



## Appeal Decision

Hearing held on 11 March 2025

Site visit made on 12 March 2025

**by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

**Appeal Ref: APP/V3120/W/24/3356504**

**Land at Manor Farm, to the East of Denchworth, Oxfordshire, OX12 0HP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Renewable Connections Developments Limited against the decision of the Vale of White Horse District Council.
- The application Ref is P23/V2673/FUL.
- The development proposed is for the construction and operation of a solar photovoltaic (PV) farm with associated infrastructure, including inverters, transformers/power stations, substations, security cameras, fencing, access tracks and landscaping.

### Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of a solar photovoltaic farm with associated infrastructure, including inverters, transformers/power stations, substations, security cameras, fencing, access tracks and landscaping, at land at Manor Farm, to the East of Denchworth, OX12 0HP in accordance with the terms of the application, Ref P23/V2673/FUL and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. At the hearing the issue of highway safety was discussed, as there remained disagreements between the parties. During the hearing and following negotiations between the Council and Appellant it was decided that the main contentious point between the parties, being the route to be taken by construction traffic, was agreed to be an issue that could be addressed by planning condition. As such, it is not a main issue for this Decision, but will be addressed in the Other Matters section.

### Main Issues

3. The main issues are:
  - Whether the proposed development would result in harm to the landscape character, historic features and tranquillity of the area, including the wider setting of the North Wessex Downs National Landscape.
  - Whether the proposed development would result in material effects to the setting of nearby listed buildings and the Denchworth Conservation Area, and if so what level of harm would this result in.
  - Whether there is sufficient information and detail to ensure the ecology and biodiversity of the site would be preserved and enhanced where possible. Furthermore, would the proposed mitigation be sufficient to

safeguard the priority species of skylarks breeding and foraging at the site.

## Reasons

### *Landscape Matters*

4. The National Planning Policy Framework (NPPF) recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services (paragraph 187).
5. In terms of the baseline for the landscape of the site and as a visual baseline, from my site visit I would agree with the Council that it has an open character due partially to the large size of the fields and some of the lower boundary hedgerows. The fields that make up the site are most readily appreciated for their landscape qualities from the right of way (a restricted byway ref: 402/8/10) which runs between the small villages of Denchworth and West Hanney. The site is particularly close to the eastern side of Denchworth and forms part of the setting for this village.
6. The site has been assessed within the South Oxfordshire and Vale of White Horse Landscape Character Assessment 2024, as Landscape Character Area (LCA)12B: Western Middle Vale. I would agree with the description of the assessed landscape and that this represents the site generally, particularly the scattered historic settlements and the tranquillity of the site. This form of landscape does make it sensitive to development such as solar farms.
7. From the restricted byway there are clear views towards the edge of Denchworth and also beyond to the raised topography of the North Wessex Downs National Landscape (NWDNL). It is acknowledged that these views out of the current site area, especially towards the NWDNL, are an attractive feature of the restricted byway.
8. The proposed development, which would result in the coverage of a substantial area of agricultural land with solar panels and other associated infrastructure and site roads, would inevitably change the character of the land. However, it is also acknowledged that the developed area would be set in from the existing field boundaries and there is proposed extensive planting in the form of new woodland areas, new field hedgerows and riparian planting along Childrey Brook. The proposed planting would, over time, soften the visual impact of the proposed solar farm and visually enclose the site to a greater extent than existing.
9. Even with enhanced planting and landscaping of the site it is considered that due to varying topography that there would be views of the solar farm from public vantage points, such as nearby roads including Hyde Road to the north of Denchworth and the restricted byway. There would also be views from neighbouring properties, particularly those on the eastern side of Denchworth, which I observed on site. This will be especially the case before the proposed landscaping fully matures. However, it is unlikely that from most viewpoints, especially when the landscaping proposed is mature, that the whole of the development would be seen. It is likely that certain sections would be viewed, with other areas of the proposed solar farm filtered or obscured from clear views by intervening landscaping features.

