

Environmental Impact Assessment Scoping Opinion

Proposed Solar Arrays on Land Bordering the M40, to the north-west of Lewknor, OX97EG

**Town & Country Planning (Environmental Impact Assessment)
Regulations 2017**

**Regulation 15 – Request for an Environmental Impact Assessment (EIA)
Scoping Opinion of the Local Planning Authority**

Date: March 2023

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Introduction

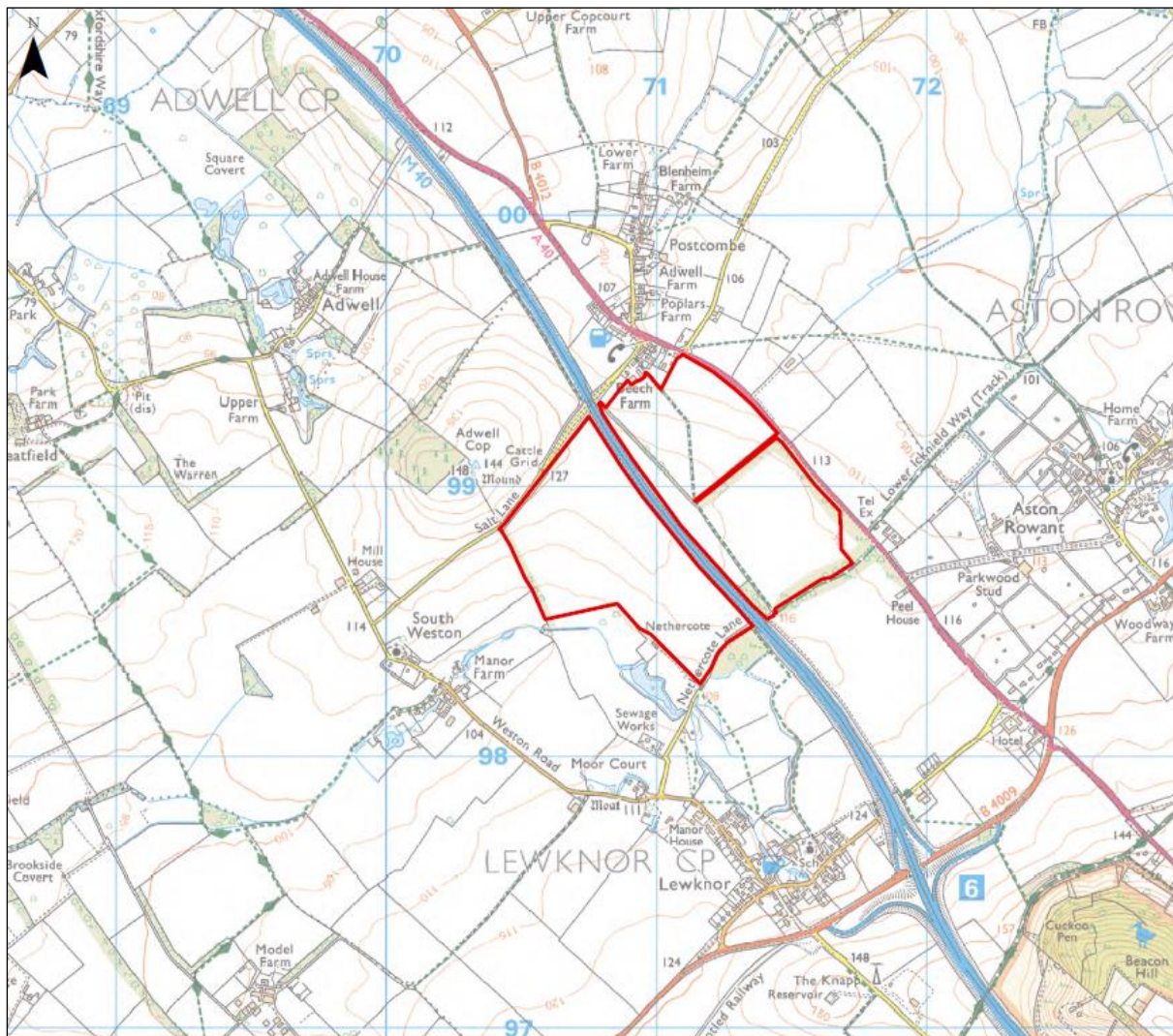
Application reference:

P23/S0203/SCO

Site location:

Land adjacent to the M40, north-west of Lewknor, South Oxfordshire

The site and the surroundings



Site Location (Source SODC)

The site is located in Lewknor parish, approximately 600m to the north-west of the village centre. The site is not located in the Green Belt. It is not located in the Chilterns AONB, but it is considered to be within the setting of the AONB. As shown on the map, the site abuts the M40 on two sides. The topography of the land is such that the solar farm site is elevated above the M40 carriageway on both sides.

