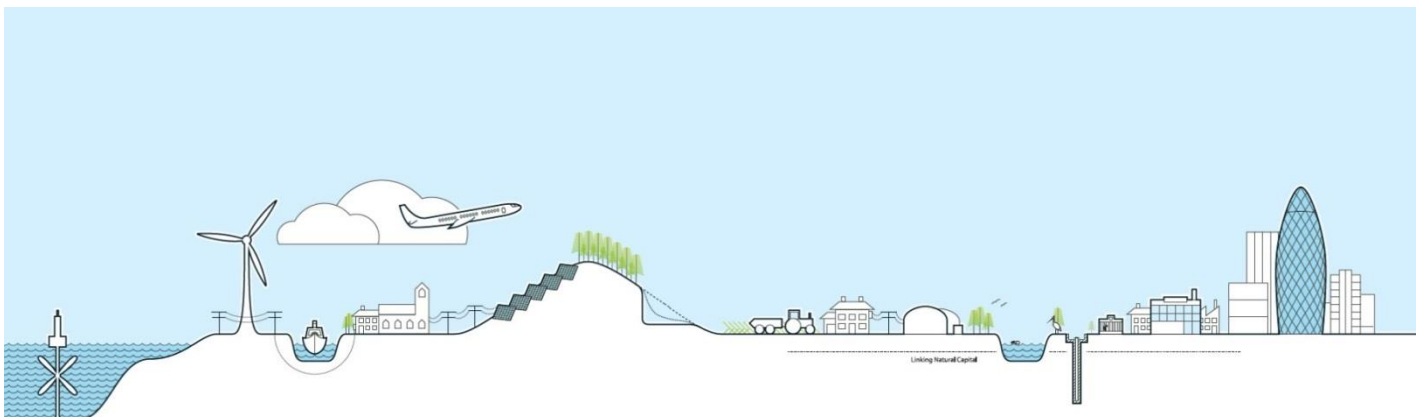


# PLANNING STATEMENT




**In support of a planning application for the installation of a Standalone Solar PV array, Associated Infrastructure and Landscaping on Land North of Hill Farm, Hill Farm Lane, Duns Tew, Bicester OX25 6JJ**

**November 2019**

**Prepared By**



## Project Quality Control Sheet

ORIGINAL	Author	Checked by	Approved by
Signature			
Date	27/11/2019	27/11/2019	27/11/2019
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## 1 Introduction

Greenheath NRG Limited seeks planning permission to develop a Solar PV array with a total installed capacity of approximately 8.92MW and associated infrastructure on land north of Hill Farm, Hill Farm Lane, Duns Tew, Bicester OX25 6JJ.

In accordance with the validation requirements of the local planning authority, this report sets out the planning policy context relating to the benefits and acceptability of the principle of this development assessed against the design principles and concepts that have been applied and how environmental issues relating to the proposed scheme have been addressed.

National and Local Planning Policy is broadly supportive of developments of this nature and there are no planning policies which would suggest that any planning application should be immediately refused, although care has been taken to establish a robust justification statement for the proposed development.

The presumption in favour of sustainable development flows through national policy to the local development plan.

The site does not lie within any statutory designated areas. The site is well screened by topography and trees/vegetation and well distanced from receptors. The landscape appraisal undertaken for the proposed development concludes that there is capacity for the landscape to accommodate the development without causing landscape or visual harm to the surrounding area and that the landscape and visual effects would be limited in scale and extent. There are no features of ecological, historic or archaeological interest that may be significantly affected as a result of the development.

In summary, based on the proposed development and assessments undertaken, the site is deemed suitable for a development of this nature in terms of planning policy and guidance, and planning permission should be granted. It is considered that in line with paragraphs 11 and 47 of the NPPF (2019) and Section 38(6) of the Planning and Compulsory Purchase Act 2004, when undertaking the planning balance, the proposed development would accord with the local development plan and that there are no material considerations which indicate otherwise.

## 2 Proposed Development

The proposed development comprises of a ~8.92MWp solar photovoltaic (PV) array, with associated infrastructure and landscaping. The site will include several associated infrastructure buildings as shown on the layout plan (Drawing ref: PV-0446-02).

The total installed capacity is ~8.92MWp, based on a solar irradiation level of approximately 1,172kWh/m<sup>2</sup>, the development is anticipated to generate approximately 8,482MWh per year (after anticipated system losses).

