



Appeal Decision

Inquiry held 11 – 14 February 2025

Site visits made on 10 and 13 February 2025

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2025

Appeal Ref: APP/Q3115/W/24/3350890

Burcot Farm, Burcot, Abingdon, Oxfordshire, OX14 3GW

- 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 Burcot Solar Farm Limited against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S4132/FUL.
 - The development proposed is the installation of a ground mounted solar photovoltaic array, co-located battery energy storage scheme (BES) together with associated infrastructure; security fencing; CCTV; access gate; on-site Biodiversity Net Gain.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a ground mounted solar photovoltaic array, co-located battery energy storage scheme together with associated infrastructure; security fencing; CCTV; access gate; and on-site Biodiversity Net Gain at Burcot Farm, Burcot, Abingdon, Oxfordshire OX14 3GW in accordance with the terms of the application, Ref P23/S4132/FUL, subject to the Schedule of Conditions set out in Annex A.

Procedural Matters

2. The Council confirmed (27 July 2021) that an Environmental Impact Assessment was not required. There is no reason to disagree.
3. The application had three reasons for refusal. The third reason for refusal related to ecology and biodiversity. The Council confirmed at the Case Management Conference and in the Statement of Common Ground (SoCG) that in the light of the additional information that had been submitted by the appellant they would no longer be pursuing this reason for refusal. From the evidence before me I agree with this conclusion, and I have determined the appeal accordingly.
4. The first reason for refusal related to the proposed development being inappropriate development in the Green Belt. Subsequent to the application being determined, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2024. In the light of the changes in this document it was agreed in a supplementary SoCG that the appeal site falls under the definition of Grey Belt, that it would accord with the requirements in paragraph 155 of the Framework, and so would now not be inappropriate development. These are conclusions that I agree with. Given this, and having regard to

paragraph 153 of the Framework, and the Court of Appeal judgement¹, as the effect of the development on openness and the purposes of including land within the Green Belt are not expressly stated as determinative factors in gauging the inappropriateness of the development, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt, or the purposes of including land within it. I have determined the appeal accordingly.

5. On 27 February 2025, after the Inquiry was closed, the government published an update to the Green Belt section of the *Planning Practice Guidance* (PPG). This was reviewed by both main parties, and they provided an updated SoCG confirming that they consider the site still meets the definition of Grey Belt and that the proposal conforms with the latest guidance.

Main Issue

6. In the light of the above, the main issue in the appeal is the effect of the proposed development on, and the potential loss of, agricultural land.

Reasons

The site, the surrounding area and the proposal

7. The appeal site comprises three, relatively flat agricultural fields that total 56.7ha. External and internal field boundaries are defined by hedgerows with mature trees and tree belts. A small woodland area lies between part of the site and Oxford Road. The farm buildings, which are now used for a variety of non-agricultural uses, are located adjacent to the northeast corner of the site. No Public Rights of Way cross the site but there are a number in the area particularly to the south and west of the site.
8. The surrounding area is largely agricultural in character punctuated with areas of woodland and small settlements - the closest settlements being Burcot, Berinsfield and Clifton Hampden. The B4015 / Oxford Road is immediately adjacent to the western boundary of the site, whilst fields lie between the site and the A415 and A4074 to the south and northeast of the site respectively. To the northwest of the site lies Nuneham Park a Grade 1 Registered Park and Garden.
9. The proposal would comprise ground mounted solar arrays arranged in rows across the majority of the fields, a battery energy storage system (BESS) located on part of the site near the existing farm complex, along with essential electricity generation infrastructure, internal access tracks, an access to the A415, security fencing, CCTV cameras and landscaping.

Planning Policy Context

10. The development plan comprises the *South Oxfordshire Local Plan 2011-2035 (adopted December 2020)* (LP) and the *Burcot and Clifton Hampden Neighbourhood Plan 2011–2035 (made October 2024)* (NP). The main policies relevant to the appeal proposal are set out in the SoCG.
11. Leaving aside the two reasons for refusal which are not being contested, the remaining reason for refusal references LP Policy DES7. This requires “new

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

development to make provision for the effective use and protection of natural resources where applicable, including ...vii) avoiding the development of the best and most versatile agricultural land, unless it can be demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of higher quality”.

12. Policy DES9 of the LP supports schemes for renewable and low carbon energy provided they do not cause a significant adverse effect to: i) the landscape, both designated AONB and locally valued, biodiversity, including protected habitats and species and Conservation Target Areas; ii) the historic environment, both designated and non-designated assets, including development within their settings; iii) openness of the Green Belt; iv) the safe movement of traffic and pedestrians; or v) residential amenity. It is not disputed that the proposal accords with this policy.
13. The Council have not indicated the proposal would be contrary to any of the policies in the NP.
14. The Council are currently in the process of producing a new Local Plan. This was submitted for examination in December 2024. It is agreed by the main parties that limited weight can be given to policies in the emerging plan and none are referenced in the reason for refusal. As a result, I have not considered the policies in the emerging plan.
15. Paragraph 187b) of the Framework, states that planning decisions should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land. Further guidance on the use of agricultural land is provided in footnote 65 of the Framework. This footnote is linked to paragraph 188 which relates to plan making, and specifically to the allocation of land within them, not decision taking. However, even if it is considered to be relevant to decision taking it simply indicates that where significant development is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.
16. Paragraph 187a) of the Framework refers to the need to protect and enhance amongst other things soils in a manner commensurate with their statutory status or identified quality in the development plan. However, agricultural land classification, of which Best and Most Versatile (BMV) land is a part, takes into account more than just soil and neither DES7 nor DES9, or any other LP policy I have been referred to, identify any soils of specific quality or with statutory status.
17. The *Planning Practice Guidance* (PPG), on renewable and low carbon energy, which dates from 2015, provides a list of planning considerations that relate to large scale ground mounted solar photovoltaic farms². These include: encouraging the effective use of land by focussing such developments on previously developed and non-agricultural land provided it is not of high environmental value; and where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

