

**Site Address: Hill Farm, Hill Farm Lane,  
Duns Tew, Bicester**

**15/00570/F**

**Ward:** The Astons and Heyfords

**District Councillor(s):** Cllrs Kerford-Byrnes and Macnamara

**Case Officer:** Matthew Parry

**Recommendation:** Refusal

**Applicant:** Earthworm Energy Ltd

**Application Description:** Erection of 5MW PV Solar Farm and associated infrastructure

**Committee Date:** 1<sup>st</sup> October 2015

**Committee Referral:** Major Development

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

- 1.1 The application site relates to an 11ha agricultural field in arable use that forms part of the agricultural holding of Hill Farm as well as a strip of lane through other fields to provide an extended vehicular access track. The farm complex is situated approximately 0.5km to the north of Duns Tew, a village in the southwest of the District close to the border with West Oxfordshire. The farm is accessed via a private track that follows local topography as it runs across gently rolling farmland to lead towards the main farm buildings. These buildings comprise a number of traditional vernacular agricultural buildings including two Grade II listed 18<sup>th</sup> century barns as well as more modern utilitarian farm buildings.
- 1.2 The application site itself slopes gently from south to north so that it rolls down into a gentle valley where a small stream (Deddington Brook) runs immediately adjacent to the site through the valley. Further to the north the landscape rises up again towards the village of Deddington beyond. The western boundary of the field is formed by a clipped hedgerow with fields beyond whilst the southern boundary is delineated from other farmland by a post and wire fence and occasional shrub. There is no formal boundary separating the application site from fields to the east. To the southwest lies a dense woodland block comprising mainly Ash trees.
- 1.3 The site is not covered by any national or international level designations though until the adoption of the new Local Plan Part 1 it was within an area defined as of High Landscape Value within the Cherwell Local Plan 1996. The boundary of the Duns Tew Conservation Area lies approximately 1km to the south and the edge of the Deddington Conservation Area is almost 1.2km to the north. There are a number of public rights of way that pass in close proximity to the application site. The northern edge of the site lies within Flood Zone 3 and is within the floodplain of Deddington Brook.
- 1.4 The application seeks consent for the installation of an array of 20,000 photovoltaic panels set out in rows running east to west across the field. Four associated transformer/inverter units are also proposed along with four pole mounted CCTV installations and 2m high perimeter fencing. A 450m extension to the existing crushed hardcore farm track is also proposed to allow vehicular access to the solar arrays for the purposes of construction and maintenance. Proposals also include the provision of 5m wide wildflower buffers along the eastern, western and southern boundaries of the site as well as an area of grassland and tree planting to the north.

## **2. Application Publicity**

2.1 The application was publicised by way of a press notice, site notices and notification letters to residents of nearby properties. 20 third party representations have been received to date and the comments can be summarised as follows:

### Objections

- The proposed development would be an eyesore within a picturesque countryside landscape;
- Solar arrays should be concentrated on brownfield land and on the roofslopes of existing buildings not developed on greenfield land in the countryside;
- The proposals would spoil the experience of walking in the area and the enjoyment of the countryside;
- The land would be lost from arable farming which would be unsustainable;
- The solar farm would be detrimental to the setting of the Duns Tew Conservation Area;
- The view from the bridleway to the north would be completely spoilt;
- There are other far more suitable locations for solar installations than this;
- The solar farm would be unsightly and highly prominent in private views from nearby Tomwell Farm;
- The applicant has not satisfactorily demonstrated the need to develop agricultural land of this quality and has not shown that agricultural use of the land will continue after the development of the solar farm;
- The applicant has not sufficiently demonstrated the energy generating potential of the proposals and therefore has not provided sufficient justification for the scheme;
- The applicant should demonstrate with certainty that the proposed development could be removed from the land once no longer necessary and that any planning condition requiring this needs to be genuinely enforceable;
- There is an inadequate assessment of the landscape impact from Plumdon Lane, the bridleway to the north of the site;
- The proposals would increase traffic flows through the village.

### Supporting Comments

- The proposals make an important contribution to the need for energy generation from renewable sources and the proposals are supported subject to the landscape mitigation measures suggested by the consultants;
- The proposals represent a means of diversifying the farm's revenue streams and thus safeguarding it against market volatility.

2.2 A further representation has been received from the Campaign for the Protection of Rural England (CPRE) objecting to the proposals and highlighting recent ministerial statements that emphasise the importance of solar farms being sensitively located and encouraging their location on existing roofslopes and the least productive agricultural land.

## **3. Response to Consultation**

### Oxfordshire County Council:

Local Highway Authority – When constructed and operational the proposed solar farm should not generate any significant highway movements, only occasional maintenance visits. However, there would be greater activity, including HGV deliveries, during the construction period and a condition should be imposed requiring a construction traffic management plan to be submitted and approved prior to development commencing to mitigate this impact on the local highway.

Archaeology – Following a redesign of the cable trench layout, the proposals would result in far less ground disturbance and the effects can be comfortably addressed by conditions requiring the approved of and adherence to a written scheme of investigation during the construction works.

