

OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 22/01682/F

Proposal: Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.

Location: Land North Of Manor Farm, Noke

Response Date: 20th July 2022

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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Location: Land North Of Manor Farm, Noke

Transport Schedule

Recommendation:

Objection for the following reasons:

- It has not been demonstrated that the visibility splays available from the proposed site access are adequate for vehicle speeds along Noke Village Road

If, despite OCC's objection, permission is proposed to be granted then OCC requires prior to the issuing of planning permission an obligation to enter into a S278 agreement plus planning conditions and informatives as detailed below.

Comments:

Access arrangements

The existing field gate access will have to be improved to create a temporary construction access. This will include setting back the gates so that the largest delivery vehicle (15.4m long articulated) may be able to wait entirely off the carriageway.

The modified access will be subject to a S278 Agreement.

There is a distance of approximately 250m along Noke Village Road between the site access and the B4027 junction. The south-western half is straight and about 5.0m wide, ensuring good forward visibility and allowing an HGV and car to pass.

In contrast, the north-eastern half reduces to approximately 4.5m wide and forms a slight "S" bend which restricts forward visibility, as well as visibility from the site access. An HGV and another vehicle will not be able to pass on the carriageway along this stretch, and the verge is banked along most the length, severely limiting any off-carriageway space.

It is acknowledged that existing flows to and from Noke village are relatively light and that there will be around 12 HGV movements per day on average. Therefore, occurrences of HGVs and other vehicles meeting on the "S"-bend stretch will be occasional but must be minimised as each occasion will be an inconvenience and potential safety risk.

The CTMP suggests that banksmen will be able to stop westbound traffic leaving the village while an HGV exits the site, but the primary risk is eastbound traffic approaching in the National Speed Limit (60mph). The Proposed Site Access Arrangement drawing in the CTMP indicates that there is 116.4m of visibility splay to the south-west but this ignores vegetation growing over the highway boundary and the raised bank in the verge. I have measured the visibility splay to be 2.4m x 95m in this direction, which is very much lower than necessary for the posted speed limit.

The CTMP says that observed speeds are much lower than the NSL, but this must be quantified by an ATC survey to determine the actual 85%ile speed and, therefore, the required visibility splay. The ATC should be placed as near as possible to the furthest point of the visibility splay. Without this speed data, OCC objects to the proposal as a "safe and suitable access", as required by the NPPF, has not been demonstrated.

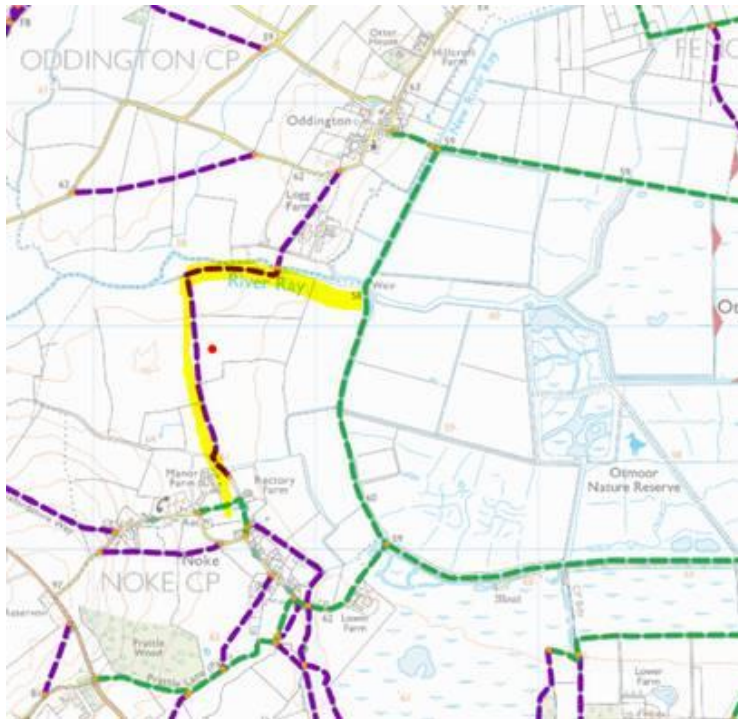
Public rights of way

Oxfordshire County Council (OCC) manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. This work meets the aims and outcomes of the

adopted Oxfordshire Rights of Way Management Plan 2015-2025

(www.oxfordshire.gov.uk/rowip).

This development affects public rights of way. Standard measures below will apply. In addition, a request is made for the development to provide a permissive or definitive upgrade for the footpath by providing yellow route below as a bridleway to enable more riding access to Otmoor.



