

Agenda Item 9

South Oxfordshire District Council – Planning Committee – 11 February 2015

APPLICATION NO.	P14/S2242/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	17.07.2014
PARISH	TOWERSEY
WARD MEMBER	Dorothy Brown
APPLICANT	Big60Million Ltd
SITE	Land to the East of Windmill Road, Towersey
PROPOSAL	Erection of a solar farm and associated infrastructure for connection to the local electricity distribution network including security fencing, ecological and landscaping measures, and temporary erection of compound
AMENDMENTS	As amended by documentation accompanying email from Agent dated 29 August 2014 and amended plans and information accompanying email from Agent dated 9 December 2014
OFFICER	Emma Bowerman

1.0 INTRODUCTION

- 1.1 The application is before the council's planning committee as the officer recommendation conflicts with the views of Towersey Parish Council.
- 1.2 The application site is shown on the map **attached** as Appendix A and consists of two fields to the east of Windmill Road and north of the village of Towersey. The total site area is 24 hectares. The fields are currently in agricultural use and the field boundaries are marked by hedgerows. At the time of the site visit, the fields were planted with an arable crop.
- 1.3 A watercourse runs along the outside of the eastern and northern boundary of the site and the northern tip of the site is in Flood Zone 3. The boundary with Towersey Conservation Area is some 120m to the south of the site boundary and there are a number of listed buildings within the conservation area. The closest neighbouring property is Stonepits, and this dwelling is positioned some 90m from the site boundary. Towersey Bridleway 7 runs to the other side of the eastern boundary of the site. Towersey Footpath 11 runs through the northwest section of the site, close to the field boundary.
- 1.4 The site is relatively flat. The boundary with the Chilterns Area of Outstanding Natural Beauty (AONB) is some 5.5km to the southeast of the site. The site does not fall within any areas of special designation.

2.0 PROPOSAL

- 2.1 The application proposes the installation of a 4.3MW ground mounted solar farm for a period of 25 years. The development would comprise a series of linear rows of arrays of photovoltaic (PV) solar modules. The proposal would also include 3 inverter platforms, a transfer / collecting station, 3 storage containers and landscaping.
- 2.2 The modules would be frameless and static. Each array of modules would be 6.1m wide and this would represent 100 modules per array. The supporting structure would be driven into the ground to a depth of around 1m. The modules would be between

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2.5m and 2.7m above ground level, depending on the topography of the land.

- 2.3 The inverters would consist of metal boxes on a concrete foundation. The transfer station would be a green metal box, measuring 6.7m x 3.2m and would be 3.5m high. The collection station would be of similar proportions / appearance but would be lower at 2.9m in height. The 3 containers would be 12.2m x 2.4m and 2.6m high and would again be dark green.
- 2.4 A 2m high security fence is proposed around the perimeter of the arrays. Security cameras would be provided on poles up to 3.5m in height. The temporary compound of 3,500 square metres would be required for an estimated 16 week construction phase and would provide a site office, storage and parking.
- 2.5 Amended plans were received during the application process.

The first amendment was submitted in August 2014 following an objection from the Environment Agency. This amendment moved the development back from the watercourse and provided details of drainage.

The second set of amendments submitted in October 2014 removed the smaller field to the south of the site from the proposals. An agricultural land classification report was also provided with this amendment.

The third set of amendments, submitted in December 2014, reduced the fenced area of the solar farm to 6.68 hectares, removing the northern part of the field and the portion near to Windmill Road.

- 2.6 A screening opinion submitted earlier in the year (ref: P14/S0473/SCR) determined that an environmental impact assessment was not needed because the site is not within a designated area, has no nature conservation issues and any environmental issues will be of a local nature which can be dealt with through the normal planning application process.
- 2.7 A reduced copy of the plans is **attached** as Appendix B. The application is accompanied by a design and access statement, Landscape and Visual Impact Assessment and a number of other reports. A copy of the plans, reports and consultation responses can be viewed online at www.southoxon.gov.uk.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Towersey Parish Council - Refusal. Due to industrialisation of a village setting, loss of Grade 3 agricultural land meaning it is good agricultural land, impact on neighbouring properties.
- 3.2 Thame Town Council – No strong views
- 3.3 Landscape Officer – No objection
- 3.4 Countryside Officer – No objection. Unlikely to be any significant ecological impacts arising from the proposals. In the long term it is likely to result in a biodiversity gain.
- 3.5 Environment Agency – No objection subject to a condition securing an appropriate buffer zone along the watercourse.

