

Raywood, Simon

From: DC Support <DC.Support@cherwell-dc.gov.uk>
Sent: 30 October 2024 16:48
To: Suzanne Taylor
Subject: FW: Botley West Solar Farm AoC
Attachments: SBW Response to BWSF AoC .docx; BWSF_adequacy of consultation undertaken.pdf

In Def

From: Stop Botley West <contact@stopbotleywest.com>
Sent: 25 October 2024 16:24
To: Planning <Planning@Cherwell-DC.gov.uk>
Subject: Botley West Solar Farm AoC

CAUTION: This email originated from outside of the Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

I am writing concerning the statutory public consultation on the Botley West Solar Farm proposal (conducted 30th Nov 2023 – 8th Feb 2024) and the opportunity you will have as a Local Authority to report to the Planning Inspectorate on the adequacy of that consultation.

As you may know, Stop Botley West is a community-based action group comprising representatives from all the communities adjacent to the proposed solar farm site in the three affect Districts of West Oxfordshire, Vale of White Horse and Cherwell.

During the consultation process, we collated the views of over 1,400 local residents on the consultation and shared it with you in our report '*Botley West Solar Farm: Report on Adequacy of Consultation, May 2024*' (available on our website here:

https://img1.wsimg.com/blobby/go/b88fe279-b547-48aa-9134-87b8b5b735a6/downloads/AOC_Main.pdf?ver=1720853491576).

We recently learned that the developer of the solar farm, PVDP, has sent a document titled 'Botley West Solar Farm Adequacy of Consultation, May 2024' to Local Authorities in which they set out how they feel they addressed the concerns raised in our Adequacy of Consultation report. (The developer's document is attached here for ease of reference.)

We believe PVDP's responses are inadequate and we explain why in the attached document. I hope you will take this into consideration and that it is useful when you write your own Adequacy of Consultation report.

I must stress that we are acutely aware of the urgent need to develop renewable energy in the UK, but we are also aware that proper public consultation is crucial. As Ed Miliband said, 'We know that not all planning applications are good, and that is the Government's position.'

(<https://hansard.parliament.uk/Commons/2024-07-18/debates/1B2ABCB9-1455-4C86-8E2F-5E763B38E888/CleanEnergySuperpowerMission>)

The larger the development, the bigger the impact on local communities. I'm sure you agree that an exceptionally large infrastructure project like Botley West, affecting such a large area with so many residents, needs genuine and effective public consultation.

I am happy to answer any questions you may have.

Regards

Prof. Alex Rogers

Chair, Stop Botley West

An aerial photograph of a solar farm, showing numerous rows of solar panels arranged in a grid pattern across a field. The panels are tilted and cast shadows on the ground. The image is in grayscale, with the text overlaid in white and yellow.

Botley West **Solar Farm**

Adequacy of Consultation

May 2024

Background

Iterative consultation has been undertaken, including two distinct consultation periods.

Phase Two consultation is considered statutory, as it complies with the requirements of the 2008 Planning Act, associated guidance, and the commitments and principles agreed through our Statement of Community Consultation.

Adequacy of Consultation challenges have been raised by the action group Stop Botley West. Our team met with them during the Phase Two consultation to discuss these concerns, and remains confident in the adequacy of our consultation activities.

Further consultation is required as result of specific changes to the project red line boundary, which has informed a proposed approach proportionate and targeted to these changes.

We recognise Local Authorities may want assurances in response to comments made by Stop Botley West. The following slides set out information in response.

- **November – December 2022:** Phase One Consultation on initial proposals (7 weeks)
- **Winter 2022 – Summer 2023:** Consideration of feedback and development of proposals
- **June 2023:** Submission of EIA Scoping Report
- **July 2023:** Community-facing Consultation Summary Report
- **Summer 2023:** Development of Statement of Community Consultation through informal and formal consultation with Local Authorities
- **November 2023:** Publication of SoCC confirming upcoming Phase Two details
- **November 2023 – February 2024:** Phase Two Consultation on developed proposals and PEIR (10 weeks)

