

Cherwell District Council
Planning & Development Services
Bodicote House White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2020/127698/03-L01
Your ref: 20/00574/F
Date: 30 July 2020

Dear Sir/Madam

Installation of a standalone solar PV array, associated infrastructure, grid connection, access and landscaping

Land North of Hill Farm, Hill Farm Lane, Duns Tew, OX25 6JJ

Thank you for consulting us on the above application, on 23 July 2020.

We have reviewed the following documents:

- Flood Risk to Hill Farm solar array, Duns Tew Letter dated 17 July 2020
- Drawing no. 17010001 – Solar Panel Array Cross Section
- Drawing no. PV-0446-02 – Site Layout Plan
- Drawing no. 1939/D001 – Security Fencing
- Flood risk assessment reference 2640/FRA, version D4, by Hafren Water, dated May 2020

The proposal is for the installation of a standalone solar PV array, associated infrastructure, grid connection, access and landscaping. The proposed development boundary includes Flood Zone 3b, based on JFLOW (generalised modelling). No detailed modelling is available. Cherwell District Council's Strategic Flood Risk Assessment (SFRA) states that where detailed modelling is not available, it should be assumed that Flood Zone 3a represents Flood Zone 3b – functional floodplain. Locating less vulnerable development within Flood Zone 3b is inappropriate development and contrary to the National Planning Policy Framework and the Cherwell District Council SFRA.

Ordinarily, based on the classification of the proposed development, we would object to this application because the development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. However, on this occasion given the design and location of the development we are satisfied that the level of risk posed by the development is low.

Drawing no. 17010001 – Solar Panel Array Cross Section shows that the solar panels

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will be open in design to allow the free flow of water beneath the structures. The solar panels will also be raised above existing ground level to offer flood resilience to the structures. No concrete or hard standing is proposed. If the design of the structure changes prior to determination we would wish to be re-consulted. Currently, the design of the structure is open to the free flow of flood waters.

Comparison of drawing no. PV-0446-02 – Site Layout Plan with JFLOW shows that the fencing will be located within Flood Zone 3. We require the fencing to be moved outside of Flood Zone 3 as it can have a significant impact on the flow and storage of flood water, especially if constructed across a flood flow route. If stock control is required a post and rail type fencing is recommended and appropriate in Flood zone 2. This will also allow the functional flood plain (flood zone 3) to become a natural biodiversity corridor.

The site will contain 6 inverter/transformer sub-stations housed in shipping containers. The FRA classifies the inverter/transformer sub-stations as more vulnerable development. However, the inverter/transformer sub-stations are classified as less vulnerable development. These would be inappropriate development in Flood Zone 3. All built development must be located within Flood Zone 1 as indicated in the updated FRA.

Environment Agency Position 1 – Flood risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition(s) are included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment reference 2640/FRA, version D4, by Hafren Water, dated May 2020 and the following mitigation measures:

- All built development must be located within Flood Zone 1
- The solar structures shall be designed to be open to flood water

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

These conditions should be included to ensure the development is delivered in line with NPPF paragraph 163:

- To reduce the risk of flooding to the proposed development
- To ensure no impedance of flood flows or increasing flood risk elsewhere and offer flood resilience to the structures

Environment Agency position 2- Biodiversity

Development (including wildlife impenetrable fencing) that encroaches on watercourses and their corridors can have a potentially severe impact on their ecological value. We welcome the buffer provided by the design of the scheme and the proposed development will be acceptable if a planning condition is included requiring an ecological management plan to be agreed for this area along the Deddington Brook.

Condition

No development shall take place until a scheme for the provision and management of a minimum eight metre wide ecological buffer zone alongside the Deddington Brook has

been submitted to, and approved in writing by, the local planning authority.

It can form part of the site management plan but the ecological buffer should be shown as a separate unit. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and fencing. The scheme shall include:

- plans showing the extent and layout of the buffer zone which should be a minimum 8 metre width, measured from the top of the bank and where possible include all of flood zone 3.
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason(s)

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Advice to Applicant – Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Final Comments

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

We are reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Kirsty Macpherson
Planning Specialist

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Email Planning_THM@environment-agency.gov.uk