

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 7th April 2025**

### REPORT OF THE DEVELOPMENT MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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.

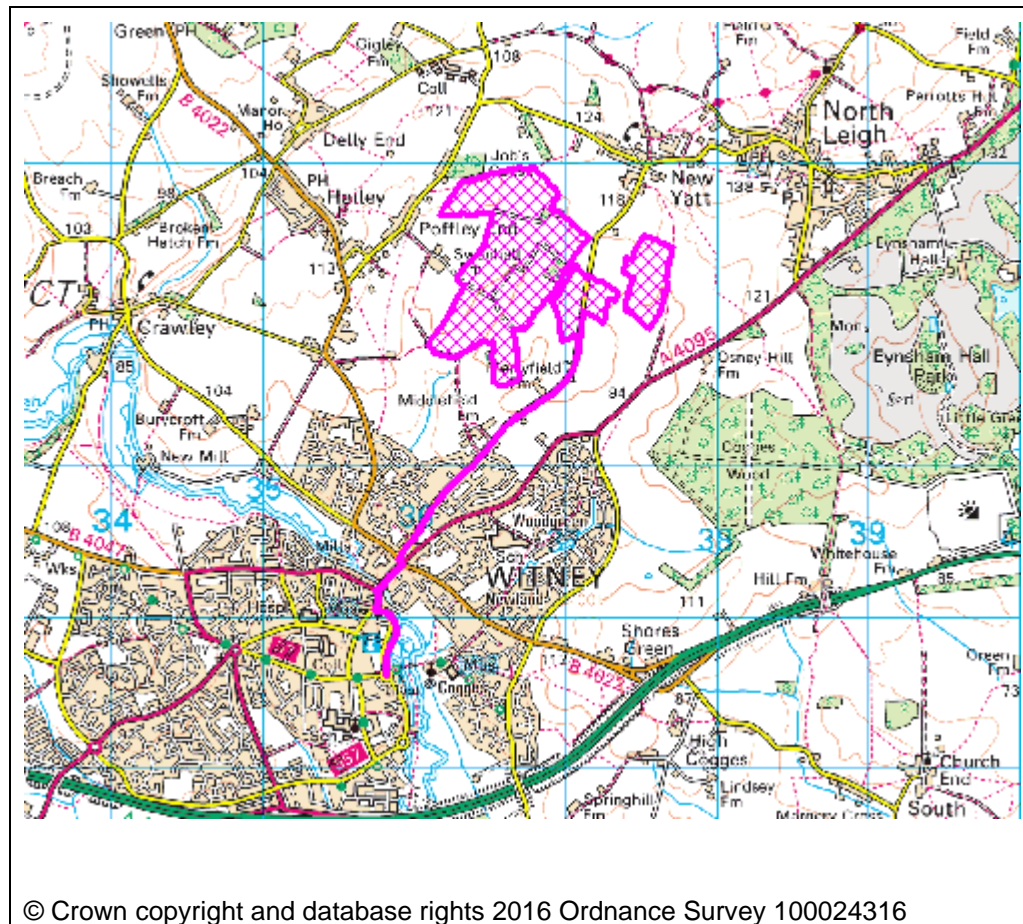
Please note that:

1. 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](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
1	24/01565/FUL	<a href="#">University Farm, Witney Road, Hailey</a>	James Nelson
2	24/02033/FUL	<a href="#">Bridge House, Bridge Street, Shilton</a>	James Nelson
3	24/03269/ADV	<a href="#">Unit 11b Marriotts Walk, Witney</a>	Joshua McFarland

Application Number	24/01565/FUL
Site Address	University Farm Witney Road Hailey Witney Oxfordshire OX29 9UH
Date	26th March 2025
Officer	James Nelson
Officer Recommendations	Provisional Approval
Parish	Hailey Parish Council
Grid Reference	435497 E 211865 N
Committee Date	7th April 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	<i>See below.</i>
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"><li>• Planning Conditions</li><li>• Informative Note</li></ul> 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	<i>See below.</i>

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"> <li>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</li> <li>2. Potential for serious impact on priority species breeding and wintering birds including skylark</li> <li>3. Concerns relating to planned habitat management on site</li> <li>4. Concerns relating to lighting</li> <li>5. Concerns relating to fencing</li> </ol>
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.

