

Response by Michael Brown (IP ref. [REDACTED]) to the SoS's letter dated 4th September 2026
inviting comments from Interested Parties on the Late Response by the Applicant

Introduction

1. Despite the positive gloss put by the Applicant on its discussions with the OHA it is clear from both the OHA's final position expressed in the Position Statement (C1-109) and in the OHA's own responses (C2-200 and C2-218) that the local authorities are not happy with many important aspects of what is proposed by the Applicant. Whilst there may have been some betterment, the reality is that differences remain wide and unresolved.
2. These include that the revised scheme has not been assessed by a revised Environmental Impact Assessment, and the OHA's comments throughout the examination of the applicant's LVIA have not yet been satisfactorily addressed. Additionally the OHA still have concerns both about the drafting of Requirements 15 and 16 as well as the scheme still falling short of addressing the concerns raised by the OHA (REP6-118) – and many others including myself – throughout the examination. The OHAs conclude that Requirement 15 'leaves too much ambiguity and is potentially unenforceable.
3. Far from being a new assessment by the new Landscape Architects, the oRVAP appears to be little more than a limited comparison with the previous RVAA and still lacks evidence of site work to better inform the desk work.
4. This is a wholly unsatisfactory situation and has been caused by the Applicant's inability or refusal to address these issues constructively either before, during or even after the Examination. Rather the Applicant appears to have shut its mind to what the OHA and many others have been articulating and explaining for a long time.
5. These concerns are summed up by the OHAs in their Response to Anticipated Amendments (C2-218) at page 10 in these terms: *Essentially the design development was not informed by a detailed understanding of the landscape and visual sensitivities, and seeking to do this retrospectively appears only to be offering some partial improvements. There has been a lack of rationalisation to present a logical scheme with good landscape and visual fit, and which reduces likely affects to an acceptable level.'*

Outline Residential and Visual Amenity Plan – July 2026 (C1-108)

6. The Approach section sets out the landscape architects explanation of Residential Visual Amenity. The Applicants' new Landscape Architects quote a relatively simple definition but then go on to complicate it. What however is clear is that they have not complied with the Steps that they have described themselves nor have they followed their own criteria for grouping properties.

7. Regarding Step 2 the Applicant explains the process in paragraph 2.15: *'The visual amenity baseline is considered in terms of the type, nature, extent and quality of views that may be experienced **from** the dwelling itself and its domestic curtilage.* And at paragraph 2.16: *'The following aspects are considered when evaluating the baseline visual amenity experience. The nature and extent of all existing views potentially available **from** the property and its garden. Identification of the primary/main views **from** the property or domestic curtilage, as well as secondary/peripheral views.'*

8. But no one on behalf of the Applicant has approached my wife or me at any stage for access to our property or garden/curtilage, New Barn Farmhouse, Church Hanborough, so no effort has been made by or on behalf of the Applicant to assess visual amenity baseline **from** the house or garden/curtilage. Despite this failure to carry out this basic property specific site work, the Revised Masterplan Assessment in respect of our property and two others on page 43 (Design Evolution Assessment No. 32 for The Paddocks; The Stables; New Barn Farmhouse) asserts in these terms: *'There are no alterations to the above ground infrastructure in the vicinity of these properties, with substantial screening afforded by the intervening bands of dense vegetation helping to ensure the Proposed Development reads as a filtered element within the wider landscape, with the setting effectively unchanged for these properties.*

9. With respect, what they conclude is nonsense so far as our property is concerned, and would be seen as such if they cared to look from the property. In effect what the new Landscape Architects have done is to regurgitate what the previous ones said, again without any viewing **from** our property. What they have written makes even less sense when the trees/bushes are not in leaf.

10. If those doing the assessing had followed their own description of Step 2 at paragraph 2.16 of the oRVAP they would have seen from our home primary/main views to the South and secondary/peripheral views to the East. We have wide panoramic views to the South across open fields in the foreground and outwards across the Evenlode valley to Purwell Farm in its elevated position to the East of Lower Road, and further outwards to Wytham Woods to the South and Blaydon Heath to the North East. The nature and quality of these views and outlook are fundamental to our overall experience of living here.

