

<b>Application</b> 11/00177/F	<b>No:</b>	<b>Ward: Fringford</b>	<b>Date</b> 07/02/2011	<b>Valid:</b>
<b>Applicant:</b>	Alectron Investments Ltd			
<b>Site Address:</b>	Land north of Fringford, west of A4421, Shelswell Park, Fringford			

**Proposal:** Continued use as agricultural land and new solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabinets, switchgear and meter housing, access track, fencing, security cameras and landscaping on land

### 1. Site Description and Proposal

- 1.1 The proposal is for a solar farm development that could generate up to 5MW of power located on the Shelswell Park Estate to the north of Fringford and to the west of the A4421. The site area is 15.4 hectares and is over 1km away from the A4421 and similar distances away from other highways. The land is made up of grade 2 agricultural land and currently used for arable purposes. The site is bounded by a small area of woodland, hedgerows and fences and a farm track. The site gently slopes from north to south and falls away more steeply along the western boundary.
- 1.2 The site is to be accessed from the A4421 along an existing track to the south east of the site. This track is a Restricted Byway and runs past Warins Barn.
- 1.3 Home Farm, a listed property, is located to the north of the site, Shelswell Park is to the west of the site and Willaston Farm, also listed, is located to the south west. A public bridleway runs to the north of the site and public footpaths run to the south of the site. The site is within an area of High Landscape Value.
- 1.4 The proposal includes the installation of fixed ground mounted photovoltaic panels which will be secured to the ground by shallow piles. The panels will be mounted on frames of up to 3.5 metres in height, which will be angled at approximately 30 degrees and orientated south. Each 3.5 metre high frame will hold 3 panels but they will be no higher than the frame. The panels are proposed to be dark grey/black in colour and have a matt finish. The intention is that the land below the photovoltaic arrays will continue to be used for agricultural purposes, not for arable purposes but instead for the grazing of sheep.
- 1.5 Also proposed as part of the development are five cabins containing inverter and transformer units, cabins containing switchgear and meter units to connect to the electrical grid, stock proof post and wire fencing along the site boundary, security palisade fence and gates around the inverter and transformer cabins, the switchgear and meter housing cabins, security CCTV and an intruder detection system.

- 1.6 A series of cables will be run underground, connecting the inverter and transformer units to the switchgear and meter housing, which will then enable an underground connection to the grid.

## **2. Application Publicity**

- 2.1 The application was advertised by way of a site notices and press notice. The final date for comment was 14 April 2011.

- 2.2 10 letters/emails of representation have been received from third parties which are summarised below, 4 of which were submitted by or on behalf of the tenant farmer , but these objections have now been withdrawn (see electronic application file for full comments):

### **2.2.1 Material Considerations**

- Productive agricultural land should not be used for renewable energy generation
- Focus for this form of development should be on brown field sites and industrial areas
- Applications for large scale solar farms should be put in abeyance until review on feed in tariff is concluded
- Will result in change of use of land
- Not possible to manage land for arable purposes
- If approved should be conditioned that land returned to original condition – funds should be secured
- Will result in the tenant farmer losing productive land within his tenancy – affecting production and livelihood, a reason for refusal on previous change of use applications for this landowner (tenant now withdrawn this objection)
- Difficult to farm the land surrounding the solar farm reducing its productivity
- Security measures are not compatible with continued use of land for agricultural purposes
- Noise from transformers affecting tranquillity of Willaston
- Visual impact, and impact on privacy as a result of security cameras and their masts
- Large scale proposal not in keeping with Council's vision (Core Strategy Issues and Options Paper – Feb 2006)
- Detrimental to Area of High Landscape Value
- Adverse impact on Listed Buildings – Home Farm House
- Adverse impact on medieval village of Shelswell, the setting of a site of archaeological significance
- Adverse impact on residential amenities – glint from sun reflecting off panels
- Impact of amenity of those using public footpaths and bridleways
- Access and junctions unsuitable to serve the site
- Increase in traffic up driveway belonging to Willaston, a restricted byway. Not confident that signs and planning conditions will prevent this therefore damage to privately maintained access.
- Plant, insect and animal species have not been properly assessed
- Some birds may mistake the panels for an area of water
- No explanation of short term effect.
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### 2.2.2 Non-material Considerations