| SBW Comment | BWSF Response |
|---|--|
| <p>Despite requests from SBW, WODC, CPRE Oxfordshire and Robert Courts MP to delay the consultation until after Christmas, it went ahead on 30 Nov with 4 in-person events in mid-December.</p> <p>The disparity in attendance figures before/after Christmas demonstrates the importance of this request.</p> | <ul style="list-style-type: none"> • The Phase Two Consultation period was held for 10-weeks (exceeding the statutory requirement by 2.5 times). • No in-person events were held within 10 days of Christmas Day or New Year’s Day, in recognition of bank holidays and school terms. • We recorded 276 attendees across the four events held in December. • We consider all of the events to have been well attended. Average attendance was higher in January, but this month also statistically included the two least attended events were in January. |
| <p>Inappropriate venues and unsuitable times of consultations meant that many residents were unable to attend due to work commitments, transport and parking difficulties.</p> | <ul style="list-style-type: none"> • Over 1,000 attendees were recorded across a series of nine in-person and one online information event. • Venues were identified based on research of local communities in our Core Consultation Zone, venue requirements for a safe and suitable event, our experience from Phase One consultation, and feedback from Local Authorities on our draft SoCC. • Events were held across different days of the week, including Saturdays, with times ranging from 11am – 7:30pm. |

| SBW Comment | BWSF Response |
|--|--|
| <p>The statutory minimum notice was applied to this consultation disregarding the exceptional size of the proposal and the large number (15+) of rural communities who needed to be informed.</p> | <ul style="list-style-type: none"> • The consultation period exceeded the statutory minimum by 2.5 times. • The consultation period was advertised a further two weeks in advance through publishing the SoCC on 14th November 2023. • A total of 12 weeks' notice was therefore formally given of the response deadline. • All statutory notice requirements of the 2008 Planning Act were complied with. |
| <p>The Community Consultation leaflet was distributed in an unmarked envelope during the busy pre-Christmas period when some were late, some not delivered at all and many likely to have been overlooked among the Christmas post. This leaflet is what most residents are likely to have used to inform their views yet it contained several inaccuracies, many unsubstantiated claims and little objective detail.</p> | <ul style="list-style-type: none"> • A community consultation leaflet was distributed to 22,000+ properties within the Core Consultation Zone. • Leaflets were posted out ahead of the consultation period commencing by Royal Mail. • They were also available: to collect from any of the five Community Access Points, to take home from any of the project in-person information events, by request by phone, post or email, and to download from the dedicated project website. • All information was made available online, at events, and at Community Access Points. • Availability of this information was further publicised through newspapers and emailing anyone who had registered to be kept informed. |

| SBW Comment | BWSF Response |
|---|--|
| <p>Whilst recognising that the PEIR is preliminary, nevertheless significant key information was completely missing so could not be consulted on. The grounds for establishing the ‘very special circumstances’ required to justify building on the Green Belt - requested by the Inspectorate in it’s Scoping opinion - was a particularly serious omission. The PEIR (7000 pages) was not provided with an adequate index. This made navigating such an enormous document impossible and finding information relevant to a particular question very difficult.</p> | <ul style="list-style-type: none"> • BWSF took an approach to hold statutory consultation with communities, land interests and prescribed consultees in parallel. • This was to ensure equal access to information across consultees, including the PEIR. • Recognising that local communities are not the primary audience of the PEIR, given requirements to utilise EIA language and processes, the consultation also included publishing a Community Consultation Leaflet, a Non-Technical Summary of the PEIR, and holding in-person events with explanatory displays. • Team members were available throughout the consultation period to help answer questions and support navigation of the PEIR, either through the events or the range of free-to-use communications channels (phone, post and email). |

