



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Development Control Committee – 27 March 2023</b>
Subject	<b>Botley West Solar Farm - Nationally Significant Infrastructure Project (NSIP)</b>
Wards affected	All
Accountable member	Cllr. Elizabeth Poskitt - Chair of Development Control Committee Email: <a href="mailto:elizabeth.poskitt@westoxon.gov.uk">elizabeth.poskitt@westoxon.gov.uk</a> Cllr. Carl Rylett – Executive Member for Planning and Sustainable Development Email: <a href="mailto:carl.rylett@westoxon.gov.uk">carl.rylett@westoxon.gov.uk</a>
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Summary/Purpose	To introduce the Botley West Solar Farm proposal as a Nationally Significant Infrastructure Project (NSIP), to explain the Development Consent Order (DCO) process for determining applications for NSIPs and to discuss the mechanisms for decision making on NSIP proposals.  It is considered that Development Control Committee should respond to any matters, relating to the Botley West Solar Farm proposal, throughout the Development Consent Order process.

Annexes	<p>Annex 1. Botley West Solar Farm Draft Site Boundary</p> <p>Annex 2. Planning Considerations for NSIP proposals – Summary of National Policy Statements</p>
Recommendation(s)	<p><i>That Development Control Committee resolves to:</i></p> <p><i>Note the information in this report.</i></p>
Corporate priorities	<ul style="list-style-type: none"> <li>• Putting Residents First</li> <li>• A Good Quality of Life for All</li> <li>• A Better Environment for People and Wildlife</li> <li>• Responding to the Climate and Ecological Emergency</li> </ul>
Key Decision	<p>There is no decision to be made at this stage, although it should be noted that the Botley West Solar Farm NSIP, will potentially effect a number of parishes within West Oxfordshire and neighbouring districts.</p>
Exempt	<p>NO</p>
Consultees/ Consultation	<p>Consultation on the proposals will be necessary at various stages throughout the DCO process, particularly when preparing the Local Impact Report and making representations in response to the development proposals.</p> <p>Members will be notified at the appropriate time, as to when consultation on proposals will be necessary.</p> <p>As West Oxfordshire is not the decision making authority, the applicant is responsible for co-ordinating any consultation in relation to their proposals.</p> <p>Officers wish to ensure that members have oversight of any proposed response or submission as part of the DCO process and will include, but not be limited to the following;</p> <p>Statement of Community Consultation  EIA Scoping Report  Formal consultation on NSIP proposal  Local Impact Report  Submission of representations  Adequacy of Consultation Report  Engagement in Examination</p>

## **I. BACKGROUND**

- I.1** Nationally Significant Infrastructure Projects (NSIPs) 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').
- I.2** Instead of applying to the local authority for Planning Permission, applicants for NSIPs must apply to the Planning Inspectorate (PINS) for a different permission called a Development Consent Order (DCO).
- I.3** Local Planning Authorities have a limited but important role to play in the DCO process. Although they are not the decision making authority, they are required to respond to consultations on key documents including Statements of Community Consultation and Environmental Impact Assessment (EIA) Scoping Reports and to submit impact assessments and representations as part of the Examination process.
- I.4** Nationally Significant Infrastructure Projects are not specifically included in Council's planning scheme of delegation, but with proposals emerging for at least one NSIP to be developed in West Oxfordshire, it would be prudent to ensure that appropriate arrangements are in place, to ensure timely decision making on major schemes affecting many communities in West Oxfordshire.
- I.5** The Botley West Solar Farm proposal is the first NSIP to be proposed for West Oxfordshire. The 840MW proposal will cover an area of approximately 1,400 hectares and affect a number of parishes.
- I.6** The developer for the proposed Botley West Solar Farm has published an indicative timetable for the DCO process, with submission of the application due in winter 2023. There are a number of key milestones during the process that must be met before the application is submitted.
- I.7** Members may wish to review information at key milestones and make decisions on how to respond to the proposal throughout the DCO process. The correct mechanisms must be put in place, to ensure that members and officers can respond to the proposals in a timely manner.
- I.8** It is considered that Development Control Committee would be the appropriate committee to consider matters relating to NSIPs, with officers working in consultation with the Chair of the Development Control Committee and the Executive Member for Planning and Sustainable Development

## **2. THE BOTLEY WEST SOLAR FARM**

- 2.1** Photovolt Development Partners (PVDP) are proposing a new solar farm in the west of Oxfordshire called Botley West Solar Farm. Botley West Solar Farm could deliver 840 Megawatts (MW) of clean affordable power to the National Grid.
- 2.2** It is proposed that the Botley West Solar Farm will connect into a new National Grid substation, to be built and located west of Botley, hence the name Botley West.
- 2.3** 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 1,000 hectares, leaving significant areas for mitigation and enhancements for the local landscape, wildlife and recreational use. See map at Annex 1
- 2.4** The proposed solar farm 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.
- 2.5** As the proposed NSIP is located within West Oxfordshire, WODC is regarded as a host authority for the purpose of the Development Consent Order process.