The site context and key assets can be summarised as follows:

- The total site area is approximately 79 hectares comprising two parcels of land. Parcel 1 will be 43 hectares and Parcel 2 will be 36 hectares.
- It is noted that a grid offer has been made by Scottish and Southern Electricity Networks (SSEN) for solar PV generation. However, no indication has been given on where this would be located or who would own the cable.
- There are two public rights of way within Parcel 1 and temporary or permanent diversions may be required to facilitate the proposed development.
- There are heritage designations in the vicinity, including the Church of St. Margaret in Lewknor (List entry 1182190), located 430m to south west, and is the nearest Grade I Listed Building. The Grade II* Listed Church of St Peter and St Paul (List entry 1368878) is located c. 920m to the east of the site boundary in Aston Rowant.
- There are nearby villages and dwellings, including Peel House to the east of Parcel 1 and a row of dwellings to the south. Nethercote is close to Parcel 2.
- The AONB is 750m to the east. No landscape assessment or LVIA has been submitted as part of the current pre-application discussions.
- The site is within landscape character area 5, Eastern Vale Fringes, the field on the south-western side of the M40 is in character type 14, Open Rolling Downs, fields north-east of the M40 are in character type 18, Semi-enclosed Rolling Downs.
- Key characteristics of type 14, Open Rolling Downs, include a dominance of arable cultivation with weak or absent hedgerow structure and large-scale field pattern; rural character with few detracting influences; prominent large scale farm buildings; and an open landscape which results in high intervisibility and extensive views. Key characteristics of the Semi-enclosed Rolling Downs are similar to the above but with large scale fields contained within a comparatively intact structure of hedges with hedgerow trees and frequent linear woodland belts; semi-enclosed with moderate intervisibility.

The Proposed Development

The Proposed Development is anticipated to consist of a solar PV array with an estimated export capacity of up to 49.9 MW, covering an area of around 83 hectares (ha). The panels will have a maximum height of 3.2m above ground level. The solar PV panel layout will be determined following site surveys and a design iteration process, and the final design submitted will include an on-site substation, inverters, transformers, storage containers, fencing and CCTV for security purposes and access tracks across the site, all within the development boundary.

The Proposed Development will include the installation of rows of solar photovoltaic panels, ancillary cables, and substations surrounded by a perimeter fence for security. There will be two points of access, one for each the land parcels that straddle the M40. Access to the eastern site will be taken from either an existing agricultural access or purpose-built access junction on the A40 to the south of Postcombe. Access to the western parcel is likely to be taken from Salt Lane either from an existing agricultural access or purpose-built access junction. Access between the two parcels will be taken using the A40 and Salt Lane. Removal of hedgerows or mature trees is not anticipated as part of the proposed works, but trimming may be required over the existing tracks or at field gates.

As there is further design work to be undertaken, no further details have been provided by the applicant. As such, for the purpose of this Scoping Opinion, the Council has considered the proposal is likely to comprise the following:

- Photovoltaic (PV) arrays based on a simple metal framework, pile driven into the ground, avoiding the need for substantive foundations, up to a maximum height of 3.5m;
- A number of transformer and switchgear substations at various locations around the arrays;
- A local connection to the electricity grid would be made near to Tetsworth.
- Boundary fencing (e.g. deer fencing) around the edge of the site, with access gates into the site;
- A CCTV system, either pole or fence-mounted, located at strategic points around the site;
- Associated access tracks connecting transformer and switchgear substations; Storage container(s) for spare parts etc.; and
- Relevant communications and monitoring equipment.

The Scoping Report further indicates that a substation would be provided to allow for the connection of the solar farm to the National Grid. No details have been provided of the intended size or location of the substation. Furthermore, the proposed means of connection to the National Grid itself (for example, underground or overground) will need to be considered in the planning application and the Environmental Statement and whether any environmental effects would arise from this.

Planning Policy Context

The Environmental Impact Assessment (EIA) should be undertaken in accordance with current legislation, national, regional and local plans as relevant to the environment. The Environmental Statement should demonstrate the ways in which it complies with that requirement. This section provides context to assist in undertaking the EIA but is not an exhaustive list.