Phase Two Information Events

| Event | Address | Event Details (date & time) | Attendees |
|------------------------------------|--------------------------------------|--|--------------|
| Bladon Methodist Church | 28 Park Street, Bladon, OX20 1RW | Friday 8th December 2023 3pm-7:30pm | 69 |
| Woodstock Community Centre | 32 New Road, OX20 1PB | Saturday 9th December 2023 11am-3pm | 63 |
| Begbroke Village Hall | 3 Begbroke Lane, Kidlington, OX5 1RN | Tuesday 12th December 2023 3pm-7:30pm | 54 |
| Hanborough Pavilion & Village Hall | Roosevelt Road, OX29 8JG | Wednesday 13th December 2023 1pm-5pm | 90 |
| Cassington Village Hall | The Green, OX29 4AX | Friday 12th January 2024 3pm-7:30pm | 169 |
| Woodstock Community Centre | 32 New Road, OX20 1PB | Saturday 13th January 2024 11am-3pm | 191 |
| Cumnor Village Hall | Leys Road, OX2 9QF | Wednesday 17th January 2024 3pm-7:30pm | 145 |
| Seacourt Hall | 3 Church Way, Botley, OX2 9TH | Thursday 18th January 2024 1pm-5pm | 49 |
| Eynsham Village Hall | 46 Back Lane, Eynsham, OX29 4QW | Friday 19th January 2024 2pm-6pm | 163 |
| Community Webinar | Zoom | Tuesday 23rd January 2024 5:30pm-7pm | 44 |
| TOTAL | | | 1,037 |

Headlines from Phase Two Consultation

Ten-week consultation period

Carried out consistently with SoCC commitments and 2008 Planning Act requirements

Publicised two weeks in advance through SoCC

Leaflet issued to over 22,000 properties and email to all registrants

Adverts and Notices in Oxford Mail, Oxford Times, Banbury Guardian, Herald Series, Bicester Advertiser, Witney Gazette and The Guardian

A series of ten events held with over 1,000 attendees

Information available from dedicated project website, five CAP sites, and through free-to-use communications channels throughout consultation period

Over 1,000 feedback submissions received

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

F.A.O. Caroline Hopewell
Case Manager
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for: **Suzanne Taylor**

Direct Dial: **01295221656**

Email: **[REDACTED]** @cherwell-dc.gov.uk

Your Ref: **EN010147**

BY EMAIL ONLY

28th November 2024

Dear Caroline Hopewell

Planning Act 2008 (as amended) – Section 55

Application by Photovolt Development Partners (PVDP) on behalf of SolarFive Ltd for an Order Granting Development Consent for the Botley West Solar Farm Project.

Adequacy of consultation request

Your ref: EN010147

Our ref: 22/03407/DCO

Thank you for your letter received 18 November 2024.

Please see the proforma attached to the email with this letter for Cherwell District Council's response to the Adequacy of Consultation request.

Yours sincerely

Suzanne Taylor BSc (Hons) Dip UP MRTPI
Principal Planning Officer – South Area Major Projects Team



Adequacy of Consultation Representation Proforma

Under *Section 55(4)(b) of the Planning Act 2008* (as amended) (PA2008) the Planning Inspectorate, on behalf of the Secretary of State, must take any adequacy of consultation representation (AoCR) received from a local authority consultee into account when deciding whether to accept an application for development consent, and this will be published should the application be accepted for examination.

An AoCR is defined in s55(5) in PA2008 as “a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”.

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| Project name | Botley West Solar Farm |
| Date of request | 18 November 2024 |
| Deadline for AOCR | 02 December 2024 |
| Return to | Botleywestsolar@planninginspectorate.gov.uk |

Please complete the proforma outlining your AoCR on the above NSIP.

| | |
|------------------------|---------------------------|
| Local Authority | Cherwell District Council |
|------------------------|---------------------------|

In the opinion of the local authority, has the applicant complied with the legislative requirements listed below?

Please note that this is specifically about the statutory consultation(s) undertaken.

| Assessment of Compliance - Required | |
|--|-----|
| S42 Duty to consult | Yes |
| S47 Duty to consult local authority | Yes |
| S48 Duty to publicise | Yes |

If you would like to give more detail on any of the above, please do so below.