Cherwell District Council:

Landscape Officer –The submission of a more comprehensive LVIA is welcomed and enables a more considered response. Whilst from the south the site would not be particularly visible in long distance views from public or private vantage points, there are elevated viewpoints (as experienced myself from Plumdon Lane) as opposed to the somewhat reduced area of field on the photo-records for viewpoints 8 and 9. There also appears to be an anomaly with the Viewpoint 8 photo-record as the red horizontal line does not indicate the entire extent of the field. Because more of the field is going to be seen than shown in the photos, the Magnitude of Change is going to be high rather than medium as set out in the LVIA from these due to the stark contrast between rural character and solar arrays. This creates a Significance of Effect of high that with the appropriate level landscape mitigation to the northern part of the site in the form of an established woodland belt this may potentially be reduced to a medium significance of effect though unfortunately the Landscape and Ecology drawings do not propose the appropriate level of landscape mitigation for visual receptors on Plumdon Lane and, in any event, it is not clear within the application submission that the planting specified can actually be delivered by the applicant.

Ecologist –The submitted ecology survey is fine in depth and scope and I concur with its findings. There are few ecological constraints on site if the recommendations are adhered to. The suggested enhancements within the report in terms of buffers to the brook to the North, Eastern and Western boundaries and to the woodland to the South West will go a long way to ameliorating any impact on biodiversity. The security fencing should allow access by badgers underneath for foraging. Lighting should not be used in this location due to the likely use of the woodland by bats. The proposals for planting of wildflower grassland around the panels will have some benefits for wildlife.

Other External Consultees:

Deddington Parish Council – Object to the proposals due to the loss of agricultural land, visual intrusion into the countryside and the availability of more suitable sites including roofslopes of commercial buildings.

Duns Tew Parish Council – No objection.

Environment Agency – No objection subject to conditions that:

- Prevent built development in the area of the site in flood zone 3;
- Ensure the boundary fencing allows free flow of flood water;
- The development in carried out in accordance with the submitted Flood Risk Assessment;
- A scheme is submitted for the management of a 10m wide buffer along the neighbouring brook.

**4. Relevant National and Local Planning Policy and Guidance:**

Adopted Cherwell Local Plan 1996 (Saved Policies)

C8 - Sporadic development in the open countryside

C14 - Countryside Management Projects

C28 - Layout, design and external appearance of new development

ENV1 - Development likely to cause detrimental levels of pollution

Adopted Cherwell Local Plan 2011-2031 Part 1

ESD1 - Mitigating and Adapting to Climate Change

ESD2 - Energy Hierarchy

ESD5 - Renewable Energy

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

**Other Material Planning Considerations:**

National Planning Policy Framework (NPPF) – Document that sets out the Government’s planning policies for England and how these are expected to be applied.

Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance in interpretation of national planning policy and relevant legislation.

Ministerial Statement by Secretary of State for CLG on 25<sup>th</sup> March 2015 – This reaffirmed the need for local planning authorities to consider the impact on the natural environment as a result of insensitively sited large scale solar farms. It also highlighted the need for priority to be given first to developing previously-developed sites and non-agricultural land. This ministerial statement has now been included in a recent update to the Government’s Planning Practice Guidance.

Overarching National Policy Statement for Energy (EN-1) - Sets out the Government’s policy for delivery of major energy infrastructure. Whilst primarily of relevance to nationally significant infrastructure projects (NSIPs) examined by the Planning Inspectorate it is a material planning consideration of some weight for local planning authority decisions on proposals for smaller scale energy developments.

National Policy Statement for Renewable Energy Infrastructure (EN-3) – Taken together with the Overarching National Policy Statement for Energy (EN-1), this document provides the primary basis for decisions by relevant Secretaries of State on nationally significant renewable energy infrastructure projects. The document is however likely to be a material planning consideration of some weight for local planning authorities when determining proposals for similar smaller scale developments.

**5. Appraisal**

5.1 Officers consider the following issues to be of relevance in the determination of this case:

- Planning Policy Context;

- Need for Renewable Energy Developments;
- Visual Impact and Effect on Landscape Character;
- Impact on Heritage Assets;
- Loss of Greenfield/Agricultural Land;
- Ecology
- Effect on Residential Amenity;
- Flood Risk;
- Traffic and Highway Implications;
- Archaeology.

#### Planning Policy Context

- 5.2 National planning policy and Government guidance with respect to renewable energy developments has been fluid in recent months with the latest changes taking place in March 2015. However, at its core, national planning policy in the NPPF continues to support renewable energy developments and the contribution they make to achieving the transition to a more sustainable low carbon future. Large scale ground-mounted solar farm developments make a contribution towards meeting this sustainability objective and Government guidance is clear that such developments will continue to have a place amongst a diversity of energy generating developments. However, concerns have been raised that some solar farms have been inappropriately sited so that they significantly detract from the intrinsic beauty of the countryside and unnecessarily reduce agricultural production of the land. These concerns are reflected in recently updated planning guidance in the PPG and a policy statement in March 2015 by the previous Secretary of State at the Department of Communities and Local Government. This guidance and the ministerial statement assist in the interpretation of national planning policy set out in the NPPF and should be afforded significant weight in decision making.
- 5.3 The Council has recently adopted Policy ESD5 of the Local Plan 2031 which reflects updated national policy and guidance. The policy supports renewable energy development in the District provided that there are no unacceptable adverse impacts on either the local landscape, biodiversity, historic environment, Green Belt, residential amenity or the highway network. In considering this proposal Members should principally assess the development against the requirements of this adopted development plan policy whilst having regard to national policy/guidance as a material planning consideration of significant weight.
- 5.4 Whilst of greater relevance to major energy infrastructure projects, the Government's National Policy Statements for Energy produced by the Department of Energy and Climate Change (DECC) are also material though they pre-date recent changes to national planning policy and guidance such that their weight to local planning authority decisions could have declined slightly of late. Nevertheless they highlight the *"UK's need to diversify and decarbonise electricity generation such that the Government is committed to increasing dramatically the amount of renewable generation capacity"*. In the short to medium term it states that *"much of this new capacity is likely to be onshore and offshore wind, but increasingly it may include plant powered by the combustion of biomass and waste and the generation of electricity from wave and tidal power"*. This statement does not mention solar energy specifically though given recent changes to Government guidance in the PPG it seems that the current Conservative Government has taken a markedly less supportive position in relation to on-shore wind farms than the previous Coalition Government such that this energy policy statement is perhaps no longer up-to-date and consistent with national planning policy.
- 5.5 The NPSs go on to state that an increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive<sup>24</sup> and will also help improve energy security by reducing dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, it goes on to state that some renewable sources (such as wind, solar and tidal) are

intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity there is the more generation capacity required overall to provide back-up at times when the availability of intermittent renewable sources is low.

- 5.6 Overall however, officers are satisfied that the requirements of Policy ESD5 are entirely consistent with national planning and energy policy such that full weight should be afforded to it and these proposals principally assessed against its requirements. Consequently, the development plan provides support for renewable developments subject to, in this case, the proposals avoiding significant harm to the local landscape character, biodiversity, historic environment, residential amenity and the highway network.

#### Need for Renewable Energy

- 5.7 Under the requirements of the EU Renewable Energy Directive and the associated UK Renewable Energy Strategy (2009), the UK has an obligation to ensure that 15% of its energy consumption comes from renewable sources by 2020 in order to limit greenhouse gas emissions and promote cleaner transport. As the UK is a net importer of energy resources, future security of domestic energy production is also seen as increasingly important by central Government in light of international political turbulence and the threat this poses to the steady and affordable supply of fossil fuels to the UK. The UK's wider national and international commitments in this respect are reflected in the core planning principles of the NPPF which seeks to support the transition to a low carbon future in a changing climate by, inter alia, encouraging the reuse of existing resources and the use of renewable resources.
- 5.8 The overall inherent need for renewable energy generation is provided further support in paragraph 98 of the NPPF where it states that local planning authorities should not require applicants for such energy developments to demonstrate the overall need for renewable or low carbon energy. This implies that the overall need for, and benefits of, such development is beyond doubt. Paragraph 97 of the NPPF goes further and states that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and that they should have a positive strategy to promote energy from renewable and low carbon sources.
- 5.9 As a consequence, officers would suggest that it is beyond question that there is a significant need for additional renewable energy developments across the UK in order to assist in meeting the UK's statutory obligations and achieve the transition towards a more sustainable economy. The need for an increase in generation of such renewable energy is therefore a material planning consideration to which significant weight should be given. To this end, the PPG is clear that the energy generating potential of renewable energy developments should be considered as part of decision making and that the greater the energy generating potential (as a ratio to adverse effects), the greater the benefit and the greater weight that should be afforded to it. In this case the proposals would generate approximately 5MW of energy that would be sufficient to provide power approximately 1515 homes per annum and provide a source of decentralised electricity for the National Grid. Officers think it fair to describe the proposals as of moderate scale in the context of others solar farms across the country and, whilst energy generation equivalent to supplying 1515 homes is a very modest contribution towards meetings the UK's obligations under the EU Directive, it nonetheless makes a material contribution at a local level. Notwithstanding the acknowledged benefits, the Government is however increasingly clear that renewable energy developments should be acceptable for their proposed location and recognises in both recent formal Ministerial Statements as well as national policy (NPPF) and guidance (PPG) that inappropriately sited large-scale ground mounted solar farms can have a negative impact on the rural environment that can outweigh their environmental benefits.

