

Planning

HEAD OF SERVICE: **Adrian Duffield**



Peter Gerstmann
Photovolt Development Partners

CONTACT OFFICER: **Stuart Walker**

registration@southandvale.gov.uk

Tel : 01235 422600

Textphone: 18001 01235 422600

Abbey House, Abbey Close

ABINGDON OX14 3JE

Ref: P23/V2666/3PC

6 February 2024

Dear Peter Gerstmann

STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008.

At: Botley West Solar Farm

Introduction

This is the response of the Vale of White Horse District Council (VWHDC) to the Statutory Consultation and notification pursuant to Section 42 of the Planning Act 2008 to the NSIP project for the Botley West Solar Farm, a large solar farm to the west of Oxford within the districts of West Oxfordshire, Cherwell and Vale of White Horse.

The proposed development is for a utility scale solar farm development with associated infrastructure and mitigation measures including:

- A new primary substation at a location to be defined to the west of Botley
- Power Inverters
- Cabling
- Fencing and security measures
- Temporary construction compounds
- Environmental enhancements
- New public rights of way
- Biodiversity net gain

Photovolt Development Partners (the applicant) entered into pre-application discussions with Oxfordshire County Council, West Oxfordshire, Cherwell and VWHDC in 2023 to seek the advice of the Local Planning Authority (LPAs) and input from internal consultees over key issues. This has been a collaborative process between the LPAs and the applicant.

In compiling this response, VWHDC has had regard to the Preliminary Environmental Information Report (PEIR), Non-Technical Summary of the PEIR and the Statement of Community Consultation (SoCC).

For clarity, the following comments relate only to those development proposals within the administrative boundary of Vale of White Horse District Council and are based on the proposal as currently submitted.

Comments on proposal

VWHDC raise no objection in principle to solar farm development but cannot support the proposal for the following reasons:

The case for Very Special Circumstances to develop land in the Oxford Green Belt with inappropriate development has yet to be satisfactorily demonstrated.

There is concern on the loss of Best and Most Versatile (BMV) agricultural land within the Vale.

There is significant concern the scale of the proposal will lead to harmful landscape impacts that outweigh any benefits of the proposed development.

The proposal currently provides little benefit to the local community.

Comments on the Preliminary Environmental Information Report (PEIR)

The PEIR leads on from the EIA Scoping process that was undertaken for the development in July 2023. The scope of the EIA was agreed by the Planning Inspectorate (PINS) on 24 July 2023.

General observation

All chapters need to be updated to account for the recent updated National Policy Statements (published 22 November 2023) and the National Planning Policy Framework (20 December 2023).

Non-technical summary

VWHDC has no comments to make on this.

Chapter 1 – Introduction

VWHDC has no comments to make on this chapter.

Chapter 2 – existing baseline

VWHDC has no comments to make on this chapter.

Chapter 3 – Consent and consultation process

VWHDC has no comments to make on this chapter.

Chapter 4 – approach to environmental assessment

VWHDC supports the scope and extent of the PEIR and subsequent EIA.

Chapter 5 – Need, National Planning Policy, and Alternatives Considered

VWHDC consider this chapter lacks information on what alternative sites have been assessed and explored.

VWHDC agree Green Belt very special circumstances can be assessed in the separate Planning Supporting Statement to accompany the application.

Chapter 6 – Project Description

VWHDC has no comments to make on this chapter.

Chapter 7 – Historic Environment

VWHDC agree with the scope and extent of the PEIR so far in respect of built heritage and is satisfied that the chapter has identified known designated heritage assets within a reasonable radius of the application site.

The PEIR suggests no non-designated heritage assets of local interest have been identified by VWHDC (Section 7.5.3), but it is not clear if the Cumnor Conservation Area Appraisal 2011 has been referred to, which does include some locally interesting buildings within the designated area that should be included for assessment. The document can be accessed via the VWHDC website and should be included in an updated ES.

It is agreed there would be no direct impacts to designated heritage assets (built heritage only, excluding archaeology). The landscape character changes as evidenced by the ZTV indicates that there is likely to be an impact to heritage assets and the way they are understood and experienced within their setting, given the topography of the site and its open, rural character. Refinement of the final scheme, specifically the scale, design, and location of the substation, will influence the scale of impacts and relevant mitigation needed. Whilst direct physical impacts are not anticipated, the overall level of impact will still need to be assessed in the context of a refined final scheme.

