- Supporter of green energy but object to size and positioning. Blot on landscape. Site in clear view of all passing traffic, walkers, riders, not in keeping with surrounding environment. Glare will have strong visual impact. Would be concerned if set a precedent. Would like to hope that the villages could consider an appropriate site beneficial for the environment whilst not detracting from the beauty of the countryside.
- Object. Devastating effect on beautiful vistas. Completely out of keeping with landscape. Will set precedent. Will not encourage visitors – knock on effect to local businesses. Retrograde step.
- Huge impact upon local environment. Size and amount of land covered. Unsightly in such a rural area. Sloping site – makes even more visible. Glint and glare. Will set a precedent.
- Surprised not consulted. Next to conservation area. Doubt would be adequately screened. Visible from local footpaths. Detrimental to landscape for what is a questionable environmental benefit.

### 2.3 Representations of support

- Needs full support, can only see massive benefits. Alternative power source, nature and wildlife

- No detrimental visual impact, screening would hide from all public views. Contribute to a lower carbon society, Conservation Area will be unaffected (existing mature trees between). Positive energy contribution with minimal impact upon setting
- Seeks to provide alternative energy and creation of landscaping to minimise sight of panels.
- Position in the least overlooked in the area. Screening = minimal visual impact. Need for energy ever growing. If necessary area can be returned to farming with little long term damage. New hedges are a plus for wildlife.
- Alternative sources of energy are desperately needed. Solar preferable to nuclear and wind farms. Hardly any inconvenience to footpath users. Planting of trees enhances wildlife and screening. Would not be seen from 99% of village properties. Field can be returned to farming in the future. Supports need for renewable energy.
- Sensible idea in this day and age. Confident that there are ways of making discreet and not an eyesore
- Positive response to Sibford Community Plan to 'support green energy sources with vigour'. Proposed screening will shield. Beautiful area but cannot resist progress to supply nations energy needs.
- Great idea. Won't have much of a visual impact. Desperately needed if to achieve target of low emissions by 2050. No doubt there was once an outcry against pylons. Other examples of solar arrays are no unsightly.
- Contribution to reducing nation's reliance on fossil fuels. Some visual impact but reduced by relatively small installation next to Sibford School (close to already built area and large buildings). No view from Sibford itself or footpaths close to village. Providing hedges are sufficiently tall – hard to get a view.
- Only a very small change. Site should produce enough electricity for 500 homes. Prove this is correct before considering other sites.
- Worthy contribution to the future of energy requirements to go into the National Grid. Know the site well - it would not impinge upon surrounding countryside. Application should be given support to continue.
- Recognises need for renewable energy. Well located with only minimal impact upon surrounding area. When proposed screening takes hold can see no detrimental affect on area.
- Support. Need to reinvest and uplift our existing power/water/fuel requirements and systems. Have to grow and change attitudes to the countryside. Ideally suited to location. No noise, smell, traffic. Once screening in place, no visual impact. Significantly less impact than the multicoloured buildings at Sibford School. Field will be able to be grazed so no loss to agriculture. Countryside will change with our requirements. 500 houses served by development reducing pressure on national grid. Far better than wind turbines or power stations.
- Renewable energy supply close to where it is consumed. Encouraged by Government. Much less intrusive than wind turbines. Can be dismantled and restored to original state. Relatively secluded from view. Hedge to hide panels. No noise.
- Could have great environmental benefits for green energy and wildlife. Well sited visually. No doubt will look stark to start with. Be interesting and as screening grows will not be very noticeable.

## 2.4 Neutral representation

- Not aware why this should be on such high ground. Can be seen from a distance when in a hilly area. CDC needs to condition screening prior to installation, maintenance of planting, height and planting effective in summer and winter. Applicant should not be able to claim that planning constraints make proposal uneconomic.

### 3. Consultations

**Sibford Parish Council:** Supports the application. The Parish Council is firmly of the view that this is a measured application taking into account the very small impact on the surrounding area (if any) and the fact that it is hidden from view naturally and also with the screening proposed.

#### Cherwell District Council Consultees

- 3.1 **Planning Policy Officer:** Due to commitments with the preparation of the local plan, the planning policy team has not had the resources to provide a response to this application, however reference was made to the policy advice provided in relation to planning application 11/00117/F for a similar scheme in Fritwell. This advice states that there is clear policy support for development which contributes to renewable energy generation and carbon emission reductions which meets government commitments. Even a comparatively small contribution to renewable energy is an environmental and economic benefit that should be given significant weight. Policy EN21 of the non-statutory Cherwell Local Plan, which is criteria based is relevant. The main issue to consider is whether the benefits are outweighed by the harm. The advice is that it is unlikely to be the case for many of the issues. The main area of conflict is the grading of agricultural land on which the development is proposed. If grade 1, 2 or 3a, development should not be permitted unless there is an overriding need and other sites have been considered. Grades 3b, 4 and 5 should be used instead unless this would be inconsistent with other sustainability considerations.
- 3.2 **Conservation Officer:** I do not believe that this proposal would cause irreversible damage to the conservation area. The panels are removable and would have no permanent impact on the land or setting. While the visual impact would be affected, this does not necessarily mean detrimentally. Certainly the panels would be a very different feature in the landscape, but no more intrusive in my opinion than large grain silos which are necessary parts of the working agricultural countryside. The panels have been designed to face away from the village, to allow the use of the land to continue as pastoral, and are somewhat shielded from views south by vegetation. Although the site is adjacent to the conservation area, there is already a good buffer between any properties and the proposal. The key views are looking back into the conservation area. If views towards the proposal are considered to be detrimentally threatened, I would suggest either a low level earth bund or a new planting scheme. I cannot see any reason why this should be refused on conservation grounds, as it is unlikely that the proposal would cause substantial harm to the conservation area or its setting.
- 3.3 **Head of Safer Communities:** The additional information submitted indicates that the proposed installation will not have an adverse impact due to noise.