### Visual Impact and Effect on Landscape Character

- 5.10 As set out above, both national and local planning policy is in principle supportive of solar farm developments provided that proposals should not give rise to unacceptable harm to, inter alia, views of the local landscape and landscape character. The application site lies within a gently undulating landscape that is characterised by large open cultivated fields, prominent slopes and valley sides, small woodland copses and a well-defined pattern of hedges and hedgerow trees that are interspersed with small villages and farm buildings. The Cherwell District Landscape Assessment of 1995 found that the majority of the site lay within a landscape character area defined as the 'Ironstone Hills and Valleys' of which its key characteristics are the complex topography, unspoilt ironstone villages as well as its remote, isolated and tranquil countryside. The Oxfordshire Wildlife and Landscape Study (OWLS) was completed in 2004 and provides a more detailed local assessment of landscape character to which it found the site lay partly within the 'Clay Vales Landscape Type' and the 'Farmland Slopes and Valley Sides Landscape Type'. As the majority of the application site would be principally viewed from the north (for reasons set out later on) officers consider that it would be experienced more in the context of the 'Farmland Slopes and Valley Side Landscape Type' with its notable mixed pasture and arable land, prominent slopes and valley sides, woodland copses, hedgerow patterns which together follow long distance views across the valleys including back towards the village of Duns Tew.
- 5.11 Whilst adopted Policy C13 of the Local Plan 1996 is no longer extant, until recently the development plan categorised the site and its surrounding area as within an Area of High Landscape Value which indicates the local value of this landscape.
- 5.12 The site is remote and isolated within the countryside given its position within the natural landscape rather than within or adjacent to an existing built-up area or other built development. As a consequence it would be perceived and experienced directly against the rolling agricultural fields of the countryside rather than within the context of other features of urbanisation such as a settlement, collection of buildings or other infrastructure. Officers therefore have no doubt that the deployment of a large expanse of rows of blue solar panels together with associated perimeter fencing, CCTV poles and inverter units have the potential to appear as a stark and alien urbanising feature within its surrounding unspoilt rolling farmland countryside setting. The proposals do however include provision for the augmentation of boundary hedgerows as well as an aspiration for woodland planting to the north of the site on the opposite side of Deddington Brook.
- 5.13 Notwithstanding this, due to the topography of the land and building heights, in immediate private views from the residential farmhouse property at Hill Farm itself as well as the nearby Tomwell Farm, the proposed solar farm would appear as an inherently stark and alien urbanising feature within the surrounding countryside that would visibly conflict with the established local landscape character and inherently detract from the characteristic long distance countryside views. Similarly, on entry to Hill Farm via its access track as well as from adjacent fields, there would be private views of the solar farm development that make it obtrusive within the landscape though views from other private property would be very limited.
- 5.15 Landscape character can of course be affected by development whether or not it is publicly visible and it is right and proper to consider this as a material planning consideration. Indeed the requirements of Policy ESD5 make no distinction between public or private views – only that renewable energy developments should not have a significant adverse visual impact on the local landscape. However, it is reasonable to conclude that the impact on publicly available views should be given greater weight given that they are more likely to be experienced by greater numbers of people. Whilst a number of public rights of way run in close proximity to the site, due to intervening topography and hedgerows to the south, of greatest concern to officers is the visual impact of the proposed development on the experience of local landscape character by users of a bridleway to the north – Plumbdon Lane.

- 5.16 This bridleway runs parallel to the site along the rising hill slope to the north and links the A4260 with Hempton Road in Deddington via Tomwell Farm. From the A4260 the bridleway initially features hedgerow trees to either side so that it forms an enclosed pathway. The vegetation however then opens up to leave larger gaps either side of the bridleway so that it has a more spacious feel. Hedgerows mark the edge of the bridleway from here on but there are numerous gaps within them and in places the hedgerows are sparse. Closer to Tomwell Farm the gaps open up more significantly leaving expansive views southwards over the countryside towards Duns Tew beyond. The application site, and in particular the main field, would have a prominent position in these views and the intervening land is outside the applicant's control.
- 5.17 Officers have very significant concerns about the effect on the experience of landscape character and views from this bridleway given its elevated position with respect to the application site. As stated previously, the main field is remote and isolated such that it would be seen in the context of a wide views of undulating farmland where the erection of vast rows of solar panels and associated fencing would appear wholly discordant within this traditional countryside landscape. Whilst the arrays themselves would have their rear sides facing Plumdon Lane rather than the shinier blue panels and therefore reduce risk of glint/glare to the north, they would stand out as an expanse of dark coloured panels and support columns that would markedly draw the eye.
- 5.18 Where necessary, the NPPF and PPG encourage the use of mitigation measures to seek to ensure renewable energy developments are appropriate to their context. To this end the application proposes new hedgerow planting to the south and east of the site as well as areas set aside for wildflowers. The planting of a woodland belt beyond the north of the site has also been proposed as well as the augmentation of a hedgerow strip further to the south. Both of these are outside the site and are not shown in the application details to be within the control of the applicant such that these proposals cannot be relied upon or taken in account. As identified in the OWLS 2004, hedgerows and copses of woodland are historically characteristic features of the local landscape though many have been lost due to modern farming operations. The creation and/or augmentation of these natural landscape features is therefore a benefit of the proposals both in terms of landscape character and biodiversity. However, their principal objective is to screen the development and mitigate its visual harm to the intrinsic beauty of the countryside. However, in this respect it would fail. As stated previously, the Plumdon Lane bridleway is in an elevated position with respect to the north of the site on a hillside slope. Planting along the bridleway is not within the control of the applicant and there is no evidence to suggest that there is any reasonable prospect of this being able to occur. However, of greatest concern is that the elevated position of the bridleway prevents any new woodland within the site's northern boundary having a mitigatory effect as the viewing angles involved would prevent effective screening at least until the new woodland belt has become mature which could be many years into the intended 25 year operational life of the development. Willow trees are also suggested as suitable and whilst native and in principle an appropriate species, they are prone to cracking and are deciduous so that they would provide far less screening in winter months which only reduces their effectiveness. Grasses are proposed to grow amongst the solar arrays which would to a degree soften their appearance in time but not significantly so particularly as vegetation on the site needs to be kept low to prevent overshadowing of the solar PVs. Moreover, even where substantial tree planting within the site's northern boundary would have been an effective natural screen, it is not clear that the applicant could deliver the 5MW scheme being proposed given the area of the site that would need to be set aside for the woodland planting as well as allowance made for overshadowing from new trees and access for their maintenance.
- 5.19 When assessing solar farm developments the PPG advises LPAs to consider the need for and effect of fencing, lighting and security measures on the landscape. Artificial lighting is not proposed which should prevent the development providing evidence of itself at night time and officers support this approach. However, officers have discussed



