WEST OXFORDSHIRE DISTRICT COUNCIL

www.westoxon.gov.uk

Planning Considerations for the Botley West Solar Farm Proposal

Contents table

Introduction

The Botley West Solar Farm proposal is for an 840MW Solar Farm within the districts of Cherwell, Vale of White Horse and West Oxfordshire covering an area of approximately 1,400 hectares.

The scale of the proposal means that it is considered to be a Nationally Significant Infrastructure Project (NSIP). The decision making process for NSIPs is different to a normal planning application and although Local Planning Authorities will have an important role to play, they are not the decision making authorities for this proposal.

For the development to be approved, the developer must apply for permission via the Development Consent Order (DCO) process, with the Secretary of State for Business, Energy and Industrial Strategy making the final decision on the scheme.

The Development Consent Order (DCO) process

The stages of the DCO process are clearly defined and there is useful guidance available as to how stakeholders can engage throughout the process available online[1].

Stage	Explanation
Pre-application stage	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.
Acceptance stage	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.
Pre-examination	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.
Recommendation and Decision	
Post Decision	

[1] https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

Planning considerations for decision making

The decision on whether to grant permission for the Development Consent Order will be made by the relevant Secretary of State (SoS) following a recommendation from the Planning Inspectorate (PINS), at the conclusion of the Examination process.

In making their recommendation to the SoS, PINS will assess the merits of the scheme through a formal Examination. There are a wide range of things that PINS will have to consider in order to make their recommendation for or against granting permission for the scheme.

For a proposal of this nature, it will involve balancing the positive and negative impacts of the scheme. Stakeholders will likely focus on particular types of impacts whether social, environmental or economic.

There are a wide range of considerations that will be relevant to the Planning Inspectorate and these are set out primarily in National Policy Statements.

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.

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.

National Policy Statements

The suite of National Policy Statements will be a primary consideration for the Examining Authority (The Planning Inspector) when making a recommendation on whether to grant consent.

Examining Authorities make their recommendations within the framework provided by NPSs, as required by the Planning Act 2008. The Secretary of State must decide the DCO application in accordance with any relevant National Policy Statement.

The energy NPSs cover the overarching delivery of energy infrastructure in the UK and provide the legal framework for planning decisions.

Policies set out in NPSs, are for the most part, intended to make the process of consenting nationally significant energy infrastructure clearer and more transparent, rather than to change the underlying policies against which applications are assessed.

The National Policy Statements for energy and renewable energy set out national policy for energy infrastructure. These policies guide decisions by the Secretary of State on applications for energy development. For Nationally Significant Infrastructure projects NPS EN-1, when combined with NPS EN-3, provides the primary basis for decisions by the Secretary of State.

National Policy Statements are due to be updated in 2023

Assessment Principles

When considering proposals for development and in weighing up the benefits of a proposal against any adverse impacts, the Examining Authority should consider;

- Any potential benefits including contributions to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and

- Any potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

The Examining Authority should take into account any environmental, social and economic benefits and adverse impacts, at national, regional and local levels.

The Examining Authority should satisfy itself that likely significant effects, including any significant residual effects that remain after any proposed mitigation measures have been adequately assessed.

An Environmental Statement (ES) should provide information on how the effects of the proposal would combine and interact with the effects of other development that is planned in the area.

It should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place

The applicant should provide information proportionate to the scale of the project on the likely significant environmental, social and economic effects.

Environmental Statement

The Environmental Statement should cover all of the potential environmental impacts relating to the scheme.

In summary….

This should cover the effects on human beings, fauna and flora, soil, water, air, climate, landscape, material assets, and cultural heritage and the interactions between them. It should cover the direct effects of the proposal and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects at all stages of the project and also the measures envisaged for avoiding or mitigating significant adverse effects.

The Examining Authority will wish to consider the potential effects, including benefits, of a proposal and will find it helpful if the applicant sets out information on the likely significant social and economic effects of the development, and shows how any likely significant negative effects would be avoided or mitigated.

Habitat Regulations Assessment (HRA)

It must also be considered whether the project may have a significant effect on a European site, such as Oxford Meadows Special Area of Conservation (SAC). The applicant should seek the advice of Natural England and provide the Examining Authority with such information as it may reasonably require to determine whether a more detailed assessment is required. In the event that an Appropriate Assessment is required, the applicant must provide the Examining Authority with such information as may reasonably be required to conduct the assessment. This should include information about mitigation measures that are proposed to minimise or avoid likely effects.

Alternative Sites

Applicants are obliged to include in the Environmental Statement, as a matter of fact, information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility;

Good Design

Applying "good design" to energy projects should produce sustainable infrastructure that is sensitive to place, efficient in the use of natural resources matched by an appearance that demonstrates good aesthetic as far as possible. It is recognised however that the nature of many energy infrastructure developments will often limit the extent to which it can contribute to the enhancement of the quality of the area.

In the light of this, and given the importance of good design and sustainability, the Examining Authority needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable as they can be. In so doing, the Examining Authority should satisfy itself that the applicant has taken into account both functionality and aesthetics as far as possible. Whilst the applicant may have limited choice in the physical appearance of energy infrastructure, there may be opportunities to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation.