11. At paragraph 2.18 of the oRVAP under the sub-heading 'Design Evolution- Step 3a' the Applicant maintains: *'Where potential for higher magnitudes of visual change have been identified the design response has sought to avoid or reduce these effects through the application of increased separation distances, reconfiguration of development areas ...'*

12. Because the assessment work has not included proper site specific work the description in the Revised Masterplan Assessment in the Design Evolution Assessment in oRVAP reaches the wrong judgement. The Illustrative Masterplan (Rev 4) Fig.2.2D was at least a step in the right direction with a buffer of 250m. But the corresponding Rev 5 has gone back to the original 100m. This is worrying for us and has not been explained.

13. What has now been submitted to the S o S is only an outline Plan produced very late, and some 8 months after completion of the Examination. It appears still to rely primarily on

deskwork without much or any significant site work, and relies on much that the previous landscape architects produced and which was challenged and they were replaced. In the case of my and my wife's home of nearly 30 years, this is grouped in the Design Evolution Assessment with two other properties, The Paddocks and The Stables, which have quite different outlooks from our own. A short site visit would quickly have shown the folly of this grouping, indeed the corresponding area highlighted in yellow on the plan on page 43 of the oRVAP includes six other properties as well. The principle of grouping as stated in paragraph 2.13 of the Approach section of the oRVAP has clearly not been followed.

OHA's responses and comments (C2-200 and C2-218)

14. The OHAs Response in C2-200 to the Applicants responses to the SoS's RFI is a lengthy, robust and well argued assessment of what many of us have been saying since the outset in 2022. For reasons best known to themselves the Applicants have chosen to ignore much of what IPs in general, and the OHAs in particular, have been saying. The Applicants failures are laid bare in C2-200. However the OHAs have also been able to comment in C2-218 on advanced drafts of the most important late material submitted by the Applicant on 16th July 2026.

15. The OHAs comments in C2-218 are based on the Applicant's drafts as at 9th July. Some small drafting changes to that draft have clearly been made since then by the Applicant. Nevertheless the OHAs comments are highly relevant and still carry much weight. The OHAs have made it very clear that they have not agreed the Applicant's strategy as proposed in the oRVAP and DCO Requirement 15. They point out that it is unclear how decision makers should use the information, and that the oRVAP does not relate to the other project details which were examined by the EA.

16. In relation to the Landscape Institute's guidance the OHAs supplement the greater detail in C2-200 and make the point that the oRVAP refers to criteria in the guidance but then don't address them in the assessment. Thus they say that whilst the plans are helpful more information is required to understand the nature of the likely impact. The OHAs appear to doubt that much fieldwork was carried out and ask if work was done inside property curtilage, and point out that there was no information as to how the assessment was undertaken.

17. With regard to the Applicant's Masterplan Development Rationale – July 2026 the OHAs point out that since the LVA evidence, such as photomontages illustrating the submitted and amended schemes or updated impact assessment have not been provided. So the impact of changes cannot be readily be quantified. The OHAs therefore conclude: *'No comment can therefore be made on the potential betterment represented by the amended scheme or its likely acceptability.'*

18. Further under Landscape Response the OHAs refer to having been given incomplete draft documents. They point out that there is no updated EIA or LVA, and no new

photomontages, no revised ZTVs etc, and conclude: *‘.....too much uncertainty remains to be able to make judgements regarding the effects of the project.’*

19. These are pretty fundamental criticisms, and apply directly to our own property.

20. For the comments on the proposed DCO Requirement 15 please see below at paragraphs 29 – 32.

Applicant's Cover letter 16.9.26 (C1.094)