- 3.4 **Environmental Protection Officer:** The proposed development is unlikely to increase the risk of naturally occurring metals in soil.
- 3.5 **Arboricultural Officer:** No significant trees will be affected by this proposal. No objections on arboricultural grounds. Details of positions of protective barriers together with access and materials storage are required.
- 3.6 **Landscape Officer:** Considers that the revised Landscape Visual Impact Analysis demonstrates that the scheme is not refusable.
- 3.7 **Ecology Officer:** No objections. The walkover survey is sufficient in scope and depth. The following conditions are recommended: badger gates in fencing, restriction over light re bats, further survey where the current one becomes out of date, ecological enhancements
- 3.8 **Right of Way Officer:** Sibford Footpath No 7 (347/7/30) runs along the southern boundary of the application site but will not be affected by the proposed development.

#### **Oxfordshire County Council Consultees**

- 3.9 **Highways Liaison Officer:** When operational the proposal would have a negligible impact upon the local highway network. Occasional trips will be required for maintenance. The construction phase would generate more intense use of the network which is of rural nature and the intensification raises concerns about highway safety and convenience. A Construction Phase Traffic Management Plan would provide appropriate mitigation. The nearby footpaths will be affected by vehicles during the installation stage. Signage should be provided so that drivers are aware of pedestrians in the area. No structures, materials, plant or vehicles shall be placed or parked on the PROW. The footpaths must not be obstructed by planting. No objections subject to a construction phase traffic management plan and details of planting.
- 3.10 **Drainage Officer:** No comments to date.

#### **Other Consultees**

- 3.11 **Severn Trent Water:** No comments to date.
- 3.12 **Environment Agency:** Provides standard advice as the site lies in Flood Zone 1 and is between 1 and 5 hectares.
  - Surface water run off should not increase flood risk to the development. SUDS will be required.
  - Allowance for climate change needs to be incorporated (20% for commercial development)
  - Residual risk of flooding needs to be addressed should any drainage features fail or are subjected to extreme flood event.
- 3.13 **Natural England:** No comments to date.
- 3.14 **Ramblers Association:** No comments to date.

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

#### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

Policy C2:	Protected species
Policy C4:	Creation of new habitats

Policy C7:	Landscape conservation
Policy C8:	Sporadic development in the open countryside
Policy C9:	Scale of development compatible with a rural location
Policy C13:	Areas of High Landscape Value
Policy C14:	Trees and Landscaping
Policy C28:	Standards of layout, design and external appearance
Policy ENV1:	Development likely to cause detrimental levels of pollution
Policy TR7:	Development attracting traffic on minor roads

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning for Renewable Energy: A Companion Guide to Planning Policy Statement 22 (remains extant)

Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft submission of the Cherwell Local Plan has been through 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
ESD5:	Renewable Energy
ESD10:	Protection and Enhancement of Biodiversity and the Natural Environment
ESD13:	Local Landscape Protection and Enhancement
ESD16:	The Character of the Built Environment

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle
- Renewable Energy
- Landscape Designations
- Biodiversity
- Visual and Landscape Impact
- Historic Environment
- Aviation Activity
- Highways and Access
- Residential Amenity
- Agricultural Land
- Contaminated Land
- Flood Risk and Drainage
- Planning Obligation

## **Principle**

- 5.2 The main theme of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies indicate that development should be restricted.
- 5.3 In order to meet the challenge of climate change, flooding and coastal change, the NPPF advises that schemes for energy development should be approved, unless material considerations indicate otherwise, if its impacts are (or can be made) acceptable.
- 5.4 To increase the use and supply of renewable and low carbon energy, the NPPF advises Local Planning Authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
- 5.5 Due to the age of the adopted Cherwell Local Plan, there are no relevant policies against which the principle of this application can be assessed.
- 5.6 With regard to the draft submission of the Cherwell Local Plan 2012, the NPPF states that decision takers may give weight to relevant policies according to the stage of preparation (the more advanced the greater the weight that may be given). The draft submission has been through public consultation, therefore some limited weight can be given to the plan as a material consideration. Policies ESD1 and ESD5 of the draft submission are relevant to climate change and renewable energy. Policy ESD1, whilst more strategic in content, promotes the use of decentralised and renewable or low carbon energy where appropriate, as does Policy ESD5 provided that any adverse impacts can be addressed satisfactorily. Of particular significance, against which renewable energy developments will be assessed, are:
- Impacts on landscape (including designations)
  - Visual impacts on local landscape
  - Biodiversity (including designations and protected species)
  - Impact on the historic environment
  - Impacts on aviation activity
  - Highways and access issues
  - Impact on residential amenity
- 5.7 The supporting text relating to Policy ESD5 also refers to the need to protect the District's high quality agricultural land (Grades 1 and 2).
- 5.8 The principle of renewable energy development therefore lies with an assessment of the balance between securing sustainable forms of energy and the impact that this would have upon the local environment. The assessment of the issues set out in Policy ESD5 of the draft submission of the Cherwell Local Plan are set out below together with any other relevant issues resulting from site constraints.