² Paragraph ID:5-013-20150327

18. There are two Written Ministerial Statements (WMS) that are of relevance. One, dated 25 March 2015, indicates that "...any proposal involving the best and most versatile agricultural land would need to be justified by the most compelling evidence". The other, dated 15 May 2024, sets out further detail on how balancing the competing priorities for energy security and food production is intended to be applied. It indicates "...that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments" and that "...as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary."
19. The *National Policy Statement on Energy* (EN-1) states that proposals should seek to minimise impacts on BMV land and preferably use land of Grade 3b and below and that proposals should not be sited on BMV land without justification. The *National Policy Statement on Renewable Energy Infrastructure* (EN-3) indicates that "while land type should not be a pre-dominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land." Although these two documents primarily relate to Nationally Significant Infrastructure Projects (NSIPs), EN-1 confirms they can be a material consideration in the determination of planning applications, and that their materiality will need to be judged on a case-by case basis. In part, given that the proposal is so close to the threshold for a NSIP, I consider they are both material considerations in determining this appeal.
20. There are a large number of other relevant documents. These are listed in the SoCG and the Core Documents and include the National Infrastructure Strategy 2020, Energy White Paper 2020, Net Zero Strategy: Build Back Greener 2021, Environment Act 2021, British Energy Security Strategy (April 2022) and Clean Power 2030 Action Plan (December 2024).
21. Overall, the policies and guidance indicate that careful consideration needs to be given to the use of BMV land but whilst the use of poorer quality land is preferred there is no prohibition on the use of BMV land. The recent Mead Realisations judgement³ sets out relevant factors that may be considered when deciding what weight to give to various policies and guidance. Being published in December 2024, having been subject to consultation, and representing the views of the current government, I give greatest weight to the Framework, particularly in comparison to the PPG that dates from 2015. Similarly, I find the need to give due weight to the use of BMV, as set out in the 2024 WMS to be more appropriate than the need to provide compelling evidence as required in the 2015 WMS.

Effect on, and potential loss of, agricultural land

22. An Agricultural Land Classification survey of the appeal site and surrounding land was carried out in May 2020. Of the 93ha surveyed it found 22ha were Grade 2 and 68ha were Grade 3a. The appeal site has sought to avoid the use of the majority of the Grade 2 land and comprises 4.1ha Grade 2 and 52.6ha Grade 3a. Nevertheless, it is all BMV land.

³ Mead Realisations Limited v Secretary of State for Housing, Communities and Local Government and North Somerset Council [2025] EWCA Civ 32

23. The farm is now an arable farm growing wheat, barley, beans and oilseeds. At the inquiry it was indicated that the cereals are feed crops used to feed livestock rather than being used for human consumption. Whilst third parties have suggested that the land is very productive in terms of its yields, the Agricultural Appraisal Report indicates that the yields are average for this type of land.
24. The Provisional Agricultural Land Classification map show that the district has a higher proportion of BMV land (57%) compared to the rest of country (42%)⁴. The appeal site represents a very small proportion of the overall BMV land resource within the district (0.15%) and so even at a district level the impact of the loss of this amount of BMV land for arable production would be minimal.
25. The proposal would change the use of the land for a period of 40 years. Whilst this is a significant period of time it is not permanent. Moreover, although it would be taken out of arable production, it is proposed that the land would be used for both energy production and sheep grazing. This dual use can be secured by condition. Apart from the small areas of land used for fixed infrastructure, which amount to approximately 1.8ha, the majority of the land would still be used for some agricultural use.
26. It is not disputed that there are no national or local policies that require agricultural land of any grade to be farmed. Nor is there any planning control over the type of agricultural use taking place on land. Therefore, even if it may be unlikely on BMV land, there would be nothing in planning terms to prevent the use of the fields that form the appeal site for sheep grazing or even from leaving them fallow. In fact, the Sustainable Farming Incentive encourages farmers to convert arable land to grassland.
27. The appellant's evidence indicates that the maximum production from the highest yielding crop grown on the land is in the region of 536 tonnes of wheat per annum. Given nationally cereal production is in the region of 20 - 25 million tonnes per annum, the impact of the loss of this land for arable production would be negligible. Even if the crops were not used for livestock feed, this level of loss would not have an adverse impact on food security.
28. From the evidence before me I am satisfied that resting the land from intensive arable farming would improve soil health through increasing soil organic matter, soil carbon and soil moisture. It was suggested that the appellant's evidence in this regard did not consider the effects of combined solar farm and pasture on soil health. Nonetheless, the construction of the solar farm involves limited disturbance to soils and a soil management plan would be required by condition. Given this, and in the absence of any evidence to the contrary, I am not persuaded that the impact on soil health from a combined pasture and solar farm use would be materially different from that gained solely from pasture.
29. Although the site is 100% BMV land I note that there was no objection to the proposal from Natural England with their response highlighting that the proposal would be "unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations."
30. At the end of the 40 years, it is proposed that all the infrastructure and components of the scheme would be removed, and the entire site would be returned to

⁴ Based on Grade 3 land being equally split between Grade 3a and 3b.

agricultural use. The Council suggested that as the Framework gives strong policy support to repowering and extending the life of existing renewable sites it could result in the use of the land as a solar farm beyond 40 years. However, I have to deal with the appeal on the basis which it was applied for. Any future use of the site at the end of the 40 year period would be taken on basis of the relevant policies extant at that time.

31. In support of their case the Council referred to a number of appeals which were, in part at least, dismissed due to the fact that the proposal used BMV land. However, the appellant equally provided many other appeals where the use of BMV land had not been an impediment to allowing the proposal. These included some which also used 100% BMV land, including a significantly greater amount of both BMV land and Grade 2 land specifically. As such, it is clear that the appropriateness of utilising BMV land is a matter of planning judgement on a case by case basis.
32. Overall, the proposal would not result in either the temporary or permanent loss of BMV land for agriculture as the land would continue to be used for some agricultural purposes whilst also being used to produce solar energy. As the proposal would not be detrimental to the soil quality, a return to arable production at a later date would still be possible.