21. The Applicant explains the oRVAP in these terms: *‘The Applicant has submitted the outline Revised Residential and Visual Amenity Plan (“oRVAP”) prepared by Icení Projects, which refines the existing assessment in the context of the revised siting of permissible works secured through the Landscape Parameter Plan. The oRVAP explains how the appropriate mitigation is delivered through the DCO. The oRVAP is not intended to be a Residential Visual Amenity Assessment but rather secures the embedded mitigation necessary to avoid and minimise impacts on residents’ visual amenity. This mitigation through design was informed by detailed desk based analysis and field work to provide site specific design responses to individual residential receptors. The oRVAP was shared in draft form with the OHA in advance of this submission.’*

22. Ignoring the reference to field work and site specific design, this explanation in the Cover Letter is difficult to follow. There seems to be an assumption that the Landscape Parameter Plan (Appendix A to the oRVAP) is a ‘done deal’ and that therefore everything based on it must be OK. This is certainly not the case. As the Applicants’ letter indicates the Parameter plan is used as the basis for the oRVAP, which in turn they say *‘secures the embedded mitigation necessary to avoid and minimise impact on residents visual amenity.’* I assume that ‘embedded mitigation’ is shorthand for the basic buffer of 100m offered to every relevant property within 250m, or perhaps it is also the 109m in the Judgement column in the table or the 130m mentioned in the text of the Submission Masterplan Assessment in the context of our home. (Page 43 of the oRVAP)

23. Whichever of these distances applies it will not *‘avoid’ or ‘minimise the impact on our visual amenity’*. The Parameter plan and the Rev5 Masterplan show a retrograde step from even the Rev. 4 Masterplan 2.2D (C1-051). Rev5 omits the longer distance upwards of 250m shown on the Rev 4 Masterplan. Further, the Parameter plan legend describes the grey areas by reference to the Works in Requirement 15 whereas the Rev 5 Masterplan legend describes the corresponding blue grey colour as being ‘Solar Panels and conservation Grazing Areas’.

24. The combination of: grouping three properties with different outlooks, plans with different legends, differences between Rev 4 and Rev. 5, the introduction of a Parameter Plan as well as the Applicants Cover letter has left me in considerable confusion. Even Submission Master Assessment no. 32 in the Design Evolution Assessment of the oRVAP, with which the Revised Master Assessment agrees, purports in the text to measure 130m from two separate properties which in fact are nowhere near equidistant from the panels and in any event ignores the distances from the edge of each property to the corresponding

garden walls. In the chart for Master Assessment no. 32 the 'judgement' is then stated to be only 109m. I have re-measured along the ground with a long tape measure the distance from our garden wall to the nearest point of panelling/works as shown on the Landscape Parameter Plan and the oRVAP. It is about 86m, not 100m as claimed nor 109m nor indeed 130m.

25. Unless those preparing these plans and making these assessments come to look at the site for themselves, rather than relying on desk work including Land Registry plans I do not believe they will be able to make any truly professional judgement. In my response (C2.324) to the S o S's invitation on 14th April 2026 (as amended) I explained the extent of the views southerly and easterly from our home and garden by reference to 18 numbered fields. These views are enjoyed from our conservatory and kitchen (in which we spend a large part of the day), and upstairs three bedrooms (including our own) and a corridor as well as in the garden.

26. Further in the Cover Letter the Applicant describes how the oRVAP sets out the minimum distance and provides plans to illustrate this. Then importantly the Applicant contends that: *'The Design Response secured is then tailored to the specific characterisation of each property's visual amenity and the intervening landscape, taking into account factors such as , but not limited to, slope, angle, topography, aspect and orientation.'* This is disingenuous and misleading because they have not carried out the basic pre-requisite of a property specific site visit first.

27. In order to help understanding, but not as an alternative to a site visit, please find a copy of my submission REP2-121 as an Appendix to these comments. It included photographs taken from our property including one with photomontages/visualisations showing panels along the line of the currently proposed northern edge of the panels/works in Field 2.115. The effect on visual amenity will be even greater when the trees and bushes are without leaves. The land level remains much the same until it starts going slightly downwards at about 300m from our garden wall. Any panels, fencing etc nearer would have a serious visual impact and affect the longer view to Witham Woods.

