

Planning Inspectorate

Our ref: OR-0002198/01

Your ref: EN010147

[via
botleywestsolar@planninginspectorate.gov.uk
ov.uk]

Date: 04 June 2026

Dear Sir/Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Photovolt Development Partners (“the Applicant”) for an Order granting Development Consent for the proposed Botley West Solar Farm (“the Proposed Development”)

REQUEST FOR INFORMATION

Thank you for consulting the Environment Agency on the above request for information. We have the following comments to make.

Ground Conditions

53. The Secretary of State notes the information within Statement of Common Ground between the Environment Agency and the Applicant [REP7-036] in regard to leachate generation from Hensington Cutting Landfill. The Environment Agency is requested to comment if they are satisfied with the Applicant’s position regarding this matter.

We confirm that the Applicant has satisfactorily addressed the matter. Note for completeness that the RPS comment in the SoCG refers to Table 11.15 of Chapter 11 – this is an error and should instead reference Table 11.16.

Hydrology

54. In relation to the Flood Risk Assessment (“FRA”) [REP6-024], the Secretary of State requests that the Environment Agency provides written confirmation whether the sequential and exception tests within NPS EN-1 regarding fluvial flooding have been met by the Applicant.

It’s within the Environment Agency’s remit to consider:

- whether a sequential approach has been applied within the site to help ensure that development is steered to the lowest risk areas.
- whether part b of the exception test has been appropriately addressed. That is whether the FRA demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Sequential Test and Exception Test are discussed in section six of the Flood Risk Assessment (document library reference: REP6-024).

With respect to the sequential approach: The applicant has taken a sequential approach to the proposed development layout by ensuring solar PV modules and more sensitive infrastructure such as transformers are located within Flood Zone 1.

With respect to part b of the exception test: We are satisfied in context of fluvial flood risk that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. We note that the applicant has suggested that they may provide flood storage upstream of Cassington village. Whilst the design detail at this stage is limited, this may help to reduce flood risk overall if provided.

The Environment Agency is not the decision maker with respect to whether the Sequential Test or Exception Test has been passed.

NPS EN-1:

When addressing this issue we will go through section 5.6 and 5.8 of EN-1 and highlight matters of concern in relation to the Environment Agency's remit:

- 5.8.7 relates to making infrastructure in flood risk sites safe for its lifetime. We consider the development to be safe for its lifetime. The development is in Flood Zone 1 for the operation phase. There are some elements outside of Flood Zone 1 for the construction phase, the applicant has adequately demonstrated no viable alternative.
- 5.8.9 (and 5.8.21) relates to the Sequential Test. It is for the decision-maker to form a view on whether this has been passed.
- 5.8.10 relates whether it is appropriate to move to the Exception Test following the Sequential Test. It is for the decision-maker to form a view on whether this is acceptable.
- 5.8.11 considers the Exception Test. From a fluvial flood risk perspective, we are happy that the development satisfies part b of the Exception Test.
- 5.8.12 considers increases to flood risk elsewhere, loss of floodplain storage, and impact on flood flow routes. In the context of the proposed development, there is no loss of floodplain storage or significant impact on flood flow routes as infrastructure is located within Flood Zone 1.
- 5.8.16 relates EN-1 to the NPPF and PPG, please see below.

NPPF:

- Paragraphs 175-177 (inc. footnote 62) relate to the Sequential Test
- Paragraphs 178 and 179 relate to the Exception Test.

PPG:

- Paragraph: 004 Reference ID: 7-004-20220825 states what processes are used in decision-making, suggesting that the decision-maker for the Sequential Test in the planning authority.
- Paragraph: 023 Reference ID: 7-023-20220825 relates to a sequential approach ensuring aspects of the development are placed in areas of the lowest flood risk. It is the Environment Agency's view that this has been adequately addressed.
- Paragraph: 024 Reference ID: 7-024-20220825 talks about how the Sequential Test can be applied.
- Paragraph: 029 Reference ID: 7-029-20220825 considers who is responsible for deciding whether an application passes the Sequential Test.

55. The Environment Agency is invited to review its Statement of Common Ground [REP7-036] and confirm that it is content with the matters the Applicant has marked as 'agreed' in the absence of its written confirmation.

We confirm that [REP7-036] is an accurate representation of the Statement of Common Ground between the applicant and the Environment Agency.

56. The Secretary of State requests that the Environment Agency confirm that they have no comments to make on the document 'Hydrology and Flood Risk Technical Note – Swinford HDD Crossings' [REP6-054].

We have reviewed the Hydrology and Flood Risk Technical Note – Swinford HDD Crossings (REP6-054). The applicant has adequately justified why they are unable to move the Horizontal Directional Drilling (HDD) entrance pit at Swinford outside of Flood Zone 3b. We consider this justification is reasonable in the context of wider site-specific constraints.

Considering the proposed mitigation measures, inclusive of the additional mitigation measures (section 1.4.4), if the applicant complies with these, we consider that the approach is reasonable.

In addition to the above, we note that Question 57 asks the applicant to provide "further data to evidence the efficacy of the mitigation measures suggested within the Conceptual Drainage Strategy [REP4-018], in particular for the central and southern areas of the Proposed Development. The Applicant is requested to share the results with the Environment Agency for review and comment." Whilst we have engaged with the applicant, we have not received this information to date and would not be able to review prior to the closing date of this consultation. However, we will respond to any requests relating to this beyond the current deadline, if required.

Yours faithfully


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