Summary of Consultation Responses Draft Position Statement on Ground-Mounted Solar PV Panels

Name/Organisation	Summary of Comments	OCC Response
British Horse Society	 Some of the key PRoW comments are covered; There is not sufficient regard for equestrian users of 	Noted. The impact of solar farm development on users of
	PRoW;	the rights of way, including horses, is addressed on page 9 of the draft statement.
	 Horses are flight animals therefore there may be safety issues for horses and riders. Horses should be able to turn around and ideally solar panels would be screened from their view by vegetation; 	Noted.
	HGV's may scare horses during the construction process and should stop whilst a horse is passing;	The impact of construction vehicles on users of the rights of way should be addressed as part of a construction traffic management plan (TMP). The requirement for a TMP is included on page 8 of the policy statement.
	BHS has a Solar Farms advice leaflet which should be considered.	Noted.
Canal River Trust	 Concern is related to landscape impact and impact on Listed structures and Conservation Areas; 	Noted. Impacts on landscape and heritage assets are identified on pages 5, 6 and 7 of the draft policy statement.
	The impact of development on heritage assets is not properly covered in the position statement.	Noted. The paragraph on archaeological interests will be updated to include reference to heritage assets (page 7 of the draft policy statement)
Cherwell District Council	 Page. 4 should be updated to state that developers have the option to ask for a screening opinion; 	Add a paragraph on EIA and screening requests to page 4 of the draft policy statement.

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	 Page 6 (Highways and Access) 1st bullet point should emphasise that the TA is about construction & decommissioning rather than maintenance trips. 4th bullet point should state "on completion of development to minimise…". 	Add "to assess the impacts of the development during construction, operational, and decommissioning phases of the development" on page 7 of the draft policy statement. Add text as requested to page 7 of the draft policy statement.
	 Page 8, Para 2 – It is difficult to argue that request for funds would meet the CIL tests. 	Amend text on page 9 of the draft policy statement to read: "A financial contribution may be requested, where it meets CIL/S106 tests, to mitigate the impact of ground-mounted solar PV development on Rights of Way".
South Oxfordshire	Overall support for document;	Noted.
District Council	Oxfordshire is a rural area and inevitably this means greenfield sites may need to be used, however it would be useful if the document expands on when it is appropriate to use agricultural land;	An additional paragraph will be added to the policy context section of the draft document (pages 3 & 4) outlining the PPG's expectation that LPAs will have been through a process to quantify local potential for renewable energy and to identify suitable areas in the local plan process.
	It would be useful to include advice on what grades of agricultural land would be acceptable. It should be made clear that any sepame on Post and Most.	Amend relevant text on page 5 of the draft policy statement to read:
	made clear that any scheme on Best and Most Versatile (BMV) land should be strongly resisted, and	Agricultural Land
	clarification on the value of grade 3b land would be useful.	"Where solar PV farms are located on agricultural land, poorer quality land should be used in preference to higher quality land, and the Best

		and Most Versatile agricultural land (grades 1, 2 and 3a) should be avoided. Where possible and viable, agricultural activity and other environmental/land management services should continue on the site".
CPRE	 Solar development is acceptable on roofs and brownfield sites, but is unacceptable on greenfield sites due to landscape impacts and loss of agricultural land; 	Noted. This is a matter to be considered by the LPA on a case-by-case basis.
	 The draft policy statement is flawed in its understanding of national policy and does not make reference to the PPG; 	Noted. A new section summarising the PPG to be included under the policy context section on pages 3 and 4 of the draft policy statement.
	 OCC should also lay out its views on roof/brownfield sites either in this document or an alternative document; 	Noted. It is stated in the purpose of the document that it does not deal with proposals for roof-mounted solar panels. Such developments rarely have implications for strategic planning. Detailed planning issues are best dealt with by the LPA.
	 The policy statement should be approved by a committee/full council and not the Cabinet Member; 	Approval of a Position Statement falls within the remit of a Cabinet Member's delegated decisions.
	Eco Bicester will not be fully served by solar energy. The panels have a <u>capacity</u> equivalent to the needs, but the development will be mainly powered by non-renewable energy;	Amend text on pages 1 and 2 of the draft policy statement as follows: "North West Bicester Eco-Town will utilise solar panels to achieve zero carbon status, meaning that over a year the net carbon dioxide emissions from all energy use within the buildings on the development as a whole will be zero or below. The development will generate green construction jobs and apprenticeships for local people and is likely to stimulate the broader greener economy".
	The list of bullet points under "This Position Statement"	Add bullet point on page 1 of the document to take

in the introduction should include: "are in conformance with Government Policy and Planning Practice Guidelines".

account of this point.

