

15/01523/FUL

**Erection of Photovoltaic panels, boundary fencing and associated equipment.
Hedgerow, stone wall and landscape restoration.
Land West Of Fawler Road Charlbury Oxfordshire**

The Cotswolds Conservation Board has considered the re-submitted planning application and wishes to maintain an **objection** for the following reasons:

The Board does note that the scheme has been amended to reduce the site area of the solar panels to 7ha as part of the overall site area of 18ha and a reduction in height of the panels to just above 2m. The Board notes the offer of additional biodiversity measures and a proposed Unilateral Undertaking. However, in accordance with the comments raised last year (see attached) and following recent questions of the Board's Executive Committee (see attached) the Board maintains its objection to this development. In addition to the previous comments, the Board continues to consider that Paragraphs 14 (footnote 9), 115 and 116 of the NPPF are particularly relevant to this case (as advised by the NPPG) and Policies NE4 and NE12 of the West Oxfordshire Local Plan are also relevant.

With regard to paragraph 116 of the NPPF (and the associated guidance within the NPPG), the Board considers no exceptional circumstances of any significant weight exist to outweigh the impact of this proposal on the nationally designated AONB. Further to this in terms of paragraph 116 of the NPPF the conservation and enhancement of the AONB (Section 85 of the CRoW Act 2000) is also a matter of public interest and should therefore be afforded weight in the planning balance. Paragraph 115 of the NPPF confirms that "Great weight should be given to conserving landscape and scenic beauty in AONBs" which have the highest status of protection. Although the application has been submitted by "Sustainable Charlbury" a community led organisation and the level of community support towards this proposal is a matter for general consideration, the Board does not consider this matter to be an exceptional circumstance in its own right. As the Minister for Housing and Regeneration has previously stated: "Planning decisions should be based on an assessment of the impacts of any proposed development irrespective of who the applicant is" (December 2013). Further to this the offer of additional bio-diversity enhancements is considered by the Board to only carry little weight in comparison to the harm the overall development will bring. The Board considers that bio-diversity enhancements can be provided for generally and more suitably across the AONB without the need for having to accommodate major development. The Board notes the offer of "surplus funds" to be secured through a Unilateral Undertaking that has yet to be completed. The Board questions the Council as to whether such an offer falls within the scope of Section 106(1) of the Town and Country Planning Act 1990 or the Community Infrastructure Levy Regulations 2010, in that such an offer does not appear to be required to make the development acceptable in its own right and accordingly limited or even no weight should be given to the undertaking.

In terms of landscape impact, the Board does note that a reduction in height and area of the development will reduce to a degree the visual impact on the wider landscape. However, the solar farm, associated equipment and new access tracks will still be visible from various locations and public viewpoints (and not all of the LVIA has not been undertaken in the winter months when lack of leaf cover to trees and hedges will allow further views through to the development). The Secretary of State has also previously agreed in solar farm decisions, that 25 years is a significant length of time over which harm would be endured, accordingly the reversibility of the scheme should not be an influential factor in the decision making process. The

proposal will therefore result in an industrialising, significant and negative impact on the AONB contrary to the purposes of the CRoW Act 2000.

The Board also attaches an appeal decision in respect of a site in Oxfordshire (outside but within the setting of the Cotswolds AONB). Even though this scheme that was outside the AONB and the Board raised no specific objections, the Inspector still dismissed the appeal stating “Notwithstanding the benefits of the scheme to RE targets and GHG emissions, and the contribution it would make towards the local economy and biodiversity, I do not consider that the impacts of the appeal scheme are, or could be made, acceptable. The proposal would conflict with relevant policies of the LP, and would not accord with the requirements for sustainable development set out in the *Framework*. There are no material considerations here that would indicate that a determination other than in accordance with the development plan was justified.”

Although the application scheme will make a contribution to meeting renewable energy needs, the NPPG published in March 2014 stated the Government’s intentions were “encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value...”. Accordingly although greenfield schemes may still be considered, “proper weight” should be given to environmental considerations such as “landscape and visual impact”. The Cotswolds Conservation Board therefore considers that the need in terms of Paragraph 116 of the NPPF can be met in some other way and that the Government itself is recommending the focus is on “domestic and commercial roof space and on previously used land” (Greg Barker DECC April 2014). Therefore the loss of this area of farmland, within the open countryside of a nationally protected landscape to a solar development would introduce a discordant and industrialising feature, which would fail to conserve and enhance the Cotswolds AONB, which is the purpose of designation under the CRoW Act 2000.