28. Further regarding the lengthy period when trees and bushes are without leaf, there is a disturbing statement in the 2nd paragraph under subheading 'Landscape Update' of the Cover Letter where it says: *'Requirement 15 explains that the final residential and visual amenity plan must be substantially in accordance with the outline plan. This allows for a degree of flexibility in the detailed design to respond to findings that may occur during winter conditions, noting that the oRVAP was prepared whilst vegetation was in leaf'*. This appears to imply, if not to clearly state, that the Applicant expects the only flexibility to be related to the greater visual amenity after the leaves have fallen. In other words , apart from the leaves issue the oRVAP is the final assessment. This is in clear conflict with what is stated elsewhere and is totally unacceptable.

Requirement 15, Draft DCO (clean) Rev.11 (C1-097)

29. The OHAs repeat their overall opinion in both C2-200 and C2-218 in these devastating terms: *Overall, the OHA still do not consider that requirement 15 is suitable to secure mitigation against residential visual amenity impacts. Insufficient evidence of assessment methodology behind the proposed mitigation has been submitted to allow the SoS to determine whether the mitigation would prevent or sufficiently reduce a significant impact. Furthermore, the drafting of the requirement leaves too much ambiguity and is potentially unenforceable.*

30. So here there is set out the collective opinion of all the relevant local planning authorities, who are being asked to operate this process, warning in the clearest terms that the proposed Requirement 15 is not fit for purpose. This fundamentally undermines the whole edifice on which the Applicant now relies.

32. Picking out just one phrase '*substantially in accordance with the oRVAP*' (Requirement 15(2)) , this would lead to much debate and unfairness. For example, if the oRVAP provides 100m for a property but the proposed RVAP was to provide 250m , would this be substantially in accordance ? If all relevant properties were given 200m would this still be substantially in accordance ? If the average buffer/offset for all relevant properties was 200m would this be substantially in accordance, and even it was how would fair criteria be established to provide some properties with say 150m and others with say 250m ? It seems to me that Requirement 15 would be unworkable.

Order Limits red line

33. I have said before, as have other IPs including Hanborough Parish Council (C2-216) that the Order Limit red line should only go around the areas of panels, fencing and other Works, but not more. It should not include other land such as field 2.116 or the northern corner of field 2.115, and these and the many other fields coloured light green on the Illustrative Masterplans Rev 5 (C1-118). And there is no justification for any of these areas, except for possible access reasons, to be subjected to compulsory acquisition. To grant such powers over many acres of farmland would lead to huge uncertainty as to future use by whichever developer or funder acquired it included with the solar farm. Rather the Order Limit boundary should be around the solar farm itself, if it has to be built, leaving the rest of the farmland as now as part of the Blenheim estate.

Conclusion

34. Having failed to get away without an RVAA of any kind, as a result of pressure from the members of the EA who proposed 250m buffers for every relevant property the Applicant has presented a number of drafts culminating in the oRVAP and an unworkable, ambiguous and potentially unenforceable Requirement 15 in the draft DCO. If nevertheless the SOS

decides to grant consent on this basis, affected residents including my wife and I will be left with yet more years of uncertainty and trauma. The EA's proposal of 250m at least had the benefit of simplicity and if granted to the 57 properties/groups identified in section 3 of the oRVAP would reduce the overall size of the panel coverage by a very modest amount. Instead, the Applicant has pursued its Requirement 15 route which will surely lead to anguish, argument, huge costs and unfairness between residents. This proposed route out of the Applicants difficulties brought on itself should not be granted, and consent should be refused.

MB 30.9.26

APPENDIX to paragraph 27 above

(REP2-121)

Nomination for locations for an Accompanied Site Inspection (ASI).