The scheme has been specifically designed to maximise the number of electrical hours of production per hectare. The design layout considers topography, orientation, appropriate hedgerow and watercourse buffer zones and any proposed landscape planting.

The industry standard allows for 1MW PV modules per 2.8 hectares, the design for this site has achieved a design criterion of ~8.92MWp into 12.82 hectares, the equivalent of approximately 1MWp/1.44 hectares, demonstrating efficient use of the land available to optimise generation.

## 3 Pre-application Consultation

The Applicant and their Agents undertook pre-application consultation with the Authority and as fundamentally there were no changes from the original screening opinions given for the previously approved solar farm 15/00570/F, Cherwell District Council decided that no further advice was warranted.

Advice from the previously approved solar farm 15/00570/F provided by officers in respect of the extent of reports and information required as part of any formal submission, included provision of a landscape assessment, archaeological assessment, and a preliminary ecological appraisal. These have all been undertaken and submitted with the application. A traffic management plan is being finalised and will be submitted during application.

Detailed assessments have been undertaken in relation to the impact on landscape and visual impact, historic environment and ecology, as well as consideration of access/traffic and an assessment of possible impacts during the construction and operational phases. No significant issues of concern have been identified through these considerations.

The applicant has also engaged in a lengthy consultation process with the local community and nearest neighbours to the proposed solar array, paying specific attention to consult with those who might be most impacted upon by the proposed development. The developer arranged several public consultations events, 7 in total. These were held in different locations at different times of day and different days of the week, ensuring members of the local community had as much opportunity as possible to discuss the proposal with the developers and to view up to date and accurate information about the proposed project. The community has been consulted and listened too and the project plans have been modified as a direct response to suggestions and requests raised by the local community.

This is set out in the Statement of Community Involvement submitted with the application.

## 4 Planning History

The following development control applications are considered relevant planning history for the site.

- 15/00004/SO SCREENING OPINION – Erection of a 5MW solar farm and associated infrastructure (Non-EIA development)
- 15/00570/F Erection of a 5MW solar farm and associated infrastructure (Approved)
- 19/00011/F Variation of Condition 3 of 15/00570/F – To extend the operational time to 40 years (Approved)

## 5 Planning Policy Context

### 5.1 Planning Policy Framework

The planning policy to be considered in the examination of the proposal is derived from European Directive, National Planning Policy Framework, the Cherwell Local Plan.

Consideration is also given to the online Planning Policy Guidance and, the sections on renewable and low carbon energy and recent ministerial statements in relation to renewable energy.

### 5.2 European Policy

European Parliament Directive 2009/28/EC brought in to law the importance of increasing availability of energy from renewable sources as well as obligating member states to commit to renewable energy targets. Paragraph (1) states:

*‘The control of European energy consumption and the increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitute important parts of the package of measures needed to reduce greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and with further Community and international greenhouse gas emission reduction commitments beyond 2012. Those factors also have an important part to play in promoting the security of energy supply, promoting technological development and innovation and providing opportunities for employment and regional development, especially in rural and isolated area.’*

Under the directive, the UK is committed to sourcing 15% of its energy from renewable sources by 2020. The strategy for the UK to achieve this target is set out in the Renewable Energy Strategy (RES) and the Low Carbon Transition Plan. Energy from a range of renewable sources including wind, sun, water and sustainable biomass is likely to be necessary in order to achieve this target. In transitioning to a low carbon economy and society, the RES recommends that over 30% of the UK’s electricity comes from renewable sources.

The Department for Energy and Climate Change (DECC) published a progress report in relation to the UK’s achievement of the targets set out by the aforementioned EU directive which found that, “deployment will need to be further increased to ensure we meet targets towards the end of the decade”.

#### 5.2.1 The European Council 2030 Climate and Energy Framework

The Climate and Energy Framework has set a further target of at least 40% reduction in greenhouse gas emissions by 2030. The target is binding and all Member States are required to participate to further combat climate change. The decision of the UK to exit the EU casts some doubt over the future application of these European targets however the UK has set its own legally binding targets.

## **5.2.2 Renewable Energy Directive 2009/28/EC**

This document sets targets for Member States in respect of the use of energy from renewable energy resources. The UK's obligation is 15% of energy consumption from renewable energy resources by 2020. In January 2018 the EU revised the 2030 energy mix target from 27% renewable to 35% with all countries required to provide significant amounts of renewable energy.