Alternative sites

33. The Council have argued that LP Policy DES7 vii) requires a sequential approach to site selection and that the appellant has failed to undertake a robust assessment of alternative sites to show that the use of the BMV land is necessary. They highlighted that the need for such a robust assessment of sites was supported in an appeal at Lullington, South Derbyshire⁵ and the subsequent high court judgement⁶.
34. Policy DES7 seeks to make effective use of land and protect natural resources, with one of the objectives of the policy being to tackle climate change. In producing renewable energy, the proposal would clearly help to tackle climate change. In addition, the use of bifacial panels which minimise the amount of land needed and the dual use of the land for both agricultural and energy production makes efficient use of the land. As set out above, the proposal would also improve soil health. In these ways the proposal would accord with the overall thrust of the policy.
35. Whilst the wording of clause vii) of the policy requires that the use of BMV land needs to be demonstrated to be the most sustainable choice from reasonable alternatives it does not specifically require consideration of alternative sites. It goes on to say that areas of poorer quality land are to be used in preference to that of higher quality land. This wording is similar to that used in the PPG. A recent High Court judgement⁷, subsequent to that at Lullington referred to above, concluded that this wording does not mandate the consideration of alternative sites and still less does it require a sequential test to be adopted.
36. The Council have suggested the circumstances of the Bramley case are different to this appeal as in Bramley the relevant local plan policy did not require a

⁵ APP/F1040/W/22/3323316

⁶ Lullington Solar Park Limited v Secretary of State for Levelling Up, Housing and Communities and South Derbyshire District Council [2024] EWHC 295 (Admin)

⁷ Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities, Bramley Solar Limited and Basingstoke and Deane Borough Council [2023] EWHC 2842 (Admin)

sequential approach to site selection. But as set out above, DES7 requires the consideration of reasonable alternatives, not alternative sites, and I consider it does not require a sequential approach. As such the circumstances in this appeal are not different to that in the Bramley case.

37. Moreover, unlike the Framework which clearly identifies in which situations a sequential test is necessary and sets out a methodology for doing this, neither DES7 or its supporting text makes any reference to the need for a sequential approach or how to carry one out. In relation to the use of BMV land the Framework requires the economic and other benefits to be considered, not a sequential approach. Furthermore, neither EN-1 or EN-3 require a sequential approach.
38. It is not disputed by the Council that there is no previously developed or non-agricultural land in the district that could accommodate the proposal. As such, the proposal accords with the requirement in the PPG to show that the use of agricultural, as opposed to BMV, land is necessary.
39. In addition, the appellant argued that in terms of DES7 the proposal is the most sustainable choice from reasonable alternatives. The alternatives being: to not develop the site and not use the grid connection where starting again on a new site would require a new grid connection which currently involves a 10 year wait; to develop the wider 93ha site that would use more Grade 2 agricultural land; and the appeal scheme. Given the urgent need for Renewable Energy set out in various government publications they argue that the appeal scheme represents the most sustainable choice from reasonable alternatives. Moreover, in minimising the use of Grade 2 land within the appeal site, they consider they have used what in this case is the poorer quality land.
40. Nonetheless, should it be considered that to accord with Policy DES7 it is necessary to look at alternative sites the appellant argues that the site selection reports demonstrate a lack of alternative sites, (although I note the appellant's comment that these were not produced for this purpose but the to justify the weight given in their planning balance to the lack of alternative sites). I will therefore consider the report, and the criticisms made of it.
41. The Site Selection Report (SSR) highlights that any other suitable sites it found would be additional sites not alternative sites. This is due in part to the pressing need for Renewable Energy to meet the national target of clean power by 2030 – described within NESO's Clean Power 2030 as requiring "...a once in a generation shift in approach and in the pace of delivery...". But also, because none of the alternative sites would be able to utilise the grid connection available to the appeal scheme which is tied to this site.
42. The Council highlighted that the various comparative site reports all post date the incorporation of the appellant company in July 2021, as does the Agricultural Land Classification report. It is therefore suggested that this means that the site was selected before any meaningful analysis of alternatives took place.
43. However, the Site Selection Statement (February 2022) explains the site search process that was started in May 2019 following the identification of available grid capacity. This considered a wide range of factors including agricultural land quality. Furthermore, whilst the Agricultural Land Classification Report is dated August 2021, the introduction states that the survey work was done in May 2020,

which pre-dates the incorporation of the company. The findings of this could well have been provided in advance of the publication of the formal report.

44. As a result, I am satisfied that a meaningful analysis of sites did take place in advance of the incorporation of the company and the formal grid connection offer which is linked to this site.
45. Whilst the company behind the proposal may work all over the country, the key factor in considering alternatives is grid capacity and the ability to obtain a grid connection. EN-3 specifically highlights that, "The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development." A grid connection offer has been secured at Cowley substation and will enable the proposal to be delivering energy within 2 years. As a result, it is reasonable for the site selection analysis to focus on Cowley sub-station where the connection has been offered.
46. The SSR uses an 8km search radius. This is the length of the cable connection from the appeal site to Cowley substation and is considered the furthest distance that is viable in this case. Whilst there may be another scheme in the area that is 13km from the point of connection, it was explained at the inquiry that development costs for a scheme and the cost of the grid connection can vary significantly. As such, the fact that that scheme can be viable at 13km does not mean this one can be. In my experience an 8km search area is much larger than other schemes have identified as being the limit of a viable connection. In addition, I agree that the provision of confidential viability information is not expected or reasonable.
47. Criticism was made that the SSR only considers Grade 4 land not Grade 3 land which could include areas of non-BMV Grade 3b land. However, given the only way it can be determined whether the land is Grade 3a or Grade 3b is through intrusive and time-consuming soil sampling and assessment, I consider carrying out this survey work on the 18,000ha of Grade 3 land in the search area would be unreasonable and disproportionate. Whilst the potential for sampling was suggested in the previously referenced Lullington judgement, the appellant has highlighted that neither the judgement nor the appeal decision mention the national guidelines⁸ that set out that a definitive agricultural land grading is obtained by detailed surveying not sampling.
48. The Council also criticised the methodology because it did not give BMV land any special value or consideration. However, agricultural land quality is only one of many considerations that have to be taken into account in site selection. Other factors that have to be considered include heritage, ecology, landscape, amenity and whether landowners are willing to let their land be used in this way. Policy protection for BMV land is not as great as that for land in the Green Belt or National Landscape areas, or to heritage assets. Given this, I do not consider it is reasonable for BMV land to be the overriding consideration.
49. Whilst smaller areas of land may be available in some of the search area, there is no policy requirement for developers to seek smaller sites or to fragment their proposed operations. Moreover, smaller sites would result in a smaller scheme