Chapter 8 – Landscape and Visual Resources

Numerous issues were raised on landscape matters in our consultation response to Scoping and some of these concerns are still present or are not clarified in the PEIR and will therefore need to be addressed when producing the EIA.

The methodology section of the PEIR refers to the relevant Methodology in the Guidance Documents such as GLVIA 3, Technical Guidance Note 02/21, Assessing Landscape Value Outside National Designations and Technical Guidance Note 06/19 Visual Representation of Development Proposals. However, there is still limited detail on how some of these Guidance Documents are applied to the Botley West proposal.

Whilst the following comments regarding landscape are predominately focused on the Vale of the White Horse District Council area, they will also be applicable to the whole assessment of the proposal.

The Cumnor Parish Neighbourhood Development Plan, Landscape Character Assessment, December 2018 is also not referenced in the report, especially regarding the Landscape Character Section. Reference to the Cumnor Parish Neighbourhood Plan Important View Report (CNPIVR), February 2021 is limited and the viewpoints in this report need to be included in the EIA.

Visual receptors, Viewpoints and Visualisations

Technical guidance Note 06/19 Visual Representation of Development Proposals classifies EIA as a Category A report where the appropriate visualisation types would be either Type 2 3D wireline/ model: Type 3 photomontage/ photo wire: or Type 4 photomontage/ photo wire (survey/scale verifiable). It is not clear what Type of visualisation is proposed for the EIA. Due to the scale and public interest of the project, VWHDC would expect all viewpoint plans to be annotated with key features and have Photo wires to highlight the areas of the proposed solar arrays (but not necessarily full modelling of the arrays) so areas and extent of the proposal can be easily understood by all. The Visualisations should be photomontages. A map extract to indicate the location of the view is also useful and recommended by guidance.

Some of the Viewpoint Photography is currently poor in quality and over dark, making it harder to see landscape features, they would benefit from the photographs being retaken.

Some of the viewpoints and visualisations do not cover the whole extents of the view of the solar farm from that viewpoint for example VP48.

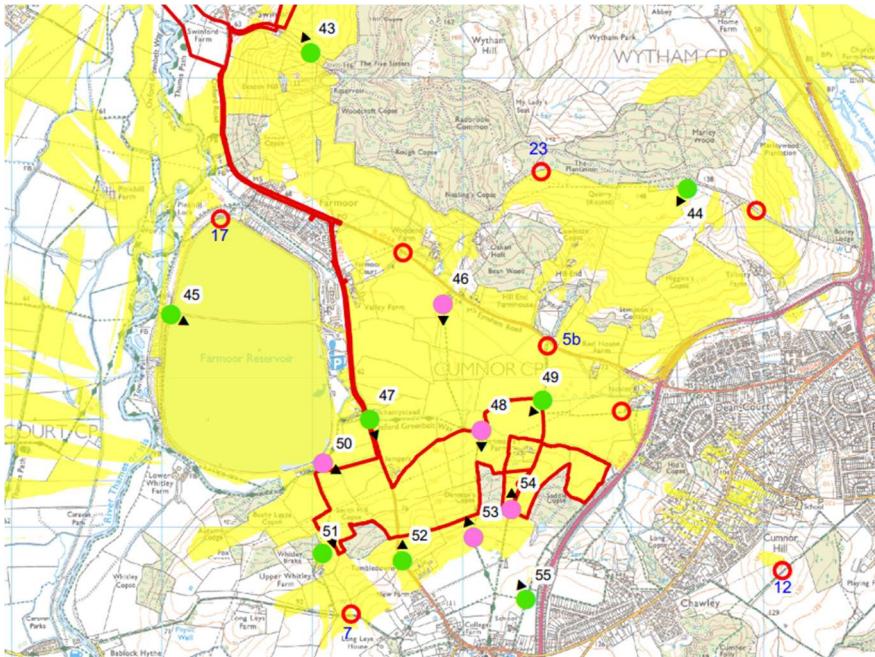
Clarification of representative viewpoints is required, as it is usual to have both summer and winter views, so the worst case is illustrated. Only year 15 summer assessment is mentioned but winter 15 year should also be provided.

It is difficult to pick up the extra features in the visualisations such as the proposed 156 number Power Converter stations and the 4 to 6 number HV transformer secondary substation. Clarity is required on whether these elements form part of the Visualisation modelling.

The sharpness of the visualisation is poor with pixelization. It is accepted however that this may be an issue with PDF formatting of documents.

