

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 27th May 2025

REPORT OF THE DEVELOPMENT MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Development Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

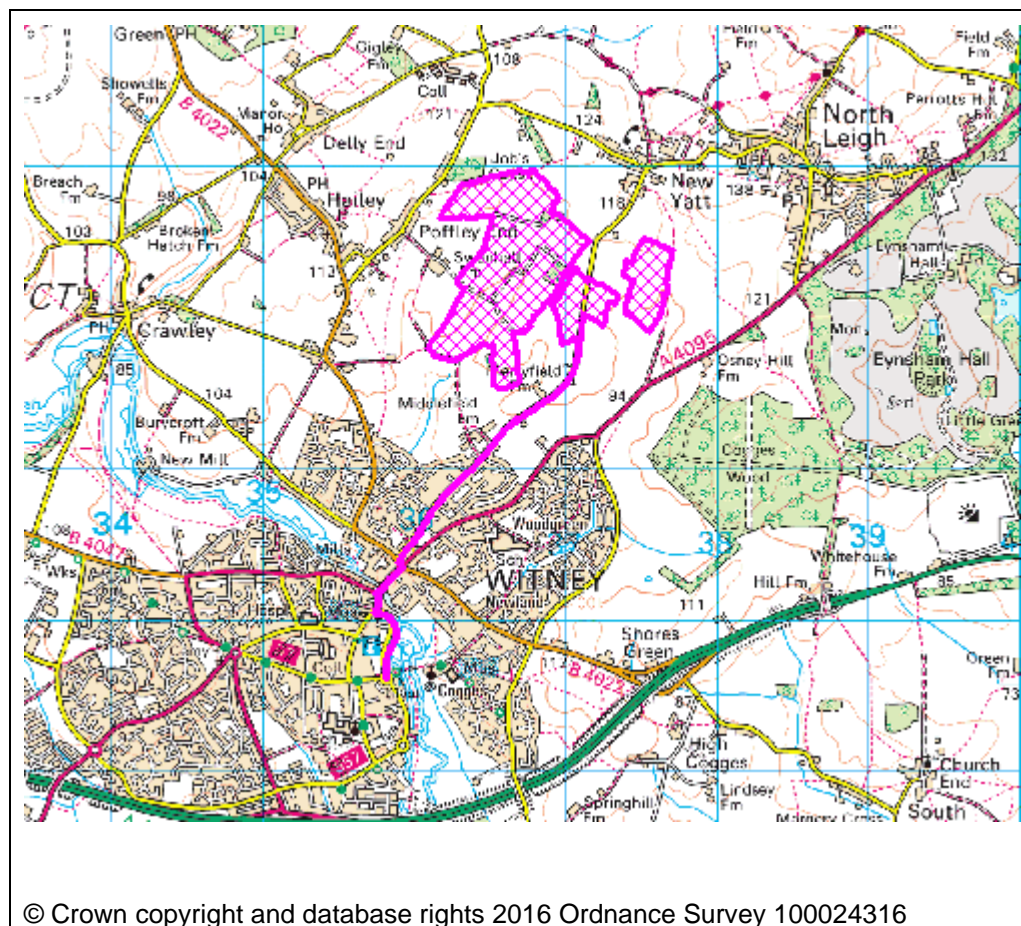
Please note that:

- I. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Item	Application Number	Address	Officer
1	24/01565/FUL	University Farm, Witney Road, Hailey	James Nelson
2	25/00244/FUL	Rainbow Farm, Buckland Road, Bampton	Clare Anscombe

Application Number	24/01565/FUL
Site Address	University Farm Witney Road Hailey Witney Oxfordshire OX29 9UH
Date	13th May 2025
Officer	James Nelson
Officer Recommendations	Provisional Approval
Parish	Hailey Parish Council
Grid Reference	435497 E 211865 N
Committee Date	27th May 2025

Location Map



Application Details:

Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear

container, inverter/transformer units, site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

Applicant Details:

Bente Klein
Windmill Hill Business Park
Whitehill Way
Swindon
Wiltshire
SN5 6PB

I CONSULTATIONS

Oxfordshire Fire Service	See below.
Parish Council	On balance Hailey Parish Council objects to this proposal. The balance is tipped by the negative impact of the Interaction of Quarry Solar Farm with North Witney (neither proposal has considered the impact of their project on the other) combined with the shortfall against other benchmarked community benefit proposals and policies.
Env Health Noise And Amenity	No objection subject to construction hour condition.
Major Planning Applications Team	Transport - Recommendation: No objection subject to: <ul style="list-style-type: none">• Planning Conditions• Informative Note LLFA - No Objection Subject to Conditions Archaeology - No Objection subject to Conditions Fire Service- No Objection.
Conservation And Design Officer	I concur with the Heritage Statement and have considered the updated scheme based on my previous comments and the updated impact assessment. Some of the panels have been removed and a buffer / screening will be provided that mitigates the level of less than substantial harm previously identified. My only concern now relates to the fencing / acoustic fencing around the site. Security / solid metal features is not in-keeping with the character of this historic rural area. The applicant should investigate options to utilise fencing that is more in-keeping, or screened etc. Therefore, I have no objections to the proposal, subject to a condition for details of fencing / acoustic fencing that should be better designed / and more appropriate for a historic rural landscape.
District Ecologist	See below.

Env Health Contamination	No objection subject to condition.
Wildlife Trust	<p>Objection, in relation to the following issues:</p> <ol style="list-style-type: none"> 1. Proximity to the multiple surrounding Local Wildlife Sites (LWSs): High Grove and Coneygar Copse, West Woods, Eynsham Hall Parks, Cogges Wood, Priest Hill Lane Banks and Grimes Meadow and Little Grimes and potential for serious impact on species living within Job's Copse ancient woodland 2. Potential for serious impact on priority species breeding and wintering birds including skylark. 3. Concerns relating to planned habitat management on site. 4. Concerns relating to lighting. 5. Concerns relating to fencing
WODC Planning Policy Manager	No Comment Received.
Natural England	No Objection.
Environment Agency	<p>No Objection subject to conditions.</p> <p>(Note- officers have not included these conditions but have addressed these matters through consolidating conditions with those proposed by the ecologist.)</p>
Adjacent Parish Council	<p>Witney Town Council - The Town Council recognises the significance of energy generation without greenhouse gas emissions - energy that does not have associated carbon dioxide. Climate change and global warming is one of its biggest concerns.</p> <p>Whilst Witney Town Council offers no objections, it would urge the developer to ensure that the countryside remains accessible, and the users of public rights of way are not adversely affected by the construction and operational aspects of the proposals through development and include a traffic mitigation plan during the construction phase, and reinstatement of public right away following completion of the development.</p> <p>The Council is also concerned how the development will affect the biodiversity in the area and would like to see monitoring of this throughout construction. Biodiversity must be preserved at all costs - if sunlight cannot hit the natural producers, the whole eco-system will start to break down.</p> <p>The country faces a biodiversity emergency which is running parallel to the climate emergency and would like to ensure that the biodiversity is maintained and any loss in the areas is mitigated against; a financial contribution to biodiversity and nature recovery in and around Witney is requested to help lessen the impact.</p> <p>Further to this, members also raised concerns regarding flood management, and would welcome continued monitoring of the area, to ensure the development does not increase the risk of flooding</p>

elsewhere in the local area, particularly in North Witney which is prone to flooding already.

Witney Town Council would also like to see a contribution which could provide community gain not only for those living in the closest proximity to the site, but also for Witney residents.

Adjacent Parish Council

North Leigh - The need for renewable energy is set out in both national and local policies. However, this does not give an Applicant carte blanche for any application to be granted permission. The benefits need to be carefully weighed against the potential adverse effects and harm arising if permission is granted.

The application states that 35mw of renewable energy will be created which is a very modest contribution to Local and national aspirations and a significant factor when weighing benefit against harm.

Para 174 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. There can be no doubt there will be a significant visual impact if permission is granted, and the application therefore clearly is contrary to para 174.

The loss of a significant area of agricultural land is also relevant as we need to recognise having insufficient food to feed ourselves means we need to import more which creates additional emissions.

Construction Management Plan (CMP)

For construction the application fails to recognise the problems that will be created in construction and ongoing maintenance along roads ill designed for the type of traffic that will be generated. Again, the applicant's construction route has not altered since the earlier application of last year (refused), although the shortcomings and dangers of that route were highlighted then, and are repeated here, below.

We estimate that the construction of the solar farm would generate thousands of additional HGV journeys, and we contest the suitability of the proposed route for the following reasons. The applicant states that construction will take up to 9 months. Lorries will be up to 54ft in length.

1. Common Road. This is a residential road which already experiences a significant volume of commercial traffic. The road itself is in a poor state of repair and any increase in HGV traffic will only serve to further its deterioration.
2. The junction of Park Road and New Yatt Road. This too is a residential road and at this point there is a narrowing of the carriageway causing a pinch point which only allows for vehicles to pass in one direction at a time. This is a dangerous section of road and any increase in HGV traffic will only increase the risks to pedestrians and other road users. Further, there are three domestic properties, Hill View, Paddock House and Gable Cottage, which have their walls and foundations particularly close to the highway and might be subject to damage resulting from both direct impact and ground vibration as a result of additional lorry movements.