10. From the proposed plans and my observations on the site visit I consider that the proposed solar farm would be localised in its impacts. The most prominent positions to view the proposed solar farm would be from near the site itself. There would be some views from further away from the site, but the low level of the solar panels and the intervening landscaping and other existing buildings would provide a good level of screening and minimise wider visual impacts.
11. The proposed layout has used the existing field pattern and is set within the hedgerow boundaries. The solar panels themselves would essentially be placed on the fields, with little change in surfacing needed throughout the development as proposed. The solar farm would appear as a development within fields, where the agricultural fields and their historic layout would still be discernible. The Council has described the development as industrial in character, but this is a proposed development which would have a 'light footprint' on the land and would also be generally reversible after decommissioning. As such, though there would be a change in character to these fields and to the eastern side of Denchworth, this is not an industrial proposal where the fields would be lost. Indeed, grazing of sheep would still take place within the site, typical of agricultural land.
12. There would be some loss of views of the North Wessex Downs from the restricted byway, especially the section which would run through the solar farm. This would be largely due to the proposed landscaping which would essentially form a green corridor for the route. This contrasts with the open nature of the track through the fields currently. The loss of these views is an adverse impact, though it is preferable to there being open and clear views of the solar panels either side of the route.
13. Green corridor type right of way routes are not uncommon in countryside settings and once the hedgerows as proposed are matured this would still remain an attractive route, even if different from existing. Furthermore, the section of the restricted byway that would run through the solar farm is only a portion of its distance between the villages of Denchworth and West Hanney. The remaining section of the byway would still allow for longer range views.
14. There is also a bridleway which crosses the south-western corner of the site (Public Right of Way 402/11/10). This is a relatively short section of right of way, with the proposal being to plant either side of the route, again creating a green corridor. There would be a loss of openness and views from this section of bridleway as a result.
15. These public rights of way are not proposed to be re-aligned with the development, but the character of the landscape these routes cross will alter. However, there should remain recreational value for these routes for walkers etc.
16. In terms of views from the NWDNL, the proposed development would be a relatively small section of a wide vista, which would still encompass much undeveloped land, but also settlements and other forms of infrastructure like the main trainline and the highway network. As such, the proposed development would not have any discernible harm on the NWDNL or its setting.
17. The site should generally retain a tranquil character as the solar farm would not need lots of people or vehicles to be there for operational purposes on a daily basis. Also, the solar panels and associated infrastructure are not generally noisy.

However, the loss of openness and the construction of this infrastructure on these fields would result in some limited loss of tranquillity from existing levels.

18. For Denchworth, this is a rural village and this is reflected in the agricultural land use that largely surrounds this settlement. The proposal would change the use and character of part of this setting, though much of the rural undeveloped land around the village would remain. Views of the approach to the village from the restricted byway would also be obscured due to new landscaping. Overall, there would be some adverse change to the rural character of the setting of Denchworth, which is also addressed below in relation to Denchworth Conservation Area.
19. As acknowledged above, the proposed solar farm would inevitably change the character of the land, from agricultural to a more developed character, for a long period of time. There would also be some loss of the openness of the existing fields, and loss of some views from these fields, due to the panels themselves and also the landscaping proposed to soften the wider views of the development. However, I consider that the adverse effects would be localised for the reasons given.
20. Core Policy 41: Renewable Energy (excluding wind energy) of the Vale of White Horse Local Plan 2031 Part 1 (LP Part 1) states that the Council would support planning applications for renewable and low carbon energy generation, but only where it would not cause a significantly adverse effect to the landscape, both designated AONB (now National Landscapes) and locally valued. It is clear from what I heard at the hearing that the site area is locally valued and that there would be an adverse effect to the landscape, though mainly to a localised extent. The proposal would be contrary to this policy.
21. There would also be some level of harm to the landscape setting of Denchworth, some attractive views obscured (such as from the site towards the NWDNL), and the tranquillity of the site diminished, which would be contrary to Core Policy 44 of the LP.

#### *Heritage Matters*

22. As set out by the Council, Reason for Refusal No 2 states that the 'proposed development would result in the loss of the agricultural character of the open land which contributes to the setting of a number of designated heritage assets'. The assets identified by the Council within that refusal reason include Denchworth Conservation Area (CA), the grade II listed College Farmhouse with its associated outbuildings, and the grade II listed Cross Cottage. These two listed buildings (LBs) are located to the north of Denchworth.
23. Furthermore, within the Denchworth CA are listed buildings. It is agreed between the parties that the proposals may result in a limited degree of harm to the following listed buildings within Denchworth Conservation Area, including the Grade II\* listed Denchworth Manor, and the Grade II listed buildings known as Home Farmhouse, The Old Post Office, Old Compton and Magpie Cottage. It is agreed between the parties that the proposals would not result in harm to any other listed buildings within Denchworth Conservation Area.
24. It is also agreed between the parties that the proposed development of the agricultural land to the east of Denchworth would have harm that would be less than substantial to these heritage assets.

