

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

Purpose of document

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 proposals¹.

The technical advice in this statement is intended to:

- assist in the formulation of local planning policy where local planning authorities consider there is potential for ground-mounted solar generation within their area;
- provide pre-application guidance and aid the development management process when developers bring forward solar farm proposals in Oxfordshire; and
- complement, rather than duplicate, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) in relation to large scale ground-mounted solar PV development.

It should be noted that this statement does not set out a position on proposals for roof-mounted solar panels as these raise detailed local environmental and visual impact issues which local planning authorities are best placed to assess.

Status of document

This statement has been subject to consultation with relevant stakeholder organisations and was approved by Oxfordshire County Council's Cabinet Member for the Environment on 13 November 2014.

Introduction

Oxfordshire County Council 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.

Solar PV development can contribute to economic growth by creating jobs in the local economy in product development/manufacture as well as in installation and deployment. The progressive reduction in installation costs is making solar PV more competitive with other large-scale renewable generation technologies.

¹ Major proposals are those with a site area of 1hectare or above, as defined in the Town and Country Planning (Development Management Procedure) England Order 2010.

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.

Oxfordshire County Council therefore **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.

This Position Statement sets out a number of considerations to ensure that any schemes for ground-mounted solar PV which come forward in Oxfordshire:

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

Policy Context

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future

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 Solar Roadmap sets out four guiding principles for deployment of solar ahead of the publication of the government's Solar PV Strategy Part 2. It states that support for solar PV should:

- Allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives and in the context of overall energy goals.
- Deliver genuine carbon reductions that help meet the UK's target of 15% renewable energy from final consumption by 2020.
- 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.
- Assess and respond to the impacts of deployment on: grid systems balancing, grid connectivity and financial incentives.

UK Solar PV Strategy part 2: Delivering a Brighter Future

This policy document reiterates that Government sees solar PV as an important part of the UK's energy mix. Against a background of stronger than anticipated deployment of large scale solar farms, government wants to support well-sited and well-designed solar while maintaining budget control over the financial support framework for the whole PV sector.²

The document also sets out government ambitions for maximising the potential for mid-size projects on commercial and industrial rooftops.

National Planning Policy Framework (NPPF)

The NPPF sets out government's planning policies and how they are expected to be applied. The following are relevant to solar PV development:

- NPPF paragraph 97 explains that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
- NPPF paragraph 98 sets out government's expectation that when determining planning applications, local planning authorities should:
 - Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy (and also to 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.
- NPPF paragraph 116 states that planning permission should be refused for major developments in designated areas, including AONBs, except in exceptional circumstances and where it can be demonstrated they are in the public interest. Applicants proposing a solar PV scheme above 1 ha in the Chilterns, Cotswolds or North Wessex Downs AONBs would need to demonstrate exceptional circumstances as to why the development needs to be located in the AONB and the benefits the scheme would bring.
- There is also guidance in the NPPF regarding impacts of renewable energy developments on the Green Belt, biodiversity, landscape character, historic environment and economic development.

² From April 2015 the Department for Energy & Climate Change will end renewable energy subsidies for new large-scale solar farms in agricultural fields and from Jan 2015 the Department for Environment, Food and Rural Affairs intend to end farm subsidy payments under the Common Agricultural Policy for fields under solar panels.

Planning Practice Guidance (PPG): Renewable & Low Carbon Energy

Planning practice guidance includes advice to local councils on developing policies for renewable energy in their local plans.

It states that, when drawing up a Local Plan, local planning authorities should consider what the local potential is for renewable and low carbon energy generation to give greater certainty as to where such development will be permitted and identify suitable areas for renewable energy generation. It encourages the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.

The PPG also gives specific advice on the particular planning considerations for large scale ground mounted solar PV farms which should be taken into account when considering proposals.

Oxfordshire 2030: Strategy developed by the Oxfordshire Partnership

Environment and climate change is one of Oxfordshire's four strategic priorities.

This Strategy aims to reduce Oxfordshire's greenhouse gas emissions to levels comparable with the best in the UK - a 50% reduction in CO₂ on 2008 levels by 2030.

Local Plans

The lower tier councils – Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council - are the local planning authorities in Oxfordshire. They are responsible for developing planning policies in local plans to guide new development and for determining planning applications apart for those for minerals and waste.