 The UK Solar PV Strategy (Policy Context) should make reference to the Minister's foreword to the Solar PV Roadmap and subsequent letter to MPs, which states a clear view that greenfield land should be avoided in preference to rooftops and brownfield land;

Noted. Pages 3 and 4 of the draft policy statement have been updated to outline government policy to focus solar development on previously developed land.

 Para. 97 of the NPPF refers to all forms of low carbon energy, not just solar power;

Noted.

 The policy should make specific reference to the cumulative impacts of solar development, in accordance with Para. 97 of the NPPF; Add an additional section on cumulative impacts of solar and other renewable energy developments to page 10 of the draft policy statement.

 Oxfordshire Councils should identify specific and acceptable areas for large scale commercial projects, in accordance with para. 98 of the NPPF before other sites are considered using the same criteria;

An additional paragraph will be added to the policy context section of the document (pages 3 and 4) outlining the PPG's expectation that in drawing up local plans LPAs will consider what the local potential is for renewable energy and identify suitable areas for renewable energy generation.

 The policy statement does not refer to para. 115 of the NPPF. A solar farm of any size cannot be acceptable in the AONB as it can neither conserve nor enhance natural beauty. The PPG states that renewable energy proposals in the AONB and in areas close to them "where there could be adverse impacts on the protected area, will need careful consideration". The merits of specific applications will need to be considered by LPAs at the time of determination.

 Para. 91 of the NPPF states that many elements of renewable energy projects will be inappropriate development. Solar projects are at the extreme end of A section outlining national Green Belt policy has been added to the document on page 5.

visual impact and industrialisation over the range of other renewable development options and are therefore inappropriate as a whole:

• Solar farms involve new buildings to house inverters which are themselves inappropriate in the Green Belt;

Noted.

• Para. 112 (Agricultural Land) is not referenced in the policy statement. The Minister's letter states that there is more than enough capacity on roofs and brownfield land therefore it is not "necessary" to use agricultural land at all. The NPPF refers to land that is poorer quality – which is grades 4 and 5, not grade 3b.

Amend text on page 5 as follows:

"Where solar PV farms are proposed on agricultural land, poorer quality land should be used in preference to higher quality land, and the Best and Most Versatile agricultural land (grades 1, 2 and 3a) should be avoided. Where possible and viable, agricultural activity and other environmental/land management services should continue on the site".

• The PPG should be referenced. In particular, ID 5-013 states that large solar farms should be focused on "previously developed and non-agricultural land, provided it is not of high environmental value" and reiterates that "where a proposal involves green field land, whether the proposed use has been shown to be necessary and poorer quality land has been used in preference to higher".

The words "provided it is not of high environmental value" to be added to paragraph entitled Use of Previously Developed Land on page 5 of the draft policy statement.

• The Oxfordshire 2030 Strategy has not been subject to consultation therefore it should not override policy;

Noted.

 A 25 year temporary permission is effectively a permanent permission, and this should be borne in mind in decision making;

Noted.

