

**Site Address: Land at Rickfield Farm, North of River 13/01197/F  
Swere, South Newington Road, Bloxham**

**Ward:** Bloxham and Bodicote

**District Councillor:** Cllr C Heath & Cllr L Thirzie Smart

**Case Officer:** Caroline Roche

**Recommendation:** Approval

**Applicant:** ABDS Ltd

**Application Description:** Solar farm

**Committee Referral:** Major development

**Committee Date:** 31.10.13

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

- 1.1 The application site is a 2.6 hectare site to the north of South Newington and south west of Milcombe. The overall land holding of Rickfield farm however is 15.7 hectares. The site is within the Parish of Milcombe and the Ward of Bloxham and Bodicote. The site is Grade 3 agricultural land currently used for arable purposes. The site is one irregular shaped open field, which varies in its topography from being relatively flat at its northern end sloping quite steeply to the south where it widens out. On its northern and eastern boundaries the site is bounded by a mixed hedgerow with interspersed trees. The southern boundary of the field also benefits from a boundary hedge although the solar panels are not proposed to extend all the way to the southern boundary. The western boundary is more varied with some hedgerow, some cleared areas opening to other planted areas and completely open aspects to the existing farm yard area. There are currently two access points to Rickfield Farm, taken from the road that leads from Milcombe to Hook Norton, but the proposed solar farm is to be accessed via the more established access to the west. The buildings associated with Rickfield Farm lie to the west of the site and include a large poultry house. The site lies within an Area of High Landscape Value. There are two bridleways, one to the east and one to the west, that although in proximity to the site are not adjacent to it. Priority species and habitats are identified in the area and the site is also lies within the mineral consultation area and is potentially contaminated.
- 1.2 The application seeks full planning permission for the development of a solar farm. The proposed panels would cover the extent of the existing field with the exception of the most southerly section. The panels themselves are mounted on metal framework which is anchored underground. Each row of panels will face in a southerly direction at an angle of 35 degrees and sufficiently separated so as to not cast a shadow on the row of panels behind. The panels once mounted on the framework will have a maximum height of 2.95m above ground. The proposal includes 1 small building measuring 6m by 3m with a height of 2.8m which will accommodate the inverters. The proposal also includes underground cabling, a stock fence and security cameras placed on poles at a height of 4 metres at two central points within the site. Whilst the site will be covered in panels it is still possible for the land to be grazed. The applicants state that the development could generate in the region of 5,875MWh of renewable energy per year.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letters, site notices and a press notice.

Only one letter has been received from a neighbouring resident (Woodlands Farm). Whilst they have no objections to the principle of the development they comment that levels have been altered over the past months and established hedgerows have been

removed opening up views into the site from the south west and their own property. They request that additional planting be included on any consented scheme.

### **3. Consultations (full responses can be seen on the Council's website)**

Milcombe Parish Council: Did not wish to comment on the application.

#### **Cherwell District Council Consultees**

##### **3.1 Landscape Officer:**

The proposed site is located on the periphery of a raised plateau area to the SW of Milcombe and N of South Newington. The SW corner of the site falls away more steeply towards a wooded valley. The site is in an AHLV. The site is also located just SE of the complex of farm buildings that forms Rickfield farm which contains it within a developed area. The surrounding area also has good hedge and tree cover which creates good visual containment from some viewpoints.

The identified viewpoints have been visited. The submitted photographs from these viewpoints were taken in winter which is valuable but they are so dark that they are of very limited use.

The alignment of the faces of the panels is towards the direction of least visibility which is to the South and South Newington.

The sensitivity of VP's is high along public footpaths and low when viewed by motorists from roads.

##### **ANAYLSIS of VIEWPOINTS**

1. Proposal screened by intervening topography and vegetation

2 & 3. The hedgerow along this boundary is gappy, much of the vegetation below the trees is herbaceous not shrub at present. It is proposed to plant a continuous hedge. The side of the panels will be visible from this VP particularly initially and in winter. Management of the hedge to form a dense screen is essential and the planting of a triple row is recommended. I agree with the moderate/ minor assessment of the effects.