25. As set out in paragraph 215 of the National Planning Policy Framework (NPPF), *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* Furthermore, paragraph 212 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”* Therefore, regardless of the level of harm, it is a matter that must be given considerable importance in the overall planning balance.
26. Furthermore, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to have special regard to the desirability of preserving a listed building or its setting.
27. As a development that is within the setting of these listed buildings, which would have some level of adverse effect on the landscape and also change the character from open agricultural land to a more utilitarian use, then I agree that there would be some harm to the significance of these listed buildings. I would also agree with the parties that the proposed development would have a less than substantial harm to these listed buildings, due to the notable separation distances involved and the fact that there would be no direct impact to the listed buildings themselves, for example.
28. The disagreement between the parties is what the level of harm is, within the scale of it being ‘less than substantial harm’. The Appellant considered there to be harm at the lower end of the less than substantial range, whereas the Council consider it to be more central in that spectrum.
29. With regard to the grade II listed College Farmhouse and the grade II listed Cross Cottage, their significance is derived partially from their ties to the agricultural history of the area with their vernacular appearance. Both buildings are enhanced by their agricultural setting, which would be eroded to some degree by the proposed development and the change in character and loss of openness of this rural setting, especially as there is some level of intervisibility between the site and these buildings.
30. As such, the proposal would result in less than substantial harm to both of these LBs, but as clarified in the Hearing there is no substantive evidence to historically link the agricultural land where the proposed solar farm is to be located and these former farmhouses. It is more that the proposals would develop agricultural land which forms part of the wider setting of these listed buildings, but there is no historic link demonstrated. Furthermore, there is a significant separation distance between the site and these LBs. This has the effect of reducing the significance of the site to these LBs, with there being more important and closely associated agricultural land immediately adjacent to these heritage assets.
31. It is acknowledged that the proposed development would result in the obscuring of views from the restricted byway towards these LBs, mainly due to the proposed landscaping. However, whilst there is an appreciation of these LBs from the byway it is at a distance with intervening agricultural land and landscape features, with there being no clear historical link between the part of the site area which contains the byway and the LBs.

32. For these reasons, for both College Farmhouse and Cross Cottage the harm would be at the lower end of less than substantial harm at worst.
33. For Denchworth CA, this is located close to the west of the site boundary. As observed on site the CA has a historic core around the Church and public house, with some more modern dwellings built adjacent to this core. It is the architectural and historic interest of the historic buildings within the CA that gives this heritage asset its significance, in my view. The proposed development would be within the setting of the CA and would be seen in the foreground when approaching Denchworth along the public rights of way, and the solar farm would also be visible from viewpoints within the CA.
34. As with the LBs discussed above, the proposed solar farm is not immediately adjacent to the CA. There is some agricultural land and intervening hedgerows and other landscape features between the CA boundary and the location of the proposed development. It is considered that the undeveloped land outside of the site area closest to the CA is of more importance to the setting. This reduces the harm to the CA significance from the proposals, as there would still be some agricultural land free from development closest to its eastern boundary. The solar farm would also maintain the existing field pattern and would not result in the loss of the fields completely, with the solar panels being positioned on and within these fields. Furthermore, the CA and the village of Denchworth more generally would still maintain much of its rural setting, with substantial areas of agricultural land to the north, south and west of the settlement remaining. The agricultural significance of the CA setting would still be able to be appreciated. However, the change in character of part of the CA setting to a solar farm, visible from certain points within the CA to some extent (less so when the proposed landscaping is mature), would have an adverse effect on the CA significance.
35. There are views of the CA areas of Denchworth from the restricted byway, when approaching this village. It is accepted by all parties that much of the views currently available of the village would be screened from view by the landscaping proposed either side of the byway, resulting in a green corridor effect. However, views of the historic core of the village and its older and more historic buildings from the byway is limited to some extent by trees and hedgerows that exist, with the more visible parts of the village being some of the more modern dwellings. Nonetheless, the loss of views of the village from the approach along the byway would have an adverse effect on the significance of this heritage asset. The same would be true regarding views from the other section of the bridleway.
36. Overall, though there would be harm to the significance of the CA, for the reasons given it would be at the lower end of the 'less than substantial' harm spectrum.
37. There are other LBs within Denchworth, including the Grade II\* listed Denchworth Manor and the Grade II listed Home Farmhouse, The Old Post Office, Old Compton and Magpie Cottage. However, any harm to the setting and significance of any LB in Denchworth would also be at the lower end of the 'less than substantial' harm spectrum. This is due to a combination of the separation distances involved, the intervening landscape features, which also filters views between the site and these LBs (and vice-versa), and a lack of evidence to show historic functional links between these LBs and the site area for the proposed development.

