



‘Botley West Solar Farm’: Report on Adequacy of Consultation

May 2024

Prepared by Stop Botley West
www.stopbotleywest.com

Contents

EXECUTIVE SUMMARY	3
INTRODUCTION.....	5
PRINCIPLE 1: PROPOSALS ARE STILL AT A FORMATIVE STAGE	5
PRINCIPLE 2: THERE IS SUFFICIENT INFORMATION TO GIVE ‘INTELLIGENT CONSIDERATION’	6
2.1 Was the information sufficient and accurate? Did it include any options?	6
2.1.1 Alternatives, PEIR Chapter 4	7
2.1.2 Historic Environment, PEIR Chapter 7	8
2.1.3 Landscape and Visual Resources, PEIR chapter 8	8
2.1.4 Ecology and Nature Conservation, PEIR chapter 9	12
2.1.5 Human Health, PEIR chapter 16.....	14
2.1.6 Agricultural Land and Public Rights of Way, PEIR chapter 17	14
2.1.7 Cumulative Effects, PEIR Chapter 19.....	16
2.1.8 Community Benefit.....	16
2.1.9 Community Consultation Leaflet	17
2.1.10 Non-Technical Summary	17
2.2 Was the information accessible?	18
2.2.1 Community Consultation Leaflet	18
2.2.2 PEIR	18
2.2.3 Information Events.....	19
2.2.4 Webinars	24
2.3 Was the information easily interpretable?	24
2.3.1 PEIR	24
2.3.2 Community Consultation Leaflet	25
2.3.3 Language	25
PRINCIPLE 3: THERE IS ADEQUATE TIME FOR CONSIDERATION AND RESPONSE	26
PRINCIPLE 4: ‘CONSCIENTIOUS CONSIDERATION’ MUST BE GIVEN TO THE CONSULTATION RESPONSES BEFORE A DECISION IS MADE	27
CONCLUSION.....	28

EXECUTIVE SUMMARY

A statutory public consultation was conducted by Photovolt Development Partners GmbH (PVDP) between 30th November 2023 and 8th February 2024 on its proposal to construct a 1300 hectare ground-mounted solar farm, Botley West Solar Farm (BWSF).

This report, compiled by community campaign group Stop Botley West, examines the adequacy of that consultation. We hope this will assist West Oxfordshire District Council and the Planning Inspectorate in their own assessments of the adequacy.

We examined the consultation according to the **Gunning Principles**, four principles that provide a strong and widely used legal foundation for assessing the adequacy and legitimacy of public consultations. We referred also to government and Planning Inspectorate (PINS) guidance on public consultations.

Gunning Principle 1 requires that proposals are still at a formative stage, i.e. a final decision has not yet been made or predetermined by the decision makers. The Development Consent Order (DCO) application for BWSF has not yet been submitted and a decision has not been made by the Secretary of State. However PVDP as the Applicant is also a decision maker, and there is serious concern amongst consultees about specific statements that imply the decision has in effect already been made and the construction of the solar farm is inevitable. Such statements undermined public confidence that the decision is not predetermined and that responding to the consultation would serve any useful purpose.

Gunning Principle 2 requires that there is sufficient information to give intelligent consideration to the proposal. It specifies that for consultees to provide an informed response, the information must be available, accessible and easily interpretable. We found there is widespread concern amongst local residents and other stakeholders that the consultation failed to provide sufficient information to enable a proper understanding of the proposed project and its impacts.

We reviewed eight subject areas in the Preliminary Environmental Impact Report (PEIR) as well as the Community Consultation Leaflet and Non-Technical Summary. We found that in numerous respects the documents lacked essential assessments and related evidence base. Key subjects were covered by simply signposting consultees to surveys and assessments that were yet to be conducted and were therefore not available for consideration. Missing information included a presentation of alternative options, a Heritage Impact Assessment for the Blenheim World Heritage Site, an explanation of the Very Special Circumstances for developing green belt land, a Biodiversity Net Gain assessment and an Environmental Management Plan. Furthermore, numerous statements and inferences were made that are not accurate and balanced and were in effect misleading. The lack of sufficient, accurate information impeded consultees' ability to understand the project and its impact and to respond effectively to the consultation.

We reviewed the accessibility of information in the consultation process, looking at the ways information was provided by the Applicant through documentation and information events. We found many failings in the way the consultation was conducted which made it difficult for consultees to access the information they needed. Numerous households did not receive the Consultation Leaflet. The PEIR was very difficult to access online or in hard copy. Some information events were

held in unsuitable venues and in several areas no events were held at all; they were poorly scheduled and advertised, making it difficult for consultees to access them. There was a lack of technical expertise available at the information events to answer consultees' questions and the visual resources provided (maps and photomontages) were poor quality and confusing.

We looked at whether the consultation documents were easy for consultees to interpret. We found that the PEIR was extremely long (7,000 pages) and unnecessarily repetitive. It lacked a contents list, master index and cross-referencing to help consultees navigate it. As a result, the PEIR was so daunting as to be actively off-putting for most consultees and obscured an understanding of what is proposed. The Non-Technical Summary lacked clarity and explanation or justification for statements made and included no cross-references to where that might be found in the PEIR. The Community Consultation Leaflet presented information that was highly selective and biased and as such did not enable consultees to interpret the information and form an objective understanding. Analysis of the language of the consultation documents using standard readability tests found they scored poorly and the text is not easily accessible to a wide audience.

Gunning Principle 3 requires that there is adequate time for consideration and response. It specifies that consultees should have sufficient opportunity to participate in the consultation and the consultation period can vary according to the subject and extent of impact. We found that the 10week consultation period was not realistic or proportionate given the unprecedented scale and impacts of the proposed development and the volume of the consultation documents. Moreover it was scheduled over the Christmas and New Year holiday period when people have very limited time available to participate in a consultation. The Applicant chose not to respond to the many requests that were made not to hold the consultation over the holiday period. Consultees should have been given a longer, more proportionate amount of time to consider the consultation documents and form their responses.

Gunning Principle 4 requires that conscientious consideration is given to the consultation responses before a decision is made and that decision-makers are able to provide evidence that they took consultation responses into account. We found that many consultees believe they did not have adequate opportunity to influence what is being proposed and do not believe the developers listened to their comments in the consultation. Confidence that the Applicant will consider consultation responses was further undermined by the fact that following the earlier Informal Consultation, it appears the Applicant did not take serious account of the responses.

In conclusion, we consider the Applicant's approach to engagement with the affected communities did not have sufficient regard to the relevant guidance and did not meet the standards required for a public consultation. According to the standard of the Gunning Principles, the public consultation was not adequate or legitimate. We submit that the Applicant should be required to rectify the numerous serious inadequacies identified with the consultation and to conduct it again, making more effort to ensure effective and meaningful engagement with the public.

INTRODUCTION

Stop Botley West (SBW) is a community campaign group that began in November 2022 when local residents were first informed about the proposal to construct Botley West Solar Farm (BWSF).

This report compiled by SBW provides evidence intended to assist West Oxfordshire District Council and the Planning Inspectorate in their assessment of the adequacy of the Statutory Consultation on BWSF conducted by the Applicant, Photovolt Development Partners GmbH (PVDP), between 30 November 2023 and 8 February 2024.

The report is based on data from three sources:

- a survey of local residents carried out by SBW during the consultation to gather feedback on the adequacy of the consultation. The survey was designed by an independent consultant and was impartial: the questionnaire allowed respondents to express their views regardless of their stance on the proposal. A total of 1,442 responses were received and analysed (the survey report is attached at Annex 1)
- analysis of the consultation documents carried out by local residents who volunteered their expertise
- observations and feedback on the consultation documents and process from local residents who participated in the consultation

This report assesses the consultation according to the Gunning Principles. These four principles form the legal foundation from which the adequacy and legitimacy of public consultations is assessed¹. We also refer to the guidance set out in *The Planning Act 2008: Guidance on the pre-application process (Department for Communities and Local Government, 2015)*² and in Planning Inspectorate Advice Notes.

PRINCIPLE 1: PROPOSALS ARE STILL AT A FORMATIVE STAGE

‘A final decision has not yet been made, or predetermined, by the decision makers.’

Our assumption is that in advance of receiving the evidence, the Planning Inspectorate and the Secretary of State for Energy Security and Net Zero have not made any decisions in regard to the BWSF proposal.