### **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**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

E2NEW 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

WIT6NE 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.

## Relevant planning history

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

5.4 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

5.5 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*

5.6 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').

5.7 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**

5.8 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.

5.9 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.

5.10 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).

5.11 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.'

- 5.12 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.
- 5.13 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.'
- 5.17 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.
- 5.18 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 CO<sub>2</sub> 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**

5.19 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.

5.20 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**

5.21 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.

5.22 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.

5.23 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).

5.24 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).

5.25 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.

5.26 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 dip slope;
- 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.

5.27 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.

5.28 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.

5.29 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.

5.30 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.

5.31 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).

5.32 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;

5.33 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.

5.34 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.

5.35 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.

5.36 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.

5.37 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**

5.38 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.

5.39 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*

5.40 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.

5.41 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

5.42 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*

5.43 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*

5.44 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.'

5.45 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'.

5.46 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

5.47 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*

5.48 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

5.49 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.

5.50 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.

5.51 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.

5.52 OCC Transport raise no objection to the application subject to appropriate highway conditions being attached to any permission granted.

### **Biodiversity**

5.53 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.

5.54 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*

5.55 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*

5.56 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.

5.57 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')*

5.58 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*

5.59 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

5.60 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*

5.61 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**

5.62 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.

5.63 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**

5.64 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.

5.65 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.

### **Conclusion and planning balance**

5.66 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.

5.67 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 CO<sub>2</sub> 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**

- I. 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. iRisk 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.

#### INFORMATIVES :-

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.

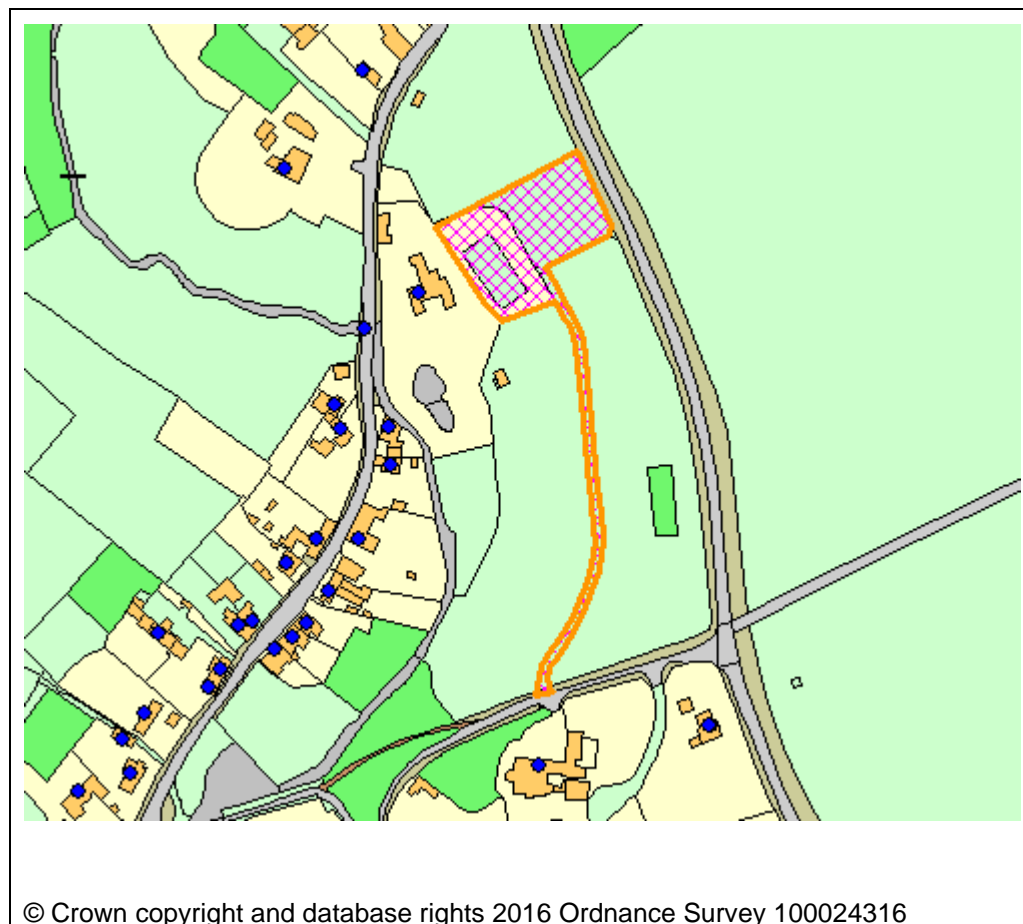
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 26th March 2025

