

Cassington Parish Council IP 20055026

Cassington Parish Council Responses to The Examiners Second Questions For Deadline 4

Introduction

Cassington Parish Council wishes to respond to The Examiners Second Questions where they are particularly relevant to the settlements of Cassington and Jericho Barns within our Parish. This includes questions directed only at the Applicant or IPs other than Cassington Parish Council where we feel impacts referred to in questions are of particular relevance to our residents or where we believe we can supply additional information of use to the Examiners (for example on wind strengths experienced in Cassington and the surrounding area, or on waterbirds). We sincerely hope this is useful to the Examiners and other IPs interested in this proposal.

Q 2.1.10 Applicant

Hours of working

Given the proximity of Cassington Village and Jericho Farm to the proposed Solar Farm (some property boundaries within 25m of the project) we find these working hours during the weekend unacceptable. Noisy activities, such as pile driving and heavy vehicle movements should be restricted from the hours of 08.00 to 18.00 on a Saturday and no noisy activities at all during Sundays.

Q 2.1.11 Applicant and Oxfordshire Host Authorities

Hours of working in the operational stage

Cassington Parish Council believes that allowing work anytime during daylight hours during operations is not acceptable because of the proximity of the development to properties in Cassington and Jericho Farm. During the summer daylight extends from after 04.00 to 22.00 so allowing noisy maintenance activities anytime during daylight, including weekends is not acceptable. We suggest that such maintenance times, unless there is an emergency repair required (or other form of emergency) are restricted in the same way as for during construction.

Q 2.1.12 Oxfordshire Host Authorities

Proposed construction hours

As stated above, we believe that the proposed construction hours are not acceptable given the close proximity of the development to residential properties in the village of Cassington and Jericho Barns. Working hours from 07.00 to 19.00 are likely to disturb residents sleeping in on a Saturday and may interfere with social activities on Saturday evenings. These activities generally centre around the Village Pub (The Red Lion) or the Sports and Social Club and associated Sports Fields (for example, wedding celebrations, fund-raising activities etc). We further add, that in the case of major social events, such as Weddings or Dinners / Dances), that the Village Parish Council can request for specific modification of times of working which involve significant noise within 1km of the village boundary. The prospect of noise disrupting important social events may well cause a loss of business to the Village Pubs, the Village Hall and the Sports and Social Club. Whilst the applicant claims these measures are to reduce the overall length of construction time to reduce time of disturbance for residents we strongly suspect the main reason is economic as obviously the lower the time for construction the less expensive it will be.

2.3.5 Applicant

Evidence the assertion

As stated in previous submissions there is a high number of bat species detected in the area (12 species) including the rare Annex II listed barbastelle and Bechstein's bats (9.6.41; EN010147/APP/6.3). The diversity of bat species, especially within the Central Section of the proposed project, is likely a result of the mosaic of different habitats in the area including woodland, hedgerow, water bodies and open fields. So important is the bat assemblage in the area that the Applicant's own ecological consultants have classified the area as of International Importance for bats (Table 9.6.4; EN010147/APP/6.3).

We believe the applicants were unaware of the importance of the Central Section of the proposed Solar Power Station to bats as the area was designed and has shown little or no variation in its design (apart from some newly proposed modifications near Bladon), since the very first public consultations, prior to the results of bat surveys becoming available. It is clear from the scientific literature that bats do forage over arable land to a varying extent depending on species (e.g. Heim et al., 2017; Finch et al., 2020; Tinsley et al., 2022; Foxley et al., 2023; Szabadi et al., 2023) and furthermore there is evidence in the UK and elsewhere that the presence of solar arrays have a significant impact on bat numbers over open countryside (e.g. Montag et al., 2016; Tinsley et al., 2022; Szabadi et

al., 2023) which for some species is severe. As stated previously, the mechanism that causes bat numbers to decline is unclear at present.