38. The Council have described the restricted byway as being historic, linking the villages of Denchworth and West Hanney. However, from the evidence before me it is not a heritage asset, though clearly is valued locally. The proposed development would effect of portion of this route, though there would still remain this link between the villages with much of the route largely to be unchanged.
39. I would also consider that the significant distance and intervening landscape features means that the proposed development would not have any adverse impacts to the significance of both the West Hanney CA or any of the LBs within this village.
40. Core Policy 39 of the LP Part 1 requires that new development conserved, and where possible enhances, heritage assets and their settings. This is also reflected in LP Part 2 Development Policies 36, 37 and 38, with specific reference to both listed buildings and conservation areas. Core Policy 39 does also make reference to national guidance and legislation. In this regard, the NPPF and its 'heritage balance' is of importance, where harm is to be weighed against public benefit. Furthermore, the supporting text to Local Plan Part 2 Development Policies 36, 37 and 38 refers back to Core Policy 39 and that conservation should be in accordance with national policy.
41. Under paragraph 215 of the NPPF, less than substantial harm to a designated heritage asset should be weighed against the public benefit in decision making. Paragraph 212 of the Framework indicates that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be.
42. In my view, for the reasons given, there is no harm to any of the aforementioned heritage assets that would be more than the lower end of the 'less than substantial' harm range. Furthermore, this is a long term but temporary proposal, and the solar farm should be removed from site while the heritage assets would remain.
43. This harm would be balanced against the substantial public benefit of a new energy generating solar farm development. The importance of this form of renewable energy infrastructure is emphasised by the NPPF in paragraph 168 which states that planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. I consider the contribution the scheme would make to the generation of clean and secure energy is a substantial public benefit, and together with the other benefits outlined in this Decision, would be clear and convincing reasons to outweigh the less than substantial harm to the designated heritage assets.
44. Nonetheless, in accordance with the Framework and the statutory obligations imposed I give great weight to the harm to the setting of these heritage assets and their significance.

#### *Ecology Matters*

45. The Council's delegated report outlines four areas of concern related to ecology matters. These include the following:

- The need for an updated Construction Environmental Management Plan: Biodiversity (CEMP)
- The need for an updated Badger Mitigation Strategy
- The need for clarification related to the position of the proposed fencing in proximity to Childrey Brook
- The concern from the Council that the Skylark Mitigation Plan would be unlikely to be successful.

46. The submitted Ecology Statement of Common Ground (SOCG) confirms that following submission of new information and clarification, the matters at determination of the planning application relating to the CEMP and the Badger Mitigation Strategy are agreed, with conditions of agreed wording in place to safeguard updated documents. Furthermore, the Council and Appellant have agreed that the proposed fences do not encroach closer than 10m to Childrey Brook, which can be secured via condition. I have no reason to disagree that these matters can be resolved via conditions.

47. There was still the matter of the skylark mitigation which remained in dispute at the time of the hearing. The Ecological Impact Assessment showed that the site currently, as open fields, supports up to seven skylark territories, of which five of the seven would be lost as a result of the proposed development. The Skylark Mitigation Strategy does not propose offsite mitigation but proposes the provision of up to 16 skylark plots within the site in retained areas of open habitat around the solar installation in land to be managed as enhanced grassland.

48. The Council's concerns relate primarily to the anticipated skylark territory density. The submitted Skylark Mitigation Strategy proposes providing 16 skylark plots within the areas of retained and enhanced open land. The Council contend that these densities would significantly exceed the density for the most favourable habitats recorded for skylark and therefore are not considered to be achievable.

49. The areas of retained land would be species rich grassland created outside of the solar arrays. The appellant argues that even accounting for the preferences of skylark to nest more than 50m from a boundary feature (such as a hedgerow) there would be ample opportunity within the grassland to find areas within which seven nest sites could be set up by breeding pairs. However, it is also acknowledged that in reality skylarks may not keep the 50m distance from hedgerows or other field boundaries.

50. The appellant's evidence does demonstrate that the layout would provide for well-spaced skylark plots, more than 50m from a boundary. The density would be greater than the typical minimum provision or density as set out by the Council. However, it is also considered that the plots would be within species-rich managed grassland and not within an arable field as existing. This would provide a benefit to the skylark over the existing arable fields (and possibly better than unmanaged grassland), where opportunities for nesting and foraging may be restricted by farming activities. There could also be provision for adaptive management within the final Skylark Mitigation Strategy which could help with enhancing or changing the mitigation if needed in the future.

51. Overall, I am persuaded by the appellant's evidence that it is likely that the displaced pairs of skylarks could be accommodated within the site boundary, without the need to secure more land offsite for the skylarks. A final Skylark Mitigation Plan can be secured by condition, to ensure the mitigation is delivered.
52. For the reasons set out above, along with the provision of suitable levels of biodiversity enhancements for the site, it is concluded that the proposed development would comply with policies CP41, CP45 and CP46 of the Vale of White Horse Local Plan 2031 Part 1. These policies require that development does not have significant adverse effects to biodiversity, provide a net gain for green infrastructure, and avoid the loss, deterioration or harm to habitats or species of importance to biodiversity, amongst other things. Based on the evidence before me, the proposals also accord with the NPPF and all other forms of relevant guidance and legislation on this matter.