Application Number	24/02033/FUL
Site Address	Bridge House Bridge Street Shilton Burford Oxfordshire OX18 4AA
Date	26th March 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Shilton Parish Council
Grid Reference	426823 E 208767 N
Committee Date	7th April 2025

### Location Map



### Application Details:

Proposed photovoltaic solar panel installation comprising 42 panels on the roof of the spa building (amended plans and description).



**Applicant Details:**

Mr Mark Smith  
Bridge House  
Bridge Street  
Shilton  
Burford  
Oxfordshire  
OX18 4AA

**I CONSULTATIONS**

District Ecologist	Holding objection due to insufficient information on biodiversity- see website for full comments.
MOD (Brize Norton)	No objection.
Parish Council	<p>The Parish Council object to the application in its current form. We have no objection to the panels proposed on the roof of the existing spa, which is in itself somewhat incongruous in a conservation area, but can see no justification for the proposed ground based panels.</p> <p>The proposed site is within the Shilton Conservation Area and the panels will in no way enhance the local landscape. Our general disposition is to be supportive of green energy initiatives provided they are reasonably unobtrusive. The standard that is applied in the conservation area must be quite high if that designation is have any real meaning. As stated in the Landscape and Visual Appraisal included in the application, the appraisal was carried out during early summer when trees and vegetation on and surrounding the site were leafed out. As everyone in Shilton will be aware, once the leaves fall the spa is clearly visible from the B4020 and the ground based panel will be visible from various points in the neighbourhood for several months of the year.</p> <p>The Shilton Neighbourhood Plan 2018-2031 emphasises that Shilton has retained its meadows that sweep down to the heart of the village in a way that binds the settlement with the surrounding country. Placing 120 solar panel in one of these meadows would be in direct contravention of Policy SH2 of the Neighbourhood Plan.</p> <p>We would point out the neighbourhood area is already providing a large amount of solar electricity from the large sites in Stonelands and Kencot. When both sites were proposed we were assured that extensive plant screening would be undertaken to minimise the visual effects on the local area. In both cases most of the planting has died and the sites are clearly visible from a considerable distance.</p>
Conservation And Design Officer	Although I consider the installation of photovoltaic solar panel installation comprising 42 panels on the roof of the spa building could be supported, however, I consider that 120 ground mounted panels

within historic rural paddocks would be insupportable.

The proposal affects the character and appearance of formerly open paddocks (as shown on 1875 OS maps), and the setting and views out from and into Bridge House a 17th century grade II listed former farmhouse (List Entry Number: 1266165). The proposal would result in the addition of overly modern features (inc. new hedge line) and associated paraphernalia which would negatively alter, urbanise and divide the rural paddocks within the curtilage of Bridge House, as well as negatively affecting the appearance of Shilton Conservation Area.

: I do not think the applicant has adequately assessed the impact; only some views, and mainly from outside the site. The setting and views into and out from of all of the heritage assets should have been assessed as part of this application by a suitably qualified person - aligned with Historic England's criteria for Setting.

There is a reliance on the screening the proposal from public views etc., however, within HE's guidance it states under - Access and Setting: Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number. The potential for appreciation of the asset's significance may increase once it is interpreted or mediated in some way, or if access to currently inaccessible land becomes possible.