3. New Yatt Road from the junction of Green Lane to Masons Grove. This section of road is particularly dangerous and has traffic calming, in the form of speed humps and a chicane, in place. This provides for the traffic travelling west away from the centre of North Leigh to have right of way over those entering the village. In practice these measures have been only partially successful and a number of reports of near misses, both vehicle to vehicle and vehicle to pedestrian are known to have occurred. It is considered that any additional HGV movements are likely to increase the risk of accidents occurring. New Yatt Road from Masons Grove to New Yatt. The carriageway between these two points is showing signs of serious deterioration with potholes, dips, damaged cambers and collapsing road margins. More importantly this length of road does not have a footpath and is used by parents walking their children to the village school, other pedestrians, cyclists and horses as well as cars and HGV's. As with the other sections of the route discussed above any additional HGV movements are likely to increase the risk of accidents occurring. It is our view that the proposed route would create unacceptable risks to other road users as well as causing additional severe damage to the carriageways of the roads in question. While it is understood that materials have to be delivered to the construction site I believe that directing HGVs via the B4022 would prove to be a safer and more suitable route.

Flood Risk and Hydrology

Research shows that solar panels do increase run-off during significant rain events. The consequence for the Applicant is that they will need to manage (capture, store and slowly release) the storm water rainfall run-off from the development. This issue is not addressed adequately in the applicant's submission.

Number of solar panels, panel supports

The applicant appears not to offer the number of solar panels to be emplaced on the current application. Additionally, the number of supports to be driven into the ground and to what depths appears not to be mentioned.

These questions have a direct bearing on how many HGV movements will be required.

There are Health and safety issues should there be a battery fire which has the potential to create air pollution over a very wide area. It is the view of NLPC that the adverse effects and harm caused if permission is granted far outweigh the benefits and permission should therefore be refused.

District Ecologist

Acceptable subject to conditions (including those recommended by NatureSpace) and a S106 agreement for BNG monitoring fee.

2 REPRESENTATIONS

2.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

2.2 45 letters have been received objecting to the application on the following grounds:

- HGV movements impacting Common Road and wider road network
- Concerns over precedent for development at end of operational life
- Impact on biodiversity
- Industrialising impact on the on landscape and visual character of the area
- Panels should be located on buildings
- Impact on agriculture and loss of viable farming land
- Lack of planning for solar development on a national scale/questioning benefits of solar
- Excessive scale
- Noise impact from inverter stations and piling
- Adverse impact on amenity of footpath users
- Cumulative impact alongside North Witney SDA and other large solar projects
- Lack of local support
- Increase risk of flooding
- Concerns over decommissioning and embodied carbon
- Light pollution
- Impact on aircraft

2.3 The applicant has also provided 11 letters of support on behalf of nearby residents. These comments cite the necessity of such projects to tackle climate change.

2.4 Member's attention is drawn to the letter received from Ramsden Parish Council objecting to the suggestion that construction traffic is routed through Ramsden High Street.

3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

The Proposed Development comprises the construction, operation and decommissioning of a solar PV farm and other associated infrastructure. This application comprises a re-submission of the refused Original Application, with additional mitigation and additional undeveloped areas in response to the reasons for refusal.

The principle of renewable energy, such as solar power, is supported by local and national planning policy. Furthermore, the Council has declared a climate emergency, and the UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050. There is therefore a significant and demonstrable need for the Proposed Development, as set out in Section 2 of this document.

The Applicant has carried out a comprehensive and meaningful pre-application consultation exercise in respect of the Proposed Development, primarily focused on the local community, but also including consultation with the Council and other key consultees.

It has been demonstrated that the Proposed Development complies with local and national planning policy and there are significant benefits associated with it. The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are a number of added benefits, including habitat creation and biodiversity gains.

These factors, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the Proposed Development.

The Applicant therefore respectfully requests that planning permission is granted for the Proposed Development.

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development

OS2 Locating development in the right places

OS3 Prudent use of natural resources

OS4 High quality design

E2 Supporting the rural economy

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH15 Scheduled ancient monuments

EH16 Non designated heritage assets

WIT6 Witney sub-area strategy

NPPF 2024

HAILNP Hailey Neighbourhood Plan

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements at University Farm, Witney Road, Hailey. The proposed cable route is included in the accompanying Site Location Plan.
- 5.2 The site comprises agricultural land located to the north east of Witney, east of Hailey and Poffley End, and south west of New Yatt and North Leigh covering an area of 99.68 ha. The site is made up of a number of agricultural fields which are generally located adjacent to each other with some

fields separated by New Yatt Road and other fields. The Hailey Conservation Area with several listed buildings lies to the west of the site. A public right of way (236/15/10) abuts the site to the north and Bridleways abut the site to the south and east. The North Witney SDA lies to the south of the site. The site lies within the Wychwood Project Area. Job's Copse, an ancient woodland, adjoins the site to the north.

5.3 The application was deferred at April's meeting of this Committee to allow further consideration to be given to the proposed construction access route. Members are advised that a Transport Technical Note in response to the previous meeting and legal opinion have been submitted by the applicant for consideration and further comments from OCC Transport have been sought.

5.4 Officers note that since the last meeting, objections have been raised from Ramsden Parish Council regarding the suggestion of routing traffic through the Village.

Relevant planning history

5.5 Pre-application advice was sought in 2022 and a screening opinion undertaken in 2023 concluded that an Environmental Impact Assessment is not required.

5.6 In December 2023, application ref. 23/01524/FUL ('Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements') was heard by this Committee and refused on landscape and visual, heritage and biodiversity grounds. For ease of reference, the full reasons for refusal as set out in the decision notice dated 4th December 2023 were:

1. *The proposed development would have a significantly harmful impact on the appearance and character of the landscape and setting of Hailey and fails to minimise its adverse impacts in conflict with Policies EH2 and EH6 of the adopted West Oxfordshire Local Plan 2031, Policy E3 of the Hailey Neighbourhood Plan and advice in the NPPF.*
2. *The proposed development would have a harmful impact on the historic landscape and setting of Hailey Conservation Area and Swanhall Farm, a Grade II Listed Building and its associated non-designated heritage assets and the results of an archaeological evaluation have not been submitted in conflict with Policies EH9, EH10, EH11, EH13 and EH16 of the adopted West Oxfordshire Local Plan 2031 and the NPPF.*
3. *Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient survey details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Further, insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.*

The proposed development and changes made since previous refusal

5.7 The application site remains unchanged in comparison to that considered under application ref. 23/01524/FUL ('the refused application'). This application comprises the re-submission of the refused application and effectively seeks to overcome the above reasons for refusal. In response to the refused application, the following substantive amendments have been made, as summarised in the applicant's Planning, Design and Access Statement (PDAS):

- Reinstatement of historic hedgerows based on tithe maps in fields 1 and 3 (note- fields as numbered in the application);
- Reduction of extent of panels in field 1 and 3;
- Increased undeveloped offset to west of field 4 and inclusion of tree belt;
- Increased undeveloped offset from New Yatt Road in field 10;
- Increased undeveloped offset in field 7;
- Increased undeveloped offsets to a minimum 5m between boundary features and access tracks across the development;
- Dormouse Mitigation Strategy and Bat Mitigation Strategies submitted under this application

Development plan

5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is comprised of the West Oxfordshire Local Plan 2031 ('WOLP') and Hailey Neighbourhood Plan 2015 - 2031 ('HNP').

5.9 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- Principle
- Use of agricultural land
- Impact on the landscape character/visual amenities of the area
- Impact on heritage assets
- Highway issues
- Biodiversity
- Flooding and drainage

Principle

5.10 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. In open countryside locations, OS2 requires development to be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area, as well as comply with the general principles of OS2.

5.11 Policy EH2 of the WOLP also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and manmade features of the local landscape.

5.12 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', is also directly relevant. EH6 supports the principle of renewable energy developments stating that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for

environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016).

- 5.13 The NPPF (2024) supports proposals for renewable and low carbon energy, with policies in this regard having been strengthened in the latest iteration. For example, paragraph 163 states 'the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts'. Paragraph 168 states that 'when determining planning applications for renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.'
- 5.14 National Policy Statements ('NPSs'), which make up the planning policy framework for examining and determining Nationally Significant Infrastructure Projects ('NSIPs'), would also form material considerations in the determination of the planning application even though this scheme is not a NSIP and as such the NPSs are not directly relevant.
- 5.15 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100% to reach net zero by 2050. In 2021 the Government introduced the sixth Carbon Budget which enshrines in law a new target to cut emissions by 78% by 2035 compared to 1990 levels a new target of 81% was announced in November 2024.
- 5.16 West Oxfordshire District Council declared a Climate and Ecological Emergency in June 2019 and the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) recognises that solar energy can help meet targets for reducing carbon emissions and increase energy security.
- 5.17 There have been a number of Government policy statements and commitments produced in relation to energy and climate change in recent years. These include the Net Zero Strategy: Build Back Greener (2021), which sets an ambition for the UK to be powered entirely by clean energy by 2035, subject to security of supply.
- 5.18 In December 2024, the Government released their Clean Power 2030 Action Plan which sets out the pathway to achieving the government's goal of delivering at least 95% of Great Britain's generation through clean power by 2030. The Action Plan recognises that solar plays a key role in this target, requiring a substantial increase in installed capacity of both solar and battery infrastructure in a short timeframe. This is against the background of a predicted 40-60% increase in demand. In July 2024, a Written Ministerial Statement was made by the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, referring to boosting the delivery of renewables, which it described as 'critical to meeting the Government's commitment to zero carbon electricity generation.'
- 5.19 There is also a need to reduce reliance on imported fossil fuels in the interests of energy security and to ensure less volatile energy prices for UK consumers. The British Energy Security Strategy (2022) sets out the strategy to achieve this. It notes the expectation of increasing solar power fivefold by 2035. It also sets out the support for solar co-located with other functions such as battery storage to maximise the efficiency of land use.

