



## Appeal Decision

Inquiry opened on 6 June 2023

Site visit made on 12 June 2023

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> November 2023**

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### **Appeal Ref: APP/W2845/W/23/3315771**

#### **Land at Halse Road, south of Greatworth, Northamptonshire NN13 6EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
  - The appeal is made by JBM Solar Projects 20 Limited against the decision of West Northamptonshire Council.
  - The application Ref WNS/2022/0557/EIA, dated 10 March 2022, was refused by notice dated 26 October 2022.
  - The development proposed is the construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure.
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#### **Decision**

1. The appeal is allowed and planning permission is granted for the construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure on land at Halse Road, south of Greatworth, Northamptonshire NN13 6EB in accordance with the terms of the application, Ref WNS/2022/0557/EIA, dated 10 March 2022, subject to the conditions set out in the attached Schedule.

#### **Preliminary Matters**

2. A Case Management Conference (CMC) was held involving the appellant, the Council and the Copse Lodge Action Group (CLAG) who were confirmed as being a party acting under Rule 6(6) of the Inquiries Procedure Rules, and who took full part in the Inquiry. The Inquiry itself was held in person and sat for 5 days.
3. The scheme considered by the Council was altered on submission of the appeal. A revised site plan and red line plan had been submitted and discussed at the CMC. Consultation was subsequently carried out by the appellant with support of the Council, who agreed that they considered this sufficient to avoid prejudice to any party. While the scheme under consideration at appeal should be that considered by the Council, in this case, on review of the evidence and accepting that CLAG and other interested parties would have had opportunity to comment on the revised proposal, I confirmed that I would accept the revised plans. All proofs of evidence (PoE) and other submissions throughout the course of the Inquiry referred to the revised plans, although it is noted that matters relating to the red line remained a point of contention with CLAG throughout the Inquiry process. The proposal has been considered on the basis of these revisions.

4. A further proposed site layout and landscape strategy plan<sup>1</sup> was submitted on the opening day of the Inquiry, in part to address perceived inaccuracies between aerial mapping and the red line plans.
5. It is necessary that I address a matter raised by CLAG in relation to perceived inaccuracies in the submitted information. This, in particular, referenced the substation and the proposed new pylon for grid connection. In the application documents, including the Environmental Statement (ES)<sup>2</sup> and in appeal documentation, notably the appeal statement<sup>3</sup>, this was indicated as an existing feature, until the position was clarified by the appellant that it was to be an additional pylon.
6. It is regrettable that there was confusion over this matter. I can confirm that I too did not find the position well addressed in the submitted details and there is a legitimate claim that the appellant had not considered this element in their initial assessment of landscape effects, for example. However, the position was explicitly clarified at the Inquiry, and it is clear to me that the evidence submitted by the appellant on landscape and visual matters, and the Council's own assessment had considered this as a new pylon<sup>4</sup>, and I was able to hear from objectors on their concerns.
7. It is true that there is a possibility that some objecting to the scheme may not have been aware that there was a new pylon proposed. However, it is clear in all documentation that two tall structures, referred to as point of connection masts, were proposed, and I am not convinced that the objections would have been markedly different were the position on the pylon to have been clearer. Nor do I consider that objectors have been materially prejudiced, in light of the Council and CLAG's involvement in the Inquiry. Consequently, while it is unsatisfactory that there was an error in the documentation, it is not one that leads to prejudice sufficient to undermine the appeal.
8. On the basis of a screening opinion sought in July 2020, in relation to an iteration of the scheme which extended to some 130 hectares (Ha), the proposal was considered to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The final scheme before this Inquiry was at a reduced scale of around 79Ha, but the ES was produced in accordance with a scoping opinion sought in October 2020.
9. Notwithstanding my commentary on the inaccuracy in relation to the pylon above, I am satisfied that the ES was otherwise produced in accordance with the 2017 EIA Regulations, and the information produced has been taken into account in this decision. All other environmental information submitted in connection with the appeal, including that arising from questioning at the Inquiry, has also been taken into account.
10. I requested that the main parties, in liaison with CLAG, produced a site visit itinerary. In addition to my unaccompanied overview of the site prior to the Inquiry, I was able to carry out additional unaccompanied site visits to view the proposed route for construction vehicles accessing the site, the HS2 activity to the north of Greatworth and the solar farm to the north of Brackley. After the end of the presentation of evidence, I carried out the accompanied site visit,

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<sup>1</sup> ID1: P19-2590\_12 Rev O

<sup>2</sup> Chapter 2 paragraph 2.5.1

<sup>3</sup> Paragraph 4.8

<sup>4</sup> See for example the Council's Proof of Evidence on Landscape s2.1

following the agreed itinerary. This included the footpaths south and west of Greatworth, views from Greatworth Manor, Halse Copse Farm, Halse village and the approach roads to it, Cockley Hill Farm, as well as longer distance views from the south. I also completed a footpath route around and through the site.

11. Statements of Common Ground (SoCG) were submitted to address both the overarching scheme and landscape matters. These and all other documents associated with the scheme were made available virtually and can be accessed on West Northamptonshire Council's Planning Register ([West Northants](#))

### **Main Issues**

12. Following a full assessment of the submissions from both the main parties, CLAG and others interested in the appeal, I now set out the main issues as:
  - the effect of the proposal on the landscape character and appearance of the area;
  - the effect on heritage assets;
  - the effect on ecology; and
  - whether the proposal would conflict with the development plan and if so whether there are any material considerations that would outweigh that conflict; the planning balance.

### **Background and Planning Policy**

13. The proposed site comprises farmland to the south of Greatworth. One public right of way (PRoW) crosses the site in a roughly north-south direction while another, linking Farthinghoe to Halse, runs along part of the proposed site's southern boundary. The site would be in two parts, the main part would comprise the solar panels and associated infrastructure, including battery storage, and would lie south of the Halse Road. This would connect, via underground cabling, to a 132kV substation to be constructed north of Halse Road, which would include, as set out above, a new pylon sited along an existing pylon route that runs roughly northwest to southeast here.
14. A former London and Northwest Railway route bisects the main site and is defined in the Local Plan as a green infrastructure corridor (GIC), albeit there is no formal public access to it.
15. The main site panels are proposed for a temporary 40-year period, while the substation is proposed to be retained permanently. The panels would be fixed and are reported to be capable of generating enough energy to support the electricity demand of approximately 12,000 households, although this figure is challenged by objectors.
16. Turning to policy matters, at a national level, the drive to boost delivery of renewable energy sources has come from increasing recognition of the impacts of climate change and the need to reduce dependence on fossil fuels. Legally binding targets are set to reduce emissions to Net Zero by 2050. White papers and government strategies have identified that there is an urgent need to decarbonise the energy sector.

17. The appellant emphasises recent national strategies<sup>5</sup> that seeks a five-fold increase in current installed capacity. To achieve this, the government considers that alongside deploying rooftop solar, large-scale ground mounted solar, on brownfield, industrial and low and medium grade agricultural land, is required.
18. In this context, National Policy Statements (NPS), EN-1 and EN-3, identify the approach to delivering nationally strategic level energy schemes. Large-scale solar is not specifically addressed in EN-3, Renewable Energy Infrastructure, albeit it forms a part of the draft update to EN-3, on which consultation has taken place but which has not yet been designated. Nonetheless, although this can be given limited weight at present, draft EN-3 clearly sets out that solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector, and aligns with national guidance and strategies on this matter.
19. It is important to set out that the NPS are focused on national scale infrastructure, in this case schemes in excess of 50MW output. As a consequence, different policies and approaches apply, particularly in relation to the scale of associated benefits. The regime under the Planning Act 2008 is therefore different, although the NPSs acknowledge that they are likely to be a material consideration in decision making on relevant applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, an NPS is a material consideration should be judged on a case-by-case basis.
20. The proposal here is for a peak output of up to approximately just under 50MW and therefore falls to be considered under the Town and Country Planning regime, notably section 38(6) of the Planning and Compulsory Purchase Act 2004. This is just below the threshold for consideration as a national infrastructure scheme.
21. In this context, the development plan includes the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (the LPP1), adopted in 2014 and the South Northamptonshire Local Plan (Part 2) (the LPP2). The full list of policies relevant to the appeal are set out in the SoCG. In particular, the Council's reasons for refusal alleged non-compliance with Policies S10(i) and S11 of the LPP1 and Policies SS2 (1b and 1d) and EMP6 (1b) of the LPP2.
22. To my mind, Policy S11 of the LPP1, which seeks that renewable energy proposals should be sensitively located and designed to minimise potential adverse impacts on people, the natural environment, biodiversity and historic assets and should mitigate pollution, is the main policy for the determination in this case. Other policies, also mentioned in the reason for refusal, include Policy S10(i), which states that development will protect, conserve and enhance the natural and built environment and heritage assets and their settings.
23. Policies of the LPP2 referred to in the reasons for refusal include the general design principles in Policy SS2, parts 1(b), which seeks a design led approach for development compatible with its surroundings and distinctive local character, and 1(d), that expects suitable landscape treatment as an integral part of the planning of the development. Policy EMP6 part 1(b) states that

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<sup>5</sup> CD1.29: Powering up Britain: Energy Security Plan, March 2023 p37

farm diversification will be acceptable subject to the character, scale and type of proposal being compatible with its location and landscape setting.