Standard measures/conditions for applications affecting public rights of way

- 1. Correct route of public rights of way:** Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground and may mean there are more than one route with public access. The legal width of public rights of way may be much wider than the habitually walked or ridden width. The Definitive Map and Statement is available online at www.oxfordshire.gov.uk/definitivemap.
- 2. Protection from breaks in public rights of way and vehicle crossings/use of public rights of way:** Many public rights of way are valuable as access corridors and as continuous wildlife and landscape corridors. As a matter of principle, PRow should remain unbroken and continuous to maintain this amenity and natural value. Crossing PRow with roads or sharing PRow with traffic significantly affects wildlife movements and the function of the PRow as a traffic free and landscape corridor. Road crossings of PRow should be considered only as an exception and in all cases provision must be made for wildlife access and landscape, and with safe high quality crossing facilities for walkers, cyclists and equestrians according to the legal status of the PRow. Vehicle access should not be taken along PRow without appropriate assessment and speed, noise, dust and proximity controls agreed in advance with OCC Countryside Access

- 3. Protection, Mitigation and Improvements of routes.** Public rights of way through the site need to be integrated with the development and provided to a standard to meet the pressures caused by the development. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. The package of measures needs to be agreed in advance with OCC Countryside Access. All necessary PRow mitigation and improvement measures onsite need to be undertaken prior to commissioning so that people are able to use the facilities without causing additional impacts and without affecting existing users to ensure public amenity is maintained. Applicant should consider and address the potential impact of reflected glint or glare on users. For safety reasons, solar arrays should be of a type or mitigation measures should be put in place to prevent or reduce glint or glare at horse or rider eye level.
- 4. Hedges/Landscaping,** Where hedges/natural vegetation is proposed to buffer shield the public from glint or glare, to coincide with new boundaries or to enhance existing boundaries, a lifetime management regime needs to be agreed with Oxfordshire County Council as local Highway Authority to ensure that public access is not impeded when the vegetation screen is established or during the development's lifecycle. If the line of the PRow is to be enclosed by new and improved hedging or other vegetation then there should be a minimum of 10m usable width provided or the recorded width, whichever is the greater. Fencing or hedging should not have barbs, thorns or prickles within the line of the PRow and visual amenity should be maintained.
- 5. Protection of public rights of way and users.** Routes must remain useable at all times during a development's construction lifecycle. This means temporary or permanent surfacing, fencing, structures, standoffs and signing need to be agreed with OCC Countryside Access and provided prior to the commencement of any construction and continue throughout. Access provision for walkers, cyclists and horsriders as vulnerable road users needs to be maintained. This means ensuring noise, dust, vehicle etc impacts are prevented.
- 6. Temporary obstructions and damage.** No materials, plant, vehicles, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place. Avoidable damage to PRow must be prevented. Where this takes place repairs to original or better standard should be completed within 24hrs unless a longer repair period is authorised by OCC Countryside.
- 7. Route alterations.** The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own

process and timescales and should be initiated as early as possible – usually through the local planning authority. Any proposals for temporary closure/diversion need to have an accessible, level, safe and reasonably direct diversion route provided with necessary safety fencing and stand-off to ensure public amenity is maintained for the duration of the disturbance.

8. **Gates / right of way:** Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- Formation of a temporary site construction access from Noke Village Road
- Any temporary signage associated with the access

Notes:

This is usually secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

Officer's Name: Roger Plater

Officer's Title: Transport Planner

Date: 13 July 2022

Application no: 22/01682/F

Location: Land North Of Manor Farm, Noke

Lead Local Flood Authority

Recommendation:

Objection

Key issues:

- Provide surface water catchment plan.
- Clarify how surface water will be discharged on site.
- Clarify how the northern part of the site will drain.
- Provide SuDS maintenance regime.
- Provide detailed drainage strategy drawing.
- Show the proposed development on the drainage strategy plan.

Detailed comments:

Provide surface water catchment plan, showing the different areas going to the SuDS features and state the area.

Clarify how the development will follow the surface water discharge hierarchy.

The northern part of the site does not have any proposed SuDS, how will this area drain.

Provide SuDS maintenance regime, clearly identifying the maintenance requirement of the proposed SuDS and the party that will conduct the maintenance.

Provide outfall locations and discharge rates on the drainage strategy drawing. Provide cover and invert levels of the proposed SuDS and show any proposed pipes that will connect from the swale to any outfall points. Ensure all pipes have gradients and sizes shown on the drainage drawing.

Show the proposed development on the drainage strategy drawing, clearly showing the locations of cabins and other infrastructure.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 13/07/2022

Application no: 22/01682/F

Location: Land North Of Manor Farm, Noke

Archaeology

Recommendation:

Part of the site has been subject to an archaeological evaluation, and the remainder of the site will need to be evaluated prior to the determination of this application.