- Proposal will not generate enough electricity to justify the disruption caused
- Effect on outlook from private properties
- Area already has to put up with disruptive processes such as quarrying and waste disposal
- Applicants have no experience in building such schemes
- Council should appoint independent advice with regard to the viability and balance the sustainability of this or similar applications
- Application does not include sufficient information with regard to costs of cabling to Cottisford sub station, details of leakage and energy loss, details of safety measures to prevent damage by agricultural operations and potential electrocution of livestock
- Shelswell Estate will be the only ones to benefit
- No comparable schemes to look at and assess
- Inaccuracies in the selected viewpoints and the details of rights of way

## 3. Consultations

- 3.1 A summary of the consultation responses is set out below (see electronic file for full details)
- 3.2 **South Northamptonshire Council** states that in principle there appears to be no issues raised by the proposal which would impact significantly on SNC and therefore the Council would raise no objections but recommends the Council determine the application in accordance with national guidance, in particular PPS 22 – Renewable Energy, and the local planning policies.
- 3.3 **Hethe Parish Council** objects to the proposal and states that;
- Brown field sites should be explored before using prime agricultural land
  - The panels will be visible from public rights of way and they will be at odds with rural land
  - Security systems unsuitable for rural location
  - Insufficient consultation with the Parish
  - No mention of what happens to electricity once generated, underground cables are expensive and pylons have significant visual impact
  - Little assessment of wildlife impact
  - Local walkers will feel overlooked by security cameras
- 3.4 **Newton Purcell with Shelswell Parish Council** objects to the application stating that there are mixed feelings within the village but some of the reasons for objecting are set out. The reasons for objecting are covered in the comments set out in para. 2.2 above.
- 3.5 **Hardwick with Tusmore Parish Meeting** raises no objections.
- 3.6 **Godington Parish Meeting** originally raised no objections but suggested that a sudden increase in flow of flood water in the river could cause damage to properties in Godington. Having been reconsulted the Meeting objected for similar reasons.
- 3.7 **Cottisford Parish Council** objects to the proposal but provides no reasons for

reaching this view.

- 3.8 **Stoke Lyne Parish Council** objects to the application as the development is proposed on good agricultural land. The site is rural and solar panels do not belong in rural environments.
- 3.9 The Council's **Head of Planning Policy** has set out the relevant policy but identifies a conflict between the policies which support renewable energy and those that resist the loss of high grade agricultural land.
- 3.10 The **Local Highway Authority** has determined that the access is acceptable but only with restrictions and appropriate measures to protect users of the right of way. Alterations should be made to the Restricted Byway to allow for HGVs to pass. No objections are raised subject to the inclusion of planning conditions.
- 3.11 The Council's **Landscape Officer** considers the site has been well chosen as it only has very localised impact. The surrounding area although gently undulating is not overlooked from any high points in the vicinity and is visually well contained. There will be very little if any visibility from surrounding villages. Public access is restricted to a couple of rural lanes from which there will be limited visibility and a number of public rights of way which pass close to the site from which there will be considerable visibility. There are some concerns about the considerable area to be covered in an Area of High Landscape Value but this itself is not a reason for refusal. No significant objections are made in relation to landscape and visual impact grounds.
- 3.12 The Council's **Conservation Officer** has stated that the views are more prominent from Shelswell House than Willaston Farm. It was difficult to ascertain the degree of disruption as there is no measure of reflectability of the cells or their intrusion into the landscape due to their physical dimensions. On the whole it is not thought that the application will unduly harm the setting of listed buildings.
- 3.13 The Council's **Rural Development and Countryside Manager** raises no objections but states that the applicants should seek the necessary consent from OCC regarding access along the public right of way.
- 3.14 The County's **Rights of Way Field Officer** has raised particular concern over the conflict between the use of the Restricted Byway by horses and HGVs. However these concerns and the mechanisms for dealing with them are reflected in the Highway Authority comments and suggested conditions.
- 3.15 **Natural England** has no specific comments to make but sets out that the District should have regard for Local Wildlife Sites, Protected Species, Landscape and biodiversity enhancements.
- 3.16 The Council's **Ecologist** does not foresee any major ecological issues. The phase 1 habitat survey report is sufficient in scope and depth. If the enhancements for biodiversity are carried out as outlined in the Phase 1 report there is potential for a net gain for biodiversity on site. Conditions are proposed.
- 3.17 The **County Ecologists** supports the comments made by CDC's ecologist and

landscape officer and adds that the newly planted hedgerows and scrub and the management of the existing hedgerows should help meet the aims of the Tusmore and Shelswell Conservation Target Area by linking woodland sites. The creation of calcareous grassland will also help meet UK BAP priority habitat creation targets for Oxfordshire.