Furthermore, it has come to our attention that Blenheim Estates are planning tree felling in a number of ancient woods in the area of the central section, most notably for Pinsley Wood and potentially also for Burleigh Wood. In the former case, the felling appears to be for commercial gain (ash tree felling to supply wood for sports equipment). This is a major concern as it may impact bat populations in the area and so may be regarded as a cumulative impacting factor alongside the proposed Solar Power Station.

2.3.9 Applicant

Evidence the assertion

As stated above we believe that the timing of the design of the Central Section of the Solar Power Station, the subsequent lack of modification, and the timing of the initial and subsequent bat surveys mean that there is no way that the design accounted for the presence of bats. The only mitigation feasible for their presence, given the lack of understanding of the mechanistic link between solar arrays and bat mortality is removal of arrays from areas which bats are using. At present there are insufficient surveys in terms of spatial density of bat detectors to understand their use of woods, hedgerows, water bodies and fields in the area of the Solar Power Station. We have certainly seen no evidence of design to reduce impacts on bat species.

2.4.2 Applicant

Baseline data

Maximum wind speeds measured at weather monitoring sites are not necessarily an indicator of the strength of wind of most severe wind events in Oxfordshire. This is demonstrated by the so-called Halloween Windstorm Event of the 31st October 2021. During this event wind speeds of between 73 and 87mph were measured off the South Coast, in Wiltshire and North Buckinghamshire (Holley et al., 2022). However, Cassington was hit by a Tornado doing damage consistent with a Category 3 Event, estimated wind speeds of 93 – 114mph and Burleigh Wood by a Category 4 Tornado with estimated wind speeds of 115 – 136mph (Horton, 2021a,b; Holley et al., 2022). These tornadoes were associated with a mesolow that developed along a cold front (Holley et al., 2022). The tornadoes occurred in the vicinity of an outer hook feature along the southern and south-eastern flank of the mesolow and were unusual in the width of tracks they caused damage across where they touched down (Holley et al., 2022). For Cassington, this was the second tornado that had occurred in the area in ten years (Horton, 2021a). Tornadoes most commonly occur in the south, southeast and west of England where they are often associated with linear storms (Kirk, 2014; Mulder and Schultze, 2015).

The above observations indicate that infrastructure associated with the Botley West Solar Power Station needs to be constructed to a standard that is able to withstand wind speeds of significantly more than 136mph given their vicinity to homes in Cassington, Jericho Barns and elsewhere across the proposed scheme. Destruction of solar arrays by wind would represent a significant danger to property and life were the events of 2021 repeated.

2.4.3 Applicant

Climate change resilience

Given the evidence supplied by Cassington Parish Council, the likelihood of extreme weather events, in the shape of tornadoes is not extremely low (see Horton, 2021a,b; Holley et al., 2022). We have experienced three tornadoes on two dates in ten years. There is every likelihood that such extreme events will increase in frequency and intensity given climate change effects on weather.

As can be seen by the evidence presented damage to trees and private property in Cassington and Burleigh Wood in the 2021 event was significant. Many trees were simply twisted and broken from their bases or uprooted across a large swath of a copse in Cassington, other areas of trees and particularly Burleigh Wood, adjacent to the proposed development. Cassington Parish Council register strong concerns as to the potential for a repeat event of the same or worse intensity to wreak significant damage to a Solar Power Station and particularly the danger this would represent to our residents given the proximity of the arrays to residential properties.

2.4.5 Applicant

Maximum design parameters

As we have presented, weather that has already occurred at Cassington and Burleigh Wood exceeds the 90mph wind speeds used as a standard in BS 62584-1 to which the Solar Power Station infrastructure will be built. Cassington Parish Council therefore remain extremely concerned as to the safety of the proposed design standards in withstanding weather we have already experienced in the last 5 years.

2.4.8 Applicant

Mounting structure integrity

We note that any corrosion or other weakening of the infrastructure associated with Botley West Solar Power Station, especially the solar arrays and mounting structures will render the installation even more prone to damage by extreme weather events such as tornadoes.