The use of previously developed land would still be

Noted. The words "provided it is not of high

	contrary to policy if it had high environmental value;	environmental value" to be added to paragraph entitled Use of Previously Developed Land on page 5 of the draft policy statement.
	 It is wrong to say there is insufficient brownfield land is Oxfordshire. There is no evidence to support this statement; 	Noted. Remove reference to brownfield land availability in Oxfordshire.
	 It is misleading to state that agricultural activity could continue on solar farm developments, due to the degradation of the quality of agricultural land and the physical constraints imposed by the solar development; 	Noted. However, this conflicts with other consultation responses received.
	 The PPG calls for the act of caution in approving solar development in undulating landscapes in which solar farms can be particularly conspicuous and intrusive. Oxfordshire is classified as having undulating landscapes; 	Noted. This is already included in the document at pages 5 and 6.
	OCC should also take this opportunity to set out a clear strategy for supporting and encouraging solar panels on roofs and industrial sites, in line with the Government's own stated priorities.	Noted. This document does not deal with proposals for roof-mounted solar panels. However the statement will refer to the PPG's expectation that LPAs will have assessed local potential for renewable energy as part of the plan making process.
Environment Agency	Overall support for the policy statement;	Noted.
	A new section should be added on flood risk, as follows:	Add paragraph as requested to page 9 of the draft policy statement.
	"With regard to flood risk, ground-mounted solar farms are considered to be essential infrastructure in accordance with Table 2: Flood risk vulnerability classification, in the Planning Practice Guidance (Paragraph: 066 Reference ID: 7-066-	

20140306). It is important to note that although they are considered appropriate development in Flood Zone 2 and 3a, a flood risk Sequential Test will need to be undertaken and passed as well as an Exception Test before proposals will be considered acceptable. This process should demonstrate that there are no suitable sites at a lower risk of flooding as well as showing that flood risk will not be increased, and where possible will be decreased as a result of the development. Management of surface water runoff and implications for flood risk should also be considered. This is in accordance with the National Planning Policy Framework paragraph 100 and the Planning Practice Guidance".

 Although there is no objection in principle to favouring previously developed land, brownfield sites, contaminated land or industrial land, this should be subject to the risks to groundwater and surface water quality being adequately managed. Amend the relevant section on page 5 of the draft document as follows:

Use of Previously Development Land

"Government policy is that proposals for large scale ground-mounted solar PV arrays should be focussed towards previously developed land or brownfield sites, contaminated land or industrial land, provided it is not of high environmental quality. Where such sites are used, risks to groundwater and surface water quality should be assessed and appropriately managed. However, Oxfordshire is the most rural county in the South East; and applications may come forward on green field sites; these will need to be determioned on a case by case basis."

 The Land of Ecological Value section is supported, however an addition should be made to states that where proposals are close to watercourses, an appropriate biodiversity buffer zone should be incorporated of a minimum of 8m. This is to protect Amend the relevant section on pages 6 and 7 of the draft document as follows:

"Opportunities should be taken within the site to improve ecology. This could include: sowing and

	riparian habitat and wildlife corridors and can incorporate environmental enhancements.	management of native seed mixes that contain native wildflowers; creating hibernacula for reptiles and hedgehogs; and the creation or strengthening of hedgerows and field margins. Where proposals are close to watercourses, an appropriate biodiversity buffer zone should be incorporated to protect riparian habitat and wildlife corridors and incorporate environmental enhancements".
Natural England	Overall support for document;	Noted.
	 Biodiversity improvements can be achieved through solar farm developments, including designing in ponds, setting aside buffer strips, and seeding fields/grazing with sheep; 	Already included on pages 6 and 7 of the draft document.
	Opportunities exist to contribute to the local BAP;	Noted. Ecological enhancements are already encouraged on pages 6 and 7 of the draft document.
	 LVIAs should be included for solar developments, particularly where the size and massing means they would be visible from a distance; 	Add to section on Landscape and Visual Impacts on pages 5 and 6 of the draft document.
	 The resistance to BMV agricultural land loss is supported as this accords with para. 112 of the NPPF; 	Noted. Wording is to be strengthened as an outcome of this consultation on page 5 of the draft document.
	The requirement that no permanent foundations are used is encouraged as this would help to protect the agricultural land below in the longer term;	Noted.
	Sward management should be incorporated into site management plans and could include consideration of	Add to section on Agricultural Land on page 5 of