- 3.18 The Council's **Arboriculturalist** recognises that the scheme has been laid out to take account of the trees on site with the inclusion of a 20m buffer zone. This reduces the risks of the more common short term issues that may arise.
- 3.19 The Council's **Head of Anti-Social Behaviour** acknowledges that the submission recognises that the inverter and transformer equipment will generate some noise and they go on to state that the enclosures are designed to limit the noise impact at the nearest noise sensitive locations. A condition is recommended.
- 3.20 The County Council **as Strategic Planning Authority** has stated that environment and climate change is both a County Council priority and an objective in Oxfordshire 2030 therefore the principle of the development is supported.
- 3.21 The County **Archaeologist** acknowledges that the site lies within an area of some archaeological interest however the impact of the solar arrays is likely to be fairly minimal but impacts from laying transformers and cabling may have greater impact therefore conditions are suggested.
- 3.22 **The Environment Agency** has not yet commented on the application.

#### **4. Relevant Planning Policies**

- 4.1 Central Government Guidance  
Planning Policy Statement (PPS) 1 – Delivering Sustainable Development (2005) and its supplement (2007)  
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment (2010)  
Planning Policy Statement (PPS) 7 – Sustainable development in rural areas (2004)  
Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation (2005)  
Planning Policy Guidance (PPG) 13 – Transport (2011)  
Planning Policy Statement (PPS) 22 – Renewable Energy (2004) and its companion guide (2004)
- 4.2 South East Plan Policies  
CC1 – Sustainable development  
CC2 – Climate change, help reduce emissions  
CC3 – Resource use  
NRM13 – Regional renewable energy targets  
NRM14 – Sub regional targets for land based renewable energy  
NRM15 – Location of renewable energy development  
NRM16 – Renewable energy development criteria  
C4 – Landscape and countryside management  
BE6 - Management of the Historic Environment

#### 4.3 Adopted Cherwell Local Plan

C1 – Nature Conservation

C7 – Topography and character of the landscape

C8 – Sporadic development in the open countryside

C9 – Development compatible with rural location

C13 – Areas of High Landscape Value – seek to conserve and enhance the environment

C14 – Retention of trees and hedgerows

C28 – Standards of layout, design and external appearance

ENV1 – Detrimental levels of noise...or other types of environmental pollution

#### 4.4 Non Statutory Cherwell Local Plan

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

EN21 – Proposals for renewable energy schemes

EN22 – Nature Conservation

EN23 – Ecological surveys

EN24 – Protection of sites and species

EN30 – Sporadic development in the open countryside

EN34 – Conserve and enhance character and appearance of landscape

EN35 – Retention of woodlands, trees, hedges etc

EN36 – Enhancement of the character and appearance of the landscape

EN37 – Retention of trees and hedgerows

EN39 – Preserve setting of listed buildings

EN44 – Setting of listed buildings

EMP7 – Farm Diversification

TR5 – Road safety

TR16 – Development generating frequent heavy goods vehicles

R4 – Rights of way and access to the countryside

### **5. Appraisal**

#### 5.1 Main Planning Considerations

5.1.1 The main issues to consider in the determination of this application are as follows –

- Principle of solar farms in rural locations
- Feed In Tariff
- Grade of agricultural land
- Layout and Design
- Visual Amenity/Landscape Impact
- Residential Amenity
- Setting of Listed Building
- Highway Impact/Rights of Way
- Trees
- Ecology
- Drainage
- Archaeology
- Tenancy of land
- Response to third party representations

Each of the above points will be considered in turn.

## 5.2 Principle of solar farms in rural locations

5.2.1 Solar panels are commonly used in the UK on a small scale and predominantly on buildings or in urban areas. However, large scale solar farms are a common sight in some European countries and in the last couple of years applications for similar schemes have become more common in the UK, particularly in southern parts of England, where the resource is greater. Despite a number of applications for solar farms being approved in some parts of the UK, particularly Cornwall, it is understood that there is not yet an operational solar farm within the UK.

5.2.2 National, regional and emerging local planning policy strongly supports and encourages the development of renewable forms of energy providing that it does not conflict with other policies. However where conflict does arise significant weight must be given to the need for renewable energy. The Companion Guide to PPS22 deals with specific forms of renewable energy but does not refer to large scale solar farms. This is likely to be because at the time of publishing the document in 2004 solar farms had not been considered. Despite this lack of specific reference it is still possible to assess the proposal based on other principles and policies. It is therefore considered that the proposal should be assessed against those matters listed above in section 5.1.1.