2.6.3 Applicant

Suggested omissions by ICOMOS-UK

We will begin our comment on this question by pointing out that as a result of the 1801 Enclosure Act the Duke of Marlborough took control of most of the land to the north of the village of Cassington, re-routing the road through it, establishing local industrial sites and farms in the surrounding area (Cassington Parish Council, 2022). As such, Cassington Village not only forms part of the setting of the Blenheim Estate but historically has been part of it for more than 200 years.

As we discussed in our submission to Deadline 3 PVDP failed to respond to ICOMOS-UK's contention that the proximity of the Solar Power Station to Cassington is oppressive. We also noted that the Local Impact Report identified several issues with respect to lack of consideration of the overall visual impact of Botley West Solar Power Station on Cassington Village and the inadequacy of the 25m buffer which is applied over most of the development without consideration of local situations in many instances, including Cassington Village (see EN010147-001062) which was ignored by the Applicant. WODC have also recommended a reduction of the scheme from the hills to the north of Cassington which was also ignored by the Applicant.

We therefore feel that the Applicant should not only respond to ICOMOS-UK but also the District Council's Local Impact Report and the submissions to Deadline 3 by Cassington Parish Council.

2.6.10 Applicant

Church of St Peter, Cassington (Grade I)

The Church of St Peters is over 900 years old and is a notable feature that stands above the houses and other buildings in Cassington for considerable distance being visible from Wytham Woods to the South and the hills above Cassington to the north.

Cassington Parish Council support the view of its residents and HE that the imposition of solar arrays to the north of the village, as well as the proposed mitigation of tall hedges around footpaths, would obliterate the views of the church and its value in terms of heritage and landscape of the local area, something much valued by those who live both in the village and nearby.

2.6.18 Applicant

Cassington Conservation Area

We note that the Applicant has been aware of the Cassington Local Plan since the early public consultations on this proposal. We also note that, as stated above, Cassington village and the surrounding land are part of the historical setting of Blenheim Estate, but

further, were part of the wider portfolio of farms and farmland incorporated into the estate following the Enclosure Act of 1801. The solar arrays to the north of the village will be visible from within the Conservation Area, impacting the rural landscape that forms its setting. It will also impact on the landscape enjoyed by residents on the northern edge of the village and Jericho Farm.

2.7.3 Applicant All local authorities (including Parish Councils)

Council organisation and administration

It is difficult to comment on the proposed local government reorganisation in Oxfordshire as there are currently three proposals on the table and no maps for option three (a three-council option). Given that Oxfordshire City Council are not meeting their housing needs and instead opting to commercially develop much of the land in and around the city our view is that devolution options will almost certainly be used to significantly diminish the Greenbelt around the city which is seen as a constraint to housing development by the City Council. This will likely increase development pressure on the rural areas of what are currently Cherwell, West Oxfordshire and Vale of the White Horse District Councils adding to cumulative development impact on the area as a whole. We note that significant development is already underway at Eynsham, including the approved Salt Cross village, Woodstock, Long Hanborough, Freeland Begbroke and Yarnton.

Impacts on the discharging authority for Botley West, if it is approved would vary depending on the option selected and how that option is implemented.

2.7.1. Applicant All Local Authorities

Schedule 12

1)

What are your views on this amendment?

Cassington Parish Council has a preference for the original wording. The project should be designed so that it is only necessary to remove hedges within the Order Limits.

2)

Are you content that the Outline Landscape and Ecology Management Plan (OLEMP) would provide suitable and satisfactory mitigation/ replacement planting for any hedgerow lost that falls outside the Order limits?

The major concern here is the occurrence of increasingly frequent drought periods in summer and heavy rainfall periods in winter. Losses of hedgerows and even trees during droughts have been an issue this year and previously around Cassington Village and no

doubt elsewhere. Given the project aims to plant at least 26.5km of new species rich hedgerow and at least 26km of existing hedgerow will be reinforced through additional planting we wonder whether replanting will keep up with losses from newly planted and reinforced hedgerow. So although the strategy of replacement, planting and reinforcement appear to provide mitigation we see the issues of replacement of subsequent losses as a concern. Such action would need to be guaranteed and furthermore assessed by Local Authorities.