the proposed security measures with the applicant's agent to which it has been suggested that there is no option but to include such measures given that the solar arrays represent a multi-million pound investment. Whilst the CCTV columns would add height to the overall development there are limited in overall size and bulk with only a small handful proposed which should ensure that individually they do not have a further adverse landscape impact given in the context of the mass of main solar PV arrays proposed. The applicant has proposed comparatively little justification for the perimeter fencing and it is not clear whether it is in the interests of public safety or to prevent criminal damage. It seems reasonable to assume that such fencing is not always necessary given that Government guidance encourages LPAs to consider not only its impact but also its necessity. Whilst the fence proposed is of a more rustic deer-proof post and wire specification, it is approximately 2m high and runs for a length of approximately 1.2km which would create the impression of the development being within something of a compound. Given the scale and nature of the fencing proposed it would only serve to exacerbate the overall urbanising effect of the development within the countryside so that, whilst not determinative in itself, it would add to the significant harm caused to local landscape character.

- 5.20 Notwithstanding the above, officers broadly agree with the conclusions of the applicant's landscape and visual assessment (LVIA) with respect to the visual impact on the landscape from other viewpoints. In this regard, a combination of the rolling topography of the landscape, established intervening vegetation together with the low height of the operational development proposed, would prevent the proposed development from being significantly visible in longer distance public or private views from the villages of Duns Tew, Deddington or Nether Worton. Similarly, officers agree that intervening undulations in the landscape would prevent anything other than glimpsed views of small elements of the proposed development from surrounding public roads including the A4260 and the road from Duns Tew to Hempton. Given the speed and nature of the majority of users of these roads (i.e. motor vehicle traffic) the effect on the perception of wider landscape character would be minor given that only very limited glimpsed views of the development would be available even before the maturation of proposed new planting. Consequently the significant harm to landscape character that officers' have previously identified would not be materially perceptible from these vantage points.
- 5.21 However, in summary, officers have concluded that as a result of the sites remote location in a traditional rolling farmland countryside setting that the proposed development would appear as a wholly alien and obtrusive urbanised feature within the landscape which would be particularly prominent when experienced in wide ranging public views from the bridleway to the north. Whilst the development is proposed to be temporary, from commencement of development to its complete removal from the site there would be over 25 years of significant harm to the local landscape which is not an insubstantial period of time and indeed equivalent to affecting an entire generation. In this respect and notwithstanding its temporary 25 year operational life, the proposals would cause significant harm to local landscape character contrary to the requirements of Policy ESD5 of the Local Plan 2031 as well as national policy in the NPPF.

#### Impact on Heritage Assets

- 5.22 The impact of new development on the historic environment is a material planning consideration and the NPPF, PPG and Policy ESD5 of the Local Plan 2031 require the effect on the historic environment to be considered as part of determining applications for renewable energy developments. National policy in the NPPF emphasises the importance of preserving the historic environment as part of achieving sustainable development and resists harm to designated heritage assets unless outweighed by public benefits appropriate in scale to the significance of the heritage asset. The Council also has a legal duty under the Planning (Listed Buildings and Conservation Area) Act 1990 to give special regard to the desirability of preserving the special character and interest of conservation areas, listed buildings and their settings.

- 5.23 The closest heritage assets to the application site are the two Grade II listed barns of Hill Farm. These early 18<sup>th</sup> century limestone rubble walled buildings are of architectural significance in themselves though their farmland setting is clearly important to their special interest given that the surrounding land has a clear historical and functional relationship to the use of the buildings. However, whilst the proposed solar array is within visual range of the listed barns, the separation distance ensures that the proposals would give rise to a relatively minor change to the setting of the listed barns when seen in the wider farmland context particularly as the field on which the solar PV arrays are proposed slopes away from the listed barns making it unlikely that they would both be seen in the same context from westerly and southerly viewpoints if mitigatory hedgerow planting was carried out as proposed. From the north, and Plumdon Lane in particular, the listed barns would be seen more in the context of the new solar arrays however from this distance the listed buildings reduce in their visibility within the landscape and therefore appreciation of significance. Moreover, the separation of distance of close to 500m should ensure that the agricultural farmland setting of the listed barns is not materially adversely affected.
- 5.24 The Duns Tew Conservation Area covers a significant proportion of the village with its closest point just over 1km to the south of the application site. However, whilst not within the Conservation Area, proposals such as this still have the potential to have an adverse impact on its setting. In this case the site's significant separation distance from the Conservation Area as well as the intervening topography and vegetation ensures that the proposals would not have any appreciable effect on the special character and appearance of the Conservation Area. Consequently in this respect officers are satisfied that the proposals would not give rise to material harm to this designated heritage asset. Whilst during the construction phase of the proposed development an increase in construction traffic movements through the village would be expected, the proposed development would not be expected to involve large numbers of vehicles over a long duration such that in this regard officers are not unduly concerned about the impact on the tranquil rural character of the village or its Conservation Area.
- 5.25 Ilbury Camp hillfort is a scheduled ancient monument (SAM) and therefore designated heritage asset located about 2km to the northwest of the site. The site commands clear views of the surrounding terrain in all directions which reflects its historic significance as a defensive position. The heritage value of the hillfort is considered to be high and its setting is integral to its historical interest. However, due to the significant separation distance between the site and the SAM as well as the limited height of the proposed development and its position within a valley, the adverse effect on the open views around the SAM would be very limited such that the proposals would have a negligible impact on its significance.
- 5.26 Consequently, and for the above reasons, officers are of the view that the proposals would not give rise to material harm to the historic environment and in this respect the proposals are considered to accord with the requirements of Policy ESD15 of the Local Plan 2031 as well as national policy set out in the NPPF.