- 5.9 It is also interesting to note a recent and local appeal that was allowed, relating to a site in Thorpe Mandeville, that was made by the Secretary of State in respect of a proposed solar photo voltaic park following a decision of refusal which was made by South Northamptonshire District Council in March 2011 and a subsequent public inquiry.
- 5.10 The overall conclusion by the Secretary of State in relation to this decision is as follows:
- 5.11 *The Secretary of State agrees with the Inspector's conclusion that the proposed development would result in some harm to the local landscape and to the amenity of walkers using the local footpaths. However, he also agrees with the Inspector that this would be outweighed by the renewable energy benefits of the proposal. He agrees with the Inspector that the scheme would make a significant contribution to meeting targets for renewable energy and that the resultant contribution to the reduction of greenhouse gases would accord with the Government's aims concerning climate change. He also considers that the proposal would have energy security benefits and that the scheme would be sustainable development which would gain support from the Framework.*
- 5.12 Based on this conclusion it would seem that there are situations where renewable energy benefits could be considered to outweigh harm caused to the local landscape and the amenity of local rights of way. The following assessment gives consideration to these issues together with all other relevant planning considerations.

### **Renewable Energy**

- 5.13 The companion guide to PPS22 (Planning for Renewable Energy) remains extant and advises that global climate change is a recognised phenomenon of international significance and that tackling climate change is a necessary condition for sustainable development. It advises that a reduction of greenhouse gases may be achieved by reducing the need to use energy, using it more efficiently and increasing the proportion of energy from renewable sources. It also advises that renewable energy can have wider environmental, economic and social benefits which are the three dimensions of sustainable development as set out in the NPPF.
- 5.14 The NPPF encourages the use of renewable energy within its core planning principles. It also states that applicants should not be required to demonstrate the overall need for renewable energy and recognises that even small scale projects provide a valuable contribution to cutting green house gas emissions. The proposed solar park would have a generating capacity of 1.0MW, which is around a third of the generating capacity of the Thorpe Mandeville case referred to above, which the Inspector concluded would make a significant contribution to meeting renewable energy targets. In that case, the East Midlands Regional Plan had noted that the existing renewable energy schemes in that region made a minor contribution to the region's capacity (approximately 2%) and the East Midlands lags behind the other English regions, which the Inspector also gave significant weight to.
- 5.15 The South East Regional Plan was revoked on 25 March and does not therefore form part of the development plan. It is however worth noting the policies from that plan with regard to renewable energy targets for the region in

which the development lies. Policy NRM13 of the South East Plan had a target of achieving 895MW by 2016, which amounts to 209MW in the Thames Valley (Policy NRM14). These policies also noted that one of the greatest potential sources of renewable energy is identified as solar energy. Whilst it might be argued that the capacity of the proposed solar farm's generation represents a very minor element of the overall renewable energy targets within the local area, as referred to above, the NPPF states that even small scale projects provide a valuable contribution to reducing green house gases and as such it must be concluded that the proposal accords with the Government's objectives of securing renewable energy development and should therefore be afforded considerable weight.

### **Landscape Designations**

- 5.16 The site lies within an Area of High Landscape Value, which is a local landscape designation as identified within the adopted Cherwell Local Plan. The National Planning Policy Framework does not make reference to local landscape designations, giving more priority to nationally designated Areas of Outstanding Natural Beauty. The Proposed Submission of the Local Plan follows suit by virtue of Policy ESD12, however there is no reference to areas of High Landscape Value within this Plan. Policy C13 of the adopted Cherwell Local Plan must be given consideration as it forms part of the development plan, however, as it is not consistent with the advice contained within the NPPF, it cannot be afforded significant weight.
- 5.17 Policy C13 of the adopted Cherwell Local Plan states that the Council will seek to conserve and enhance the environment within an area of High Landscape Value giving consideration to the scale and type of development, its siting and design. As limited weight can be given to Policy C13, these issues are covered in more detail below in the context of the impact upon the landscape generally.

### **Visual Impact and Impact upon Local Landscape**

- 5.18 The Oxford Wildlife and Landscape Study characterises the area within which the site lies as an area of *'Rolling village pastures with a strong undulating landform of rounded hills and small valleys. Small to medium sized fields with mixed land use, but predominantly pasture. Densely scattered hedgerow trees, well defined nucleated villages with little dispersal into the wider countryside'*.
- 5.19 The application has been submitted with an accompanying Landscape and Visual Analysis which has been updated in response to the Council's Landscape Architect's comments during the course of the application. This document concludes that the undulating hill and valley topography of the surrounding landscape is a major factor in determining the extent of the area from which the proposed development will be seen. The linear nature of the Stour valley topography has created a visual envelope which stretches out approximately four kilometres to the south west of the site. The report identifies nearby receptors with varying sensitivity to visual impact as; public rights of way, residential properties, road users and places of work. However the report claims that the initial large to moderate adverse impact [of the development] will be reduced to slight as the structure planting develops. The report also claims that at the end of their working life, the panels can be removed and the field returned to its agricultural use. The remaining native planting would continue to provide woodland habitat of benefit to local biodiversity long after. The temporary nature of the panel structures and the knowledge that there will be

no permanent loss of landscape is a beneficial characteristic of this renewable energy resource.

