

Botley West Solar - West Oxfordshire procedure and engagement briefing note

Purpose

The purpose of this briefing note is to explain the procedural steps for determining the Botley West solar farm proposal, the steps involved in the examination process and how West Oxfordshire District Council (WODC) will be involved with the input of parish councils and other interested parties. West Oxfordshire District Council will also be working closely with the other affected District Councils in Oxfordshire.

It will explain the consultation process as well as the documentation and types of evidence that will be required to complete the Development Consent Order (DCO) process.

WODC will meet with the developer and agent in due course, to fully understand the roles and responsibilities of all parties throughout the process. This note sets out our understanding at the current time, based on guidance published by the Planning Inspectorate and the early draft proposals that have been published by the developer.

The Proposal

Photovoltaic Development Partners (PVDP) is proposing a new solar farm in the west of Oxfordshire called Botley West Solar Farm. Botley West Solar Farm (Botley West) could deliver 840 Megawatts (MW) of clean affordable power to the National Grid.

Botley West Solar Farm will connect into a new National Grid substation, proposed to be built and located west of Botley, hence the name Botley West.

Proposals are for a site area of approximately 1,400 hectares, excluding connecting cable routes, within the administrative areas of West Oxfordshire, Cherwell and Vale of White Horse. Within the site proposals are for installation of solar panels and other infrastructure on approximately 1000 hectares, leaving significant areas for mitigation and enhancements for the local landscape, wildlife and recreational use.

Nationally Important Infrastructure Projects (NSIPs)

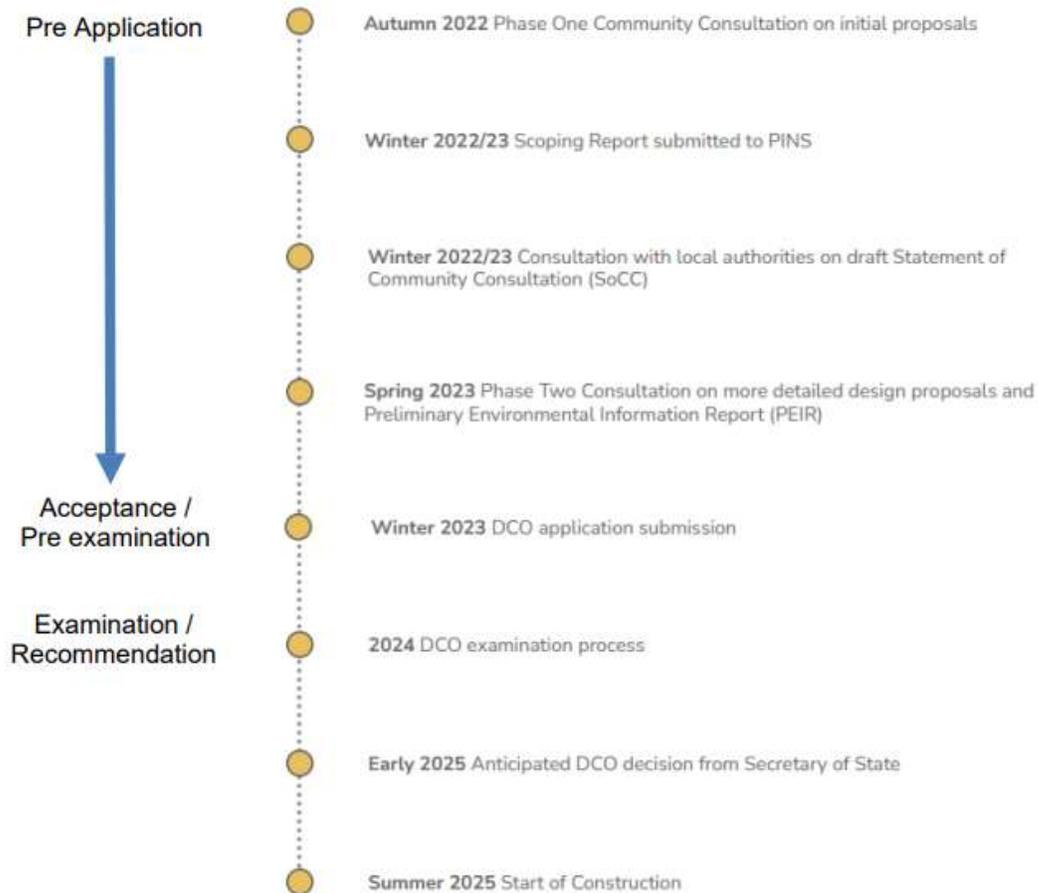
An NSIP is a Nationally Significant Infrastructure Project. They are projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by the responsible Government minister (the 'Secretary of State'). Instead of applying to the local authority for Planning Permission, the developer must apply to the Planning Inspectorate for a different permission called a Development Consent Order (DCO). The Development falls within the definition of a 'nationally significant infrastructure project' (NSIP) under Section 14(1)(a) and 15(2) of the Planning Act 2008 ('the Act') as the construction of a generating station with a capacity of more than 50 MW