### **Other Matters**

53. The matter of construction traffic was discussed at the hearing. There was concern from the Council that there was no suitable route to the site access off Main Street to the northern edge of the site for construction traffic. However, potential routes were discussed and the Council stated it was of the view that a suitable access route could be confirmed. However, there was no final decision on this matter but the construction route would be agreed via condition prior to any construction work being undertaken.
54. The matter of vision splay provision was also discussed at the hearing. Although there is a lack of vision to the left of the access, the Council confirmed that with traffic management measures this could be overcome.
55. Construction traffic on the country roads around the site would be difficult, but having seen the highway network on my site visits and after hearing the evidence I am satisfied that suitable and safe access can be achieved. Furthermore, the construction period would be a temporary phase only, with the operational phase having much less of a highway impact.
56. Some interested parties have raised concern with regards to flooding. However, following consultation there was no objection from the Environment Agency to the proposals, subject to conditions which are attached to this Decision. Furthermore, the submitted Flood Risk Assessment, which has been inspected by the Environment Agency, confirms that the proposals will be sequentially located within Flood Zone 1. Also, the solar farm would constitute 'Essential Infrastructure' and are appropriate in Flood Zone 1. The site is at Very Low risk of groundwater flooding and not considered to be at risk of flooding from sewers, reservoirs or other artificial sources. With the conditions attached I am persuaded that the proposed development would not be at a significant risk of flooding or likely to cause increased flood risk elsewhere. The grassland (rather than arable use) within the field could also result in some betterment for downstream flood risk.
57. The proposed solar farm panels and associated infrastructure are not located in close proximity to dwellings. There could be some level of noise from some of the machinery and possibly from rain hitting the panels, but there is not the evidence before me to demonstrate that this would be a significant or unacceptable impact for neighbouring occupiers in terms of noise pollution. The submitted Noise Assessment concludes that the proposed development would result in "*noise levels*

*not exceeding a level which would represent a No Observed Effects Level, thus ensuring that the operation did not result in unacceptable levels of noise.”* On this matter, I note there was no objection from the Environmental Health team or the Council.

58. In terms of potential effects on residential receptors from glint and glare from the proposed panels, the submitted Glint and Glare Assessment concludes that “*Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to Low at five receptors, including one residential area and reduce to None at all remaining receptors, including one residential area.*” It also states that “*Mitigation is not required due to all impacts upon ground-based receptors being either Low or None*”. Given the position of the site and the existing and proposed landscaping which would screen and filter many views of the development I have no reason to disagree with the Assessment’s conclusions. Such a level of residual potential glint and glare effect would not be significant or unacceptable in its level of impact in my view.
59. For clarification, as discussed at the Hearing, the Appellant confirmed that the solar farm as proposed could produce an annual power supplied MWh of over 33,000 MWh, which could power over 11,000 homes.
60. Comments have been received which question whether some of the scale bars on the submitted plans are correct. Whilst there may be some inaccuracies with the scale bar, the scale given on the plan at A1 size has been confirmed by the Appellant as correct. Furthermore, there was no confusion as to the scale and extent of the proposed development following my extensive site visit and also that the solar farm is set within existing field patterns, clearly discernible on site.
61. There have been numerous concerns raised by local residents to the proposed development, most of which have been directly addressed in this Decision. However, all other points raised are considered to be minor issues and does not result in the proposed development being in conflict with either national or local policy.

### **Planning Balance**

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. As such, the outcome of a decision turns on whether any benefits of the proposed development would outweigh the harms and subsequent conflict with any development plan identified.
63. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 established a target for a reduction in net carbon dioxide emissions by 2050 of 100% relative to the 1990 level (known as net zero). The proposed solar farm would help to achieve this, albeit to a small degree.
64. The Framework sets out a presumption in favour of sustainable development, and renewable energy development is central to achieving a sustainable low carbon future. The appeal scheme would make a contribution to this, and I give substantial weight to the contribution the proposal makes to renewable energy generation, addressing climate change and to improving energy resilience and security.

65. There would also be other positive aspects of the proposal, such as for biodiversity which would be of benefit to ecology for the area. There would also be economic benefits from the construction work especially.
66. Within the LP Part 1 (Para 6.99) it states that responding to climate change is one of the Strategic Objectives for the Council, with promoting the development and use of decentralised renewable and low carbon energy. The Council encourages schemes for renewable and low carbon energy generation, as stated in Core Policy 41. Furthermore, the NPPF in paragraph 168 states that planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
67. Weighing against the proposal are the impacts on landscape character and heritage assets. The harm to landscape character and appearance is given significant weight. This has led to the proposal being contrary to some LP policies.
68. As determined above, the public benefits of the solar farm as proposed would outweigh the less than substantial harm identified to the significance of heritage assets. However, as directed by the NPPF (Para 212), the heritage harm must be given great weight in the overall balance.
69. As such, the proposal conflicts with some of the policies within the Development Plan, with harm weighing against the planning balance in favour of the proposals due primarily to the impacts to the landscape and heritage assets. This is balanced against the positive aspects of the proposed solar farm, particularly with renewable energy generation.
70. As already stated, against the development I give significant weight to the landscape harm and great weight against due to the less than substantial harm to the setting of heritage assets. However, the benefits are very great as the proposal would provide large quantities of renewable energy, enough to power many homes. In this case I conclude that due to these great benefits there are material considerations that make me conclude that this proposal should be allowed.

