

## Botley West Solar Farm – EN010147

### Representation concerning the Applicant's latest submissions

From Interested Party: Steven Jenkins

Interested Party Registration Identification Number [REDACTED]

Dear Secretary of State

I write in response to the Applicant's latest submissions and the further opportunity afforded to Interested Parties to comment upon them.

I wish to initially protest strongly against your decision to allow the Applicant to submit late documentation into this process. As an Interested Party I have engaged fully and honestly with the process, something I believe the Applicant has failed to do, for a period of almost three and a half years now. After the Examination closed in November 2025, I, together with hundreds of other registered Interested Parties and thousands of members of the public, rightfully expected the Planning Inspectorate to consider the evidence presented, write their report and make a recommendation - and the Secretary of State to make a timely decision. We now find ourselves almost a year later completely in the dark with the statutory framework of the Planning Act 2008 exhausted. It appears to those of us watching this unfold from the outside that the fair and efficient operation of the development consent regime is no longer considered important within Government. People I speak to have completely lost confidence in the NSIP planning procedure.

I support the **Stop Botley West** campaign and fully endorse the comprehensive representation submitted by SBW on 16 July [C2-161]. I wish to add my own concerns, particularly regarding the extent to which the Applicant's latest proposals continue to leave fundamental matters unresolved. In my view, the latest submissions do not remedy the underlying deficiencies in this application. Indeed, in several respects they create further uncertainty. The Applicant continues to seek consent for a scheme in which important elements of the final design, mitigation and environmental safeguards would effectively be determined after development consent has been granted.

This is not simply a matter of detailed design. Where decisions can materially affect the extent of environmental, landscape, heritage, ecological or residential harm, those matters should be sufficiently defined and assessed before consent is granted. They should not be left to a subsequent process in which the public and Interested Parties have substantially less opportunity to scrutinise or challenge the outcome.

### A. Concerns arising from the Applicant's latest submissions

The most significant new concern relates to the introduction of an “**outline Residential Visual Amenity Plan**” (**oRAP**) [C1-108] and Masterplan Revision 5 [C1-111].

The latest Masterplan appears to establish a **100-metre default buffer** between residential properties and solar infrastructure. This represents a substantial reduction from the **250-metre default position recommended by the Examiners and reflected in the Applicant's Masterplan Revision 4 submitted on 9 June [C1-051]**, which stated that a 250-metre buffer would be applied, with additional offsets where required.

The basis upon which the Applicant now considers a 100-metre starting point appropriate is not adequately explained.

More importantly, the Applicant's proposal appears to transfer a significant planning judgement from the present examination and decision-making process into a future stage. The question of whether individual properties require greater separation would apparently be determined after consent, yet the criteria and methodology for making those decisions are insufficiently certain. This is particularly concerning because the consequences are potentially significant for residents living close to the proposed development. Once development consent has been granted, their ability to scrutinise or challenge decisions concerning the final extent of these buffers will inevitably be more limited.

The amended **Schedule 2, Requirement 15** of the DCO further reinforces this concern. It states that the 100-metre minimum is to be used as the starting point and requires the final plan to be substantially in accordance with the outline plan. This appears materially different from the position presented by the Applicant on 9 June, when the 250-metre buffer was the starting position and reductions were contemplated where justified. The latest approach therefore represents a significant change in the proposed design parameters.

The Applicant has previously acknowledged that the project could remain viable, albeit marginally, with a panel area based upon a 250-metre buffer. There is therefore a fundamental question as to why the Applicant has now moved to a substantially reduced default buffer and what evidence demonstrates that this change is justified.

This issue should be resolved **before development consent is granted**, rather than being left to subsequent approval.

## B. Fundamental matters that remain unresolved

Despite the Applicant's latest submissions, a number of important issues remain outstanding.

### *1. The red-line boundary*

The Applicant now identifies at least **300 hectares of land within the application boundary that it states will not be required for solar panels**. If this land is genuinely unnecessary for the proposed development, there is no clear justification for retaining it within the red-line boundary. The appropriate and transparent solution would be to remove such land from the DCO boundary, thereby providing certainty that it will not subsequently

be brought forward for panel installation or associated development. It could then remain available for agricultural or other appropriate land uses.

Retaining substantial areas within the red-line boundary despite stating that they will not be used creates unnecessary uncertainty about the ultimate extent of the development.

## *2. Heritage and landscape*

The **Landscape Character Assessment requested by ICOMOS has still not been undertaken**, and the matters raised by ICOMOS remain unresolved.

Given the scale and location of the proposed development, and its relationship with the Blenheim Palace World Heritage Site and its wider setting, this is not a peripheral matter.

The Secretary of State should be satisfied that the necessary landscape and heritage evidence is available to enable a properly informed decision to be made. Important outstanding assessment work should not simply be deferred until after consent.