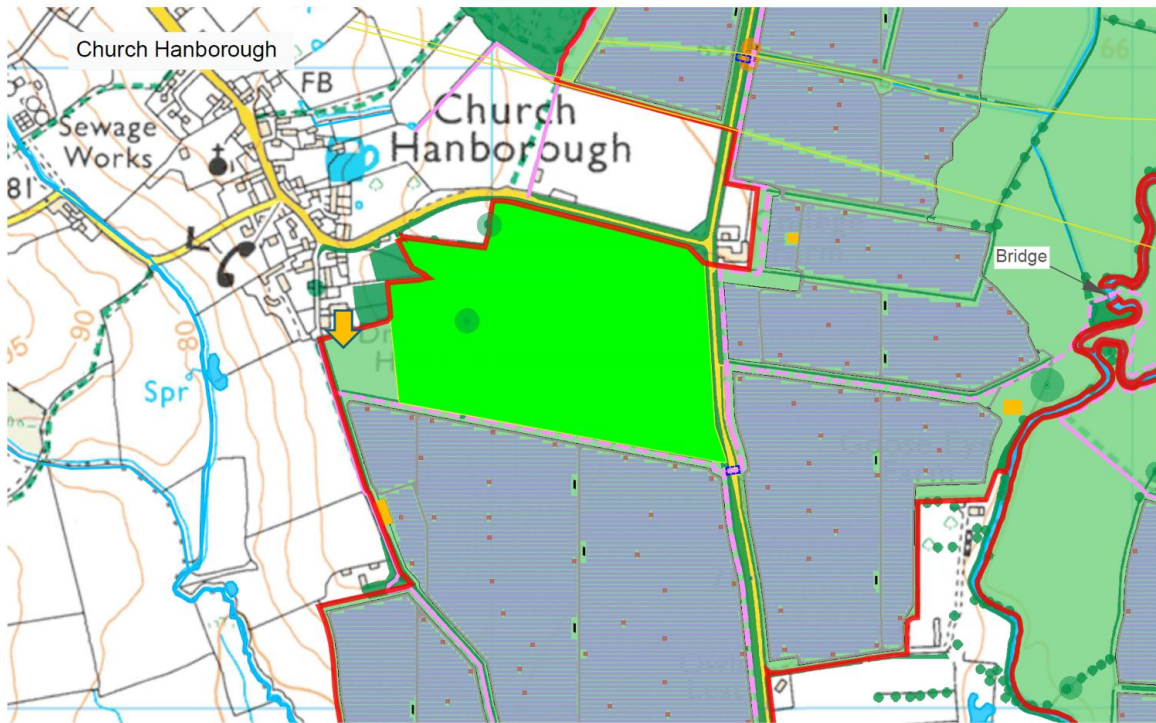
My name is Michael Brown. My wife and I have lived here at New Barn Farmhouse, Church Hanborough, OX29 8AB for over the last 25 years. In the Botley West documentation our home has been referred to both as New Barn Farmhouse and Dreydon House. Although the Ordnance Survey map still uses Dreydon House, it was sold to us as New Barn Farmhouse and that has been its name at least since then.

We will be directly adversely affected if the Applicant's proposed development goes ahead. This nomination by way of request for an ASI concerns: (a) the direct impact on us and also (b) viewpoint 24 on PRoW 238/5/20 which has not yet been photomontaged. Contacting us on inspection day would be best using 07799 661878.