Please keep it as succinct as possible and refer to facts and evidence related to consultation, rather than the merits of the application.



| Additional comments - <i>Not compulsory</i> | |
|---|--|
| S42 Duty to consult | None |
| S47 Duty to consult local authority | None |
| S48 Duty to publicise | <p>Press Notices: The Statement of Community Consultation (SoCC) stated that press notices would be placed in, amongst other publications, the Banbury Guardian and Bicester Advertiser in line with Cherwell District Council's (CDC) comments on the Draft SoCC dated 14 August 2023. The applicant's SoCC Feedback and Response dated November 2023 agreed to include the Bicester Advertiser as corroborated by page 67 of the applicant's Consultation Report November 2024. However, this seems to contradict pages 7 to 16 of Appendix 5.1.7 of the applicant's Consultation Report (Section 48 Consultation Materials) which provides evidence of published press notices. Because the Banbury Guardian and Bicester Advertiser do not appear in the Appendix, CDC are concerned that press notices were not placed in these publications as set out in the SoCC.</p> <p>Site notices: The locations of site notices were not discussed with Local Authorities. CDC is concerned to note that no notices were displayed in the vicinity of Yarnton/Cassington; for example a site notice near footpath 152/8/10 would have been an ideal location.</p> |



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| Any other comments | <p>Regarding the formal elements of this response on the Adequacy of Consultation, the compliance with Sections 42, 47 and 48 of the Planning Act 2008, the Applicant has, in CDC's view, met the legal tests. However, there are concerns when looking at the wider issues of consultation and compliance with guidance and advice on the pre-application process to review the quality of the consultation.</p> <p>In advance of the DCO submission, CDC has not seen the full Environmental Statement and only after the point of submission will it be possible to review the proposal as a whole and make a considered and informed judgement. This approach means that CDC and other stakeholders have not been able to offer comprehensive feedback or complete the engagement on the pre-application work with the Applicant as envisaged in the regime set out by the Planning Act 2008.</p> <p>CDC previously advised the applicant that prior to submission, a further round of statutory consultation should be carried out on a more detailed, revised proposal which took account of earlier comments and provided an explanation of how concerns had been addressed. It is disappointing that this has not happened within the pre-application phase because interested parties will now have only limited opportunity to influence the project during the examination stage.</p> <p>CDC also draws attention to the attached comments from Stop Botley West who raise concerns about the consultation. Government guidance anticipates applications being well-developed and understood by the public, with important issues articulated and considered as far as possible in advance of submission, allowing for shorter and more efficient examinations. From the responses of other consultees and the wider public, it is clear that other parties have felt that there has not been adequate information available at the consultation stages to allow a properly informed response from stakeholders and the public.</p> |
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RESPONSE BY STOP BOTLEY WEST TO DOCUMENT TITLED ‘BOTLEY WEST SOLAR FARM ADEQUACY OF CONSULTATION, MAY 2024’

25th October 2024

Following the statutory public consultation on the Botley West Solar Farm proposal (30th Nov 2023 – 8th Feb 2024), Stop Botley West collated the views of local residents on the consultation and shared our report ‘*Botley West Solar Farm: Report on Adequacy of Consultation, May 2024*’ with Local Authorities. (The report is available on our website at

Recently we learned that the developer of Botley West Solar Farm, PVDP, had sent Local Authorities a document setting out how they feel they addressed the concerns set out in our Adequacy of Consultation report.

We believe PVDP has not responded adequately to the concerns that we and others have raised. We explain why in this document.

Background

In the ‘Background’ section of their document, PVDP wrote ‘Adequacy of Consultation challenges have been raised by the action group Stop Botley West’. We must point out that Stop Botley West is not the only group to raise questions about the consultation. Numerous others have registered serious concerns including: The Gardens Trust, CPRE, BB&OWT, Oxfordshire Ramblers Association and London Oxford Airport as well as the Local Authorities. In addition, over 1,400 local residents challenged the adequacy of the consultation in their responses to an objectively designed survey conducted by Stop Botley West.

In their document PVDP also wrote ‘Our team met with them [Stop Botley West] during the Phase Two consultation to discuss these concerns and remains confident in the adequacy of our consultation activities.’ We wish to point out that in fact PVDP has been very difficult to engage with regarding the consultation. Only some of our questions were answered when we met PVDP and, despite many documented requests, other answers have not been supplied. Other groups and organisations have reported similar difficulty eliciting a response from PVDP to their concerns about the consultation.

