

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Development Control Committee**

Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB
at 2.00 pm on **Monday, 24 February 2025**

PRESENT

Councillors: Julian Cooper (Chair), Michael Brooker (Vice-Chair), Carl Rylett, Andrew Beaney, Steve Cosier, Adam Clements, Rachel Crouch, Roger Faulkner, Phil Godfrey, David Jackson, , Dan Levy, Andrew Lyon, Paul Marsh, Michele Mead, David Melvin, Rosie Pearson, Elizabeth Poskitt, Andrew Prosser, Geoff Saul, Alaric Smith, Sarah Veasey, Liam Walker, Mark Walker, Adrian Walsh and Alistair Wray.

Officers: Andrew Thomson (Planning Policy Manager), Phil Shaw (Planning Services Transformation Lead), Andrew Brown (Head of Democratic and Electoral Services) (Ana Prelici (Senior Democratic Services Officer), Mat Taylor (Democratic Services Officer)

Other Councillors in attendance: Andy Graham, Tim Sumner.

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Minutes of Previous Meeting

Monday 5 February 2024.

The Chair proposed that the minutes of the previous meeting held on Monday 5 February 2024, be agreed by the Committee as a true and accurate record. This was seconded by Councillor Elizabeth Poskitt, was put to the vote and was agreed by the Committee.

The Committee **Resolved** to:

1. Agree the minutes of the previous meeting held on Monday 5 February 2024 as a true and accurate record.

Wednesday 22 May 2024.

The Chair asked for the following corrections to be made:

1. Appointment of Vice-Chair for Development Control Committee;
Councillor Michael Brooker was appointed.
2. Councillor Julian Cooper to be added to the list of Councillors appointed to the Lowlands Area Planning Sub-Committee.

The Chair proposed that the minutes of the previous meeting held on Wednesday 22 May 2024, be agreed by the Committee as a true and accurate record subject to the corrections. This was seconded by Councillor Elizabeth Poskitt was put to the vote and agreed by the Committee.

The Committee **Resolved** to:

1. Agree the minutes of the previous meeting held on Wednesday 22 May 2024 as a true and accurate record.

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Apologies for Absence

Apologies for absence were received from:

Councillors Mike Baggaley, Andrew Lyon, Lidia Arcizsewska, Nick Leverton and Andy Goodwin.

Councillor Paul Marsh substituted for Councillor Mike Baggaley

Councillor Dan Levy substituted for Councillor Lidia Arcizsewska

Councillor Liam Walker substituted for Councillor Nick Leverton

Councillor Alaric Smith substituted for Councillor Andy Goodwin.

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Declarations of Interest

Declarations of Interest were received as follows

Councillor Elizabeth Poskitt declared that she was a member of Sustainable Woodstock. Councillor Poskitt had attended Stop Botley West meetings. Councillor Poskitt also declared that she was a member of a wider group representing parishes with the view to look at possible mitigation should Botley West go ahead.

Councillor Sarah Veasey declared she was a member of Community Benefits representing North Leigh Parish.

Councillor Faulkner declared that he had been to Stop Botley West meetings as his ward was within the Botley West proposed site.

Councillor Dan Levy declared he had been to Stop Botley West meetings as his ward was within the Botley West proposed site.

Councillor Liam Walker declared he had been to Stop Botley West meetings as his ward was within the Botley West proposed site.

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Botley West Solar Farm - Nationally Significant Infrastructure Project (NSIP) - Relevant Representation

Andrew Thomson, Planning Policy Manager, introduced the report which sought to endorse the contents of the draft relevant representation, authorise officers to make amendments for following meeting in consultation with the Executive Member for Planning and the Chair of Development Control Committee and to agree submission of the consultation response by the consultation deadline 27 February 2025.

The Planning Policy Manager gave a recap of the proposal for a solar farm in the district which, if approved would cover a significant area of Cherwell, Vale of the White Horse and West Oxfordshire District Councils. The majority of the proposed area fell within West Oxfordshire. The total proposed area was 1400 hectares, with the proposed installation of solar panels on 893 hectares. The proposed project was split broadly into 3 areas, North, Central and South sites. The project's aim was for 840 megawatts of power to be supplied to the National Grid.

The Planning Policy Manager gave a recap of the Development Consent Order Process which was comprised of six stages. West Oxfordshire District Council would engage with and respond to requests for information at each stage. The Council had submitted representations to three formal stages of consultation. The Council had submitted consultations during the pre-application period and considered the adequacy of consultation undertaken by the

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applicant at the acceptance stage. The application for Development Consent was accepted in December 2024. The total number of documents submitted with the application was 288. The process was currently at the pre-examination stage. The next stage would be the submission of representations.