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- 3.6 Highways Officer – No objection subject to conditions to ensure compliance with parking layout and construction traffic management plan.
- 3.7 Archaeological Officer – No objection subject to conditions to preserve any potential archaeological finds.
- 3.8 Footpaths Officer – No objection subject to an informative that the footpaths should not be obstructed.
- 3.9 Campaign for the Preservation of Rural England – Object due to industrialisation in countryside, impact on landscape and loss of agricultural land.
- 3.10 Thame Conservation Advisory Committee – Object as inappropriate on good quality agricultural land.
- 3.11 Neighbour Representations – 36 overall in objection to the application with 19 of these received in relation to the most recent amended plans. The issues of concern raised are:
- Industrialisation in the countryside
 - Landscaping would take time to establish
 - Loss of agricultural land
 - Impact on character of conservation area / setting of listed buildings
 - Potential increase in flooding
 - Impact on character of rural area and tranquillity / enjoyment of countryside
 - Blight on landscape / visual impact
 - Scale inappropriate
 - Panels not efficient
 - Not met sequential test / contrary to recent Government guidance
 - Would be better located elsewhere
 - Precedent for other land to be used for solar farms
 - Road not suitable for construction traffic
 - Impact on wildlife
 - Danger to planes / horse riders due to glint and glare
 - Upgrading surface of footpath could encourage unsuitable use (e.g. motorbikes)

Concern was also raised about the impact on property prices. I note that this is not a consideration that can be taken into account in the planning process.

4 in support of the application, with 3 of these received in relation to the amended plans, with the following comments:

- The need for renewable / less expensive forms of energy
- The solar farm would hardly be visible

4.0 RELEVANT PLANNING HISTORY

- 4.1 P14/S0473/SCR – Screening opinion for proposed solar energy farm - Environmental Impact Assessment not required 14 March 2014

5.0 POLICY & GUIDANCE

5.1 National Planning Policy Framework (NPPF)

5.2 NPPF Planning Practice Guidance (PPG)

5.3 South Oxfordshire Core Strategy (SOCS)

CS1 – Presumption in favour of sustainable development

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CSB1 – Conservation and improvement of biodiversity
CSEM1 – Supporting a successful economy
CSEN1 – Landscape protection
CSQ1 – Renewable energy
CSQ3 – Design
CSS1 – The overall strategy

5.4 South Oxfordshire Local Plan (SOLP) 2011 saved policies

A3 – Farm diversification
C4 – Landscape setting of settlements
C6 – Maintain and enhance biodiversity
C8 – Adverse effect on protected species
C9 – Loss of landscape features
CON11 – Protection of archaeological remains
CON12 – Archaeological field evaluation
CON13 – Archaeological investigation recording and publication
CON5 – Setting of listed buildings
CON7 – Proposals in a conservation area
D1 – Principles of good design
D2 – Safe and secure parking for vehicles and cycles
EP2 – Adverse effect by noise and vibration
EP3 – Adverse effect by external lighting
EP6 – Sustainable drainage
G2 – Protect district from adverse development
G4 – Protection of countryside
R8 – Protection of existing public right of way
T1 – Safe, convenient and adequate highway network for all users
T2 – Unloading, turning and parking for all highway users

5.5 South Oxfordshire Landscape Assessment (SOLA) 2003

6.0 PLANNING CONSIDERATIONS

6.1 The main issue to be considered is whether the proposal would be a sustainable development with regards to its environmental, social and economic roles. The matters to be assessed in making this judgement are:

1. The policy background
2. The loss of agricultural land
3. The impact on the character and appearance of the landscape
4. The impact on neighbouring properties
5. The impact on historic assets
6. The impact on highway safety and convenience

Policy Background:

- 6.2 The core aim of the NPPF is to support sustainable development. The NPPF sets out the Government's commitment to the provision of renewable energy and stresses that supporting the delivery of renewable energy is central to the economic, social and environmental dimensions of sustainable development.
- 6.3 The NPPF adds that in determining applications applicants should not be required to demonstrate the overall need for renewable energy and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It advises that applications should be approved if the impacts are (or can be made) acceptable. The NPPF has a supportive stance towards renewable energy proposals.
- 6.4 The guidance in the NPPF also has to be seen in the context of the more recent

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national policy and guidance that was published in the PPG in March 2014. This provides specific guidance on solar energy and which amplifies, but does not alter, the policies in the NPPF.