Timeline

The developer has published an indicative timetable for the DCO process, including stages of consultation, submission of documents and examination.

The DCO process comprises six stages, with requirements for different supporting documents to be produced and involvement of stakeholders at each stag

Stage	Key documents and stakeholder involvement
<p>1) Pre-application stage</p> <p>The applicant takes full responsibility at this stage – The proposed development has to be fully scoped and refined before submission to Planning Inspectorate. The pre-application stage requires formal consultation with statutory bodies, the local authority and community.</p>	<ul style="list-style-type: none"> • Provide comments on applicant’s draft Statement of Community Consultation (SoCC) • Respond to developer consultation about the scheme • Discuss with developer about S106 agreements and requirements • Commence work on Local Impact Report (LIR) and SOCG • Consider joint working arrangements with other authorities • Agree terms of any planning performance agreement with developer.
<p>2) Acceptance stage</p> <p>The Planning Inspectorate will take centre stage at this point. The application is formally submitted to the Planning Inspectorate, who have 28 days to determine whether an application can proceed to Examination. If refused, the applicant has 6 weeks to challenge the decision. If accepted, documentation will be published on the Planning Inspectorate website and we will proceed to the pre-examination stage.</p>	<ul style="list-style-type: none"> • 14 day for local authority to submit adequacy of consultation representation
<p>3) Pre-examination</p> <p>The applicant will publicise that application has been accepted by the Planning Inspectorate – They will explain how and when parties can get involved in the Examination process. An Inspector will be appointed and preliminary meetings take place.</p>	<ul style="list-style-type: none"> • WODC will be required to respond to the invitation to the preliminary meeting as the host authority • WODC will consider the draft Examination timetable and provide comments if necessary • Attend preliminary meeting • Continue preparation of SOCG, LIR and written representations • Prepare for Examination including engaging legal and specialist support • Continue negotiations with developer • Submit relevant representations
<p>4) Examination</p>	<ul style="list-style-type: none"> • 6 month Examination (Maximum) • Submit LIR and SoCG and written representation early in Examination • Attend and participate in hearings and accompanied site visits as necessary • Submit signed planning obligation by deadline • Respond to written questions and requests for further information • Comment on other interested parties representations and submissions
<p>5) Planning Inspectorate submit recommendation BEIS for final decision on whether to grant consent.</p>	
<p>6) Post decision</p> <p>6 weeks for legal challenge</p>	<ul style="list-style-type: none"> • Discharge of requirements and monitoring • Enforcement • Responding to notifications – non material and material change applications



District council and community involvement

The timing of the programme during the pre-application stage is very much led by the developer.

As a host authority, West Oxfordshire District Council are a key consultee and will be expected to prepare information to shape the developer's proposals. Once the application has been submitted to the Planning Inspectorate there is very little scope for change – The district council are encouraged to engage with the applicant during the pre-application stage to inform the proposal.

West Oxfordshire District Council are not the decision making authority, so consultation responses relating to the proposal should be directed to the developer. The developer has held a number of consultation events to discuss initial proposals and have dedicated channels for stakeholders to respond to the consultation.

WODC wish to ensure that communities, particularly affected parishes, have an opportunity to inform WODCs response to the proposals. The most effective way and the preferred means of shaping this response will be through the preparation of the Local Impact Report (LIR).