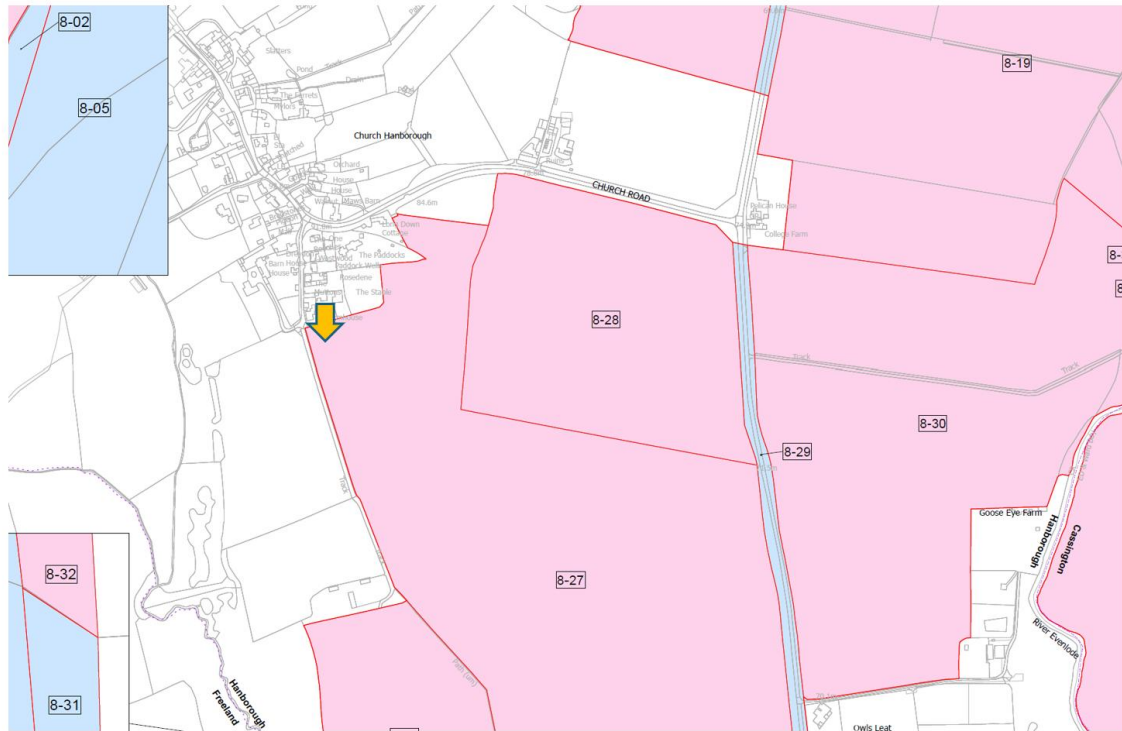
(a) Our home is at the end of an adopted but unnamed lane at the southern end of Church Hanborough. Long distance sightlines from the house and garden are to the south and east. Below please find annotated copies of: two of the Applicant's plans for identification, a photograph looking south from our garden and corresponding photomontage. I am not an expert in photography or montaging so please regard the photomontage as illustrative of the impact from our house and garden. I have tried to take into account the topography. Our house is immediately to the left of the orange arrow on both plans.

Below: Extract from: APP-062 Illustrative Master Plan – Fig. 2.2C

Orange arrow ↓ shows location and direction of photo below.



Orange arrow shows location and direction of photo below.



