

Site Address: Land south west of Apollo
Business Park, Drift Lane, Wroxton

13/00015/F

Ward: Wroxton

District Councillor: Cllr Reynolds

Case Officer: Simon Dean

Recommendation: Approval

Applicant: Cyrasol Ecotec

Application Description: Solar PV development consisting of mounted solar panel modules, power inverter systems, transformer stations, sub-stations, underground power lines, security fencing and associated access way

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The application site is part of an arable field, located between the Stratford Road (the A422) and Drift Lane. The land, previously extensively worked for Ironstone, in common with much of the surrounding land, is largely flat with a gentle southerly slope. The ground level is significantly lower than the surrounding roads and natural ground level.
- 1.2 The site does not lie within a Conservation Area, AONB, SSSI, Green Belt or any other national landscape designation. The site does however lie within the locally designated Area of High Landscape Value, as defined under saved adopted Policy C13 of the Cherwell Local Plan 1996.
- 1.3 The proposal is for the installation of approximately 1.7mw of electricity generation, comprised of long rows of south-facing photo-voltaic panels. The installation would also require a small number of on-site transformer stations, fencing and access. Connection to the national grid is proposed via an inverter onto existing overhead transmission lines crossing adjacent fields.
- 1.4 The installation, which would require approximately 7,100 modules, arranged in rows, none of which would be more than 2.2m above ground level.
- 1.5 An installation of this size would be reasonably expected to provide power for approximately 480 homes.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 21st of February 2013. No third party correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Wroxton Parish Council: No objections; *“although the PC unanimously approves this application, there are concerns regarding sufficient screening, particularly along the A422. However, the greatest concern is the possibility of lighting – if this is to be included in the scheme, the PC requests that it would be of low level, to reduce light pollution in this rural area”*.

Cherwell District Council Consultees

- 3.2 Anti Social Behaviour Manager: no objections or observations
- 3.3 Ecology Officer: *"I have no objections to the application. There will be relatively little ongoing ecological impact. The nearest significant water bodies are around 2km away therefore effects on invertebrates are likely to be minimised. I did not see a landscape plan with planting proposals or management of retained hedgerows and this should be produced pre-commencement of any development. All proposed species for planting should be native of UK provenance. No removal of hedgerows should be carried out within the bird breeding season without checks for nesting birds. Where possible the grass seed mix for the arable conversion should be species rich to maximise biodiversity gain. The applicant should take note of the results of the ecological survey with respect to badgers. Should any digging be required within 30m of the badgers sett then a licence may be required from NE. Access for badgers across the site should be maintained whether by raising the fence line enough to allow access or by the use of badger gates. I did not see any lighting proposals. Lighting should be avoided but if necessary it should be minimal and responsive (i.e. only on when needed). All lighting should be directed away from hedgerows and other areas of vegetation in particular the wooded area to the North East. A buffer of 3-5m between panels and the hedgerows should be maintained to maximise their retained value to wildlife."*
- 3.4 Environmental Protection Officer: *"I have no objections relating to this development. My records show the site is underlain by the Marlstone rock formation which is likely to have elevated levels of naturally occurring contaminants but these are unlikely to pose a significant risk to this development. My records show this site has also may have been used for shallow quarrying works in the past. These may potentially have been infilled but a visit to site indicates that any infilling is unlikely to have been significant, if at all. Given the scope of this development, I do not recommend applying a conditions relating to land contamination although I would recommend that a condition or informative relating to the reporting of unsuspected contamination be applied."*
- 3.5 Landscape Officer: *"This site is sited fairly centrally in a block of land which is bordered by roads. The land was once quarried and I presume has been restored at a lower level than it would have been originally. This makes it generally less visible from the surrounding landscape and therefore more suitable for this type of development. There are no footpaths in the immediate area. In general terms this Landscape and Visual Assessment is clear, easy to read and a fair assessment of the existing situation and proposal. I am encouraged that the proposed development has been sited to minimise any landscape and visual impacts and this it achieves fairly well. The site was assessed in very late summer but still with tree cover. I think that the winter situation is perhaps not quite as expected. The tree screen from the Stratford Road is unexpectedly thin at this time of year, however siting the installation back from the road will mean that the views from the road which is at a considerably higher level are filtered. The raised level of the road will allow more of a birds eye view than would occur if the land was flat. However I would not expect to see the site in summer and experience only filtered views in winter. In addition these would be from a fast moving car so not in any way significant. There are also restricted views into the site from Drift Lane but again the development is not adjacent to the road thereby reducing the impact. Similarly from Ironstone Lane. There are some very urban features associated with such developments, namely the security fencing, inverter boxes, substations and security cameras. I would like to see these painted dark olive green to reduce their impact. There doesn't seem to me to be any indication of colours for these in the proposal. I would like confirmation that all the hedgerows referred to providing mitigation are in the ownership of the applicant,*