24. The National Planning Policy Framework (the Framework) along with the national Planning Policy and Guidance (nPPG) represent the national planning policy approach and are material considerations. The above development plan policies are generally consistent with the Framework, which sets out that planning policies and decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits, including economic and other benefits of the best and most versatile agricultural land, and of trees and woodlands.
25. National policies clearly recognise the need to plan positively for renewable energy that maximises the potential for suitable development while ensuring that adverse impacts are addressed satisfactorily. The Framework notes that schemes need not justify the need for the energy and that authorities should approve schemes where the impacts are (or can be made) acceptable. The nPPG supports this, noting that increasing supplies from renewable sources where local environmental impact is acceptable, will help make sure the UK has a secure energy supply, reduce greenhouse gases, slow down climate change and stimulate investment. Particular considerations for solar farms are addressed, noting that they can have a negative impact on a rural environment, particularly in undulating landscapes.

## **Reasons**

### Landscape Character and Appearance

26. A landscape SoCG was agreed between the two main parties. This confirmed acceptance that the methodology of the Landscape and Visual Impact Assessment (LVIA) carried out by the appellant, was generally in accordance with GLVIA3<sup>6</sup>. The Council's witness requested some additional viewpoints, but with those, agreed they were representative of the locality and provided sufficient information for the assessment of effects. It was further agreed that the site was not a 'valued' landscape in terms of the Framework.
27. Although the evidence of the interested parties, parish councillors and CLAG clearly considered it to be a landscape that is valued by local residents, this is not the test as set out in guidance to assess whether an area is valued for the purposes of the Framework's requirement to protect and enhance such landscapes. On the basis of the evidence before me, I consider that it is not a 'valued' landscape, nonetheless it is open countryside with a strong rural character which in places is remote from activity with a level of tranquillity. The former railway introduces a strong linear feature, but the vegetation associated with this, along with the extensive hedgerows, contribute to its rural, agricultural character.
28. Consequently, although the appellant's initial findings were that there would be limited landscape harm, the proposal would include panels and other infrastructure, including battery containers, transformers, invertors and fencing, which will inevitably introduce a fundamental change to the main site, and the introduction of the substation would be a clear alteration of the current rural character of the area around the two woodland blocks to the north.

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<sup>6</sup> Guidelines for Landscape and Visual Impact Assessment 3rd Edition, 2013

Considering the scale of this proposal, there would inevitably be a degree of change to the landscape and to peoples' experience of the area.

29. This is acknowledged in national and local policy approaches, which are generally supportive of such schemes subject to appropriate design choices in terms of both location and mitigation. This is encapsulated in Policy S11, which seeks that schemes be sensitively located and designed to minimise harm, as well as in the Framework, which recognises the need to plan positively for such schemes but to satisfactorily address adverse impacts.
30. The issue is not therefore whether there would be a material change and resultant adverse impacts, but the extent of those, the approach taken to minimising any effects and then the balance to be taken against any benefits that would arise.
31. There are clear differences in the main party's assessment of landscape and visual effects, summarise in tables attached to the landscape SoCG, and I acknowledge the further significant concerns of CLAG, some local residents and the Parish Councils

#### Landscape

32. The appellant's LVIA was formally reviewed by the Council in their assessment of the planning application and in their evidence to the Inquiry. The review by Askew Nelson considered that the site was more open and visible than presented in the LVIA and found it to be a high value landscape with a high sensitivity to development.
33. Notwithstanding this, the Council agreed at the Inquiry that generally the value of the landscape was medium, with some elements higher local to the site, but that they considered it to have a higher sensitivity than the appellant.
34. It was generally agreed that the effect on national scale Landscape Character Areas (LCA) would be limited, but the site would be located within Landscape Character Type (LCT) 6, Undulating Claylands, and LCT 13, Undulating Hills and Valleys, which at a finer scale are LCA 6A, the Tove Catchment and LCA13a, Middleton Cheney and Woodford Halse.
35. There are some common features between these including the undulating rural landscape with wide panoramic views, characteristic patterns of hedgerows, smaller scale woodlands and a network of recreational routes, which are reflected in the appeal site. The appellant notes that the site was considered as part of the district level landscape assessment to identify Special Landscape Areas (SLA). This found that the site did not meet the qualifying threshold criteria and the appellant suggests that it of lower value than, for example, the area to the west around Marston St Lawrence, which was identified as an SLA.
36. Having driven and walked extensively through this area, I consider that there are legitimate reasons why the appeal site did not reach the criteria of the SLA, although this does not mean it is of low value or a poor representative of the characteristics of the LCT and LCA. These assist in understanding the value of the site, which I consider to be of medium value, but also the risks from development and its susceptibility to change. Guidance associated with the LCA seeks that the integrity of this '*quintessential rural agricultural landscape*' is not diminished through inappropriate development and loss of the characteristic combination of elements, but also reflects opportunities through

the creation of new woodland, but only where it would strengthen the local landform pattern, and to ensure hedgerows are maintained such that the pattern of fields can be appreciated. Ridge and furrow features are noted as part of the Tove Catchment LCA.

37. The landscape to the south of Halse Road is not, to my mind, as highly contained as promoted by the appellant, albeit I did not find a viewpoint from which the whole of the site, in the context of the wider landscape, could be experienced. The landscape is more contained and woodland elements dominate nearer to the proposed substation site. While the physical form and layout of hedgerows and fields patterns would be retained, and I accept there would be some beneficial contributions in terms of hedgerow and tree planting, there would be a substantial change in the land cover and the panels and associated infrastructure would introduce a distinctively man-made character with structures of a hard and unnatural regular form in close views.
38. Such characteristics of solar farms do change in longer views and while of a large horizontal extent, a factor which can lead to an exaggerated perception of harm in some cases when viewed two-dimensionally on a plan or in an aerial view, understanding the impacts of such a scheme is essentially site-specific, dictated by the topography, existing character and relationships and level of containment, but also, a matter of perception. While there can be no question that, at this scale, there will be significant landscape and visual change associated with any solar farm, there are sites where, with suitable mitigation, they have been successfully integrated into rural landscapes. The appellant refers me to a number which have received support at local or national levels. Nonetheless, there are cases where harm to landscape, alone or cumulatively with other matters have led to refusal of schemes.
39. I find these examples exemplify the need for careful appraisal of each scheme, and while material, are not determinative of the suitability of any particular proposal.
40. There is clearly a difference between the main parties in the landscape effects that would arise from this proposal. My own view is that when considering the susceptibility of this landscape, its ability to accommodate a proposed development, it must be a function of both the existing landscape form, quality and features and the nature of the development. In this context, solar farms are relatively low-level, and in most cases, as here, their extensive scale is generally broken up through retention of landscaping; perceptions of the unnatural elements do drop away with distance. While the Council suggest that this should be considered as large-scale, industrial energy infrastructure, by their nature, solar farms are not as intrusive in a landscape as a power station or similar would be. I would assess this landscape as being of moderate susceptibility to change.
41. There are a number of further points of contention between the main parties and CLAG that need to be addressed before reaching a conclusion on landscape harm.
42. The Council argue that there would be harm to the setting of the former railway, which is designated as a GIC. While the appellant promotes a new permissive path within this feature, it would appear to be used informally, although I personally found much of it to be heavily overgrown. However, I do not consider that its form or features would be materially changed by the