## **Conditions**

71. A condition schedule agreed between the main parties was discussed at the hearing. I have revised the wording to a number of the suggested amended conditions in light of that discussion, and in considering Government guidance on the use of conditions in planning permissions.
72. In addition to the standard condition regarding the time limit for the commencement of development there is a condition specifying the relevant drawings, which provides certainty. However, due to the nature of the development final details of the layout of the solar farm and some other details are required under Condition 2, to be agreed by the Local Planning Authority.
73. The permission is for a 40 year period, which is secured by Condition 4, with a decommissioning plan also required via condition to ensure the site is appropriately returned to its current form.
74. A landscape and ecological management plan (LEMP) is required and needs to detail such things as new habitats and protection of water courses, together with details of maintenance and management. This is in the interests of enhancing the site's nature conservation value, among other things.

75. An Arboricultural Method Statement (AMS) in general accordance with the submitted Arboricultural Impact Assessment is required by condition, in the interest of protecting existing trees and hedges.
76. Further to the landscaping information submitted with this proposal, a detailed scheme for the landscaping of the site, including the planting of live trees and shrubs, will need to be submitted to and approved in writing by the Local Planning Authority. This is needed to improve the environmental quality and help mitigate the visual impact of the solar farm. A maintenance schedule and a long-term landscape management plan (for a minimum period of 20 years), for the soft landscaping works is also required by condition, to ensure the landscaping would last and be well maintained.
77. A Construction Traffic Management Plan (CTMP) is required by condition, which shall include details of traffic management to and from the site, along with at the site access, amongst other things. Separately, conditions are imposed requiring the submission of details of the access to the site (along with vision splays, to be retained and maintained), together with parking and manoeuvring space. This is to ensure highway safety and avoid significant traffic issues.
78. A detailed surface water drainage scheme for the site based on the Appellant's Calibro report is required via condition, to ensure a suitable drainage strategy is implemented.
79. A Construction Environmental Management Plan for Biodiversity is required by condition, which shall include the need for updated ecological surveys, the retention of a 10m buffer strip along the Childrey Brook, amongst other things. A final mitigation scheme for both skylark and badgers are required by separate conditions. The development is also required to accord with the submitted Biodiversity Mitigation and Enhancement Plan (BMEP). All these conditions are in the interests of both preserving and enhancing ecological features and species at the site.
80. The times of construction at the site is restricted by condition, in the interests of the preserving the amenities of neighbours to the site.
81. Due to the potential of archaeological value and features at the site, conditions requiring an Archaeological Written Scheme of Investigation and a subsequent Programme of Archaeological Mitigation are imposed. Furthermore, a condition is imposed to ensure there is no invasive below ground development that can be undertaken within the areas of archaeological preservation identified by the appellant within the site.
82. A condition is imposed to ensure that no external lights shall be erected within the site without the prior written agreement of the Local Planning Authority, in the interests of the appearance of the site and also to safeguard wildlife interests.
83. A condition is imposed for the removal of the infrastructure if no longer functioning on site, to ensure the site is returned to its current appearance if the solar farm becomes redundant for a long time.
84. Finally, a grazing management plan (GMP) is required by condition, to ensure that the land is appropriately managed during the development lifetime.

85. The conditions included which require an action from the developer prior to the development starting are necessarily worded as pre-commencement conditions as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used.
86. For clarification, where the conditions refer to the first export date, this is the date to which the solar farm first produces electricity exported to the grid.

### **Conclusion**

87. I have had regard to all matters raised, including the points put forward in opposition to this proposal by local residents and other interested persons, but in this case, the weight of beneficial considerations has led me to conclude that this appeal should be allowed.

