WEST OXFORDSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Date: 20th October 2025

Report of Additional Representations

WEST OXFORDSHIRE
DISTRICT COUNCIL

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24/03278/FUL	Land (E) 431186 (N) 208772, Witney Road, Brize Norton

Report of Additional Representations

Application Number	24/03278/FUL
Site Address	Land (E) 431186 (N) 208772 Witney Road Brize Norton Oxfordshire
Date	17th October 2025
Officer	James Nelson
Officer Recommendations	Approve subject to Legal Agreement
Parish	Curbridge Parish Council
Grid Reference	431186 E 208772 N
Committee Date	20th October 2025

Application Details:

Construction and operation of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access, ancillary works and landscaping.

Applicant Details:

Witney Solar Limited
14b Tower 42
25 Old Broad Street
London
EC2N 1HN

Additional Representations

A total of three additional representations have been received since publication of the agenda.

1. Letter from Richard Buxton Solicitors on behalf of their client (Caswell House)

The full letter is available to view on the Council's website and makes the following points.

The letter states that the Officer referral of the application to the parent Development Control Committee, which for ease of reference is quoted as:

'in the absence of any technical objections to the proposal on the grounds for which the Sub-Committee resolved to refuse the application, your Officers consider that the resolution of the Sub-Committee would leave the decision highly vulnerable to overturn at appeal, including potential for the award of costs against the Council'.

Is *'significantly misleading on two grounds:*

- *That there was no technical objection; and*
- *The clear inference that costs should be considered in the decision.*

In addition, a new report was uploaded to the Portal in the past week without allowing a proper public consultation.'

The letter then provides commentary on the question of technical objections, stating:

'On behalf of our client we submitted technical objections to the proposal prepared hydrologists GWP. However, the officer's report wholly omits this. The result is a one-sided justification for approval which misleads the committee members…Stating there are no technical objections is quite clearly a material defect in the report.'

On costs, the letter reads:

'The second leg of the decision to refer upwards is based on the cost of defending an appeal. This is not a material planning consideration that can be taken into account in the decision. The law on this is clear: costs implications can be considered but only in so far as it encourages members to think long and hard about the decision, and to ensure there are good reasons for refusal. Cost is not of itself a relevant planning consideration, and the Council must ensure those lines are not blurred.'

The letter the raises concerns that re-consultation has not been carried out on the 8th October 2025 a peer review by Arthian entitled "Officers Briefing Note".

The letter concludes that: *'The two errors we have identified above (paras 5-9 inclusive) should be rectified clearly, and in advance of the meeting; in default of which any decision will be unsafe and our client reserves their position on that point.'*

2. **GWP Consultants LLP review of the 'Witney Road Solar – Officer Briefing Note (Water Environment)' document dated 8th October 2025 on behalf of their client (Caswell House)**

The full letter is available to view on the Council's website and specifically addresses concerns regarding the potential groundwater contamination risks of the development and makes the following points. The letter covers the following points.

SOURCE – PATHWAY – RECEPTOR CHARACTERISATION

'The Arthian Assessment includes a Source-Pathway-Receptor assessment in an attempt to characterise the risk to groundwater and evaluate proposed mitigation measures in reducing the risk. The assessment is very limited. It does not characterise the source, evaluate the pathway, or characterise the receptor, so it is unclear how conclusions can be made based on this level of assessment.'

The letter critiques the source, pathway and receptor analysis provided and concludes that:

'The assessment methodology falls down without effective characterisation of each individual element. While identifying a contamination source, a pathway for the contaminant, and a vulnerable receptor, the assessment does not adequately evaluate any of the elements, as described above. The level of assessment should be proportionate to the level of risk. Clearly a robust assessment is required when the consequences are significant public health impacts – potentially thousands of people unknowingly drinking contaminated water… The Applicant has failed to adequately define and identify the potential hazard to human health and local ecosystems which in turn has led to a misrepresentation of the level of risk and ultimately to proposals for mitigation measures which do not account for the reasonable worst-case scenario. While we accept that the likelihood of a BESS fire, and associated contaminated firewater runoff, is low, the consequence is extreme or catastrophic which would lead to an assessment of the risk as high using an appropriate risk matrix approach. Note that four significant BESS fires have occurred in the UK since 2020: Liverpool

(2020), Cirencester (2025), Rothienorman (2025), and East Tilbury (2025). It is not so unlikely that it is De Minimis.'