The range of viewpoints are still limited, such as views from the road users of Eynsham Road, the wider footpath network such as to the north and east of the site and the residential properties especially those along both Eynsham Road and Cumnor Road. GLVIA expects the identification of the people within the area who will be affected by the changes in views and visual amenity including residents many of the views from the footpaths could also be used to represent views for the residents.

There are several places where views have not been taken, including those highlighted in the Cumnor Neighbourhood Plan such as Viewpoint 5b, 12, 23, 7, 12 and 17. These are highlighted on the plan extract below along with additional Prow, roads, and the Wytham permitted path network. Additional viewpoints are requested from these locations. Once the Substation ZVT is undertaken there may also be additional viewpoints that need to be included.



The EIA needs to ensure that it is using the representative viewpoints and visualisations to explain the impact of the scheme on the landscape and receptors such as roads, Prow routes etc rather than just spot points.

It is noted that Hill End, an Environmental Outdoor Education Centre that has been running for over 100 years, is not covered as a potential receptor to the scheme. Hill End has numerous locations on its site which have clear views to the south and should be covered by the assessment.

Zones of Theoretical Visibility (ZTV)

There is limited information given with regards to ZTV methodology. A bare earth ZTV should also be provided, together with a clear explanation and methodology of how the ZTV has been modelled and created.

The ZTV is calculated using the panel height of 2.5m. This does not represent the full scheme, the proposed 156 number Power Converter Stations and the 4 to 8 number HV transformer secondary substations should also be included within ZTV modelling.

Both the Project substation and the proposed NGET with their associated infrastructure should also be included in ZTV modelling. They should have their own ZTV to help understand which views will be impacted by these features, which are proposed to be 12 to 15m high. Additional viewpoints may be required to take account of ZVT of the substations. Cumnor Neighbourhood Plan viewpoints 12, 23, 24, 7 and 17 are all likely to have views of the Substation.

Mitigation/ Illustrative Masterplan

Section 8.7 covers mitigation measures intended to be adopted as part of the project including Primary mitigation such as modifications to the location or design of the development. However, the layout of the scheme does not indicate that there has been much modification to the design of the scheme to minimise impacts in

response to receptors and constraints. For example, small areas of solar panels within the southwestern area of the site either side of the footpath and adjacent to the ancient woodland are retained rather than a broader look at the project at a landscape and project scale to see if it would be more appropriate not to include these small areas of solar. Again, small areas of solar arrays are formed once servicing constraints are added south of Denman's Farm. It may be more appropriate due to the proximity to the Prow and the residential property not to have these small areas under solar panels.



Furthermore, the scale of the mitigation is not at the similar scale of the proposed solar farm to help mitigate the impacts. Only small-scale landscaping interventions are proposed, such as the planting of a hedgerow to screen views of the solar panels, but this not at a scale to break up the mass of the panels in other views, such as linking areas of ancient woodlands.

The Illustrative Masterplan of the site should be reviewed to seek to break up the mass of development across slopes and link areas of ancient woodland blocks.

The impact of mitigation on views also needs to be carefully considered in the assessment. Many available views are large scale over the wider landscape. Screening a view so solar panels or other development cannot be seen also has the potential significant impact that the large landscape scale view is no longer obtainable. This potential impact of mitigation should be covered in the assessment of views.

It is noted that section 8.9.2.1 refers to landscape management being required for a period of five years following the completion of the project. 15 years is often the assessment timescale used for vegetation to mature and have a meaningful impact and this needs to be included for the management and monitoring of the site. The lifespan of the development would be more appropriate for a management plan.

Methodology / Assessment

VWHDC have concerns about the Methodology and Assessment of the Landscape Character and Visual Impacts of the scheme.

It is considered the PEIR underplays both the Landscape and Visual Effects of the proposal, especially regarding the Magnitude of impact criteria.

The following examples predominately cover the Operation Phase, but these themes are also relevant for Construction and Decommissioning.

The underlying Methodology of the assessment. Section 8.1.8.10 states “For the purpose of this assessment, any effects with a significance level of Moderate or less are not considered to be significant in terms of the EIA Regulations.” However, assessment is not as simple as this statement. When the assessment results in multiple negative effects, cumulatively this would result in a significant impact. Each assessment of an effect should not be looked in isolation and discarded as not significant, they should be looked at holistically.

This principle of multiple negative effects is acknowledged in the report but not pulled through and applied to the assessment of the project as a whole. Section 8.9.1.70 “These effects are not judged to be significant. However, where Moderate significance of effect has been identified at multiple points along the same PRow, sequentially these Moderate adverse effects could be considered significant.”

