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Research - Conserve - Campaign

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Dear Sir or Madam,

### **Botley West Phase II consultation**

This is a joint response from the Gardens Trust (GT), a Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Gardens, and the Oxfordshire Gardens Trust (OGT), to the Phase II Consultation for Botley West Solar Farm, Oxfordshire. In addition to this consultation, the GT intends to register with the Planning Inspectorate as an Interested Party to enable further representations during the Examination Phases.

Our response focusses primarily on parks and gardens (RPGs) and their settings but also considers views to and from heritage assets, notably the Blenheim Palace World Heritage Site (WHS) as well as from surrounding villages, conservation areas, public rights of way (PROW) and sites of archaeological/ecological interest noted as contributing to the Outstanding Universal Value (OUV) of Blenheim and its setting. Blenheim Palace and Park is both a WHS and a Grade I RPG, so our response is concerned with the effects on the heritage values of both these designations including their settings. Despite several site visits, familiarising ourselves with this application has not been made any easier by the way the documentation has been named, split up and loaded onto the website, leading to inconsistencies in cross-referencing. A guide would have been very helpful.

The proposal is to install and operate approximately 840 Mwe of solar generation in open countryside in parts of West Oxfordshire, Cherwell, and White Horse Districts. It is a major scale development and an NSIP scheme. It would in three separate, but closely related zones of solar panels transform 1300 hectares of sensitive, predominantly rural landscape which form the setting of the WHS and RPG. The proposal has a projected lifespan of 40 years; it is effectively a permanent development. We note about 70% of the proposal site is located in the Oxford Greenbelt.

We are aware a full Heritage Impact Statement has not yet been produced. The PEIR includes an inventory of the designated heritage assets in the project site and wider 1km and 2km study area/search radius. These contribute to the character, sensitivity and value of the overall rural landscape on which the solar farm is proposed, that landscape also contributing to their own settings. The assets include RPGs, Listed Buildings, Scheduled Monuments and Conservation Areas. Apart from Blenheim there are two other RPGs within the 2km wide study area around the Project site: Yarnton Manor (Grade II) and Tackley Park and Water Garden (Grade II\*).

### Legislation, Policy and Guidance

UK planning policy legislation can allow development to take place if 'public benefit' can be shown to outweigh harm. However, such a test does not apply to a WHS. The evaluation process of UNESCO/World Heritage Committee of the impacts on the OUV of a WHS does **not allow** for adverse impact to be balanced or mitigated by public benefit. In such a situation it is for the UK to make a final decision whether to issue a development consent order (DCO). This risks UNESCO choosing to place Blenheim on their List of World Heritage Sites in Danger and even deleting it from the World Heritage List as was the case for the Liverpool WHS in 2021.

The relevant **National Policy Statements** (NPSs) (EN-1 to EN-5) <sup>1</sup> in relation to energy and solar development came into force on 17<sup>th</sup> January 2024. The updated drafts of NPS EN-1 and EN-3 already required full consideration of the protection of heritage assets **and** their setting which as an important policy context is acknowledged by the developer PEIR. Of particular note is NPS EN-3 (paras 3.10. 108 and 109) which states : *'Applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting'* and *'As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence may cause substantial harm to the significant of the asset.'*

The **National Planning Policy Framework** (NPPF) 2023, Paras 194 & 199 requires the need to properly define the value of setting and its contribution to the significance of heritage assets, giving appropriate weight to the value of the asset and its setting particularly when referring to WHSs and RPGs.

**Planning Practice Guidance** (PPG) underpins the NPPF and provides more specific guidance for developing detailed policies for different development types. The recent PPG *Planning for Renewable and Low Carbon Energy August 2023* in considering assessment includes the following relevant statements: *'The need for renewable or low carbon energy does not automatically override environmental protections. ... Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to the setting. ... Protecting local amenity is an important consideration, which should be given proper weight in planning decisions.'*

Policies for the Historic Environment in the Local Plans for West Oxfordshire, Vale of White Horse, and Cherwell Districts are broadly in accordance with those of the NPPF and other guidance.