The Applicant is also a decision maker regarding the plan and should respond to consultees with modification of their plans. However there is serious concern that statements that have been made by the Applicant suggested to consultees that the decision is in effect predetermined. For example:

- the consultation documents state that BWSF has an agreement to provide 840 MW of power to the National Grid. This gives a clear message to consultees that a solar farm at the proposed scale has been agreed with the National Grid and cannot be reduced or denied
- BWSF Director Mark Owen-Lloyd told a consultee (and two witnesses) at the information event in Woodstock on 13 January 2024: ‘If 100% of people in the area are against it, it will

¹ <https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf> ² <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-majorinfrastructure-projects>

make no difference. We have satisfied all of the government criteria for it to go ahead, so it will'

Such statements undermined public confidence that nothing is predetermined and that responding to the consultation would serve a useful purpose. 66% of respondents to the SBW Survey said they do not believe they had adequate opportunity to influence what is being proposed. One respondent commented, 'From the very early stages it was quite clear the consultation was simply a box ticking exercise and local feeling will not influence the outcome.'

PRINCIPLE 2: THERE IS SUFFICIENT INFORMATION TO GIVE 'INTELLIGENT CONSIDERATION'

'The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.'

Planning Act 2008: 'Guidance on the pre-application process (para 20): The Consultation should be based on accurate information that gives the consultees a clear view of what is proposed including any options.'

We recognize that the PEIR is not as detailed or comprehensive as the Environmental Statement that will be submitted with the DCO application. Nonetheless, as the Department for Communities and Local Government (DCLG) guidance says, 'consultees will need sufficient information on a project to be able to recognise and understand the impacts' (para 68) and 'For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project' (para 93). Planning Inspectorate Advice Note 7 (para 8.7) also advises, 'Applicants should consider carefully whether publication of the PEI at a more advanced stage in the design process of the NSIP, where more detailed information is known about the Proposed Development and its environmental effects, would generate more detailed responses and so better inform the design of the Proposed Development and their EIA. This may provide a more effective consultation exercise.' In this section, Gunning Principle 2 is broken down into the following questions:

- Was the information sufficient and accurate and did it include options?
- Was the information accessible?
- Was the information easily interpretable?

2.1 Was the information sufficient and accurate? Did it include any options?

We understand that the Applicant continues to develop the proposal and that further information will be available with the DCO application. Nevertheless, Government guidance anticipates applications being well-developed and understood by the public, with important issues articulated and considered in advance of the DCO submission.

A significant proportion of the affected communities found there was insufficient information available in the consultation to inform them adequately and that the lack of information diminished the quality of their engagement in and responses to the consultation.

The majority of respondents to the SBW Survey thought the information was not sufficiently detailed (64.5%) and the visual and written information was not clear and easy to understand (51.3%). A

significant proportion thought the maps were not clear and easy to understand (49.3%) and the information was not consistent across the various sources (45.3%).

The majority of the information provided for the consultation was in the PEIR. Detailed feedback was provided by local resident experts on specific chapters of the PEIR as follows. Feedback was also provided by consultees on the Community Consultation Leaflet and the Non-Technical Summary (NTS).

2.1.1 Alternatives, PEIR Chapter 4

The DCLG Guidance (para 20) requires a consultation to give consultees a clear view of what is proposed *including any options* and this was reinforced by the Planning Inspectorate during their meeting with the Applicant on 13 September 2023. There is widespread concern amongst local residents that the Applicant failed to present alternative options in the consultation with regard to alternative scale, alternative sites or alternative technology.

Almost all of the consultation bodies responding to the informal consultation held in 2022 (their responses are shown at the Appendix to Annex 1 below) were concerned with the scale of the project and several specifically requested consideration of a smaller scale. Many consultees also expressed interest in small scale solar farms (citing for example Southill Solar Farm in Charlbury, West Oxfordshire). However the PEIR gave no indication that alternative scales were considered by the Applicant and none were presented as options in the consultation.

Alternative sites for the project also do not appear to have been considered by the Applicant and none were presented as options in the consultation. Consultees are generally aware that rooftop solar offers enormous unexploited potential², as do brownfield options such as sites at Didcot and Upper Heyford, and large car parks such as those surrounding Oxford. No information on other site options was provided for consultation.

The failure to consider alternative forms of solar energy generation was also seen in the Applicant's Consultation Feedback Form. Question 2 asked: 'In principle, do you agree there is a need to install solar structure?' The multiple choice answers offered to consultees were:

- I agree there is a need to install solar structure
- I do not feel I understand enough about the need to install solar structure
- I do not agree there is a need to install solar structure

Respondents were not allowed an opportunity to distinguish between large scale ground-mounted solar options, smaller solar farms and rooftop or brownfield site options. Many local residents reported that they had left this question unanswered because none of the answers described their view adequately.

Alternative technologies were also not presented as options for consideration in the consultation. There were no options linked to solar panel innovations such as crystalline silicon-perovskite tandem technology which would require much less land to produce the 840 MW that the Applicant aims to produce. Likewise other forms of renewable energy such as wind, biomass and small modular nuclear reactors offer efficient ways to produce clean energy in Oxfordshire but were not included as options for consideration in the consultation.

² In 2023, CPRE published research by members of the UCL Energy Institute that found there is potential for up to 117 gigawatts (GW) of low carbon electricity to be generated from rooftops and other developed spaces across England (i.e. substantially more than the government's target for 70 GW of solar energy by 2035).

The Applicant's clear intention was to infer (incorrectly) that there is no credible alternative to large scale ground-mounted solar power stations and therefore (another incorrect inference) there is no alternative to BWSF. Such inaccurate information was misleading for consultees.

2.1.2 Historic Environment, PEIR Chapter 7

Local residents are very concerned about the impact of the proposed solar farm on the World Heritage Site of Blenheim Palace and the numerous historic and listed buildings, scheduled monuments and conservation areas next to the proposed project site. Information in the PEIR on the likely impact on the historic environment was incomplete and misleading.

The PEIR states that the solar farm would have a minimal or low adverse impact on designated heritage assets. This is an inaccurate and misleading assertion because it fails to include the impact on the *settings* of the Blenheim World Heritage Site and numerous listed buildings. The National Planning Policy Framework (NPPF), National Policy Statements (NPS) and English Heritage Good Practice Advice all emphasise the critical importance of setting to the Outstanding Universal Value (OUV) of heritage assets. Given the extraordinary scale of the proposed solar farm, the impact on settings could be severe and adverse. The absence of information on the impact on settings was a serious omission in the consultation.

Blenheim is one of just 17 World Heritage Sites in England. UNESCO and Historic England require a Heritage Impact Assessment but none was available for the consultation. The PEIR also does not consider Grade II listed or unlisted buildings to be of significance. The lack of information on the impact on these heritage assets meant it was impossible for consultees to understand the likely impacts and verify the Applicant's claim that the project would have a minimal or low adverse impact.

2.1.3 Landscape and Visual Resources, PEIR chapter 8

Local residents are extremely concerned about the visual and landscape impacts of the proposed solar farm³. However, important information that is essential for forming a considered opinion of the project was not provided for the consultation.

2.1.3.1 Green Belt

Over 75% of the proposed site of the project lies within the Oxford Green Belt.

The NPPF is clear that renewable energy projects, including solar farms, are not appropriate development for green belt land except in very special circumstances. The Planning Inspectorate advised the Applicant that the development on the green belt and the very special circumstances which the Applicant considered relevant must be clearly addressed in the application and was likely to be a key examination matter⁴.

The Applicant did not apply the PINS advice in the consultation and failed to address the Green Belt openly in the PEIR. The fact that most of the proposed development site lies within the Oxford Green Belt is omitted from Table 8.10 Designated Sites and Relevant Qualifying Interests. No assessment was provided of the impact of the project on the Oxford Green Belt, including cumulatively with other planned projects. No explanation was provided for the consultation of the very special

³ According to the Applicant's report on their informal consultation held in Nov-Dec 2022, 68% of respondents identified 'Landscape and Visual' as an aspect of the project that was most important to them

⁴ Notes of Planning Inspectorate meeting with the Applicant on 13 September 2023

circumstances that the Applicant believes justify the proposed location. Consultees therefore had insufficient information to form a considered view.