## 5.3 Feed In Tariff

5.3.1 The Feed in Tariff essentially provides developers with a financial subsidy towards the provision of solar photovoltaics and is index linked and guaranteed for 25 years and applies to solar facilities of up to 5MW. The tariff system is currently under review and there is potential for the system to change such that large scale proposals will not benefit from the same level of subsidy. Some objectors have suggested that the scheme should be put on hold until the review has been concluded. However the application is before the Council and it is our duty to determine it within a reasonable time. Proposals considered at this time still have the potential to benefit from the existing level of subsidy and the applicants have stated that they are committed to delivering the Solar Farm at Shelswell Park. The Feed In Tariff website ([www.fitariffs.co.uk](http://www.fitariffs.co.uk)) provides additional information about the timing of the review and the implications of the certain outcomes.

5.3.2 Whilst the Feed in Tariff does not directly influence the assessment of the application it is beneficial to have a basic understanding of how the Feed in Tariff currently operates. It is likely that the Feed in Tariff has influenced the proposed scale of this and other schemes (outside of Cherwell District) for solar farms.

## 5.4 Grade of agricultural land

5.4.1 The site consists of grade 2 agricultural land. This is one of the higher quality grades. 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 PPS7 which states that the quality of agricultural land should be taken into consideration when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land, except where this would be inconsistent with other sustainability considerations.

5.4.2 There is concern that the proposal does remove high grade agricultural land from arable production and in response to this the agent has provided the following response.

5.4.3 In line with Non Statutory Local Plan policy EMP7 the solar farm would not result in the permanent loss of high quality agricultural land.

The use of the site as a solar farm would be for a limited period of 25 years and would not sterilise the site for use as high quality agricultural land. The site can be restored once the use as a solar farm has ceased, which can be secured through a suitable condition.

Although the site may not be used for arable farming during the 25 years period there will not be a 'loss' of agricultural activity at the site as the provision of semi improved grassland between the PV arrays will enable the land to be grazed by sheep.

Indeed, the proposal ensures that agricultural activity will continue at the site when otherwise there would have been no certainty that the land would have been farmed for the next 25 years.

The policy officer states, "*The proposal presents an apparent conflict with these policies by resulting in the loss of productivity on high quality agricultural land for a 25 year period.*" Although the site would be used for sheep grazing, for 25 years, rather than arable farming we do not consider that this represents a loss in 'productivity'. Indeed policy EMP7 is concerned with the loss of land rather than issues of productivity.

#### **Site selection and renewable energy policy**

There is considerable local and national policy support for development that contributes to renewable energy generation and carbon emissions reductions.

Within the wider context of national policy, the supplement to PPS 1, Planning and Climate Change (2007), confirms that it is not appropriate to apply the sequential test to renewable energy proposals:

*"As most renewable energy resources can only be developed where the resource exists and where economically feasible, local planning authorities should not use a sequential approach in the consideration of renewable energy projects (for example giving priority to the re-use of previously developed land for renewable technology developments)."*

[This reference is from PPS22, not PPS1]

Further to this PPS1 states that when considering planning applications for



renewable energy developments local planning authorities should not require applicants to:

*“demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such a development must be sited in a particular location” (paragraph 20).* [Supplement to PPS1]

Despite this provision in national policy, Non Statutory Cherwell Local Plan Policy EN16 requires a demonstration as to why this site has been selected and other sites of non-agricultural land or low quality agricultural land have not been considered.

The site was selected following a search of *available* and *suitable* sites. The site was considered available as a landowner was identified who is seeking to diversify agricultural activity. This provided an opportunity for the Shelswell Estate to help ensure its continued prosperity and management of the estate, including the proposal site.

Paragraph 2.9 of the Planning Design and Access Statement identifies the reasons why this site in particular was selected ahead of other potential sites in the estate and outlines its *suitability*, as summarised below:

- Relatively flat topography and southern aspect
- High levels of solar irradiation
- Close proximity to the national grid
- Being free from ecological designations
- Existing access to the site
- No public rights of way in the area of the solar farm
- Stable land not subject to flooding
- No significant landscape impacts (The landscape and visual appraisal explains how the positioning of the PV cells has been selected to reduce visual impacts and aid screening where possible, and overall there will be limited visual impacts particularly after new screening has sufficiently developed.)

The site is also ideally located with some residential presence in the vicinity for security, yet not visible from a main road, which would raise security concerns. Many previously developed sites are not appropriate for solar farms. For example, sites within urban areas, within villages or adjacent to settlements are not appropriate for security reasons, potential impact on residential amenity, and high visibility.