4. Intervening vegetation cover and topography screen most of the site from this VP. Additional planting will help screen the N corner. I agree with assessment of minor impact

5. I don't believe the site can be seen from here due to topography and vegetation so nil impact.

6. I agree that the proposed development will be screened by topography and vegetation

7. Filtered views of the highest part of the site. Distance and the nature of the receptors make this impact to be minor

8. The highest parts of the site are visible, but these form a small segment of the whole view, there will be some visibility but it is localised and of minor significance.

9. The effect is similar to 8, but with greater sensitivity due to the nature of the receptors. I judge the visibility to be moderate decreasing to minor

10. Fern Hill is elevated above Milcombe and agree that the panels on the northern edge of the site will be visible. The site does fall away to the south and the southern end of the site will be out of view. There will be some visibility from this point even with additional planting. This is less significant since the panels will face away from the viewpoint. I agree with the assessment

3 additional viewpoints were visited that I identified but none afforded views of the site. I conclude that the chosen VP's represent a fair and accurate assessment of potential visibility.

Pleased to see that no industrial type high security fencing is proposed as I can't see that this is necessary in rural locations. In addition it is inappropriate in style. The cameras while not attractive and alien are at least located in the centre of the array.

In conclusion impact is greatest from close views, particularly those from the footpath

to the east of the site, where it will be clear what the nature of the development is, albeit from filtered views through vegetation. I suggest that the hedgerow is a triple staggered row, particularly on the eastern boundary.

In general the landscape and visual assessment is fair and accurate. I rate a very few of the effects slightly more significant, but nothing to alter the conclusion that the landscape can accommodate the change without materially changing the landscape character.

- 3.2 Ecology Officer: The submitted ecological surveys are sufficient. I do not have any objections to the proposals on ecological grounds if the conditions are attached to any permission.

Also I could not find details of any proposed lighting but this should ideally be absent but if that is not feasible it must be minimal, directional and directed away from all vegetation in particular that of the LWS to the West.

I would recommend consulting BBOWT on whether the special interest within the LWS adjacent is likely to be impacted in any way by the proposals as they will have the most up to date information on this site.

The survey report suggests that badger access will be maintained across the site and I would like confirmation that the stock fencing proposed will not hinder this.

- 3.3 Arboricultural Officer: There are trees/hedgerows around the field where the solar farm is to be located. The field has previously been ploughed. The proposal does not include the removal of any trees. Part of the hedgerow in the south-western corner is to be removed. It is proposed that the existing hedges be reinforced around the site. The proposals should have little impact on the trees and hedgerows to be retained.

No objections to the proposal

- 3.4 Environmental Protection: I recommend applying informative ZZ to ensure unsuspected contamination isn't identified during the development. My records do not indicate this development may be affected by land contamination.

### **Oxfordshire County Council Consultees**

- 3.5 Oxfordshire County Council has provided a single response incorporating all of the comments from individual departments. The view of the County Council is that there are no overall comments. However where there are relevant comments made these have been extracted and summarised below.

- 3.6 Transport and Planning Strategy: This planning application does not raise any significant transport & planning strategy concerns or issues given the very negligible trip generation associated with this type of land use, especially as the monitoring of the site equipment operation can be done remotely, as detailed in the supporting Design and Access Statement. No objection

- 3.7 Highways: I have considered the submitted documents and inspected the existing site access which will be used to serve the proposed development. When constructed the proposal would have negligible traffic impact, attracting only occasional trips for maintenance. Greater activity would be apparent during construction, however, the existing access would accommodate the small intensification and I do not consider associated vehicles would have any significant adverse impact upon the safety or convenience of local highway users. No objection

- 3.8 Archaeology: The site is located in an area of archaeological potential located 120m south east of a rectangular enclosure identified from aerial photographs (PRN 27999). Although undated it is likely to be of a Later Prehistoric or Roman date.

Roman coins have also been found in the area (PRN 2419). The site is also located 1.3km north east of the scheduled site of Wiggington Roman Villa (SM 28898) and a large area of Roman settlement has been identified from aerial photographs to 1.3km to the north west of the site (PRN 16175). It is therefore possible that further archaeological deposits and features related to these sites could survive on the site. We would therefore recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