2.1.3.2 Scale and impact

The scale of the proposed project is exceptional: it covers a corridor 22 km long and 12 km wide and, at 1300 hectares, it is substantially larger than the largest solar farm operating in the UK today, and indeed larger than any in Europe. The 'zone of theoretical visibility' indicated in the PEIR shows the solar farm would be visible over a very large area including from the Cotswolds Area of Outstanding Natural Beauty (AONB) or National Landscape. The project would also have significant landscape and visual impacts on several district-scale landscape types. However the PEIR omitted to discuss the *scale* of impacts, i.e. that the project would be visible over very large areas and that it would significantly change several district landscape types. There was also no assessment of the impact on the AONB/National Landscape.

The PEIR gave a misleading assessment of the impact on views from the surrounding roads saying: '...it is anticipated that there would be no significant effect upon users of the local road network...'. This is an unjustified assertion given the scale of development and the length of time road users would be exposed to the degradation of the countryside. Road users are likely to experience severe, long term, adverse impacts that are incapable of effective mitigation. The PEIR downplayed this impact and in effect misled consultees.

The PEIR gave a similarly misleading assessment of the impact on views from outdoor recreational facilities used by local residents and visitors. The assertion in 8.5.5.29 that 'There is little potential for the proposed solar arrays and substation to visually affect the above resources in a significant way and therefore they have not been taken forward for detailed assessment' ignores the significant visual impacts development would have on visitors to, for instance, the Blenheim Palace World Heritage Site to the north, the Cotswolds AONB/National Landscape to the west and Farmoor Reservoir to the south.

The PEIR also gave an incomplete and misleading assessment of the impact on private views. In 8.5.5.40 it asserted: '...no residential properties have the potential to experience a degree of harm over and above substantial...'. Defining features of the proposed project site are its scale and the unprecedented proximity to residential properties and communities. The Guidelines for Landscape and Visual Assessment define residents at home as being of Very High Sensitivity and the Residential Visual Amenity Assessment 2019 guidelines state: '...there are situations where the effect on the outlook/ visual amenity of a residential property is so great that it is not generally in the public interest to permit such conditions to occur where they do not exist before.' A full Residential Visual Amenity Assessment was therefore necessary but none was provided for the consultation.

In the Non-Technical Summary, para 6.3.14 made the surprising assertion: 'There are no significant adverse effects either temporary and permanent effects [sic] on the local landscape character arising from construction and operation of the Project.' Given the extraordinary scale of the project, even with the mitigation measures, this claim clearly requires objective scrutiny.

2.1.3.3 Mitigation

Information provided in the PEIR on the proposed mitigation measures did not give consultees an accurate picture of how effective they might be. For example:

- Table 20.1 summarising impacts states that the impact on visual and landscape would not be significant by Year 15. This disguised the fact that impacts would be significant for almost half the lifetime of the solar farm until the screening matures
- none of the four types of mitigation proposed would provide effective screening for 12 months of the year. Again there is no acknowledgement that the mitigation will be ineffectual for half the year
- no account is taken of the undulating river valley topography of the landscape which would expose panels on the valley sides to views from below, whilst creating overviews of panels from higher ground
- there is no recognition that if the proposed mitigation measure of trees and hedges are effective at screening the solar panels, they will screen the views as well. They would obliterate the views rather than mitigate the impact on the views.

The PEIR misrepresented the extent to which the proposed mitigation measures would mitigate either the significant adverse effects on the character and value of the rural landscape or the effects on the visual amenity of local residents and other highly sensitive visual receptors.

RPS photo of Viewpoint 24 looking East. Taken at dusk in heavy shadow with poor resolution, minimising vertical elevation.



RPS
Representative Viewpoint 24: View looking east from footpath (200/10), near Church Redoubt

Resident's photo looking in the same direction from the same field entrance

Every field in this photograph is scheduled to contain solar panels. NO photomontage was produced of this key viewpoint



2.1.3.4 Visualisations

The visualisations provided for the consultation did not give an adequate representation of the impacts on the character of the landscape or on visual amenity and were inaccurate and misleading for consultees.

Many of the photomontages did not comply with the Landscape Institute Technical Note TGN 06/19 'Visual Representation of Development Proposals' with respect to 'Type 4 Visualisation Methodology'. Nearly all the photographs were taken in poor light conditions in dull overcast

weather conditions or at twilight. (All were dated between 13th January and 1st February 2023.) They were in breach of professional guidelines that the photography 'should ... be based on good quality imagery, secured in good weather conditions' (Landscape Institute 2019). The poor light conditions minimised the visibility of dark blue/black glass solar panels set within green fields and disguised the visual impact of the solar panels on the landscape.

The use of distant panoramas with a 90-degree field of vision minimised vertical elevation and maximised the horizontal, thereby reducing the extent that solar panels would be visible in the landscape. Technical Note TGN 06/19 requires distant photomontage to apply a 150% Vertical Enlargement Factor which limits the field of view to 27 degrees horizontal and 18.2 degrees vertical for a single image printed at A3.

An inadequate number of viewpoint photographs were taken for a site of this magnitude (22km x 12km) that includes such a variety of landscapes. Of the 55 viewpoints that were photographed, just 18 were made into visualisations/photomontages for the PEIR.

Viewpoints were selected to minimize the apparent impacts, for example: 'Representative Viewpoint 23/2/ 20: View looking north-east from footpath near Pinsley Wood' adopts a viewpoint looking straight down a broad gap between panels, retained to accommodate existing power lines. A view 10m on either side would show a significantly greater impact.

There were no photomontages of the full width of the lower Evenlode Valley from the footpath between Church Hanborough and Eynsham or from Lower Road - views that affect many local residents and other passing motorists on a daily basis.

Much of the visually intrusive infrastructure of the solar farms (vehicle crossovers, access tracks, parking and turning areas, signage, security cameras, power converter stations, high voltage transformers etc) was under-represented in views such as Representative Viewpoint 13 and was omitted from the montages.

There was no visualisation of Representative Viewpoint 30 where the panels and substation would be particularly evident.

There are photographs of footpath 238/5/20 (Representative Viewpoints 24, 25, 26, 27) but none were visualised for the PEIR. This footpath is one of several places where the impact of the panels would be particularly evident.

The visualisations were biased towards flat landscapes, omitting the valley slopes and the most significant views (e.g. Cassington and the Evenlode Valley).

2.1.3.5 Maps

The maps provided in the PEIR did not enable consultees to obtain a clear, detailed view of the whole site.

The A0 sectional masterplan map was at a scale of 1:10,000 instead of the minimum scale of 1:2,500 required in PINS Advice Note 6⁵. The largest scale of any map in the PEIR is 1:25,000. We note that

⁵ PINS Advice Note 6 (para 12.1): 'Any plans, drawings or cross sections provided in the application should be consistent with the requirements set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ie no larger than A0 size, showing the direction of North and for onshore development drawn to an identified scale no smaller than 1:2500.'

the Planning Inspectorate advised the Applicant that plan scales should align with PINS requirements (Advice note to PVDP from Inspectorate, 24 January 2024).

At a scale of 1:10,000, masterplan maps made it very hard for consultees to see important features including roads and footpaths and solar farm infrastructure such as substations, inverters and construction compounds. The lack of clarity was compounded by poor contrast between the colours used to represent different features.

Project maps were presented in isolation from plans for housing and other development. There were no maps showing the cumulative effects of all proposed development in the area.

2.1.4 Ecology and Nature Conservation, PEIR chapter 9

There is great concern in the local communities about the impact of the proposed project on ecology and nature conservation in an area that has an unusually wide variety of habitats and a rich and diverse fauna and flora⁶. However important information needed for intelligent consideration of the proposal was not provided.

Perhaps the most egregious example is that while the consultation documents repeatedly claim the proposed solar farm would result in 'a 70% increase in biodiversity', the claim is not substantiated in the PEIR. A Biodiversity Net Gain (BNG) report was not provided and it seems no baseline data have yet been collected and no information was provided of the metric to be used for BNG. Evidence in the scientific literature on the impact of solar farms on biodiversity is far from conclusive about whether solar farms enhance or reduce biodiversity. Natural England concluded its *Evidence review of the impact of solar farms on birds, bats and general ecology* (NEER012): 'The lack of evidence available relating to the ecological impact of solar farms is concerning ... more needs to be done to understand the interaction between these new technologies and the ecology that they are ultimately designed to protect.' Similarly a survey by BSG Ecology (*Impacts of Solar Farms on Biodiversity*) found 'evidence of solar farms impact on biodiversity remains limited.... there is little empirical data on the subject'. Promises made in the consultation documents of a minimum 70% BNG were not based on evidence and may be misleading to consultees.