5.20 The PDAS outlines that it is estimated that the solar panels would generate around 35 MW of renewable energy - enough electricity to power approximately 17,452 Oxfordshire homes and offsetting 44,254 tonnes of CO₂ per year. These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development. In the context of the above policy and legislative context, your officers consider that the principle of development in this instance to provide renewable energy generation and supporting infrastructure is therefore supportable. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

Use of agricultural land

5.21 The National Planning Practice Guidance ('PPG') (Renewable and Low Carbon Energy) sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, the LPA will need to consider, 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 and/or encourages biodiversity improvements around arrays. The NPPF advises that the best and most versatile agricultural land is land within grades 1, 2 and 3a of the agricultural land classification and seeks to steer development of this nature towards less productive land.

5.22 An Agricultural Land Classification survey has identified that 87.7% of the Site (or 86.7 ha) is classed as Grade 3b (not Best and Most Versatile (BMV) Agricultural Land), 5.5% or 5.4 ha is Grade 3a (BMV land), 4.3% or 4.3 ha is Grade 4 (non-BMV land), and 2.5% or 2.5 ha is non-agricultural. As such, a small portion of the site (5.4ha) is classified as Grade 3a. WOLP Policy EH6 requires some form of compelling evidence to justify the use of BMV agricultural land and a Site Selection Report is submitted in support of the application. Officers have considered this report and conclude that due consideration to the use of previously developed land and lower grade agricultural land has been demonstrated, and that in national, regional, and local terms it is not considered that this development would have an adverse impact on the loss of the 'best and most versatile' land.

Impact on the landscape character/visual amenities of the area

5.23 Policy EH2 of the WOLP also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Policy EH6 outlines that renewable energy developments should be located and designed to minimise any adverse impacts.

5.24 Policy EH13 of the WOLP relates to historic landscape character and sets out the matters which particular attention will be paid to in determining applications that affect the historic character of the landscape. These include:

- the age, distinctiveness, rarity, sensitivity and capacity of the particular historic landscape or townscape characteristics affected
- the extent to which key historic features resonant of the area's character, such as hedgerows, watercourses and woodland, will be retained or replicated
- the degree to which the form and layout of the development will respect and build on the preexisting historic character

- the degree to which the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic character of its surroundings.

5.25 This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity. An objective of the Hailey NP is to seek opportunities for landscape, recreational and ecological gain whilst minimising the environmental impact of new development. Policies include the protection of the attractive setting and the separate identities of the various settlements in the neighbourhood area (E3) and retention of trees (E1).

5.26 This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity. An objective of the Hailey NP is to seek opportunities for landscape, recreational and ecological gain whilst minimising the environmental impact of new development. Policies include the protection of the attractive setting and the separate identities of the various settlements in the neighbourhood area (E3) and retention of trees (E1).

5.27 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study refers to the 'Renewable Energy and Low Carbon Energy Assessment and Strategy for West Oxfordshire' prepared by LDA Design in October 2016. This report states that, 'in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals'. The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. Officers note that the site is within the 'More Suitable' area for solar farms.

5.28 At the national level the development site is located within the National Character Area ('NCA') 107 Cotswolds. At a county scale, the 'Oxfordshire Wildlife and Landscape Study' ('OWLS') places the site within the Settled Ancient Pastures Landscape Character Area 14. It is described as a 'small scale settled landscape with a rolling topography, characterised mainly by a pattern of pasture fields bordered by mature hedgerow trees.' The 'West Oxfordshire Landscape Assessment' (1998) ('WOLA') considers landscape character at a district scale placing the Site within the Landscape Character Area ('LCA') 7 - Wychwood Uplands. The site occupies a location below the otherwise elevated and expansive limestone wolds with long sweeping views from high ground. It sits lower where it is locally influenced by field pattern and landcover to convey a smaller scale that is a more intimate landscape than the wider more open and elevated wolds of the LCA. It enjoys a setting that is more wooded, and is pock marked with copses, plantations, woodlands and other woody features set within an irregular field pattern. At a finer scale the site is located within the 'semi-enclosed limestone wolds landscape type' ('LT'). Key characteristics of this Landscape type are:

- Gently rolling farmland occupying the elevated limestone plateau and dipslope;
- Mixed land use and field pattern, with a patchwork of large arable fields and more frequent pasture and smaller-scale fields with irregular, sinuous boundaries;
- Strong structure of dry-stone walls and hedgerows with frequent mature hedgerow trees, particularly of oak and ash;
- Ash, oak, hazel, field maple etc, conspicuous in hedgerows;
- Semi-enclosed character with views contained by hedgerow structure and frequent blocks or belts of woodland;
- Diverse and pastoral character; and
- Moderate intervisibility.

- 5.29 The submitted PDAS outlines that the revised proposals have sought to address the concerns previously raised in terms of landscape and visual impacts by incorporating increased screening at the boundaries of the site, including design amendments to increase the width of the no development buffer and woodland block to the west of field 4 and reintroduce historic field boundaries in fields 1 and 3 in combination with a woodland block to screen the proposals from the PRoW to the north.
- 5.30 A Landscape and Visual Impact Assessment ('LVIA') is submitted with the application. In terms of impact on landscape character, the LVIA concludes that the proposal is 'temporary and reversible' and represents highly localised development that would not adversely affect the characteristics of the larger scale landscape character areas, in this case the NCA. The LVIA also demonstrates that the proposal shares no intervisibility with the Cotswolds National Landscape and would not give rise to any impact on its setting.
- 5.31 At a more local level, the LVIA find that the site 'does not align' with the key characteristics of the Wychwood Uplands LCA (as identified in the WOLA) and concludes that the proposal will not adversely affect the four identified principal factors that potentially threaten landscape quality of the LCA. The LVIA finds that the proposal would 'give rise to a Low magnitude of change upon the character of the LCA combined with a Medium sensitivity resulting in a significance of effect of Moderate/ Minor Adverse (temporary, reversible) at year one following construction' reducing to 'Minor Adverse' after 10 years.
- 5.32 At a finer scale, as set out above, the site lies within the 'semi-enclosed limestone wolds (small scale)' LT. The effects at this scale are summarised in Table 4 of the LVIA, which finds that the proposal would 'give rise to a Medium/ Low magnitude of change upon the character of the LT combined with a Medium sensitivity resulting in a significance of effect of Moderate - Moderate/ Minor Adverse (temporary, reversible) at year one' reducing to 'Moderate/ Minor Adverse' by year ten.
- 5.33 Overall, the LVIA finds an effect on the receiving landscape of 'Moderate - Major/ Moderate Adverse' (temporary, reversible) at year one falling to 'Moderate Adverse' (temporary, reversible) by year ten, becoming neutral to beneficial in the long term (following removal of the development).
- 5.34 The LVIA also contains assessment of visual effects (summarised at Table 6). This finds that any effects arising are limited to public locations close to or within the site for the following reasons:
- Visual containment with no middle or longer distance views;
 - Panels would sit low in the landscape and set in vegetation framework of hedgerows;
 - Proposed mitigation measures.
 - Views of whole site not possible at any one time;
- 5.35 Officers have commissioned an independent review ('IR') of the submitted LVIA by Lepus Consulting in order to scrutinise its findings. The IR broadly supports the findings of the LVIA with regard to landscape effects, aside from stating that the LVIA underestimates the effects of the proposal at a national and county level, which are considered 'negligible' rather than 'none' due to the size of the site.
- 5.36 In terms of visual effects, the IR recommended seeking further clarification on the classification of visual effects (e.g. from viewpoints 2, 5, 11 and 12) as well as assessing cumulative effects resulting

from the proposed residential-led mixed use development at the North Witney SDA (ref. 24/00482/OUT). A Landscape & Visual Response Note has been prepared by the applicant in response, which clarifies that the proposed development can be incorporated, without significant long term cumulative effects in relation to SDA upon the semi-enclosed Limestone Wolds LCT.

- 5.37 Your officers are therefore satisfied that the submitted LVIA has accurately assessed the potential landscape and visual effects of the development. With regard to the changes made to the application since the refused application, your officers note that significant reductions to the extent of panels have been incorporated in field 1. This has involved re-siting panels away from the north east corner of the site, allowing for the reintroduction of historic field boundaries, greater undeveloped buffer and structural landscape enhancements. The layout of panels in field 3 has also seen significant amendments with panels removed in the north western portion of the field and the introduction of hedgerow planting and woodland on the northern boundary.
- 5.38 Further changes include the removal of panels from the western edge of field 4, as well as landscape buffer and woodland planting along the site boundary. These layout and landscaping changes significantly reduce the extent of built form and provide the opportunity for structural landscaping interventions to help assimilate the development into its landscape context. The proposal also includes an increased set back of panels from New Yatt Road and proposed tree belt to further strengthen screening from road users, as well as an increased set back along the eastern edge of field 7 and increased undeveloped buffers across the site between panels and field boundaries.
- 5.39 Your officers consider that the application has therefore demonstrated that appropriate mitigation measures are included within the scheme and amendments made to reduce adverse landscape and visual impacts since the refused application. On this basis, whilst the proposal would result in landscape and visual harm and thus conflict in part with Policies EH2 and EH13, the impacts of the scheme would be contained to a site and localised level and the proposal has sought to minimise and mitigate any adverse impacts in accordance with WOLP Policy EH6.