Key issues:

Legal agreement required to secure:

Conditions:

In accordance with the National Planning Policy Framework (NPPF 2021, paragraph 189), we would therefore recommend that, prior to the determination of any planning application for this site the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This evaluation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Informatives:

Detailed comments:

The site is in an area of archaeological interest and potential, as outlined in the Archaeology and Built Heritage Assessment submitted with the application. We have previously advised on the need for a predetermination evaluation on the site, and the first phase of this, a geophysical survey, has been carried out. On the basis of the results from the geophysical survey, we advised that there would have to be a trenched

evaluation, and one field within the development area has been subject to trenching. The report for this investigation has not as yet been submitted to us, and the remainder of the site will also need to be evaluated prior to the determination of this application.

Officer's Name: Victora Green

Officer's Title: Planning Archaeologist

Date: 24th June 2022

Application no: 22/01682/F

Location: Land North Of Manor Farm, Noke

Landscape / Green Infrastructure

Comments

The District Council Landscape Officer should be consulted on the proposals and his/her comments taken into account.

Officer's Name: Haidrun Breith

Officer's Title: Landscape Specialist

Date:20/07/22



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LOCAL MEMBER VIEWS

Cllr: Calum Miller

Division: Otmoor

Comments:

On balance, for the reasons given below, I am opposed to this application on the grounds of its location adjacent to a Conservation Target Area within the Green Belt.

I note that the Cherwell Local Plan policy ESD 5 addresses renewables and states “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.”

Noke is a small rural hamlet on the edge of Otmoor. The proposed site lies within the Green Belt and abuts the River Ray. Otmoor is a flat, open habitat and wetland, which is home to a wide variety of birds, particularly migratory species. A 2008 document commissioned by DEFRA describes Otmoor as “one of the most important wetland areas in central-southern England. The area carries a range of designations and consequently differing management practices. Four land designations represented at the site are: a Site of Special Scientific Interest (SSSI), a Royal Society for the Protection of Birds (RSPB) reserve, land under the Upper Thames Tributaries Environmentally Sensitive Area (ESA) and agricultural land outside of the ESA.” My

understanding is that the proposed site of this development lies within 500m of the Otmoor Conservation Target Area.

As a County Council, we have declared a climate emergency and are committed to achieving a net zero county by 2050. The Pathways to a Zero Carbon Oxfordshire (PaZCO) report underscored the contribution solar generation will need to make to Oxfordshire's energy production. This predisposes us in favour of the provision of new solar generation capacity in our county. In their application, the developer has provided a wealth of information to support decision-making. The case to provide a significant new solar input to the county's energy mix is strong. As Cherwell's policy sets out, however, this ambition needs to be balanced with whether or not proposed developments are situated and scaled appropriately to take account of other considerations relating to natural capital.

There are significant issues with the location of this scheme, which have been highlighted to me by local residents in Noke, Islip and Oddington. Of these, the most compelling relate to the proximity of the site to Otmoor and its location in the Green Belt. Ecologists site the potential "lake effect" on waterfowl who may mistake the reflection of PV panels (especially at large scale) for a body of water, placing individual birds at risk and threatening migratory patterns. Moreover, Otmoor's open character means that this site will be highly visible from significant areas and distances, particularly from elevated land to the south and west, notably the Oxfordshire Way running from Noke to Islip.

In short, with reference to the Cherwell policy ESD 5, it appears there is adverse affect on:

- Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas
- Visual impacts on local landscapes
- The Green Belt, particularly visual impacts on openness

Taken together, I believe this adverse effect is unacceptable and therefore the application should be rejected. That is regrettable since the benefit of a new solar facility is significant. However, I believe it should strengthen our resolve to work across the County and District Councils to agree ambitious goals to drive up the opportunities for solar in more suitable locations.

With regard to the responsibilities of the County Council, I believe officers should pay close attention in their response to the following elements:

- Biodiversity. The scheme sponsors claim their planting around the solar array will increase biodiversity materially. Officers should test this claim on its own merits and balanced against the potential impact on biodiversity of situating this huge solar plant so close to the Otmoor Conservation Target Area. As a part of this, if the scheme is permitted, the arrangements to protect biodiversity during

construction and to ensure suitable decommissioning at the end of the life of the solar array are critical.

- Flood risk. The River Ray floods routinely in winter, including in the vicinity of this scheme. Officers should consider whether or not adequate mitigation is proposed: not only for the site itself but for other locations downstream (e.g. Islip) which may experience more inundation if the area under the solar panels functions less well as a flood plain.
- Highways. The traffic management plan shows routes for proposed deliveries bring access from the A40 via Bayswater Road. Should permission be granted, it will be important that all vehicles over 7.5t are advised of the weight restrictions in Islip and, particularly, on Islip Bridge.

I hope that CDC can be encouraged, through their revised local plan, to adopt policies that strongly encourage the siting of increased renewables energy production on brownfield sites as well as retro-fitted to existing building roofs, e.g. of warehouses. In some cases, I understand that rural areas may be well-suited to the siting of solar facilities. Where that is proposed, it is important that the sites are appropriate in location and in scale to guard against unacceptable adverse impacts. In this case, I do not believe that has been achieved.

Date: 08 July 2022