Other key information that was not provided for the consultation includes:

- the Outline Landscape and Environmental Management Plan
- impacts of earthworks and proposed mitigation measures
- mitigation of impacts on hedges and scrub
- the Traffic Management Plan
- the Dust Management Plan

The methods used to assess environmental baselines and environmental impact assessment were inadequate and resulted in misleading information being given to consultees. For example:

There was inadequate sampling (e.g. owls, bats, reptiles and amphibians). A persistent feature of the PEIR is the incomplete nature of the many of the baseline surveys. For example, for reptiles, only two sites were assessed. For bats, only two sites were assessed for the northern site and three for the central site, and acoustic monitoring stations were only set up along treelines or hedgerows, not in

⁶ According to the Applicant's report on their informal consultation in Nov-Dec 2022, 60% of respondents cited 'Local Ecology and Biodiversity' as an aspect of the project that is most important to them.

the arable fields which would be covered by solar arrays. This is a serious omission as solar arrays are known to have a significant negative impact on these species.

Contrary to national guidelines, no specific surveys were undertaken for owls although areas of the site are known to host barn owls, tawny owls and other owl species. Surveys were also not undertaken for dormice, water voles, brown hares or hedgehogs. All these are of conservation interest and likely to be present. A number of consultees had made specific requests that these surveys be conducted as the impact on some species such as brown hares are likely to be significant.

There were deficiencies in sampling design. Although the bird surveys were undertaken according to national guidelines in terms of the time of year, number of replicate surveys and the survey methodology, it is notable that only the margins of fields were generally walked. This means bird numbers may be regarded as a minimum estimate or underestimate of the numbers actually present. For bats, only the habitats assumed by the surveyors to be favoured by bats were surveyed. The survey strategy completely dismissed recent scientific evidence of the importance of arable fields as foraging grounds for at least some bat species (e.g. *Nyctalus* spp) and as such failed to identify an important aspect of the vulnerability of these animals to solar farm development.

The PEIR included numerous unjustified assumptions or conclusions such as:

- a significant issue in the ecology assessment was the decision to not consider connectivity. This was justified by considering connectivity to only occur along hedgerows, treelines or waterways. However, connectivity also occurs between adjacent habitats such as forests, hedgerows and arable farmland. Such connectivity is critical for many farmland birds and bats and likely important for animals such as brown hares
- the assumption of local or county significance for wintering and breeding bird populations was subjective, not justified and highly dubious. This has probably resulted in a reduction in the estimated significance of impacts of the proposed development on these animals
- the assumption that bats do not use or avoid arable land is erroneous and leads to a significant underestimation of the impacts of the solar farm on these animals, especially in the light of new evidence of the impacts of solar arrays on bats
- the likely impacts on brown hares were not considered and as a result the conclusion that impacts on this species would be minimal is unsupportable
- many of the mitigations proposed to compensate for the impacts on wildlife were at best unsubstantiated with evidence and at worst were contrary to evidence in the scientific literature. Such proposed mitigations are therefore misleading to the public and reflective of a non-evidential approach to environmental mitigation which is unlikely to be effective

The deficiencies in baseline ecosystem assessment, impact assessment and mitigation proposals meant that the significance of the impacts of the proposal on the natural environment and resident species were consistently underestimated or even ignored. Mitigation proposals for such impacts as are identified were few in number, weak, lacking in evidence that they work and are unlikely to protect nature from the harmful effects of this proposal. In many cases the baseline surveys, estimated impacts and proposed mitigation measures were misleading to the public. The claim that there would be no significant adverse effects, even cumulative ones, on ecology and nature conservation, required far more objective scrutiny.

2.1.5 Human Health, PEIR chapter 16

The PEIR makes a number of unfounded assumptions that downplay the potential impact of the proposed project on human health and thereby gave inaccurate information to consultees. For example:

- existing demographic data on the affected areas shows that the population is average or above on all measures (except for depression and anxiety in Cherwell district). The PEIR concludes from this that the population has the resources and resilience to be unaffected by the loss of open green spaces if the solar farm is built. However, while there is much robust evidence now to demonstrate that open green space plays a significant part in the physical and mental health for people, there is no evidence to show the impact of the loss of such open green spaces. It could equally well be argued that it is the presence of open green spaces available now that has positively contributed to the good health of the population
- there is an unfounded assumption that people will continue using footpaths for recreation within the solar farm. It is however equally likely that people will either use their cars to access open countryside in order to gain health benefits, or they may stop walking altogether

2.1.6 Agricultural Land and Public Rights of Way, PEIR chapter 17

2.1.6.1 Agricultural Land

The importance of food production is recognised nationally and national guidance requires use of Best and Most Versatile (BMV) land for solar farms to be minimised. There is great concern amongst local residents about the very large area of currently productive agricultural land that would be taken out of production for the lifetime of the proposed solar farm⁷.

The information provided for the consultation failed to give consultees a clear and accurate view of the likely impact of the project on the agricultural land or of alternative options.

Statements made to local residents about the land quality were deliberately misleading. The extent of BMV land in the project site was consistently downplayed in the consultation as well as in the Scoping Report and in information events during the earlier Informal Consultation. At several public events (for example, a meeting of Cassington Parish Council on 1 December 2022) representatives of PVDP and Blenheim Estate stated that the land they proposed to use for the project was poor quality. These statements were subsequently shown to be inaccurate and misleading by the provisional data in the PEIR which indicates the solar farm would occupy 38% BMV land.

In the PEIR there is repeated use of language that 'confirms' the 'low grade' quality of the land. However the data provided in the PEIR is provisional and therefore cannot confirm the land quality. Grade 3b land is consistently dismissed as agriculturally irrelevant; e.g. in Chapter 17, 3b land is described as 'lower quality' land five times, and only once correctly as 'moderate' (in Table 17.16 which sets out the official criteria).

The assessment matrix used to present information in the PEIR has an in-built structural bias in favour of reducing the level of adverse effect. In Table 17.19, 11 of the 20 cells are negligible, negligible or minor, or minor (not significant); 7 cells are moderate, moderate or major, or major (significant); 2 cells are minor or moderate, which could go either way. The result is an in-built ratio

⁷ According to the Applicant's report on their informal consultation, 59% of respondents identified 'Land Use and Agriculture' as an aspect of the project that is most important to them.

bias of 12:8 in favour of not significant. The choice of matrix is important as consultees need impartially presented information in order to reach an informed opinion.

Similarly biased information was presented in the PEIR as a result of a decision not to assess the significance of effect of the temporary loss of agricultural land, including BMV land, and the disruption and reduced access to it, during the operational phase. The conclusion that 'there will be no significant effects on agricultural land, arising from the construction, operation and decommissioning of the Project' is therefore misleading.

During the consultation, information that was requested by consultees to enable proper consideration of the proposal was denied by the Applicant. For example, the data behind the maps to explain how the land classification percentages were arrived at was not provided and a breakdown of categories in each of the three sites was denied. At a face-to-face meeting between SBW and PVDP in January 2024, the Applicant eventually agreed to provide the requested breakdown of categories in the three sites, but at the time of writing it has still not been provided.

The Applicant claims in the PEIR that the loss of agricultural land would be mitigated by allowing community agricultural groups to operate smallholdings on the edge of one project site, and 50 ha to be used for sheep grazing (para 15.9.5.11). However the ideas are unformed and the proposal is non-committal. Consultation documents say the ideas referred to are being 'explored', 'considered' or 'discussed' and there were no concrete proposals for local residents to consider. One of the two organisations with which the Applicant claims in the PEIR and Consultation Leaflet to be in discussion (Cutteslowe Community Larder) says no such discussions had taken place with the Applicant by the start of the consultation. The claim was therefore inaccurate and misleading.