The relevant documents of the Development Plan for the district comprise the following:

- South Oxfordshire Local Plan 2035
- The Lewknor Neighbourhood Plan is an emerging document

Other relevant documents are suggested as follows:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Local Plan evidence base documents, including South Oxfordshire Landscape Character Assessment

The relevant policies are suggested as follows:

South Oxfordshire Local Plan 2035

STRAT1: The Overall Strategy

STRAT4: Strategic Development

INF1: Infrastructure Provision

INF2: Electronic Communications

INF4: Water Resources

TRANS2: Promoting Sustainable Transport and Accessibility

TRANS3: Safeguarding of Land for Strategic Transport Schemes
 TRANS4: Transport Assessments, Transport Statements and Travel Plans
 TRANS5: Consideration of Development Proposals
 ENV1: Landscape and Countryside
 ENV2: Biodiversity – Designated Sites, Priority Habitats and Species
 ENV3: Biodiversity
 ENV4: Watercourses
 ENV6: Historic Environment
 ENV7: Listed Buildings
 ENV8: Conservation Areas
 ENV9: Archaeology and Scheduled Monuments
 ENV10: Historic Battlefields, Registered Parks and Gardens and Historic Landscapes
 ENV11: Pollution - Impact from Existing and/or Previous Land Uses on New Development (Potential Receptors of Pollution)
 ENV12: Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Sources)
 EP1: Air Quality
 EP2: Hazardous Substances
 EP3: Waste Collection and Recycling
 DES1: Delivering High Quality Development
 DES2: Enhancing Local Character
 DES3: Design and Access Statements
 DES7: Efficient Use of Resources
 DES8: Promoting Sustainable Design
 DES9: Renewable Energy
 DES10: Carbon Reduction

Relevant Site Planning History

P22/S2431/SCR – Request for an EIA Screening Opinion in relation to proposed solar array. Decision: EIA will be required (26/07/2022).

There is no other relevant planning history for the site.

Development Type and Screening Thresholds

The proposed development can be classified as a Schedule 2 development (as described in the Regulations) i.e. '3 Energy Industry (a) Industrial installations for the production of electricity, steam and hot water'. With a site area of around 79ha, the project would exceed the threshold of 0.5ha, requiring the proposal to be screened to determine whether significant effects on the environment are likely.

Screening Opinion

A screening opinion has been provided by the council (ref: **P22/S2431/SCR**) which concluded EIA will be required. This is now followed by the current scoping opinion request which will provide the council's opinion on which matters should be scoped in, or out, of the Environmental Impact Assessment (EIA) Environmental Statement.

Scoping Assessment

Scoping is defined in the National Planning Practice Guidance on EIA as: “Determining the extent of issues to be considered in the assessment and reported in the Environmental Statement”.

Environmental Statement Standard Information

There is no statutory provision for the form of an Environmental Statement. However, the Environmental Statement must contain the information specified in Regulation 18(3) and must meet the requirements of Regulation 18(4). It must also include any additional information specified in Schedule 4 of the 2017 Regulations:

Regulation 18(3)

An environmental statement is a statement which includes at least:

- (a) description of the proposed development comprising information on the site, design, size and other relevant features of the development;
- (b) a description of the likely significant effects of the proposed development on the environment;
- (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;
- (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
- (f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

Regulation 18(4)

- (a) where a scoping opinion or direction has been issued in accordance with regulation 15 or 16, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction);
- (b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and
- (c) be prepared, taking into account the results of any relevant UK environmental assessment, which are reasonably available to the person preparing the environmental statement, with a view to avoiding duplication of assessment.

Schedule 4 of EIA Regulations 2017

1. A description of the development, including in particular:
 - (a) a description of the location of the development;
 - (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;

- (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.
- 2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
- 3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
- 4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.
- 5. A description of the likely significant effects of the development on the environment resulting from, inter alia:
 - (a) the construction and existence of the development, including, where relevant, demolition works;
 - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
 - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
 - (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
 - (g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member

State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC(1) and Directive 2009/147/EC(2).

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.
8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU(3) of the European Parliament and of the Council or Council Directive 2009/71/Euratom(4) or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.
9. A non-technical summary of the information provided under paragraphs 1 to 8.
10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.

Competent Experts

Regulation 18(5) requires that:

“(5) In order to ensure the completeness and quality of the environmental statement—

(a) the developer must ensure that the environmental statement is prepared by competent experts; and

(b) the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.”

The Environmental Statement should include a statement detailing the relevant expertise and qualifications of the lead authors of each chapter and of the EIA co-ordinator.

Consideration of Potential for Likely Significant Environmental Effects

This section addresses the key information considered by the Local Planning Authority in support of identifying the potential for likely significant environmental effects arising from the Development Proposal. It then identifies where there is potential for likely significant environmental effects.

