

## Planning

Head of Service: [REDACTED]



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27 November 2024

**Ref: P24/V2463/3PC**

Dear Caroline Hopewell,

**Location: Botley West Solar Farm**  
**Proposal: Botley West Solar Farm - Adequacy of Consultation Request**

**Consultation end date 2 December 2024**

Thank you for contacting the Vale of White Horse District Council (Vale) regarding the adequacy of PVDP / Solar Five Ltd consultation on their Botley West Solar farm project.

This response provides the Vale's response to the adequacy of consultation representation as referred to in S.55 of the Act.

I confirm this authority is satisfied that the pre-application consultation undertaken meets the Regulation requirements of s42, s47 and s48 of the Planning Act 2008.

There are however general observations which we draw to your attention in consideration of s.55 of the Act:

1. The Vale has previously advised the applicant that more consultation would be beneficial on the detail of the project including mitigation and a demonstration of how previous comments received have in turn refined and informed the design. It is disappointing this has not occurred ahead of submission as assessment of the updated project detail is now solely reliant on the examination process.
2. It is noted the title page of *appendix 5.1.1 statement of compliance* incorrectly refers to phase one consultation materials.

The Vale also draws your attention to the attached comments from Cumnor Parish Council and Stop Botley West who raise concern on consultation.

Yours sincerely,

[Redacted signature]

[Redacted name]

Major Applications Team Leader



## 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”.

<b>Project name</b>	Botley West Solar Farm
<b>Date of request</b>	18 November 2024
<b>Deadline for AOCR</b>	02 December 2024
<b>Return to</b>	<a href="mailto:Botleywestsolar@planninginspectorate.gov.uk">Botleywestsolar@planninginspectorate.gov.uk</a>

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

<b>Local Authority</b>	Vale of White Horse District Council
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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.*

<b>Assessment of Compliance - Required</b>	
<b>S42 Duty to consult</b>	Yes
<b>S47 Duty to consult local authority</b>	Yes
<b>S48 Duty to publicise</b>	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.*



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<b>Additional comments - <i>Not compulsory</i></b>	
<b>S42 Duty to consult</b>	
<b>S47 Duty to consult local authority</b>	
<b>S48 Duty to publicise</b>	
<b>Any other comments</b>	Please see separate letter.

# **BWSF Statutory Consultation 30/11/23 to 8/2/24**

## **SBW Summary of AOC report and Survey Results**

Evidence provided by a detailed study of the PEIR together with observations and feedback from consultees, including 1400+ responses to a survey conducted by SBW\*, indicates that the BWSF statutory consultation was not adequate and should be re-run for the reasons listed.

\*SBW worked with an independent consultant to ensure that the survey design was unbiased and that the questionnaire allowed respondents to express their views effectively, regardless of their stance on the proposals

### **Key Findings from the SBW Survey**

- 50-64% of respondents felt that there was insufficient clarity, detail and consistency in the maps and information provided.
- 66% of respondents to the SBW survey believe they did not have adequate opportunity to influence what is being proposed.
- 61% of respondents felt the developers were not listening
- Quote from Developer's spokesman "if 100% of people in the area are against it, it will make no difference"

### **Summary of observations by SBW and consultee feedback**

#### **1. The Information available was neither sufficient nor accurate.**

##### 1.1. Major subjects not addressed in PEIR included

- Green Belt – very special circumstances
- Biodiversity Net Gain Assessment
- Environmental Management Plan
- Traffic Management Plan
- Impact assessment on Blenheim World Heritage Site
- Thames crossing and damage to floodplain meadows
- Decommissioning

##### 1.2. Other key missing information

- No maps at required scale of 1:2,500
- Photomontages of most key viewpoints omitted
- Location/impact of secondary sub-stations and temporary compounds
- Effects on the historic environment

##### 1.3. Community Consultation Leaflet

- Absence of objective, honest and balanced statement of facts
- Key facts missing: total area of site, infrastructure on maps, photomontages
- Some claims exaggerated, misleading or untrue

##### 1.4. Non-Technical Summary

- No photographs or photomontages
- Inadequate maps, none better than scale of 1:100,000 at A3
- Many adverse effects de scribed as "not significant" without objective evidence