Oxfordshire County Council supports solar PV development subject to the following considerations

Oxfordshire County Council is a consultee in the local plan preparation and the development management process. This statement seeks to ensure that those matters in which the County Council has an interest are fully considered by local planning authorities when developing planning policy in local plans and by applicants ahead of the submission of a planning application for solar farm development.

OCC supports the development of solar farms in principle subject to the following safeguards to ensure that development is in appropriate locations and harmful impacts are mitigated:

- **Environmental Impact Assessment**

Some solar PV developments will require a full Environmental Impact Assessment to assess whether the development is likely to have significant environmental effects. Developers are encouraged to request a Screening Opinion from the Local Planning Authority to ascertain whether an Environmental Impact Assessment is required.

- **Consent to be on a temporary basis**

Installations should be temporary in nature to ensure there are no permanent impacts. Consent should be granted on a temporary basis of 25 years maximum to allow the solar farm to be decommissioned as other (even) more sustainable forms of renewable energy come on stream and the land can be restored to grassland/arable use.

This will usually mean that no permanent concrete foundations should be constructed.

- **Use of previously developed land**

Government policy is that proposals for large scale ground-mounted solar PV arrays should be focussed on 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 determined on a case by case basis.

- **Agricultural land**

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 (BMV) 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.

- **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, which explains that elements of many renewable energy projects will comprise inappropriate development in the Green Belt. Developers of ground-mounted solar developments in the Green Belt would need to demonstrate very special circumstances if projects are to proceed.

- **Landscape and Visual impacts**

A Landscape and Visual Impact Assessment is likely to be needed if a proposed ground-mounted solar PV development is likely to have significant landscape or visual impacts.

The character of the landscape and sensitivity to solar PV development must be taken into account to ensure that the development is appropriately located. The development will be located to minimise visual impacts and avoid significant impact on landscape character, which should include consideration to glint and glare.

Equipment, security fencing and lighting should be well designed, sympathetic to the setting and landscape character and screened. Landscape character should be enhanced where possible.

Consideration should be given at an early stage to how land will be managed and maintained under the PV arrays. This should be sympathetic to the landscape, and opportunities to maintain agricultural value or improve biodiversity sought.

The landscape and visual impacts of ancillary development (on- or 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.

- **AONBs**

Hillside, open vale, open valley and open downland areas are landscapes where it is least likely that solar PV development could be accommodated without causing visual harm to AONBs. However, solar PV farms are usually not of great height and there may be concealed locations within an AONB where development could take place with only very limited and localised landscape impact.

Solar farm developments in the AONB, where there could be adverse impacts on the protected area, will need careful consideration. AONB management plans, landscape character assessments and position statements must be considered in planning stages to help inform development, and early consultation with AONB planning officers should be sought.

- **Land of ecological value**

Special Areas of Conservation (SACs) and European Protected Species are of international importance and any adverse impact on these should be avoided.

Solar energy development should avoid damaging any of the following, unless the importance of the development clearly outweighs the harm and mitigation can achieve a net gain in biodiversity:

- Sites of Special Scientific Interest
- National Nature Reserves
- Local Wildlife Sites
- Local nature reserves
- Protected and Priority Species
- Priority habitats

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

Consideration should be given to sward management, including grazing and continued agricultural production as part of a site management plan.

Applications for the routing of underground cables should consider how to avoid harmful impacts on habitat and species along the route. The proposals may be to route cables along the field margins. Even in arable landscapes field margins can be an important habitat and impact should be mitigated to avoid harm to this habitat. Damage to the root systems of trees and hedgerows should be avoided. Care should also be taken to avoid impact on protected and priority species. The timing of work may be important to avoid impacting on species hibernating/roosting/nesting in the field margin or hedgerow.

- **Land of archaeological and heritage interest**

Solar farms should avoid scheduled ancient monuments or heritage assets, including their settings, which are demonstrably of equivalent significance to scheduled monuments.

Applicants should consider the likely impacts that will be caused by the construction of infrastructure including access routes, hard surfacing, cable runs and generator plants. Plans should minimise the impact upon the historic environment and include the long term management of the site post installation. These should be included in an archaeological/heritage desk based assessment that should form part of the planning application.