- 5.20 In terms of the landscape impact of the proposal, officers consider that the introduction of a significant number of solar panels, due to their nature and appearance would be alien to the existing valley which is characterised by rolling countryside, small woodlands and arable farming. At a height of 3m over an undulating landscape differing in height over 9m the scheme will appear as a very industrial addition to the landscape which has the potential to cause significant harm to visual amenity, the character of the landscape and the amenity of nearby public rights of way. For these reasons, a very thorough assessment must be made of their impact and the proposed comprehensive landscaping scheme (as set out in para 1.5) which has involved detailed site visits by officers who have made their own assessment of the impact of the scheme on its surroundings. The following is concluded:
- 5.21 Views from the Darcy Dalton Way public footpath immediately to the south of the site would be gained over a distance of 20-200m, immediately to the west over a distance of approximately 40m and to the north over a distance of 170m (although views from the north are already interrupted by existing elements of planting). The impact of the development upon visual amenity, the amenity of this footpath and the character of the landscape would be significantly detrimental without the proposed planting. It is considered that the planting would begin to become established over a 3-5 year period, therefore the proposed development would result in 3-5 year harm until the planting becomes established. Officers believe that glimpses of the panels would still be viewed from some of these vantage points after a 3-5 year period, however the visual impact and impact upon the amenity of the footpath would be markedly reduced and as such the screen planting has the potential to reduce the impact of the development on these vantage points from significantly detrimental to slightly harmful.
- 5.22 Views from the Darcy Dalton Way at any point east of the field in which the development is proposed are well screened by the hedgerow to the north of this footpath and the eastern hedgerow of the site boundary. Glimpses may be gained, however these would be fleeting and therefore harm would not be caused to visual amenity, the amenity of the footpath or the character of the landscape. Travelling further to the east, and south east no views are gained of the site due to the topography of the land and the existing natural screening in the area.
- 5.23 Views of the site can be gained from the bridle way running adjacent to Lower Nill Farm (to the south of the site) however this right of way is on land that is around 40m lower than the site and at a distance of 1.2 – 1.3km. Due to the change in the topography and the perspective gained of the site from this location, the impact of the proposed development would be reduced. Without the proposed screening however it is considered that it would result in harm to visual amenity and the character of the landscape but less so to the amenity of the bridleway. The proposed planting would assist with improving the impact of the proposal upon visual amenity and the landscape to a point where, due to topography and perspective, and once the planting is established, it would hardly be detected, thus reducing the level of harm to one that is acceptable in terms of visual and landscape impact when viewed from this location.

- 5.24 Various views of the site can be gained when travelling along the Whichford to Milcombe Road, however some views are interrupted by surrounding topography and existing natural screening. The furthest point to the west from which the site can be seen from this road is around 4km from the site on land that is around 30m higher than the highest point on the site. Officers are not convinced that the proposed screening would mitigate the impact of the proposal from these higher vantage points, however due to the distances involved, officers consider that it could not be argued that the proposal would result in severe harm to visual amenity or to the landscape. The nearest vantage point from this road is close to Nill Farm over a distance of 2km and at a similar land level to the site. Views of the development from this location would be gained however. Therefore until the planting is established there would be some harm, but this would be reduced by the distances involved.
- 5.25 Views from the Hook Norton to Sibford Road can be gained of the site in places, however some are screened by road side planting and woodland planting within the landscape. On lower ground, similar to the bridleway close to Lower Nill Farm, officers are satisfied that, coupled with the distances and perspectives involved, the proposed screening would mitigate any unacceptably harmful visual and landscape impacts from these vantage points.
- 5.26 Views within closer proximity of the site would be gained from the Hook Norton to Sibford Road on the western side of Sibford School, however the road is at a slightly lower land level. With the existence of buildings and the proposed planting, officers are satisfied that the site would be sufficiently screened from this vantage point not to cause harm to visual amenity.
- 5.27 Views would also be gained of the site from the footpath to the north east which runs past Folly Farm on land that is 10m higher than the highest part of the site. The existing hedgerow between this footpath and the site is relatively low and only includes a handful of mature trees. Without the proposed screening, the impact of the proposal would cause harm to visual amenity, the amenity of the footpath and the character of the landscape, therefore resulting in unacceptable harm until the planting becomes established. Some views of the panels would still be gained from this vantage point once the planting is established, however these views would be gained over a relatively short space of time when walking along the footpath and therefore officers consider that the impact would be reduced from significantly detrimental to slightly harmful.
- 5.28 The Council's Landscape Architect has also carried out a detailed site visit and made comprehensive comments on the original Landscape Visual Impact Assessment that was submitted with the application. This has been amended in an attempt to address the concerns raised and he now considers that the proposed landscape mitigation measures would provide an increasing benefit over time and that the enhancement of existing hedgerows with native trees, thicket and hedgerow planting would be beneficial. He regards that most of the visual receptors which the landscape visual analysis refers to would be low due to either resulting in transient views or views across more than 1km. He is encouraged to see improved landscape mitigation measures along the site's northern boundary which would assist with protecting views from the public footpath adjacent to Folly Farm and the Conservation Area.