2.1.6.2 Public Rights of Way (PRoW)

The proposed sites are crossed by numerous public footpaths and bridleways that are used by local residents and visitors to the area for exercise and recreation. Local residents are very concerned about the impact of the project on footpaths and other PRoW⁸.

The PEIR focused primarily on agricultural land use and gave little attention to the impact on PRoW. The information that was provided highlights the *quantity* of PROW (e.g. the creation of additional footpaths and cycle tracks) but did not consider the impact on the *quality* of the amenity.

Figure 17.5 suggested that several dozen footpaths would change from traversing agricultural fields to traversing a solar farm with panels mounted up to 2.5 metres high affording views from the footpaths of the underside of solar panels. Yet para 17.9.4.8 stated 'no additional effects on PRoW are assessed during the operational phase of the Project', i.e. there would be no effect on recreational amenity from people walking through or near a solar farm rather than agricultural fields.

This assertion was unjustified. It is highly disingenuous to assume that local residents and visitors would find a walk through or overlooking a solar farm equivalent in terms of amenity and health benefits to a walk through an agricultural area. It is also false to assume that alternative footpaths would be available: given the great scale of the solar farm, alternative footpaths that do not traverse or overlook the solar farm would not be available locally and would be accessible only by using a car.

The claims made concerning mitigation measures were also misleading. The table summarising impacts (20.1) emphasised that while there would be significant effects on users of public rights of

⁸ According to the Applicant's report on their informal consultation, 54% of respondents identified 'Recreation and Amenity' as an aspect of the project that is most important to them.

way within or immediately adjacent to the project, by Year 15 once planting matures these effects would not be significant. However as the proposed mitigation would comprise trees and hedges to screen the solar panels, they would also screen the views that currently exist, obliterating the views rather than mitigating the impact on views.

In order to give consultees adequate information on the proposal, the PEIR should have provided information on the length of existing PRow that would be adjacent to or surrounded by the project, and that would be within 100m of the project or where the project would be clearly visible. An overlay should have been provided of the Zone of Theoretical Visibility (Fig. 8.3) and the map of public rights of way (Fig. 17.5). In the absence of such objective information in the consultation, it was very difficult for consultees to gain an accurate view of what is proposed and the likely impacts.

2.1.7 Cumulative Effects, PEIR Chapter 19

The proposed project is extraordinarily large. It would be over 12 times larger than the largest solar farm operating in the UK and would comprise 2.7 million solar panels in three separate sites linked by cables, plus about 6 secondary substations of 1ha, and a main substation of 1ha. It would take up a substantial area of Green Belt land and significantly change several district landscape types. It would be visible from hundreds, if not thousands, of homes, footpaths and roads.

Yet the scale of these impacts and their ‘in-project’ cumulative effects was not addressed anywhere in the consultation documents. This is a serious omission given that the scale of the project is one of its defining features and it was a major concern raised by respondents to the initial consultation and the scale has not changed since then.

The PEIR also failed to address the scale of the impacts and their cumulative effects combined with other changes in the area expected in the 35-42 years of the solar farm’s projected lifetime. Chapter 19 listed a range of other projects that are in the planning pipeline but failed to mention the large scale of new housing proposed in local plans. Table 19.7 discussed the cumulative effects of construction, operation/maintenance and decommissioning of the project, but it did not give an indication of scale. Table 20.1 summarised some of the significant effects of the project but again did not discuss scale and the in-project cumulative impacts.

2.1.8 Community Benefit

The consultation documents suggested that reduced electricity rates could be available to those living in the vicinity of the solar farm. The Consultation Leaflet for instance stated ‘We are actively exploring potential mechanisms through which the project could directly supply electricity locally at a discounted rate’ and offers the idea of creating a retail energy company as an example of a potential mechanism. However the claim is too vague and non-committal to allow meaningful consultation and could indeed prove to be offering false promises to consultees.

Mention was also made of establishing a community benefit fund but again the language was vague. For example the Consultation Leaflet said ‘We are committed to exploring making a fund available...’. The sum mentioned (£50,000) is widely regarded by local residents as derisory.

With ideas about community benefits at an extremely early and unformed stage, there is no clarity about whether any of them will come to fruition and in what form. Consultees therefore did not have sufficient information on what is actually proposed to allow a meaningful consultation.

2.1.9 Community Consultation Leaflet

The leaflet provided a short (23 page) summary of the proposed project. Because the PEIR was extremely long and difficult to access and navigate, the leaflet was the document that most people read and relied upon for an understanding of the proposal. However the selection of information provided in the leaflet was not sufficient, objective or balanced. Instead the leaflet was, in effect, a sales brochure for the project.

Key contextual information that was essential for understanding the impact of the proposed project was omitted. The scale of the proposed project was obscured by the fact that the overall size of the site was not mentioned and the maps were very low scale. The intrusive infrastructure of the solar farm was also hidden. The leaflet made no mention of the 156 Power Converter Stations to be positioned adjacent to public footpaths, each the size of a large shipping container and emitting 67dB. The maps also showed none of the infrastructure including inverters, substations, construction compounds, accesses from highways and tracks, fencing, cameras etc.

The section titled 'The Need for Botley West' outlined the need for reduced carbon emissions and increase renewable energy and suggested that the proposed Botley West Solar Farm is therefore needed. This is a false and misleading argument which seeks to invalidate the project-specific questions that will be examined in the DCO application process.

The leaflet presents a selective and inaccurate view of the role of solar energy in the nation's energy security, overstating the role of solar energy and downplaying other renewable energy. The International Energy Agency (IEA) is cited as highlighting that renewable electricity 'in particular solar, is key in reducing carbon emissions.' In fact the IEA report cited does not single out solar as being of unique importance but repeatedly refers to five key clean energy technologies (solar PV, wind, batteries, electrolyzers and heat pumps) and highlights solar PV and wind as the leading means of decarbonising the electricity sector. The UK Climate Change Committee describes offshore wind as the 'backbone' of the future energy system.

The leaflet claims 'Solar is the most affordable form of electricity in the UK.' The source of this claim is Solar Energy UK, a trade association serving its solar energy sector membership. The government's 'Electricity generation costs 2023' shows that the Levelised Cost Estimates for projects commissioning in 2025, in real 2021 prices, are broadly the same for offshore wind, onshore wind and large-scale solar. Chapter 5 of the PEIR also states in paragraph 5.3.1.15 'wind and solar are the lowest cost ways of generating electricity' but this contextual information is not available in the Consultation Leaflet.

The leaflet makes no reference at all to the generating capacity of rooftop solar and its potential to help the UK in general and Oxfordshire more specifically to reach solar energy targets.

2.1.10 Non-Technical Summary

The inadequacies that characterize the PIER and the Consultation Leaflet are repeated in the NonTechnical Summary and we will not reiterate them here. However it should be noted that there was no cross-referencing between the Non-Technical Summary and the PEIR, much of the terminology was not clearly explained and many conclusions are unsubstantiated.

One example serves to illustrate the problem. In Paragraph 6.3.6, the claim is made 'Due to the low level of the solar development and proposed mitigation, there is no potential for any private views to be adversely affected over and above substantial.'

This is a highly subjective judgement that is not explained. 'Substantial' is the highest level of adverse effects in the Significance of Effects Matrix for Landscape (PEIR Chapter 8, table 8.19). The implication is that a 'substantial adverse effect' is acceptable, but there is no explanation or justification, and no acknowledgement that these are public as well as private views with so many public footpaths crossing the site.

2.2 Was the information accessible?

Information was provided in the Community Consultation Leaflet and the PEIR. It was disseminated to consultees through the project website, Community Access Points and information events.

2.2.1 Community Consultation Leaflet

According to the Applicant's website, consultation leaflets were distributed to about 22,000 properties in the 'Core Consultation Zone' extending 2km from the proposed project site.

Residents report that numerous properties and entire streets within the consultation zone did not receive consultation leaflets⁹. The entire village of Combe (population 775) which lies within the 2km consultation zone was excluded from the distribution because the Applicant had decided, as stated in the Statement of Community Consultation (SOCC) that in that area 'there are no property interests within a 2km limit from the boundary of the proposed development'.

Others areas report receiving the leaflet late, in some cases a week after the start of the consultation and in others after the information event in that area had taken place. This is likely to be because the Applicant held the consultation in the Christmas/New Year period and leaflet deliveries coincided with the Christmas mail.