Impact of heritage assets

- 5.40 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10, EH11 and EH13 of the WOLP reflect these duties.
- 5.41 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment and states that in determining applications, LPAs should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Main elements contributing to the significance of designated heritage assets

5.42 The site lies to the East of the Hailey Conservation Area ('CA'), within which there are several listed buildings including Swanhall Farmhouse, a Grade II listed building that lies closest to the site. Downhill Farmhouse (located to the south west of the site) and Middlefield Farmhouse (located to the South) are also Grade II Listed.

5.43 With regard to the significance of designated heritage assets, the Grade II Listed Swanhall Farmhouse is considered to derive its significance principally from the following factors:

- Its architectural and historic interest as a distinctive example of agricultural architecture and farming practices;
- Its setting including wider Swanhall Farm complex, including later agricultural buildings, courtyards, gardens and boundaries and gate piers;
- Some areas of the surrounding agricultural land which share historical associations with the listed building

5.44 In terms of the CA, its significance is charted in the Hailey Conservation Area Character Appraisal. Its distinctive settlement pattern, comprised of Delly End, Middletown and Poffley End demonstrates its historical development. Built form is overwhelmingly vernacular with 17th and 18th centuries, built of local grey, limestone employed in coursed rubble commonplace. Its historical relationship with surrounding countryside exemplifies the importance of agriculture in the village's development, with views into and out of the settlement highlighted in the appraisal.

Contribution of the site to the significance of designated heritage assets

5.45 Officers note that the historic landscape setting of the above heritage assets forms a positive contribution to their significance by way of setting and understanding the historical development of the village and the importance of agriculture, as demonstrated by high quality vernacular buildings such as the listed farmhouse. Officers also recognise that some fields have been included in the CA designation, where they have a close relationship with the buildings of special interest. The site therefore forms a positive contribution to the setting and understanding of heritage assets, whilst recognising it is not itself subject to statutory protection.

Impact of the proposal upon the significance of designated heritage assets

5.46 In terms of impact on heritage assets, this has been fully considered by Officers, including the Council's Conservation Officer ('CO'), who also reviewed the refused application. In terms of changes made to address the previous refusal, the CO notes that some of the panels in the most sensitive area of the site have been removed and a buffer/screening provided. The HS states with regard to listed assets:

'The site is separated from the asset by agricultural land, and is partially screened from it by vegetation, topography and buildings. The central northern area of the site has limited intervisibility with the rear of the farmhouse, and is likely to be visible from it, although proposed planting is likely to heavily filter if not entirely screen the visibility of the scheme. Some parts of this area were historically associated with the asset, although this functional association has now ceased.'

5.47 The impact on the CA officers anticipate heavily filtered intervisibility with Poffley End. The HS concludes that 'taking into account the entirety of the Conservation Area, the ways in which it

derives its significance, and the mitigation planting, the proposed development will cause less than substantial harm at the low end of the spectrum to the Conservation Area'.

- 5.48 The CO concludes that the changes made since the previous refusal, particularly layout changes to fields 1 and 4, would successfully mitigate the level of harm previously identified and concurs with the conclusions of the HS. Therefore, the CO has withdrawn objection to the scheme subject to planning condition for details of fencing/acoustic fencing. Your officers have considered imposing a condition in this regard however conclude that the great majority of the fencing would be wire on timber posts, other than where increased security is required. On this basis, the proposal is considered to have minimised the impact in this regard. The impact of the proposed development upon the significance of designated heritage assets is therefore considered to fall at the lower end of 'less than substantial' harm in the terms of the NPPF.

Impact on non-designated heritage assets

- 5.49 In terms of non-designated assets, officers note the approach taken in the submitted Heritage Statement ('HS') with regard to historic (unlisted) buildings within the Swanhall Farm complex and agree that any harm would be minor. Previous research has also identified a non-designated section of the North Oxfordshire Grim's Ditch within the northern area of the Site and a walkover survey identified a ditched feature, likely a surviving earthwork section of Grim's Ditch within a least one field within the Site. Grim's Ditch is thought to date to the later Iron Age and/or Romano-British period and Historic England (2022) consider any upstanding sections of the Grim's Ditch to be of High importance. As such there is judged to be High potential for further prehistoric and Romano-British remains to survive within the Site, especially around Grim's Ditch. The application has been subject to consultation with the County Archaeologist, who has raised no objection to the scheme subject to the imposition of planning conditions.

Heritage balance

- 5.50 Having identified less than substantial harm to the significance of designated heritage assets, to which great weight must be applied, the balancing exercise set out under Paragraph 215 of the NPPF must be undertaken whereby the public benefits of the scheme are weighed against the heritage harms. In this case, the harm identified is considered to fall towards the lower end of less than substantial in the terms of the NPPF. The public benefits of the scheme are considered to principally result from the low carbon method of energy generation proposed and associated battery infrastructure. Given the scale of the scheme and policy context as outlined above, significant weight should be awarded to this benefit. Significant positive weight should also be awarded to delivery of ecological enhancements in excess of the minimum statutory requirement (as will be covered below). The Limited weight should also be awarded to the economic impacts of the scheme during construction. In this case and given the low level of heritage harm identified, whilst applying great weight to this harm, the public benefits resulting from the scheme are considered to outweigh the heritage harm and this heritage balance falls in favour of the application.

Highway issues

- 5.51 The same highway access would be utilised for construction and operation. Access to the site would be via New Yatt Road, which runs through the site and gives access to both the western and eastern parcels of land. The site access will link to a network of internal tracks around the solar site. A Construction Traffic Management Plan ('CTMP') has been submitted with the application, which

proposed that construction traffic will gain access to the application site via the A4095, Common Road, Park Road and New Yatt Road.

5.52 The submitted Transport Statement concludes that during the operational phase of the development, there would be a minimal increase in traffic volumes with operational traffic (one van) expected to access the application site on two occasions per month at the most. The construction phase of the proposed development would lead to a temporary increase in traffic on the roads mentioned above. This submission includes a Construction Traffic Management Plan which provides details of the expected vehicle movements associated with the construction of the solar farm which are 12 HGVs per day for the first 5 week period reducing to 4 per day for the remaining 19 to 31 weeks. The document proposes operational time for deliveries of 8 am to 6pm however OCC Transport have stated that this should be amended to the site not accepting or releasing delivery vehicles between 8 and 9 am and 2.45 and 3.45 pm, this is to avoid the period where North Leigh Primary pupils will be travelling to and from school. The delivery route via Common Road leads to New Yatt Road where there are a number of single width sections of carriageway with limited visibility. It is likely that traffic management, for instance in the form of temporary traffic lights will be required, particularly for the initial period of higher HGV movements. A condition requiring an updated CTMP is therefore recommended.

5.53 Officers consider that the anticipated increase in HGV traffic of eight movements daily can be mitigated through construction management, including ensuring these trips occur outside of typical peak traffic hours. There are no residual traffic impacts identified. In conclusion, the proposed development provides an opportunity to provide new, non-carbon energy generating facilities at a location which can be safely accessed by construction and operational vehicles and at which the temporary traffic impact during construction would be de minimis. Traffic management measures can be put in place to reduce or avoid potential residual impacts arising from road traffic during the temporary 24-week construction period.

5.54 In response to the decision to defer the application at the previous meeting, a Transport Technical Note ('TN') has been issued for review by the Committee. The TN appraises the following routes:

- Construction Access Route 1 via New Yatt Road (and via Common Road);
- Route 2 via B4022 North;
- Route 3 via B4022 South; and
- Hailey Road Farm Access

5.55 The TN concludes that 'due to limitations identified and significantly greater distance for construction vehicles to travel on Construction Access Routes 2 and 3, as well as limited third-party land access between the public highway and Application Site for the alternative B4022 access, the most viable and suitable route for construction traffic to route remains on Construction Access Route 1.'

5.56 Your Officers, as well as OCC Transport recognise the followings benefits of Route 1 in comparison to alternative routes:

- Route 1 is the shortest route to the major road network and has constraints that are quite defined and therefore easier to mitigate/manage whereas the constraints on the other routes are more spread out

- Route 2 would measure 15.5km off the major road network and increase the burden of enforceability;
- Route 2 would travel through several villages, including the centre of Charlbury, Finstock and Ramsden;
- Route 2 would be required to manoeuvre through two junctions (B4022/Enstone Road/Nine Acres Lane crossroads junction and B4022/Woodstock Road junction) that may require temporary mitigation measures;
- Route 3 would be of greater length than Route 1 (4.6km);
- Route 3 would require HGVs to cross the double mini-roundabout junction between the A4095 and B4022 within the centre of Witney which would require temporary signalisation and result in significant disruption to the Town's road network;
- Route 3- New Yatt Lane, Hatfield Pits Lane and Hemplands are narrow and considered less suitable than Construction Access Route 1; and
- The previous application was not refused on highways grounds and the impacts in this regard would be directly comparable

5.57 OCC Transport raise no objection to the application but have suggested that the applicant considers the following variants to Route 2:

- Charlbury to the A44 via the B4437 as an alternative to further north on the A44 at Neat Enstone
- Bypassing Ramsden by continuing south on the B4022 to Poffley End (effectively joining route 3)

5.58 Officers note that this route would bypass the B4022/Enstone Road/Nine Acres Lane crossroads junction and Ramsden but remains a significant detour and would use New Yatt Lane, Hatfield Pits Lane and Hemplands. Further updates will be provided in the late representations report and verbally once an amended TN and written OCC Transport comments have been received.