⁸ Ministry of Agriculture, Fisheries and Food Agricultural Land Classification of England and Wales, Revised Guidelines and criteria for grading the quality of agricultural land 1988 and Natural England Technical Information Note 049: Agricultural Land Classification: protecting the best and most versatile agricultural land.

with a lower capacity that would not make efficient use of the available grid connection.

50. The SSR analyses 10 potential areas and concludes that none of them are more preferable than the appeal site. The Council disputes this finding on areas 5-10. Within area 5 the Council a parcel of land they considered could be suitable. However, the northern part of this parcel has topographical constraints which not only effect the ability to site solar panels but would potentially increase the visual impact of any scheme. Other constrains such as the nearby SSSIs, listed buildings and the footpaths that cross this land mean I consider that this area is not preferable to the appeal site.
51. As well as the constraints of 2 SSSIs and a flood zone, area 6 is situated beyond the 8km maximum cable length. Whilst the appeal site is also slightly beyond the 8km cable point, the intervening land belongs to the same landowner enabling the additional cabling to be laid easily. The distance area 6 is beyond this 8km point is significantly greater than the appeal site, and I am satisfied that development in this area would not be viable.
52. The Council identified an area of around 92ha of Grade 4 land in Area 7 they considered could be developed. However, this area is adjacent to a residential area and has a footpath that crosses the middle of the area. In addition, the topography of some of the land makes it unsuitable for the siting of panels. The Council accepted that this would reduce the size of the site quite significantly. These constraints mean this area would not be capable of enabling the development of a 49.9MW solar farm.
53. Area 8 had been identified by the appellant as unsuitable for development but subsequently the Council stated that an application for a solar farm was made on a site within the area by the same agent as is acting on behalf of the appellant. However, given the lead in time for an application of this type, the unsuitability of the area could well have been due to the fact that it was known that the land was not available given it was being progressed for another scheme.
54. The land around Toot Baldon that comprises Area 9 is crossed by a number of Public Rights of Way and also contains a strategic housing allocation and another consented solar farm. Furthermore, the Site Selection Statement dated February 2022 shows that landowners in the area were contacted but did not respond. As such, the land would not appear to be available for a solar farm development.
55. For the same reason the southern parcel in Area 10 is also not available. Whilst the northern parcel of land is not mentioned in the SSR, the plan shows that it is crossed and abuts a number of public rights of way. Whilst public rights of way do not necessary preclude the development of a solar farm, the visual impact and effects of any such scheme are likely to be greater. In this case the appellant has highlighted that the site is also constrained by heritage assets and its proximity to a village, making it more constrained for development than the appeal site.

Conclusion on main issue

56. Bringing these points together, I consider that the proposal accords with the overall thrust of Policy DES7 as it makes efficient use of the land, protects natural resources and helps to address climate change. Moreover, I consider that it has adequately been demonstrated that the use of agricultural land is necessary for

the development and that it is the most sustainable choice from reasonable alternatives. However, even if it is considered that the policy requires a sequential approach to be taken, I consider that the SSR and the earlier site selection documents show a reasonable and proportionate assessment has been undertaken that adequately demonstrates the appeal site is a preferable location despite being BMV land.

57. Therefore, I consider that the proposal would not result in the loss of, or have an unacceptable impact on, BMV land. The land could continue to be used for agricultural purposes alongside the production of renewable energy and could return fully to agricultural use at the end of the lifetime of the development. Accordingly, there would be no conflict with Policy DES7 of the LP or the Framework.

Benefits arising from the proposal

Renewable Energy Generation and Energy Security

58. The proposal would have an installed capacity of 49.9MW, estimated to provide sufficient electricity to power 13,000 family homes per annum. The site benefits from an immediate connection to Cowley substation that means it could be generating electricity within 2 years.
59. In 2019 the Government declared an Environmental and Climate Change Emergency. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources. The most recent publication, the Clean Power Action Plan 2030 published in December 2024, reiterates this need for a rapid deployment of new clean energy setting an ambitious target of 45-47GW of solar power to be achieved by 2030. To achieve these targets, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of brownfield land or roof top installations. Whilst it has been suggested that the climate in the UK means solar energy is not appropriate, it is clear that the government considers otherwise.
60. The Council also declared a Climate Change Emergency in 2019 and seeks to be carbon neutral in its own operations by 2025 and a carbon neutral district by 2030.
61. The latest government statistics⁹ show that to date the additional installed solar PV is falling significantly below the growth required to achieve the five-fold increase to 70GW by 2035. This re-emphasises the immediate pressing need for the deployment of new renewable energy generation schemes.
62. As well as helping to address climate change, the British Energy Security Strategy (April 2022) indicates that renewable energy has a key role to play in providing greater energy security for the country and reducing our need to import energy. This is also highlighted in EN-3.
63. The proposed development would make a valuable contribution to achieving these local and national targets. I therefore consider that the proposal's potential for a rapid contribution to renewable energy generation and addressing climate change,

⁹ Digest of United Kingdom Energy Statistics July 2024

as well as towards improving energy security and resilience, are benefits that must be given substantial weight.

64. Moreover, given the well-documented issues with grid capacity, the ability of the site to make use of existing capacity at the Cowley substation, together with the fact that the grid connection available to the scheme will enable the energy produced to be exported without delay and so contribute to the target to be achieved by 2030 favour the scheme. I give this significant weight.