*Mr S Rennie*

INSPECTOR

## **ANNEX – Hearing Attendance:**

### **FOR THE COUNCIL:**

Tracy Smith, Principal Appeals Officer

Hazel Osbourne, Landscape Officer

Samantha Allen, Senior Heritage Officer

Amanda Rendell, Case Officer

John Wenham, John Wenham Ecological Consultants

Armid Akram, Senior Transport Development Officer for Oxfordshire County Council

### **FOR THE APPELLANT:**

Stephen Humphries, Partner at Ashfords LLP

Maureen Darrie, BSC (Hons), MRTPI – Director, GP Planning Limited

Clive Self MA (Urb Des) Dip LA CMLI Director, CSA Environmental

Rosey Meara MA (Hons) PGCert MCIfA Associate Director, CSA Environmental

Alan Kirby, Technical Director (Ecology) Logika Consultants

John Russell, Director, Motion

Corey Isolda, Renewable Connections

### **INTERESTED PARTIES/PERSONS**

Cllr Richard Starkey – Denchworth Parish Council

Cllr David Corps – West Hanney Parish Council

Neil Memery – Local Resident

Helen Dorsett – Local Resident

## **APPENDIX – CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) Prior to the commencement of the development hereby permitted, and in general accordance with submitted drawings Indicative Proposed Site Layout Plan - RCN1004-PLE-01 Rev 7 and Development Zone Plan - RCN1004-DZ-01 Rev 3 full details of the final locations, design, colour and materials to be used for the panel arrays, all ancillary buildings equipment and enclosures CCTV cameras and fencing shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details.
- 3) The development shall be carried out in accordance with the following plans, except where superseded by drawings submitted under condition 2:
  - Indicative Proposed Site Layout Plan - RCN1004-PLE-01 Rev 7
  - Site Location Plan - RCN1004-SP-01 Rev 5
  - Development Zone Plan - RCN1004-DZ-01 Rev 3
  - PV Array Details - RCN1004-200D
  - Inverter Mounting Details - RCN1004-202A
  - CCTV Pole Mounting Details - RCN1004-215A
  - Typical Road Detail - RCN1004-217A
  - DNO Substation - RCN1004-220B
  - Customer Substation Plan - RCN1004-221A
  - Power Station Details - RCN1004-223B
  - Security Fence and Gate Details - RCN1004-231A
  - Landscape Strategy - edp7490\_d004e
- 4) Planning permission is hereby granted for a temporary period of 40 years from the date of the first commercial export of energy. No later than one month after the first commercial export of energy the applicant shall supply written notice to the Local Planning Authority of this commencement. Following the expiry of the 40 years temporary period, or within six months of the cessation of electricity generation by the solar PV facility, whichever is sooner, all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement, agreed pursuant to Condition 24.
- 5) No development shall take place until a Landscape and Ecological Management Plan (LEMP) including long-term design objectives, management responsibilities, maintenance schedules and a timetable for implementation has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall include the following:
  - a) Details of management regimes.
  - b) Details of any new habitats created on-site.
  - c) Details of treatment of ecological buffers around water bodies.

- d) Details of management responsibilities, and
- e) Details of how the watercourse will be protected during construction.

The development shall be carried out in accordance with the approved LEMP.

- 6) Prior to the commencement of any site works or operations and site clearance relating to the development hereby permitted, an Arboricultural Method Statement (AMS) in general accordance with the submitted Arboricultural Impact Assessment (March 2023) and the Tree Protection Plans therein shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include the following:
  - a) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities.
  - b) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection.
  - c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.
  - d) The means of demolition of any existing site structures, and of the reinstatement of the area currently occupied thereby.
  - e) The route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.
  - f) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels.
  - g) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method, in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
  - h) Provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed by the developer and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

The development shall be undertaken in accordance with the agreed AMS.

- 7) Prior to commencement of the development hereby approved a scheme for the landscaping of the site, including the planting of live trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to the first occupation or use of the development hereby approved and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
- 8) Concurrent with the submission of comprehensive details of the proposed landscape works, a maintenance schedule and a long-term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:
  - a) Details of long-term design principles and objectives.
  - b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme.
  - c) Summary plan detailing different management procedures for the types of landscape on site. The schedule and plan shall be implemented in accordance with the agreed programme.

The maintenance and long-term management of the landscaping works shall be in accordance with the agreed details.

- 9) Prior to the commencement of development, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall include as a minimum:
  - a) Measures to manage vehicle movements at the site access point.
  - b) The operational times for deliveries and how this will be managed.
  - c) Details of the construction traffic route(s) to and from the site.
  - d) Traffic management measures required for safe routes to site. This shall include but not be limited to:
    - Passing places along the route in line with OCC standards
    - Traffic Marshals and / or escort vehicles
    - Junction improvements to facilitate routing
  - e) On-site wheel washing or other measures to prevent mud on the highway
  - f) Details of temporary traffic management works as considered necessary by the Highway Authority, to facilitate safe access and egress by construction traffic onto the public highway including, but not limited to, the use of temporary signals, signage and banksmen

g) Pre-commencement and post-completion highway condition surveys on access routes for construction vehicles

The development shall be undertaken in full accordance with the agreed details within the CTMP.