Assessment

In the table below, we refer to the Gunning Principles as the appropriate standard for assessing the adequacy of a public consultation. The four Gunning Principles provide a widely used legal foundation for assessing the adequacy and legitimacy of public consultations. We refer also to the guidance for public consultations set out in *The Planning Act 2008: Guidance on the pre-application process* (Department for Communities and Local Govt, 2015).

For ease of reference, the table below reproduces the table produced by PVDP in the first two columns; Stop Botley West's comments are presented in the third column.

| SBW comment | BWSF Response | SBW Response, Oct 2024 |
|---|---|---|
| <p>Despite requests from SBW, WODC, CPRE Oxfordshire and Robert Courts MP to delay the consultation until after Christmas, it went ahead on 30 Nov with 4 in-person events in mid- December.</p> <p>The disparity in attendance figures before/after Christmas demonstrates the importance of this request.</p> | <ul style="list-style-type: none"> • The Phase Two Consultation period was held for 10-weeks (exceeding the statutory requirement by 2.5 times). • No in-person events were held within 10 days of Christmas Day or New Year's Day, in recognition of bank holidays and school terms. • We recorded 276 attendees across the four events held in December. • We consider all of the events to have been well attended. Average attendance was higher in January, but this month also statistically included the two least attended events were in January | <p>The Applicant does not explain why, despite numerous requests not to do so, it chose to schedule the consultation during the busy Christmas and New Year holiday period. This decision significantly affected the public's ability to engage in the consultation.</p> <p>Data provided in the SBW AoC Report shows an average of 63 people attended the 4 pre-Christmas events and an average of 147 attended the 5 post-Christmas events (excluding the webinar for which we were unable to record attendance).</p> <p>Gunning Principle 3 requires there to be '<i>adequate time for consideration and response</i>' and says a 12-week consultation period is widely accepted. DCLG Guidance says the consultation period should be '<i>realistic and proportionate to the proposed project</i>'. Given the unprecedented scale of the proposed development, the size of the PEIR (7,000 un-indexed pages), the size of the affected population and the range of impacts, the consultation period was not realistic or proportionate.</p> |
| <p>Inappropriate venues and unsuitable times of consultations meant that many residents were unable to attend due to work commitments, transport and parking difficulties.</p> | <ul style="list-style-type: none"> • Over 1,000 attendees were recorded across a series of nine in- person and one online information event. • Venues were identified based on research of local communities in our Core Consultation Zone, venue requirements for a safe and suitable event, our experience from Phase One consultation, and feedback from Local Authorities on our draft SoCC. | <p>More than 22,000 households are affected by the proposed development, i.e. on an average of 2.4 people per household in Oxfordshire over 50,000 local residents. This provides perspective on the figure of 1,000 attendees.</p> <p>The Applicant fails to adequately explain why it held no information events in the entire Northern Section of the proposed site (a section big enough to qualify as an NSIP in its own right). There was also no venue in Combe (population</p> |

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| | <ul style="list-style-type: none"> • Events were held across different days of the week, including Saturdays, with times ranging from 11am – 7:30pm. | <p>774). Several suitable venues were available in these areas.</p> <p>The majority of the information events finished before 6pm and, as the Applicants says, none were open after 7.30pm. The two Saturday events were at the same venue. The scheduling effectively excluded many in the working population who have normal working hours.</p> |
| <p>The statutory minimum notice was applied to this consultation disregarding the exceptional size of the proposal and the large number (15+) of rural communities who needed to be informed.</p> | <ul style="list-style-type: none"> • The consultation period exceeded the statutory minimum by 2.5 times. • The consultation period was advertised a further two weeks in advance through publishing the SoCC on 14 November 2023. • A total of 12 weeks' notice was therefore formally given of the response deadline. • All statutory notice requirements of the 2008 Planning Act were complied with. | <p>While the statutory minimum requirements of the 2008 Planning Act were met, the consultation fell far short of the Gunning Principles in numerous respects. The Gunning Principles define the necessary requirements for a consultation to be considered legitimate.</p> |
| <p>The Community Consultation leaflet was distributed in an unmarked envelope during the busy pre-Christmas period when some were late, some not delivered at all and many likely to have been overlooked among the Christmas post. This leaflet is what most residents are likely to have used to inform their views yet it contained several inaccuracies, many unsubstantiated claims and little objective detail.</p> | <ul style="list-style-type: none"> • A community consultation leaflet was distributed to 22,000+ properties within the Core Consultation Zone. • Leaflets were posted out ahead of the consultation period commencing by Royal Mail. • They were also available: to collect from any of the five Community Access Points, to take home from any of the project in-person information events, by request by phone, post or email, and to download from the dedicated project website. • All information was made available online, at events, and at Community Access Points. • Availability of this information was further publicised through newspapers and emailing anyone who had registered to be kept informed. | <p>In the SOCC, the Applicant states 'We have also considered how our posted materials are presented to encourage engagement with them following feedback regarding the plain envelopes our phase one leaflets were posted in.' The Applicant fails to explain why the leaflets for the statutory consultation were again sent in plain envelopes.</p> |