Battery storage

65. The Energy White Paper 2020 is one of a number of recent government publications that highlight the pressing need for battery storage to support the growth in renewable energy. EN-1 sets out that storage is needed to increase the reliability and security of the energy system by providing the ability to store surplus electricity in times of low demand and/or high production and releasing it when demand is high. Recognising the crucial role battery storage has in meeting the growth of electricity demand and maintaining a secure energy supply, the Clean Power Action Plan 2030 sets a target of achieving 23-27 GW of battery capacity by 2030.
66. In being co-located with the solar farm the proposed BESS would enable the energy produced to be used effectively as well as providing flexibility for the grid. I consider this is a separate element of the proposal and the benefit it provides should be given significant weight.

Use of best available technology

67. It is proposed that the development would use bifacial panels. This would deliver greater levels of solar efficiency and reduce the amount of land required to produce the same output. I give limited weight to this benefit.

Biodiversity Net Gain

68. The Council declared an Ecological Emergency in 2021. An Ecological Impact Assessment was submitted with the application and updated at appeal stage. These have taken into account the proposed deer proof fencing and conclude that the proposal would not result in any adverse significant impacts to species present within the site or area. In the absence of any evidence to the contrary I see no reason to disagree with this conclusion.
69. The proposal would include a variety of measures that would benefit biodiversity including new and improved native hedging, and new tree planting. The Biodiversity Metric indicates the proposal would deliver considerable gains in both habitat units and hedgerow units.
70. The improvements to existing tree and hedgerow planting and the reinstatement of historic hedgerows within the fields would be retained after decommissioning and so would be a permanent benefit of the proposal. Overall, I give significant weight to the biodiversity benefits of the proposal.

Economic Benefits

71. The proposed development would represent a significant financial investment and would give rise to short term construction jobs, albeit the economic benefits would

reduce significantly once the development was operational. It would also result in additional business rates over its 40 year lifespan. It was disputed whether or not the proposal would represent farm diversification or not. Be that as it may, it would be a benefit to the farm business that owns the land by generating a secure income from these fields and helping it to remain profitable. This would be beneficial to the rural economy in the area. I give these economic benefits moderate weight.

Other Matters

Heritage

72. The Grade I Nuneham Courtenay Registered Park and Garden and the Nuneham Courtenay Conservation Area, whose boundaries in the vicinity of the site are contiguous are located to the north-west of the site, on the opposite side of Oxford Road. Whilst there are a variety of other heritage assets in the wider area, it is agreed by the parties that these are the only ones impacted by the proposal. From the evidence before me, and my own observations, I agree with this conclusion.
73. The appellant's Archaeological and Heritage Assessment considered the impact of the proposal on the setting of the assets and the contribution this makes to their significance. As the appeal site does not form part of any significant / designated view out of the parkland and is a very small part of the surrounding farmland to the south, it makes a negligible contribution to the setting of the assets. The only impact would be in the heavily obscured glimpsed views possible along a limited part of the boundary of the assets.
74. Employing the terminology of the Framework, it is agreed with the Council that the harm caused would be less than substantial at the lower end of the scale. From the evidence before me, and what I saw at my site visits, I agree with this conclusion. Nonetheless, in accordance with the Framework and the statutory obligations imposed I give great weight to this harm. I shall weigh this against the public benefits later in my decision.

Landscape Impacts

75. Due to the local topography, and the existing mature hedgerows, tree belts and woodlands both around the site itself and in the surrounding area, the appeal site is visually well contained. Therefore, there would be little opportunity to see the proposed solar farm, and nowhere where the entirety of the scheme would be able to be seen.
76. The only public footpath in the vicinity from where the site can be readily seen is the one which crosses the field to the south of the site. In the short term there would be a major adverse effect on users of this footpath but the proposed hedgerow and tree planting along the southern boundary of the site would reduce this so that within 5 years I consider the effects would be minor adverse.
77. Oxford Road runs adjacent to much of the western boundary. The existing roadside vegetation limits views into the site and the views that are currently possible would be reduced by the proposed gapping up and reinforcing of the existing hedgerow together with the proposed increase to its height. In winter some views into the site through the hedge may be possible. However, given the lack of any footway along this road and the speed of traffic this is unlikely to be a

route frequented by pedestrians, and so such glimpsed views would be from moving vehicles and at an oblique angle. From other roads in the vicinity the existing roadside vegetation, the distance to the site and the planting proposed along the site boundaries means there will be little or no views of the proposal.

78. Part of the site can be seen in views from Wittenham Clumps within the North Wessex Downs National Landscape. From the evidence before me and what I observed at my site visit, the development would occupy a small amount of an extensive panorama. The recessive colour of the panels and the fact that they would not break the skyline means the proposal would not draw the eye. As such I am satisfied that the impact on views from here would be minimal.
79. The proposal would inevitably change the character of the fields themselves, but it would retain the existing field layout, and the existing boundary hedgerows and trees, which are a characteristic feature of the local farmed landscape. The proposed improvements to these together with the reintroduction of historic hedgerows within the site would be beneficial to the landscape character. Furthermore, due to the high degree of visual containment of the site, the character of the landscape beyond the appeal site would be unaffected.
80. Overall, I consider that there would be a moderate adverse effect upon the landscape character of the appeal site and its immediate environs and that the visual impact of the proposed scheme would be limited and localised.
81. I note that within the wider area the local plan makes a number of strategic allocations including a garden village to the east of Berinsfield and for the growth of Culham Science Centre. However, the appeal scheme would be very different in nature and character to the development proposed in these allocations. Moreover, the proposal would remain separated from these allocations, and the nearby villages by intervening open fields. In addition, there would be no intervisibility between the appeal scheme and the consented solar farm around 3km to the north. The character of the area would continue to be of agricultural land and blocks and belts of woodland punctuated by settlements and other built form and traversed by roads.