- 6.5 Amongst other things, the guidance in the PPG encourages the effective use of land by focusing large scale solar farms on previously developed land and non-agricultural land. The guidance advises that *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer 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 the arrays.*
- 6.6 In a House of Commons oral statement in January 2014 the Planning Minister, Nick Boles, stated that *“The policies in the NPPF are clear that there is no excuse for putting solar farms in the wrong places. The NPPF is clear that applications for renewable energy development, such as solar farms, should be approved only if the impact, including the impact on the landscape – the visual and cumulative impact – is or can be made acceptable. That is a very high test.”*
- 6.7 In a speech to the solar PV industry in April 2013 Gregory Baker reiterated the need for large scale solar farms to be properly located. The message he put forward was that where solar farms are on green field land, low grade agricultural land should be looked at and schemes should incorporate well thought out visual screening.
- 6.8 The UK Solar PV Strategy Part 2, published April 2014, sets out the Governments ambition for the increased provision of solar energy. This document sets out the 10 solar farm commitments for members of the Solar Farm Association, of which the first of these is to focus on non-agricultural land or land that is of lower agricultural quality. The strategy acknowledges that while large scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened.
- 6.9 Oxfordshire County Council (OCC) has produced a position statement for major development proposals for ground mounted solar arrays. This advises that OCC is generally supportive of solar PV development and that these should be directed towards previously developed land or brownfield sites. However, it notes that as Oxfordshire is the most rural county in the South East, that applications may come forward on green field sites and that these will be considered on a case by case basis.
- 6.10 Policy CSQ1 of the SOCS states that, *proposals for development for the generation of green energy from renewable resources will be permitted provided any adverse impact on the landscape, heritage and biodiversity of the area, traffic generation or the amenities of local communities is outweighed by wider environmental, social, economic or other benefits.*
- 6.11 In terms of farm diversification, Policy A1 of the SOLP supports proposals to diversify the agricultural industry subject to a number of criteria. This includes that the landscape is not damaged and that the use is compatible with a countryside location and would not result in a loss of amenity, or spoil the enjoyment of the users of the countryside.
- Loss of agricultural land:
- 6.12 The PPG does not preclude development on greenfield land but it suggests that the use of agricultural land should be shown to be necessary, that poorer quality land is used in preference to high quality land and that it allows continued agricultural use

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and improved biodiversity.

- 6.13 The first question to ask is whether the use of agricultural land is necessary. This exercise should demonstrate that no suitable brownfield land or non-agricultural land is available within a reasonable search area. There is no Government guidance on what is a reasonable search area and each case should be considered on its own facts taking account of planning and operational constraints. The applicant has provided information on the site selection process and the matters considered included grid capacity, land designations and ownership issues.
- 6.14 The information submitted by the applicant indicates that there are no brownfield sites over 10ha within the district (albeit the scheme has now been reduced to 6.68ha). This corresponds with the guidance in the draft OCC position statement, which accepts that due to the rural character of Oxfordshire, solar PV farms would be likely to be on land currently in agricultural use. On this basis, I consider that the use of agricultural land for the proposed solar farm has been shown to be necessary.
- 6.15 I note that objectors have commented that Ministry of Defence (MoD) land or the roof tops of industrial buildings should be used but no specific sites have been suggested. I am not aware of any available MoD site or roof tops of the size required for the solar farm.
- 6.16 The second issue to consider with regards to the loss of agricultural land is whether poorer quality land has been used. The emphasis from Government is to avoid using “best and most versatile” (BMV) agricultural land for large scale solar arrays wherever possible. There are 6 grades of agricultural land with grade 1 being the highest quality and grade 5 being the lowest quality (there is a grade 3a and grade 3b). Grades 1 through 3a are considered to be BMV land.
- 6.17 The applicant has carried out an Agricultural Land Classification (ALC) survey across the site area. The ALC survey shows that 80% of the total area to be covered by panels is classified as grade 3b ‘moderate’ quality agricultural land. The remaining 20% is a combination of grades 2 and 3a and is therefore BMV agricultural land. Given that the majority of the proposal would not be on land that is BMV land, I do not consider that the proposal would conflict with the guidance in the PPG.
- 6.18 The final issue to consider with regards to the loss of agricultural land is whether it allows for continued agricultural use and improved biodiversity. The field could still be used for sheep grazing. The proposal would be for a temporary period of 25 years and the land would not be permanently removed from agricultural use. Temporarily taking the land out of arable production would also improve the soil quality, which would be eligible for organic status after 13 years.
- 6.19 The application documents include a number of ecological enhancements. The council’s countryside officer is of the opinion that the proposal would result in a biodiversity gain in the long term.
- 6.20 Given the above, I do not consider that the temporary loss of agricultural production would weigh significantly against the proposal.