- 5.4.4 Whilst the proposal does not comply with Policy EN16 of the Non Statutory Cherwell Local Plan and PPS7, based on the above information and the fact that the site could be taken out of arable production and used for grazing at any time without the Council’s involvement it is not considered that the use of grade 2 agricultural land for this purpose is a robust reason to recommend the application for refusal. Furthermore PPS22 requires that proposals for renewable energy should be given significant weight due to their wider environmental benefits.

## 5.5 Layout/Design

- 5.5.1 The solar panel details plan shows that the rows of solar arrays will be positioned

with 7.7m spacing across the site, arranged to avoid shading from one another, surrounding trees and hedges.

- 5.5.2 The five inverter transformer unit cabins are to be located around the edge of the site and are pre-fabricated flat roof structures measuring approximately 7.5 metres by 3 metres by 2.5 metres high and are proposed to be dark grey in colour. Two additional cabins are required for the switchgear and a further cabin for the metering equipment. These will be of a slightly smaller scale but of a similar design and all located close to the access track and one of the other transformer cabins. Whilst indicative plans have been provided it is possible to condition that final details are submitted for approval.
- 5.5.3 Standard stock fencing is proposed for the boundary of the solar farm. This will prevent animal intrusion and deter trespassers and also contain grazing sheep. This is proposed to be 1.1 metres high. Palisade fencing is proposed where there is equipment which requires additional security. This is proposed to be 2.4 metres in height (shorter than the height of the panels). CCTV and an Intruder Detection System will be installed around the site perimeter. The CCTV system will consist of eight cameras and poles proposed to be 4.5m high.
- 5.5.4 Along the eastern boundary the existing hedgerow is to be retained and several metres within this boundary will be the stock fence and access track. Along the north and western boundaries a new hedgerow will lie within the boundary created by the stock fence. On the southern boundary a new section of scrub habitat is provided outside of the boundary created by the stock fence. All proposed hedgerows are shown to be retained at a height of 3.5 to 4 metres in height. This is higher than the proposed panels so once at full height will obscure most close views of the site.
- 5.5.5 The application is not seeking a temporary consent but the life span of the panels is thought to be up to 25 years and the way in which the proposal has been designed means that once the solar farm is decommissioned all the equipment can be easily removed from site with no long term damage to the character and appearance of the countryside.
- 5.5.6 This form of development is considered to be sporadic development in the open countryside, therefore when considered against policy C8 should be unacceptable. However the impact of the design and layout and the balance of considerations is discussed in the following sections.

## 5.6 Visual Amenity/Landscape Impact

- 5.6.1 Solar panels are a relatively modern technology and their intervention into the open countryside is at odds with the character of the landscape and therefore potentially contrary to Policy C7 of the adopted Cherwell Local Plan which discourages development if it would harm the topography and character of the landscape. The applicants have advised that their submission and assessment is based on the frames and the panels being a maximum of 3.5 metres high. However this is the worst case scenario and the exact specification of the panels would be agreed by conditions and could be lower than set out in the submission.

- 5.6.2 The application has been supported by a Landscape and Visual Appraisal. The report states that the site is only visible from locations in the immediate local area and that it is not significantly perceptible beyond 1km distance except for potential views of the hedgerow trees. This is an opinion which is supported by the planning and landscape officers following sites visits the site and surrounding area. The solar farm will not be invisible but the areas from which the most prominent views will be gained are Shelswell Park and public rights of way to the west, the track that links the A4421 and Home Farm and a footpath to the north east, the unrestricted byway from the A4421 and Home Farm. The layout of the solar farm has been designed to restrict the development to less visible parts of the available land, avoiding the western and south western parts of the site. Existing hedgerows are being retained and encouraged to grow from 2-2.5 metres up to 3-3.5 metres in height to assist with the screening of the site.
- 5.6.3 Paragraph 15 of PPS22 deals with Local Designations and states that such designations should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents. The visual impacts will be very localised, not extending much beyond 1km from the site. The site is within an Area of High Landscape Value where the environment should be conserved or enhanced (Policy C13 of the adopted Cherwell Local Plan). It could be argued that given the localised impact and proposed mitigation the environment will be conserved.
- 5.6.4 Policy C9 of the adopted Cherwell Local Plan deals with development in rural areas and states that beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will normally be resisted. It could be argued that a solar farm is incompatible with the rural location therefore the policy is not complied with. However, the supporting text for this policy sets out that the intention should be to limit the level of development outside of the towns to protect the environment, character and agricultural resources of the rural areas. Through the above assessment it is considered that the development does not compromise the environment or wider character of the rural area and section 5.4 deals with the impact on the agricultural resource. The same conclusion can be reached with regard to Policy C7 that as a result of the localised impacts the wider character of the landscape is not harmed.
- 5.6.5 The construction and nature of the solar panels is such that once they cease generation they can be removed and the land restored to its original state. Therefore the long term impact on the character of the landscape and open countryside is limited as they are not an irreversible form of development.
- 5.6.6 The proposal is considered to comply with Policy C13 and C28 of the adopted Cherwell Local Plan.
- 5.7 Residential Amenity
- 5.7.1 One of the concerns raised by contributors is the effect of glint and glare. The application documentation has provided the following explanation;