## **5.3 National Planning Policy**

This section highlights the key national planning policy context insofar as it relates to the proposed development of the Site.

### **5.3.1 Overarching National Policy Statement for Energy (EN-1)**

EN-1 sets out the Government's policy for delivery of major energy infrastructure. Whilst primarily of relevance to NSIPs i.e. projects over 50MWp, it is a material planning consideration of some weight for local planning authority decisions on proposals for smaller scale energy developments.

### **5.3.2 National Policy Statement for renewable Energy Infrastructure (EN-3)**

As with EN-1, EN-3 is primarily of relevance to NSIPs i.e. projects over 50MWp, it is a material planning consideration of some weight for local planning authority decisions on proposals for smaller scale energy developments.

### **5.3.3 Climate Change Act 2008**

The UK committed via the Climate Change Act 2008 to a legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels. Following the 2015 Paris Climate Agreement the Government in June 2019 enshrined a new target into law to achieve net zero greenhouse gas emissions by 2050. Meeting this net zero target will require major and urgent investment in new technologies and prioritisation of sustainable energy and cleaner power generation, including the use of solar.

### **5.3.4 UK Solar PV Strategy (2014)**

Government policy is to substantially increase the deployment of renewable energy across the UK, including solar PV. It has published a Roadmap to a Brighter Future as the first part of a UK Solar PV Strategy. The Roadmap sets out four guiding principles, which form the basis of Government's strategy for solar PV. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.

- Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV

### **5.3.5 Clean Growth Strategy (Oct 2017)**

The Government's Clean Growth Strategy (Oct 2017) sets out how it envisages the delivery of the clean, green economic growth needed to combat global warming. It identifies the policies necessary to drive a significant acceleration in the pace of the UK's decarbonisation to achieve the 2032 carbon budget targets that in turn will keep us on track to achieve the net zero target by 2050. The Strategy recognises the potential offered by solar to grow low carbon sources of energy and the Government confirms it wants to see more investment in this sector without public subsidy.

### **5.3.6 UK 25 Year Environment Plan (2018)**

The sister document to the Clean Growth Strategy is the Government's UK 25 Year Environment Plan (Jan 2018). This sets out the goals for improving the environment within a generation and the actions Government will take over the next 25 years to achieve them. It supports the shift away from coal towards cleaner forms of energy as a way of reducing air pollution; confirms that the environmental protection already enshrined in national policy will be maintained and strengthened; and, importantly, indicates the existing requirement to provide biodiversity net gains is likely to be expanded to providing a wider environmental net gain which will be consulted upon as a mandatory requirement.

### **5.3.7 National Infrastructure Assessment (2018)**

In relation to the need for upgraded energy infrastructure, the National Infrastructure Assessment (2018) is highly supportive of building low cost, low carbon energy sources. The Assessment (prepared by the independent National Infrastructure Commission (NIC)), was the first of its kind in the UK and recommended an increasing deployment of renewables such that by 2030 half of the UK's power should be provided by renewables.

In its Interim Response (Oct 2018) to the Assessment the Government confirmed its ongoing commitment to promoting renewables. It recognised that, within a market-based system and with significant constraints on public expenditure, the private sector has an important role to play in the delivery of renewable energy schemes. The Government's formal response to the NIC Assessment is expected in Autumn 2019 through its publication of the UK's first comprehensive National Infrastructure Strategy.

## **5.4 Planning Policy Framework**

### **5.4.1 National Planning Policy Framework**

The National Planning Policy Framework (2019) (NPPF) establishes broad support for energy development of this nature defining the three overarching objectives of sustainable development at paragraph 8 as follows;



- *Economic;*
- *Social; and*
- *Environmental.*

The Environmental objective in particular is to contribute to making effective use of land, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 12 underlines that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The policies within the Local Development Framework are considered below.

Paragraph 148 sets out that the planning system should support the transition to a low carbon future in a changing climate and it should help minimise vulnerability and improved resilience.

Paragraph 153 states that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply and to take account of landform, layout, building orientation, massing and landscaping.

Paragraph 154 sets out that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

Paragraph 155 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 163 directs that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that;

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes

Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution.

Paragraph 175 sets out the principles that local planning authorities should apply with regard to habitats and biodiversity when determining application including identifying opportunities to conserve, enhance biodiversity.

Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of

pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 189 states that in determining applications, local planning authorities should require the applicant to describe the significance of any heritage assets affected, including the contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which a development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 190 sets out that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

### 5.4.2 Local Planning Policy

The site is located within the jurisdiction of Cherwell District Council as the Local Planning Authority and determining authority for this application. The Local Development Plan for the purposes of determining the application for the proposed development on this site is therefore;

- Adopted Cherwell Local Plan 1996 (Saved Policies)
- Adopted Cherwell Local Plan 2011-2031 (Part 1)

The Local Plan contains strategic planning policies for development and the use of land. It forms part of the statutory Development Plan for Cherwell to which regard must be given in the determination of planning applications. The Plan was formally adopted by the Council on 20 July 2015.

#### Adopted Cherwell Local Plan 1996 (Saved Policies)

C8 – Sporadic development in the open countryside. Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.

C14 – Countryside Management Projects. In exercising its development control functions the council will normally accept opportunities for countryside management projects where

- i. All important trees, woodland and hedgerows are retained,
- ii. The ecological value of the site will not be reduced; and
- iii. New tree and hedgerow planting using species native to the area is provided.

C28 – Layout, design and external appearance of new development to ensure development is sympathetic to the character of the urban or rural context of that development

ENV1 – Development likely to cause detrimental levels of pollution will not normally be permitted.

#### Adopted Cherwell Local Plan 2011-2031 (Part 1)

ESD1 – Mitigating and Adapting to Climate Change – at a strategic level this means inter alia Promoting the use of decentralised and renewable or low carbon energy where appropriate.

ESD2 – Energy Hierarchy. In seeking to achieve carbon emissions reductions, we will promote an 'energy hierarchy' as follows:

- Reducing energy use, in particular by the use of sustainable design and construction measures
- Supplying energy efficiently and giving priority to decentralised energy supply
- Making use of renewable energy
- Making use of allowable solutions.

ESD5 – Renewable energy sets out that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell:

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

ESD6 – Sustainable Flood Risk Management. Site specific flood risk assessments will be required to accompany development proposals in the following situations:

- All development proposals located in flood zones 2 or 3
- Development proposals of 1 hectare or more located in flood zone 1
- Development sites located in an area known to have experienced flooding problems
- Development sites located within 9m of any watercourses.

Flood risk assessments should assess all sources of flood risk and demonstrate that:

- There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)
- Developments will not flood from surface water up to and including the design storm event or any surface water flooding beyond the 1 in 30-year storm event, up to and including the design storm event will be safely contained onsite.
- Development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.

ESD7 – Sustainable Drainage Systems (SuDS). All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood

Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment. Protection and enhancement of biodiversity and the natural environment will be achieved by the following (inter alia):

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the District
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value

ESD13 – Local Landscape Protection and Enhancement Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

ESD15 – The Character of the Built Environment. Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.

## **5.5 Supplementary Guidance Documents**

### **5.5.1 Online Planning Practice Guidance (March 2014)**

The new Planning Practice Guidance (PPG) was first issued on 06 March 2014 with subsequent updates undertaken and published. The key aim of the Planning Practice Guidance is to provide easily accessible and understandable guidance on the implementation of the policies within the NPPF. It contains specific guidance on planning policies for renewables energy developments, Environmental Impact Assessment (EIA) and on how planning applications should be determined with regards to their impact on the natural and historic environment. Consideration of the fundamental aspects of this guidance in relation to the application are detailed below.

#### **Renewable and Low Carbon Energy**

The guidance provides further advice on renewable and low carbon energy projects to facilitate the delivery of a low carbon future, which is identified as a Core Planning Principle of the NPPF. It further supplements paragraphs 148-154 of the NPPF. There are several sections in the new PPG that are relevant to this application, however the guidance largely reiterates recent advice previously contained in "*Planning practice guidance for renewable and low carbon energy*" (July 2013), which has now been superseded by the PPG.

The government remains committed to increasing the amount of energy from renewable and low carbon technologies to ensure that the UK has a secure energy supply, to slow down climate change and to stimulate new jobs and businesses so there is no change in direction of travel from the UK government.

The most relevant section of this document is paragraph 13 with guidance specifically relating to large scale ground-mounted solar. The guidance is in the form of an online document and is intended to change over time; the first change came about in March 2014 with reference to a speech given by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP.