- proposal, indeed the permissive route may allow others to experience the route more easily and provide a connection to the wider footpath network. Matters relating to historic structures within it, a concern for CLAG, can be addressed through the duties on the developer in providing the permissive route and secured by condition.
43. Although the experience in glimpsed views to either side of the GIC would change, I do not support the Council's consideration that there is a 'setting'. Such corridors, by their nature provide potential wildlife routes, visually defined natural features or even relief from surrounding land use; rightly the Council did not promote any conflict with the relevant policy on this matter.
44. Both the Council and CLAG raised specific concerns about tree loss generally, but ash dieback in particular effecting the woodland blocks. I deal with the larger specimen trees across the site under the ecology section below, but note the concerns that ash dieback within the woodlands, identified as W1 and W2, Park Spinney, in the Arboricultural Impact Assessment (AIA), would significantly reduce any screening effect. It is noted that these woodland blocks are not within the site, but it was confirmed that they are part of the same landownership.
45. The AIA identifies a significant number of Common Ash trees across the site, and although not individually identified within the woodland groups, they are named as part of the mix of species there. My own site visit confirmed that there are clearly a proportion of ash trees within the woodland, notably in Park Spinney. There is no question that the devastating effects of Ash dieback are being felt across the country, and while the AIA recorded many of the ash trees as being in good condition and with 40-year contribution, a number will succumb. Nonetheless, looking at the depth of the woodland areas, the mix of trees within them and the commitments that can be made under conditions to manage them and respond to tree losses, I consider that these will continue to provide effective screening through the lifetime of the development.
46. An important consideration for CLAG, and raised by the Council in evidence to the Inquiry, was the issue of tranquillity. While the appellant accepted this was a relative term, this was not related to residential receptors, but that the tranquillity experienced across parts of the site is a factor contributing to its character. Such tranquillity is, to a large part, a function of noise, but also the absence of activity.
47. A noise survey accompanied the application, which gave noise contours surrounding the location of the transformer, inverter and battery storage units, which the appellant characterised as 'conversational' levels. This was focused on impacts on residential receptors, and I note the suggestion of acoustic fencing for the unit closest to Copse Lodge Farm. It did not consider perceptual impacts on users of the footpath network, for example, and any contribution that may make towards loss of tranquillity.
48. This was considered at the Inquiry. While solar farms contain very few moving elements, they are not noiseless, specifically inverters and battery systems with associated cooling requirements can cause high pitched and noticeable noise. I was surprised that the only proposed noise screening was to be associated with the units remote from the footpath network through the site, and that battery and inverter units were generally located along the edge of the footpaths themselves, as typically seen in Fields F2, F4, F12 and F13.



49. The noise report suggests that the noise would be at its greatest during sunny and warm days around mid-daytime, which is typically the time for greatest use of a footpath network. While there may be some relief from the existing or proposed hedgerows, and the noise may be intermittent, and will vary considerably as someone passes along the footpath route, I consider that there is a material risk of a significant change to the character of the area in terms of the tranquillity experienced. However, while this would be a detractor that must weigh against the scheme, the levels can be minimised through sensitive siting and potentially other measures, and I see no reason why these effects cannot be considered and addressed in more detail as part of the conditions, so minimising any harm.
50. A further concern common to both the Council and CLAG was the characteristics of proposed new hedgerows and the effect on changed management of existing ones. Firstly, the Council suggested that in an area characterised by curvi-linear hedgerows, the provision of a strictly linear form to the north of Field F2 for example, a location readily perceived from users of the Halse Road, and seen in overview from higher ground, would be notably uncharacteristic in its form and in leaving only a thin retained strip of farmland. While I agree to an extent that this retained strip would be uncharacteristic and would break up the historic field pattern here, there are a range of hedgerow types and field sizes around the area. Overall, I do not find this to be materially harmful, particularly as its primary purpose would be to filter views of the panels and provide a soft edge to the proposed development.
51. Nonetheless, it was further argued that many of the hedgerows are low level, including along Halse Road, and this is noted as a characteristic of the area, and managed growth to 3m or more would be harmful. I agree that the current hedgerow here is low and allows views into a number of the fields that would be wholly or partly covered by panels. Raising hedgerow height is simple and effective methodology extensively used in solar farm sites to screen and filter views and integrate development into the existing landscape naturally. Raising hedgerows around a footpath does risk creating a tunnelled or enclosed character, and I consider that there is a specific risk of a loss of openness within sites from such an approach. I appreciate that the landscape proposals ensure a wider corridor for the footpaths with a mix of hedgerow and tree planting, and while this may allow increased views of panels, it is a sensible approach to limit over-enclosure.
52. The inclusion of new and management of existing hedgerows is necessary, as in the very early years of the scheme there would be relatively open views at some points along the road or along footpaths revealing expanses of panels. The new hedgerows and management of existing ones in this way would greatly limit this in time. In such circumstances, and noting that many places on the walks and drives I made through this landscape had hedgerows they are higher or even unmanaged, I consider that the provision of new hedgerows and the increased height proposed would not be generally harmful in landscape terms, but would have some effect on the experience of users of the footpaths.
53. While the Council evidence accepted that there would be some moderate landscape benefits, notably in relation to trees and hedgerows, they also found a range of harmful effects from negligible to major adverse, and considered that moderate adverse effects were significant. This differed from the

applicant's approach, which generally found moderate adverse effects not to be significant.

54. While I have considered some elements, and the detailed LVIA and reviews assessed others, this is not just a mechanical exercise of assessing components of a landscape, nor can it be as simplistic as saying moderate adverse effects are or are not significant; determining the significance of effects is essentially one of judgement. That there would be harm is inescapable, but some landscape features would be unchanged, and many of the physical elements would be retained or even strengthened.
55. Nonetheless, the panels and other infrastructure would fundamentally change the experience within this area and in some longer distance appreciation of the rural landscape. Increased levels of vegetation would establish a more contained landscape, which may support enhanced biodiversity, but which would reduce openness, and the altered forms and associated noise would affect tranquillity as panels become a more dominant part of the rural context. There would be a small loss of characteristic ridge and furrow, which I deal with in heritage terms below, but that would have only a limited effect on the overall landscape character. It may be argued that such solar influenced landscapes will become increasingly common and even accepted, but here it would be, to my mind, measurably harmful. Overall, I consider that the effects of the proposal on the landscape character would be moderate adverse reducing to minor adverse over time.

#### Visual Effects

56. There would be two groups or receptors likely to be affected by the proposal, those travelling along the road network, particularly Halse Road, and those travelling through the area on the PRowS. I fully appreciate the concerns of the three principal properties which would have some views towards the sites, but agree with the Council and appellant that such views would not, in this case represent overbearing or harmful impacts.
57. For drivers there will be, particularly in early years, an awareness of panels to the south of the Halse Road. I accept that the attention of such receptors should be on the road, but as this route drops away westward from Halse there would be clear views over and into the fields forming part of the site. Some views would also be available of the additional pylon associated with the new substation. This would result in a material change to the experience from an open country road to one in a more man-made landscape and, as vegetation matures, a more enclosed road. I consider that this would be a minor adverse effect which would reduce over time.
58. For footpath users, the effects would be more marked, and the experience changed over the longer routes and time spent traversing through or around the site. The effects would be relatively localised, although there are some longer range views referred to by CLAG and the Council. These include VP15, visited during the site visit, or from footpaths AT5 and AT6 to the west of Greatworth. However, these are at some distance and pick up on relatively small parts of the overall scheme, generally set in wide panoramas where the rural character prevails. I consider the effects here to be minor adverse at worst.