BESS DRAINAGE AND CONTAINMENT ARRANGEMENT – DISTANCE FROM THE SPRING

'Under the 'BESS drainage and containment arrangement' section of the Arthian assessment it is stated that one part of managing the risk is to ensure that "no surface or sub-surface outfalls [will be located] within 100m of the spring." Within previously submitted GWP Report No. 250906 dated 3rd September 2025, it was highlighted that the application of Source Protection Zone 1 (SPZ1) (50m or 50-day travel time buffer) around the spring is not appropriate... The justification in stating that outfalls will be outside a 100m buffer around the spring in order to manage risk has no scientific basis, or justification based on policy or guidance.'

SELF-ACTUATING ISOLATION SYSTEM

'Firstly, how can they/the Applicant guarantee that the self-actuating isolation and containment system will function for the lifetime of the development, which is anticipated to be c. 40 years? Any failure of the system could result in catastrophic consequences to down-gradient receptors during a thermal runaway event. The system will need to work in an emergency event at an unspecified point in the possibly distant future.'

The letter goes on to critique the firewater volume value proposed and states that a much larger tank would be required which could not be secured by condition. It references a planning appeal for a Battery energy storage scheme and associated development at Land on the east side of Wareham Road, Axminster, EX13 5XN (PINS Ref: 335169) due to concerns, inter alia, over the potential impact on the health of local residents with reference to water supply contamination from BESS firewater. The letter contents that the points raised in this quoted appeal *'also apply to the Witney Solar Farm and BESS site and points which we have argued in all previous reports submitted in connection with Planning Application 24/03278/FUL.'*

OFFICER'S REPORT WITHIN DEVELOPMENT CONTROL COMMITTEE PUBLIC DOCUMENT PACK

The letter critiques the Officer's Report for the proposed development and concludes that:

'The Officer's Report treats the Arthian assessment as definitive when it is clearly inadequate in assessing the risk. The Officer's Report does not acknowledge the serious concerns raised within the previous water-related assessment reports submitted to WODC (GWP Report No. 250316 dated 14th April 2025, GWP Report No. 250616 dated 27th June 2025 and GWP Report No. 250906 dated 3rd September 2025), especially relating to the potential impact on the Caswell House Spring. Our assessment is that the Officer's Report within the Development Control Committee Public Document Pack dated 9th October 2025 is unbalanced. The technical objection is not being presented and the GWP technical assessments are not described or referenced. There seems to be a clear bias towards the findings of the developer's inadequate assessments.'

The letter concludes stating:

'The Arthian 'Witney Road Solar – Officer Briefing Note (Water Environment)' assessment undertakes a light touch qualitative source pathway receptor risk assessment, which is completely inadequate, given the location of the BESS, the site conditions and hydrogeology (principal aquifer and) and the vulnerability of the receptor.

The assessment fails to characterise the source, pathway and receptor with sufficient detail to effectively evaluate and draw conclusions about the risk and the mitigation measures proposed for the proposed Witney Solar Farm and BESS development. As stated previously in numerous reports, the Caswell House Spring receptor is located in very close proximity to the BESS units and compound and is a private drinking water supply that serves thousands of members of the public annually. Hazardous contamination of such a water supply would be catastrophic from a public health perspective.

Potential hazardous contaminants within firewater runoff are likely to have a long lifetime. Providing an arbitrary minimum distance of 100m between surface and sub-surface outfalls and the Caswell House Spring as a justification that BESS firewater containment has been mitigated is not appropriate.

