Raywood, Simon

From: Bojan Ivanovic [redacted]
Sent: 02 June 2025 18:32
To: Botley West Solar Farm
Subject: Objection to Classification of 40-Year Botley West Solar Farm as "Temporary" Development in the Green Belt

Dear Inspector,

I write as a local resident and interested party to raise serious objection to any suggestion that the proposed Botley West Solar Farm — a project of unprecedented scale in the Oxford Green Belt, spanning a land area comparable to Heathrow Airport — can be lawfully or meaningfully classified as "temporary" development.

Moreover, the developer's claims of "very special circumstances" — the ONLY legal basis on which inappropriate development may be permitted in the Green Belt — are unconvincing, extremely vague, high-level, and completely unsubstantiated.

Their justification relies heavily on generic green credentials and broad policy rhetoric, but fails to demonstrate why this particular project, in this protected location, must override one of the most enduring land use protections in English planning law. In short, it is greenwash in both tone and substance.

1. A 40-Year Development Is Not Temporary in Any Practical or Legal Sense

A project of this scale and duration will dominate the landscape for two generations, removing vast tracts of open countryside from public, ecological, and agricultural use. With roads, fencing, substations and solar infrastructure in place for 40 years, this development will functionally and visually urbanise Green Belt land for the lifetime of most residents.

2. High Court Case Law – Dillon v Secretary of State [2010]

The High Court in Dillon v Secretary of State for Communities and Local Government [2010] EWHC 1085 (Admin) made it clear that so-called temporary developments still require full assessment under Green Belt policy, stating: "The temporary nature of a permission does not negate the requirement to assess the actual harm to the Green Belt."

Even where a proposed use is time-limited, the real-world impact on openness, landscape character, and Green Belt purposes must be fully and rigorously examined.

3. Legal Definition of Permanence in Planning Law – Town and Country Planning Act 1990

The Town and Country Planning Act 1990 further illustrates the legal absurdity of calling a 40-year scheme "temporary."

Under the Act, a development becomes immune from enforcement action after:

4 years from substantial completion of building works (Section 171B(1)), or

4 years of unauthorised use as a single dwelling house (Section 171B(2)).

In other words, after only 4 years, a development may be deemed de facto permanent for legal purposes.

It is therefore INCOHERENT to argue that a 40-year development — TEN TIMES that threshold — does not constitute PERMANENT change in planning terms.

4. This Is a De Facto Rezoning for Private Gain

It is plainly evident — even at this 'early' stage — that the true intent behind the Botley West Solar Farm proposal is not the delivery of a time-limited green energy solution, but the PERMANENT transformation of productive Green Belt land into an industrial energy zone, with the resulting exponential uplift in land value accruing primarily to its private sponsors, primarily the Blenheim Estate.

This uplift is contingent on the Secretary of State for Energy Security and Net Zero exercising quasi-judicial powers to override local democratic control and planning protections.

If allowed, this would amount to a de facto rezoning of Green Belt land — not for essential infrastructure, but for speculative development — creating a precedent whereby the Green Belt becomes a “grey belt” by default.

The National Planning Policy Framework is unambiguous: the Green Belt exists to protect the countryside from encroachment and to preserve its openness and permanence.

It is clear even at the outset that the Botley West proposal will not achieve this — on the contrary, it threatens to undermine the Green Belt’s core purpose and erode its status across England.

Crucially, both the Government and the Planning Inspectorate have constructive knowledge of all the above: the relevant statutory framework, the applicable case law (Dillon), and the policy tests embedded in the NPPF.

Given that, it is difficult to understand why there appears to be such determination to push forward a CONTROVERSIAL scheme that runs counter to long-standing legal protections — unless the outcome has been pre-judged or driven by other non-planning considerations.

5. Request for Disclosure of Legal Opinions

I respectfully request that:

a) The Government and Planning Inspectorate confirm whether they have obtained preliminary legal advice on whether a 40-year solar development in the Green Belt can lawfully be treated as “temporary.”

b) That such advice — or at least a summary — be published in the public interest.

c) That the Blenheim Estate (as primary landowner and sponsor) and the developer disclose any legal advice they have procured to support their interpretation of the development as 'temporary'.

The legal classification of this scheme is NOT a PROCEDURAL TECHNICALITY — it is FUNDAMENTAL FROM THE OUTSET in determining the correct policy framework, the appropriate planning route (whether through the Nationally Significant Infrastructure Project regime or a more proportionate local planning process), and the rigorous standards that must apply to inappropriate development in the Green Belt.

5. Conclusion

The proposed Botley West Solar industrial zone would, if approved, become one of the largest developments ever granted within the Green Belt, with a 40-year footprint that is operationally and visually indistinguishable from a PERMANENT industrial energy zone.

Classifying this as “temporary” undermines legal definitions, national policy intent, and public trust in the planning system.

This position is especially indefensible given the abundance of brownfield land and commercial rooftop space — often located much closer to major energy consumers such as data centres, logistics hubs, food distribution warehouses, and industrial estates.

These alternatives are not merely available; they are significantly and materially SUPERIOR in planning, technical, and environmental terms. They offer better alignment between generation and demand, substantially reduced transmission losses, and no conflict with Green Belt protections.

Yet these clearly preferable options appear to have been ENTIRELY DISREGARDED.

Furthermore, once a Green Belt site has been industrialised at scale — under the pretext of “temporary” renewable infrastructure — it is, in practice, reclassified in land use terms. The visual and functional shift from open countryside to energy infrastructure renders the land ripe for future intensification, including pressure for housing, mixed-use, or further industrial development.

In this sense, the Green Belt is not just being breached — it is being IRREVERSIBLY transformed, setting a dangerous PRECEDENT for national planning integrity.

I urge the Inspectorate to assess this scheme under the full weight of the National Planning Policy Framework and relevant case law, and to resist any reclassification that seeks to lower the bar for approval.

Sincerely,

Bo Ivanovic

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