59. The main effects would be on those passing through the site, on AN11, along its southern edge on AN23, or the intermittent views obtained from AN33/AM6 or AN17.
60. On progressing along AN11 towards the site from Greatworth, some parts would be visible, although vegetation screening would limit this. VP2 would have the clearest oblique view towards the substation, but here I found the existing vegetation and proposed woodland planting would help to limit the effects, and it is relevant to note that from here the presence of the pylon line is most marked.
61. There would be unavoidable and immediate effects for users of AN11 from the Halse Road through the site to AN23. Currently the experience is one of moving through open fields, crossing the strong wooded feature of the old railway and with some parts enclosed with hedgerows. Under the proposal, the experience would be significantly more enclosed as vegetation matures, and for most of its length, users would be acutely aware of travelling within a solar farm, panels and other infrastructure, along with enclosing fences and possibly CCTV associated with security, would be clearly perceived.
62. Travelling downhill from Halse on AN23, walkers would experience more intermittent views, but these would include VP10, probably the view most impacted by the proposal. Here a large part of the site would be perceived, and the dividing effects of hedgerows and the old railway would have less influence. Such outlook would be lessened but not materially screened by proposed mitigation planting. Very open views further along the route, VP A or VP B, would be experienced in early years but would lessen with screening provision.
63. From AN33 travelling on the footpath from Cockley Hill Farm towards Farthinghoe, there would be intermittent views of varying parts of the site. This is limited near to the farm, although some glimpses would be possible, and the expanse that opens occasionally along the route would not be as extensive as elsewhere, but users' attention would be drawn towards the lower land over which a proportion of fields would be perceived as being under panels. For some parts mitigation planting would increasingly screen the panels.
64. From AN17, notably as the footpath passes Halse Copse Farm, parts of the site would be seen with intervening vegetation. This is a large panorama but one where there is a strong backdrop of countryside rising behind the site. The views towards Butterfields, Field F10, rising up towards Halse would be perhaps the most open, but here the retention of the oaks would assist in softening the view at this distance. Furthermore, while the pylons cross in front of this view, and themselves obviously represent some sort of man-made influence, they are not determinative of the character and there would be some diminution of the experience. Although only part of the view from this route, there would be a clear perception of a solar influenced landscape.
65. The differences between the parties were set out in the landscape SoCG, and understandably it was accepted by the appellant that there would be some major adverse views local to the site. Although they argued that neither these footpaths, nor the site could be considered as a destination generally, nor could the paths be identified as national or even regional scale routes, nonetheless, I am satisfied that these are well-used routes, for the most part, and highly

valued by local residents. I am also conscious that the restriction on footpath routes to the north of Greatworth as a result of the HS2 works is likely to be increasing the use and importance of these routes to the south. Having said that, the HS2 works are temporary.

66. Overall, I consider that there would be major-adverse effects local to and within the site, some of which could be reduced but not eliminated through planting. These do reduce with distance and generally become limited beyond approximately 1 km from the site boundaries, and only from viewpoints from which parts of the site could be seen within a well vegetated landscape, whose effects will increase with planting. I therefore find major adverse effects locally, but overall, a moderate adverse effect which would reduce with landscaping over time.

#### Conclusion on Landscape Character and Appearance

67. Before concluding on this matter, it is necessary to consider the issue of the temporary status of the proposal. At a number of points in the submission of evidence on matters relating to landscape effects, as well as effects on agricultural land, reference was made to this being a temporary proposal and that the site would revert to its existing condition, or even an improved condition, at the end of that period.
68. However, 40 years is a considerable length of time during which peoples' experience of the development within the rural landscape or its role as part of the recreational resource would be altered. It was eloquently put to the Inquiry that for a teenager, the effects would be present throughout their adult life. The proposal may not be a permanent change but would reflect a very long-term change, and over such a period of time, there can be no guarantees on the future need for such energy sources or the pressures that might lead to re-powering or extending its life. Consequently, I would recommend that little weight is given to the aspect of the potential reversibility of the proposal in landscape or visual terms.
69. In this case, it is also important to consider the effect of cumulative harm to the landscape character. Many residents referred me to the very significant construction works that have been a major impact on the countryside to the north of Greatworth. In addition, there are other solar developments built or permitted, and I note reference also to a possible Farthinghoe by-pass. While it was challenged that the appellant had not considered cumulative effects, this was clearly dealt with in both the ES and in evidence to the Inquiry, including a plan outlining the relationship between all of these sites, Figure 1.2. The appellant sets out that in their view, there would be no cumulative effects.
70. I viewed the HS2 construction works which are extensive and I have great sympathy for local residents for the loss of footpath access, the disruption and even potential noise and HGV activity associated with this. However, it is a temporary construction period, even were the proposal here to be constructed at the same time there is limited connection between the two sites. In reality there would be no obvious additional impact with the separation between the sites.
71. The finished HS2 scheme, although some, I understand, is proposed to be underground, would still be a major change to the countryside character north of Greatworth on completion. However, I do not consider that there would be

cumulative harm to the way the landscape south of Halse Road would be experienced. Similarly, the separation between the sites is sufficient to limit even the experience of travelling from one site to the other sequentially as these represent very different types of construction. Separation to other solar farms would be even further.

72. I note that some believe that with the permission for Drovers Lane, coupled with other sites, that the area has made its commitment to renewable energy, and a further scheme would represent an unreasonable burden on local residents. While it is true that the grid capacity issues mean that, at present, new solar proposals can be clustered within areas, a large number of sites must come forward to meet the Net Zero aspirations of this country. There is again significant separation between the sites such that I do not consider there to be cumulative landscape or visual harm. However, it is equally true that there must be a capacity for an area where, with successive proposals all seeking connection, there could be a material impact where the wider experience of a landscape would be changed from 'rural' to 'solar'. However, I do not consider that this scheme would meet that threshold.
73. Notwithstanding CLAG's argument that both the Council and the appellant considered cumulative harm utilising inappropriate methodology and scale, and I do appreciate that local residents must feel that they are being surrounded by large scale development, I do not ascribe additional weight to landscape or visual harm by nature of any cumulative effects.
74. Taking all these matters into account, I consider that the proposal would have a material adverse effect on the visual and landscape character of the site and the contribution that the site makes to the wider landscape. I have set out above that, in my view, and reflected in policy and guidance, all solar farms of this scale will cause some harm when developed within rural sites. Nonetheless, there are degrees of such harm and very different circumstances in which they are experienced.
75. The substation would introduce a harsh modern element, but would be within a locally low-lying and relatively contained site. For the larger solar site, those using the area, notably walkers on the footpaths, there would be a changed and degraded view in some areas. There are a number of initial and amended proposals that have been considered to screen and mitigate this harm, and in some cases enhance the site, but overall, I consider this proposal would materially harm the character and appearance of the area, while to some receptors the visual harm would be major, even in wider views in the early years of the proposal.
76. I note the Council argue that this has implications in terms of the specific compliance with policy and notably the issue of sensitive location set out in Policy S11. This policy seeks that development be '*...sensitively located and designed to minimise potential adverse impacts...*'. The appellant considers that the scheme has been sensitively located within the site, while the Council argue that this is a sensitive location, highly rural and tranquil with the GIC passing through it and by implication a location that should be avoided.
77. In my view, S11 must be read on its face, and any proposal must be able to show that it has been chosen with sensitivity to the location. For solar farms there is an unavoidable and very strong locational driver of being able to connect to the national grid in an area with capacity to accept the connection.

This is a fundamental driver for location, coupled with the need for a large area of land, which invariably drives such schemes into rural areas. This is acknowledged in local and national policies.

78. While there may be sites where the sensitivity precludes large scale solar, notably, but not exclusively, nationally designated or highly valued landscapes or even landscapes of great heritage value, these are not in play in this case, although there are sensitive elements here that may not be present in other locations.
79. In conclusion, this area is essentially rural, although it has small historic settlements, at Greatworth, Halse and Fathinghoe and attractive and valued features, such as the old railway and the footpath network. However, notwithstanding the local residents' obvious emotional connections, this is an agricultural landscape for the most part, its boundaries dictated more by farming needs than historic patterns and, accepting the presence of the ridge and furrow, itself already impacted by one of the perceived positive elements within this landscape, the old railway, there is little to give it greater value than much of the countryside in this area.
80. In my view, there have been design decisions made sensitive to the site, including restricting panels below the 140m contour and south of the Halse Road, setting back from parts of Butterworth and Dawsons, the retention of trees, which ultimately through their footprint and shading would reduce the number of panels deployed, and the extensive landscaping proposed.
81. Nonetheless, I have still found the proposal to be harmful. In this context, there is conflict with Policy S11, but also with that part of Policy S10 that seeks to protect the natural environment and those parts of Policies SS2 and EMP6 in the LPP2, which seek development compatible with its surroundings.
82. Such policy conflict must be weighed against supporting policies and the benefits of the scheme in the planning balance.