The Arthian assessment also points to other NSIP-scale projects in sensitive locations, which were approved. The specifics of those approved sites are not presented, but the sensitivity and vulnerability of the Caswell House Spring water supply are known. Other applications for BESS projects have been refused on the grounds of risks to aquifers and private drinking water supplies, such as the Land on the east side of Wareham Road, Axminster, EX13 5XN proposed development.

Additionally, the Officer's Report within the Development Control Committee Public Document Pack appears unbalanced. It considers the Arthian assessment as factual and definitive, without acknowledging any of the concerns raised within the three previous GWP assessments or in the previous Planning Sub-Committee meeting held on 8th September 2025.'

3. Letter from Professor P J Dobson OBE- Professor of Engineering Science (Emeritus) at University of Oxford

A letter has also been received from Professor Peter Dobson, which comments, inter alia, on the siting of the solar panels and BESS. The letter states that:

'There are very high risks in the plan, because no account has been taken of the sub-ground disturbance to the drainage of the fields and possible irreparable damage to the spring that currently is the sole source of water for Caswell House and their business. The siting of the solar cells and BESS must be reconsidered. This is very serious, and has many repercussions:

a) *No assessments have been made of the damage to the subsoil during the construction and pile driving of supports for the solar panels.*
b) *The spring not only supplies potable water to the Caswell House property, but it also feeds the ecosystem which has rare freshwater pearl mussels (protected under the Wildlife and Countryside Act 1981), reptiles, fish, amphibians and the larvae of many aquatic species. It is a sensitive ecosystem which is very high in biodiversity, and this could be destroyed by the proposed construction.*
c) *The planning application does describe how in the event of a fire, the firewater will be retained in a large underground tank. Whilst this is commendable, it will require considerable excavation and disturbance to the delicate hydrology of the freshwater spring, and the effects of this are unknown. The size and dimensions of the tank have not been specified. But the tank and the BESS should be removed far from the spring.*
d) *BESS fires do require a huge amount of cooling water and although the application suggests 250,000 litres, this will not be adequate for a facility of this size. The 2023 document https://nfcc.org.uk/consultation/draftgrid-scale-energy-storage-system-planning-guidance/*

issued guidelines of cooling water to be supplied at 1900 litres/minute for 2 hours (hence 226,000 litres of water to be available). However, most BESS fires burn for much longer, e.g. 2 days, so this quantity should be much higher, e.g. x 24. Fire Services are slow to recognize this fact.

e) *The source of the cooling water needs to be established and there is no mains connection nearby so presumably this has to be shipped in at the time of an incident. However current guidelines from the NFCC suggest that the water should be available on-site.*
f) *The lifetime of the batteries and solar panels are limited. Generally batteries could last up to 10 years https://thebatterytips.com/battery-specifications/how-many-years-does-a-lithium-ion-battery-last/ and solar panels should be replaced after 25 years https://solarplanet.uk/how-long-do-solar-panels-last-lifespan-in-theuk/ Note these times are considerably shorter than the proposed life of the proposed installation.*
g) *More generally, the UK does not have any sovereign safety standards and regulations in place for BESS. So, surely all plans for BESS should be delayed until such Standards and Regulations are in place. The standards referred to in the application are American, they are known to be inadequate and are due for revision. The government's planning inspectorate website features a Battery Energy Storage System (BESS) safety briefing note that I wrote in February 2025, proposing that all Lithium-ion Battery Energy Storage Systems (LiBs) are put on hold. "Given the known risks, and potentially disastrous consequences of LiB failures, it is essential that the Government applies appropriate safety regulations to LiBs as a matter of urgency." "Until they do this, such installations are being installed without adequate safety measures in place and in unsuitable locations."*

This application, and many others, states the number of households that could be supplied with electricity. This is profoundly misleading, because it is based on the maximum power output at midday in summer, when the output is highest, but customer demand is at its lowest. Therefore, clearly battery energy storage is essential for provision of electricity in the evening, night and morning, but at a huge scale and very much larger than specified in this application. This will add considerably to the cost of the electricity provided.'

The full document is published on the Council's website.

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