The Planning Policy Manager advised that West Oxfordshire District Council was not the decision-making authority for this application. The application had been made to the Secretary of State's consent. As a host authority, West Oxfordshire District Council was a Statutory Consultee in accordance with the Planning Act.

The Planning Policy Manager explained the importance of relevant representations and how these were used to set out principal submissions to the Examining Authority. The Examining Authority would look at the aspects of the application West Oxfordshire District Council agreed and disagreed on and reasons why as well as the consideration of the main points. The Planning Policy Manager also explained the decision-making framework. There would be further opportunities to make further detailed representations at the Examination. National Policy Statements provided the framework within which the Examining Authority make their representations to the Secretary of State.

The Planning Policy Manager explained how the National Policy Statement set out a range of impacts to be considered when decisions were made, these impacts included landscape and visual impacts, land use impacts on greenbelt, agricultural and historic environments. The National Policy Statement had been used when setting out representations from West Oxfordshire District Council. The importance of the Development Plan for West Oxfordshire had been highlighted when making these representations.

The Planning Policy Manager explained that West Oxfordshire District Council's Local Plan 2031 supported the development of renewable energy schemes provided such schemes minimised adverse impacts. The Local Impact Report, which would be submitted at the examination stage, would highlight the likely impacts of the proposed development on any part of West Oxfordshire and its communities. The Local Impact Report would have a special status at the examination of the application and the Secretary of State must have particular regard to the Local Impact Report when reaching a decision.

The Planning Policy Manager then delivered a presentation which covered the following points:

- Examples were given of Solar Farm schemes and how such schemes had been assimilated into the local landscapes with regards to scale and proportion. It was questionable that the Botley West scheme did not meet the policies in the Local Plan.
- Key matters highlighted were greenbelt impacts, heritage impacts and landscape impacts. West Oxfordshire District Council and other stakeholders including the Environment Agency and Historic England had made presentations to the applicant at the pre-application stage and the applicant had published an application report which explained how representations had been considered.
- The Council considered the proposed location to be particularly sensitive due to the character and quality of the landscape, the concentration of significant historical assets, the value of soil resources and the ecological resources in the area. The Council would be highlighting these key matters to the Examining Authority as the applicant had not adequately addressed these matters to date.
- The Council had made suggestions to minimise the impact and harms by suggesting increased buffer zones around heritage and ecological assets and minimise impacts on

best and versatile agricultural lands. The Council acknowledged that these suggestions would reduce the scale of the project but would also reduce the impacts on the sensitive environment.

- The developer's draft master plan was presented via slides, which showed the scale of the project. This included the position and extent of the proposed solar panels, the related infrastructure, the proximity of ancient woodlands, hedgerows, trees, watercourses and public rights of way as well as skylark plots and meadow grasslands. The masterplan had been amended since the pre-application, but not all concerned areas had been addressed.
- One key change made by the applicant had addressed the archaeological resources by restricting development to the area East of Wootton and West of Tackley. Additional buffering to restrict development around Samson's Plats Monument was also a significant change made by the applicant.
- The Council considered the central area to be particularly sensitive due to impacts on heritage, landscape, ecology, the greenbelt, residential amenity and agricultural land. There was also potential for cumulative impacts with other strategic development such as the proposed Salt Cross Garden Village.
- The Council had suggested the removal of development from areas which were visually exposed to the West of Lower Road and the valley side of the Evenlode river. The current masterplan had kept these areas intact, which would result in significant landscape impact in these locations. The Council had highlighted this area for the examination process.
- During the previous consultation it was suggested that the development to the North of Cassington be restricted. It was acknowledged that the development would be set back from the settlement however due to the land rising steeply to the north of the settlement and any development would be prominent and visually exposed. The area was also in the greenbelt therefore provided protection to the settlement and safeguarded the countryside.
- The draft master plan had proposed buffer zones to the South of Bladon to mitigate against visual landscape impacts. This location had key sensitivities due to the proximity to residential properties, Bladon Conservation Area and Blenheim Palace World Heritage Site. The Council considered the increase of the buffer zone to be insignificant compared to previous proposals.