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| <p>Whilst recognising that the PEIR is preliminary, nevertheless significant key information was completely missing so could not be consulted on. The grounds for establishing the 'very special circumstances' required to justify building on the Green Belt - requested by the Inspectorate in its Scoping opinion - was a particularly serious omission.</p> <p>The PEIR (7000 pages) was not provided with an adequate index. This made navigating such an enormous document impossible and finding information relevant to a particular question very difficult.</p> | <ul style="list-style-type: none"> • BWSF took an approach to hold statutory consultation with communities, land interests and prescribed consultees in parallel. • This was to ensure equal access to information across consultees, including the PEIR. • Recognising that local communities are not the primary audience of the PEIR, given requirements to utilise EIA language and processes, the consultation also included publishing a Community Consultation Leaflet, a Non-Technical Summary of the PEIR, and holding in-person events with explanatory displays. • Team members were available throughout the consultation period to help answer questions and support navigation of the PEIR, either through the events or the range of free-to-use communications channels | <p>The Gunning Principles require a consultation to provide '<i>sufficient information to give intelligent consideration</i>' and that the information is '<i>available, accessible, and easily interpretable for consultees to provide an informed response</i>'.</p> <p>Affected communities were a primary target of the consultation and the PEIR was by far the most important part of the consultation material. It is perplexing that the Applicant did not expect that local communities would be interested in or capable of studying the PEIR.</p> <p>In fact, many local residents spent a great deal of time studying the PEIR in order to try to understand the proposal and provide a full consultation response. This was necessary because the information in the Community Consultation Leaflet and Technical Summary was superficial and frequently unobjective.</p> <p>The Applicant does not explain the decision to provide no master contents list, index or cross-referencing in the PEIR to facilitate navigation through the documents.</p> <p>Numerous local residents reported the absence of technical experts to answer their questions at the information events. The 'team members' in attendance lacked local knowledge and detailed understanding of the proposal.</p> <p>Most crucially, the Applicant fails to explain why the consultation was conducted before it was in a position to provide sufficient information for stakeholders to form an informed view. The information deficit was detailed in SBW's AoC report as well as by Local Authorities and other stakeholders. Significant omissions include:</p> <ul style="list-style-type: none"> • No consideration of alternative options for the development |
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| | | <p>(e.g. alternative sites, scale and technologies)</p> <ul style="list-style-type: none">• No explanation of the very special circumstances required to justify siting over 70% of the development on Oxford's Green Belt• No outline landscape and environmental management plan• No biodiversity net gain plan with baseline and metrics• No heritage impact assessment for the Blenheim World Heritage Site and its setting or other historic assets• No full agricultural land classification or justification for use of BMV agricultural land• No assessment of impact on all PRow with maps and overlay with the Zone of Theoretical Visibility• No full assessment of residential visual amenity• No drainage plan for solar panel run-off and surface water discharge• No construction traffic management plan• A very limited selection of photomontages that omitted many significant viewpoints and did not comply with professional guidelines• No map of the entire site to minimum scale of 1:2500 (as required by the Planning Inspectorate) and showing all project infrastructure including substations, inverters and construction compounds. |
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