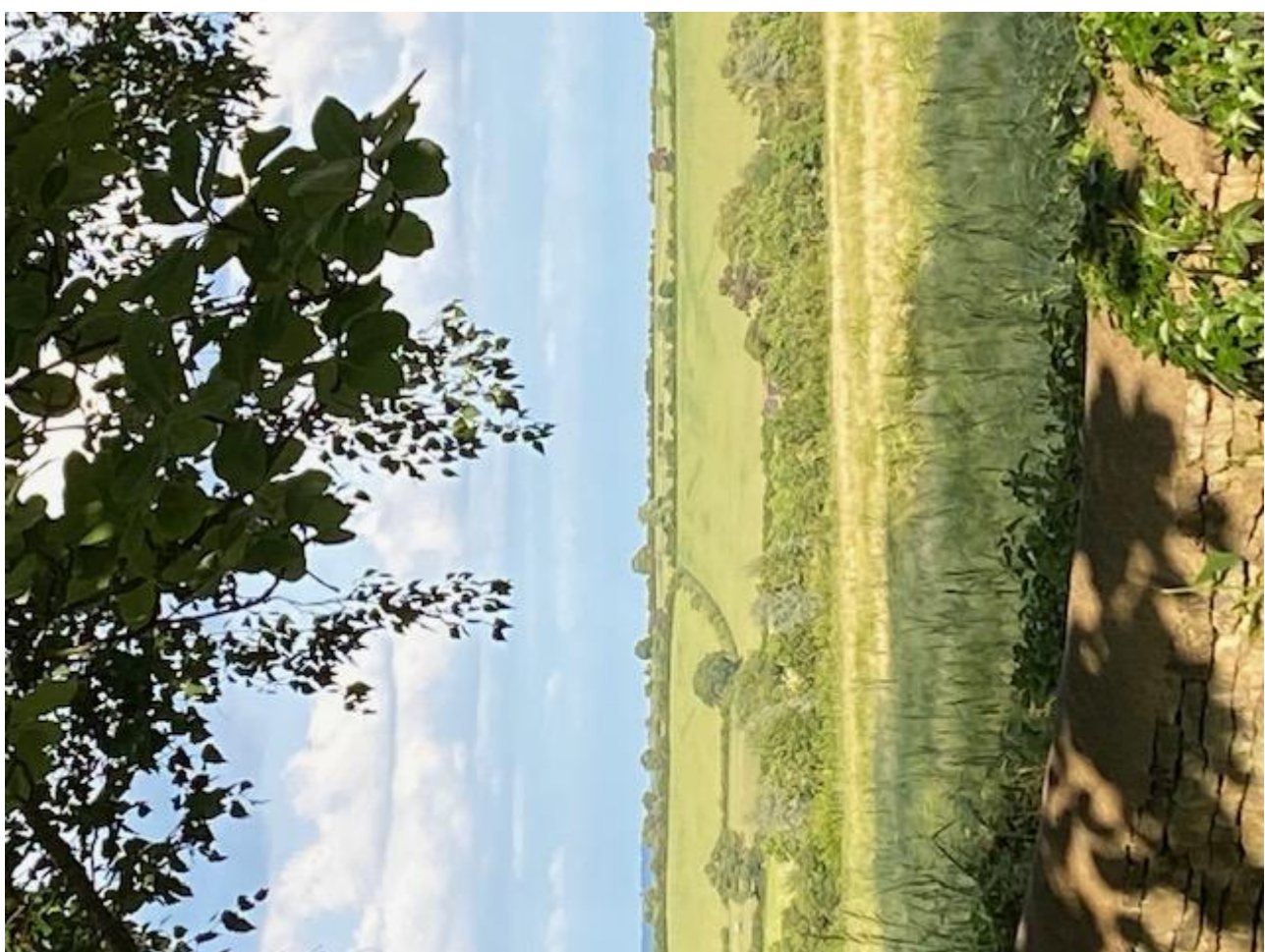
Below: Photo taken June 2025 from back garden of New Barn Farmhouse



Below: Photomontage showing approximate location and height (2.3m) of proposed solar panels. Note that stepladder in photo to right of solar panels is 2.4m high and located at location of edge of panels on footpath estimated from plans on above. Also note that photomontage does not include any proposed fencing.



Below there are also two further photographs again taken from our garden looking south east towards the higher ridge either side of Purwell Farm. Judging by APP-062 Illustrative Master Plan – Figs. 2.2C and 2.2F it is proposed by the Applicant to install panels in the fields up and along this ridge. Again this would be a substantial impact – in effect, obliteration of the skyline and current undulating landscape to the east of Lower Road. Similarly if looking west from Lower Road through large gaps in the hedge rows the setting of Church Hanborough would be seriously adversely impacted by many further acres of panels.





(a) Beyond our house the lane becomes a footpath PRoW 238/5/20 going on down to City Barn Farm and then joining with other PRoW, one of which leads on to Eynsham. Katharine Metcalf of the ExA included the lane and part of the footpath during Part 2 of the USI3 on 26th February 2025. As well as observing the Conservation Area and Listed Buildings she also noted 'the wider landscape visible to the east from this footpath'.

I have pointed out many times to the Applicant, but to no avail, the absence of a photomontage at viewpoint 24 along this footpath. I would therefore request an ASI to include this footpath and for ExA to observe the panoramic view from viewpoint 24.

This footpath is well used throughout the year by ourselves and other local residents as well as visitors to the area. Only yesterday many youngsters with heavy rucksacks – looking like Duke of Edinburgh groups - were using the footpath and lane and walking past both viewpoint 24 and our house.