*“Glint is caused by the direct reflection of sunlight on a reflective surface, whereas glare is a less intense reflection of a bright diffuse light around the sun. The concept of the solar panel is designed specifically to absorb light and to reduce the amount of reflected light. Combined with the landscape strategy to mitigate the visual impact in the landscape, glint and glare from the solar farm are unlikely to cause any significant nuisance.”*

5.7.2 The solar panels are proposed to be matt in finish, thus reducing the potential for glint and glare. Furthermore the panels will be orientated south thus not affecting properties to the north (Home Farm) and views into the site from the residential dwelling at Willaston and its associated cottage are restricted by the topography of the site and intervening vegetation and also largely limited to first floor rooms.

5.7.3 In relation to noise there will be some noise as a result of the construction phase of the development but this is likely to be restricted to specific hours to avoid adverse noise to nearby residential properties. During operation the panels themselves will not make a noise but the transformers will generate some noise. However these will be housed so as to limit the noise impact at the nearest residential receptor in accordance with BS 4142. BS 4142:1997 is the approved method for *rating* industrial noise affecting mixed residential and industrial areas and is the best tool for setting noise targets. It compares the noise level produced by a given activity with the background sound pressure level with the noise absent. Where the activity noise contains tonal or other distinct characteristics a correction or penalty is added to the measured noise level. This process produces the 'rated level' of noise. To ensure that noise from a given activity does not give rise to complaints means that, in a planning condition, specifying that the *rated* level of noise does not exceed background. Based on this requirement to meet recommended standards the proposal is considered to comply with Policy ENV1 of the adopted Cherwell Local Plan.

## 5.8 Setting of Listed Building

5.8.1 Home Farm House is approximately 175 metres from the solar arrays. Despite this distance the solar panels, without screening, would be clearly visible from this property and they would be located in line with the front elevation. However a new hedgerow is proposed along the northern and western boundary of the site. This will be between 3.5 and 4 metres in height. The northern hedgerow will provide some screening from Home Farm and help to limit the impact of the solar farm on its setting. The setting of the listed property is difficult to define given the agricultural nature and its relationship with the surrounding fields but with the exception of from the bridleway between Home Farm and the proposed site it will be difficult to see the solar arrays in the setting of Home Farm from public vantage points.

5.8.2 In relation to Willaston the layout of the scheme avoids the closest western slopes of the field to limit the effect on its setting. There may be limited views from Willaston to the solar farm and vice versa but similarly to the above relationship it is unlikely that the solar farm will be viewed as part of the setting of Willaston from public vantage points.

5.8.3 There are other listed properties in the area but these are a greater distance away

from the site than the two referred to above. It is therefore not considered that other listed buildings will be affected by the proposals.

- 5.8.4 Policy HE1.3 of PPS5 states that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets. However in this instance it is not considered necessary to apply weight to climate change as the effects on the heritage assets is not considered to be significant. The proposal is therefore considered to comply with guidance contained in PPS5, Policy BE6 of the South East Plan and policies EN34 and EN44 of the Non-Statutory Cherwell Local Plan.

#### 5.9 Highway Impact/Rights of Way

- 5.9.1 Access to the site is proposed along an existing right of access that the landowner already benefits from. The surface of the access track will require some improvements but this will be of an unbound nature due to the small number of proposed traffic movements. The access route is a Restricted Byway. The Countryside Rights of Way Act states that Restricted Byways are subject to any existing conditions or limitations, and further that an owner or lessee of premises adjoining or adjacent to a relevant highway shall have a right of way for vehicular traffic over the highway. The applicants solicitors have advised that the legislation does not prevent a landowner granting a private right of way over its land which can be exercised outside of (and independently from) any public rights that may also subject the land. Thus while the land may be classified as Restricted Byway under the Countryside and Rights of Way Act 2000 it does not prevent the owner of that land or any person expressly authorised by them exercising private rights over the land in such a manner as the parties may agree.
- 5.9.2 The access is already used by vehicular traffic but the flow is low. The construction phase is expected to last 14-18 weeks and during this period it is thought that there will be a maximum of 12 HGV deliveries and 10 cars/LGVs are expected on site each day. Vehicular movements along the access will be managed. During the operation phase of the solar farm there will only be periodic maintenance visits by service engineers.
- 5.9.3 The Local Highway Authority considers that subject to the access junction being improved and alterations to the condition of the track and restrictions of the hours of access the proposal is considered to be acceptable in terms of highway safety as it is unlikely to give rise to any adverse highway safety issues.
- 5.9.4 The County Council's Rights of Way Field Officer has requested that within the required Construction Traffic Management Plan measures are set out to ensure that heavy goods vehicles do not leave the site until any horses have passed along the Byway away from the site and on the occasions that vehicles do meet horses the vehicles stop and turn off their engines until the horse has passed.
- 5.9.5 Based on the above considerations the proposal is considered to comply with guidance within PPG13, Policy TR%, TR16 and R4 of the Non-Statutory Cherwell Local Plan.