Good Practice Advice produced by Historic England includes **GPA 3 The Setting of Heritage Assets** (2017). This supports and builds on the NPPF definition of setting, how setting contributes to the significance of assets and how it may be affected by development. A step-by-step methodology is included to be applied proportionately to the significance of the assets effected and in consideration of the scale and type of development proposed. The advice emphasizes that setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. Neither is the appreciation of setting limited to purely visual considerations. Other factors such as historic associations, landscape character and other sensory experiences can also contribute.

### The need for renewable energy

The GT and OGT accept there is a need to balance Renewable Energy Needs and Heritage and Landscape and Heritage Protection including between: The national need for large scale solar renewable schemes

- (i.e. the Project contribution to the meeting of the UK government target of a decarbonised grid by 2035 but this is offtrack). Botley West would contribute about 50% of the Pathways to a Zero Carbon Oxfordshire 2030 target and 1/5 of 2050 target.
- established international, national, and local obligation of government to conserve landscape and heritage assets and ensure local community amenity and wellbeing as set out in national and local policies and guidance.

**The GT/OGT are, however, concerned that the proposal does not respond to an overarching national spatial strategy to guide appropriate land use including for solar sites countrywide. The choice of energy sites is currently unplanned and opportunistic. Nor does it provide a national picture of the significance of heritage, ecology, and landscape against which the selection of the Botley West proposal can be seen to have been sequentially evaluated and then selected as an appropriate location.** Where are the other potential sites and why have they been ruled out?

### The PEIR

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<sup>1</sup> <https://www.gov.uk/government/collections/national-policy-statements-for-energy-infrastructure>

In terms of information presented in the PEIR we have the following comments, focusing on chapters 7 and 8:

### *Landscape context*

The PEIR (Vol 1, Ch 7) argues that the land take of the proposals avoids any overlap on areas of designated heritage assets and therefore has a minimal or low adverse impact on their significance. The large-scale proposals are, however, spread across an extensive area of rural landscape which is the valued setting for Blenheim WHS and RPG and many other heritage assets and their settings, which are nested into this landscape and, we consider, are not fully appreciated by the PEIR. The project site itself, and its predicted zone of theoretical visibility (an area of some 22km in length and 12 km in width), covers a mosaic of high value rural, interconnected, landscapes that are sensitive to large scale development or change.

In support of Local Plan development in the past, the three District Planning Authorities have prepared landscape character assessments, which address heritage, and in part consider the value and sensitivity of the different character areas. The proposal would directly and indirectly impact adversely upon a sequence of 11 no. distinct local landscape character areas which are interconnected with subtle transitions, and which form a coherent whole landscape of consistently high quality and sensitivity. Using primarily the three planning authorities' landscape character area studies, the PEIR (Ch 8 Table 8.9) asserts that the 6 no. character areas directly affected by the development are judged to be only of *'medium to high sensitivity'* to change. This neither reflects the magnitude of the project proposal nor the intrinsic sensitivity of these landscapes and the pressure they are under in 2024.

The Project site itself lies outside of any nationally designated landscape but the PEIR (Chapter 8) acknowledges that *'this does not mean that the Project Site has no value.'* Based on the published landscape character studies and some field work, it concludes that: *'Overall it is considered that the Project Site (as an undesignated landscape) is of good quality and typical of the landscape within the Study Area (a 5km wider 'buffer' zone around the development corridor). It is considered that the Project Site is of medium to high landscape value.'* The PEIR uses *Landscape Institute Technical Guidance Note 02/21, (Vol 3 App 8.2)* to explore landscape value. Under the Cultural Heritage factors in Table 8.1 the following definition matches the characteristics of the Project Site and its environs: *'Landscapes with clear evidence of archaeological, historical or cultural interest which contribute positively to the landscape.'* The PEIR does acknowledge the examples of contributors to, or indicators of Landscape Value as advised by the Landscape Institute as set out below. They are a good match to the Project site landscape:

- *'Presence of historic landmark structures or designed landscape elements.*
- *Presence of historic parks and gardens and designed landscapes*
- *Landscapes which contribute to the significance of heritage assets, for example, forming the setting of heritage assets*
- *Landscapes which offer a dimension of time depth. This includes... cultural time depth e.g. presence of relic farmsteads, ruins, historic field patterns, historic rights of way'*

In Table 8.1 under the title "Examples of Evidence" referring to the Project Site, the PEIR offers the following: *'No statutory historic designations associated with the project site. ...The Project site does not fall within a Conservation Area. There is no village /town/neighborhood design statement or plan covering the Project site.'* This may be correct if only the formal boundaries of the designations are considered, but the statements ignore the acknowledged presence and significance of the setting of designated assets which overlap into the Project site landscape. They also ignore the numerous and strong presence of features and patterns in the landscape that create a time depth and historical dimension. The historic landscape of the Project site is therefore undervalued by the PEIR analysis.

Apart from ensuring the intrinsic landscape value (including its historic dimension) is correctly assessed, sensitivity to change needs to be fully understood and in relation to this, the capacity of the landscape to absorb development or change. The scale and magnitude of the proposal will not allow it to be easily absorbed into the high value intricate mosaic of landscapes and the amenity that these provide for the local communities. The character and quality of the wider landscape in the environs of the Project site has already, and is significantly, changing. Exceptional pressures for housing and infrastructure is creating a cumulative adverse impact on the landscapes, settlements, and communities east of and south of the WHS (some 1080 houses on sites approved or planned)

as well as an additional 2,200 new homes and a new science business park at the Salt Cross Garden Village to the south-west. The rural unaffected 'residual' or 'in between' landscapes - including the corridor of the Project site - are greatly valued by the local communities, and through this are perceived rightly to have an increased sense of sensitivity to change as development threats increase.

In addition, when looked at in a wider landscape and planning context there are other related and existing influences that add to the perceptions that the Project site and its context have a particular value which should not be compromised. These include:

- The importance of open countryside and the Greenbelt in separating the relatively dense mosaic of historic hamlets, villages and Woodstock town from the City of Oxford which characterizes the area and prevents coalescence.
- The Importance of maintaining open agricultural land as a counterbalance to the intensity of ongoing suburbanization, traffic congestion and other urban impacts.
- The Importance of the rural character of the Project site being part of the gateway, tourist route and strategic setting for visitors approaching internationally significant destinations of the historic City of Oxford, Blenheim Palace WHS, the historic town of Woodstock, and the Cotswolds AONB.

### *Views and setting*

The assessment of views (PEIR non-Technical Summary and LVIA) is incomplete and does not fully assess the effects in operation. Views are in one direction only but should be to and from viewpoints on PROW and of key heritage assets including Blenheim Palace, listed buildings, archaeology, and ancient woodland etc. There are only 18 photomontage visualizations so far and many of the most severe impacts are not illustrated. For example, viewpoints with high visual impact and no photomontage include viewpoint 9 near Grade II\* Hordley House and historic landscape; a reverse of this view looking towards the house is also needed to establish the impact on setting. The value of Historic Routes is also an omission that has yet to be assessed: Akeman Street, Dornford drove road, Eynsham toll road, and long-distance routes such as Oxford Greenbelt Way and the Oxfordshire Way. Another omission is the lack of assessment of non-registered sites contained in the draft Gazetteer of Parks and Gardens in Oxfordshire compiled by OGT. Lower Dornford, a landscape designed by Capability Brown which is on the OGT Gazetteer, has not been assessed in the PEIR. The PEIR also fails to assess the impacts of the proposed solar farm on the significance of heritage assets and their settings as required in NPPF 2023, paragraph 194.

Despite the available guidance, it is our opinion the PEIR fails to adequately define, assess, and give appropriate weight to the value of setting and its contribution to the significance of designated assets, in particular the WHS and RPG as advised by policy and other national guidance. The PEIR acknowledges that as part of a compliant HIA, a full analysis including the '*Impact on the Blenheim Palace WHS as a result of change within its setting*' is still work in progress and recognizes the importance of the HIA process being iterative. It is also stated that there are '*uncertainties*' about some of the impact conclusions (particularly those concerning the WHS) but that these impacts can be dealt with by further mitigation if they arise. This is disingenuous and **underlines the need for a fuller evaluation before** further decisions in the NSIP process are taken.