The consultation leaflets were delivered in plain white envelopes with no sender's name or logo to identify them and they were addressed simply to 'The Occupier'. As a result, many were inadvertently discarded as junk mail. In the SOCC (page 16), the Applicant stated, 'We have also considered how our posted materials are presented to encourage engagement with them following feedback regarding the plain envelopes our phase one leaflets were posted in.' However the feedback was ignored and leaflets were again delivered in plain envelopes for the Statutory Consultation.

2.2.2 PEIR

The PEIR comprised about 7,000 pages. It was available online in the Document Library of the Botley West website and in hard copy.

2.2.2.1 Formats

In order to access the electronic version of the PEIR, 54 separate downloads were required. Some files were so large that many people found them difficult or impossible to open.

Broadband coverage is widespread in the rural communities that surround the project sites but it cannot be assumed that all residents had access to the technology required to access the consultation material online. This is particularly the case given the unusually large size of the PEIR files, the often slow broadband speeds available, and the older than average demographic of the area.

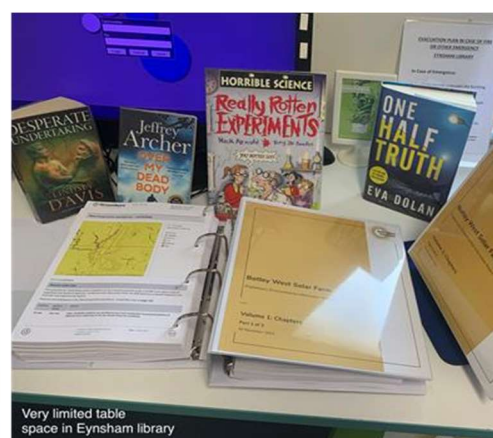
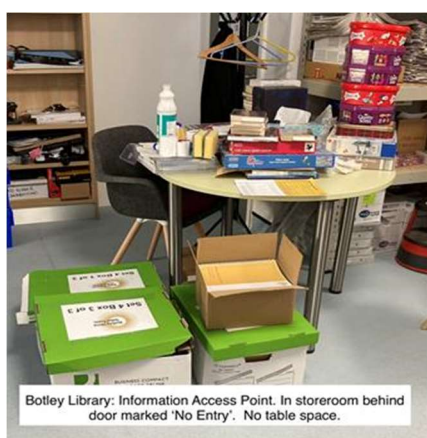
⁹ They include Manor Road and the entire Park View estate in Woodstock; Church Street in Bladon; Main Road, Millwood End, Oliver's Close and Regents Drive in Long Hanborough; several properties in Church Hanborough; Common Road in North Leigh.

The PEIR was also available to consultees in hard copy, comprising 20 A4 ring binders. The Applicant charged £600 per copy of the PEIR. The cost was identified by many consultees as a barrier to access.

2.2.2.2 Community Access Points

Hard copies of the PEIR were made available to the public to read in five Community Access Points (CAPs) - four libraries and one shop. Unfortunately access to the CAPs was severely restricted by a range of factors that the Applicant did not anticipate or rectify:

- there were no posters or signs outside or inside the premises of any of the CAPs to advertise that the PEIR was there. The CAP in Botley Library was located behind a locked door marked 'Staff Only, No Entry'
- most CAPs were inadequate in terms of space. No workspace was available at two of the CAPs (Eynsham and Botley) where the 20 ring binders of the PEIR could be opened. Space in the other two libraries (Woodstock and Kidlington) was too limited to review the maps. In three of the CAPs (Eynsham, Kidlington and Botley), the files were left piled up in the large boxes in which they were delivered with no explanatory information¹⁰
- none of the CAPs contained masterplan maps or indeed any map where the infrastructure could be clearly seen
- the CAPs were inadequate in terms of location. There was no CAP in the entire Northern site (a site that is large enough to be considered an NSIP in its own right)
- The CAP in the WODC shop in Witney was 8.5km from the western edge of the project site and open only during the day on weekdays.



2.2.3 Information Events

Ten public information events were held in total: nine in-person events in village halls and community centres and one community webinar.

2.2.3.1 Locations and venues

Information events were held in eight locations: Bladon, Woodstock (2 events), Begbroke, Hanborough, Cassington, Cumnor, Botley and Eynsham.

¹⁰ As an example, in Eynsham library a small desk already holding a computer was the only table space and the 20 volumes of the PEIR were in boxes beneath the table. The librarian apologised that the library was too small to provide adequate access. She had not been warned how many volumes would be lodged or how much space would be needed. No previous site visit had been made by the Applicant. On the morning the PEIR was

There were no information events in eight other villages (total population 24,000) that are within the consultation zone: Combe, Farmoor, Freeland, North Leigh, Kidlington, Tackley and Wootton and Yarnton. There were no information events in the entire Northern site.

Many respondents to the SBW Survey raised concerns about the limited number of information event locations for a consultation on a development of such scale and with such wide-ranging implications affecting such a large local population.

Some of the venues were inconvenient to access because of limited parking. In Bladon there was no car parking space while in Begbroke and Woodstock, the few available parking spaces were all taken by the vehicles of the Applicant's representatives. Bus services to most of the venues are very limited or non-existent.

The SBW Survey found that information event arrangements did not take adequate account of the needs of less able people. As a result some consultees were effectively excluded (82 respondents said they had accessibility issues that had impacted on their ability to participate in the consultation). Nearly half of them cited mobility issues. 22 respondents said that they had not taken part in the information events because the format and/or venue was inadequate for their needs. 77 respondents said they did not access the information events due to difficulty accessing the venue/webinar

delivered, she was told 'you have a legal obligation to house it' and the boxes were deposited in a pile for her to deal with.

2.2.3.2 Advertising and signage

The schedule of information events was listed in the consultation leaflet but no other local advertising for the events was provided by the Applicant. In this rural area, parish magazines are the primary source of local information. However the Applicant did not make use of them to advertise the events, nor did they consider facilitating others to do so as the lead times were too short for information to be included in parish magazines¹¹.

No signs indicating the venues to help consultees find them were displayed at or near any of the venues. (The one exception was in Woodstock where one A4 printed sign was displayed in a backstreet pub and another *inside* the venue.)

SBW was keen to facilitate local participation in the information events and supplied and displayed posters and directions to every event venue. The one exception was the information event in Botley where SBW did not provide any advertising. That event had the lowest turnout of all the events (just 49 people). This suggests the Applicant's advertising was inadequate and if SBW had not advertised the information events, participation would have been much lower.

2.2.3.3 Scheduling

The scheduling of the information events did not facilitate the participation of consultees. In the SBW Survey, just under 15% of respondents (594 people) said they had not accessed the information events and of these, 65% (388 people) said it was because the time, date or day was not suitable. The timing of the information events made it very difficult for people working normal working hours to access them. The events were open for a total of 38 hours: only 2 hours were after 7pm on

¹¹ Most of the parish magazines are published and distributed monthly during the first week of the month with a deadline for material of around 14th of the previous month. The Applicant issued their first press notification on 16th November and started the consultation on 30th November. This meant the earliest that the information could be circulated to villages in parish magazines was early January.

weekdays, none were after 7.30pm and only 8 hours were at weekends. Census data for the 15 affected parishes shows 54% of the population are in full-time work and therefore unlikely to be able to attend during working hours¹².

Another reason frequently cited by SBW Survey respondents for not accessing the information events was that they took place over the Christmas/New Year period. Four of the ten information events were held in the pre-Christmas period in December. Many people pointed out that this time of year is extremely busy for everyone with family and social commitments and pre-Christmas preparation. For some, the problem was compounded by the late delivery of the consultation leaflet setting out the dates and venues (one said the 'Leaflet arrived after the in-person event had taken place in my most convenient location').

The impact of the scheduling of the consultation was seen in attendance numbers at the information events. SBW recorded a total of 252 people attending the four events held in the pre-Christmas period, an average of 63 per event. Four of the five information events in January averaged 170 consultees per event (the one exception was the event in Botley in January which was given no advertising by the Applicant or by SBW and consequently only 49 consultees attended). Consultees in villages with only a December event date (Bladon, Begbroke and Hanborough) were in effect discriminated against in the consultation process, because it was harder for them to engage fully in the process.

Furthermore because the information events were closely grouped with four events held in six days in December and five events in seven days in January, anyone who was away for a week during this holiday period could have missed half the events available.