3)

Are the hedgerows affected suitably surveyed or protected (by the need for surveys and environmental mitigation/ protection measures) in the ES and the DCO?

Hedgerows within the Order Area appear to have been surveyed (hence identification of species rich and species poor hedges).

Applicant

4)

The result of the change to Schedule 12 appears to re-draw the Order limits around these hedgerows without seeking the additional land or rights to do this. It would seem unfair for the landowners (whose land the hedgerows fall upon) to be affected in this way without any compensation for the rights lost or the loss of features on their land. Provide a legal note as to why this change is acceptable with regards to the relevant compulsory acquisition guidance and legislation or revert back to the previous wording accordingly.

Cassington Parish Council agrees this is unfair.

2.8.1 Applicant

Otters, voles and fish

Cassington Parish Council believes that such wildlife surveys should be undertaken during the Examination. This is because results could influence the final design of the Solar Power Station or require other mitigation measures. If surveys are undertaken following the Examination, we are not confident that the results will be released by the Applicant for review by Interested Parties and mitigation measures undertaken to prevent damage to these elements of our wildlife subject to the proper level of scrutiny.

2.8.11 Applicant Natural England Environment Agency

Monitoring mitigation

Applicant – What would happen if ecological monitoring found that a greater adverse effect was being had on a species (i.e. bats, breeding bird assemblage) than the ES

envisages? What would the mitigation options be and where are they secured? Would panels be removed to lessen the impact?

Natural England / Environment Agency – Please provide your comments on this matter and what monitoring would achieve without effective mitigation options being tabled or understood at this point in the DCO process.

2.8.14 Natural England Forestry Commission

Woodland fragmentation

Cassington Parish Council identifies that although a 5m buffer may prevent physical contact with habitats such as hedgerows providing connectivity disturbance, especially during construction as a result of noise and vibration during the day may reduce or prevent connectivity for some types of wildlife. Furthermore, as we have described previously, farmland which is under cultivation forms an important connected habitat for some species, such as farmland birds, which feed on seeds from crops and bats which may use such areas for foraging. Considerations of connectivity in the ES have largely been confined to considering hedgerows and water bodies only a narrow treatment of this important aspect of ecology.

2.9.4 Oxford Host Authorities Other Interested Parties

Consequences of assessments

1)

Do you consider that, if the effects arising had been deemed ‘significant’, that additional mitigation above and beyond what is proposed would be required, or:

Cassington Parish Council regards both the poor methodology of the LVIA and the lack of an RVAA has led to an underestimation of the impacts of the proposed development on landscape, heritage and quality of life of residents of Cassington and Jericho Barns. The underestimation of these impacts has led to little proposed mitigation of these impacts on these settlements, where the development comes to within 25m of the boundaries of properties and public spaces. We detailed these issues in our submission to Deadline 3.

2)

Do you consider that the mitigation proposals would likely have remained equivalent to what is currently proposed, regardless of whether the applicant reported moderate adverse effects as significant or not significant?

Cassington Parish believes that if the methodology had fairly reflected the multiple impacts on Cassington and Jericho Barns (including the issue of flood risk) then

mitigation proposals would have been significantly increased over what is currently proposed.

If the answer to question 2 is no (i.e. more mitigation would have been proposed had the effects been deemed significant), which areas do you think the mitigation proposals have been underplayed and what do you consider needs to be done for more effective mitigation?

The development is far too close to Cassington Village and Jericho Barns. We have described the case in our submission to Deadline 3 and this is reinforced by both the submissions by ICOMOS-UK (EN-10147-001150-ICOMOS-CLHGC 27.6.25) and the Local Impact Report (EN010147-001062). Cassington Parish Council believes that the Solar Arrays and other infrastructure should be pushed back to the summit of the hills to the north of Cassington as outlined in our previous submission and appended here as Appendix A.