This proposed solar farm has a timescale of approximately 40 years, which should be considered permanent. Section 8.8.6.2 states that the Project is considered fully reversible, and this has an influence on the assessment values. VWHDC has concerns to how this is being applied to the assessment of effects. i.e., 8.9.1.64 “*The magnitude of impact, for those parts of the PRow where views are available, would be Medium. Resulting in a Moderate adverse significance of effect. Considering users’ High sensitivity, reversibility of the solar farm and proposed mitigation, albeit not yet established. This effect is judged to be not significant.*”

A recent appeal decision regarding solar development in the Greenbelt covers this issue and 40 years was judged not to be “temporary”. APP/A1910/W/23/3317818 Little Heath Lane, Little Heath, Berkhamstead

At present the level of detail of the submitted landscape information is not detailed enough to cover the scale of the area of the application or to understand how assessments have been made. VWHDC therefore expect that much more detail will be present in the EIA.

The project has 4 areas of development: the Northern, Central and Southern Section and the associated substations but the Character Assessment is not detailed enough at present in how they assess these. i.e., 8.9.1.61 “*The Project would be located within LCA 4: Eastern Parks and Valleys; LCA 11: Eynsham Vale; LCA LM19: Whiteley Copse to Chawley Corallian Limestone Ridge with Woodland and LCA LM20: Farmoor to Botley Corallian Limestone Ridge with Woodland. It would change the character of a relatively large area of these LCAs. The development of a large-scale solar farm within generally well contained farmland would cause a Low magnitude of impact upon the LCA as a whole, with any change in character confined to the Project Site of Medium to High sensitivity and result in Minor adverse significance of effect, which is not significant.*” This raises concern about methodology as landscape effects should be assessed against the relevant part of the character area, the extent likely to be affected either directly or indirectly, this is

often based on the extent of the area from which the development is potentially visible rather than the whole entirety of the character area. Localised harm to an area of a LCA does not mean it is not significant harm.

The Landscape assessment does not seem to acknowledge the role the site plays within the wider Character Area, such as the loss of openness of introducing built form on to the site and how it would be perceived from a number of directions and distances.

There is also concern about the assessment of views, for example Representative Viewpoint 48: View looking south from footpath 184/15/30, Oxford Green Belt Way, section 8.9.1.119. This footpath will pass through an area of solar panels, with areas of panels to the west, south and west. However, this is assessed as having a Low magnitude of impact at completion, which results in a Moderate adverse significance of effect at completion, which would not be significant. This is an example to indicate our concern about the assessments submitted in the PIER especially if it is pulled through in a similar form to the EIA.

This is a large-scale project over multiple areas and the EIA needs to acknowledge this and cover these impacts in sufficient detail for all the areas so the journey from baseline to the assessment of effect can be clearly understood for all areas of the project.

Chapter 9 – Ecology and nature Conservation

VWHDC is generally satisfied with the approach and scope of assessment to the ecological and biodiversity implications of the proposed scheme to be taken forward to the subsequent EIA.

It is noted that some ecological surveys were still ongoing at the time of writing the PEIR, as such these comments should be viewed as preliminary and may be subject to change depending on the results of forthcoming surveys.

Depending on the timeline for the formal submission of the proposal, updated ecological surveys may be required to ensure that information complies with CIEEM guidance on the age of ecological information.

It is important that any forthcoming Environmental Statement (ES) ensures that the full extent of works area is subject to ecological assessment. Figures appear to have omitted land close to Swinford, south of the river Thames, which may be subject to enabling works.

The PEIR assesses impacts on statutory and locally designated sites but appears to have not considered the potential for some indirect impacts which may undermine the conservation objectives or special interest of Wytham Woods Site Special Scientific Interest (SSSI) or Farmoor Reservoir Local Wildlife Site (LWS). Both the SSSI and LWS have notable invertebrate interest and there is a body of evidence to suggest that large arrays of solar PV panels can, through the reflection of polarised light, attract insects (particularly those dependent on water for their lifecycle) and result in reduced fecundity and increased mortality. Specific to the LWS, there are concerns that arrays of solar PV panels can confuse waterbirds, mistaking them for

areas of water. Increases in mortality or energy expenditure could have the potential to harm the identified ecological interest of the LWS. These potential impacts should be explored in the EIA.

VWHDC also have concerns with the proposed approach to skylark mitigation. Conventional knowledge suggests that skylark plots are only successful when provided on unenclosed sites of 5ha or more. The provision of skylark plots closely surrounded by tall solar PV panels will mean that success is unlikely. It would likely be more appropriate to secure offsite compensation through including additional land and managing these areas for the benefit of skylarks.