- 5.29 With regard to some of the detail of the scheme, The Council's Landscape Officer considers that the visual impact of the perimeter fencing, due to its height and nature would not result in much of an impact because it would recede with ever increasing distance and would not exist as an unusual feature within the countryside. In any event it is considered that the fencing would be obscured by the proposed boundary planting within 3-5 years from the localised vantage points, subject to the density of the proposed planting.
- 5.30 It is accepted by the Council's Landscape Architect that the 3m high CCTV stations are a necessary security feature in this location. They are to be rendered an appropriate green colour with the camera housings in off-white. They will not result in much of an impact because they would also recede with ever increasing distance and would be obscured by the proposed boundary planting within 3-5 years, subject to the density of the proposed planting.
- 5.31 The Council's Landscape Architect appreciates the level of work that has gone into the revised Landscape Visual Impact Analysis and upon further consideration of the views and the additional information submitted advises that he would have reservations recommending that the application be refused on landscape and visual impact grounds. It could be argued that the establishing/maturing landscape mitigation will enhance the landscape character, in respect of vantage points 1-10 however it is absolutely crucial that the following matters are secured and implemented in the appropriate manner to ensure that there are positive benefits to the landscape: 1. The landscape design proposals and subsequent implementation on site, 2. The landscape maintenance schedule and implementation on site and 3. A 25 years (life expectancy of the solar farm) landscape management plan.
- 5.32 It is clear from the assessment of the impact of the proposal upon the landscape that the proposal would cause harm. The Inspector dealing with the Thorpe Mandeville appeal reached a similar conclusion in relation to that proposal. However in order to reach a decision on this scheme as to whether the proposed landscaping scheme could address this impact, the advice contained within the NPPF (as referred to earlier) must be considered. In relation to renewable energy schemes, it states that an assessment must be made as to whether the impacts of the proposal can be made acceptable.
- 5.33 Based on the assessments made during the case officer's site visits and the advice of the Council's Landscape architect, it is concluded that the proposed landscaping scheme, once established, could significantly reduce the impacts upon visual amenity, the amenity of the footpaths and the character of the landscape, albeit not immediately. It is accepted that the planting could take 3-5 years to become established and 5-10 years to mature to an extent which considerably improves the proposal in landscape impact terms. To assist with the establishment of the landscaping, it would also be necessary to ensure that clear maintenance schedules are formulated and implemented on site and a management scheme for the entire life of the solar scheme secured and implemented. With these measures in place, officers consider that although it could take up to a third of the life of the solar farm, for the landscaping to become effective, the landscape impacts of the development could be made significantly more acceptable than if there were no landscape mitigation measures put in place.

### **Biodiversity**

- 5.34 The site does not lie within an area designated for its biodiversity interest and the Council holds no records of protected species in the immediate locality. As the land is mainly in agricultural use, the ecological constraints are limited. However, there are a number of significant trees within the field boundaries and a badger set has been recorded within the eastern boundary hedgerow of the site.
- 5.35 The Council's ecologist confirms that the ecological survey carried out in relation to the site is sufficient in scope and depth. The proposal allows for a 20m radius exclusion zone from the badger sett and it is recommended that badger gates be installed within the security fencing to ensure that their movement and foraging is not interrupted by the scheme. A condition relating to the number and positioning of the badger gates is recommended below.
- 5.36 With regard to protecting habitats for bats, the existing trees on the site would be retained and a significant extent of further landscaping, including maturing trees would be planted, which would serve to increase bat habitat. The Council's Ecologist recommends a condition which restricts any lighting in association with the development which would protect existing bat foraging routes. A condition is recommended below. As none of the significant trees on the site would be affected by the development, no objections are raised by the Council's Arboricultural Officer in relation to the scheme, subject to protective fencing measures during construction works.
- 5.37 The proposed comprehensive landscaping scheme, due to its extent and species mix, would represent a considerable enhancement for biodiversity and nature conservation, which has the potential to remain in place for a significant length of time following the expiry of the solar farm.
- 5.38 For the reasons set out above, officers are satisfied that the scheme would promote the interests of nature conservation and would not cause harm to any protected species in accordance with government guidance on conserving and enhancing the natural environment contained within the NPPF and, although less weight can be afforded to them, Policies C1 and C2 of the adopted Cherwell Local Plan, Policy ESD10 of the Proposed Submission of the Cherwell Local Plan and

### **Historic Environment**

- 5.39 The boundary of the Sibford Ferris Conservation Area runs around the small treed area and pond to the north west of the site and shares a boundary with the field in which the development is proposed (a distance of around 70m). The site levels fall from their highest point by 5m in the direction of the conservation area, and as such some views of the panels would be afforded from it, especially as the nearest panel would be positioned at a distance of around 20m from the boundary of the conservation area. However, the proposed screening in the form of new planting as referred to under landscape impact above would significantly reduce views of the panels from the conservation area, once the planting has become established. Furthermore the Council's conservation officer considers that it would be unlikely that the proposal would cause substantial harm to the conservation area or its setting. Officers are satisfied that the significance of the conservation area would be conserved, and

also enhanced by the proposal to introduce further significant planting within its immediate vicinity.