Biodiversity

5.59 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.

5.60 The application is also subject to statutory Biodiversity Net Gain ('BNG') requirements. The application submission includes an Ecological Appraisal, Pre and Post Development Habitat Plans and Statutory Biodiversity Metric. A Technical Note in response to the initial comments of the Biodiversity Officer ('BO') has also been provided.

BNG

5.61 The BO has confirmed that the proposal is capable of exceeding statutory requirements with regard to delivery of BNG on site, subject to the imposition of planning conditions as well as monitoring fee to be paid to the council. A 105.18% in area habitat units, 28.6% in hedgerow units and 23.85% in watercourse units would be provided by the proposal. Officers proposed to secure the £15,000 monitoring fee via S.106 agreement should members endorse the recommendation.

Bats

5.62 Artificial light is not required at the site as the CCTV cameras will make use of infra-red LED lights only, which the BO has confirmed will have no impact on foraging or commuting bats. A small number of targeted motion-sensor lights will be installed for emergency maintenance purposes around inverters and batteries. A sensitive lighting strategy (including during construction) will be secured by planning conditions.

5.63 The BO has also confirmed that with regard to the issue of noise from the inverters and batteries, the distance from boundary features is sufficient to ensure no adverse impact on bats.

Great Crested Newts ('GCN')

5.64 The council's district licence is being used for great crested newts and a NatureSpace District Licence Report dated 7th October 2024 (ref. 202308045) has been submitted with the application. The planning conditions and informatives contained within this report must be attached to planning permission to allow the council to subsequently authorise the applicant to work under the council's licence.

Skylark mitigation

5.65 The Outline Skylark Mitigation Strategy (ref. edp7494_r008a) confirms the following numbers of territories during surveys in 2022 and 2024:

- 24 territories identified in 2022 survey, 14 of these on site and 10 within the offsite mitigation area
- 10 territories identified onsite in the 2024 survey and 8 territories within the offsite mitigation area

5.66 The BO has confirmed that the application would have an acceptable impact in this regard subject to a final skylark mitigation strategy being secured via planning condition.

Trees

5.67 The proposal includes an Arboricultural Impact Assessment which details minimal removal of vegetation (only small areas to facilitate the internal access track) and measures to ensure sufficient buffers to boundary vegetation and trees are retained. Further, a comprehensive landscaping scheme can be secured by way of condition such that landscaping enhancement as proposed are delivered, thereby providing a strengthened landscape structure to assimilate the development into the landscape and provide biodiversity improvements.

Flooding and drainage

5.68 The Applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy as part of the submission. The site falls within Flood Zone 1 and is at low risk of flooding from rivers and the sea. The proposals constitute 'Essential Infrastructure' and are appropriate in Flood Zone 1. The site is not considered to be at risk of flooding from fluvial, tidal, groundwater, sewers, reservoirs, or other artificial sources. The risk of flooding from surface water and the network of ordinary watercourses is generally very low across the site. All vulnerable infrastructure is in areas shown to be at very low risk of surface water flooding. Containerised infrastructure such as inverters, cabins

and battery storage will be constructed with a granular base to ensure runoff is encouraged to infiltrate into ground, as per the existing site. The cessation of intensive agriculture across the site will allow establishment of natural grassland and a commensurate improvement in soil structure. This will reduce runoff rates and volumes, soil erosion and pollution. Further works would provide additional betterment in terms of flood risk and water quality. It is proposed to install leaky dams to mobilise storage within the channel, decrease flood risk downstream and provide biodiversity benefits. Riparian buffers will be established alongside the watercourse and fenced off to prevent access by livestock. The FRA concludes that for these reasons, the proposed development is considered to be acceptable and in compliance with planning policy in terms of flood risk and drainage.

5.69 The County Council, as the Local Lead Flood Authority, has raised no objection to the application, subject to the imposition of a planning conditions.

Other Matters

5.70 A Glint and Glare study has been undertaken to assess the possible effects of glint and glare from the proposed development. The assessment pertains to the possible impact upon road safety, residential amenity, and aviation activity. No significant impacts are predicted upon road safety, residential amenity, or aviation activity. Therefore, no mitigation is recommended.

5.71 A Noise Impact Assessment has been submitted in support of the application, as well as specific assessment of piling noise. The Environmental Health Officer has reviewed this information and has no objection to the application subject to a condition restricting construction hours.

5.72 As reported in the Additional Representations Report prior to the previous meeting, with regard to the High Court judgment in *R (Galloway) v Durham County Council* [2024] EWHC 367, your officers note that the decision-maker must consider whether the footprint of the proposed solar panels is larger than required for a solar farm of that capacity ('overplanting'). Overplanting is a term used to describe the situation in which the maximum installed generating capacity of the solar generation facility is larger than facility's grid connection would allow. In this regard, your officers have reviewed Appendix 2 of the PDAS and consider that the degree of overplanting in this case has been clearly and reasonably justified, having regard to the constraints and context of the application site.

Conclusion and planning balance

5.73 As set out above, the proposed development would harm the character and appearance of the surrounding landscape and less than substantial harm to the setting of designated heritage assets. Your officers attach significant weight to these matters whilst acknowledging that the landscape and visual harms would be limited and localised. It is also recognised that the application proposal has sought to minimise and mitigate any adverse impacts in accordance with WOLP Policy EH6. The resultant impacts on heritage assets would constitute a low level of less than substantial harm, which has been found to be outweighed by the public benefits of the scheme in the initial heritage balance and has not drawn objection from the CO. Therefore, there would be no conflict with heritage-related policies in the development plan or NPPF.

5.74 Conversely, the scheme would result in significant economic, social and environmental benefits through the low carbon method of energy generation proposed, resulting in 35 MW of renewable energy and offsetting 44,254 tonnes of CO₂ per year. This includes the generation of renewable

energy and a consequent reduction in carbon emissions, supporting the county and country in meeting national and local targets on renewable energy and carbon emissions, providing additional employment and ecological enhancements in excess of the minimum statutory requirements. Your officers also recognise that the proposal includes facilities for Battery Energy Storage, which facilitates a time-shift in the consumption of previously generated energy in order to successfully address demand. This also attracts significant positive weight in this balance. These extensive benefits are considered sufficient to outweigh the landscape and heritage harms. Despite partial conflict with the development plan with regard to landscape and visual impact, the proposal is therefore considered to accord with the provisions of the development plan as a whole and the above policy and legislative context with regard to renewable energy development, which provides material considerations adding weight to the conclusion that the application should be approved. The application is therefore recommended for provisional approval subject to the signing of a S.106 agreement in order to cover BNG monitoring costs.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The permission hereby granted shall expire 40 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

REASON: In the interests of landscape character and visual amenity to accord with the NPPF.

4. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, supports, inverters, cables, buildings and all associated structures and fencing shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in the interests of landscape character and visual amenity.

5. Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, the results of an updated ecological assessment and mitigation strategy, and a timetable. The DMS shall also include details of the proposed restoration. The site shall

be decommissioned in full accordance with the approved DMS and timetable within 12 months of the expiry of the planning permission.

REASON: In the interests of landscape character, and visual amenity and to safeguard biodiversity during decommission.

6. All electrical cabling between the solar panel rows and the on-site connection buildings shall be located underground and the excavated ground shall be reinstated to its former condition.

REASON: In the interests of landscape character and visual amenity.

7. No works shall commence on site other than those required by this condition until the site access points and associated visibility splays have been provided in accordance with approved drawings 2201066-TK02 C and 2201066-TK01 C. The visibility splays shall then be maintained as such for the duration of the construction period.

REASON: In order to provide safe and suitable access to the site.

8. No construction activity shall take place outside the following hours, unless otherwise first agreed in writing by the local planning authority:

- 08:00 to 18:00 on Monday to Friday
- 08:00 to 13:00 on Saturday

No construction activities shall be carried out on Sundays or any Public/Bank Holiday.

REASON: In order to safeguard the living conditions of nearby occupiers.

9. All tree protection works shall be carried out in full accordance with the submitted Arboricultural Impact Assessment dated February 2024 and prepared by Barton Hyett Associates.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

10. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity.

11. Prior to the commencement of development, a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented full in accordance with the approved details before the first export date and be retained in place as approved for the duration of the permission. The scheme shall include following details:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

REASON: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 170 of the National Planning Policy Framework (NPPF) and Local and National Standards.

12. Within 12 months of the first export date, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;
 - d) The name and contact details of any appointed management company information

REASON: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 170 of the National Planning Policy Framework (NPPF) and Local and National Standards.

13. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in full accordance with the approved CTMP.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

16. The development shall be completed in strict accordance with the ecological mitigation/enhancement and Biodiversity Net Gain details specified within the following documents and drawings as submitted with the planning application, as modified by the approved Biodiversity Gain Plan and unless otherwise agreed with the local planning authority.

- I. Technical Note: Post-Submission Response Regarding Ecological Matters (ref. ep7494_r007a) dated February 2025;
- II. Ecological Appraisal report dated June 2024 ref. edp7494_r001h (dated 10/06/24) by EDP;
- III. Statutory Biodiversity Metric Calculation Tool v4 dated 06.01.2025 demonstrating increases of 105.18% in area habitat units, 28.6% in hedgerow units and 23.85% in watercourse units;
- IV. Pre-development habitat plan ref. edp7494_d013d dated 19 February 2024;
- V. Post-development habitat plan ref. edp7494_d015c (within the ecological appraisal report); and
- VI. The location of battery stations and inverters shown on the plan contained within the Noise Assessment dated June 2024.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

17. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- I. Risk assessment of potentially damaging construction activities;
- II. Identification of 'ecological protection zones';
- III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of ecological construction method statements for specific features and habitats), including the protection of veteran tree T82 (as labelled in the Arboricultural Impact Assessment or T3 in the Ecological Appraisal), the retained field margins of modified grassland and adherence to the approved Skylark Mitigation Strategy;
- IV. The location and timing of sensitive works to avoid harm to ecological features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);

- V. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- VI. A strategy for the use of lighting during the construction period to minimise light spillage into adjacent habitats used by bats;
- VII. The translation of all other specific species and habitat protected or maintenance requirements recommended in the Ecological Appraisal report dated June 2024 ref. edp7494_r001h (dated 10/06/24) by EDP and the Technical Note: Post-Submission Response Regarding Ecological Matters (ref. ep7494_r007a) dated February 2025;
- VIII. A non-native invasive species protocol (e.g. for Japanese knotweed);
- IX. The times during construction when specialists ecologists need to be present on site to oversee works;
- X. Responsible persons and lines of communication;
- XI. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- XII. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and

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

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. A report prepared by a competent ecologist, the Ecological Clerk of Works or similarly competent person certifying that the required biodiversity mitigation and/or compensation measures identified in the Construction Environmental Management Plan (CEMP) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval at the end of the next available planting season following the first export date. Any approved remedial works shall subsequently be carried out under the strict supervision of a competent ecologist, Ecological Clerk of Works or similarly competent person following that approval.

REASON: To ensure that protected and priority species (bats, great crested newts/amphibians, reptiles, hedgehogs, nesting birds) and priority habitats (including hedgerows) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

19. Notwithstanding the submitted details and prior to the commencement of development, a detailed hard and soft landscaping scheme (incorporating existing flora) including the means of enclosure and the materials to be used for hard surfacing, and details of all habitats in accordance with the approved Biodiversity Gain Plan and the associated post-development habitat plan (current ref. edp7494_d015c and any approved modified version) shall be submitted to and approved by the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following:

- I. A plan showing the existing vegetation/habitats to be retained and safeguarded during construction which shall be consistent with any Construction Environmental Management Plan for the development;
- II. A landscaping implementation phasing plan, where appropriate;
- III. A clearly labelled drawing showing all habitats to be created, retained and enhanced as part of the Biodiversity Net Gain proposals, and in accordance with the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan;
- IV. Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control;
- V. Full details of all bird and bat boxes, including a range of types and locations;
- VI. Dimensions and locations for mammal gaps through/under security/boundary fencing;
- VII. Details of other features for species, including enhancements of ditches and ponds for amphibians and reptiles; and
- VIII. Details of surfacing, boundary treatments and landscaping structures including design, location, size, colour, materials and openings.

Development shall be carried out in accordance with the approved scheme and landscaping shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: to secure full details of the proposed landscaping scheme and to ensure that this is in accordance with the Biodiversity Net Gain proposals for the site.

20. Before the commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority for the lifetime of the development. The content of the HMMP shall include, but not necessarily be limited, to the following:

- I. Full details of all the 'habitat creation and enhancement works' that will be implemented in accordance with Statutory Biodiversity Metric Calculation Tool v4 dated 06.01.2025, pre-development habitat plan ref. edp7494_d013d dated 19 February 2024 and post-development habitat plan ref. edp7494_d015c (within the ecological appraisal report) [in accordance with the approved Biodiversity Gain Plan];
- II. Description and evaluation of habitats and other biodiversity features to be managed;
- III. Aims and objectives of management (including those relating to species);
- IV. Appropriate management options for achieving aims and objectives, including an adaptive management approach;
- V. Detailed specifications for management actions;
- VI. Management schedule matrix based on actions that are required annually, biennially or another specified timeframe(s);
- VII. Details of the management of veteran tree T3 (ecology report) / T82 (arboricultural assessment);
- VIII. Details of any natural flood defence management interventions that have been incorporated into the site;
- IX. Details of the body or organisation responsible for implementation of the plan;
- X. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
- XI. Confirmation of the trigger for the 30-year management and monitoring period and when Year 1 is expected to commence;

- XII. Monitoring strategy incorporating the identification of potential remedial measures that may be required within the 30-year period and how these will be confirmed, agreed and implemented (i.e. where monitoring results show that the aims and objectives of the HMMP are not being met);
- XIII. Submission of Habitat Monitoring Reports to the Local Planning Authority for approval at specific intervals (depending on the types of habitats and the 'time to target condition' timeframe, but generally following the standard of years 1, 3, 5, 10, 15, 20, 25 and 30);
- XIV. Submission of a final audit report to the Local Planning Authority for approval no later than 12 months following the end of the agreed 30-year period (i.e. within year 31) and proposals for the continued period of monitoring to cover the remainder of the lifetime of the development;
- XV. A monitoring strategy for protected and priority species, including bats, skylarks and great crested newts;
- XVI. Details about how the plan will be reviewed according to an adaptive management approach and shared and agreed with the Local Planning Authority; and
- XVII. Details of how the aims and objectives of the HMMP will be communicated to all contractors, managers and subsequent responsible persons, organisation or bodies (e.g. management company).

The approved plan will be implemented in full according to the agreed timescale.

REASON: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan Policy EH3; and the incorporation of monitoring for species.

- 21. Notice in writing shall be given to the Local Planning Authority when the habitat creation and enhancement works (i.e. the capital works required to establish the new habitats) as set out in the Habitat Management and Monitoring Plan (HMMP) have commenced and the habitat creation and enhancement works as set out in the HMMP have been completed to agree the start of the 30-year management and monitoring period.

REASON: To ensure that the council is informed of the implementation of the required habitat creation and enhancement works to deliver Biodiversity Net Gain.

- 22. Biodiversity Monitoring Reports shall be submitted to the Local Planning Authority for approval in accordance with the timeframe in the approved Habitat Management and Monitoring Plan (HMMP). These reports shall provide full details of the progress being made towards the Biodiversity Net Gain target set out in the approved Biodiversity Gain Plan and any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All agreed remedial actions shall be fully implemented. A Final Biodiversity Net Gain Audit Report shall be submitted to the LPA for approval no later than 12 months following the end of the agreed 30-year period (i.e. in Year 31).

REASON: to ensure the success of the Biodiversity Net Gain proposals and the submission of regular monitoring reports to the LPA with remedial actions implemented where necessary and to enable the LPA to report to Defra on Biodiversity Net Gain.

23. Notwithstanding the submitted details, before commencement of the development hereby approved a final Skylark Mitigation Strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall be based on the Outline Skylark Mitigation Strategy and approved Biodiversity Gain Plan details. The approved strategy shall thereafter be fully implemented in accordance with a timeline as set out in the Skylark Mitigation Strategy.

REASON: to provide adequate mitigation and compensation for skylarks (priority species) in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

24. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "University Farm: Impact plan for great crested newt District Licensing (Version 4)", dated 3rd October 2024.

REASON: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

25. Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

REASON: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

26. No development hereby permitted shall take place except in accordance with Part I of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR150, or a 'Further Licence') and, in addition, in compliance with the following:

- I. Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.
- II. Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- III. Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- IV. Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

REASON: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Notes to applicant

- 1 IMPORTANT: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>
- 2 The Habitat Management and Monitoring Plan (HMMP) required by condition of planning permission should follow the same structure as the template found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>
- 3 The following informatives apply with regard to the use of the Council's Great Crested Newt District Licence:
 - It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
 - It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
 - It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR150, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.
 - It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the

District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

- 4 All British bat species, otter and dormouse are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their places of shelter (habitat, roosts), whether occupied or not. If a bat, otter or dormouse (or evidence of these species) is discovered, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a mitigation licence.

All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity.

- 5 In relation to the District Council's Service Level Agreement with the Local Environmental Records Centre and to assist in the strategic conservation of district-wide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be submitted [if not already] to the Thames Valley Environmental Records Centre (TVERC).
- 6 For clarity, the CEMP should refer to the GCN District Licensing Scheme.