The guidance document offers the following statements and guidance;

*“What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?”*

*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.*

*Particular factors a local planning authority will need to consider include:*

- *encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *where a proposal involves greenfield land, whether*
  - I. *the proposed use of any agricultural land has been shown to be necessary and poor quality land has been used in preference to higher quality land; and*
  - II. *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; and*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

### **Climate Change**

The guidance on climate change compliments chapter 14 in the NPPF and seeks to ensure that the planning system helps to implement the objectives of the Climate Change Act 2008 by radically reducing greenhouse gas emissions and adapting to the forecast impacts of climate change.

The guidance makes it clear that Councils need to take account of global climate change and should be using policy context that will help to address the challenges and issues that their area faces.

### **Natural Environment**

ID8 was updated in July 2019 to address how planning can take account of the quality of agricultural land and that an agricultural land classification assessing the quality of farmland can enable informed choices to be made about its future use within the planning system. Planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land.

## **5.6 Other Solar Guidance Documents**

### **5.6.1 Oxfordshire County Council Position Statement - Major Development Proposals for Ground-mounted Solar PV Arrays**

This position statement sets out Oxfordshire County Council's view on the principle of solar PV development and identifies issues which should be considered when developing major ground mounted solar energy proposals and recognises that solar PV development can help meet national and local objectives for reducing carbon emissions and reducing reliance on fossil fuels as well as provide local energy security.

The statement confirms that Oxfordshire County Council supports the development of solar PV development in principle provided there are no significant environmental or visual impacts that cannot be appropriately managed through the planning application process. These include,

- a) are appropriately sited;
- b) respect local landscape, heritage and visual amenity;
- c) mitigate transport impacts; and
- d) take account of opportunities to enhance bio-diversity

## **6 The Planning Appraisal**

### **6.1 The Planning Balance**

Paragraph 47 of the NPPF states that;

*'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

Planning law in this context referring to Section 38(6) Planning and Compulsory Purchase Act 2004.

The NPPF also holds a presumption in favour of sustainable development set out in paragraph 11 which states that for decision making this means ‘approving development proposals that accord with an up to date development plan without delay’ and in paragraph 12 reminding decision makers that that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

The local development plan for the purposes of determining the application for the proposed development on this site is the Pendle Local Plan Part 1 – Core Strategy 2011-2030 (adopted December 2015) insofar as they are consistent with the National Planning Policy Framework.

Where they are considered out of date they are afforded no weight such that the balancing exercise set out in the NPPF paragraph 11(d)(ii) applies in that permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole’.

The key planning issue for the determination of this application is considered to be the acceptability of the principle of development, whether the application site is a suitable location for the proposed development, having regard to its countryside location, its possible effect on the site’s rural character and landscape, heritage, biodiversity, flood risk and traffic/access.

### 6.1.1 The Principle of Development

Policies ESD1, ESD2 and ESD5 of the Adopted Cherwell Local Plan 2011-2031 (Part 1) cover renewable and low carbon energy which at a strategic level this means inter alia Promoting the use of decentralised and renewable or low carbon energy where appropriate and on a decision making basis that the Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

Planning applications involving renewable energy development will be encouraged if there is no unacceptable adverse impact as set out in ESD5, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell:

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

Thus, should the impacts on the above including residential amenity be acceptable, the principle of this development in the countryside is acceptable. The economic and social benefits of the renewable energy would also outweigh the harm.

### 6.1.2 Climate Change

Cherwell District Council accepts in its adopted local plan that energy needs to be produced from renewable sources and the Council must aim to provide this within its administrative area. The Council

recognised this by declaring a climate emergency in July 2019 with the aim of taking a lead as an authority in tackling climate change. The UK government, this year amended the Climate Change Act (2008) to legally commit to net carbon neutrality (zero emissions) by 2050.

The Adopted Local Plan explains how the Council will assess renewable energy applications in ESD5. Section 14 of the NPPF sets out, amongst other requirements, that Councils not to expect applicants to justify the need for renewable energy development (para.154a). They are recognised as providing a valuable contribution to cutting greenhouse gas emissions. But it also states approval should only be granted for renewable and low carbon development if its other impacts are acceptable (para.154b).

Based on an 8.92MWp installed capacity, the array will generate an estimated 8,482MWh of energy per annum based on the site's average solar irradiation.

The carbon offset over the lifetime of the scheme using DECC emission factor for the 'Valuation of energy use and greenhouse gas (GHG) emissions' long-run marginal emissions factor (generation) of 0.281 is estimated to be 2,383tCO<sub>2</sub> per annum when compared with electricity generated from fossil fuel sources.