Applicants should be able to demonstrate how the design process was conducted and how the proposed design evolved. In considering applications the Examining Authority should take into account the purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.

Climate Change

Climate change is likely to mean that the UK will experience hotter, drier summers and warmer, wetter winters. There is a likelihood of increased flooding, drought, heatwaves and intense rainfall events, as well as rising sea levels. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening.

The Examining Authority should be satisfied that applicants for new energy infrastructure have taken climate change into account to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure.

If any adaptation measures give rise to consequential impacts, e.g. on flooding or water resources, the Examining Authority should consider the impacts in relation to the application as a whole.

Grid Connection

The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend generation plant. It is for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated.

Health

Energy production has the potential to impact on the health and well-being of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the production, distribution and use of energy may have negative impacts on some people's health.

The Environmental Statement should assess these effects for each element of the project, identifying any adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate. The impacts of more than one development may affect people simultaneously, so the cumulative impact on health should be considered.

The direct impacts on health may include increased traffic, air or water pollution, dust, odour, hazardous waste and substances, noise, exposure to radiation, and increases in pests.

New energy infrastructure may also affect the composition, size and proximity of the local population, and in doing so have indirect health impacts, for example if it in some way affects access to key public services, transport or the use of open space for recreation and physical activity.

Generic Impacts

Air Quality and emissions

Infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats, or on the wider countryside.

Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement (ES).

Air quality considerations should be given substantial weight where a project would lead to a deterioration in air quality in an area, or leads to a new area where air quality breaches any national air quality limits.

Biodiversity and Geological Conservation

The Environmental Statement should clearly set out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.

This should take account of the context and challenge of climate change, as failure to address this challenge will result in significant adverse impacts to biodiversity.

Development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives; where significant harm cannot be avoided, then appropriate compensation measures should be sought.

Development proposals provide many opportunities for the inclusion of beneficial biodiversity or geological features as part of good design. Such opportunities should be maximised in and around developments, using requirements or planning obligations where appropriate.

Civil and Military Aviation and defence interests

Civil and military aerodromes, aviation technical sites, and other types of defence interests can be affected by new energy development.

Where the proposed development may have an effect on civil or military aviation and/or other defence assets an assessment of potential effects should be set out in the ES.

The Examining Authority should be satisfied that the effects on civil and military aerodromes, aviation technical sites and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out.

Flood Risk

Applications for energy projects of 1 hectare or greater in Flood Zone 1 and all proposals for energy projects located in Flood Zones 2 and 3 should be accompanied by a flood risk assessment (FRA). An FRA will also be required where an energy project less than 1 hectare may be subject to sources of flooding other than rivers (for example surface water), or where the EA or other body have indicated that there may be drainage problems. This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.

Historic Environment

The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora. Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called "heritage assets". A heritage asset may be any building, monument, site, place, area or landscape, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance.

Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: a World Heritage Site; Scheduled Monument; Listed Building; Registered Park and Garden; Registered Battlefield and Conservation Area;

As part of the ES, the applicant should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the applicant should have consulted the relevant Historic Environment Record

Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss

Landscape and Visual

The landscape and visual effects of energy projects will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development. In this context, references to landscape should be taken as covering townscape where appropriate.

The applicant should carry out a landscape and visual assessment and report it in the ES. The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project.

The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape character.

The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation.

Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.

The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. A judgement should be made whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits of the project.

All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. A judgement should be made whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.

Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function, such as reduced energy output.

Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project.

Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.

Land use impacts

Applicants should seek to minimise impacts on the best and most versatile agricultural land and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations.

Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed.

Minerals resources

Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.

Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), it should be ensured that appropriate mitigation measures have been put in place to safeguard mineral resources.

Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land for nature conservation or wildlife corridors or for parking and storage in employment areas.

Open space impacts

Consent should not be given for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or land to be surplus to requirements or it is determined that the benefits of the project outweigh the potential loss of such facilities.

Green Belt Impacts

The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy

When located in the Green Belt, energy infrastructure projects are likely to comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects.

Consideration will need to be given to whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm is outweighed by other considerations. In view of the presumption against inappropriate development, substantial weight will be given to the harm to the Green Belt when considering any application for such development.

Green Infrastructure

Where green infrastructure is affected, consideration should be given to how connectivity of the green infrastructure network is maintained and where possible improved, to mitigate any adverse impact.

Rights of way, National Trails and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. Applicants are expected to take appropriate mitigation measures to address adverse effects on National Trails and other rights of way.

Socio economic impacts

Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES.

This assessment should consider all relevant socio-economic impacts, which may include the creation of jobs and training opportunities, effects on tourism and the cumulative effects of other developments taking place.

Traffic and transport

The transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects. Environmental impacts may result particularly from increases in noise and emissions from road transport. Disturbance caused by traffic and abnormal loads generated during the construction phase will depend on the scale and type of the proposal.

If a project is likely to have significant transport implications, the applicant's ES should include a transport assessment. Applicants should consult the Highways Authorities as appropriate on the assessment and mitigation.

Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.

A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and these impacts should be mitigated, including during the construction phase of the development.

Water quality and resources

Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the Environmental Statement

The Environmental Statement should cover the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, the physical characteristics of the water environment and implications for water availability.