#### Heritage Matters

83. Harm to heritage interests was not a reason for refusal in the Council's original assessment. Nonetheless, the officer report had suggested some harm to the setting of Greatworth Conservation Area (CA) and to Greatworth Manor, a Grade II listed building with associated listed structures. However, the appellant argued that the Council's findings were potentially affected by their Conservation Officer comments being based on the earlier, and larger scheme, which included panels located north of the Halse Road.
84. Nonetheless, in evidence to the Inquiry, the Council still considered there would be some harm, albeit that this would be outweighed by the public benefits of the scheme. This was challenged by objectors, including CLAG, who considered that there would be fundamental harm to the countryside setting of these assets, and specifically on site, to historic ridge and furrow earthworks.
85. There are consequently, three principal matters raised by objectors to the scheme, the CA, the listed manor house and structures and the non-designated heritage assets (NDHA) of the ridge and furrow earthworks.
86. The CA is drawn relatively tightly around the core of the village, which is acknowledged as having origins recorded in the Domesday Book. Views are

noted as being important, but considered to be short and channelled within the CA itself, but nonetheless, the PROW network is acknowledged as important, emphasising the rural setting of the village and making a positive contribution to the character of the CA.

87. My site visit allowed an appreciation of the walks leaving the village, which provide long views out towards the south. However, it was clear that the proposed panel development would not be visible from within the CA and, close to the village, only as a distant and filtered part of the wider view as you progressed along the routes. As set out above, existing vegetation on the main appeal site, all of which would be retained, divides the site up so there are very limited views from which large parts of the site can be seen together. This is particularly true here.
88. I have addressed the matter of ash dieback above, but the nearer woodland blocks would also screen the substation, other than the new pylon, from views in closer proximity to the village. Pylons are part of the existing view but are regularly spaced and this would introduce an additional feature, which would, to an extent, make these man-made additions more noticeable.
89. I accept that there is an experiential effect perhaps, for those walking up the hill towards the village, but the influence of the main site would be limited, the substation would not lie on the direct route and only the pylon would be a significant new feature, but this would be a clearly linked element of the existing electricity lines running through the area. Expansive areas of rural countryside would remain the predominant experience.
90. The CA is noted for its historical record and its heritage significance derives from its history and associated vernacular architecture. While the wider setting of the village is undoubtedly its rural surroundings, I consider that the proposal would have a neutral effect and the significance of the CA would be preserved.
91. Turning to Greatworth Manor and the associated listed elements, including the gate piers, two with pineapple finials. The house is reported to be predominantly a 19<sup>th</sup> Century restoration following a fire to a 17<sup>th</sup> Century house located close to the site of the original medieval manor. Nonetheless the significance of the house derives from its built form, architecture and features and its association with the land. There are a set of gate piers providing entrance off the Brackley Road, with others providing a formal entrance to a garden area. While the main façade of the house faces south, the historic entrance route would appear to have been from the west.
92. There would clearly be no direct effect on the house or associated features but only potentially to their setting. Views out to the south do contribute to the legibility of the manor and its gardens and consequently, I consider the land to the south is part of the setting of the manor. There would be no clear view of the main site from the property, or the immediate formal terraced gardens, although it is possible the top of the new pylon may be visible over the woodland area, albeit that would be as part of a row of pylons traversing the view. The manor is appreciated in views from the footpath that approaches from the south and leads out to Brackley Road from just below the terrace. The form, history and architectural importance of the house and its walled garden elements can be experienced from here, but not in conjunction with the proposed development.

93. Nonetheless, the manor is one of the pre-eminent buildings in the village with a historic landholding that is shown<sup>7</sup> to have extended to Halse Road and included woodland to the south, including Park Spinney<sup>8</sup>, adjacent to the proposed substation location. The name of the woodland, and references to previous buildings associated with it, lend support to the area here being a deer park, although there are also agricultural links to the manor. Either way there is a functional connection, although the land is no longer in the ownership of the manor.
94. While the substation would be a substantial piece of industrial infrastructure, it would be set in a dip in the landform with existing woodland and hedgerows to one side and landscaping, in the form of a hedgerow and tree belt, to be planted to the others. It would not disappear, but any views from the manor and its garden area would be restricted to the pylon and heavily filtered from elsewhere. Nor would the two been seen to any significant extent together from publicly accessible views so as to challenge the significance of the manor. Such infrastructure, and I noted the sewage works to the other side of the Brackley Road, are found in rural areas, often screened by tree belts.
95. The surrounding area has changed and there is no strong, legible evidence of a deer park or enclosure associated with the manor. I note that some of the woodland is reported to have been planted late in the 20<sup>th</sup> Century and the use has changed over time to now include agriculture, grazing and horses. Overall, I consider that the former functional association has limited perception and would not be harmed. Consequently, I consider that there would be a neutral effect from the development and the significance of the listed manor and associated listed gate piers would be preserved.
96. Turning to the ridge and furrow earthworks. These are accepted to be a NDHA and are found throughout the area but notably in relation to what local residents referred to as Dawsons, part of which is proposed to be placed under panels, notably Fields F11 and F12.
97. This large field would appear to have been divided by the former railway that bisects the whole site, with evidence of truncating of the earthworks here, nonetheless, they are a recognisable feature within this field and part would be lost under the panels. Even were the panels to be removed at the end of the temporary period, the earthworks would not survive in their original form following the necessary construction works. There would therefore be a loss of these features from part of this field.
98. The appellant referred me to an appraisal of such features across the Midlands called 'Turning the Plough'<sup>9</sup>. This included an extensive study of ridge and furrow features, categorising them for their quality, extent of survival and association with townships. A shortlist was produced, and 43 priority sites identified. This area was not included in the shortlist and the appellant therefore argues that it is of limited value.
99. I note the objectors' commentary on the quality, the potential for association with a recently identified multi-phase settlement and the relatively high percentage, albeit fragmented, of associated field systems. However, I have

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<sup>7</sup> CD5.8 1969 Auction Catalogue and Map and based on 1845 tithe allocations.

<sup>8</sup> These are identified as W1 and W2 in the arboricultural reports.

<sup>9</sup> CD5.7



no reason to find that this site was incorrectly excluded from that survey, although it is clear that there is historic value to these earthworks, which here are relatively well-defined.

100. Their loss would represent harm to a NDHA. In terms of the extent that would be lost and the value of the asset, this would be of relatively low significance, nonetheless, it would be in conflict with Policy BD5 of the LPP1, which seeks to sustain and enhance the heritage and landscape features which contribute to the character of the area including ridge and furrow. This is not strictly in accordance with the Framework, which seeks a more balanced approach to taking account of effects on NDHAs relative to the scale of any harm or loss and the significance of the asset.

101. I address this in my planning balance below.

#### Ecology Matters

102. The Council agreed that there would be biodiversity enhancements from the proposal and that adequate information had been submitted to consider the effect on nesting birds. However, objectors to the proposal argued that larger mammal species were of particular concern, noting residential populations of deer that would need to traverse the site and barn owls or badgers that could be affected by the construction. Further concerns were raised about valuable trees across the site, which were perceived to be at risk because of potential conflict with shading requirements. Finally, the Biodiversity Net Gain (BNG) calculation was challenged, albeit it was accepted that much of the concerns were due to limited evidence, or ability to interrogate the evidence provided by the appellant.

103. While the main site is currently relatively open farmland, it does have hedgerows and a significant bisecting feature, the former railway, cutting across it. Despite this, larger mammals would be able to traverse the site, in a way that I accept they cannot currently do to the north due to the HS2 works, and I can understand the concerns that they could be 'trapped' and held back near to Halse road.