- 3.9 Drainage: As there is no significant increase in impermeable areas I see no increased risk of flooding as a result of this development. No objections
- 3.10 Minerals and Waste Policy: No objections
- 3.11 Rights of Way: The land where the solar farm will be situated will not have any adverse effects on the rights of way network. This is because whilst some of the site will be visible from the bridleway to the east, it is far enough away to not cause a concern.  
However the location plan shows more field being affected by a solar farm than the one in the application  
If further fields are to be developed then note that Milcombe bridleway 6 crosses one of the fields and needs to be protected, and enhanced.  
No objection
- 3.12 Minerals: Published BGS mapping shows the application site to be underlain by deposits of ironstone, which form part of a more extensive area of ironstone deposits between Milcombe and South Newington. The Council is not aware of any detailed geological information on the depth, extent and quality of these ironstone deposits, and there is no history of mineral working or of minerals industry interest in the immediate area, but they may constitute a potentially workable mineral resource.  
The proposed development needs to be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise the mineral deposits within this site should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.  
However, the structures involved in the proposed development would be removable and would not permanently sterilise any mineral deposits that may be present. Therefore, the development would not be contrary to saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources and, accordingly, no objection should be raised to this planning application on minerals policy grounds.  
There are no significant waste planning issues relating to this application.  
No objection

#### **Other Consultees (Full responses available on the Council's website)**

- 3.13 Natural England: Statutory nature conservation sites – no objection  
Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.  
Protected species  
It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect any European Protected Species.  
For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (i.e. the 'Favourable Conservation Status' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.

We have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup> or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

#### Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

- 3.14 Crime Prevention Design Advisor: I do not wish to object to the proposals at this time and have no observations or recommendations to make.

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

### 4.1 Development Plan Policy

#### Adopted Cherwell Local Plan (Saved Policies)

C2:	Protected species
C4:	Creation of new habitats
C7:	Landscape Conservation
C8:	Sporadic development in the countryside
C28	Layout, design and external appearance of new development
ENV1	Levels of noise...or other types of environmental pollution

## 4.2 Other Material Policy and Guidance

### National Planning Policy Framework

#### Planning and Climate Change: Supplement to Planning Policy Statement 1

##### Draft Submission Local Plan (October 2013)

The Proposed Submission Local plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the draft Submission Plan was approved by the Council's Executive. The Plan is scheduled to be presented to Full Council on 21 October 2013 for endorsement as the Submission Local Plan.

At the present time the Plan carries limited weight. Once formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination, the weight that can be attached to the Plan will increase. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014). The policies set out below are those that are relevant to the consideration of the application;

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement

#### Planning practice guidance for renewable and low carbon energy (July 2013) (DCLG)

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle policy considerations – solar farms in rural locations
- Grade of agricultural land
- Visual Impact on local landscapes
- Impacts on the historic environment
- Highway safety and access
- Residential amenity
- Biodiversity, ecology and trees

### **Principle policy considerations – solar farms in rural locations**

5.2 Solar panels are commonly used in the UK on a small scale and predominantly on buildings or in urban areas. However, large scale solar farms are a common sight in some European countries and in the last couple of years applications for similar schemes have become more common in the UK, particularly in southern parts of England, where the resource is greater. Permitted schemes are gradually being implemented across the UK including schemes within the District. The Planning Committee have determined a number of applications for solar farms, the majority of which have been supported. There is general support from Government for renewable energy schemes and the relevant policies are discussed below.

5.3 Planning Policy Statement 22: Renewable Energy (along with most other PPGs and

PPSs) was replaced by the National Planning Policy Framework (March 2012) (NPPF). The Companion Guide to PPS22 was replaced by Planning practice guidance for renewable and low carbon energy (July 2013).

- 5.4 The NPPF is a broad document which covers most aspects of the planning system and focuses on the delivery of sustainable development. Chapter 10 of the document specifically deals with climate change and supports the delivery of renewable energy stating that it is central to the economic, social and environmental dimensions of sustainable development. It sets out that when determining planning applications, local planning authorities should:
- Not require the applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - Approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable...
- 5.5 The Department for Communities and Local Government recently published the Planning practice guidance for renewable and low carbon energy (July 2013) which is a material consideration. The document sets out that it should generally be followed unless there are clear reasons not to. It also highlights that 'Planning for Renewable Energy: A Companion Guide to PPS22' is cancelled. Up until July 2013 the 'Companion Guide' had still been a material consideration despite the cancellation of the PPGs and PPSs. The new document emphasises that planning for renewable and low carbon energy is still important in helping to ensure that the UK has a secure energy supply, reduce greenhouse gases, to slow down climate change and stimulate investment in new jobs and businesses. The document requires that Local Planning Authorities work with local communities in order to draw up plans which identify locations which are likely to be suitable for renewable or low carbon developments and that this should be done through the assessment of various criteria. The aim of this is that renewable and low carbon developments will be directed towards the most suitable locations giving developers and local residents more certainty and helping to prevent speculative developments.
- 5.6 Paragraphs 26 to 28 of the document specifically deal with large scale ground mounted solar photovoltaic farms. It sets out that deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly assessed within the landscape if planned sensitively. It goes on to set out that the following factors should be considered by the local planning authority;
- encouraging the effective use of previously developed land, and if a proposal does involve green field land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
  - the effect on landscape of glint and glare and on neighbouring uses and aircraft safety
  - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
  - the need for, and impact of, security measures such as lights and fencing
  - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar

farm within the setting of a heritage asset may cause substantial harm to the significance of the asset

- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges the energy generating potential, which can vary for a number of reasons including, latitude and aspect

5.7 The proposed Submission Cherwell Local Plan contains a positive policy which states that the Council will support renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. It states that planning applications involving renewable energy development will be encouraged provided there is no unacceptable adverse impact, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell;

- Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas
- Visual impacts on local landscapes
- The historic environment including designated and non-designated assets and their setting
- The green belt, particularly visual impacts on openness
- Aviation activities
- Highways and access issues, and
- Residential amenity.

Whilst this document carries limited weight in the consideration of the application it demonstrates that the Council is taking a more positive approach to renewable energy developments compared to previous adopted Local Plans which contained no reference to renewable energy.

### **Grade of Agricultural Land**

5.8 The site consists of grade 3 agricultural land. The Council has no adopted policies relating to the retention of agricultural land however Policy EN16 of the Non-Statutory Cherwell Local Plan resists development on the most versatile agricultural land unless there is an overriding need for the development and opportunities have been assessed to accommodate the development on previously developed sites and land within the built up limits of settlements. It goes on to state that if development needs to take place on agricultural land, then the use of the land in grades 3b, 4 and 5 should be used in preference to higher quality land except where other sustainability considerations suggest otherwise. This reflects guidance in the NPPF which states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

5.9 The proposed use of grade 3 agricultural land complies with Policy EN16 and the NPPF in that the most versatile land is not being used. However it is also worth referring to the fact that whilst the production of crops will cease the land will be planted with grasses and it will remain possible for sheep to graze around and beneath the structures should the land owner wish to implement such a strategy.

### **Landscape, Visual and Heritage Impact**

5.10 The application submission is supported by a Landscape Character and Visual Impact Assessment with the key question for consideration being whether the proposed site can accommodate a solar development without adverse impacts upon the landscape character and visual amenity of its surroundings. The Assessment made the following conclusions;

- It is considered that the site is located within an undulating, medium/large scale farmland, characterised by complex topography, strong field boundaries



and an established vegetation framework. It is considered that this landscape is of medium sensitivity.

- The visual assessment identifies that a number of viewpoints exist within the localised and wider setting. The most sensitive of these views are associated with the footpath network that characterises the localised setting of the application site, notably the footpath to the east of the site and the footpath on Fern Hill, to the north. Several longer distance views are also available from the wider road network, in elevated positions, looking towards the site. It is considered that the views associated with the footpaths are of high sensitivity, while the sensitivity of the longer distance views is considered low due to the transient nature of receptors associated with these viewpoints.
- It is considered that the proposals will not materially affect the landscape character of the receiving environment, and whilst it is acknowledged that the proposed development will change the current land use of the site, the proposals will not affect the field structure, topography or vegetation cover that form key characteristic components of the landscape setting of the site. It is therefore considered that the character or qualities of the landscape and the change associated with the proposed development is not significant.
- In terms of the effect of the proposals upon the visual environment, the existing topography and vegetation cover create a considerable degree of visual containment, screening views of the proposals. It is considered that the proposals will be visible within some localised views from the east, however, proposed mitigation in the form of retained and proposed landscaping together with a robust management will ensure that the proposals will not have a significant effect upon these views. Within longer distance views, the proposals will be glimpsed, however, within the broader context of the views, the change will not be readily perceived and as such the effect of the proposals is not considered significant.