Flooding

82. The appeal site lies in Flood Zone 1 which is the lowest risk of flooding. Nonetheless given the impact of recent flooding on nearby residents, concerns have been raised about the impact of the scheme in this regard. The application was accompanied by a Flood Risk Assessment, which was updated at appeal stage after the recent flood event. A system of swales is proposed to manage the surface water run-off. The evidence indicates that the capacity of the swales would exceed the predicted run-off and so there would be no residual risk. The final design of the drainage system would be subject to a condition to ensure this remains the case.

Living Conditions and Noise

83. The application was accompanied by a noise assessment which was updated for the appeal submission. This concluded that subject to the provision of an acoustic fence the noise levels at the nearest property (Burcot Farmhouse) would not give rise to any noise related issues. This assessment was reviewed by Environmental Health who raised no objections to the methodology of the assessment or its

findings. In the absence of any evidence to the contrary I have no reason to doubt the conclusion of the study and so I am satisfied the proposal would not have any unacceptable impact in this regard. The provision of the acoustic fence can be controlled by condition.

84. Any noise and disruption during the construction period, which would be in the region of 6 months, would be short lived. The Construction Traffic Management Plan would control the hours of operation on, and deliveries to, the site as well as outlining other measures to mitigate the impact of the construction phase.
85. Very few houses overlook the site. The existing woodland would prevent views of the development from Burcot Farmhouse. The distance maintained to other residential properties in the vicinity, together with the existing and proposed vegetation would mean that the proposal would not have an unacceptable impact on the outlook from any of them.
86. In addition, the Glint and Glare study found that whilst solar reflections are possible to some dwellings, for all of them the existing and proposed vegetation would significantly obstruct views. As a result, no impact is predicted on any residential property. Whilst I note the concerns raised by third parties regarding this assessment, it confirms that views from upper floor windows have been considered where appropriate and that changes to the modelling height by a few metres is not expected to significantly change the results.

Fire Safety

87. Concerns have been raised regarding the fire risks associated with the BESS and the potential for pollution to enter the water courses in the event of a fire at the site. A Fire Risk Report and Outline Management Strategy was submitted with the application and was also updated at appeal stage. These have been assessed by the Fire Risk Manager at Oxfordshire Fire and Rescue Service and were considered satisfactory. The provision of a detailed management strategy would be required by a condition and would ensure the proposal accord with the latest safety codes and standards for BESSs. In addition, the plans show bunds to collect any water within the scheme preventing run-off into the wider area. In the light of this I consider that proper consideration will be given to the potential fire risks associated with the scheme.

Highway Safety

88. Access for construction and emergency vehicles would be from a new access created onto the A415. The scheme was accompanied by a Transport Statement and a Construction Traffic Management Plan. These confirm that adequate visibility splays can be achieved at the access. I note that the Highway Authority, has no objection to the proposal subject to conditions. These would ensure that the access is designed to maintain physical priority to pedestrians and cyclists using the shared footway/cycleway along the A415. In the light of this I am satisfied the proposal would not be detrimental to highway and pedestrian safety.

Community Consultation

89. Whilst the Framework encourages early consultation with the community, there is no requirement for developers of solar farms of this size to do so. The appellant has set out the consultation carried out for this and a previous application for a

similar development of the site, which was undertaken in addition to the Council's own consultation. This included an offer to reimburse people for the error made in the postage on a letter. In the light of this I am satisfied people have had adequate opportunity to comment and this is reflected in the responses made by local residents to both the application and the appeal.

Tourism

90. Whilst tourism can rely considerably on the quality of the countryside, I am not persuaded that the changes to the landscape in this case would lead to the loss of viability of any existing tourism related business or the likelihood of people visiting the area.

Heritage Balance

91. 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. Paragraph 215 requires that where a proposal causes less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal.
92. I attribute great weight to the potential harm to Nuneham Courtenay Registered Park and Garden and the Nuneham Courtenay Conservation Area. However, 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 above, would outweigh the less than substantial harm to the designated heritage assets.

Planning Balance and Conclusion

93. The proposal would utilise Grey Belt land and would accord with the provisions of paragraph 155 of the Framework. It would therefore not be inappropriate development in the Green Belt. Furthermore, I have found that the proposal would not result in the loss of, or have an unacceptable impact on, BMV land and would accord with both Policies DES7 and DES9 of the LP.
94. 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 significant 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.
95. In addition, I give significant weight to the provision of a BESS and to the proposals use of available grid connection and its ability to start delivering energy within a short period of time. I also give significant weight to the biodiversity enhancements the scheme would provide, moderate weight to the economic benefits and limited weight to the proposal's use of the best available technology.
96. Whilst limited weight needs to be given to both the heritage harm and landscape harm that the proposal would cause, I consider that these harms are clearly outweighed by the benefits of the proposal and so these do not represent material consideration that require the proposal to be determined other than in accordance with the development plan.