Ahead of the consultation, the Applicant was asked by SBW, the local MP Robert Courts and others to change the timing because of the clash with the Christmas period but the Applicant did not respond¹³.

2.2.3.4 Technical expertise

The Applicant was represented at the events by PVDP staff, their planning consultants (RPS) and their PR consultants (Counter Context).

Many consultees were frustrated at the lack of technical experts available at the information events to answer their questions. For example:

- many local residents are concerned about the ecological impact of the project but the Applicant's ecology expert was frequently absent from the information events. No ecologist was present at the events in Begbroke, Cassington, Cumnor, Hanborough or Woodstock. One respondent to the SBW Survey reported 'There was no one there able to address my many questions on biodiversity' and another who had not attended an information event commented 'Heard from attendees that experts in ecology not available at in person events, so no point in trying to attend as I have ecological questions.'

¹² At the event in Hanborough which ran from 1pm to 5 pm on a weekday, a representative of the Applicant asked 'where are all the young people?'. He seemed to think their absence meant they were supportive of the proposed project rather than that the scheduling excluded them as they were likely to be at work.

¹³ The same scheduling problem was evident in the Applicant's initial informal consultation which was held in the run up to Christmas in 2022 (3 Nov - 22 Dec 2022).

- there is a lot of concern locally about the potential impact of the proposed project on local flood risk but it appears no hydrology/flood expert attended any of the information events to answer consultees' questions
- Blenheim Estate is identified by the Applicant as the body that will be responsible for land management in the project area but it provided no experts to answer questions on the subject

Many respondents to the SBW Survey reported that even when relevant experts were present, they could not answer their questions within their area of expertise or they gave contradictory answers. For example, the question 'how many lorry journeys will there be per day' elicited answers ranging from 45 to 720; and a question about the use of CCTV and security lighting along the fences received two different accounts from two different representatives. Some typical comments from respondents to the SBW Survey were:

- 'The representatives listened to questions but in each case definitive answers were not given. Facts were very difficult to establish.'
- 'Most of the developer's representatives were inadequately informed to answer questions.'
- 'Too many questions were answered with "that's something we're working on".'

SBW tried to ascertain the expertise that was available at the information events by asking the Applicant. They agreed to send a list of the personnel present at the events but failed to do so.

A predominant view amongst people attending information events was that it was more a presentation than a consultation. They felt they were not listened to and were made to feel that that nothing they said would affect the outcome. A consistent theme in comments of respondents to the SBW Survey was that there was a lack of clear, substantiated facts and that information was being presented in a way that deliberately emphasised the claimed benefits and avoided the more difficult questions. They were disappointed at the lack of availability of appropriate experts to address their concerns.

2.2.3.5 Maps and Photomontages

The maps provided at the information events did not enable consultees to obtain a clear, detailed view of the whole proposal. Just under half of respondents (49.3%) to the SBW Survey disagreed with the statement that the maps were clear and easy to understand, 19.3% of them strongly. Many commented on the poor quality of the maps saying they were very difficult to read, lacking in detail and not displayed properly. (According to one, the Applicant's consultants at the event agreed that the 'map visibility was poor').

Key problems included:

- no large-scale map showing the entire area was provided. The largest scale was 1:35,000 and most maps showing the whole site were at a scale of 1:65,000 or 1:100,000. (One respondent to the SBW Survey commented, 'At no point did I see a detailed map of the entire proposed solar farm and I believe that it is something that would make it absolutely clear how enormous this proposal is; something I think PVDP don't want people to understand'.)
- the map sections could not be laid out together to show the entire project area. Map sections were scattered together on a table, making it impossible for consultees to see how they fitted together, and the sections overlapped so could not be placed together and viewed as a single overall project map

- NONE of the masterplan maps were available at the Information Access points
- similarly, the visualisations provided at the information events did not enable consultees to form an accurate and realistic picture of the visual impact of the proposed project. The poor quality of the images and the unrepresentative selection of images are described above in 2.1.3.4 and 2.1.3.5 (Landscape and Visual Resources)
- The presentation of the montages at the information events was confusing for consultees. They were denoted only by number, creating confusion about their location. Most of the montage prints were piled on tables in a disorderly fashion, not displayed on panels to provide an organised view.



2.2.3.6 Non-Technical Summary

Insufficient copies were available at the information events of the Non-Technical Summary, the only detailed document designed for the non-specialist. Typically only two copies were provided per event and they were frequently hidden among the other 20 volumes of the PEIR files at the side of the room with no seating or room to read them.

2.2.4 Webinars

The Applicant held one community webinar during the consultation. A webinar was also held for Parish Councils.

With approximately 22,000 households within the consultation zone, access to the information event element of the consultation would have been greatly improved by more webinar options, particularly for those who for various reasons were effectively excluded from the in-person events by scheduling and access restrictions (as described above).

The scheduling of the community webinar (5.30-7pm on a Tuesday) was unhelpful for people with normal working hours as illustrated by these comments by respondents to the SBW Survey: 'Was travelling home from work at the time of online event' and 'There was only one webinar with no alternatives for me to join at a more convenient time.'

At the Parish Council webinar, two Parish Councils from villages that lie within the 2km consultation zone were not invited (Tackley and Combe). One of the Applicant's main speakers (Julian Allsop) was inaudible throughout. A transcript was requested by consultees but was not provided.

2.3 Was the information easily interpretable?

DCLG guidance (para 20) says a consultation should contain sufficient information to allow for intelligent consideration and achieve this through providing accessible and easily interpretable information. Planning Inspectorate guidance on the preparation and submission of application documents for NSIPs recommends applicants think carefully about document size, suggesting that summaries should be provided if documents exceed 1,500 words in length. Unfortunately for the consultees, the Applicant failed to observe the guidance.

2.3.1 PEIR

The PEIR comprised 20 volumes, over 7,000 pages and over 100 maps and photographs. It was extremely long and complex and contained much unnecessary repetition. There was no master contents list, index or cross-referencing to facilitate navigation through the documents.

The quantity of information, and often less than helpful signposts around it, was so daunting as to be actively off-putting for most consultees. It would be challenging even for organisations and institutions with plenty of capacity and expertise. Most individuals, local campaign groups and Local Authorities do not have that. Indeed, BWSF Director Mark Owen Lloyd said of the PEIR, 'it's a large tome, I challenge people to read all of it.'¹⁴

While the consultation necessarily involved a considerable amount of documentation given the scale of the proposed project, it should have been presented in a much clearer and more accessible way. The documentation obscured an understanding of exactly what is proposed, the expected impacts, the proposed mitigations, and the justification for it. All are crucial issues for meaningful consultation.

¹⁴ BBC Radio Oxford, Sophie Law, 26th October 2023.

Ironically, despite the lengthy documentation, much information that was needed to understand the impacts on local communities was omitted, as detailed in 2.1 above. This made it extremely difficult for consultees to form an informed response to the proposals. Assumptions were often not stated explicitly or not fully explained, leading to difficulties in understanding whether proposed methodologies are adequate. In many areas of the technical reports, there is little interpretation of results, and the interpretation that was offered was frequently biased. This all added to the consultees' difficulty in understanding complex issues.

2.3.2 Community Consultation Leaflet

The Consultation Leaflet had a very important role to play. Because of the extreme length and complexity of the PEIR, the leaflet was the document that most people read and on which they based their understanding and views. However, as detailed in 2.1.9 above, the selection of information for the leaflet was not sufficient, objective or balanced; rather it was biased presentation of the Applicant's case. As such, it failed to facilitate consultees to interpret the information and form an objective understanding of the proposed project.

2.3.3 Language

The text of the consultation documents was not sufficiently accessible to a wide audience. Linguistic analysis of the documents found that they are difficult to read for a number of reasons. According to the 'Gunning Fog Index' and the 'Flesh-Kincaid Reading Test' (tools commonly used to confirm whether text can be read easily by the intended audience), the consultation documents have a significantly poor score. Texts for a wide audience generally need a Fog index of less than 12 and texts requiring near-universal understanding generally need an index of less than 8. The lowest score in the Community Consultation Leaflet is 15.28 and the highest (the Introduction) is 17.59¹⁵.