The proposed development will feed green and low carbon renewable energy into the local electricity distribution network and be utilised locally if demand exists. The installed capacity of the array will generate the equivalent of 2,163 homes based on the national average consumption of 3,921kWh/pa. The annual electricity consumption per household in Cherwell is slightly higher than the national average at 4,591kWh/pa so the energy equivalent is slightly lower but still anticipated to be 1,848 homes.

These figures are based on the anticipated generational output of the solar array based on the site's solar irradiation and the candidate solar PV modules power curve. However, the benefits would vary depending on the actual solar irradiation harnessed by the array over a year and therefore it is more appropriate to consider the benefits as a range rather than an exact figure.

### 6.1.3 Landscape

Policy ESD13 in the local plan sets out that development will be expected by the Authority to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS) and be accompanied by a landscape assessment where appropriate.

The submitted LVIA finds that the proposal should not cause unacceptable landscape and visual impacts especially in the wider landscape, this is mainly due to the presence of the existing solar farm that was built in 2015. The study area and specifically the valley bottom to the north of Hill Farm/Duns Tew has already accommodated this manmade element with its square lines and unnatural colours, indeed, from the north the blacker colour is akin to the recently ploughed fields as shown in the photomontages submitted with the LVIA, therefore as the proposed development sits immediately on the eastern boundary to the existing solar farm it will be perceived to be an extension.

It is therefore considered that any landscape or visual impacts will be highly localised to the development site or to the adjacent fields around site to approximately 1-1.5km as the study suggests and this will be for the 40-year duration only. Any affects beyond this extent will be moderate / minor during construction decreasing to low and negligible on completion and at year 15 post completion. On this basis the impact of the proposed development on the local landscape is considered to be at a



moderate level of significance due largely to the careful site selection in the valley bottom such that planning permission should not be withheld for this reason.

### 6.1.4 Heritage

Policy ESD15 of the Adopted Local Plan aims to conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF). Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk-based assessment and, where necessary, a field evaluation.

Crop and soil mark evidence indicate ridge and furrow cultivation across the whole farm, and this was confirmed by a geophysical (gradiometer) survey of the application site. The overall significance of this pattern of settlement is likely to be regional, as while there are relatively few close comparable examples this is likely – as in this instance – to reflect the absence of fieldwork and poor cropmark response than actual scarcity. The impact of the proposed development on the buried archaeological resource would be permanent and irreversible, but has been largely mitigated through design, as it was for the adjacent PV site.

In terms of indirect impacts, most of the designated heritage assets in the wider area are located at such a distance as to minimise the impact of the proposed development, or else the contribution of setting to overall significance is less important than other factors. The landscape context of many of these buildings and monuments is such that they would be partly or wholly insulated from the effects of the proposed development by a combination of local blocking from trees, buildings or embankments, or that other modern intrusions have already impinged upon their settings. The assets which lie in close proximity and were considered in detail in the assessment would be affected by the proposed development to a limited degree (negligible to negative/ minor), with a negligible impact on the historic landscape, negligible aggregate impact, but a negative/minor cumulative impact on the basis the footprint of the existing PV array will triple in size.

On that basis the impact of the proposed development can be assessed as negligible overall such that planning permission should not be withheld for this reason.

### 6.1.5 Loss of Agricultural Land

The applicant has submitted an accredited soils assessment as part of the application documentation. This demonstrates that the site is formed of agricultural land classification (ALC) grade 3b i.e. not best and most versatile as defined in the NPPF glossary. It must also be considered that setting the fields aside from crop production for 40 years will improve soil biodiversity and fertility for future use.

Therefore, although the proposal sets out that livestock may still be grazed on the land when the panels are in place, the loss of the land from full time agricultural use is acceptable and planning permission should not be withheld for this reason.

### 6.1.6 Residential Amenity

There are very few dwellings that would have views of the development and those that do would be partially obscured by current hedge and tree screening. The planting would be reinforced, and obscurity of the site improved in compliance with the submitted planting plan. This could be ensured

via condition. The arrays would not be overly high or bulky in design, thus it is considered the proposed development would have little impact in terms of visual intrusion, overshadowing or loss of daylight on residential amenity.

Noise and disturbance during construction would be mitigated by the measures outlined in the submitted Construction Transport Management Plan (CTMP).