Applicant's Scoping Report and Suggested Scope

A scoping report has been submitted by the applicant, which has been considered part of preparing this Scoping Opinion document. It includes the topics considered to be relevant to the proposal.

The **applicant** proposes that the environmental parameters to be **scoped in** should include the following:

- Landscape and visual impact
- Cultural heritage
- Ecology

The **applicant** proposes that the environmental parameters to be **scoped out** should include the following:

- Noise
- Flood risk and drainage
- Transport and access
- Socio-economics
- Arboriculture and Trees
- Land use and agriculture (the LPA considers this should be scoped-in).
- Glint and glare (the LPA considers this should be scoped-in).
- Air quality

The **local planning authority** is of the opinion that the suggested **scope should be widened** and these topics are set out further below.

To demonstrate that topics have not simply been overlooked, where topics are scoped out prior to the submission of the application, the Environmental Statement should clearly explain the reasoning and justify the approach taken.

Proposed Electrical Output

The Applicant's Scoping Report states the power generation plant will be designed to provide a total output of up to 49.9MW. The Applicant needs to confirm if there is any operating scenario where total output could be greater than 49.9MW. The Applicant needs to detail the mechanisms the Applicant will put in place to ensure total output will not exceed 49.9MW.

Applicant's Reasonable Alternatives

The details of reasonable alternatives have not been considered in the applicant's Scoping Report. As such, reasonable alternatives have not been considered at this stage by the Local Planning Authority.

The applicant's Scoping Report at paragraph 1.4.3 advises that a chapter will be included in the Environmental Statement to describe the decision-making process that has resulted in the proposed development.

To comply with the requirements of the EIA regulations Schedule 4, paragraph 2 the Applicant must provide:

*“A description of the **reasonable alternatives** (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”*

Matters which should be included are:

- ‘Do nothing’;
- Location;
- Size, scale;
- Design;
- Layout of site; and
- Management arrangements.

The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

Local Planning Authority Screening Opinion Consultation

In considering the request for a scoping opinion, this authority has consulted the following bodies:

- **Natural England**
- Environment Agency
- **Lewknor Parish Council**
- National Highways
- **Oxfordshire County Council Archaeologist**
- **Oxfordshire County Council LLFA**
- **Oxfordshire County Council Highways**
- **SODC Conservation Officer**
- SODC Countryside Officer
- **SODC Drainage Engineer**
- **SODC Forestry Officer**
- **SODC Landscape Officer**

At the time of writing this response replies had been received from those consultees highlighted in bold text above.

The responses can be found in full in Appendix 1 to this report. They have been used to identify the areas of Significant Environmental Impact and to establish the topics to be scoped into the Environmental Statement. This has been carried out in conjunction with the applicant’s Scoping Opinion Request. The Applicant should refer to these consultation responses when undertaking the EIA. The Environmental Statement submitted by the

Applicant should clearly demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the Environmental Statement summarising the scoping responses from the consultation bodies and where they have been addressed in the documentation submitted.

Any consultation responses received after the statutory five-week period for delivery of a Scoping Opinion will be made available on the council's website. The Applicant should also give appropriate consideration to those comments in carrying out the EIA.

Potential for Likely Significant Environmental Effects Arising from Cumulative Impact

Schedule 4 (5e) of the Regulations refers to the likely significant effects on the environment resulting from "the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources". The development proposals to be assessed should include those in the process of being built, permitted application(s) but not yet implemented and submitted application(s) not yet determined.

The applicant's scoping report, at paragraph 2.3 Cumulative developments, identifies Harlesford Solar Farm (49.9MW, 3KM to the north of the site. It is assumed from the report that this would form part of the applicant's cumulative impact assessment within the Environmental Statement. In addition to the identified proposals, the Local Planning Authority is of the opinion that cumulative impacts should be assessed in respect of additional development sites. These sites are of particular relevance to landscape and visual impacts.

As such, the list of solar developments to be assessed currently comprises the following:

- P21/S3915/FUL – Dodwells Solar Farm (should it be approved)
- P20/S3244/FUL – Little Haseley
- P20/S3245/FUL – Harlesford Solar Farm
- P14/S1734/FUL – Chalgrove

This list is not exhaustive. The applicant should therefore ensure that all types of cumulative effect interactions are considered.

The proposed solar arrays would be situated within an area subject to numerous solar farms and further afield there is strategic residential development allocated or approved. The applicant should be aware of this in case the potential for likely significant environmental effects arise as clearly this would present a cumulative impact to be assessed.