We consider the conclusions of the Preliminary Heritage Assessment in relation to the WHS and its setting are oversimplified and flawed when the heritage assessment method relies primarily on visual criteria and ignores the sensitivity and value of the wider landscape setting and the contribution this makes to the OUV of the WHS and other designated assets. **Potential impacts on the OUV and setting of the WHS should not be screened out at this stage and should be reconsidered in a comprehensive HIA prepared using UNESCO guidance.** The large scale and wide spread of the solar farm and its intervisibility with the wider landscapes would severely impact on the character of a sequence of local and distinctive landscape character areas. These are interconnected with subtle transitions and form a coherent whole of high value and sensitivity. This quality is in large part a result of the presence of features and patterns in the landscape that create a time depth and historical dimension.

The Blenheim Palace WHS was placed on the World Heritage List in 1987. Like some other WHSs of this period the inscription for Blenheim did not include a formal buffer zone. In the case of Blenheim,

the OUV of the WHS was focused on the Palace with the Park being perceived as the setting for this. Today, the concept of setting is fully appreciated with many WHSs now also having a recognized 'buffer zone' which is a material consideration in decision taking. This has brought WHS more into line with national guidance which emphasises the importance of defining and protecting the setting of heritage assets. In response, UK WHSs including Blenheim, have retrogressively refined their Statements of OUV and related attributes (significance) and had these adopted by UNESCO. The most recent WHS Management Plan (2017) adopted by Blenheim and UNESCO incorporates these refinements and incorporates, as Appendix III, a Setting Study.

This important document follows best practice and guidance. It uses both views and intervisibility as well as landscape character and quality as a basis for describing in detail the definition of, and value of the Blenheim WHS setting and its components. Crucially, **the study acknowledges that the wider landscape setting beyond the Park contributes to the OUV of the WHS** and considers in Para 5.02 that the elements that most directly related to this are:

- *'The connection with the River Glyme -the management of this river as it runs through the setting of the WHS directly affects the character, ecological value and water quality of Lancelot Brown's lake within the WHS;*
- *The links with the much larger and ancient Wychwood Forest area;*
- *The value of the boundary wall and plantations which mainly hide the park from outside views, but also form important woodland elements in the wider landscape;*
- *The key visual linkages between Blenheim and its setting - to Bladon church in the south and from Old Woodstock to the Column of Victory in the east;*
- *The character of the setting as traditional English countryside, dotted with picturesque villages mainly built using a uniform palate of materials.'*

**The last of the points above essentially acknowledges that the rural agricultural character of the wider landscape, including the extensive areas proposed for the solar farm, have a value that as a setting is both in contrast to and complimentary to the historic designed parkland of Blenheim Park.** Para 5.03 goes on to say that: *'These significances are important individually and together in achieving a strong sense of place, which helps foster a sense of community through pride in the WHS and connecting with the local area. Landscape character, views and the historic environment, together with recreational opportunities and biodiversity are all important parts of feeling connected and belonging with local community.'*

We therefore feel the sensitivity of the landscape of the Project site is undervalued by the PEIR analysis (Ch 8 Table 8.9). The rating fails to reflect the high value of the landscape as a setting for designated heritage assets including the WHS and the presence of numerous undesignated heritage sites, landscape features and patterns that create a time depth and historic dimension in the landscape. It also fails to take proper account of the current and cumulative development pressures and threats that are changing the character of the emerging 'in between' landscapes and creating an even greater sense of sensitivity for these areas as perceived by local communities and stakeholders. For example, Salt Cross Garden Village, with its 2,200 new homes and a new science business park, is due to be built immediately to the north of Eynsham. It shares a north-eastern boundary with Botley West solar farm and currently appears as open countryside on the accompanying maps, giving a false impression of unchanged landscape area.