The Planning Policy Manager then highlighted the relevant representations which covered the following points:

- Special circumstances given when proposed development is within greenbelt areas: The fundamental aim of the greenbelt policy was to prevent sprawl of urban areas, preserve the setting of historical settlements and assist the safeguarding of countryside from encroachment. The essential characteristics of greenbelt areas are their openness and permanence.
- The applicant has sought to set out their case within the greenbelt area, under special circumstances. The Council wished to see the special circumstances set out by the applicant examined further through the examination process.

- Landscape and Heritage impacts of the proposal: The applicant considered that there were no significant impacts to the historical environment including impacts to Blenheim Palace World Heritage Site and any changes in its setting, archaeological sites and no significant cumulative effects with other projects in the area.
- Landscape and Visual Impacts of the proposal: The applicant considered that there were no significant adverse impacts to the local landscape character arising from construction of the project. Any temporary adverse impacts would be mitigated and not be of long-term significance.
- The Council emphasised that due to the scale and nature of the proposal being nationally significant, the impact on the landscape was a key issue in regard to the suitability of the project. The applicant had submitted documents including photographs and maps of the proposed project area. The Council considered it useful for the Examining Authority to visit the site to provide a better understanding of the landscape and location as well as the scale of the proposed project.
- Blenheim World Heritage Site: The Blenheim World Heritage site was considered of national and international importance and was included as a material consideration. The site currently was provided with a high degree of protection through the West Oxfordshire Local Plan due to its heritage assets and location. Given these additional levels of protection, a buffer zone had not previously been regarded as necessary.
- Nature Conservation and Ecology: There would be significant impacts on ground nesting and wintering birds, and ancient woodlands. Skylark populations would be reduced due to loss of breeding territories. The compensatory habitats would be insufficient as the proposed areas are small parcels of land that are spread across the project site.
- Nature Recovery Strategy: There was potential for enhanced connectivity for habitats within the scheme by providing hedgerows from Tackley Woods to the Blenheim Estate however it would only integrate a 15 metre buffer zone to the ancient woodlands. It would not provide the expansion of woodlands.
- Flood Risk: When considering the impacts on flood risk and surface water drainage the applicant had looked at damage to field drainage, water supply, infrastructure both during construction and when operational as well as the decommissioning of equipment. When taking into account mitigation measures the applicant found no likely significant impacts. When considering the proposal to the north of Cassington, mitigation had been sought at the preapplication stage. The Environment Agency and lead flood risk authority had requested ground investigation reports and more detailed drainage layouts with identified discharge locations. Representations from these organisations would be made to the Examining Authority.
- Noise Impact: Noise and vibration impacts were considered to affect residential dwellings on the edge of the proposed site, wider countryside, public rights of way and the tranquillity of the landscape.
- Agricultural impact: The Council did not consider it clear how the proposed design and layout or scale of the project had been shaped by the best and most versatile agricultural land. Slides were shown to the Committee to show where on the site map identifying where parts were to be covered.

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- Community Benefits: This was not covered in the representation, but it had been covered at the pre-application stage. The Council sought to secure a community benefits agreement with the applicant to support the delivery of community benefits through environmental projects in the area. The Council was working with neighbouring host councils affected by the application to secure a community benefit fund. The amount currently offered by the applicant was £200,000 per annum and was considered to be inadequate for a development of this scale. Negotiations on an amount were expected to continue alongside the planning process.
- Submission of further representations: The deadline to submit the relevant representation was 27 February 2025.

The Chair then invited Members to ask for points of clarification on the presentation.

- Members asked for clarification on whether some of the solar farm schemes within the area were built and active or just passed the application stage, with reference to sites north and south of Witney. The Planning Policy Manager advised that he would check this information.
- It was clarified that the Salt Cross Garden Village was an allocated site and included in the Local Plan. There was considered a potential for cumulative impacts on this site once it was completed with the proposed project.
- It was clarified that the applicant at this point in the process would not respond to points made in the relevant representations, however the applicant had been invited to submit additional representations directly to the Planning Inspectorate. Relevant representation was for consideration by the Examining Authority. Any significant changes to the application could result in the application being withdrawn.

Beth Chesser, represented the Stop Botley West group, addressed the Committee in objection to the application. There were no points of clarification raised by the Committee.

Robert Gunn addressed the Committee as a local parish councillor, representing various parish councils. There were no points of clarification raised by the Committee.

Jonathan Ford addressed the Committee in support for the application. There were no points of clarification raised by the Committee.

Councillor Tim Sumner addressed the Committee as the ward member for Stonesfield and Tackley which raised points of clarification regarding the protection of high quality environments and current developments around Blenheim Palace.