Landscape impact:

- 6.21 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The PPG recognises that large scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, but

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that the visual impact of a well-planned and well-screened solar farm can be properly accommodated within the landscape if sensitively planned. It refers specifically to the potential to mitigate landscape and visual impacts through screening with native hedges.

- 6.22 The SOLA identifies the landscape characteristics of the district and gives guidelines for landscape enhancement, planning and development. The site falls within the Clay Vale character area; an area of lowland agricultural landscape. This site is within an area of undulating vale, which the SOLA identifies as medium scenic quality and of moderate sensitivity to change.
- 6.23 The management strategy in the SOLA is to restore in order to strengthen the landscape structure which has been lost as a result of intensive arable farming (the loss of hedges etc). The SOLA states that large scale development of any kind will be inappropriate within this essentially rural and unspoilt landscape and that new development would be highly prominent unless well integrated within new landscape frameworks.
- 6.24 The proposed development of solar panels, fencing and associated infrastructure would inevitably alter the present landscape character of the field within which it would be located. That would be the case for any development of this type and scale in almost any location. The proposal includes landscape mitigation measures in the form of new native hedge planting, reinforcement of existing hedges and a tree belt to mitigate against the impact of the development.
- 6.25 The submitted Landscape and Visual Impact Assessment (LVIA) assesses the impact on the character of the field as a 'moderate adverse effect'. This is reduced from the original scheme over a larger proportion of the field, which had a 'major adverse effect' on the landscape character of the site itself. Balanced against the adverse effects are the positive effects of new planting and habitat creation, which will reinforce the existing characteristics of the landscape and provide benefits beyond the 25 year life of the solar farm.
- 6.26 With regards to public views of the development, as the site lies within a broadly flat landscape, surrounded by a mature structure of hedgerows, the views of the site are largely confined to the local area, in close proximity to the site. The LVIA highlights that the only notable public visual effect (i.e. major) with the reduced scheme would be from the bridleway to the eastern boundary of the site. The impact would include a clear close-up view of the change in landscape character from baseline agricultural character.
- 6.27 Most (but not necessarily all) walkers and riders using the bridleway are likely to perceive the change as adverse. However, this would only affect a relatively short stretch of the bridleway and the landscape mitigation would help to restrict views of the proposed development from this location over time.
- 6.28 The council's Landscape Officer has considered the submitted information and has raised no objection to the amended plans on landscape grounds and commented as follows:
- The scheme is significantly reduced and its size is now submissive in scale to the settlement of Towersey.
 - The proposed planting will create a rational field structure for the array to sit within, that relates better to the established field pattern.
 - A rational field parcel remains, that can be farmed if required.
 - The visual impact on the landscape is much reduced as the array is largely

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pulled away from public footpaths and a significant planting strip will be established on the eastern side, as well as hedgerow planting around the boundaries.

The council's Landscape Officer concluded that the landscape and visual impact of the proposal has been reduced to an acceptable degree.

6.29 I accept that the proposed solar PV farm would be at odds with the agricultural character of the locality by introducing a new man-made element extending over a large area into the landscape. The proposal would have an adverse impact on the landscape character of the site and from some public views until the planting is established.

6.30 However, once the screening is in place and secure, the magnitude of the visual impact would be very much reduced and although most effective in summer, the views in winter would nevertheless be filtered. Whilst this is a large scale development, the landscape is not highly sensitive and has no special designation. This weighs in favour in the planning balance. Subject to the mitigation measures outlined in the application, I consider that the landscape impacts of the scheme are acceptable, when considered against the benefits of the development.

Neighbour impact:

6.31 The nearest residential property to the site is Stonepits, Windmill Road, which has a recent planning permission for a replacement dwelling. The land in the ownership of this property extends up to the application site boundary and the actual dwelling is positioned some 150m from the proposed solar panels. Other nearby properties include The Flint House (opposite Stonepits), and Owlpen and Bridle Path Cottage on the edge of the built up limits of Towersey.