- 5.11 The Council's Landscape Officer has considered the proposal and visited many of the viewpoints identified and reaches a similar conclusion to that reached in the submission (see response at paragraph 3.1), that with the exception of glimpsed or long distance views the development is unlikely to have a significant impact on the landscape and visual amenities of the area. Having carried out an independent site visit it is the view of the planning officer that there is no reason to dispute the conclusions reached by the applicant and the Landscape Officer. The proposal is unlikely to result in a significant impact on the landscape and visual amenities of the area.
- 5.12 A Zone of Visual Influence plan has not been submitted as part of this application but in this case given the assessment when taking into account the topography of the site and the existing and proposed landscape planting it is unlikely that the zone of visual influence would be significant. This is something that is recognised in the Government's Planning Practice Guidance (July 2013) at Paragraph 28 where it states that in the case of ground mounted solar panels with effective screening and appropriate land topography the zone of visual influence could be zero.
- 5.13 The proposal is unlikely to have an adverse impact on any historic assets as a result of the distance between the site and the nearest assets which are considered to be the conservation area of South Newington and the listed buildings located within the villages of South Newington and Milcombe. The topography of the landscape and the screening of the site also reduce the potential for harm as the solar farm is unlikely to be seen in the same views as the villages where heritage assets exist.
- 5.14 Given the above assessments it is considered that in relation to landscape and visual impact and the impact on heritage assets that no significant harm will be caused as a result of the development, subject to conditions requiring additional landscaping. As such it is considered that the proposal complies with Policies C7, C8 and C28 of the adopted Cherwell Local Plan, Policy ESD13 of the Draft Submission Cherwell Local

Plan and guidance in the NPPF which seeks to conserve and enhance the natural and historic environment.

### **Residential amenity**

- 5.15 There are two residential properties, excluding the host property of Rickfield, that are in relative proximity to the site. The first is Basecourt Farm located approximately 200m from the north eastern corner of the site and the second is Woodlands Farm located approximately 420 metres to the west. Basecourt Farm is visible from the site, across an arable field but views from the property to the site will be in part screened by the intervening hedgerow and trees within it. The majority of the site will be screened from Woodlands Farm due to intervening woodland planting within the valley that separates the two sites. However Woodlands Farm is clearly visible from the south western corner of the site where the boundary hedgerow appears to have been partially removed. Although the solar arrays will be visible from both of these properties it is not considered that the change in view will have an adverse impact on the living amenities of the residents. Neither property will see the entire development site and the scale of the panels when seen across the distances involved will reduce the prominence of them. Notwithstanding this opinion the Landscape and Visual Impact Assessment suggests a new section of hedgerow planting along the south western boundary and improvements to the other boundary hedgerows which is likely to further reduce the potential impact on private views from the residential properties.

### **Highway Safety and Access**

- 5.16 The site is proposed to be accessed via the existing access to Rickfield Farm. It appears that the access has been recently resurfaced. The Local Highway Authority raises no concerns about the quality of the existing access or the vision splays stating that the access is such that it can accommodate the additional traffic movements likely to occur during the construction phase. It is likely that during the construction phase heavy goods vehicles will be using the local highway network.
- 5.17 The application sets out that the construction phase is likely to take approximately 10 weeks and that there are unlikely to be more than 15 employees on the site at any one time and all vehicles will be parked off the road. After construction the development is only likely to result in infrequent visits for security and maintenance purposes.
- 5.18 It is not considered that the development will cause any harm to highway safety.

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

- 5.19 The majority of the site is not identified as supporting any species or habitats of particular importance probably due to the fact that the site is an agricultural field. However at the boundary of the field is a combination of hedgerows, woodland planting (to the south west) and poor quality field margins. These features will not be adversely affected by the proposal. However in order to contribute to overall biodiversity enhancements (and to provide additional screening) the proposals include additional hedgerow planting for which it is recommended that native species are used. This will improve habitats for birds, amphibians and reptiles by increasing foraging and nesting opportunities. Not all of the hedgerows are within the red line area but they are within the control of the applicant therefore it is possible to condition their enhancement.
- 5.20 The application has been assessed for its impact on protected species. In relation to bats, the hedgerows have been identified for their foraging and commuting opportunities. However these will remain unaffected and in fact improved. No badger setts were found on site and the site is unsuitable for dormouse, great crested newts and reptiles. As such it is considered that no harm will be caused as a result of

the development.