Councillor Andy Graham addressed the Committee as the Leader of West Oxfordshire District Council. Councillor Liam Walker asked for clarification on whether Councillor Graham was for or against the application. Councillor Graham stated that he had set out his position clearly.

The Chair invited the Committee to open the debate which raised the following points:

- Members thanked the Planning Policy Manager for his detailed presentation and report. The Chair led on the debate and commented on the following points:

- Point 24, emphasis should be made to the Secretary of State on the importance of the Green Belt within West Oxfordshire.
- Point 28, add the word “set” to read “set against”.
- Point 29, the Chair challenged the use of the phrase “to a degree” and felt that wording should be stronger.
- Point 31 the Chair felt that the word limited should be challenged.
- Point 36 the Chair asked for clarification on how the Secretary of State would prove that the assessment of heritage assets had been done.
- Point 38 the Chair strongly agreed with.
- Points 48-49, 54-57 and 60 – 61 the Chair felt should be brought to the attention of the Secretary of State.
- Members highlighted the solar panel maps needed to be updated and gave Samson’s Lane as an example. Members asked for clarification on which neighbourhood plans were included in the report.
- Members highlighted the concerns regarding ecology and the impact on the landscape with extensive planting of hedgerows which would restrict views, including Wytham Valley. The hedgerows would remain after the project had finished. Established hedgerows would result in the complete change of views across the landscape.
- Buffer zones next to residents villages or properties could affect mental health and well-being.
- The impact on wildlife and biodiversity which could possibly have long term or permanent damage to habitat and significantly reduce wildlife numbers.
- Members asked for more information on guidance for enforcement of the site when in operation and ensuring wildlife was being protected. How would the enforcement be implemented and funded. The Planning Services Transformation Lead confirmed this point would be included in the response to the applicant.
- Members asked for quantification of the expected impact on tourism.
- Members raised concerns about the safety of Oxford Airport, the impact of glint and glare from the solar panels. Members asked if the fields surrounding the airport were used for solar panels would this restrict emergency landing for aeroplanes. The Planning Services Transformation Lead confirmed this point would be included in the response to the applicant.
- Members raised concerns about the funding of the project due to the size, scale and length of time the project would run. Members asked for clarification on what would happen to the site and equipment if funding ran out or ended and suggested that these areas of concern should be investigated further.
- Members raised concerns about how the infrastructure would be installed when it came to crossing rivers and areas of water, for the electrical supply to reach Botley sub-station. Members also raised concerns about impacts on flooding and how this project would add to flood risk. Members suggested cabling could run along roadsides or under much needed cycle paths.

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- Some members highlighted Paragraph 96 which clarified that the Council considered that the proposal would result in a wide range of detrimental impacts and as it stood did not support the project.
- Some members highlighted the need for solar energy however other provision for solar panels to be placed on roofs of housing, offices and in car parks as seen in other countries had not been forthcoming. Members highlighted the benefits of solar farms due to the climate crisis now faced and it was recognised that solar farms would be part of helping ease the crisis. Members felt that if inadequacies in the proposal could be addressed before the examination there could be a huge benefit to the project.
- Members raised concerns that not many changes had been made compared to the first submission of the proposed application. Members asked for consideration to be given when considering noise and vibration impacts on wildlife. Also focus on giving communities affected strong benefits from the project.
- Member's raised concerns on the impacts on agricultural land including leakage of toxic chemicals and changes in soil bio. A reduction in grazing land, a reduction of local food production, with a current 60% dependence on imported food further impacted. The loss of quality agricultural land which should be avoided rather than mitigated. Long term damage to agricultural land and biodiversity systems such as blockage in wildlife corridors.
- Members raised concerns regarding the close proximity of conservation areas, listed buildings and the Blenheim World Heritage Site, the proposed project posed a threat to the cultural, historical and heritage of the area and potentially could diminish the value and significance of these and regarded the harms would outweigh the benefits of the project.
- Members felt that it was important that their views were heard.

The Committee's key feedback on the proposed response to the Planning Inspectorate was summarised by Phil Shaw, the Planning Services Transformation Lead. This would be taken into consideration when the report was finalised.

The Chair proposed that the Development Control Committee resolved to

1. Endorse the contents of the draft relevant representation.
2. Authorise officers to make amendments following meeting in consultation with the Executive Member for Planning and the Chair of Development Control Committee.
3. Agree submission of the consultation response by the consultation deadline.

This was seconded by Councillor Elizabeth Poskitt and put to the vote.

Voting Record – 17 votes for the proposal, 5 against and 0 abstentions.