## **2. The Information was not sufficiently Accessible**

### 2.1. Communities omitted

- No Consultation event or Community Access point for entire northern site, 700 acres near villages of Wootton and Tackley (pop. 1675)
- Village of Combe (pop. 774) completely omitted from the Consultation (no Community Consultation leaflets, event or access point) despite being only 2km from the site. Parish Council ignored.
- No Consultation event at Kidlington or Yarnton (pop. 17871) adjacent to the site
- Insufficient advertising in the affected communities (statutory minimum only despite size of this proposal)
- Delivery of Consultation leaflet patchy in all communities, delayed by Christmas post, easily mistaken for junk mail in unmarked envelopes
- Held over Christmas and New Year despite request to delay
- Very limited times, dates and venues – inaccessible to many residents, especially those in full time work

### 2.2. Consultation Events defects

- No local advertising eg village magazines, no signage boards or posters displayed outside event venues
- Poor choice of venues, in many cases difficult to locate, no parking, no public transport
- Missing experts; of those staff present some uninformed, dismissive and/or biased so questions not answered satisfactorily
- Maps unclear, of inadequate scale and insufficiently detailed, poorly displayed, some infrastructure not shown.
- Photographs of unacceptably poor quality and poorly displayed
- Massive files to read, no seating, impossible to navigate, no master index
- Insufficient copies of Non-Technical Summary

### 2.3. Other ways to access Information

- Information Access Points:
  - no posters displayed, files still in boxes or shut away
  - inadequate space, no large scale maps,
  - restricted opening days and times
- Applicant's Website:
  - Many attempted file downloads crashed due to size, especially on mobile devices so information inaccessible
  - No search facility within documents up to 650 pages long

## **3. Information was not easily interpretable for consultees**

### 3.1. Difficulties in interpreting information in the documentation

- Labyrinthine documentation with no master contents list or index and little cross-referencing in the PEIR
- Misleading and difficult to understand statements in the non-technical summary
- No explanation of terms used or judgements made
- Biased question 2 in Applicant's feedback form.

# BWSF Targeted Consultations July and September 2024

## SBW Summary of Shortcomings of targeted consultations 3 and 4

Quote from an email sent by Mark Owen Lloyd to Prof Alex Rogers, Chair SBW on 2 May. 2024.

*The consultation you refer to is targeted only in subject matter not in audience. We will communicate with the whole consultation zone in the same way as we communicated during the statutory consultation - the leaflet will go to the same 22,000 addresses and be publicised via press notices and the BWSF website. Full details of the consultation will be in the leaflet. **The consultation will be statutory and accord with the SoCC***

**This clearly didn't happen and consultations 3 and 4 did not comply with the SoCC.**

The actual facts are:

### Consultation 3: Targeted Consultation - 57 Changes

- o No leaflets were sent out - only postcards directing people to 5 libraries or the Botley West website
- o No in-person events (as listed in the SOCC) were held.
- o No prior notification of the consultation was given contrary to the SOCC requirement for 14 days notice. In some cases information was not available until 4/5 days after the start of the consultation.
- o **Crucially** many of the locations of the changes were inaccessible to the public being on private land (mostly Blenheim's). With no photographs, very poor maps and no public access **it was impossible to engage in the consultation for over half of the 57 changes because they could not be located, visited or visualised.**

### Consultation 4: Targeted Consultation - single veteran Tree

- o Just one letter was posted to a single resident. Emails were sent to some of the people who had responded before. No other notifications were issued. Information was available at the 5n libraries and on the Botley West website but the majority of residents - probably at over 20,000 of the addresses within the CCZ - didn't know the consultation was happening.
- o No in-person events (as listed in the SOCC) were held.
- o No prior notification of the consultation was given contrary to the SOCC requirements.
- o The 4th Consultation regarding a veteran tree is clearly a rushed afterthought with blurry images and the usual inadequate map/diagram. Lack of clear measurements mean the developer has failed to provide evidence that the revised cable trench route will avoid damage to the tree roots. This tree is also on private land so not accessible to the general public
- o Measurements made by the Stop Botley West Campaign show that, in fact, **any** route chosen within the new red line corridor would be too near the tree (according to guidelines provided by Forestry England and Woodland Trust). Further, there are several other veteran oaks potentially affected by cable trenches but not identified in this consultation.