2.10.5 Applicant

Cassington vulnerability

As stated in our response to Deadline 3 very little has changed from the PEIR and the submission of the ES with respect to design of effective flood risk mitigation measures. PVDP and their consultants have failed to respond to our submission for Deadline 1. Leaving detailed design of mitigation measures for prevention of increased flood risk to the Detailed Drainage Designs after consent is granted is not good enough. People's homes are at increased risk of flooding should this development increase the rate of water runoff from the site. Post consent, Cassington Parish Council and the residents of Cassington will have no power to influence the design or implementation of flood prevention measures, especially if the project is sold on from PVDP which is consistent with previous projects they have been involved in (see Cassington Parish Council submission for Deadline 3). Attributing increased occurrence of flooding to the Solar Power Station will be statistically very difficult and would entail employment of further experts and no doubt legal expertise which would likely be out of financial reach of the Parish Council and residents. Furthermore, there are concerns regarding flood prevention measures such as balancing ponds as these require continual and ongoing maintenance, something Blenheim Estates have failed to do for a balancing pond located on the boundary of Cassington Village for two years despite numerous requests to do so by the Parish Council. Cassington Parish Council therefore urge that the precautionary principle is applied here, and areas of the development sited on the hills overlooking Cassington Village to the north and Worton Village to the north are removed as detailed in our letter to West Oxfordshire District Council, August 13th, 2024 (see Appendix A). This would have the additional benefits of reducing landscape and

heritage impacts on the villages of Cassington and Worton as well as reducing impacts on Public Rights of Way (footpaths 152/6/10 and footpath 152/8/10).

2.13.8 Applicant and All Interested Parties

Landscape mitigation and decommissioning

In the applicant's response to the Rule 17 letter [REP2-029], the applicant states "the proposed landscape mitigation would be retained after the removal of the

To all IP

4)

*The ExA recognises that the proposal would have visual impacts on the landscape, and several IP's have expressed concerns as to how adverse they would be. The ExA nonetheless is considering all stages of the development and is considering the future condition of the landscape post-decommissioning. What would your reaction be if, at this stage, areas of landscape mitigation (for example, planting hedgerows along public footpaths) were excluded from the applicant's plans and not implemented? ** This would of course result in un-mitigated visual effects being endured during operation but, at decommissioning stage, the original landscape character could be restored closer to that presented, enjoyed and described in the book by Forever Fields [REP1-101].*

*** Please note the ExA is not necessarily advocating this or pursuing this as a possibility but simply seeking to consider detail of operational and decommissioning phases of the development, taking into account paragraph 2.10.151 of NPS EN-3.*

Cassington Parish Council views this as a very difficult question to answer. The reason this is such a vexing and difficult question is that the proposed mitigation hides the Solar Power Station after hedgerows have matured but obliterates the extended views of a beautiful landscape we currently enjoy. Ideally the proposed Solar Power Station should be significantly reduced in line with the reduction in spatial extent in the Local Impact Report, or at the very least (from the point of view of Cassington Parish) to the extent outlined in Appendix A of this submission. If such reductions were made, then the need for mitigation of impacts on views of the landscape would be dramatically reduced. If the proposed Solar Power Station were approved as is planned currently Cassington Parish Council would wish to see a full restoration of the landscape (as recorded by Forever Fields) as prior to the scheme going in which includes removal of newly planted hedging. We acknowledge this may have impacts on biodiversity associated with these hedgerows. A compromise may be that each newly planted hedgerow should be assessed for whether removal is necessary by local authorities and an independent landscape expert to restore extended views of the landscape with input from local people at the time of removal of the Solar Power Station.

2.13.15 Applicant

Residential Visual Amenity Assessment (RVAA)

Cassington Parish Council identifies that there is no doubt that private views from properties on the northern side of Cassington will suffer from adverse impacts on their views as a result of this proposed development should it be approved. We note that these properties have not been included in the Assisted Site Inspections and believe it is important for the Examiners to see the potential impacts for themselves.