The other concern I have relates to splitting off of the paddock - albeit that it is by hedging for screening purposes, it would see the cumulative change and loss to the historic openness of this paddock, harming the character and appearance of the heritage assets as a result of changes to their setting.

Other concerns I have relate to the lack of information / requirement for extra information:

- the heights in section of the solar panels (stated to be 2819cm) can be seen the specification plan, and the location can be seen on the site plan, but it would be useful to see a how the panels would look in the streetscene with/without screening.
- About the paraphernalia for the solar panels: would there be batteries / buildings / structures / security features / fences as well as the panels? This information would be a crucial part of the assessment.

From a conservation point of view, and having visited the site, I

consider there is harm to the listed building as a result of the addition of modern and intrusive features within its setting; altering the historic landscape from a historic paddock with a pleasant rural / pastoral character and appearance to a more urban/ industrial character. Likewise, for the same reasons it harms the character and appearance of the conservation area; also, the panels will be visible from the public footpath.

I consider this harm would be moderate less than substantial harm to the heritage assets as a result to harm to their setting, character and appearance. Therefore, I raise an objection to this application.

With regard to the impact of the proposal on the character and appearance of heritage assets, I consider the application is contrary to legislation, NPPF Section 16 (2024), and LP policies: EH9, EH10, EH11 and EH13.

## **2 REPRESENTATIONS**

2.1 The application has drawn comments from eight third parties. Six in support and two in objection, the material considerations raised are summarised below.

### **Support Comments**

- Large carbon saving through use of panel to heat pool and dwelling and reduction of demand on National Grid;
- Site largely obscured from public view and proposal would result in minimal impact; and
- Proposed planting would soften any views.

### **Objection Comments**

- Harm to character and appearance of the area and rural setting of the village;
- Proposal would be on an industrial scale unnecessary for residential purposes and are out of all proportion in a village location; and
- Panels will not last 30-35 years and should be subject to condition ensuring removal at the end of a fixed period.

## **3 APPLICANT'S CASE**

3.1 The application is supported by a Design and Access Statement, however, it must be read in the context of the significant changes made since the previous meeting of this Committee.

## **4 PLANNING POLICIES**

SHILNP Shilton Neighbourhood Plan  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design

EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH6 Decentralised and renewable or low carbon  
EH8 Environmental protection  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
NPPF 2024  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 The application seeks planning permission for the installation of photovoltaic solar panels comprising 42 panels on the roof of the spa building at Bridge House, Bridge Street, Shilton. The application has been amended following the previous meeting to remove reference to the previously proposed ground-mounted panels. Therefore, the revised plans and proposed seek consent for the 42 panels on the roof of the spa building only.
- 5.2 The host dwelling is Grade II listed and lies approximately 18m from the pool house/gym building. The site is wholly within the Shilton Conservation Area.

### **Relevant Planning History**

- 5.3 Bridge House has been subject to multiple planning applications in recent years, your Officers consider that in this case, the following is most pertinent:

19/02767/HHD- Construction of a new earth-sheltered swimming pool, pool house and gym together with associated landscaping works. Approved Dec 2019.

#### *Development Plan*

- 5.4 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 Shilton Neighbourhood Plan ('SNP').
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:

- The Principle of Development;
- Design, Scale and Form;
- Impact on Heritage Assets;
- Landscape and Visual Impact;

- Residential Amenity; and
- Ecology

## **The Principle of Development**

5.6 In light of Policies OS3 and EH6, Officers are minded to support renewable energy proposals in principle, and recognise the importance that such schemes will play in addressing the climate and ecological emergency. Policy OS3 states that minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means should be considered and the proposed solar panels would comply with this policy. Policy EH6 references that renewable or low-carbon energy 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.

5.7 Section 14 of the revised NPPF sets out that 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 (para. 163). Paragraphs 167-168 of the updated NPPF states:

'Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.

5.8 When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon 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;
- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions'.

5.9 Given the above policy context, the principle of development is considered acceptable subject to consideration of the remaining matters above against the development plan and relevant material considerations.