particularly those bordering the playing field. I would also like to see a plan showing the existing and proposed vegetation with details. I don't have an objection to this proposal on Landscape and Visual Impact grounds."

- 3.6 Following the submission of further details, the Landscape Officer confirmed that they are satisfied with the further details.

Oxfordshire County Council Consultees

- 3.7 Highways Liaison Officer: *"When constructed the proposal would have negligible traffic impact, attracting only a small number of trips for maintenance and security. Greater activity would be apparent during construction, however, subject to an appropriate 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. I do not wish to object to the granting of planning permission"* subject to a condition, as set out below.
- 3.8 Minerals Officer: *The "site lies within a Mineral Consultation Area but the Ironstone deposits within the site have already been quarried. I have no objections to this application on minerals policy grounds"*.

Other Consultees

- 3.9 Thames Water: no objections with regard to water or waste infrastructure
- 3.10 Environment Agency: no objections

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C2: Development affecting protected species
- C13: Area of High Landscape Value
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

4.2 Other Material Policy and Guidance

- National Planning Policy Framework
- Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been through public consultation and 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 and are not otherwise replicated by saved Development Plan policy:

ESD5: Renewable Energy

- Planning for Renewable Energy: a companion guide to PPS22

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle
- Landscape Designations
- Biodiversity
- Visual and Landscape Impact
- Historic Environment
- Highways and Access
- Agricultural Land
- Flood Risk and Drainage

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 weight can be given to the plan as a material consideration. Policies ESD1 and ESD5 of the draft submission are relevant. 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.

Landscape designations

- 5.9 As the application site lies within a locally designated Area of High Landscape Value, the landscape is afforded an added degree of protection in the saved adopted policies of the Cherwell Local Plan 1996. This landscape protection is bolstered by the National Planning Policy Framework, and as such remains a valid material consideration.

Visual and landscape impact

- 5.10 The policies in the Proposed Submission Local Plan set out above regarding renewable energy make clear that visual and landscape impact is of particular significance in Cherwell when assessing planning applications for renewable energy development.
- 5.11 As noted elsewhere in the report, this application was accompanied by a Landscape and Visual Assessment which the Landscape Officer considers to appropriately assess the impacts of the scheme.
- 5.12 It is not in dispute that the proposal will be visible from the public domain but it is important to assess whether or not this visibility is unacceptable or would cause harm to the local landscape character.
- 5.13 Owing to its former quarrying use, the level of the application site is notably and significantly lower than the roads and fields which surround it. In combination with the boundary screening already in situ, and the additional hedge planting proposed in the scheme, this reduces significantly the visibility and visual impact of the scheme.
- 5.14 As such, the proposal is not considered harmful to the locally designated landscape, nor is it considered to cause harm to visual amenity. To this end, Officers concur with the conclusions of the Landscape and Visual Assessment submitted with the application which sets out that;
- 5.15 *“The proposed development site is set within a restored quarry landscape, containing typical agricultural land uses and with strong screen planting to east, south and west, and partial screening to the north. Whilst in a rural setting, there is commercial development and sports pitch use to the north-east, also within the former quarry site.*
- 5.16 *The proposals are generally very well screened and, where views to occur they can be mitigated to avoid any more than minor visual impacts. All elements will be removed on decommissioning, and the visual character will effectively return to the current baseline condition.*
- 5.17 *In conclusion, the proposed development with associated landscape mitigation can be accommodated with minimal landscape or visual impact and without long term change to the character and qualities of the wider landscape context.”*