Monitoring

The 2017 EIA Regulations introduce new requirements in relation to monitoring. The Regulations require "the monitoring of any significant adverse effects on the environment of proposed development". It is important to note that the Regulations only require the monitoring of effects that are both significant and adverse. The Environmental Statement should therefore ensure that it is clear to SODC which, if any, effects are both adverse and significant and may therefore require monitoring

Topics to be scoped-in to the Environmental Statement

Having regard to the information submitted as part of the Scoping Report, this section considers the approach to the EIA and topics to be scoped-in and comments on the approach to the ES.

The scope of the of the application should be clearly addressed and assessed consistently within the ES. Regulation 18(4) requires the ES to be: “Based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction”.

This anticipates where details of a project may change after a Scoping Opinion has been made or where the assessment work demonstrates that the potential for likely significant effects differ from those foreseen at the scoping stage. The topics below are considered in that context.

Topics to be scoped-in to the ES in the opinion of the LPA

The topics that the **Local Planning Authority** consider should be **scoped-in** to the ES are as follows:

- Landscape, glint and glare*, and visual impact
- Cultural heritage and archaeology*
- Land take, soil quality and agricultural land*
- Ecology

* denotes topics the LPA consider should be **scoped-in** but the applicant considered should be scoped-out. These matters should be addressed in the EIA and ES.

SODC recommends that the ES should include a description of the proposed construction program and methods.

Landscape and Visual Impact

The scoping report recognises that the proposed development has the potential to result in significant landscape and visual impacts and states that a landscape and Visual Impact Assessment (LVIA) will be carried out and included in the ES. No detail is given on the approach to this assessment, the LVIA should follow GLVIA3 guidelines, it is recommended that the methodology is submitted for agreement prior to undertaking the assessment.

The applicant should prepare in the ES in accordance with the details set out in the scoping report, in addition to the comments of the LPA, which are as follows:

- 4.2.3 Landscape character: effects on the local landscape types should also be considered, and on neighbouring LCT's, for example LCT 20 and LCT 5. The effect on the local character of the site should also be assessed.
- 4.4.1 Scope of the LVIA: Visual receptors should also include people at their place of work.

Landscape effects should include effects on landscape character (see above), landscape features (land use, landscape pattern, historic landscape features, vegetation etc) and perceptual landscape qualities (tranquillity, remoteness etc).

The assessment of landscape and visual effects should include effects during construction and on completion in winter, without established planting mitigation, and after 10 or 15 years in summer with planting mitigation established.

- 4.4.2 Assessment stage: Effects should be considered in three phases, as set out in relation to 4.4.1 above.
- 4.4.4 Cumulative effects: Other permitted solar developments along the M40 corridor, at Harlesford (P20/S3245/FUL), should be considered in terms of sequential impact, there are further sites which are pending a decision (P21/S3915/FUL), these will be outside the proposed 3km study area. The LPA has provided a suggested list earlier in this report.
- 4.5 Proposed mitigation: growth rates for planting to be agreed.
- 4.9 Potential impacts: additional viewpoints are marked on the attached plan, these include views from the open access land on the Chilterns escarpment and additional viewpoints from the local road and footpath network. Should any other significant views be found during the course of site work please include these also. All viewpoints should be represented by winter photographs when the trees are bare, summer views can also be included.

Photomontage locations should be agreed once the photographs are available, taking into account the additional views as above. These should be verified images, Type 4 as set out in the Landscape Institute technical guidance note TGN 06/19, Table 2. Photomontages should be included to demonstrate the visual effects of the proposals before and after mitigation, using year 1 winter and year 10 or 15 summer views.

- 4.7 Receptors and Impacts Scoped In: Please refer to comments in relation to 4.4.1 above with respect to the range of landscape and visual receptors to be assessed.
- The landscape and visual assessment should be used to inform the proposals, reference to this process should be included in the LVIA.
- The LVIA should include a description of the mitigation proposed including the design objectives, these should take into account local landscape character guidelines and current planning policy and should complement and enhance local character and distinctiveness.
- Plans should be included indicating the landscape mitigation strategy, together with schedules of typical proposed plant species, sizes and planting density.
- The following should be submitted for agreement:
 - Growth rates for the various types of planting mitigation, to be used in assessing the effectiveness of mitigation and in the photomontages.
 - Proposed photomontage locations, with a full set of photographs.

- The Glint and Glare Assessment identified in the applicant's Scoping Report at section 13 should be addressed in the ES. **Glint and Glare should be scoped-in to the EIA.** The LVIA should refer to the Glint and Glare report.