The development would have an acceptable impact on residential amenity in compliance with Policy ESD5 of the adopted local plan.

### **6.1.7 Flood Risk**

Policy ESD6 in the adopted local plan required site-specific flood risk assessments to accompany development proposals where the development area is greater than 1ha for sites in flood zone 1 or if any part of the development is within flood zones 2 or 3. The Environment Agency's 'Flood Map for Planning' shows that the site is located mostly within Flood Zone 1 with areas of the site near the northern boundary shown by the Environment Agency's Flood Map for Planning to be in Flood Zone 3.

The main source of flood risk to the Hill Farm Solar Farm site is fluvial from Deddington Brook. Published Environment Agency flood mapping appears to be inaccurate, but it is likely that some solar panels will be located within the floodplain. However, their height and construction will mitigate any adverse impacts. Flood risk to the site from other sources, surface run-off, groundwater and sewer flooding are all considered of negligible or lower risk.

The development will not involve construction of buildings or hardstanding areas. Therefore, there will be no significant change to site run-off characteristics or loss of floodplain storage, or changes to flood flow pathways. Therefore, the development is not expected to cause a noticeable increase in flood risk to external areas.

The proposed development conforms to local planning policies regarding the type of development that can occur within the floodplain and a buffer distance from the watercourse. The EA has indicated that the placement of solar panels within the floodplain is assessed on a site-specific basis. The extent to which the site encroaches on the floodplain is considered likely to be minor.

Therefore, it is considered that the proposed development, which adjoins an existing solar array immediately to the west, will not experience an unacceptable level of flood risk or cause a significant increase in flood risk to external areas such that planning permission should not be withheld for this reason.

### **6.1.8 Biodiversity**

Policy ESD10 requires the protection and enhancement of biodiversity and the natural environment on development proposals by protecting, managing, enhancing and extending existing resources, and by creating new resources.

The PEA submitted with the application suitably assesses the relevant habitat and species surveys across the application site such that no other survey work is recommended for the site. The biodiversity enhancement measures set out in the PEA and the planting plan submitted with the application illustrate the protection of habitats and biodiversity value including trees has been sought together with increasing the number of trees in the District in line with the policy aim. As such planning permission should not be withheld for this reason.

### 6.1.9 Highways/Traffic/Access

The main impact in terms of highways safety and access would be during construction stage. Very few vehicle visits to the site would be generated when the development is operational.

Access to the site would be via an existing access track from Oxford Road which will be improved by widening the existing farm access, reducing the gradient and providing adequate visibility splays. A temporary construction compound will be provided at the solar array site to store materials, provide staff parking and to accommodate welfare buildings.

The designated route for HGV construction traffic would be via Junction 10 on the M40 via the B430 and B4030 to the A4260, Oxford Road turning left into the site. HGVs would turn left out of the site on to the A4260 and travel northwards to Junction 11 on the M40 at Banbury. Temporary signage will be provided on the A4260 and North Aston Road to provide information to delivery drivers, to advise drivers to be aware of the presence of construction traffic and to prevent construction traffic from accessing the site via Duns Tew. Temporary 40mph speed limit would be provided on Oxford Road to reduce traffic speeds on the main road in the vicinity of the site access.

Measures will be taken to ensure that Oxford Road is kept free of mud and dirt, and dust suppression measures will be used as necessary.

The submitted Construction Traffic Management Plan has modelled the additional traffic movements on Oxford Road for the duration of the construction period (12 weeks), which would only represent an increase of about 0.2% in the 5-day average traffic flows on Oxford Road which is not considered to be a material impact in traffic terms over a relatively short construction period. As such planning permission should not be withheld for this reason.

## 7 Conclusion

The development would offer some local economic benefits (at the time of construction) and substantial environmental benefits (by supplying local, clean energy within the District over the lifetime of the solar farm for the purposes of sustainable development). Furthermore, a social benefit would be the opportunity that the project could become a community owned project and the developer has gone to length to help make this a possibility. This was well received at the public consultation events, as was the proposal to plant over 2000 new wet woodland trees as a part of the proposed ecological gain for the site.

The benefits are considered to outweigh the limited impacts on residential amenity, the landscape, flood risk, highway safety, temporary loss of agricultural land, and setting of heritage assets such that in conclusion, it is considered that the development would comply with relevant policies of the development plan and NPPF and that there are no material considerations which indicate otherwise.