## **Design, Scale and Form**

5.10 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Further, the general principles of Policy OS2 require development to be of a proportionate and appropriate scale to its context and form a logical complement to the established pattern and character of the area. Section 12 of the National Planning Policy Framework ('NPPF') reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131).

5.11 In terms of siting, your officers consider that the siting of solar panels on the roof of the recently constructed flat-roofed pool house/gym represents a logical, proportionate and appropriate location in design terms. The roof mounted panels would be comparable in terms of projection to existing

rooflights and set at a pitch of 10 degrees. The impact of the proposals upon the character and appearance of the area is fully considered in the next section.

### **Impact on Heritage Assets**

- 5.12 Given the application site within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.13 Officers consider that the application site is within the setting of the listed host dwelling. Therefore, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.
- 5.14 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. WOLP Policies EH9, EH10 and EH11 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

#### *Heritage significance of Bridge House and the CA*

- 5.15 Bridge House is a Grade II listed former farmhouse dating to the C17. The building displays a strongly vernacular character and appearance, using steeply pitched roofs, mullioned windows and local stone. Officers therefore consider that its significance is largely drawn from its architectural as well as historic interest. Bridge House contributes to the character and appearance of the CA, which is more broadly characterised by a low-density and organic pattern of development that is defined by the enclosed valley topography. Dry stone walls and the interplay between the settlement and wider agricultural landscape are an important characteristic, as is the consistent use of local stone for walls and roofs.

#### *Contribution of the site to the significance of Bridge House and the CA*

- 5.16 The revised application site relates to the recently constructed pool/gym building, which replaced a pre-existing tennis court, and undeveloped paddock land. Given that the building is a modern construction, it is not considered to positively contribute to the heritage significance of the listed host dwelling or wider CA.

#### *Impact of the proposal upon the significance of Bridge House and the CA*

5.17 The proposed siting of solar panels on the roof of an existing modern structure is considered to result in a negligible impact upon the heritage significance of the host dwelling and the CA. This is due to their limited projection above the roof and that they would be read in the context of the existing contemporary building with limited intervisibility with Bridge House. The conservation officer has also raised no objection to the roof-mounted panels, and a neutral impact upon the significance of designated heritage assets is identified.

### **Landscape and Visual Impact**

5.18 WOLP Policy EH2 deals with landscape character and is also directly relevant in this case. It states:

'The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced. New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds... Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council.'

5.19 The SNP also describes the local landscape character as:

- Shilton is situated on the banks of the Shill Brook, which feeds into the River Thames six miles to the south. The ancient village remains relatively unspoiled as a farming village and most of the settlement has been designated as a Conservation Area.
- Shilton retains the buildings, topography and rural placement of a Cistercian Farming Grange.
- Shilton has retained its meadows that sweep down to the heart of the village in a way that binds the settlement with its surrounding country.

5.20 As set out previously, the proposal has been revised such that panels are only proposed on the roof of an existing building. The perception of this aspect of the scheme in the wider landscape would be negligible. The application is therefore considered to comply with WOLP Policies OS2 and EH2, as well as the SNP in this regard.

### **Residential Amenity**

5.21 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and the NPPF.

5.22 Officers consider that due to nature of the proposed development, location of the panels and separation distance to neighbouring properties that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing, loss of light or other nuisance issues such as glint and glare. In light of this assessment, officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP Policies OS2 and OS4.

## **Other Matters**

5.23 No material impact with regard to highways, ecology drainage or other planning matters are identified.

## **Recommendation and Planning Balance**

5.24 In light of this assessment, the application is considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, EH2, EH6, EH8, EH9, EH10 and EH11 and, the Shilton Neighbourhood Plan 2031, NPPF 2024, the West Oxfordshire Design Guide 2016. The revised application is therefore recommended for approval.