The lack of guidelines for the assessment of glint and glare in relation to impacts on ground-based receptors is noted.

The Environmental Statement must clearly explain the assessment methodology (with reference to appropriate modelling and predictive techniques; charts/diagrams should be included as appropriate) and identify where professional judgement has been applied for:

- Glint – a momentary flash of bright light (typically experienced by moving receptors); and
- Glare – a continuous source of bright light (typically experienced by static receptors).

Chalgrove Airfield is 5km to the west of the site and RAF Benson is 10km to the south-west of the site. The proposed site abuts the M40 with no established screening or planting intervening. Drivers on the M40 have clear views of the existing site.

Cultural Heritage and Archaeology

Cultural Heritage

The local planning authority agrees with the broad approach and has the following comments:

The methodology for how above ground/built heritage will be assessed in the ES is suitable.

The setting assessment should be undertaken again now whilst there is less tree cover than when it was previously undertaken in September so that the ZTV reflects best and worst case scenarios.

Archaeology

The scoping report sets out that the EIA will contain a chapter on Cultural Heritage. This chapter is to be informed by a desk-based assessment and geophysical survey undertaken by AOC Archaeology, in line with agreed written schemes of investigation.

The scoping report acknowledges that further evaluation trenching may require to be undertaken to inform the EIA. It is likely that a programme of archaeological evaluation will need to be undertaken in advance of the determination of any planning application for this site.

It is therefore very likely that a programme of archaeological trenched evaluation will need to be undertaken on this site, the results of which should be incorporated into the Cultural Heritage chapter of the EIA.

The provision of such will allow for a suitably informed assessment of the potential archaeological resource within the site, an understanding as to its significance, and the likely effects of proposed development on that significance, to enable its appropriate determination.

Cultural heritage and archaeology should be **scoped-in** to the EIA.

Land Take, Soil Quality and Agricultural Land

Having regard to the applicant's Scoping Report, the following information is provided by the applicant:

- The Proposed Development site will result in a change to the dominant land-use of agriculture to energy generation using solar PV. The construction of the Proposed Development will result in some temporary loss of agricultural land. However, it is not currently confirmed how the land will be managed under and around the solar PV modules. There is potential for continued agricultural use of the land through grazing and the proposals relating to this will be presented in the introductory sections of the ES.
- An Agricultural Land Classification (ALC) survey has been undertaken and is shown in Appendix D. The site comprises 35 ha of Grade 3a ALC and 41ha Grade 3b ALC. Grade 3 ALC is widely available in SODC. There is around 30,748 ha¹ of Grade 3 ALC which accounts for 45% of the land in SODC. The Proposed Development will be a temporary loss of 76 ha Grade 3 Agricultural Land which accounts for a temporary loss of 0.25% across SODC.

The LPA considers this further below.

Grade 3a agricultural land is defined as good quality agricultural land that is capable of consistently producing moderate to high yields of a narrow range of arable crops (for example cereals) or moderate yields of a wide range of crops (for example cereals, grass, oilseed rape, potatoes, sugar beet and less demanding horticultural crops). Grade 3a is also defined as Best and Most Versatile Agricultural Land which is afforded protection by the National Planning Policy Framework.

Grade 3b agricultural land is capable of producing moderate yields of a narrow range of crops (mainly cereals and grass) or lower yields of a wider range of crops, or high yields of grass (grazing/harvesting). This grade 3b land also serves an important agricultural function in ensuring a high quality and secure food supply for the nation. It is not considered to be Best and Most Versatile agricultural land in the National Planning Policy Framework.

The loss of any Grade 3a and 3b land has the potential for likely significant environmental effects. The LPA is therefore of the opinion that Land take, soil quality and agricultural land should be scoped in to the EIA and ES, including through consideration of potential for likely significant environmental effects arising from cumulative impacts.

Natural England will be a statutory consultee where more than 20 hectares of BMV land is likely to be lost. In addition to local and national planning policy and guidance, the standing advice and policy of Natural England should be considered and addressed in the ES, including "A Green Future: Our 25 Year Plan to Improve the Environment". Chapter 15 is especially relevant.

Ecology and Biodiversity

The Local Planning Authority agrees with the applicant that ecology and biodiversity should be scoped-in to the EIA.

The scoping approach outlined in Table 5.2 generally accords with the advice provided by Natural England.

It will be expected that information to inform HRA screening/appropriate assessment will be provided as part of the technical appendices, to justify excluding designated sites from detailed consideration in the ES.