## 5.10 Trees

5.10.1 The site is predominantly arable farmland. However a hedgerow with trees represents the eastern boundary, a further hedgerow crosses the site and one isolated tree is in the north eastern corner of the site. With the exception of the removal of a small section of hedgerow for the access all other hedgerows and trees remain in situ and have been considered in the layout of the scheme. Therefore there is no adverse impact on existing trees and the proposal complies with policy C14 of the adopted Cherwell Local plan and EN35 and EN37 of the Non-Statutory Cherwell Local Plan.

## 5.11 Ecology

5.11.1 The proposal sets out that semi-improved grassland margins will be retained and improved, additional planting will take place and biodiversity will be improved through the provision of species rich grassland. A number of features within the site are considered to have potential as habitats for protected and notable species. The mature oak trees are considered to have potential for roosting bats and as a habitat for breeding birds. The existing hedgerows are also identified as being a potential habitat for breeding birds. However the proposals will not affect the mature trees and only involve the removal of a short section of hedgerow and it is therefore not considered that they will have an unacceptable impact upon local ecology.

5.11.2 Natural England and the county and district ecologists are satisfied with the assessment of potential impact and proposed mitigation. Conditions will require specific measures to be complied with. The proposal is considered to comply with guidance contained within PPS9 and policies EN22, EN23 and EN24 of the Non-Statutory Cherwell Local Plan.

## 5.12 Drainage and flooding

5.12.1 The site lies within flood zone 1, the zone least at risk of flooding. However due to the size of the site area a Flood Risk Assessment (FRA) has been submitted. The FRA concluded that due to the existing nature of the site, and the limited impact of the proposals on existing ground conditions, the site will not significantly affect surface water drainage, or increase the risk of flooding. Surface water drainage systems will be installed for the equipment cabins. However a response from the Environment Agency is awaited.

## 5.13 Archaeology

5.13.1 The site itself is not identified as being known for its archaeological interest. However sites in the vicinity are of interest. The proposal, due to its nature, is not expected to have an adverse impact on archaeological features and the County Archaeologist has not raised any objections but has requested the inclusion of conditions requiring a Scheme of Investigation. In respect of archaeology the proposal complies with guidance within PPS5.

## 5.14 Tenancy

5.14.1 At an early stage in the application process a lengthy letter was received from Carter Jonas on behalf of the tenant farmer of the land included in the application site. This raised a number of concerns, the main concern being the loss of land from the tenancy and the subsequent potential effect on his livelihood. However this letter has now been withdrawn as the tenant, in the event of an approval and implementation will be compensated for the loss of the land through the inclusion of alternative land within the tenancy. This is therefore not now a relevant consideration.

#### 5.15 Response to Third Party Representations

5.15.1 A number of consultation responses expressed concern that the proposal will not be viable and would not be capable of producing the output suggested. However PPS22 in its key principles states that local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects.

5.15.2 Concerns were raised about the level of security proposed and the implications of using security cameras to monitor the site. Some considered that the use of cameras would result in members of the public who utilise the public rights of way feeling they were being observed. However the plans that indicate the coverage area for the cameras shows that they each could cover a distance of approximately 110 metres through 360 degrees. It is unlikely therefore that any section of the public right of way will be covered by the CCTV cameras.

5.15.3 The residents of Willaston have expressed concern that in the event of the scheme being approved and implemented some construction and maintenance traffic will attempt to access the site from the west, along the Restricted Byway which passes Willaston. The main concern resulting from this is the disturbance to residential amenity and damage to the unmaintained track. However it is unlikely that the site will be accessed along this route given the minor nature of the connecting highway to the east and the fact that access can be achieved off the main A4421. Furthermore a Construction Travel Plan is to be drawn up and approved which will set out how construction traffic should access the site. It is also likely that signs will be put in place advising that the track does not provide access to the solar farm. Whilst these measures do not alleviate the residents concern they are sufficient to satisfy the Local Highway Authority and these concerns would not be a strong enough reason to recommend the application for refusal.