97. For the reasons set out above, I consider the appeal should be allowed.

Conditions

98. The main parties agreed a set of suggested conditions that were discussed at the inquiry. This discussion led to a number of them being revised. I have considered these in the light of paragraph 57 of the Framework. The conditions include a number of pre-commencement conditions that the appellant has confirmed in writing are acceptable.
99. In addition to the standard implementation condition (condition 1), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 2). Conditions 3 and 26 are reasonable and necessary to limit the period of the permission and to ensure the site is decommissioned either at the end of the permission or when energy generation ceases.
100. In the interest of the character and appearance of the area and to accord with LP Policies ENV1, DES1 and DES2 conditions 4, 5 15 and 18 are necessary. The first three need to be pre-commencement conditions – conditions 4 and 5 because they relate to work that needs to be undertaken during the construction period and condition 15 to ensure adequate protection and consideration is given to existing trees before the construction commences.
101. Conditions 6, 22 and 23 are necessary for highway safety and to accord with LP Policy TRANS5. For the same reason and also to protect the living conditions of local residents, condition 19 is required. Condition 6 needs to be a pre-commencement condition to ensure that a safe access is provided for construction traffic before construction work begins.
102. To protect and record any potential archaeological remains on the site and in accordance with section 16 of the Framework, conditions 7 and 8 are necessary. They need to be pre-commencement conditions as they relate to work that needs to be done before any construction work commences. To protect soil quality and to accord with LP Policy DES7 condition 9 is required. This needs to be a pre-commencement condition as it affects how the construction is undertaken.
103. In the interest of biodiversity and to accord with LP Policies ENV2 and ENV3 conditions 10, 11, 12, 13, 14 and 17 are necessary. These all need to be pre-commencement conditions as they either affect how construction is undertaken or relate to works that will form part of the construction phase. Condition 16 is required to ensure the site is properly drained and does not increase the risk of flooding and to accord with Policy EP4. This needs to be a pre-commencement condition as it relates to works that need to be undertaken during the construction period.
104. To protect the living conditions of nearby residents and in accordance with LP Policy DES6 conditions 20 and 24 are reasonable and necessary. For the same reason and in the interests of biodiversity as well as to accord with Policy ENV12 condition 21 is required. Condition 25 is needed to give effect to the intention of the proposal to retain an element of agricultural use.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Odette Chalaby Counsel

She called:

Mr Andrew Cook BA (Hons) MLD
CMLI MIEMA CEnv

Executive Director, Pegasus Group

Mr Alastair Field BA (Hons), MSc,
FBIAC, PIEMA, MI Soil Sci

Director & Company Secretary – Reading
Agricultural Consultants Ltd

Mr Nigel Cussen BSc (Hons) DipTP
MRTPI

Senior Planning Director Pegasus Group

Mr Henri Scanlon BSc (Hons) MSc*

Associate Planner, Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Mr Rowan Clapp Counsel

He called:

Mr Mark Reynolds BSc (Hons) MSc
MRTPI

Managing Director Context Planning Ltd

Ms Nicola Smith BSc MSc*

Acting Team Leader (Major Applications
Team) South Oxfordshire District Council

* In respect of the round table discussion on conditions only.

INTERESTED PARTIES:

Mrs J Roseman

Local Resident

Cllr Christine McCulloch

Burcot and Clifton Hampden Parish
Council

Cllr Nick Fielding

Burcot and Clifton Hampden Parish
Council

INQUIRY DOCUMENTS

INQ1 Opening Statement by Council

INQ2 Opening Statement by Appellant

INQ3 Clifton Hampden & Burcot Flooding Leaflet submitted by a local resident

INQ4 Lullington Solar Park High Court Judgment [2024] EWHC 295 (Admin)
submitted by the Council

- INQ5 Mead Realisation Limited Court of Appeal Judgement [2025] EWCA Civ 32 submitted by the Council
- INQ6 DEFRA Statistics: Agricultural land use in England at 1 June 2024 submitted by the Appellant
- INQ7 Closing Statement by the Council
- INQ8 Closing Statement by the Appellant

CORE DOCUMENTS

Can be accessed using the following link: [Planning Application P23/S4132/FUL](#)

Annex A – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans.
 - Location Plan (EPD-025-GA-LP-03 Rev.1)
 - General Arrangement (EPD-025-GA-LA-08 Rev.0)
 - BESS General Arrangement Layout (EPD-025-GA-LA-101 Rev.0)
 - BESS Unit (EPD-025-GA-BESS-01 Rev.1)
 - Smart Sub Station (EPD-025-GA-STS-01 Rev.1)
 - Acoustic Fence (EPD-025-GA-AF-01 Rev.0 (Dated 27.08.24)
 - Welfare & Storage Cabin (EPD-025-GA-CAB-01 Rev.1)
 - Customer Substation (EPD-025-GA-ELV-CSS-01 Rev.1)
 - DNO Sub Station (EPD-025-GA-DNO-01 Rev.0)
 - Landscape Masterplan (P23-0074_EN_07H)
 - Fence, Security & Site Road Details (EPD-025-GA-SC-01 Rev.0)
 - PV Frame & Inverter (EPD-025-GA-MS-01 Rev.0)
 - Access Arrangement (PLAN 7834/202 Rev D)
- 3) Planning permission is hereby granted for a temporary period of 40 years from the date of the first commercial export of energy (the First Export Date). No later than one month after the First Export Date the applicant shall supply written notice to the local planning authority.
- 4) Prior to the commencement of the development hereby approved a scheme for the landscaping of the site, including the planting of live trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to, and approved in writing by, the local planning authority. This shall include the landscaping screening identified in the Revised Landscape Masterplan [Dwg. P23-0074_EN07H]

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.

All new planting shall be implemented in accordance with the approved details and implementation programme. 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 in writing by the local planning authority shall be planted in the next available planting season and properly maintained in a position or positions first approved in writing by the local planning authority.
- 5) Concurrent with the submission of comprehensive details of the proposed landscape works, a maintenance schedule and a long term management plan (for the life of the development), 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) Details ensuring the establishment and thereafter the maintenance of hedgerows at a minimum height of 2.5m in accordance with the approved Landscape Masterplan P23-0074 EN 07H;
- d) A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible for the maintenance of the other areas of the site; and
- e) A summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.

The schedule and plan shall be implemented in accordance with the agreed programme for the full duration of the development hereby permitted.

- 6) Prior to the commencement of the development, a detailed drawing showing the proposed means of access along the A415 which maintains physical priority for pedestrians and cyclists across the bell mouth as part of the existing shared footway/cycleway shall be submitted to, and approved in writing by, the local planning authority. Thereafter, the agreed means of access shall be provided prior to the construction of the development hereby approved and shall be retained as such for the lifetime of the development.
- 7) Prior to the commencement of the development a professional archaeological organisation shall prepare an Archaeological Written Scheme of Investigation (WSI), relating to the application site area, which shall be submitted to, and approved in writing by, the local planning authority.
- 8) Following the approval of the WSI referred to in condition 7, and prior to the commencement of the development (other than in accordance with the agreed WSI), a phased programme of archaeological investigation shall be carried out in accordance with the approved WSI. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a report for publication, which shall be submitted to the local planning authority within two years of the completion of the archaeological fieldwork.
- 9) Prior to the commencement of the development a Soil Management Plan (SMP) shall be submitted to, and approved in writing by, the local planning authority. The SMP shall include the following:
 - a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
 - b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;
 - c) Details of how construction activities will be managed across the site to minimise impact on soils; and

- d) Details of appropriate equipment and methods for stockpiling, re-spreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction.