The Development Control Committee **Resolved** to:

1. Endorse the contents of the draft relevant representation.

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2. Authorise officers to make amendments following meeting in consultation with the Executive Member for Planning and the Chair of Development Control Committee.
3. Agree submission of the consultation response by the consultation deadline.

The Committee took a 5 minute break and the following Councillors left the meeting at 3.56pm. Councillors Michael Brooker, Paul Marsh and Mark Walker.

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Request to enter into a legal agreement at Pudlicote Farm Chipping Norton

Phil Shaw, the Planning Services Transformation Lead presented the report which sought to authorise the Head of Planning to enter into the agreement in respect of the proposed Pudlicote Farm Habitat Bank and to authorise the Head of Planning in consultation with the Head of Legal to complete other such agreements as may be required to enable local banks to be created.

The Planning Services Transformation Lead then delivered a presentation which covered the following points:

- Habitat banks were one of the mechanisms where a developer could pay monies to a third party to secure off-site biodiversity units.
- Officers were only allowed to enter into section 106 agreements which were required in respect of a planning application. This application was not part of a planning application and therefore officers did not have delegated powers to enter into the agreement. Any further similar agreements would have to come before the Development Control Committee.
- A formal agreement was sought to amend the scheme of delegation to enable officers to deal with section 106 agreements to enable the creation of habitat banks in the future.
- The number of habitat banks were expected to increase with the number of developments that were linked to the Local Plan.
- The Planning Services Transformation Lead explained the principles for the creation of the habitat banks, how developers managed the process to mitigate the loss of land for houses to habitat banks.
- The Planning Services Transformation Lead brought the Committee's attention to the copy of the legal agreement in the agenda pack, which set out the management of the site over the next 30 years.
- The benefits would be in West Oxfordshire and would mitigate the impacts of housing development in the district.
- It was thought to have a delegation in place it would encourage landowners to come forward and support projects like this in the future.
- The recommendation was to allow the agreement laid out in the report due to officers not having delegated authority to do so; and to authorise any other such agreement which may come to the Planning team reducing the need to call Development Control Committee meetings in future.

The Chair invited the Committee to open the debate which raised the following points:

- Members asked for clarification on how long the agreement would last as if a habitat bank was established, noting that it would be unfortunate if this could be lost or replaced with something else. The Planning Services Transformation Lead confirmed in this case the landowner intended to keep the land as a habitat bank for longer than 30 years and did not want to put an unlimited time restraint on the first legal agreement due to not wanting to put off any future landowners coming forward. The land could be protected through other legislation in the future to enable the continued protection of wildlife and nature established there.
- Members asked for the wording to be amended on the second point to specifically be within West Oxfordshire.
- Members raised concerns that developers were using off-site biodiversity rather than focusing on creating spaces within the sites of new housing was being developments. There were concerns about offsetting by buying biodiversity credits resulting in biodiversity being located in areas less suitable, outside of the district.
- Members raised concerns regarding how the scheme would be offset. Would there be consultation with Executive Members or Members through the delegated scheme. The Planning Services Transformation Lead confirmed the Committee had the power to authorise delegation of schemes but also highlighted that officers would prefer to consult with an odd number of Members to prevent split decisions.
- Members thanked officers for an excellent piece of work. Members reiterated the importance of protecting biodiversity and wildlife within the district.
- Members asked for clarification on additionality and how the land would be audited. The Ecology Officer explained that there was a lot of work with the applicant's legal team and West Oxfordshire District Council's legal officers to come to an agreement. The landowner would have to register the habitat bank on the National Gains Sites with Natural England who would manage the auditing.
- Members asked for clarification on if the habitat bank had been established. The officer confirmed that the landowner had completed all the work, had put the investment in upfront and created the habitats. Then units could be sold as enhancements were delivered.
- Members asked if land could be sold for biodiversity. The office confirmed that any landowners in the district would be able to sell land for biodiversity use. Habitat banks could also be set up on land owned by the Council which had been considered.

The Chair proposed the Committee agree to the recommendations as listed in the report. This was seconded by Councillor Andrew Beaney and was put to the vote.

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Voting Record – 19 for the proposal, 0 against and 0 abstentions.

The Development Control Committee **Resolved** to:

1. Authorise the Head of Planning to enter into the agreement in respect of the proposed Pudlicote Farm Habitat Bank; and
2. Authorise the Head of Planning in consultation with the Head of Legal to complete other such agreements as may be required to enable habitat banks to be created.

The Meeting closed at 4.30 pm

CHAIR