As stated in our submission to Deadline 3, Cassington Parish Council is seriously concerned about the subjectivity apparent in the methodology used in the Landscape and Visual Impacts Assessment. The Applicant states that best practice was applied to the LVIA. However, we contest that scoping of “moderate effects” as non-significant had an overwhelming impact on the outcomes of the LVIA and rendered the overall impact of the proposed Solar Power Station less significant than it will actually be. This is a view that was shared by other Interested Parties, most notably ICOMOS-UK and the District Councils in terms of the Local Impact Report.

The flawed methodology of the LVIA was used as justification for not undertaking an RVAA for this proposed development. The lack of a RVAA has had the result of downgrading of impacts on villages such as Cassington and Jericho Barns with residential properties adjacent to the proposed Solar Power Station. This has resulted in the buffer zone to the north of Cassington being far too low (25m).

2.16.8 Applicant

Bird strike

Cassington Parish Council note that water birds have been demonstrated to collide with solar arrays in the US and South Africa as they mistake them for waterbodies and effectively try to land on them (Jenkins et al., 2015; Mulvaney, 2019). These types of birds are of a considerable size in the area of the Botley West proposal and include ducks, seagulls, cormorants, geese and mute swans, the last of which frequently feed in fields around Cassington during the winter. Whilst there is no data relating to water birds and potential for attraction to solar arrays in the U.K. that we are aware of this is a particular concern in relation to this proposal as there are a number of large water bodies both within the footprint of the proposed development and in close-proximity to its boundaries. It also means that wintering birds attracted to the newly created habitat may not only be small farmland birds but could be large waterbirds, such as mute swans, which represent a significant threat even to larger aircraft in the vicinity of Oxford London Airport.

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Appendix A Letter Cassington Parish Council to WODC, August 13th 2024

Councillor Andrew Graham,
West Oxfordshire District Council,
[REDACTED]
Council Offices,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Alex Rogers,
Parish Councillor,
Cassington Parish Council
13th August, 2024

Email: [REDACTED]

CC: Councillors Andy Goodwin [REDACTED] Dan Levy
[REDACTED]; Carl [REDACTED] Calum Miller MP
[REDACTED]

Dear Andy, Callum, Councillors, County Councillors,

I am writing to you as a member of Cassington Parish Council on behalf of my fellow Councillors and residents of Cassington and Worton. There are many issues which are of great concern with respect to the Botley West Solar Power Station proposal including:

Damage to heritage including a World Heritage Site;

Damage to the Greenbelt, which in WODC's own words is functioning well around Cassington;

Damage to productive farmland;

Damage to our landscape and the setting in which Cassington and Worton residents live;

The proximity of the solar arrays to properties in Cassington;

Loss of amenity;

And Flooding.

I am specifically focusing on the last of these issues with respect to Cassington and Worton. Both Cassington and Worton have suffered from repeated flooding issues over many years resulting from surface water runoff from the hills lying to the north. This matter was specifically raised with PVDP and their consultants in a meeting with Stop Botley West on the 19th January, 2024 with respect to comments made in the very first response written by Cassington Parish Council to the first "informal" consultation held in December 2022 and the response to the Scoping Report, June, 2023. PVDP and their consultants dismissed without hesitation or discussion our concerns on the grounds that the peer-reviewed evidence we produced on the matter were from other countries and settings and therefore not relevant to this development.

We have now seen evidence from two commissioned reports by hydrologists, one asked to look at the flooding implications for a private landowner in the Parish of Cassington, the second, a report to Stop Botley West. In both cases, these reports indicate that not only are our concerns legitimate but that the Botley West proposal has neglected to deal with the risk of increased runoff resulting from the placement of solar arrays on the land to the north of the village in its

proposals to date. There has been no willingness to alter the footprint of the Central Section of the proposal to ensure the safety of the properties of our residents. There is no sign to date of any specific design features of this proposal to alleviate the increased flood risk that this proposal represents.