#### Loss of Greenfield/Agricultural Land

- 5.27 The proposals would result in the loss of nearly 11 hectares of arable farmland to facilitate the installation of the solar PV equipment and its associated infrastructure. The loss of agricultural land can have a detrimental effect on the ability of the country to provide a sustainable and secure domestic food source for the population. Recently updated Government guidance in the PPG that references a statement by the previous SoS on 25/3/15 emphasises the importance of effective use of land by first focussing large scale solar farms on previously developed and non-agricultural land. The guidance also adds that where a proposal involves greenfield land its use should be shown to be necessary and that where on agricultural land, poorer quality land should be used in preference to higher quality land.

- 5.28 The recent changes to the PPG make it clear that LPAs should now be placing a greater emphasis on encouraging solar PV arrays on brownfield sites including rooftops of suitably sized buildings where these are not of high environmental value. The Government is clear however that it still envisages a place for large scale ground mounted solar farms in the UK's energy mix but such developments on agricultural or greenfield land should be shown firstly to be necessary and then that poorer quality land has been prioritised. To this end, and following discussions with officers, the applicant has submitted an Alternative Sites Assessment to consider whether other sequentially preferable and available land exists within the locality that could better accommodate the development. The applicant sets out the challenges associated with mounting significant numbers of solar PV arrays on the roofs of existing large commercial buildings. They add that even where a sufficient area of roofslope is available it can often be problematic to secure their use given that many are tenanted with landlords not keen to have rooftops 'locked in' with solar development for 20+ years. Similarly, they add that tenants on varying lease durations are sometimes unable to enter into long term solar PV 'sub-lease' arrangements without landlord consent and it can be problematic resolving the issue of the benefit sharing of the output between the tenant/landlord. Installation of solar PV onto existing rooftops also places a further load on the roof which can often lead to a requirement to enhance the structural capacity of the building which can render the project financially unviable. The applicant also claims that it is rarely financially beneficial for landowners of brownfield land to develop it for ground mounted solar PV arrays given the higher alternative land values for other developments.
- 5.29 Such arguments do appear however slightly at odds with the approach set out in the PPG given that they would appear to provide a barrier to the use of rooftops of almost all large commercial buildings. Accepting these arguments leaves it difficult to see how the NPPF can be interpreted in light of guidance in the PPG which encourages the need for LPAs to consider prioritisation of previously developed land when considering proposals for large scale ground mounted solar PV farms. Notwithstanding that, the applicant has assessed an area within 1.25km radius of the proposed grid connection point which is the maximum financially viable extent over which to lay the necessary cabling to the grid connection. Given the isolated location of the grid connection point this inevitably leaves almost no previously developed land (other than residential properties) within the applicant's search area. Within this confined search area officers do not dispute the applicant's conclusions that there are no 'sequentially' preferable suitable brownfield sites available nor that there is other agricultural land of poorer quality available that is suitable in all other respects.
- 5.30 The PPG does not specify to what extent LPAs should consider whether the applicant has sought to assess the opportunities that exist for the development to be located where it makes more efficient use of land. Nevertheless, having regard to national policy in the NPPF on sequential tests relating to developments outside town centres and in areas of high flood risk, applicants should demonstrate assessment of suitable and available sites within a search area proportionate to the scale and nature of the proposed development. The applicant should also demonstrate a degree of flexibility in scale and format when assessing potential for suitable, available alternatives.
- 5.31 The applicant has not however robustly demonstrated why the Alternative Sites Assessment has only considered sites within a radius of just one grid connection point. Given financial viability constraints associated with cabling, this leaves only a very small area over which to assess alternatives and indeed incorporates almost no previously developed land of any genuine scale that could be potentially be suitable for a similar number of ground or roof mounted solar PV arrays. Whilst officers recognise that the proposals do not amount to a solar farm of substantial size in the context of some proposed and operating elsewhere across the country, it is certainly not small scale either and officers consider it reasonable for the applicant to have considered a significantly larger search area that they have that in officers' view should have included

larger parts of the District as well as parts of neighbouring West Oxfordshire too. In this respect officers can see no robust justification as to why only one grid connection point has been considered.

- 5.32 It is recognised that the agricultural land on which the solar farm is proposed does not meet the definition of best and most versatile as defined in the NPPF. However, based on the conclusions of the applicant's own assessments and Natural England's Agricultural Land Classification the land is mostly in subgrade 3b which is defined as moderate quality. Whilst not of the highest quality it is still necessary to demonstrate that poorer quality agricultural land has been considered and prioritised first before considering more productive land once previously-developed sites have been discounted. As stated previously, officers are satisfied that within the 1.25km search area there is no suitable lower quality agricultural land available that is both appropriate to the type of development proposed and acceptable in other planning terms too (for example other lower quality land may instead be of greater landscape sensitivity, at risk of flooding or north facing). However, for reasons similar to the concerns raised about the applicant's consideration of suitable and available previously developed sites, officers are not satisfied that a suitable and proportionate search area has been considered relative to the scale and impact of the proposed development.
- 5.33 Notwithstanding the above concerns, where use of agricultural land is shown to be necessary Government guidance makes it clear that solar farm developments should continue to allow agricultural use of the land around solar arrays. Whilst arable farming of the land would be prevented, the proposals include provision for the grazing of livestock around and between arrays which would ensure control of vegetation growth on the site that could otherwise undermine effectiveness of the solar PV arrays. Therefore, whilst arable cultivation of the land would cease for a generation as a result of the development, the land would continue to make a contribution to agriculture. If approved, a condition would be required to secure this however.
- 5.34 In summary on this matter, officers have significant concerns that the applicant has not carried out a sufficiently robust assessment of alternative preferable sites in a search area that is proportionate to the scale and impact of the development proposed. In the absence of this and given the significant harm identified to the landscape as well as the loss of productive agricultural land, officers cannot conclude that the proposals represent efficient use of land having regard to national policy and guidance set out in the PPG.