The analysis found the text is inaccessible to a wide audience because it contains a high density of polysyllabic words, and because words of three or more syllables are often clumped together. The text is heavy with compound noun phrases which do not have a clear referent. Processes are represented with noun phrases which obscure exactly what is being done when, where, and by whom.

The result was that the public consultation documents were not readily accessible and interpretable for the public.

¹⁵ For detailed analysis see Annex 3

PRINCIPLE 3:

THERE IS ADEQUATE TIME FOR CONSIDERATION AND RESPONSE

‘There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation, despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation.’

The Applicant provided a consultation period of 10 weeks. They said they extended the period to take account of the Christmas and New Year break and considered the length of the consultation to be generous because it was longer than the statutory minimum of 4 weeks. However Gunning Principle 3 says a 12-week consultation period is widely accepted and the DCLG Guidance (para 72) says the consultation period should be ‘realistic and proportionate to the proposed project’. Given the unprecedented scale of the proposed solar farm, the size of the directly affected population, the range and complexity of the impacts and the volume of PEIR material presented, we believe the consultation period was neither realistic nor proportionate.

Furthermore the consultation period included the busy Christmas and New Year holiday period when people have much less time available than usual to read and digest large amounts of information and engage in a consultation. It is not usual to hold important public consultations over public holidays for this reason. The Applicant was requested by SBW, the local MP Robert Courts, CPRE and many local residents not to hold the consultation over the Christmas/New Year period. This could have been achieved by delaying the start of the consultation by just six weeks. The Applicant did not respond to the requests.

As described in 2.2.3.3 above, low attendance numbers at the information events held in the preChristmas period (an average of 63 consultees per event) compared to significantly higher numbers at information events held in January (170 per event) illustrates the impact of the Applicant’s decision to hold the consultation over the Christmas period.

People attending the earlier information events such as those in Bladon, Begbroke, Hanborough and the first Woodstock event were further hampered by lack of time to review the PEIR. With only eight days between publication of the PEIR on 30th November and the first Information Event on 8th December in Bladon, consultees attending that event were apparently expected to digest the equivalent of three thick paperback books per day for a week.

It was extremely difficult for consultees to understand the likely significant effects of the proposals and fully evaluate the PEIR within the timescale provided. Consultees should have been given a longer, more proportionate amount of time to consider all the material and form their response.

PRINCIPLE 4:

‘CONSCIENTIOUS CONSIDERATION’ MUST BE GIVEN TO THE CONSULTATION RESPONSES BEFORE A DECISION IS MADE

‘Decision-makers should be able to provide evidence that they took consultation responses into account.’

At the time of writing in advance of the DCO application and the Applicant’s Consultation Report, we do not know whether responses to the public consultation were taken into account by the Applicant.

Confidence in the Applicant’s willingness to consider consultation responses was undermined by the fact that following the Phase One Informal Consultation (3rd November to 22nd December 2022), it appears little account was taken of responses to that consultation. Para 3.2.2.4 of the PEIR noted that more than 1,000 feedback forms/letters had been received by the project team and that ‘This feedback has been analysed by the project team and informed the refinements in project design’. However the PEIR does not give a comprehensive review of what the feedback was, what issues were identified or what refinements were consequently made.

We hope the Applicant takes better account of the formal consultation in their DCO application. However a significant finding of the SBW Survey is that 66% of respondents do not believe they had adequate opportunity to influence what is being proposed. More than half of them felt this strongly.

Most of the respondents to the SBW Survey do not believe that the Applicant’s representatives were listening to their comments in the consultation. In answer to the statement ‘I believe the Developers actually listened to my comments’, 61% of respondents disagreed and nearly two-thirds of those disagreed strongly. Just 10% of respondents said they do believe the developers actually listened to their comments, with just a quarter of them feeling this strongly.

This is a severe indictment of an exercise described as a consultation.

CONCLUSION

A detailed study of the consultation documents and processes together with observations and feedback from consultees shows that the Applicant's approach to engagement with the affected communities did not have sufficient regard to the relevant guidance and did not meet the standards required for a public consultation. The consultation was therefore not adequate or legitimate.

We submit that the Applicant should be required to conduct the consultation again in order to achieve effective and meaningful engagement with the public.

Regarding **Gunning Principle 1** (Proposals are still at a formative stage): we found that while a decision has not yet been made by the Secretary of State for Energy Security and Net Zero, the Applicant (also a decision maker) has made public statements that suggested the decision is in effect predetermined. The statements undermined public confidence that nothing is predetermined and that responding to the consultation would serve a useful purpose.

Regarding **Gunning Principle 2** (There is sufficient information to give intelligent consideration and provide an informed response): we found that key surveys and assessments and other important information required for a proper understanding of the proposal were yet to be conducted and were therefore not available for consideration. Moreover numerous statements and claims were inaccurate and, in effect, misleading.

Key information that was missing from the consultation (and should be provided in a repeat consultation) includes:

- information on alternative options including alternative scale, sites, cable routes, technologies and forms of renewable energy
- Heritage Impact Assessment for the World Heritage Site of Blenheim including its setting, and historic and listed buildings, scheduled monuments and conservation areas and their settings
- explanation of the very special circumstances for using green belt land
- assessment of the impact on the Cotswolds AONB/National Landscape
- full assessment of Residential Visual Amenity.
- visualisations that represent a full range of viewpoints and are compliant with professional guidelines
- map of the entire project site to a minimum scale of 1:2500 as required by PINS and showing all solar farm infrastructure including substations, inverters and construction compounds
- Biodiversity Net Gain report including baseline data and metrics to be used
- outline Landscape and Environmental Management Plan
- full wildlife baseline surveys that are compliant with national guidelines
- Traffic and Noise Management Plans
- full agricultural land classification with BMV breakdown for each of the three sites
- assessment of loss of agricultural land and mitigations
- assessment of impact on all PRoW including maps and overlay with the Zone of Theoretical Visibility
- full assessment of Cumulative Effects including in-project cumulative effects and new housing in Local Plans
- information on community benefits

The Applicant must ensure that the information provided in the repeat consultation is objective and evidence-based and that it avoids bias.

Regarding the requirement that the information is accessible, the repeat consultation should ensure:

- the consultation documents are more accessible:
 - the Community Consultation Leaflet should be delivered to all households in the consultation zone
 - the PEIR online should be available in smaller, easily accessible electronic files ○ hard copies of the PEIR should be available to the public in more numerous and more accessible Community Access Points and at lower cost to those who need/wish to obtain their own copy
- Information Events are better organised:
 - they should be held in all affected villages and sites and be well advertised ○ they should be held in easily accessible venues that are properly sign-posted ○ they should be scheduled so they can be attended by people who work normal working hours
 - they should be attended by technical experts able to answer consultees' questions ○ they should present information (including maps) in a more organized and intelligible way

Regarding the requirement that the information is easily interpretable, the repeat consultation should ensure:

- the PEIR should have a master index and a search function
- it should be as succinct as possible and avoid unnecessary repetition
- it should be written in language that is accessible to a wide audience (having a high score according to standard readability tools)

Regarding **Gunning Principle 3** (There is adequate time for consideration and response): we found that the consultation period was neither realistic nor proportionate to the proposed project given the unprecedented scale of the proposed solar farm, the size of the affected population and the range of impacts. Furthermore, despite numerous requests not to do so, the Applicant scheduled the consultation during the busy Christmas and New Year holiday period. This had a predictably serious impact on the public's ability to engage in the consultation.

The repeat consultation should:

- be a minimum of 12 weeks long
- avoid major public holiday periods
- ensure sufficient time between the publication of the PEIR and the first Information Events to enable consultees to digest the information and identify any questions they have

Regarding **Gunning Principle 4** (Conscientious consideration must be given to the consultation responses before a decision is made): following the initial informal consultation on the proposal, it appears the Applicant took little account of the public's responses. Following the statutory public consultation, our survey suggests that most consultees believe they did not have adequate opportunity to influence what is being proposed and do not believe the Applicant listened to their comments in the consultation.

At the time of writing, we do not know whether responses to the public consultation have been taken into account by the Applicant in the DCO application. We hope the Applicant gives careful, thorough consideration to the consultees' responses and we look forward to seeing this reflected in their Consultation Report.

STOP BOTLEY WEST CAMPAIGN, OXFORDSHIRE, May 2024