## **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.

**Contact Officer:** James Nelson

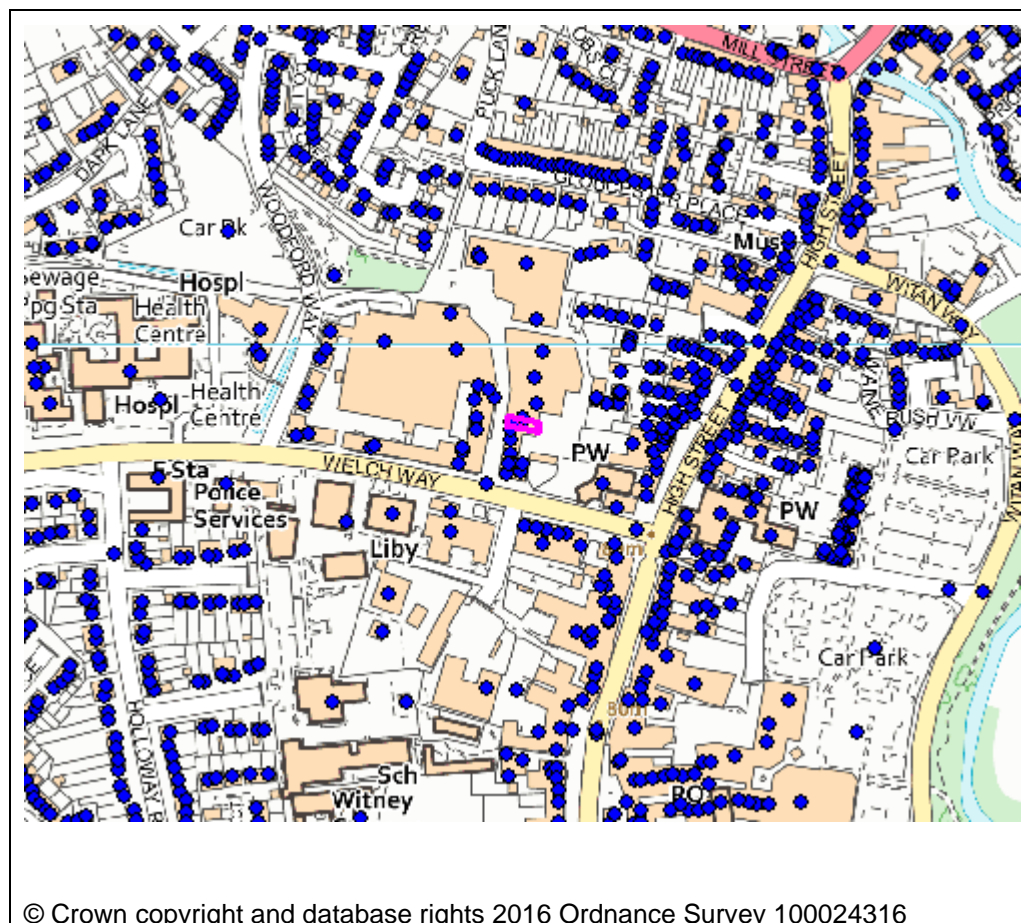
**Telephone Number:** 01993 861712

**Date:** 26th March 2025



Application Number	24/03269/ADV
Site Address	Unit 11b Marriotts Walk Witney Oxfordshire OX28 6GW
Date	26th March 2025
Officer	Joshua McFarland
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435543 E 209949 N
Committee Date	7th April 2025

### Location Map



### Application Details:

Erection of a fascia sign and a projecting sign (retrospective)

**Applicant Details:**

Mr Andrew Tubb  
Hotter Head Office  
2 Peel Rd  
Skelmersdale  
WN8 9PT

**1 CONSULTATIONS**

Parish Council

Witney Town Council has no objections to this application and noted that the design is in-keeping with the area. Members were also pleased to see an empty unit being occupied and welcomes new business to the area.

**2 REPRESENTATIONS**

2.1 No comments received.

**3 APPLICANT'S CASE**

3.1 The Design and Access Statement submitted in support of the application is concluded as follows:

This statement is submitted to support the Control of Advertisements Application for the proposal of: New signage in place of the ex existing, and associated shopfront framework decorations, in keeping with surrounding.

The heritage assets have been assessed during the design process, with much care taken to ensure that any historic features within the building's envelope have been retained. It is considered that this substantiates a conservation-led approach, in line with both local and national policies.