- 5.40 There are no known records of archaeological potential that might be affected by the proposal and as such no further investigative work is required in relation to the proposed development.
- 5.41 For the above reasons, it is considered that the proposed development complies with Government guidance on conserving and enhancing the historic environment contained within the NPPF, and, although less weight can be afforded to them, Policies ESD5 and ESD16 of the Proposed Submission Cherwell Local Plan.

#### **Aviation Activity**

- 5.42 An assessment of aviation activity is more readily required in relation to wind energy development due to the height of wind turbines. In this case, the solar energy development proposed would not exceed a height of 3m and in any event, there are no known flight paths within the vicinity of the site.

#### **Highways and Access**

- 5.43 Officers agree with the County Council's view as Highway Authority that once complete, the proposed development would have little impact upon the surrounding highway network.
- 5.44 Of more concern is the impact of the construction phase on the surrounding network of rural and minor roads which would generate a more intense use of the network and raise concerns about highway safety and convenience. In order to address this concern, the Highway Authority recommends a Construction Phase Traffic Management Plan to mitigate the impact, which can be secured via planning condition.
- 5.45 A footpath runs along the access track to the site, the use of which would be affected by vehicle movements during the construction phase of the development and could deter walkers from using the route. It is critical therefore that this conflict is carefully managed by way of appropriate planning conditions which protect walkers' interests by providing clear signage for drivers warning of walkers, ensuring that there is no obstruction of the public footpath whatsoever and ensuring that where any damage occurs to the route that the route is reinstated to its former condition once the construction stage is complete.
- 5.46 Based on the above assessment and with the recommended conditions in place, officers are satisfied that the proposal complies with Government advice on promoting sustainable transport contained within the NPPF, and although less weight can be afforded to it, Policy TR7 of the adopted Cherwell Local Plan.

#### **Residential Amenity**

- 5.47 Due to the distance between the proposed solar farm and surrounding residential properties, officers are satisfied that the solar panels and associated equipment would not cause unacceptable harm by way of loss of light or being overbearing. Some third parties have referred to views from private properties being interrupted and loss of house value, however these are not material

planning considerations, in relation to which an application could be reasonably refused.

- 5.48 Noise is a material planning consideration, which due regard must be given to. Indeed, the information submitted with the application includes technical data relating to the equipment associated with the scheme which indicates that the transformer would produce 56db(A) at a distance of 0.3m. It is also indicated that the transformer would be located in a GRP enclosure which would assist with noise reduction.
- 5.49 The Council's Anti Social Behaviour Manager, confirms that this information alleviates any concerns that he had had about the scheme in relation to noise and as such officers are satisfied that the scheme would not result in any noise levels that would unacceptably affect residential amenity or the wider area.
- 5.50 For the reasons given, the application would not give rise to any unacceptable impact upon residential amenity and as such it complies with the core principles contained within the NPPF and Policy C30 of the adopted Cherwell local Plan.

#### **Protecting Agricultural Land**

- 5.51 The advice provided by the Council's Planning Policy Team in 2011 in relation to an application in Fritwell, afforded significant weight to the loss of the best and most versatile agricultural land (grades 1, 2 and 3a) despite the fact that the land on which the solar arrays were proposed could still be grazed by stock and the fact that the proposal was for a 25 year period. The loss of good quality arable land was a significant concern, particularly if other sites of lower grade agricultural land had not been considered. There are no saved policies in the development plan however which support this view.
- 5.52 The NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. 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 a higher quality. The direction provided in the Proposed Submission of the Cherwell Local Plan under Policy ESD5: Renewable Energy, which makes particular reference to large scale solar arrays, is that there is a need to protect the district's high quality agricultural land (grades 1 and 2).
- 5.53 The submitted design and access statement confirms that the site is situated on agricultural land that is grade 3 quality, therefore officers consider that the quality of the land is not at a level that requires significant protection from development and as it relates to a site area of 2.6 ha that can still be grazed by sheep, the loss of the use of this land in the short to medium terms does not amount to an issue that would outweigh the benefits of securing renewable energy.

#### **Contaminated Land**

- 5.54 There are no known records of contaminated land that would affect the proposal, however the area in which the site is located is known to be susceptible to naturally occurring contaminants such as arsenic, chromium and nickel. The Council's environmental protection officer has commented on the



application stating that the proposed development is unlikely to increase the risk of naturally occurring metals in soil.

- 5.55 For this reason, officers are satisfied that no further investigative works are required in relation to contamination and as such the application complies with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the natural environment contained within the NPPF.

### **Flood Risk and Drainage**

- 3.15 The site is situated on a valley side on land around 40m higher than the nearest water course. The submitted Flood Risk Assessment sets out that the site is at low risk from flooding from rivers and ground water and that there is no risk from sewers, artificial water sources and nor is there any record of historical flooding within the vicinity of the site. The proposed development does not require storm water drainage outfalls, and due to its nature would result in retaining the current drainage principles for the site. No flood compensation, foul water drainage or maintenance is required in connection with the site.
- 3.16 The Environment Agency has commented on the application due to its site area and the fact that it lies in Flood Zone 1. It recommends the following:
- Surface water run off should not increase flood risk to the development. SUDS will be required.
  - Allowance for climate change needs to be incorporated (20% for commercial development)
  - Residual risk of flooding needs to be addressed should any drainage features fail or are subjected to extreme flood event.