The development shall be carried out strictly in accordance with the approved Soil Management Plan

- 10) Prior to the commencement of the development, including vegetation clearance or any ground works, a construction environmental management plan for Biodiversity (CEMP) shall be submitted to, and approved in writing by, the local planning authority. The CEMP shall include the following:
 - a) Updated ecological surveys where previous surveys are out of date for relevant habitats and species, including an updated badger survey which is no older than 6 months. Updated surveys shall follow national good practice guidelines;
 - b) Risk assessment of potentially damaging construction activities;
 - c) Identification of relevant 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) Use of protective fences, exclusion barriers and warning signs; and
 - i) Protected species licencing requirements (if any).

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

- 11) Prior to the commencement of the development a Biodiversity Enhancement Plan (BEP) shall be submitted to, and approved in writing by, the local planning authority. The BEP shall include details of all species enhancements including relevant scale plans and drawings showing the location, elevation and type of features as appropriate. All enhancements should be delivered prior to the First Export Date and retained thereafter in accordance with the approved details.
- 12) Prior to the commencement of the development a Skylark Mitigation Scheme shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be delivered prior to the First Export Date and retained thereafter in accordance with the approved scheme for the lifetime of the development hereby permitted.
- 13) Prior to the commencement of the development full details of the watercourse crossing shall be submitted to, and approved in writing by, the local planning authority. These shall provide a clear span of the watercourse allowing for the movement of species. The approved details shall be delivered prior to the First Export Date and retained thereafter in accordance with the approved details.

- 14) Prior to the commencement of the development full details of the fencing shall be submitted to, and approved in writing by, the local planning authority. These shall include mammal access points/squeezes. The approved details shall be delivered prior to the First Export Date and retained thereafter in accordance with the approved details.

- 15) Prior to the commencement of the development, including any site clearance, an Arboricultural Method Statement and accompanying Tree Protection Plan 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 or hedgerows 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 and hedgerows 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 designation 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 route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will need to 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 need to 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';
 - e) 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;
 - f) 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 in Arboricultural Association Guidance Note 12 - The use of cellular confinement systems near trees and in accordance with current industry best practice and is appropriate for the type of roadway required in relation to its usage; and
 - g) Provision for the supervision of any works within the RPA of retained trees, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified in writing 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.

Thereafter the development shall be carried out in accordance with the approved details and the agreed measures shall be kept in place during the entire course of the construction and decommissioning phases.

- 16) Prior to the commencement of the development a detailed sustainable drainage scheme sufficient for the development and any upstream catchments shall be submitted to, and approved in writing by, the local planning authority. This shall be based on the Flood Risk Assessment Incorporating Sustainable Drainage System (Document reference J-14196 September 2021), sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface drainage works to serve the development shall be carried out in accordance with the approved details prior to the First Export Date. The scheme to be submitted shall include:
- a) Drainage Catchment Plans and outline strategy for the entire development;
 - b) Information on proposed discharge rates with the overall discharge from the site restricted to the 1 in 1yr greenfield runoff rate for the worst case 1 in 1yr storm and the QBar greenfield runoff rate for the worst case 1:100yr + 40% storm;
 - c) A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - d) Detailed hydraulic calculations including node references with consideration for the worst case 1:100 + 40% event based on using the latest FEH input data;
 - e) Fully detailed sustainable surface water drainage layouts;
 - f) Proposed site levels and an exceedance plan;
 - g) SuDS features and sections;
 - h) Landscape plans with sustainable drainage features integrated and coordinated as appropriate;
 - i) Drainage Construction Details; and
 - j) a Maintenance and Management Plan covering all surface water drainage and SuDS features.
- 17) Prior commencement of development, a Landscape and Ecology Management Plan (LEMP) for the whole site shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:
- a) A description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management
 - c) Proposals for ecological enhancements for habitats and species as agreed in the BEP;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- h) Details of the body or organization responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures; and
- j) Details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The Plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or other remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented in accordance with the approved details and the management prescriptions shall be implemented across the site for a lifetime to be agreed within the LEMP.

- 18) Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development hereby permitted.
- 19) All works to the site shall occur strictly in accordance with the Construction Traffic Management Plan produced by Cole Easdon (Doc Ref: QMF 09.20 Issue 4 dated November 2023).
- 20) The mitigation measures outlined in section 5 of the Noise Assessment dated 29 November 2023 shall be installed and operational prior to the First Export Date and shall be retained in situ thereafter for the duration of the operational phase.
- 21) No external artificial lighting or other security measures other than those agreed on the approved General Arrangement Plan EPD-025-GA-LA-08 Rev.0 and Fence, Security and Site Road Details EPD-0250GA-SC-01-R.0 plans.
- 22) The visibility splays shown on the approved Access Arrangement (PLAN 7834/202 Rev D) plan shall be implemented prior to the first use of the access, and shall be retained as such, unobstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9m as measured from carriageway level, for the duration of the development.
- 23) All construction traffic serving the development shall enter and leave the site through the access shown on the approved Access Arrangement (PLAN 7834/202 Rev D) plan and not by any other access.
- 24) Notwithstanding the submitted information, works to form the Battery Energy Storage System (BESS) shall not commence until a final Detailed Battery Safety Management Plan (DBSMP) has been submitted to, and approved in writing by, the local planning authority. The final DBSMP shall prescribe measures to facilitate safety during the construction, operation and

decommissioning of the BESS. The BESS shall be operated in accordance with the approved DBSMP at all times.

- 25) 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.
- 26) 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.