## **3. THE DEVELOPMENT CONSENT ORDER (DCO) PROCESS**

- 3.1** The DCO process comprises six stages, with requirements for stakeholder engagement and assessment, as well as the preparation of supporting documentation at each stage
- 3.2** Host authorities have a particular role throughout the DCO process and will be called upon at key stages, to respond to proposals, to submit representations and to engage in the Examination of the proposals.
- 3.3** The 6 stages of the DCO process and requirements for stakeholder involvement at each stage are summarised in the table below;

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"> <li>• Provide comments on applicant’s draft Statement of Community Consultation (SoCC)</li> <li>• Respond to developer consultation about the scheme</li> <li>• Discuss with developer about S106 agreements and requirements</li> <li>• Commence work on Local Impact Report (LIR) and Statements of Common Ground (SoCG)</li> <li>• Consider joint working arrangements with other authorities</li> <li>• Agree terms of any planning performance agreement with developer.</li> </ul>
<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"> <li>• 14 days for local authority to submit adequacy of consultation representation</li> </ul>
<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"> <li>• WODC will be required to respond to the invitation to the preliminary meeting as the host authority</li> <li>• WODC will consider the draft Examination timetable and provide comments if necessary</li> <li>• Attend preliminary meeting</li> <li>• Continue preparation of SoCG, LIR and written representations</li> <li>• Prepare for Examination including engaging legal and specialist support</li> <li>• Continue negotiations with developer</li> <li>• Submit relevant representations</li> </ul>

4) Examination	<ul style="list-style-type: none"> <li>• 6 month Examination (Maximum)</li> <li>• Submit LIR and SoCG and written representation early in Examination</li> <li>• Attend and participate in hearings and accompanied site visits as necessary</li> <li>• Submit signed planning obligation by deadline</li> <li>• Respond to written questions and requests for further information</li> <li>• Comment on other interested parties representations and submissions</li> </ul>
5) Planning Inspectorate submit recommendation BEIS for final decision on whether to grant consent.	
6) Post decision  6 weeks for legal challenge	<ul style="list-style-type: none"> <li>• Discharge of requirements and monitoring</li> <li>• Enforcement</li> <li>• Responding to notifications – non material and material change applications</li> </ul>

- 3.4** A final decision on whether permission should be granted for the Botley West Solar Farm, will be made by the Examining Authority in the context of the relevant National Policy Statements. National Policy Statements provide the framework for decision making as required by the Planning Act 2008.
- 3.5** A summary of relevant planning considerations, as set out in the National Policy Statements is included at Annex 2.
- 3.6** Under the Planning Act 2008 the Secretary of State must also have regard to any local impact report submitted by a relevant local authority, any relevant matters prescribed in regulations, and any other matters which the Secretary of State thinks are both important and relevant to the decision.
- 3.7** Other matters that may be considered both important and relevant to decision-making may include Development Plan Documents or other documents in the Local Development Framework.
- 3.8** The Developer has proposed an indicative timetable for the submission of their application to the Planning Inspectorate;

- Autumn 2022 – Phase One community consultation on initial proposals
- Winter 2022/23 – Scoping Report submitted to PINS
- Winter 2022/23 – Consultation with LAs on draft Statement of Community Consultation
- Spring 2023 – Phase 2 consultation on more detailed design proposals and Preliminary Environmental Information Report (PEIR)
- Winter 2023 – DCO Application submission
- 2024 – DCO examination process
- Early 2025 – Anticipated DCO decision from Secretary of State
- Summer 2025 – Start of construction

**3.9** Officers will continue to engage with the developer and agent for the proposal, to understand how the proposed timetable may change. The Local authority have not yet been consulted on the draft Statement of Community Consultation, which suggests that detailed consultation and submission of the application may be delayed.

#### **4. PLANNING SCHEME OF DELEGATION FOR NSIPs**

- 4.1** As a host authority, West Oxfordshire District Council are required to engage throughout the DCO process and will be expected to respond to any requests for information and to submit necessary representations up to and including the Examination stage.
- 4.2** Officers at each of the Oxfordshire authorities have been identified to engage directly with applicant and to facilitate any response or assessment necessary to contribute to the DCO process.
- 4.3** The scale and sensitivity of the Botley West Solar Farm proposal, mean that Member oversight will be required, as the final decision could have potential for significant and long lasting effects on communities and the environment.
- 4.4** The district council may wish to set out a clear position on this NSIP proposals in due course, particularly when more information on the impacts of the proposal are made available.
- 4.5** The Council Constitution allows for NSIP proposals be considered by the Development Control Committee.
- 4.6** Development Control Committee have the power to sub delegate authority to officers, under Local Government Act 1972.
- 4.7** It is suggested that the committee delegate authority to the Business Manager for Development and Sustainability, as well as the Lead Planning Policy and Implementation Officer, to undertake any necessary work relevant to the Botley West Solar Farm DCO

process, in consultation with the Chair of the Development Control Committee and the Executive Member for Planning and Sustainable Development and to report to the Development Control Committee throughout the DCO process.

## **5. ALTERNATIVE OPTIONS**

- 5.1 To seek to amend the council constitution so that NSIP proposals are considered at Full Council.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There is potential for a significant amount of officer time to be dedicated to engaging with the DCO process. Opportunities for a Planning Performance Agreement will be sought, where it is considered that officer engagement will impact the Council's ability to perform its statutory functions

## **7. LEGAL IMPLICATIONS**

- 7.1 This report is provided for information and it is considered that there are no legal implications associated with it at this time.

## **8. RISK ASSESSMENT**

- 8.1 This report is provided for information and it is considered that there are no risks associated with it at this time
- 8.2 In order for Development Control Committee to make key decisions relating to the Botley West Solar Farm in the future, it may be necessary to arrange additional meetings so that members are able to respond in a timely manner.

## **9. EQUALITIES IMPACT**

- 9.1 It is considered that the Botley West Solar Farm proposal will not have any differential negative impact on any group, with protected characteristics, in West Oxfordshire.

## **10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 10.1 The Botley West Solar Farm proposal has the potential to generate significant amount of renewable energy, contributing to the decarbonisation of the National Grid and helping to achieve net zero carbon targets by 2050.
- 10.2 The scale and location of the proposal would likely result in significant impacts on biodiversity and natural capital.
- 10.3 There is potential for the proposal to result in both positive and negative impacts, both in terms of addressing the causes and mitigating the impacts of climate change.

## **11. BACKGROUND PAPERS**

- 11.1 None