The PEIR acknowledges that the wider landscape including the Project Site has a role as setting for the WHS as described above and that there will be *'potential impacts and residual effects'* on *'the Blenheim WHS as a result of change within its setting'* (Table 7.17 Para 7.14 .1.2 of Vol 1 Ch 7 (Historic Environment). However, these critically important impacts on setting have not yet been defined and evaluated but will be examined in a separate HIA which *'is being undertaken to review the potential for the Project to harm the significance of the WHS as a result of change within its setting.'* If the concept of a valuable and sensitive setting for the WHS is accepted and the large scale and wide extent of the project is imposed on this, there seems little doubt that a severe and adverse impact on the character and functions of the WHS setting would result.

Tables 17 and 18 in Vol I Ch 7 of the PEIR summarize the result of the assessment of impacts on the historic environment. While of some use at this stage, we feel this assessment is incomplete until the submission of the full HIA.

We would like to summarise our concerns as follows :

- Despite available guidance the PEIR fails to adequately define, assess, and give appropriate weight to the value of setting and its contribution to the significance of designated assets and in particular the WHS and RPG as advised by policy and other national guidance. We note the PEIR accepts that Blenheim has a wider landscape context.
- The conclusions of the Preliminary Heritage Assessment in relation to the WHS and its setting are oversimplified and flawed when the heritage assessment method relies primarily on visual criteria and ignores the sensitivity and value of the wider landscape setting and the contribution this makes to the OUV of the WHS and other designated assets.  
The sensitivity of the landscape of the Project site is undervalued by the PEIR analysis. The rating fails to reflect the high value of the landscape as a setting for designated heritage assets including the WHS and the presence of numerous undesignated heritage sites, historic routes, landscape features and patterns that create a time depth and historic dimension in the landscape.
- The PEIR fails to give proper weight to the current and cumulative development pressures and threats that are changing the character of the emerging 'in between' landscapes and creating an even greater sense of sensitivity for these areas as perceived by local communities and stakeholders.  
A full *Heritage Impact Assessment* (HIA) during the early design stages of the project, as would be expected by best practice to ensure an iterative process of project development and before critical site and design decisions were made, was not undertaken.
- The critically important impacts of the Project on the setting of the WHS have not yet been defined and evaluated. If the concept of a valuable and sensitive wider landscape setting for the WHS is accepted and the large scale and wide extent of the project is imposed on this, there seems little doubt that there would be a severe and adverse impact on the character and functions of the WHS setting.
- Overall, the PEIR initial assessment of impacts of the Project on the components of the historic environment underplays the degree of adverse impact that would occur. It also states that the refinement of the Project design will enable the magnitude of the impacts to be reduced and that the consequent level of effect would be insignificant. Once the assessment of the impact of the Project on the setting of the WHS is completed this is highly unlikely to be the case.

Furthermore, the proposal does not respond to an overarching national spatial strategy to guide appropriate land use, including for solar sites countrywide. The choice of energy sites is currently unplanned and opportunistic. It does not provide a national picture of the significance of heritage, ecology and landscape against which the selection of the Botley West proposal can be seen to have been sequentially evaluated and then selected as an appropriate location. Where are the other potential sites and why have they been ruled out? Despite the undesirability of this scheme, which we strongly oppose, we consider that walking routes/cycleways/foot paths and bridleways between the various solar blocks should be generally far wider, with mixed native hedgerows and trees. This would improve the experience for users, softening and somewhat disguising the stark security fencing as well as increasing biodiversity.

### Conclusion

GT and the OGT believe the consultation lacks adequate identification of designated heritage assets impacted, in addition to contextual and related designations or assessments of cultural value such as historic routes, ancient woodland and local farmland character areas which all contribute to the setting and approach to Blenheim WHS and Grade I RPG. The consultation fails to adequately assess their significance and level of harm which would be caused.

Further, staff at public event centres including Cassington were unable to provide adequate information on assessment of views and settings impacted, referring to the sample of viewpoints in the PEIR, which are woefully inadequate, from one view only, not to, from, in and around assets and not assessed according to the NPPF 2023 in terms of significance and substantial or less than substantial levels of harm.

Yours sincerely,

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