#### Ecology

- 5.35 The Council has a statutory duty when carrying out its functions to have regard to the purposes of conserving biodiversity. Further to this the NPPF makes clear that a key principle of sustainable development is to achieve net gains for nature. To this end Policy ESD10 of the Local Plan 2031 seeks net gains for biodiversity as part of development proposals and Policy ESD5 resists renewable energy developments where these would have an unacceptable adverse impact on biodiversity. The PPG states that LPAs should consider the need to seek biodiversity enhancements around solar arrays when assessing applications for development of this type. In this case there are few ecological constraints on the site and the proposed planting and augmentation of native hedgerows along the site's boundaries to create wildlife corridors together with the planting of wildflower grasses within the site would be likely to improve ecological habitat beyond that offered by the existing arable farmland. It should be noted however that the applicant's suggestion for mitigating the visual impact of the development would be the planting of a woodland belt along Deddington Brook on the site's northern boundary in place of the proposed wildflower meadow. As officers have already suggested, this is unlikely to be materially effective during the lifetime of the development and unfortunately it would also significantly reduce the net gains for biodiversity in comparison to that currently proposed.

5.36 The perimeter fencing is proposed to allow access underneath by badgers and no artificial lighting is proposed on the site which together should ensure that the established habitat and pathways of protected species is not unduly interfered with. Consequently, in this respect, officers are satisfied that the current proposals would provide material net gains for biodiversity in accordance with development plan policy requirements as well as national policy. If approved however, conditions would be required on a planning permission to ensure these proposed gains are actually delivered.

#### Effect on Residential Amenity

5.37 Policy ESD15 of the Local Plan 2031 also states that the Council will consider the amenity of both existing and future developments in terms of inter alia privacy, outlook and natural lighting. This policy is reflective of one of the core planning principles underpinning the NPPF which states that new development should provide a good standard of amenity for all existing and future occupants of land and buildings.

5.38 The main field of the application site is situated a significant distance away from the nearest dwelling (over 500m) and the operational development proposed is low in height. As a consequence the development would not give rise to any harm to the general quality of the outlook, light or privacy that occupiers of any dwelling currently enjoy. It will however be visible within private views from a small number of residential properties, most notably the house at nearby Tomwell Farm to the north from where the proposed development would appear stark and inherently alien within the landscape. Whilst disappointing to occupants of this property, the significant distance involved ensures that it would not have a material adverse impact on the quality of living conditions at the dwelling. Officers are also mindful of well-established case law and Government guidance that makes it clear that the land use planning system generally concerns matters of wider public interest and, as such, private views are not a material planning consideration.

5.39 Whilst noise and disturbance is not anticipated from the proposed development once operational and traffic movements to and from the site would be negligible, the construction process would lead to additional traffic movements through Duns Tew that could affect local amenity and some construction noise could emanate from the site albeit the construction process is relatively short in duration. In order to mitigate this potential adverse effect, a construction traffic management plan would need to be secured by condition if the application was to be approved that would need to set out appropriate routes and timings for construction traffic so that the impact on local parking and traffic noise could be minimised. A condition restricting construction working hours should also be imposed too. Subject to these conditions officers are satisfied that the proposals would not have a significant adverse effect on nearby residential amenity in accordance with the requirements of the relevant policies of the development plan as well as Government guidance.

#### Flood Risk

5.40 Policy ESD6 of the Local Plan 2031 reflects national policy in the NPPF by resisting development that would increase flood risk either locally or elsewhere. Within this it seeks to concentrate development to flood risk zones that are appropriately to its vulnerability. The northern part of the site adjacent to Deddington Brook is located within an area defined as flood zone 3 by the Environment Agency (EA) with a proportion of this being the functional flood plain (flood zone 3b) of the watercourse. No development other than permeable perimeter fencing and wildflower planting is proposed within flood zone 3 and so the EA is satisfied that the proposals would not be at undue risk of flooding or increase flood risk. Only a small section of the security fencing is proposed in flood zone 3 and as this is of wire construction it will allow any flood water to flow freely through it. In accordance with the NPPF, proposals should take the opportunities available to provide a betterment to flood risk and to achieve this the submitted flood risk assessment (FRA) proposes a 0.3m wide and 0.3m deep swale across the site for the

detention of surface water run-off. If the application was to be approved, conditions requiring the development to be carried out in accordance with the FRA would be required to be imposed. Subject to such a condition, officers have no concerns about the proposals in respect of flood risk and in this respect the proposals are considered to accord with the requirements of both national and local planning policy objectives.