Where reasonably likely to be present and impacted by the scheme, protected species surveys should be completed to accepted standards prior to submission.

Priority habitats, and features of increased ecological value, should be retained and protected.

A biodiversity metric assessment will need to be completed to support the application, demonstrating compliance with Policy ENV3 of the SOLP. Ecology and biodiversity should be **scoped-in** to the EIA.

Topics proposed to be scoped out of the Environmental Statement and the council's response

Section 1.4 of the Applicant's Scoping Report identifies the following topics to be 'scoped out' and not included within the ES:

- Noise
- Flood risk and drainage
- Transport and access
- Socio-economics
- Arboriculture and Trees
- Land use and agriculture (the LPA considers this should be scoped-in).
- Glint and glare (the LPA considers this should be scoped-in).
- Air quality

The comments and response of the LPA is provided below.

Noise

The applicant's scoping report confirms that the existing ambient noise environment around the site is likely to be influenced, both day and night, by road traffic noise from the M40 which lies less than 10 m from the site running in the middle of the two land parcels.

There will also be noise from other directions of the site including Salt Lane (located adjacent to the site on the north-west) and the A40 (located adjacent to the site on the north-east). There are existing noise sensitive receptors near to the site in the form of the residential properties of the villages of Postcombe (immediately north of the site), Lewknor (450m south of the site) and Aston Rowant (700m east of the site).

The applicant's scoping report confirms the noise generated from the operational phase of the Proposed Development is not expected to be significant; electrical infrastructure associated with such facilities is typically fairly quiet and can be located far from the closest noise sensitive receptors.

Background noise levels in the area are likely to be elevated due to influence from the M40 during both daytime and night-time. Noise levels due to the proposed development can be further minimised through design and engineering to ensure the appropriate noise standards are met at all sensitive receptors.

The applicant's scoping report confirms the key issues to be considered with respect to noise and the Proposed Development are likely to include the following:

- Construction noise effects, including construction generated traffic on the local road network, associated with construction and decommissioning.
- Erection of panels using construction machinery; and
- Operational noise from electrical infrastructure.

The construction activities have the potential to increase noise levels within the vicinity of the site. The construction impacts are likely to be intermittent, localised and temporary in nature. Construction of such a facility is unlikely to involve significant ground works or use of heavy plant.

There is no potential for likely significant environmental effects arising from noise. The LPA agrees that any construction noise generated would be satisfactorily controlled through a Construction Environment Management Plan (CEMP). Noise can be **scoped-out** of the EIA.

Flood Risk and Drainage

The applicant's scoping report identifies that the site lies entirely within Flood Zone 1, which equates to less than a 0.1% annual probability of flooding from rivers or the sea in any given year. The site lies within an area which has been identified to potentially experience a Low (between a 0.1% and 1% probability each year) surface water flood risk within the proposed site boundary in highly isolated areas.

The LPA can advise that there is a line of surface water higher risk running through the site that could represent an ordinary watercourse. If this is confirmed to be the case 10m offsets taken from the top of bank on either side in accordance with local policy will be required. Provided that a surface water drainage strategy is included within the proposed Flood Risk Assessment for the site, flood risk and drainage can be **scoped-out** of the EIA.

Transport and Access

The applicant's Scoping Report identifies the following baseline data:

- Access to the Proposed Development will be taken from two points of access for the two land parcels that straddle the M40. Access to the eastern site will be taken from either an existing agricultural access or purpose built access junction on the A40 to the south of Postcombe.
- Access to the western parcel is likely to be taken from Salt Lane either from an existing agricultural access or purpose built access junction. Access between the two parcels will be taken using the A40 and Salt Lane.
- Construction traffic associated with the Development will generally approach from the south from the M40 corridor via Junction 6.
- Existing traffic count data will be used from the Department for Transport (DfT) database for the M40. New ATC surveys for the A40 and Salt Lane at the site access junction locations will be commissioned and deployed for one week to record classified traffic data for a neutral month. The survey information will be factored using Low National Road Traffic Forecast (NRTF) Low growth assumptions to develop a future year baseline traffic flow for use in the assessment.

- Three years of traffic accident data will be collected using the online resource crashmap.co.uk for the study area to inform the baseline review.
- Online sources such as the National Cycle Route map and Ordnance Survey maps will be used to obtain details of the sustainable travel network.
- Traffic flows from significant traffic generation sites that have planning permission, i.e. “committed development” traffic flows will be included in the baseline traffic flows where they are likely to coincide with the construction phase of the Development.
- The proposed combined Transport Statement / Construction Traffic Management Plan will consider the construction phase only, this being the phase of the Development with the highest level of traffic generation.