10) Construction shall not begin until a detailed surface water drainage scheme for the site based on Calibro report reference 22-386-60 dated 12/12/23, sustainable drainage principles and the hydrogeological context of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a. A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire".
- b. Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- c. Detailed design drainage layout drawings of the SuDS proposals including cross-section details.
- d. Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element.
- e. Details of how water quality will be managed during construction and post development in perpetuity.
- f. Confirmation that the solar panels sited on an open metal frame and that the lowest panel edges are to be set at least 800mm high from general ground level as shown in the PV array details.
- g. Confirmation that all fencing is permeable to flood waters as shown in plan entitled "Security Fence and Gate Detail".
- h. Confirmation that no land raising within 20 metres of the main river, the Childrey Brook, and the other ordinary watercourses on site.

11) Development shall not begin until details showing the location, layout, design and method of construction of any new or altered vehicular access, parking and manoeuvring space, in general accordance with submitted drawings Indicative Proposed Site Layout Plan – RCN 1004-PLE-01 Rev 7 and Typical Road Detail – RCN1004-PLE-217A have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is commenced the vehicular access, parking and manoeuvring space shall be constructed in accordance with those approved details and shall thereafter be so retained.

12) The visibility splay to the east of the site access shown on the approved plan, drawing 2201063-02 of the submitted Transport Statement shall not be obstructed by an object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from the carriageway level.

13) Prior to the commencement of the development (including vegetation clearance), an updated Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local

Planning Authority. The CEMP shall be based on the recommendations made in the CEMP: BIODIVERSITY by Renewable Connections dated March 2024 and shall include the following:

- a) Update ecological surveys for relevant habitats and species, update surveys shall follow national good practice guidelines.
- b) Risk assessment of potentially damaging construction activities including details of cabling routes.
- c) Identification of biodiversity protection zones.
- d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) Retention of a 10m buffer strip along the Childrey Brook
- i) 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.

- 14) Prior to the commencement of the development a Skylark Mitigation Scheme, based on the submitted Skylark Mitigation Strategy, 21 February 2024, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the first export date and retained thereafter in accordance with the approved scheme for the lifetime of the development hereby permitted.
- 15) Prior to commencement of development, a Badger Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should detail protective measures to ensure no adverse impacts to badger setts onsite, along with a due assessment of foraging habitat and commutability of the site for badgers in congruence with the proposals. The approved scheme shall be implemented in accordance with a timetable to be agreed by the Local Planning Authority prior to the commencement of development. The Badger Mitigation Strategy shall be adhered to in accordance with the approved scheme for the lifetime of the development hereby permitted.
- 16) The development hereby permitted shall be undertaken in accordance with the Biodiversity Mitigation and Enhancement Plan (BMEP) by Renewable Connections dated March 2024. All enhancements should be delivered by no later than the first planting season following the First Export Date and thereafter be maintained in accordance with the approved scheme.
- 17) No construction work shall be carried out before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays, and at any time on Sundays or Bank Holidays.

- 18) Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, and shall be submitted to and approved in writing by the Local Planning Authority.
- 19) Following the approval of the Written Scheme of Investigation referred to in condition 18 and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork
- 20) No invasive below ground development shall be undertaken within the areas of archaeological preservation identified within the site, as referred to as ASA A to ASA D and illustrated on Figure 7.16 and 7.23 of the Environmental Statement – Chapter 7: Historic Environment.
- 21) No external lights shall be erected within the site without the prior written agreement of the Local Planning Authority.
- 22) Should the development cease generating energy for a period of six months or more, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work and timetable submitted to and approved in writing by the Local Planning Authority.
- 23) Prior to the First Export Date, a grazing management plan (GMP) shall be submitted to and approved in writing by the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. Within three years of the First Export Date, the grazing of livestock shall be implemented on the site in accordance with the GMP. Any changes to the GMP during the lifetime of the permission shall first be submitted to the Local Planning Authority for approval in writing prior to implementation on site and shall thereafter be provided in accordance with the approved revised GMP.
- 24) Within 6 months of the cessation of the export of electricity, or within 39 years following the First Export Date, a detailed Decommissioning Method Statement (DMS) shall be submitted to the Local Planning Authority for its written approval. The DMS shall include:
  - a) details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable for their removal.
  - b) a traffic management plan to address likely traffic impacts during the decommissioning period.

- c) an environmental management plan to include measures to be taken during the decommissioning period to protect wildlife and habitats.
- d) full details of the proposed restoration of the site including a site wide restoration and aftercare scheme which details how the land will be restored to its former agricultural grade; and
- e) Details of the recycling and disposal of the decommissioned elements.

The Site shall be decommissioned in accordance with the approved DMS within 12 months of the expiry of the 40-year period of planning permission.

**END OF CONDITIONS**