As the scheme does not require a drainage system, details of drainage features are not required and neither are the conditions recommended above. As proposed, officers are satisfied that the proposed development would not increase the risk of flooding in accordance with government guidance on meeting the challenge of climate change, flooding and coastal change contained within the NPPF.

### **Planning Obligation**

- 5.56 The application, due to its site area, triggers a number of the thresholds for developer contributions under the Council's Draft Planning Obligations SPD. These include nature conservation and biodiversity, sustainable construction, sustainable transport, public art and general transport and access.
- 5.57 With regard to nature conservation, the Council's ecologist has responded to the application however has not requested a contribution to nature conservation and biodiversity. The scheme would however secure a comprehensive landscaping scheme which would have significant benefits for nature conservation and biodiversity, which would remain in existence for far longer than the lifespan of the proposed solar farm. For these reasons it would be unreasonable to secure an off site contribution.
- 5.58 The Local Highway Authority has also commented on the application and, based on the nature of the application which would not attract significant vehicular movements (other than during the construction phase) has not

requested a contribution towards sustainable transport or general transport and access.

- 5.59 In terms of sustainable construction, officers consider that the renewable energy benefits achieved by this application fulfil a level of sustainability that negates the need to ensure that sustainable construction methods are used.
- 5.60 With regard to public art, whilst the site would be visible from some public viewpoints (once the landscaping scheme has been established) it in itself is not a development design for public use and as such it would be unreasonable in officers' views to require an element of public art to be commissioned in association with the proposed development.
- 5.61 For the reasons given above, no developer contributions are required in relation to the proposed development and as such the applicant would not be obliged to enter into any form of planning agreement in association with any favourable determination of the application.

#### **Other Matters**

- 5.62 The concerns re setting a precedent for similar development are noted, however each application must be assessed on its own merits.
- 5.63 The application was appropriately advertised as set out at paragraph 2.1
- 5.64 The proposal has the potential to benefit the village by supplying electricity to the national grid.
- 5.65 Glint and glare has been raised as a concern in terms of visual impact and risk to passing drivers, however, the potential for glint or glare from the fixed panels would be limited because they would be designed to absorb, not reflect, light.
- 5.66 The site does not lie within a Designated Area of Outstanding Natural Beauty.
- 5.67 The proposal would not hamper access to the school in the event of an emergency.
- 5.68 No unacceptable levels of noise would be emitted from the development.
- 5.69 Interruption of private views from nearby residential properties is not a material planning matter
- 5.70 The Council's Ecologist has considered the proposal in light of its impact upon ecology and raises no concerns that the panels themselves would cause harm to wildlife.

#### **Engagement**

- 5.71 With regard to the duty set out in paragraphs 186 and 187 of the Framework, whilst there has been a delay in the processing of the application due to the amount of work required to make a full assessment of the landscape impact of the proposal, it was considered that this was a critical element of the application and as such it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

## **Conclusion**

- 5.72 The development plan does not include a criteria-based policy against which the development can be judged. As there are no policies about renewable energy which are consistent with the NPPF, the NPPF advises planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies indicate that development should be restricted.
- 5.73 A core principle of the NPPF is to encourage the use of renewable resources, including the development of renewable energy. It also advises that schemes for energy development should be approved, unless material considerations indicate otherwise, if its impacts are (or can be made) acceptable.
- 5.74 In this case, the key adverse impacts would be the impact of the proposal upon visual amenity, the amenity of the public rights of way and the character of the landscape, which is addressed in another of the core principles of the NPPF and which seeks to conserve and enhance the natural environment. There are also saved policies within the development plan which seek to conserve the landscape (policies C7, C8 and C9), however they are not necessarily consistent with the NPPF as they are negatively worded.
- 5.75 In conclusion to the Thorpe Mandeville appeal, the Inspector makes reference to the balancing exercise that must be performed to weigh the benefits of that proposed solar farm against its disadvantages and that the planning balance is a matter of judgement.
- 5.76 The proposed development would contribute to the Government's targets of reducing green house gas emissions which must be given significant weight even if it is considered that the proposal would only amount to a small contribution. There is however, no doubt that, pre-mitigation, the proposed solar farm would cause harm to visual amenity, the amenity of the nearby public rights of way and the character of the landscape to a magnitude that would be considered unacceptable. The mitigation measures proposed however would be comprehensive and include wide buffers of planting together with a number of trees at a height of between 3.5 and 4.25m. Once this planting becomes established (3-5 years) it would soften the appearance of the development and once matured (up to 10 years), the development would be sufficiently screened from all viewpoints referred to, to an extent that any harm caused would be outweighed by the benefits of the proposed renewable energy development.
- 5.77 Based on the merits of the scheme, whilst policies in the development plan state that developments would not normally be permitted where they cause harm to matters of landscape conservation the NPPF requires development to conserve and enhance the natural environment. In this case it is considered that the development plan is not consistent with the NPPF and it is considered that the natural environment would be conserved and enhanced by the mitigation measures once they have become established. For these reasons, the weight afforded to renewable energy schemes by the NPPF is enough to outweigh and harm caused to the natural environment and it is considered that the proposed landscaping scheme together with maintenance and management throughout the life of the scheme, which would be secured by

condition, and closely monitored, would make the scheme acceptable in accordance with advice contained within the NPPF.