Cassington Parish Council are therefore proposing that either the Botley West proposal is rejected which remains both the Parish Council's and resident's favoured option, or it is scaled back from the north of the village to the summit of the hill contours that lie to the north of the village. A rough sketch of what this would look like is indicated in Figure 1 below.

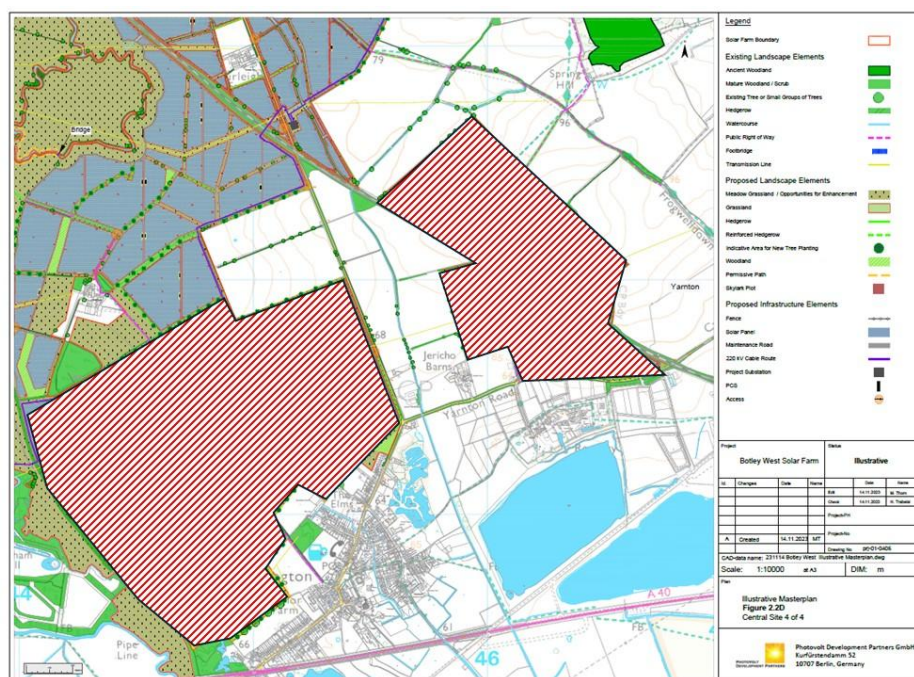


Figure 1. Proposed scaling back of the Botley West proposed solar arrays north of Cassington and Worton. Areas in red hatch are where solar arrays from the proposal are removed.

This proposal has the advantage of moving the entire scheme back from Cassington village where we believe that it is far too close to dwellings in the village. This will help to preserve amenity of at least some of the public rights of way from Cassington and Worton. It also avoids issues around the potential alterations to local temperature that may occur as a result of conversion of solar energy to heat by the vast array of panels across the landscape. It also preserves some of the greenbelt and farmland that would otherwise be lost.

As representatives of residents of West Oxfordshire, we sincerely hope that you are able to support the views of the residents of the Parish of Cassington and to ensure that through the coming months of the planning process our views are heard and fairly represented both in negotiations with PVDP and in submissions to the Planning Inspectorate. We believe that this will require the appointment of legal representation during the planning enquiry (assuming the proposal is accepted for examination) by WODC on behalf of all of the district councils affected by the proposal. We believe that this is absolutely the wrong proposal in the wrong place and that its imposition will stifle community- based efforts to attain carbon emission reduction targets. However, if the worst should happen and this proposal is accepted then it is critical that it does not pose threats to our residents and their property and has as little impact as possible

on amenity, landscape and environment. We are very happy to meet and discuss this and other issues related to the impact of this scheme on Cassington Parish.

Kind Regards



Alex Rogers on behalf of Cassington Parish Council

Barbara King, Chris Metcalfe, Graham Mills, Stewart Thompson