Great Crested Newts (GCN) have been recorded in a pond within Saddle Copse, c.90m away from the proposed development site. Whilst VWHDC is satisfied that significant population level impacts are unlikely to occur, it remains a distinct possibility that a derogation licence may be required to make works lawful closer to the pond. The applicant is advised to reach out to the Nature Space partnership to see if the NSIP can be covered under the district level licence for GCN which is in operation in Vale of White Horse district.

The updated biodiversity net gain assessment should make use of the recently published statutory metric, which will be used for BNG purposes from January 2024 onwards.

Chapter 10 – Hydrology and Flood Risk

VWHDC agree with the scope and extent of the PEIR and subsequent EIA.

Chapter 11 – Ground Conditions

VWHDC agree with the scope and extent of the PEIR and subsequent EIA.

Chapter 12 – Traffic and Transport

VWHDC defer to comments from Oxfordshire County Council as local Highway Authority for this Chapter.

Chapter 13 – Noise and Vibration

VWHDC agree with the scope and extent of the PEIR and subsequent EIA.

Chapter 14 – Climate Change

VWHDC has no comments to make on this chapter.

Chapter 15 – Socioeconomics

VWHDC has no comments to make on this chapter.

Chapter 16 – Human Health

VWHDC has no comments to make on this chapter.

Chapter 17 – Agricultural Land and public rights of way

VWHDC agree with the scope and extent of the PEIR and subsequent EIA.

Chapter 18 – Waste and Resources

VWHDC has no comments to make on this chapter.

Chapter 19 – Cumulative Effects and inter-relationships

VWHDC disagrees with the summary finding that there is no cumulative impact on landscape and visual resources and considers cumulative effects relating to landscape and visual resources need to be reviewed in the light of adjoining solar farm proposals within the Vale.

There are potential sequential Cumulative Impacts with other existing and proposed solar development in the Oxford Green Belt, especially those sites that the Oxford Green Belt Way passes. The scheme itself produces sequential Cumulative Impacts to local receptors such as local road users and the Prow network and that should also be covered under the EIA assessment. The application is effectively 4 projects, the Northern, Central and Southern Areas of Solar Panels and the associated project and proposed NGET substations, and this needs to be covered in the assessment.

Red House Farm, Botley is now a live application and should be moved into Tier 1 Projects. P23/V2624/FUL.

Chapter 20 – Summary of Significant Effects

VWHDC are in broad agreement with the preliminary summary of Significant Effects, subject to addressing comments made on Historic Environment, Landscape and Visual Resources and Ecology and Nature Conservation.

Comments on SoCC

The applicant engaged with the LPAs regarding the SoCC as part of the pre-application process. The scope of the SoCC was adapted to accommodate the comments made by VWHDC.

VWHDC supports the scope and extent of the SoCC.

Likely requirements for Development Consent Order

In respect of requirements (akin to planning conditions) to be included on any draft Development Consent Order (DCO) VWHDC request requirements on the following matters:

1. Time limit for commencement
2. Approved Plans
3. Detailed Design approval
4. Phasing
5. Landscaping details
6. Landscape implementation and management
7. Vehicular access
8. Construction traffic management plan
9. Construction Hours
10. Community Employment Plan
11. Archaeological watching brief
12. Implementation of archaeological works

13. Construction environmental management plan
14. Tree protection
15. Visibility splays
16. Sustainable drainage scheme
17. Archaeology protection
18. Flood risk
19. Wildlife protection measures
20. External lighting
21. Enclosure details
22. Temporary permission
23. Removal of unused panels and equipment
24. Decommissioning method statement

VWHDC will also require a Community Benefit Agreement (CBA) to secure funds to support the community local to the project as well as to provide financial support to deliver the Council's Climate Action Plan agenda. The rate sought will be £500 per MW per year.

Further detail on wording of requirements, S106 legal agreement and the CBA is to be negotiated by the LPAs and with the developer ahead of the application submission.

Summary and Recommendations

This letter forms the Vale of White Horse District Council's response to your statutory consultation and notification pursuant to Section 42 of the Planning Act 2008.

VWHDC is in broad agreement with the methodologies and assessments set out and detailed in the Preliminary Environmental Information for its areas of interest, subject to resolution on comments in this letter.

Yours sincerely,



Stuart Walker
Major Applications Team Leader