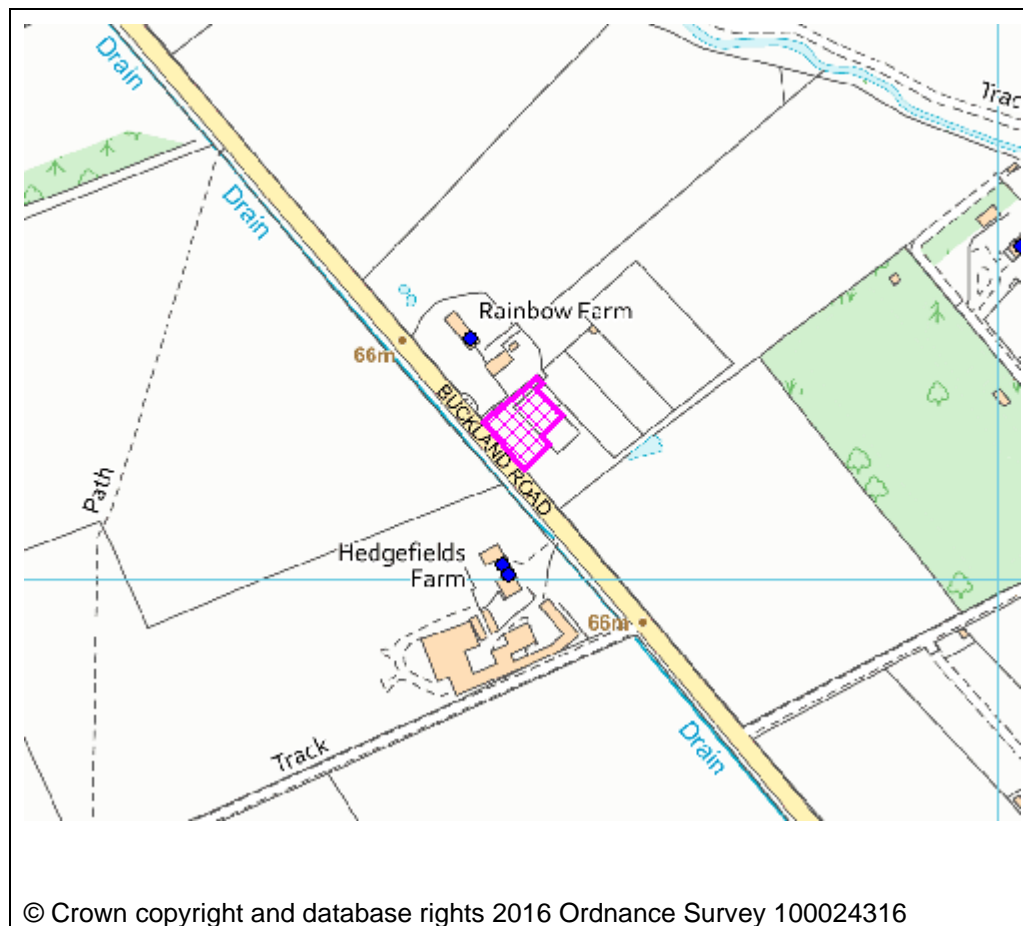
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 13th May 2025

Application Number	25/00244/FUL
Site Address	Rainbow Farm Buckland Road Bampton Oxfordshire OX18 2AA
Date	13th May 2025
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Bampton Parish Council
Grid Reference	432650 E 202161 N
Committee Date	27th May 2025

Location Map



Application Details:

Construction of a detached building for use as a fitness suite and wellness hub, along with associated car parking facilities and formation of a new access onto the highway

Applicant Details:

Amy Dodd
Dodd Fit
Rainbow Farm
Buckland Road
Bampton
Oxfordshire
OX18 2AA

I CONSULTATIONS

Env Health Contamination	<p>The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore, I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.</p>
OCC Highways	<p>No objection, subject to conditions.</p> <p>G28 parking as plan G11 access specification G32 turning facility.</p>
WODC Drainage	<p>Additional information required.</p> <p>A flood risk assessment is required.</p>
District Ecologist	<p>Holding objection due to insufficient information on biodiversity - further information required.</p>
Env Health Noise And Amenity	<p>Objection.</p> <p>Insufficient information to demonstrate noise will not impact neighbours.</p> <p>I) I would request that the applicant submits a site-specific Noise Impact Assessment (NIA) and a Noise Management Plan. These must be produced by a suitably qualified acoustic consultant, accredited by the Institute of Acoustics (IOA) and/or the Association of Noise Consultants (ANC). The NIA must comprehensively evaluate the existing noise environment, assess the potential noise impacts arising from the proposed development, and propose mitigation measures to ensure full compliance with relevant noise standards.</p> <p>Professionally accredited acoustic consultants can be sourced using the weblinks provided:</p>

IOA (<https://www.ioa.org.uk/find-acoustics-specialist-or-supplier>)
ANC (<https://www.association-of-noise-consultants.co.uk/sound-testing-member-companies/>)

Guidance is available on noise associated with gyms and can be found here;

<https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2023/03/ProPG-Gym-Acoustic-Guidance-Document.pdf>

The applicant would need to consider how they propose to ventilate the building. If opening doors or windows noise will escape from the building and could potentially cause adverse impacts to neighbouring properties. If the applicant is installing any air conditioning then given the distance to neighbouring properties this can be cited in a position where there should be no impact to neighbours. If air conditioning is provided then it should be included in the Noise Management Plan that door and windows will remain closed to prevent noise escaping during any noisy activities.

2) I would also recommend that the planning officer considers a condition to tie the new building and business to the main residential property to prevent any possible future sale of the premises as a separate business impacting the residential property.

3) The applicant should also provide a lighting assessment

Lighting scheme

Before the development commences a written scheme shall be Submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby, in accordance with local planning policy.

Informative

The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m2 Zone E1 Zone E2 Zone E3 Zone E4 Up to 10.00
 100 600 800 1000 Over 10.00 n/a 300 600 600

Environmental Zones

Zone Surrounding Lighting Environment Examples

E0 Protected Dark UNESCO Starlight Reserves, IDA Dark Sky Parks

E1 Natural Intrinsically dark National Parks, Areas of Outstanding Natural Beauty etc.

E2 Rural Low district brightness Village or relatively dark outer suburban locations

E3 Suburban Medium district brightness Small town centres or suburban locations

E4 Urban High district brightness Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Newt Officer

Holding objection.

Insufficient information has been provided to assess the likely impacts on protected species and details of how any impacts will be avoided/mitigated/compensated for. The habitats on site could support great crested newts which may be harmed if the development is approved.

Parish Council

Support.

No objection in principle to the proposed application. We would expect details of materials, landscape and junction layout to be submitted and approved by WODC.

OCC Minerals (Safeguarded Areas)

No objection.

Environment Agency

Objection.

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 181, footnote 63) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

2 REPRESENTATIONS

2.1 None received.

3 APPLICANT'S CASE

3.1 In summary, the supporting Design and Access Statement makes the following points:

- The Applicant has been running Dodd Fit for a number of years and the business has now outgrown its current site. Therefore, the Applicant is now looking to construct a new building on the site of the former equestrian menage to run Dodd Fit, alongside allowing other specialists such as physiotherapists, therapists to use the site and create a wellness hub.
- The proposed building will be of traditional agricultural design, and similar to that of the stable block (09/1135/P/FP). The proposed building will be 20m x 12.2m, measuring 4.7m to the eaves and 6.4m to the ridge with a floor area of 244 sqm.
- The proposed development meets the criteria set out by the NPPF 2023, in particular paragraph 88 (a) and 88 (c) which relate to the sustainable growth and expansion of all businesses in rural areas and sustainable tourist and leisure developments. The proposed building is a further expansion of Dodd Fit which is a successful business based in the Bampton area. The proposed building will meet the criteria of 88(c) as it will provide a leisure development which respects the character of the countryside and appears as an agricultural building from the outside.
- Policy E5 of the West Oxfordshire Local Plan 2031 supports the development of community facilities, of which this application is one, and meets local need to promote social wellbeing. Again, this application meets this criteria and is designed to support people both mentally and physically.
- The Applicant proposes to install a new access onto the highway which will allow two vehicles to use the access at a single time. There will be a hardcore parking area for up to 10 vehicles to the front of the property (SW).

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development
OS2 Locating development in the right places
OS3 Prudent use of natural resources
OS4 High quality design
E5 Local services and community facilities
E2 Supporting the rural economy
T1 Sustainable transport
T2 Highway improvement schemes
T3 Public transport, walking and cycling
T4 Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
NATDES National Design Guide
EH7 Flood risk

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application relates to an existing field/paddock located to the south of Bampton and to the north-east of Buckland Road. The site includes a small area of hardstanding, a former equestrian menage which appears to have been installed between 2009 and 2012, and the remainder is a field. To the north is a stable block and beyond this is open fields and the Shill Brook. To the north-east is Westmoor Farm and to the south-east is Hedgefields Farm.
- 5.2 The site lies within flood zone 3, a red zone for great crested newts and a mineral consultation area.
- 5.3 The proposed development is for the 'construction of a detached building for use as a fitness suite and wellness hub, along with associated car parking facilities and formation of a new access onto the highway.' The application is before members because the Officer recommendation is clearly contrary to the Parish Council's.

Relevant Planning History

W96/1594 - Erection of double garage & store, (modification to planning consent 0636/95).
Approved. 16th December 1996.
W95/0636 - Erection of double garage and store. Approve. 23rd June 1995.
W92/1403 - Removal of condition 4 of planning permission 110/89 for change of occupancy.
Approved.
W89/0110- Dwelling. Approved. June 1989
W86/1803 - Conversion and extension of barn to form farm shop. Approved. 1987.