104. The proposed solar farm would require deer fencing to be in place around the panels for security as well as for exclusion of larger mammals. However, when the plans are considered, the deer fencing would not prevent animals from traversing the site, there would be a number of footpath and access track routes which would allow that, although it would exclude them from some of the open field areas. Open areas are not the natural habitat for such species who prefer cover, and their mobility will mean that they will be able to pass through and across the site and access other areas.

105. There may be some disturbance during the construction phase, but again species likely to be affected will either be subject to protection through other statutory controls or specifically addressed through ecology management plans or enhancements to be delivered through conditions. In the longer term, the change from open fields to enhanced hedgerows with greater levels of cover, wider field margin areas allowed to return to more natural wild meadow and increased levels of tree planting will all contribute to enhance habitats for many of these species.

106. In terms of trees, it was confirmed and can be controlled by conditions, that the trees currently on site would be retained, particularly where they are in open field areas. For example, the five distinctive oak trees through field F10 would be retained with panels placed outside of the shaded areas. The appellant has confirmed that this will apply across all similar trees.
107. I note the concerns of the members of CLAG who tried to understand the BNG calculations. It must be noted that this is not yet a statutory requirement for development and a number of iterations of matrices have been developed for calculating totals. Much of the data collection is done digitally, although with some ecologist judgement, and calculated on spreadsheets, but I note the Council have reviewed and agreed to the approach taken to the calculations.
108. In this case, the BNG was calculated against an agreed Metric and the conversion of semi-improved agricultural land to grassland and meadow is an acknowledged ecological improvement. The introduction of scrub areas and extensive hedgerow and tree planting, the quality and retention of which can be secured by conditions, as can the delivery of the expected gains, will undoubtedly enhance the biodiversity potential of the appeal site. While the calculated figure may be a calculation subject to judgement, this does not undermine that there would be benefits which, and this is typical of solar farms, would represent a very high level of gain when tested against the accepted matrices.
109. Overall, such matters do not lead me to a conclusion that there would be anything other than significant ecological benefits associated with the proposal.

### **Other Matters**

110. In the submissions from CLAG and the statements from local residents there were a number of other matters raised. A significant point of disagreement in the runup to and initially during the Inquiry was in relation to boundary ownership, definition and long-term management, I am satisfied that this has now been addressed through a proposed condition. Other matters include highway safety, impacts on Best and Most Versatile (BMV) agricultural land and effects on local businesses and tourism.
111. In relation to highway safety matters, the operational requirements of a solar farm are minimal in terms of traffic movements, and while there would be HGV movements during construction, this would only be for a limited period. I note the concerns of local residents particularly regarding the use of the local roads by HGVs and the interaction with walkers or horse riders using these routes.
112. The appellant prepared a transport statement as part of the ES, and the Council and Highway Authority agreed that the proposal was acceptable in this regard; this is confirmed in the SoCG. The transport statement suggested some 6 two-way movement per day on average. Even were this to be an underestimation for any particular day, these are very low figures when compared to existing HGV use of the routes during construction. Matters in relation to route, timings of delivery and other matters can all be secured by a Construction Environmental Management Plan (CEMP), to be secured by condition. Overall, I am satisfied that, for the temporary construction period, the additional HGV movements would be utilising an acceptable route and be of such a level that there would be no unacceptable additional highway safety

concerns, nor would the residual cumulative impacts on the road network be severe.

113. It is common ground between the Council and the appellant that some 3.5Ha of Grade 3a BMV land would be lost. This is less than 5% of the overall land take, and while the use of higher quality agricultural land is discouraged, it is not precluded by national policy. The continuation of some agricultural use is also possible, albeit it must be accepted that this would not represent the productivity potential of the land under full stocking or cultivation levels. I note the concerns expressed by CLAG regarding the importance of land for food security and the perceived agricultural quality of this site, which I address below in the planning balance.
114. Nonetheless, the loss of some BMV land conflicts with Policy SS2 of the LPP2. This seeks that development does not result in the loss of BMV, and this conflict must bring with it some measure of harm, albeit limited, to weigh against the benefits of the proposal.
115. Turning to the effects on local businesses, largely as a result of the perceived visual impacts making the site less attractive to visitors, and I note the concern of a local B&B business in this regard, or in the perceptual value of the isolated rural view associated with the recording studios. I have addressed the visual effects above, and undoubtedly the landscape will change from almost entirely rural to a countryside with a solar farm. The number of field boundaries and the old railway break the site up such that it is not a swathe of panels. Furthermore, the topography means that views can be intermittent, and, including from these businesses, the whole of the site is not perceived in any one view. Nonetheless, I can understand these concerns. What is known is that our countryside is changing and in particular the demand for what it can provide in terms of food or energy is too. Fundamentally solar farms are becoming part of that landscape and many people view them as a positive addition or, much like the pylons that step across the views here, one that becomes more accepted over time.
116. This does not, nor can it suggest that there will be no impact, but in reality, I do not consider that the effects would be significant ones.

### **Planning Balance**

117. I have set out above that I consider that the proposal would result in harm to the landscape character and appearance of the area, to non-designated heritage assets and to agriculture from the loss of BMV, and would conflict with the development plan.
118. However, the significant benefits associated with the production of renewable energy, and other benefits must be weighed against this harm. Accordingly, it is necessary to consider the benefits of the proposal, and the compliance with local and national policy and guidance in relation to renewable energy to understand whether the adverse impacts are unacceptable.
119. The appellant clearly sets out that this country is actively seeking to promote renewables and reduce its reliance on fossil fuel sources as it moves towards its legal commitment to net-zero. National strategies call on large-scale solar as one of the key technologies to assist in this. The development plan is generally permissive of renewable energy schemes, and the Framework clearly

supports increased use and supply of renewable energy. It states that applications should be approved where the impacts are, or can be made, acceptable.

120. Significant weight must be given to the production of renewable energy, identified as being up to 49.9MW and providing for around 12,000 homes. Some objectors questioned whether this level of energy would be provided, and the number of homes supported. While I can understand the concern that an earlier scheme covering a larger scale was considered to produce the same output, technology in this sector is progressing rapidly and I accept that a greater output from individual panels is realistic. I am also satisfied with the projected carbon dioxide emission savings. There are many ways to consider this, but the displacement of fossil fuels is the principal focus of renewable energy development and expansion, and it is a reasonable metric to choose.
121. There are clearly considerable variations in the electricity demand dependant on the size of property, the number of occupants or the type of energy use. Nonetheless, on this basis, the appellant's calculations represent a typical approach to quantifying such benefits, accepted in other decisions at local and national level, and are fully accepted by the Council in the SoCG. Furthermore, outputs from the scheme will vary and it will be in the developer's interest to meet the grid capacity offered. In this case, the efficiency will be supported by the provision of battery storage. Typically, this allows for a more flexible and even distribution to the grid and the possibility to offset fossil fuel requirement at peak times. This represents a further benefit from this scheme.
122. While I give limited weight to the availability of grid connection here, to my mind this is a locational selection factor primarily, nonetheless, I give very significant weight to the production and storage of renewable energy.
123. Additional benefits would arise from the enhanced biodiversity planting and measures identified at 70.82% habitat and 32.68% hedgerow units, some of which may be retained after the temporary period of the solar part of the proposal. This would attract significant weight in ecological terms, although not of the level of such weight associated with the renewable energy production.
124. The operation in terms of the construction phase would make some contribution to the economy, which the appellant quantifies as some £30 million into the local economy and some 70-80 temporary jobs with longer term business rate benefits. While I give some weight to the employment opportunities it would enable, greater weight arises from the initial investment, although this remains a specialist area and much of that investment may be spread quite widely. There would be lost economic benefits in terms of the site's agricultural productivity, but there would be some benefits in terms of assured and regular incomes representing positive agricultural diversification. Overall, I give moderate weight to the economic benefits.
125. I note that CPRE refer me to a decision in Wales<sup>10</sup> suggestive that long term use of a site for solar panels could be detrimental to the soils. I do not have access to the evidence presented, but note that, in that case, the majority of the site was found to be Grade 2 and Grade 3a land. Nor do I know the nature or agricultural activity associated with that land, the soil type or nature of use.