Biodiversity

- 5.18 The proposal is not considered to give rise to an ecological or biodiversity related harm. As such, it is acceptable within the terms of reference in both the National Planning Policy Framework and the relevant draft policy in the Proposed Submission Local Plan.

Historic environment

- 5.19 As the application site is away from any settlements and, with the exception of the

Apollo Business Park, away from the built environment, the proposal does not harm any elements of the historic environment.

Highways and access

- 5.20 Owing to the nature of the proposal and there being no requirement to regularly access the site, the proposal is considered acceptable in terms of highway safety and convenience. As the road leading to the site is a relatively busy route, the County Council have requested a condition requiring a construction traffic management plan.

Agricultural land

- 5.21 Policy ESD5 of the Proposed Submission Local Plan makes it clear that the protection of high quality agricultural land is an important consideration in applications such as this. As this site is comprised of a partially restored, but not filled and resurfaced, former quarry, it does not represent particularly high quality agricultural land. In any event, the proposed use does not explicitly preclude grazing on the site, and the restoration of the site to agricultural use following removal of the panels at the end of their useful life would quickly be achieved.

Flood risk and drainage

- 5.22 The application site, being in a low lying piece of ground within flood zone 1 (the zone considered at least risk of flooding) is not considered to be at risk of flooding from fluvial sources. As the solar panels will be raised off the ground, rainfall will drain into the soils below the panels. The access track will be permeable, also allowing infiltration drainage at source. As such, there is no requirement for additional drainage or a formal drainage scheme.

Engagement

- 5.23 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.24 The proposal is considered, on balance to reflect a type, scale and nature of development which is appropriate for the character of its context, and which will assist in the delivery of the governments' climate change (mitigation) strategy through the production of renewable energy.

Moreover, the proposal accords with the requirements of the National Planning Policy Framework with regard to appropriate sustainable development and is in accordance with the specific requirements of draft local plan policy ESD5.

6. Recommendation

a) Approval, subject to the following conditions:

1. That 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 & Access Statement, drawings 'WROXTON-01A', 'WROXTON-02A', 'WROXTON-03A', 'WROXTON-04A', 'WROXTON-05A',

'Road Section', 'Typical Fence Elevation' all received with the application on 18th January 2013, and the 'Landscaping Plan' and 'Hedge Planting Schedule' received on 27th February 2013.

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. Prior to development, a Construction Phase Traffic Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of the safety and convenience of highway users.

4. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies C7 and C13 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5. That the solar arrays shall be removed from the site as soon as reasonably practicable when no longer required for electricity generation.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies C7 and C13 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

8. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation statement for badgers, which shall include details of a recent survey (no older than one year), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes if necessary or other measures to ensure badgers are not adversely affected, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

9. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

Planning Notes

- 1.

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 to be acceptable on its planning merits as the proposal is of a design, size and type that is appropriate and will not unduly impact on the character or appearance of the open countryside or harm the locally designated landscape. In addition, the proposal will not cause any increase in flood-risk, not cause harm to biodiversity and does not give rise to unacceptable harm to highway safety or convenience. The proposal also assists with the delivery of the governments climate change agenda through the provision of renewable energy. As such the proposal is in accordance with Policies C2, C7, C13 and C28 of the adopted Cherwell Local Plan, Policy ESD5 of the Proposed Submission Draft Cherwell Local Plan 2013, Planning for Renewable energy: a companion guide to PPS22 and Government guidance contained within the National Planning Policy Framework. For the reasons given above and having regard to all other matters raised, 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.