Local Impact Report (LIR)

As part of the examination process, the Examining Authority (Planning Inspector) will invite WODC to submit a Local Impact Report by a given deadline (yet to be determined).

In coming to a decision for or against the proposal, the Secretary of State must have regard to any LIRs that are submitted by the deadline. Local authorities are therefore strongly encouraged to produce LIRs when invited to do so.

Relevant local authorities should prioritise preparation of the LIR irrespective of whether the local authority considers the development would have a positive or negative impact on their area. The local authority will be able to submit a separate written representation if it wishes to express a particular view on whether the application should be granted.

The Botley West proposal includes solar farm sites in Cherwell, Vale of White Horse and West Oxfordshire. West Oxfordshire District Council will work closely with the other affected Councils in Oxfordshire to share information and coordinate the preparation of Local Impact Reports.

WODC will work with Towns and Parishes to ensure that they have an opportunity to inform the Local Impact Report. This will initially be done by organising briefing sessions in December 2022, so that WODC can better outline the DCO process to affected communities. WODC will also explain how work on the LIR will be progressed along with the commissioning of supporting evidence and necessary impact assessments. Follow up sessions can be organised early in 2023 once joint working arrangements have been established and more information is available.

Information to be included in the Local Impact Report

- Site description and surroundings/ location
- Details of the proposal
- Relevant planning history and any issues arising
- Relevant development plan policies, supplementary planning guidance or documents, development briefs or approved master-plans and an appraisal of their relationship and relevance to the proposals
- Relevant development proposals under consideration or granted permission but not commenced or completed
- Local area characteristics such as urban and landscape qualities and nature conservation sites
- Local transport patterns and issues
- Site and area constraints
- Designated sites
- Socio-economic and community matters
- Consideration of the impact of the proposed articles and requirements within the draft Order (such as the scheme) in respect of all of the above
- DCO obligations and their impact on the local authority's area.

The Planning Inspectorate guidance indicates that the LIR should be submitted at the Examination stage. The developer's timetable indicates that examination is expected in 2024.

Guidance also suggests that the local authority should begin preparation of the LIR as early as possible during the pre-application stage.

Officers have already begun to compile environmental information and to review existing plans and policies for the affected area. It is expected that WODC will work with other host authorities (Cherwell and Vale of White Horse) as well as the county council and neighbouring authorities to compile the LIR.

WODC will seek the input of communities to ensure that the LIR is robust and fully reflects local characteristics and potential impacts. The precise mechanisms through which this will be done are yet to be determined but WODC will engage positively with parishes to ensure that they are kept informed and up to date.

Consultation

The developer's indicative timetable shows two phases of consultation prior to the submission of their application.

Phase one community consultation is ongoing with phase 2 on more detailed proposals taking place in spring 2023.

WODC will engage proactively with the developer to contribute towards the development of the emerging proposals, with the benefit detailed local knowledge. The input of parish councils and communities will also be key in this regard. It is important that the council focuses on investigating local impacts before reaching any conclusions on the proposal. Local authorities are not undermining any 'in principle' objections to a scheme by engaging with a developer at the pre-application stage.

WODC will work with the developer to shape their Statement of Community Consultation. This is a mechanism that will determine where, who and how the developer consults on the Botley West project going forward. The SoCC, will form the template for ongoing consultation and engagement. A draft SoCC will be issued before the end of 2022, so that WODC can comment on its suitability and provide feedback to the developer. Parish councils have already reflected concerns to WODC about the suitability of early engagement and it will be necessary to ensure that any concerns are addressed through the SoCC.

If members of the public raise issues or concerns about the quality of a developer's consultation during the pre-application stage, WODC will record these and ensure that they are reflected in the council's examination documents. WODC will be invited to submit an adequacy of consultation (AoC) representation and can append any correspondence received.

Next Steps

- Host authorities to meet with developer to understand roles, responsibilities and timetable (November 2022)
- Set up joint working arrangements with other host authorities and local communities (November / December 2022)
- Communities to respond to initial proposals through developer consultation (Deadline 15 December 2022)
- Respond to developer's draft Statement of Community Consultation (December/January 2022/23)