The County Council as the Local Highway Authority have commented that it is unlikely that significant effects defined by the EIA regulations relating to transport and highways would occur during either the construction phase or operational phase of the development proposal.

A combined Transport Statement and comprehensive Construction Traffic Management Plan which considers both the transport and access matters of the development proposal would be acceptable to the Local Highway Authority as part of the planning application, given that the majority of vehicle movements to and from the site would likely occur during the construction phase rather than when the Solar Farm is operational.

The planning application should demonstrate that a safe and suitable access arrangement would be provided for the site as part of the development proposal, with appropriate visibility splays and swept path analysis.

On that basis, the topic of transport and access can be **scoped-out** of the EIA.

Socio-Economics

The local planning authority agrees with the applicant’s Scoping Report that the construction phase of the Proposed Development has the potential to generate a small number of employment opportunities which could benefit the local area. However, given the construction period is expected to be approximately 9 months and the development is fairly small scale. The impacts are unlikely to be significant. Socio-economics can be **scoped-out** of the EIA.

Arboriculture

The site is bordered by tree belts and hedgerows. A number of these are trees protected by SODC tree preservation orders.

Removal of hedgerows or mature trees is not anticipated as part of the proposed works, but trimming may be required over the existing tracks or at field gates to facilitate access.

Provided that the tree survey, arboricultural impact assessment and tree protection details are provided with a planning application, as identified in the applicant’s Scoping Report, arboriculture can be **scoped-out** of the EIA.

Land use and agriculture (the LPA considers this should be scoped-in).

This is considered earlier in this report.

Glint and glare (the LPA considers this should be scoped-in).

This is considered earlier in this report.

Air Quality

It is agreed that a solar energy development in this location is unlikely to bring about significant effects on air quality. The proposed development does not lie within any of the SODCs AQMA's and is unlikely to impact significantly on traffic through the AQMA's. Any construction impacts can be addressed in a Construction Environment Management Plan (CEMP) to be considered as part of the planning application. Air quality can be **scoped-out** of the EIA.

Other topics

In addition to the topics to be scoped-out in the applicant's scoping report, the local planning authority can also confirm the following topics can be scoped-out:

- Human Health - solar energy development is unlikely to bring about negative likely significant environmental effects on human health.
- Climate - solar energy development is unlikely to have potential for negative likely significant environmental effects in relation to climate change.
- Material Assets - Notwithstanding the matters that are discussed elsewhere in this Opinion, it is agreed that a solar energy development at this location is unlikely to have potential for likely significant environmental effects on other material assets.
- The Vulnerability of the Proposed Development - a solar energy development of this nature is unlikely to have the potential to have potential for likely significant environmental effects in relation to the risk of major accidents or disasters.

Structure of the Environmental Statement

There is no statutory provision for the form of an Environmental Statement. However, the Environmental Statement must contain the information specified in Regulation 18(3) and must meet the requirements of Regulation 18(4). It must also include any additional information specified in Schedule 4 of the 2017 Regulations. The suggested approach in the applicant's Scoping Report is considered acceptable.

Conclusion

The LPA considers that the applicant's Scoping Report fails to adequately address all of the potential for likely significant environmental effects of the proposal. As such, the comments above should be considered and addressed in the preparation of the Environmental Statement.

The topics to be scoped-in to the EIA are as follows:

- Landscape, glint and glare*, and visual impact
- Cultural heritage and archaeology*
- Land take, soil quality and agricultural land*

- Ecology

* denotes topics the LPA consider should be **scoped-in** but the applicant considered should be scoped-out. These matters should be addressed in the EIA and ES.

The topics to be **scoped-out** of the EIA are as follows:

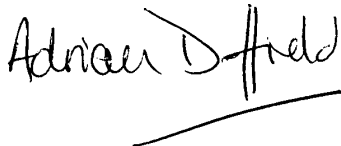
- Noise
- Flood risk and drainage
- Transport and access
- Socio-economics
- Arboriculture and Trees
- Land use and agriculture (the LPA considers this should be scoped-in).
- Glint and glare (the LPA considers this should be scoped-in).
- Air quality
- Other matters

It is recommended the applicant seeks to agree the scope or detail or additional reporting or content for the Environmental Statement where this has been requested in this advice.

Prepared by: WS

Checked by: PM – 29-03-2023

Signed:

A handwritten signature in black ink, appearing to read 'Adrian D. Field', with a long horizontal line underneath.

Head of Planning