### Both Consultations 3 & 4

1. NONE of the issues raised in the earlier Statutory consultation responses have been addressed and no modifications were made to the scheme despite the many hundreds of responses to the first two consultations. Questions remain unanswered and further engagement, with Councils or other key stakeholders, has not happened.
2. The fact that these consultations were required at all - to address earlier errors and omissions - confirms the inadequacy of the statutory consultation which was incomplete and had been rushed through just before Christmas against all advice.
3. As in the Statutory Consultation, the maps used were inadequate. They were inconsistent, not based on OS maps, had no visible scale or reference points and no cross referencing making it almost impossible to identify the locations of the changes. The descriptions given of individual changes are considered by nearly all respondents to be inadequate, confusing even "totally incompressible" because they lack accurate reference points, contain little detail, no photographs, include several factual errors and give no explanation or justification of oft repeated terms such as "unlikely to lead to significant adverse environmental effects" or "suitable mitigation" This suggests that the developer has insufficient understanding of the area or of the issues and provides little confidence that they truly intend, or understand how, to "avoid environmental impacts"

To: Solar 5/PVDP Partners/Botley West

Subject: Cumnor Parish Council's response to the June/July 2024 'consultation'

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Cumnor Parish Council (CPC) responds to the consultation as follows:

1. Solar 5 Ltd/PVDP Partners launched what they described as a 'targeted consultation' on Friday 14 June. CPC was only informed of this by email at 09:53 on 14<sup>th</sup> June.
2. Some residents report that they received an A5 'flyer' through the post. At the earliest this arrived some time in w/c 17<sup>th</sup> June. This meant the A5 flyer often arrived in with a sheaf of election campaign literature.
3. Attempts by CPC to find other ways by which the consultation was publicised in the parish have largely proved fruitless. Residents have found an A4 laminated sheet tied to a metal pole deep in a verge/hedge on the B4017 (see picture below left) and a sheet tied to a wooden post in woodland on a local footpath (picture below right).



4. This consultation does not include any public sessions in the Parish, nor a webinar. Documents are available to view at 5 locations (Woodstock, Witney, Kidlington, Botley and Eynsham) – all outside the Parish and one in a Parish not included in the proposals. This is disappointing given CPC's response to the 2<sup>nd</sup> consultation (see pp2).

**For these reasons Cumnor Parish Council considers this consultation to be inadequate.**

5. Of the 8 changes in Cumnor Parish presented, the developer judges that 6 of them (#51-#56) are 'unlikely to lead to significant adverse environmental effect'. Even though the locations include homes and businesses in the Parish and a proposed 'maintenance road' to be built on the Oxford Green Belt, **as no evidence is presented for these assertions, CPC assesses that it has a very low degree of confidence in the statements made.**
6. In the case of the other 2 sites in the Parish (#50 and #57) the developer asserts that their proposed mitigations will make it 'unlikely' that there are 'significant adverse environmental effects'. **Given the lack of detail in this consultation – as with the previous consultation (see pp2), CPC is unable to assess the developer's assertions, and so has a very low degree of confidence in the statements made.**



To: VWHDC, WODC, PINS, Layla Moran MP, N Hinksey Parish Council, Stop Botley West and Cumnor residents  
Subject: Cumnor Parish Council response on the adequacy of the Botley West 2<sup>nd</sup> consultation process

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Cumnor Parish Council believes the consultation process conducted by PVDP between 30<sup>th</sup> November 2023 and 8<sup>th</sup> February 2024 was inadequate for the following reasons.

1. Contrary to the proposal made by Vale of White Horse District Council (VWHDC) in its [8<sup>th</sup> August 2023 response to PVDP](#) no Community Access Point was provided in the Parish, the largest in the VWHDC area and the Parish proposed to be the location both for the southern section of the power station and its associated National Grid sub station.
2. Contrary to the proposal made by Vale of White Horse District Council (VWHDC) in its [8<sup>th</sup> August 2023 response to PVDP](#) the venue in this Parish chosen for the consultation event was not reachable by public transport. There are at least two other venues in the Parish that are on bus routes, one of these being immediately adjacent to the proposed Botley West site in this Parish.
3. The consultation event held in the Parish was conducted on a mid-week school day (17<sup>th</sup> January) between 3pm and 7.30pm, while that in the neighbouring parish (N Hinksey) was held the following weekday between 1pm-5pm. This effectively precluded parents and those working during the day from attending. By contrast, when the Parish Council consulted on its draft Neighbourhood Plan, it did so on both weekdays and weekends, daytime and evening.
4. Those who did attend the consultation event in the Parish noted that:
  - 4.1. PVDP 'experts' either couldn't answer detailed questions and/or chose to dismiss concerns as 'unimportant'
  - 4.2. The so-called 'visualisations' shown were inadequate, partial, and didn't include key viewpoints (such as the Oxford Green Belt Way PROW)
5. Not all parts of the Parish received the Consultation Leaflet in the post.
6. Of those that did receive it and found time to read it across the Christmas holidays, many described it as 'PR' for the developer, lacking enough evidence for an informed choice to be made.
7. The feedback form was generally described as 'poor' and 'biased', not giving respondents adequate opportunity to express concerns and to challenge the assertions made by the developer. [Question 2 in particular](#) was adversely commented on.