#### Highway Implications

- 5.41 Solar farm developments generally give rise to only very occasional traffic movements once operational for the purposes of maintenance. As a result officers and the County Council (LHA) are not concerned about the impact on local traffic flows or highway safety. Whilst the construction process would be only over a relatively short duration, relatively significant numbers of heavy vehicles could enter and exit the site every day which could prove disruptive to the local road network if unmanaged. For this reason, if Members are minded to approve the application officers recommend the imposition of a condition requiring the submission and approval of a construction traffic management plan to be agreed in consultation with the LHA.

#### Archaeology

- 5.42 Where a site on which development is proposed has the potential to include heritage assets with archaeological interest, the NPPF states that local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The site is located in an area where little archaeological investigation has been undertaken and therefore the archaeological interest of the site and its immediate environs is unknown. Archaeological features have been recorded in the wider area however along the same water course and valley bottom occupied by this proposed site. During the consideration of the application a revised cable trenching plan was submitted which reduced the potential impact on any surviving archaeological deposits. There will however still be a need for some archaeological field investigation but this can be undertaken through works under a condition on any planning permission. Therefore, should planning permission be granted, a condition would be necessary that requires the implementation of an agreed staged programme of archaeological investigation during the period of construction. Subject to such a condition, officers are satisfied that the proposals would not have an undue impact on any deposits of archaeological significance and therefore accord with both national and local planning policy in this respect.

#### Other Matters

- 5.43 Government guidance in the PPG is clear that solar farms are normally temporary structures and planning conditions can and should be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. The common life of a proposed solar farm is 25 years and the application proposals are no different in this respect. Allowing for the construction period and the time necessary to decommission the development and remediate the land, the proposed development would have a visual and agricultural impact lasting approximately 25-27 years. Whilst this impact would therefore not be permanent, in the context of temporary consents this period of time is very significant in length and so the weight afforded to the adverse impacts should not be significantly less than if considering a proposal for similar permanent development. However, if Members were minded to approve the application, a condition should be imposed requiring the removal of the development and remediation of the land after a period of 25 years so as to reduce the long term impact of the proposed development.
- 5.44 The SoS has been made aware of this application and may consider whether to call-in the application for his own determination. The Department for Communities and Local Government (DCLG) has asked to be kept informed of progress on the application and has reserved the right to call in the application in the event that the Council resolves to grant planning permission. If Committee resolves to grant planning permission, before issuing the decision officers would need to notify the DCLG of this decision so that they

can consider whether the SoS instead wishes to determine the application himself. Where the application is refused, there is no requirement to notify the DCLG.

## **6. Conclusion**

- 6.1 A golden thread running through national policy in the NPPF is a presumption in favour of sustainable development. Sustainable development consists of three principal dimensions – environmental, social and economic. These should not be considered in isolation and it is necessary to consider the benefits and harm associated with development across these three dimensions of sustainability in order to conclude whether a proposal is indeed a sustainable one.
- 6.2 Officers have identified in this report that the proposals are likely to give rise to significant harm to local landscape character that cannot be appropriately mitigated as part of the development and that the applicant has not satisfactorily demonstrated that there are not more suitable sites available elsewhere locally to robustly establish that development of this agricultural greenfield site in the countryside is necessary. In this respect the proposals would clearly give rise to environmental harm as well as potentially social and economic harm arising from lost agricultural land that contributes towards sustainably providing food for the nation. The proposals however also provide notable environmental benefits in terms of delivering a renewable source of energy to the national grid that would contribute towards meeting the UK's statutory climate change obligations as well as delivering some net benefits to local wildlife. The proposals would also have associated economic benefits due to their contribution towards ensuring a more safe and secure domestic source of energy generation to the national grid that is not subject to international volatility. It could also assist in securing or creating a number of temporary jobs during the construction period as well as a modest number of jobs once operational. Moreover, the proposals could assist in helping to diversify the farm business to make its operations more secure and resilient to market changes in the future.
- 6.3 Overall however, officers have concluded that the visual harm to the local landscape and its character would be significant and that the need to develop this greenfield site has not been robustly demonstrated to the required standard having regard to Government guidance in the PPG and recent statements by the SoS. This harm outweighs the benefits stated above such that the proposals are not considered to represent sustainable development and found to be in conflict with the requirements of Policies ESD5 and ESD13 in addition to national policy set out in the NPPF.

## **7. Recommendation**

**Refusal, for the following reasons:**

**1. The proposed development would introduce a stark and alien industrial feature on a scale that would have a significant urbanising effect on an area of isolated rolling farmland countryside, and that would be prominent in views from the north and therefore appear wholly out of keeping with the established landscape character. Consequently the proposals are found to be contrary to the requirements of Policies ESD5 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as national policy set out in the National Planning Policy Framework.**

**2. The proposed development is on greenfield, agricultural land and development in this location has not been shown to be necessary in a robust assessment of suitable and available alternative sites including previously-**

**developed or poorer quality agricultural land. In the absence of this information the Council cannot conclude that the proposals have taken all reasonable opportunities available to make use of more preferable sites having regard to Government guidance set out in the Planning Practice Guidance. Consequently the proposals are considered to be contrary to the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 as well as national policy set out in the National Planning Policy Framework.**

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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 to allow the submission of additional and updated supporting information to enable satisfactory consideration of the application. Unfortunately, having regard to both local and national planning policy as well as other material planning considerations, the proposals are not considered to represent sustainable development and have been refused accordingly.

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