- 5.4 A stable block was granted planning permission on the land in 2009 under ref. 09/1135/P/FP. Condition 3 required the building to be used only for purposes ancillary to the occupation of Rainbow Farm Barn and for the shelter of horses, ponies and donkeys and not for any commercial purpose to prevent an overly intensive use of the site to the detriment of the character and appearance of the area.
- 5.5 Taking into account planning policy, other material considerations and the comments of interested parties, Officers are of the opinion that the key considerations of this application are:
- Principle of development
 - Landscape and visual impact
 - Impact on flood risk
 - Impact on ecology
 - Impact on highway safety and parking
 - Impact on amenity

Principle

5.6 The proposed building is circa 12.2m (width) x 6.4m (height) x 20m (length). The floorplan incorporates a gym, space for classes, changing facilities, ancillary office space and a therapy room. The proposed car park is located in front of the building between the road and building. The ground levels will be raised. The building is to be used by Dodd Fit for running personal training sessions. The building will also have individual spaces for use by Pilates and yoga instructors, physiotherapists, chiropractors alongside therapists.

5.7 Policy OS2 of the adopted West Oxfordshire Local Plan (2018) states that development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals to support the effectiveness of existing businesses will be regarded as appropriate.

5.8 Paragraph 88 of the NPPF (2024) states that planning decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

5.9 Paragraph 89 of the NPPF states: 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

5.10 Policy E5 of the adopted WOLP states that 'the Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.' Policy E2 of the adopted WOLP states that new buildings not adjacent to service centres and the villages listed in table 4b will be allowed where required for diversification proposals which are fully integrated with an existing farm business or where they meet a specific business need which cannot otherwise be met in a more sustainable location... Any new building(s) must be suitably located for the scale and type of the proposed use and have regard to the level of accessibility to settlements, facilities and services and impact on the character and amenity of the area.'

5.11 Policy CA5 states that the focus of new housing, supporting facilities and additional employment opportunities will be Carterton. New development in the rest of the subarea will be limited to meeting local community and business needs and will be steered towards the rural service centre and larger villages.

- 5.12 Dodds Fit currently operates from an existing barn at Rainbow Farm. However, the proposal would not expand an existing business because the barn does not appear to have planning permission for use as a fitness suite. The proposal does not make use of an existing building. The site lies in an open countryside location with the stretch of Buckland Road to Bampton having sections of no pedestrian footpath and being unlit. No cycle parking is proposed. Therefore, Officers consider that the site cannot be safely and conveniently accessed by foot or cycle. There is also no access to public transport. Therefore, Officers consider that most trips to the site would be carried out by car. It is unclear why other sites in more sustainable locations within a main service or rural centre could not be used and how the scope for access on foot, by cycling or by public transport has been considered and will be improved. It also unclear why the specific business need cannot be met in a more sustainable location and the application does not suggest that the proposal is a farm diversification scheme or that it would form part of an existing farm business.
- 5.13 Officers acknowledge that the proposal would provide an additional facility to promote social wellbeing and healthy communities, but a local need has not been evidenced in the application and so it is not considered that the benefits of the development would outweigh the conflict with policies OS2, E2, E5, T1, T3, and CA5 of the WOLP and the relevant paragraphs of the NPPF (2024).

Landscape and visual impact

- 5.14 The site lies in a predominantly flat area which is relatively well-screened from the main road by existing boundary vegetation. It lies in the Western Thames Fringes Landscape Character Area. A small section of vegetation would need to be removed to facilitate the new access which would open up some views of the site from the street scene. The proposed building would partly screen the proposed car parking area from the north. However, there is the potential for the proposal to be visually impactful given that existing vegetation to the north-east and east which currently screen the site in long-distance views lies outside the red line boundary and so this could not be relied upon as being retained. Therefore, subject to a condition requiring the retention and maintenance of existing boundary vegetation along the southern and western boundaries and the submission and approval of a hard and soft landscaping scheme and maintenance plan covering the north-eastern and eastern boundaries prior to the commencement of development, it is considered that the proposal would have a limited landscape and visual impact in the long-term and be acceptable on landscape grounds.

Impact on flood risk

- 5.15 The development is classed as 'non-major development' following the national flood risk standing advice for local planning authorities and lies within flood zone 3. Therefore, in accordance with this guidance, the Environment Agency have been consulted. The site has a high surface water susceptibility and there is a watercourse running circa 15m. from the site boundary and a ditch runs along the north-eastern side of Buckland Road, adjacent to the site. An area of hard standing is proposed and discharge to a watercourse.
- 5.16 The application is not accompanied by an appropriate flood risk assessment and so the Environment Agency and Council's Drainage Officer have raised objections to the application. The agent has submitted an FR, but this is from 2021 and relates to a different proposed development. Therefore, the local planning authority is unable to determine whether the proposal would increase flood risk and, where possible, reduce flood risk overall, and so the proposal is contrary to policies OS2 and EH7 of the WOLP and paragraph 181 of the NPPF.

Impact on ecology

- 5.17 The Council's biodiversity officer has been consulted and has raised a holding objection due to insufficient information on biodiversity. The application site is within a red impact risk zone for great crested newts, there are three known ponds within 100m and a further seven ponds within 500m. While there are no ponds within the site itself, the habitats on site could support great crested newts in their terrestrial phase (and/or other protected species) which may be harmed if the proposed development is approved. A preliminary ecological appraisal has not been supplied and so Nature Space, as the consultee for development that may impact GCNs, raise an objection.
- 5.18 Therefore, insufficient information has been provided to enable the Local Planning Authority to assess the potential impact of the proposed development on local ecology and biodiversity as well as whether the statutory requirement for 10% biodiversity net gain will be achieved contrary to policies OS2 and EH3 of the adopted WOLP, the relevant paragraphs of the NPPF (2024) and the Environment Act 2021 (as amended).

Impact on highway safety and parking

- 5.19 In terms of parking, 10 additional parking spaces are proposed. The County Council's 'parking standards for new developments' document states that 1 space per 30sqm of public floor area should be provided for commercial, business and services (indoor sport, recreation or fitness, gyms). For 244sqm of additional floor space, this translates to circa 8 additional car parking spaces and so it is considered that sufficient car parking is proposed for the development in accordance with policy T4 of the adopted WOLP.
- 5.20 In terms of impact on highway safety, the County Council have raised no objection to the application, subject to conditions requiring a parking plan, access details and turning facility details. As works would be required to be carried out on land outside the control of the applicant, it would be unreasonable and not enforceable to impose the access details condition suggested by the County Council. However, a Grampian condition could possibly be imposed, prohibiting the development until the access details have been agreed.

Impact on amenity

- 5.21 In terms of impact on amenity, the nearest noise sensitive property appears to be circa 80m from the proposed development with the garden area being much closer. The Council's Environmental Health Officer (noise & amenities) has raised an objection on the grounds of insufficient information to demonstrate noise will not impact neighbours. They have requested a noise impact assessment and noise management plan. Therefore, the application is considered to be contrary to policies OS2 and EH8 of the adopted WOLP. Details of lighting could be secured by condition. No objections have been received from a land contamination perspective.

Other Matters

- 5.22 The site lies in a mineral consultation area, but the county council have no objection to the proposed development.

Recommendation

5.23 In conclusion, for the above reasons, the proposed development is considered to be contrary to policies OS2, E2, E5, T1, T3, EH7, EH3, EH8 and CA5 of the adopted WOLP and relevant paragraphs of the NPPF (2024). Officers do not consider that there are other material considerations that outweigh this conflict with the development plan and so the application is recommended for refusal.

6 REASONS FOR REFUSAL

1. The proposal would not support the effectiveness of an existing business which cannot otherwise be met in a more sustainable location, make a positive contribution to farm diversification, re-use an existing building nor meet a local community or business need which has been convincingly demonstrated. Further, due to the location of the site in the open countryside where access by foot and public transport is limited, the proposed development is not considered to be a sustainable form of development that is accessible and opportunities to make the location more sustainable have not been explored. Therefore, the proposed development is considered to be an inappropriate, unsustainable and unjustified location for the proposed use contrary to policies OS2, E2, E5, T1, T3 and CA5 of the adopted West Oxfordshire Local Plan and paragraphs 88 and 89 of the NPPF (2024).
2. Insufficient information has been provided to enable the local planning authority to determine whether the proposed development would increase flood risk elsewhere and where possible, reduce flood risk overall, contrary to policies OS2 and EH7 of the adopted West Oxfordshire Local Plan (2018) and paragraph 181 of the NPPF (2024).
3. Insufficient information has been provided to enable the Local Planning Authority to assess the potential impact of the proposed development on local ecology and biodiversity as well as whether the statutory requirement for 10% biodiversity net gain will be achieved contrary to policies OS2 and EH3 of the adopted West Oxfordshire Local Plan (2018), the relevant paragraphs of the NPPF (2024) and the Environment Act 2021 (as amended).
4. Insufficient information has been provided to enable the local planning authority to assess whether the proposed development would have an acceptable impact on the amenity of neighbouring residents by way of noise and disturbance. Therefore, the application is considered to be contrary to policies OS2 and EH8 of the adopted West Oxfordshire Local Plan (2018).

Contact Officer: Clare Anscombe

Telephone Number:

Date: 13th May 2025