	 grazing regimes and continued agricultural productivity. Native seed mixed should be sought as site enhancements, along with accommodation for wildlife; Natural England has produced a technical note entitled "Solar parks: maximising environmental benefits" 	the draft document. Remove from section on Ecological Impacts on pages 6 and 7 of the draft document. Already included on pages 6 and 7 of the draft document. Noted.
AOND Constitution	(TIN101)".	Noted
AONB Conservation Boards (Joint Response)	Overall support for document;The inclusion of the following is recommended:	Noted.
	 <u>EIAs</u> – Reference has been made to the need for LVIAs which is supported. Major PV developments may also need a full EIA and therefore the need for EIA screening opinions should be included particularly for sites in or near AONBs. 	New bullet point to be added for EIA, including screening opinions on page 4 of the draft policy statement.
	 Cumulative Harm –Reference should be made that cumulative harm from other nearby PV schemes should be a consideration and evidence provided at the pre- application stages. 	New bullet point to be added to make reference to assessing and mitigating cumulative impacts of development on page 10 of the draft policy statement
	 Setting Issues – Reference should be made to the impact from PV development on the settings of Heritage Assets and AONBs being a specific consideration. 	Add "including their settings" to the section on Land of Archaeological Interest. Rename the Land of Archaeological Interest paragraph "Land of Archaeological Interest & Heritage Assets".
	 Noise – Noise risk arises from air conditioning units and audible intruder alarms. We would recommend that this matter is considered. 	Noted. Solar developments are not expected to generate significant levels of noise therefore this issue should be dealt with at planning application level and via statutory nuisance legislation. Noise

- Glint & Glare Is normally dealt with within applications but is worth including reference to as another consideration.
- Previously Developed Land It should be noted that although a site may in part have been previously developed, not all of that site may necessarily be suitable to accommodate large scale PV. NPPF paragraph 17 that states "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value." The NPPF at Annex.2. also states "Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)....". A cross reference to these definitions is therefore recommended to avoid future confusion.
- Grid Connection & Overhead Wires Any new grid connections should be made by use of buried cables and should not involve the installation of new overhead wires.
- <u>Landscaping & Management Plans</u> Detailed landscaping plans, management plans of the sites and full remediation measures should be submitted with any

nuisance from security alarms may be an environmental health or police matter rather than a strategic planning issue.

Include reference within the Landscape and Visual Impact section on pages 5 and 6 of the draft policy statement.

Add "provided it is not of high environmental value" to the relevant section of the document on page 5. The policy aims to complement but not duplicate national policy and guidance.

Amend text on page 6 as follows: "The landscape and visual impacts of ancillary development (onor off-site), including power cables, access tracks and other infrastructure should be considered. Where appropriate and necessary, power cables should be buried beneath the ground"

Noted. This is a matter for consideration by the LPA when determining planning applications.

	planning applications and should not be left subject to agreement by planning condition.	
Low Carbon Hub	Planning legislation defines any development over 1 hectare as a major development. Comparing a solar ground mounted scheme to a residential or commercial development is unreasonable on these terms;	Noted.
	It is argued that planning constraints, including AONB, landscape impacts, biodiversity impacts, heritage impacts, and community impacts can be overcome to make solar development acceptable.	Noted. OCC continues to support solar PV development in principle, subject to safeguards to ensure that development is appropriately located and harmful impacts are mitigated, as outlined in the position statement.
NFU	 Pragmatic policy that seeks to accommodate local energy demands in a sustainable manner, alongside farm practice is welcomed; 	Noted.
	 NFU members are well placed to capture renewable energy flows whilst maintaining traditional role in food production and other environmental/land management services; 	Noted.
	 NFU's aspiration is that every farmer and grower should have the opportunity to become a net exporter of low- carbon energy. If 10GW of solar power were ground- mounted (half the national 2020 ambition of DECC), this would occupy a maximum of 25,000ha and would have a negligible impact on national food security; 	Noted.
	NFU agrees that solar farms should avoid BMV land;	Noted.
	NFU has published an Agricultural Good Practice Guide for Solar Farms.	Noted.