In line with the council guidelines on conservation areas, careful consideration has been taken to ensuring that the character of the building was retained and enhanced. The Proposed works will have a negligible impact upon any historic, heritage features of the building.

It is therefore considered that the proposal will have negligible effect on the historic character of the building and no impact upon the surrounding conservation area.

We have carefully considered this proposal in relation to the heritage assets of the building during the design process. Whilst we recognise that the building is not listed, these changes are not expected to have any negative impact on the historic value and relate to the existing modern features within the building.

Hotter recognise that historic features of important buildings and the surrounding conservation areas should be preserved. If left as existing, the existing features would appear dated and would not be in line with the new SPD and remaining historic character of the building. During the conservation-led design process, careful consideration was taken not to impact upon the existing historical heritage features of the building.

Overall, we have carefully considered the amount and location of the proposed work in relation to the historic elements within the building. In the light of this, the proposals comply with planning policy and there is no adverse impact on the historic character of the building.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH10 Conservation Areas

NPPF 2024

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

5.1 The application seeks advertisement consent for the erection of a fascia sign and a projecting sign at 21-23 Unit 11b, Marriotts Walk, Witney. The application site relates to a retail located in the main shopping area of Witney. The site lies within the Witney and Cogges Conservation Area.

5.2 The application falls under The Town and Country Planning (Control of Advertisements)(England) Part 1 Regulation 3 which states: A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account A) the provisions of the development plan, so far they are material and b) any other relevant factors. Therefore the main considerations of this application are the impact of the proposed development on public amenity and impact on the Conservation Area.

5.3 The application is before Members of the sub-committee as the site is on Council-owned land.

5.4 It has come to light that during the course of this application the works have been carried out. Amended plans showing the slightly smaller lettering have been submitted.

5.5 Proposed is the erection of a fascia sign and a projecting sign to the shopfront. The shopfront faces East onto the pedestrianised shopping area of Marriotts Walk. The proposed new projecting sign is to be hung from a black bracket, and measure 550mm by 400mm. The sign will be ocean blue, to match the shopfront, and feature the brand logo in white with centralized lettering. The fascia sign would also be in ocean blue colour to match the shopfront and would have the brand logo centralized in the sign. The panel would measure 1180mm by 5320mm, with the logo section measuring 713mm by 3000mm.

#### **Impact on Public Amenity**

5.6 It is important to consider that Section 12 paragraph 141 of the NPPF (2024) states: "The quality and character of places can suffer when advertisements are poorly sited and designed" Linking to this, Officers therefore consider Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(135 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

5.7 The proposed fascia sign and projecting sign would be visible on the street scene, however Officers have carefully considered that the signage is congruous with the local vicinity. The signage is in keeping with the neighbouring shops and is considered acceptable in its location. It has therefore been considered that the proposed signage would not give rise to any adverse impacts in regards to visual amenity.

### **Impact on the Conservation Area**

5.8 Within a Conservation Area, it is also important to take regard of Policy EH10 in the West Oxfordshire Local Plan 2031 which states that any proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting. The proposed fascia sign and projecting sign in the proposed location would not affect the public's perception or detrimentally harm the experience of the Conservation Area in this location due to its in-keeping nature with the surrounding shops. In this regard the erection of the fascia sign and projecting sign would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

### **Conclusion**

5.9 The proposed fascia sign and projecting sign is acceptable in design terms, maintaining levels of amenity within the locality and will not generate any public safety concerns. The proposal accords with the provisions of the NPPF and Policies OS2, OS4 and EH10 of the West Oxfordshire Local Plan 2031, and the Advertisements Consent regime.

## **6 CONDITIONS**

1. This consent shall operate for a period of five years from the date of this notice.

REASON: By virtue of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Express consent is granted subject to the standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

REASON: To comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advertisements must be maintained in a clean, tidy and safe condition and must not obscure road signs or railway.

**Contact Officer:** Joshua McFarland

**Telephone Number:**

**Date:** 26th March 2025