5.15.4 Other matters raised by third party representations have been covered elsewhere in the report.

#### 5.16 Conclusion

5.16.1 One of the key principles of PPS22 is that wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. It is considered that whilst there is some debate about the use of grade 2 agricultural land for this purpose this alone is not a strong enough reason to recommend the application for refusal. Solar Farms are not 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 as the site will remain in a form of agricultural use with no significant landscape impact.

## **6. Recommendation**

### **Approval subject to**

- a) the Environment Agency not raising objections or in the event of objections being raised a suitable solution to their objections being found; and**
- b) the following conditions;**

- 1. SC 1.4 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. Planning application boundary 1:10,000 and 1:5,000**
  - b. C210 Rev. 02 General layout Plan**
  - c. C310 Rev. 02 Site Access Roads**
  - d. C410 Rev. 02 Fencing and security systems layout and CCTV mast detail**
  - e. C510 Rev. 02 Sections 1 of 2**
  - f. C511 Rev. 02 Sections 2 of 2**
  - g. C610 Rev. 02 Vegetation removal plan**
  - h. C705 Rev. 02 Typical solar panel details**
  - i. C705 Rev. 02 Inverter/Transformer unit layouts**
  - j. C707 Rev. 02 Typical fencing and security system details**
  - k. C731 Rev. 01 Switch gear & meter housing cabins**
  - l. C910 Rev. 02 Cabin drainage details**
  - m. 228503/LA/P01 Rev. A Planting plan**

**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 PPS1 – Delivering Sustainable Development.**

- 3. When the solar farm ceases its operational use the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to solely agricultural use.**
- 4. Prior to the commencement of development or the delivery of any parts or materials to the site the existing means of access between the development land and the public highway (A4421) shall be widened, formed, laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Once approved the access works shall be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)**
- 5. Prior to the commencement of development or the delivery of any parts or**



materials to the site the access road (Restricted Byway) serving the site shall be widened to a minimum of 6.5m in width (to enable two Heavy Goods Vehicles to pass each other) for a minimum distance of 20m in length from the access/junction with the A4421 in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Once approved these works shall be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)

6. Prior to the commencement of development or the delivery of any parts or materials to the site a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include a condition survey of the route and written agreement that any damage associated with the construction vehicles along the Restricted Byway shall be made good at the applicant's expense. The Construction Traffic Management Plan shall be implemented as approved throughout the construction of the solar farm. (RC18AA)
7. That during the construction phase of the development hereby approved no construction vehicles/deliveries will arrive at or leave the site during the peak times of 0745 to 0900 and 1600 to 1800 – such a restriction will deter queuing on the public highway at busy times. Reason: To limit the potential for queuing along the A4421 as a result of vehicles turning into or out of the site, in the interests of highway safety.
8. Wheel washing facilities
9. That all vehicular traffic serving the development shall enter and leave the site via the access to the South East of the site onto the A4421 and not via any other access. Reason: In the interest of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction and operation of the solar farm and to comply with Policy ENV1 of the adopted Cherwell Local Plan and guidance within PPG13: Transport.
10. That before the development hereby permitted is brought into first use, the security fencing and the exterior surfaces of the electrical inverter and transformer cabinets and switchgear and meter housing shall be permanently coloured in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (RC4A)
11. SC 3.1A Carry out Landscaping Scheme (RC10A)
12. SC 3.4AA Retain Existing Hedgerow/Tree Boundary (with access) (RC11A)
13. SC 3.3AA Scheme to be submitted to protect retained trees and hedgerows (RC72A)
14. SC 9.4A Carry out mitigation in ecological report (RC85 A)
15. SC 9.5A Site Clearance (RC86A)
16. That the rated level of noise produced by the electrical conversion and transmission equipment shall not exceed background when measured in accordance with British Standard BS 4142:1997 at the nearest noise sensitive dwelling. (RC53AB)
17. 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 site 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 PPS5:

**Planning for the Historic Environment.**

- 18. Prior to the commencement of development and following the approval of the Written Scheme of Investigation referred to in Condition 17, 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 the publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.**
- 19. SC 8.18 No external floodlights/lights (RC50)**
- 20. All cabling on the site to and from the solar farm shall be underground. (RC10A)**

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

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

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