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<sup>10</sup> Blackberry Lane, Ref: DNS3245065

126. For the site before me, which has clearly been most recently in arable or grazing use, it will have been worked with machinery and is likely to have had fertilizer and other inputs added to support and enhance production. Consequently, while I acknowledge that there will be construction activity, the provision of panels over a large part, but not all of the site, is not generally a high impact construction operation and does not require significant disturbance or extensive foundations; panels are also readily removed, again without significant disturbance generally, and this can be supported through the imposition of condition for soil management.
127. I therefore consider that the likely outcome would be soil improvement with the short and relatively light-touch construction required and the long period when the land would be left with limited or no artificial inputs. I can see no reason, were the panels to be removed in future, that the land quality would not remain at existing levels, or even experience some improvement. I do not ascribe to the claim that there would be no grazing of the site, Sheep are a common feature on solar farm sites, indeed the existing site north of Brackley had sheep on site when I visited.
128. I accept that the hedgerow and tree planting may contribute to some element of enhanced landscape quality, but this has to be viewed in light of the significant harms I have identified. Overall, I consider these are contributing to minimising the effects rather than representing positive weight in the planning balance.
129. Finally, the appellant suggests there would be community benefits with the provision of the outdoor classroom and permissive route through the GIC. I give some weight to the permissive route, which would provide an additional link within the network here, albeit that route would be entirely within the solar farm.
130. The objectors challenged any benefits associated with the outdoor classroom which they perceived as being removed from any potential users and without redeeming features being located so close to the panels. Nonetheless, a picnic area with some seating and information boards may provide some benefit to walkers, and there are people who view solar farms in a positive light and may appreciate the offer. However, I view the accessibility for school children to be a limiting factor in likely use as a teaching resource. Overall, this represents very limited weight.
131. The countryside is an asset on which there are conflicting demands. Rural areas in particular may be valued for their beauty and the pleasure and health benefits they give to those who access them. They are also the source of the majority of our food and other agricultural products and, in addition, are now expected to meet the need to diversify and decarbonise our energy sector, at least in part. These conflicting needs are clearly present here, with the desire to see food security and continued productivity from the fields and the passion felt by local residents for the beauty and tranquillity of the countryside accessible on footpaths surrounding the villages. Consequently, while the overall thrust of government policy may be in favour of renewable sources, this does not give them unquestioned primacy over the other demands.
132. Turning then to then overall planning balance, I give limited weight to the NDHA, having regard to the scale of any harm or loss and the significance of the heritage asset, similarly I give limited weight to the loss of BMV. This must

be added to the initially major, but long-term moderate weight associated with harm to the landscape character and appearance. However, I have identified very significant weight from renewable energy production and storage, significant biodiversity enhancements and other moderate to limited weights in favour of the scheme. Overall, it is my judgement that the benefits would outweigh the harm. The benefits of the scheme in combination also amount to material considerations sufficient to outweigh the conflict with the development plan.

### **Conditions**

133. The suggested conditions were discussed at the Inquiry based on a final agreed draft between the main parties. The focus of the discussions was to ensure that all matters of control and mitigation were properly addressed, and all conditions were necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. Following these discussions, I am satisfied that, for the reasons stated, all these conditions meet the tests. The draft conditions discussed may have been altered in minor terms so that they comply with the tests or avoid duplication.
134. Turning to reasons, the relevant conditions are listed in (). In addition to the standard implementation and temporary period conditions (1, 2), as the development is a temporary one, the restoration requirement is set out for both the end of that 40-year period or, if export of electricity ceases during that period, at any time before that, to minimise impact and ensure restoration (3). I have imposed a requirement for compliance with the plans (4) and with the ES recommendations (5) as well as restricting the maximum height of the solar panels (6). It is also necessary to seek further details on some of these matters (7). These conditions are necessary to provide certainty.
135. To ensure that the original ecological surveys remain valid, I have imposed the requirement for updated surveys (8). The scheme is promoted as a landscape led scheme with biodiversity enhancements and it is important that there are proper controls to achieve this during both the construction and operational phases. Consequently, I have required compliance and submission of a finalised CEMP, which is also required to address HGV routing and timings of construction traffic (9), as well as a Biodiversity CEMP (10) and a detailed scheme of landscaping (11), with conditions ensuring delivery of that landscaping (12) and long term management of both landscaping (13) and biodiversity (14). I have revised this condition to ensure that BNG benefits are achieved over a reasonable long-term period. These conditions are all necessary in the interests of the character, appearance and ecology of the area.
136. The existing trees are an important component of the existing site and relied on in terms of integrating the scheme into the landscape and accordingly, I have imposed a condition to ensure their retention and protection (15). The scheme is reliant in terms of its acceptability on screening provided by some woodland blocks near the proposed substation, as set out above. It was confirmed that these would remain in the control of the landowner and the appellant specifically agreed to a condition to ensure their management and retention (16). These conditions are all necessary in the interests of the character and appearance of the area.

137. In response to concerns regarding the condition of the road network, a highway survey and reinstatement condition is proposed (17). As set out in my assessment above, the effects of noise within the site needs to be considered and appropriate measures, where necessary, applied (18). This is in the interests of the recreational amenity as well as the tranquil character of the site.
138. As part of the scheme, the appellant committed to a new permissive route through the GIC (19) and to address the potential for archaeological assets and their identification and recording, an archaeological programme of work is also required (20).
139. While I have considered that the scheme would result in some improvement to soils, this needs to be ensured through proper soil management and this is secured by a condition (21). In response to the specific concerns raised by CLAG, an existing unit and materials stored on the site will be removed (22) and the matter regarding the ownership of hedgerow elements on the boundary resolved through imposition of a condition to deliver additional landscaping (23).
140. To address flood risk, a scheme for surface water drainage is necessary (24) and to address any fire risk associated with the battery storage, a condition is required for a management plan (25). Also, to address privacy and security matters, a condition is required to finalise the proposed security system (26) and to agree on signage across the site (27).
141. In this case, to protect the character and appearance of the area, it is required, exceptionally, to remove permitted development for additional security elements and unapproved buildings on the site (28) and to prevent the use of external lighting (29). Finally, to address the risk of contamination, a condition to address previously unassessed contamination is necessary (30).
142. Conditions 7 to 23 require matters to be approved before development commences. This is necessary because these conditions address impacts that would occur during construction, or schemes of work that need to be agreed before construction commences in the interests of highway safety, protected species and biodiversity and the delivery of land management commitments, including landscaping, improved accessibility and archaeology, and to ensure effects on the character and appearance of the area are minimised. The appellant has agreed to these conditions.

### **Conclusions**

143. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Mike Robins*

INSPECTOR

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INTERESTED PERSONS:

Cllr Simon Bingham	Chairman – Greatworth and Halse Parish Council
Joan Murphey	Local resident
Cllr Mick Morris	Chairman – Farthinghoe Parish Council
Lindsay Dobson Ceng FIET	Local Resident
Jane Kibble	Local Resident
Georgina Daniels	Local Resident – Greatworth Manor
Michael Foster	Local Resident
Alice Grafftey-Smith	Local Resident
Brian Skittrall	CPRE
Jane Murphy	Local Resident

DOCUMENTS

<b>Ref</b>	<b>Document</b>
ID1	Landscape Strategy Plan – Revision O
ID2	BRE – Agricultural Good Practice Guidance for Solar farms
ID3	Arboricultural Association – Ash Dieback Guidance
ID4	Appellant - Opening Statement
ID5	Council - Opening Statement
ID6	CLAG – Opening Statement
ID7	Cllr Bingham- Statement
ID8	Cllr Morris - Statement
ID9	Lindsay Dobson - Statement
ID10	Georgina Daniels - Statement
ID11	Michael Foster - Statement
ID12	Alice Grafftey-Smith- Statement
ID13	Brian Skittrall - Statement
ID14	Jane Kibble - Statement
ID15	Jane Murphy- Statement
ID16	Energy Generation Quantities from Appeal decisions
ID17	Plan re Ward Boundary Treatment
ID18	Council - Closing Statement
ID19	CLAG- Closing Statement
ID20	Appellant - Closing Statement

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The permission hereby granted, but excluding the substation and its access road, shall cease to have effect no later than 40 years from the date when electricity is first exported from any of the solar panels to the electricity grid ('First Export Date').