- **Highways and Access issues**

Applicants should take account of the following in developing their proposals:

- A Transport Statement will be required to assess the impacts of the development during construction, operational, and decommissioning phases of the development;
- Any existing or new access to the site should meet standards in terms of visibility splays, geometry, construction (up to 15m from highway boundary) and drainage. Vehicle swept paths (tracking) for construction/delivery vehicles will need to demonstrate access and egress to/from any access is fit for purpose;
- Undertaking improvements to an existing access involving works on the highway will require entering into a s278 agreement with Oxfordshire County Council as local highway authority;
- Provision shall be made to ensure that any existing 'agricultural accesses' are returned to their original dimensions (reducing the width etc.) on completion of the development to minimise the risk from fly-tipping,

abandoned vehicles etc. This will require entering into another s278 agreement with the LHA, including for decommissioning;

- New temporary or permanent access will need planning permission if on to a classified road and will also require the entering of a s278 agreement with Oxfordshire County Council as local highway authority, including for decommissioning;
- Careful consideration will be necessary to avoid the risk of ground-mounted panels causing glare or reflecting sunlight into motorists' eyes on the adjacent highway network which would distract drivers on a nearby road;
- A Sustainable Urban Drainage Strategy (SUDS) for the access arrangements and the proposed site will be necessary ensuring no surface water discharge to the adjacent highway. The impact of any bunds on local watercourses will need to be taken into account;
- A Construction Traffic Management Plan (CTMP) will be necessary before implementation of any planning permission that may be granted;
- A 'haul road' may be necessary to enable HGV access to the proposed site; this may need to be removed on completion and decommissioning;
- Any construction compound will need to ensure that associated delivery vehicles can access it and egress in a forward gear. Consideration should be given to the impact of any associated lighting;
- Worker associated traffic should be minimised during the construction (and any decommissioning) phase; and
- It may be necessary to enter into a Routing Agreement to ensure appropriate routes avoid villages and unsuitable roads.

- **Rights of way**

Applicants would need to ensure public rights of way in the vicinity of the site remain available and convenient for public use:

- No materials, plant, temporary structures or excavations of any kind should be placed/undertaken on or next to a right of way which could obstruct or dissuade the public from using it whilst development takes place.
- No changes should be made to the public right of way direction, width, surface, signing or structures without the prior approval of the Oxfordshire County Council's Countryside Access Team or the necessary legal process; and,
- Access for construction/demolition vehicles or access during the occupation of the site eg by maintenance vehicles should not be taken along or across a

public right of way without prior permission and appropriate safety/mitigation measures approved by the Oxfordshire County Council's Countryside Access Team. It would be the responsibility of the applicants, their contractors or the occupier to put right/make good any vehicular damage to the surface of the right of way.

- Any gates to be installed should be set back from the public right of way and not open outwards from the site across the public right of way.
- 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. 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 routes 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 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 encroaches onto the highway.
- 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 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 and 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 the PRow to the original line.
- 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.
- 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.

- **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). 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.

- **Mineral Safeguarding**

Important minerals resources should be safeguarded from needless sterilisation by non-mineral development under both national and local planning policy (NPPF paragraph 143; Oxfordshire Minerals and Waste Local Plan policy SD10).

Where solar PV proposals are temporary (25 years or less) and do not involve permanent foundations or other structures, it is unlikely that there will be any conflict with mineral safeguarding policy unless there is a need for the mineral to be worked within the lifetime of the solar farm. Land that has permission for mineral working or is allocated for mineral working in a minerals local plan should be avoided for Solar PV development.

Solar PV proposals on worked out and/or restored quarry sites are unlikely to conflict with mineral sterilisation policy but will need to take appropriate account of the restoration requirements of the quarry.

- **Cumulative Impacts**

The cumulative impacts of solar farm developments require particular attention, particularly where there are numerous solar arrays in close proximity to each other. Cumulative impacts with other developments, such as wind farms, should also be considered.

- **Community Gain**

Solar farm proposals can sometimes offer the opportunity for the local community to benefit from the proposal, for example by providing free or discounted energy to a local public building.

Acquiring Pre-application Advice

Applicants should contact the relevant local planning authority for pre-application advice ahead of submitting a planning application for a solar farm; this includes advice on highways and access issues. Oxfordshire County Council will feed in advice on a proposal via the local planning authority.

Local planning Authority Contact Details:

Cherwell District Council

Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA
Tel: 01295 227006
Email: planning@cherwell-dc.gov.uk

Oxford City Council

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