- 5.21 The NPPF and local policy seeks to secure biodiversity enhancements through development proposals and in this instance this can be achieved through the appropriate selection of grass seed mix and hedgerow improvements. Further biodiversity enhancements can be achieved through the provision of bat and bird boxes. Each of these can be secured via condition.
- 5.22 The Council's Arboriculturalist has considered the proposal in relation to its impact on trees and hedgerows and is satisfied that there will be no significant harm to such features.

### **Flooding**

- 5.23 As the development site area is below 5 hectares there is no formal requirement to consult with the Environment Agency. The site is not within a flood risk area but as the site is over 1 hectare the application has been submitted with a Flood Risk Assessment. The conclusions of the assessment state that the development does not increase the flood risk on and off site. There are no records of flooding within the vicinity of the site and given the nature of the development it is expected that any additional run off from the panels will be absorbed by the underlying and surrounding agricultural land.

### **Other issues**

- 5.24 The site is not within the Green Belt therefore considerations as to the appropriateness of the development and its impact on openness are not relevant to this application.
- 5.25 Given the nature of the development, with none of the structures exceeding 4m in height it is unlikely that the development would have any impact on aviation safety. Glint and glare are considered in the Planning Practice Guidance as having potential to impact on aviation activities. However given that solar panels are designed to absorb solar rays the potential for glint and glare is limited. Policy ESD5 of the proposed submission Local Plan list aviation safety as a particular issue of interest to the LPA in relation to schemes for renewable energy. However it's likely that this would be more significant in relation to schemes for wind energy where structures are considerably taller and have moving parts.

### **Engagement**

- 5.26 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**

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

otherwise. Given the above assessment it is considered that the proposal complies with local adopted and draft policies and guidance within the National Planning Policy Framework.

**6. Recommendation**

**Approval subject to the following conditions:**

1. SC1.4 Full permission: Duration Limit (3 years) **(RC2)**
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - a. Application forms
  - b. Flood Risk Assessment by JPP Consulting dated 12 April 2012
  - c. Design and Access Statement by ABDS Ltd dated May 2013
  - d. Planning Policy Statement by ABDS dated May 2013
  - e. Landscape Character and Visual Impact Assessment by Aspect Landscape Planning dated May 2013
  - f. Ecological Survey Report by Turnstone Ecology dated April 2013
  - g. Site Location Plan T/RM/13/001
  - h. Drawing no. T-RM-13-002 Rev A Proposed Block Plan
  - i. Drawing no. T-RM-13-003 Rev A Detailed Site Layout
  - j. Drawing no. T-RM-13-004 Rev A Typical Panel Layout
  - k. Drawing no. T-RM-13-002 Rev A Site Sections
  - l. Drawing no. EKV0017 Foundation Detail
  - m. Western Power Distribution Plan 1517699

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

3. When the solar farm ceases its operational use the panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to solely agricultural use. **Reason:** The nature of the development is such that once it ceases operation it will not serve its purpose of generating power thus removing the justification for its presence and in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.
4. 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.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species. **Reason** - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
6. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS. **Reason:** To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
7. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird and invertebrate boxes as biodiversity enhancements on retained and adjacent trees and close to hedgerows shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed on the site in accordance with the approved details under guidance from an ecologist. **Reason:** To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
8. 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 NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
9. Clearance of the brash piles to the South Western Corner of the site as referred to within the submitted Ecological Survey Report prepared by Turnstone Ecology dated April 2013 shall only be carried out between March and October and under the supervision of a qualified ecologist. Best practice shall be adhered to with regard to storage of materials in areas where reptiles might be present. **Reason:** To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of site clearance of the spoil bund to the South Western Corner of the site as referred to within the submitted Ecological Survey Report prepared by Turnstone Ecology dated April 2013 a check for badger activity must be carried out by a qualified ecologist and if required a mitigation strategy for badgers, which shall include details of the survey, whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. **Reason:** To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 11.
12. Prior to the commencement of the development a professional archaeological organisation acceptable to the Local planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the National Planning Policy Framework.
13. Prior to the commencement of development and following the approval of the Written Scheme of Investigation referred to in condition 9, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority. **Reason:** To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the National Planning Policy Framework.

#### **Informatives**

The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

#### **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.