5.78 All other material planning matters as referred to above have been addressed and do not amount to outweighing the benefits of the proposed renewable energy scheme. For these reasons the application is recommended for approval.

## **6. Recommendation**

**Approval**, subject to:

a) the following conditions:

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.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 1513134, P/S/12/001 Rev A, P/S/12/004, P/S/12/005, P/S/12/006, P/S/12/007 Rev D, P/S/12/008 Rev A and P/S/12/009.

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. The planning permission hereby granted consent is for a period from the date of this decision until the date occurring 25 years after the date of commencement of the development hereby permitted. Written notification of the date of commencement shall be given to the Local Planning Authority no later than 14 days after the event.

Reason – In order to avoid permanent impact upon visual amenity and the character of the countryside in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. No later than 12 months prior to the end of this permission, a site restoration scheme, to include a programme of works to remove the solar panels and related equipment, but which shall involve the retention of the landscaping scheme, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and within 12 months of the expiry of this permission, the restoration scheme shall be carried out in full in accordance with the approved details.

Reason - To ensure that the development has no permanent impact upon the character of the landscape and to ensure the satisfactory appearance of the site once the use of the development has expired, in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The solar panels and CCTV cameras hereby approved shall not exceed a height of 3m above the ground level on which they are to be installed.

Reason - To ensure the satisfactory appearance of the completed development and to comply with 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, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. 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 commencement of the development.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The existing boundary hedgerows and trees along the entire length of the northern and eastern boundaries of the site shall be retained and the hedges shall be allowed to grow to a height of not less than 3.5m above ground level and shall not be reduced to a height lower than 3.5m for the entire duration of the planning permission.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions 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 - 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of two 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details for the entire length of the planning permission.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development, full details of the inverter cabinet(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the inverter cabinet(s) shall be provided and retained on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning

Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of the security fencing, which shall include number and location of badger gates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the security fencing shall be erected on the site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policies C2 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development, a Construction Phase Traffic Management Plan, which shall include appropriate warning signage and routing of vehicles together with a time-bound programme of implementation and wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Construction Phase Traffic Management Plan shall be implemented in accordance with the approved details.

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

15. Prior to the commencement of the development hereby approved, a scheme for the temporary surface treatment of the access road from the highway to the site, for use by heavy goods vehicles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the temporary road surface shall be laid in accordance with the approved details.

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

16. Within one month of the completion of the development hereby approved, the temporary road surface referred to in condition 15 shall be removed from the access road and the access returned, in its entirety, to its former condition.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved, full details of an temporary area for the parking and turning of all construction vehicles clear of all public rights of way, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the parking and turning area shall be provided on site in accordance with the approved details.

Reason - In the interests of pedestrian safety and the amenity of the public footpaths and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development hereby approved, full details of a site compound which shall be sited within the site and clear of all public rights of way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the site compound shall be provided in accordance with the approved details.

Reason - In the interests of visual amenity, pedestrian safety and the amenity of the public footpaths and to comply with Government guidance contained within the National Planning Policy Framework.

19. Within one month of the completion of the development hereby approved, the temporary parking and manoeuvring area and the site compound shall be removed from the site and the site shall be laid out in accordance with the approved plans.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, full details of a scheme of signage along the access route, warning pedestrians of construction vehicles, and drivers of pedestrians shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the signage shall be put in place in accordance with the approved details and retained for the duration of the construction phase

Reason - In the interests of pedestrian safety and the amenity of the public footpaths and to comply with Government guidance contained within the National Planning Policy Framework.

21. No materials, plant or temporary structures of any kind whatsoever shall be deposited on or adjacent to any of the public rights of way within the vicinity of the site during the construction phase of the development.

Reason – to ensure that the public rights of way are not obstructed and that the public are not dissuaded from using the route during the construction phase and in the interests of public amenity in accordance with Government guidance contained within the National Planning Policy Framework.

22. No external lighting whatsoever shall be erected on the land.

Reason - In order to safeguard the visual amenities of the area, the character of the landscape and to ensure that the development does not cause harm to any protected species or their habitats in accordance with



Policies ENV1 and C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

23. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Walkover Survey Report carried out by Conservation Constructions on 18 November 2012.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. In the case where development does not commence on any phase before 01 May 2014, an updated ecological survey covering the entirety of the site, which addresses any change in badger activity on the site, together with any subsequent mitigation measures required as a result of the findings and a timescale for the implementation of the mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be carried out in full 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 2 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

- 3 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

**Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered on balance to be acceptable on its planning merits as would contribute to the Government's aims concerning climate change and over time would not cause significant harm to visual amenity or the character of the landscape. Furthermore, the proposed development would not cause harm to the historic environment, highway safety and convenience or residential amenity and would not present a risk of flooding, result in the unacceptable loss of agricultural land or increase the risk of land contamination. Lastly, the scheme would serve to enhance biodiversity measures through comprehensive landscaping proposals and the management thereof. As such the proposal is in accordance with Policies C2, C4, C7, C8, C9, C13, C14, C20, ENV1 and TR7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. The development also complies with emerging Policies ESD1, ESD5, ESD10, ESD13 and ESD16 of the Proposed Submission Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

**Statement of Engagement**

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.