6.32 Given the type of development proposed, I do not consider that the scheme would result in any planning harm in terms of the usual neighbour considerations of light, outlook and privacy. The solar panels would be visible from the upper floor windows of the two properties on Windmill Road and until the landscaping is established, from the garden of Stonepits. Being able to see a development would not in itself have a harmful impact on these neighbouring occupiers and the loss of a view is not a material planning consideration.

6.33 Once operational, the sub-stations which accompany the scheme may generate very low background noise levels. I have raised this with the council's environmental health team and they have confirmed that any noise would not be at a level that would impact on neighbouring properties. I do not consider that it would be reasonable to raise an objection to the application in terms of the glare that may come of the panels and the impact that this could have on aviation or horse riders. This would preclude any solar panels / farms.

Heritage assets:

6.34 The site is located within an area of archaeological interest. The County Archaeologist has recommended a condition requiring a programme of archaeological investigation and recording during ground works.

6.35 The proposed solar panels would be located some 300m from the edge of Towersey Conservation Area. There are a number of listed buildings within the conservation area. Given the distance to these historic assets, the height of the proposed equipment and the intervening field, I do not consider that the proposal would have a harmful impact on the character of the conservation area or the setting of the listed

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buildings.

Highways:

- 6.36 Access to the site would be taken from Windmill Road. Trip generation would be likely to be low during the operational phase of the development but would be higher during the construction and decommissioning phases. The County highways team have raised no objection to the proposal subject to the scheme being implemented in accordance with the submitted construction traffic management plan and the plan showing the compound layout.
- 6.37 The applicant has put forward a proposal to upgrade the surface of the bridleway to the east of the site. The submitted plan also shows the provision of a permissive path through the site linking Windmill Road to the bridlepath. Although these measures could potentially provide benefits to the local footpath network, I do not consider that they are essential for the development to proceed. The applicant could choose to pursue these measures in consultation with the relevant department at the County Council.
- 6.38 There would be some diminishment of the enjoyment of the countryside (or perhaps interest) for walkers for around a 400m section of the bridleway. The existing hedgerow has gaps but would help to soften and filter the proposal. The landscaping proposal to help strengthen the field boundary and the proposed tree belt would further screen the proposed panels and associated equipment over time.

Other matters:

- 6.39 A number of local residents have raised concerns that the potential for flooding could be increased due to runoff from the panels. I have raised these concerns with the Environment Agency and they have raised no objection to the application.

7.0 CONCLUSION

- 7.1 The economic, social and environmental roles of the planning system, which derive from the three dimensions to sustainable development in the NPPF, require in this case that a balancing exercise be performed to weigh the benefits of the solar panels against their disadvantages. The proposed development would make a contribution towards renewable energy targets and towards a reduction in greenhouse gasses. It would contribute towards the local economy and have energy security benefits. It would also enhance biodiversity and ecological value compared to the existing intensively farmed agricultural land. I consider that these benefits should be given significant weight.
- 7.2 Against the benefits of the proposal must be weighed the disadvantages, including the impact on the landscape character of the site and surrounding area. The proposed panels and associated structures would have an adverse impact on the landscape character of the site and, until the mitigation planting is established, would have an adverse visual impact on the public footpath adjoining the site.
- 7.3 The temporary nature and reversibility of the development after 25 years is also a relevant consideration. A planning condition would ensure that the land is restored to agricultural use at the end of the lifetime of the development. Taking all of this into consideration, it is my opinion that the benefits of the development would be sufficient to outweigh its disadvantages. As such, I consider that the application should be granted planning permission for a period of 25 years.

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8.0 RECOMMENDATION

8.1 That planning permission is granted for the development contained in planning application P14/S2242/FUL subject to the following conditions:

- 1. Commencement within five years.**
- 2. To be carried out in accordance with approved plans.**
- 3. Temporary permission for a period of 25 years.**
- 4. Site restoration scheme at the end of 25 years.**
- 5. Restrict height of panels to 3m above ground level.**
- 6. Archaeological written scheme of investigation.**
- 7. Implementation of archaeological written scheme of investigation.**
- 8. Landscaping scheme to be submitted and approved.**
- 9. Recommendations in ecology report to be carried out.**
- 10. Site layout to be as shown on plans.**
- 11. In accordance with construction traffic management plan.**
- 12. Scheme for buffer zone alongside watercourse.**

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