Written notification of the First Export Date shall be given to the local planning authority within 14 days of its occurrence.

- 3) Within 12 months preceding the date of expiry of that part of the permission hereby granted for a temporary period, a scheme shall be submitted to the local planning authority for its written approval for the removal of the solar panels and associated equipment and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within the timescale set out in the scheme.

If any part of the solar array ceases to be used to generate electricity for a continuous period of 12 months, a scheme shall be submitted to the local planning authority for its written approval within 3 months from the end of the 12-month period, for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within the timescale set out in the scheme.

- 4) The development shall be carried out in complete accordance with the approved plans and details, subject to details required by Condition 13. The approved plans and details are:
  - a) Site Layout and Landscape Strategy Plan – drawing no. P19-2590\_Rev O.
  - b) Location Plan – drawing no. P19-2590\_29\_Rev B.
- 5) No installed solar panels hereby approved shall exceed 3m above ground level.
- 6) The development hereby permitted shall be carried out in accordance with the recommendations, mitigation measures and enhancements set out in Section 3 of the Environmental Statement, by Pegasus Group, dated February 2022.
- 7) Notwithstanding the plans and details submitted with the application, no development shall take place until full details of the final locations, design and materials to be used for the panel array; inverters; control room; substation; power conversion systems; HVAC units; fencing and any other permanent infrastructure has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No development shall take place (including demolition, ground works or vegetation clearance) until the site has been thoroughly checked by a suitably qualified ecologist to establish any changes in the presence, abundance and impact on protected species. The survey shall be undertaken no earlier than 2 months prior to the planned commencement of development. If the survey results identify a material change then the

survey, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

- 9) No development shall take place (including demolition, ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include at a minimum:
- a) The parking of vehicles of site operatives and visitors;
  - b) The routeing of HGVs to and from the site;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g) Measures to control the emission of dust and dirt during construction;
  - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i) Delivery, demolition and construction working hours;

The approved CEMP shall be adhered to throughout the construction period for the development.

- 10) No development shall take place (including demolition, ground works or vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 11) Notwithstanding the requirements of Condition 4, and the approved Site Layout and Landscape Strategy Plan (drawing P19-2590\_12 Rev O), no development shall take place (including demolition, ground works or vegetation clearance) until a detailed scheme for landscaping the site has been provided to and approved in writing by the local planning authority which shall include:-
- a) further details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc). All species used in the planting proposals associated with the development shall be native species of UK provenance;
  - b) further details of the existing trees and hedgerows to be retained or felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and
  - c) details of the hard landscaping including access tracks within the development.

Such details shall be provided prior to the development commencing. The approved scheme shall be implemented by the end of the first planting season following commencement of the development.

- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development, and shall be maintained for a period of ten years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.
- 13) No development shall take place (including demolition, ground works or vegetation clearance) until a Landscape and Ecology Management Plan (LEMP), which shall include full details of the proposed Green Infrastructure network within the Site, has been submitted to and approved in writing by the local planning authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- 14) No development shall take place until a Biodiversity Management Plan (BMP), which accords with the agreed Biodiversity Net Gain calculations of not less than 70.82% habitat units and 32.68% hedgerow units, has been submitted to and approved in writing by the local planning authority.

The proposed Scheme shall include measures for the implementation and oversight of works and monitoring and reporting of the biodiversity in years 1, 3, 5, 10 and 15 following the first export date. The BMP shall be implemented as approved.

Should the expected biodiversity net gains not be achieved then a revised set of habitat retention, enhancement and creation measures shall be submitted to and approved in writing by the local planning authority. The

amended measures shall be implemented and retained in accordance with the approved details.

- 15) No development shall take place until the existing tree(s) to be retained have been protected in the following manner, unless otherwise previously agreed in writing by the local planning authority;
- a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
  - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
  - c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
  - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.
- 16) No development shall take place until an Arboricultural Scheme has been submitted to and approved in writing by the local planning authority in respect of Woodland Areas W1 and W2 (as identified in the Arboricultural Impact Assessment, prepared by Barton Hyett Associates dated June 2021), which (1) includes an arboricultural survey of the Woodland Areas undertaken within 6 months of its submission, and (2) proposes a maintenance plan and programme for each of these Woodland Areas to ensure they are maintained in perpetuity. Once approved, the Arboricultural Scheme shall be implemented as approved.
- 17) No development shall take place (including demolition, ground works or vegetation clearance) until a highway condition survey of construction traffic routes as indicated on drawing Figure 3.1 within the Construction Traffic Management Plan (Ref P19-2590/TR/02 dated February 2022) has been submitted to and approved in writing by the local planning authority.

Within 6 months of the end of the construction phase, a post-construction highways condition survey shall be provided to and approved in writing by the local planning authority. Should the condition survey identify any material changes in the highway condition directly resulting from the development, then the survey shall set out a scheme and timeframe for the remedy of such changes. The scheme shall be implemented as approved.

- 18) No development shall take place (including demolition, ground works or vegetation clearance) until a noise assessment that outlines the likely impact, and the measures necessary to ensure that the noise does not affect the local amenity has been submitted to and approved in writing by the local planning authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.
- 19) No development shall take place (including demolition, ground works or vegetation clearance) until a Permissive Footpath Scheme has been submitted to and approved in writing by the local planning authority in respect of the former rail corridor within the Site, which (1) undertakes a survey of the suitability of the proposed permissive path route, and (2) proposes the creation of an ongoing maintenance plan and programme for the route. Once approved, the Permissive Footpath Scheme shall be implemented as approved for the lifetime of the solar development.
- 20) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
  - a) Approval of a Written Scheme of Investigation;
  - b) Fieldwork in accordance with the agreed Written Scheme of Investigation;
  - c) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
  - d) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority.
- 21) No development shall take place until a Soil Management Plan has been submitted to and approved in writing by the local planning authority. The Management Plan shall include, but not be limited to, details pertaining to soil management including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as specified in the Agricultural Land Classification Report prepared by AMET Property dated 9th February 2022. The Management Plan shall adhere to the guidance set out in the following documents:
  - a) Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009)

- b) The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction or subsequent replacement versions.

The approved Soil Management Plan shall be implemented for the lifetime of the solar development.

- 22) No development shall take place until a scheme for the clearance of all materials associated with the storage unit on land near to the proposed outdoor classroom has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved scheme.
- 23) No development shall commence, notwithstanding the requirements of Conditions 4 and 11, until a scheme for additional landscaping in accordance with Plan P19-2590\_33 Rev A, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved scheme.
- 24) Notwithstanding the submitted drainage details, no works forming part of the development hereby permitted, other than access works, shall commence until detailed design drawings for the surface water drainage together with provision for the management of the approved systems have been submitted to, and approved in writing by the local planning authority.

The detailed designs should be in accordance with the approach set out in 20-357-60-050-00 Copse Lodge Solar Farm Surface Water Drainage Addendum and associated information in 20-357-60-030-04-Copse Lodge Solar Flood Risk Assessment.

The approved surface water drainage systems shall be implemented in full prior to the development being first connected to the grid and shall be maintained in accordance with an approved maintenance management plan.

- 25) Development of the battery storage compounds shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the local planning authority. The BSMP must prescribe measures for safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement cells both to and from the authorised development. The BSMP will be implemented as approved.
- 26) Prior to the development being brought into operation, further details shall be submitted to and approved in writing by the local planning authority regarding the proposed security system. This shall include:
  - a) Details of the proposed security system specification and location;
  - b) Details of who will monitor security of the site and their proposed methods for responding to alerts.
- 27) Prior to the development being brought into operation, details of signage and other available information around the site for the general public shall be submitted to and approved in writing by the local planning authority. This shall include, as a minimum, the size, location, and content of any signage to be installed. The approved details shall be implemented and maintained as approved.



- 28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no CCTV cameras, fencing, outbuildings or other structures shall be erected (aside from those shown on the approved plans), without prior planning permission from the local planning authority.
- 29) No external lights/floodlights shall be erected on the land, with the exception of the substation, where details of any proposed external lighting shall be agreed under Condition 5.
- 30) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.