Cumnor Parish Council

5<sup>th</sup> March 2024

## Lack of Engagement with Councils and other Key Stakeholders

The Developer's claim to have "worked closely with stakeholders since 2022 at all stages of the project" is demonstrably untrue as is well documented in responses from OCC, Oxford Airport, Cherwell and Vale District Councils and others. A summary is given below from 7 of these key stakeholders.

1. **Stop Botley West Campaign (SBW).** The Developer has failed to engage fully with SBW or our supporters, contrary to the advice they received on several occasions from the Inspectorate. They have ignored a huge number of responses received from the public and a significant one from WODC despite several opportunities to make modifications before the 3rd and 4th consultations. These are all of serious concern. Many questions have gone unanswered.

Following a meeting between SBW and PVDP in January 2024, SBW sent an e-Mail asking a number of follow up questions, many of which were not answered. Among these questions was; "Which local authorities (and individuals) were consulted to agree where the photographs for the photomontages would be taken? "

The answer received was:

"All locations for the viewpoints from which photomontages were (and will continue to be) generated, were discussed and agreed with relevant planning authority's" [sic]

However, SBW have **e-Mail confirmations from WODC, Vale and Cherwell that the Developer did not consult about which viewpoints should be chosen for photomontages. The small number and the selected locations (and quality) of those included by the Developer has been widely criticised by experts and local residents.**

2. **Gardens Trust (GT), a Statutory Consultee,** made this comment about the selected viewpoints. "Staff at public [consultation] 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".

3. **Campaign for the Protection of Rural England (CPRE)** comment

"We also note that despite providing many thousands of pages of material, much of it inconsequential, there are a significant number of key areas where information is yet to be provided."

"Just as examples: Failure to set out the Applicant's grounds for establishing the 'very special circumstances' required to justify building on the Green Belt! failure to provide a Biodiversity Net Gain Assessment, an Environmental Management Plan, a Construction Traffic Management Plan or an impact assessment on the Blenheim World Heritage Site. A very limited and inadequate selection of photomontages, including omission of many of the most significant view-points."

"Although much of this information is promised at a later stage, CPRE Oxfordshire **does not believe that the public currently has enough detail to engage properly** in this Phase 2 consultation. We therefore request that the consultation is re-run when the appropriate information is available and that submission of the proposal to the Planning Inspectorate is delayed until after this has taken place".

4. **Oxford County Council (OCC).**

"More generally, our previous comments on the Phase 2 consultation made in February 2024 (attached) **remain to be addressed**. We would emphasise again that significant work will be required between now and the Autumn and **that focussed engagement with OCC and the other host** authorities will be essential.

5. **Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust.**

"We raised [a number of] comments in our previous response **and are disappointed to see that in the intervening months they have not been addressed.**"

## 6. London Oxford Airport

“London Oxford Airport based at Kidlington is one of England’s on 29 ‘safeguarded’ airports, which imposes a number of statutory restrictions and obligations on the airport. In the last two years **we haven’t had PVDP’s assessment(s) and documentation relating to the safeguarding of an officially safeguarded airport which we asked for right at the beginning, when they first came on the scene.**”

## 7. Oxfordshire branch of the Ramblers Association (OxRA).

OxRA submitted a detailed response to the Targeted Consultation relating to changes involving Public Rights of Way (PRoW), the poor quality maps and descriptions and the contradictions between the PEIR and the information Change Document.

“We note that in the Phase 2 Community Consultation Leaflet, on p.17 it is states that there will be “no removal of hedgerows, woodland, waterbodies, or watercourses”. And on p.18: “Regarding Public rights of Way, our primary aim is to preserve them without disruption ... Throughout operation, all existing routes will remain unaltered.”

“In the documentation for the current consultation, PVDP is proposing digging up and moving 10 established hedges: it would seem that the company is not aware of how long it takes to establish hedges sufficiently for them to become a haven for wildlife. Also, the original proposal would have had a detrimental effect on the positive experiences and health-giving properties arising from approximately 60 Public Rights of Way”

OxRA expressed **disappointment that the Developer had not already engaged** with the Ramblers. They later reported to SBW that they had received only a standard automated acknowledgement of receipt of their response and **no further communication or engagement with the Developer.**