Oxford Green Belt Network	It is disappointing that the position statement does not attach greater importance to the need to protect the Green Belt;	Noted.
	The Green Belt should be given equal prominence to AONBs and therefore should be added to the bullet point on AONBs on page 5 or given a separate bullet point of its own. The following could be included:	Add a bullet point entitled Green Belt to page 5 of the draft document, summarising national policy on development in the Green Belt.
	"Any proposal to site solar PV arrays in the Green Belt should take account of the advice set out in paragraph 91 of the NPPF, especially the need to preserve the openness of the Green Belt and to respect the purposes which the Green Belt is intended to serve."	
Oxford Preservation Trust	National policy related to the historic environment is not highlighted. Paras. 128 and 129 of the NPPF should be referred to. In the case of heritage assets with archaeological interest, appropriate desk-based assessment/field evaluation should be completed	Rename section headed Land of Archaeological Interest, "Land of Archaeological Interest & Heritage Assets". Include reference to the need to conduct desk-based assessment & field evaluation under this heading.
	The importance of the Green Belt should be recognised and an acknowledgement that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.	Noted. New section to be added on page 5 of the draft document.
	 The importance of EIA should be highlighted, in particular its use for assessing the setting of heritage assets, including the impact on longer views and in relation to Oxford and other historic county towns. Views into but also out of the city should be considered; 	Noted. New section on EIA to be added on page 4 of the draft document. Reference to the impact of development on the setting of heritage assets to be included under the relevant heading on page 7 of the document.
	All works should be minimised as well as designed with reference to the setting and landscape character and	Noted. This is already included.

	screened where appropriate;	
	 A statement should be added to consider the importance of ensuring that continued public enjoyment of the right of way is not prevented. RoW surfacing and vegetation should be appropriate to the character of the site and the purpose of the route. 	Already included on pages 8 and 9 of the draft document.
Rights of Way	A new section on Rights of Way should be included, as follows:	
	Applicants would need to ensure public rights of way (PRoW) in the vicinity of the site remain available and convenient for public use. The developer is requested to engage in early discussions with OCC Countryside Access if it is likely that regarding any PRoW will be affected:	Already included.
	 No materials, plant, temporary structures or excavations of any kind should be placed/undertaken on or next to a PRoW which could obstruct or dissuade the public from using it whilst development takes place; 	Already included.
	 No changes should be made to the PRoW direction, width, surface, signing or structures without the prior approval of the Oxfordshire County Council's Countryside Access Team or the necessary legal process; 	Already included.
	Access for construction/demolition vehicles or access during the occupation of the site e.g. by maintenance vehicles should not be taken along or across a PRoW without prior permission and appropriate safety/mitigation measures approved by the Oxfordshire County Council's Countryside Access Team. It would the responsibility of the applicants, their contractors or the occupier to put right/ make good any vehicular damage to the surface of the	Already included.

PRoW.

- Any gates to be installed should be set back from the PRoW and not open outwards from the site across the PRoW.
- Public rights of way through the development site should retain their character, amenity value and usability as linear corridors and be integrated with the development. Consideration should be given to providing a high quality surface and suitable vegetation to act as a visual buffer where necessary and where this does not impede views or affect the surface of the PRoW.
- No improvements should be implemented to a right of way without prior approval of Oxfordshire County Council's Countryside Access Team. If the site is in proximity to PRoW used by equestrians, applicants should consider the potential impact of reflected glint or glare. 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.
- Where hedges/natural vegetation is proposed eg to 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 then there should be a minimum of 10m usable width provided or the recorded width, whichever is the greater. Fencing should not have barbs, razor wire or palisade fencing

Already included.

Already included.

Amend existing paragraph as requested.

Already included.

Add bullet point as requested.

within the line of the PRoW and visual amenity should be maintained.

- If there is any indication that a Solar PV Array is to be on a temporary basis <u>and</u> there is a need to divert a PRoW to enable development to proceed then a condition should set out that the developer/owner applies for a re-diversion of PRoW to the original line.
- A contribution may be requested to secure offsite improvements to mitigate the loss of visual amenity and to provide alternatives or extensions of routes in the locality. This could include use of the space between the panels and the field edges (shade zone) which could provide a good opportunity for additional access.
- The developer could consider the installation of a solar powered information board where the PRoW enters the site. This will provide information on the wildlife on the site as well as providing information on the power output and how many houses it is supplying at any one time.

Add bullet point as requested.

Other consultees have expressed concern that this may not meet CIL tests. Add a bullet point with the following replacement wording:

"A financial contribution may be requested, where it meets CIL/S106 tests, to mitigate the impact of ground-mounted solar PV development on Rights of Way".

Add bullet point as requested.