## *3. National Grid substation*

The location of the proposed National Grid substation remains unresolved and no planning application has yet been submitted by National Grid Electricity Transmission. The Applicant has referred to an earliest connection date of **Winter 2031**. However, there is apparently no provision in the DCO preventing construction of Botley West from commencing before the substation has received the necessary planning consent. This raises an obvious question concerning the relationship between the proposed solar installation and the infrastructure required to connect it to the electricity network.

The Secretary of State should require clarity on this matter before granting consent rather than permitting a potentially substantial element of the overall project to remain unresolved.

## *4. Decommissioning arrangements and financial security*

The Examiners recommended that the DCO should ensure that an appropriate **decommissioning fund, as well as a decommissioning plan, is in place before construction begins**. This recommendation has not been satisfactorily incorporated. Given the scale, duration and temporary nature of the proposed installation, financial provision for restoration is fundamental. A requirement to produce a plan at a later stage is not equivalent to ensuring that sufficient funds will actually be available to carry out the works.

The DCO should therefore provide robust and enforceable financial security before construction is permitted to commence.

## *5. Viability of the proposed installation*

The Applicant has not adequately substantiated its assertion that **935 MW represents the minimum economically viable size** for Botley West. This is particularly important

because the Applicant has rejected proposals from the Oxfordshire Host Authorities for a smaller installation. If the Applicant's asserted minimum viable capacity is being relied upon to justify retaining panels in locations where their impacts could otherwise be avoided or reduced, then that assertion needs to be supported by transparent and compelling evidence.

The Secretary of State should not accept an alleged viability threshold simply because it has been stated by the Applicant.

## *6. Flood risk*

The latest proposals do not appear to provide any further meaningful withdrawal of panels or infrastructure from areas where significant flood-risk concerns have been identified. This is despite detailed representations from **Cassington and Cumnor Parish Councils and their hydrology experts**, including REP7-068, REP7-077, C2-162 and C2-169. The continued inclusion of panels and associated infrastructure in locations where credible evidence of flood-risk impacts has been raised is a serious concern.

Where avoidance of harm is reasonably practicable, the appropriate response should be to remove or relocate the development rather than rely principally upon subsequent mitigation.

## *7. Ecology and Biodiversity Net Gain*

Important ecological matters also remain unresolved. In particular, an adequate **Arboricultural Impact Assessment** has still not been provided. This is significant given the number and importance of mature, veteran and notable trees within and around the proposed development. The effort made by the developer to identify important trees in an area containing the largest concentration of mature oak trees in Europe is particularly concerning.

The proposed **Skylark compensation strategy** also remains questionable as a means of addressing the impacts of the development.

Biodiversity Net Gain should not be regarded simply as a numerical exercise. It cannot compensate for the loss, fragmentation or disturbance of irreplaceable or particularly valuable ecological features where those impacts could reasonably be avoided.

## *8. The proposed Three Rivers SSSI*

A substantial part of the central area of the proposed development is now included within the area identified for consideration as the **Three Rivers potential SSSI**, reflecting the importance of the rivers and river valleys within this wider landscape.

This is a significant change in the environmental context of the proposal and should be properly taken into account before any decision is made.

The potential designation reinforces, rather than diminishes, the need for a precautionary approach to development affecting this area.

#### *9. Community food-growing land*

There appears to have been no further satisfactory resolution of the issue of **community food-growing areas**. The areas concerned should be removed from the red-line boundary, as previously raised in REP5-072, REP5-093 and REP6-076.

Again, where land is not genuinely required for the development, retaining it within the DCO boundary creates unnecessary uncertainty.

#### *10. Trainee pilot safety*

Concerns remain regarding the potential impact of the proposed panel layout on **trainee pilot operations**. The evidence referenced in C2-210 and C2-176 demonstrates that further panel removal in proximity to the airport should be considered.

Where a particular configuration creates an avoidable safety concern, the appropriate solution should be to amend the configuration before consent is granted rather than leave the issue for later resolution.

#### *11. Proposed cycle path along Lower Road*

The proposed cycle path along Lower Road continues to appear on the latest Masterplan, despite a verbal agreement during the Examiners' Site Inspection on **7 October 2025** that it would be removed from the application. The continued inclusion of this feature raises concerns about the accuracy and reliability of the latest Masterplan.

The submitted plans should accurately represent what is actually proposed and agreed. They should not contain infrastructure that the Applicant has previously indicated would be removed.

#### *12. Minerals and Waste*

There remain unresolved differences between the Applicant and **Oxfordshire County Council** concerning minerals and waste matters.

These issues should be resolved rather than carried forward into subsequent stages of the project where they may become more difficult to scrutinise effectively.

#### *13. Acquisition of roadside verges*

There also remains an unresolved disagreement between the Applicant and Oxfordshire County Council concerning the proposed acquisition of roadside verges.

This is another example of an aspect of the scheme where the extent of the proposed rights and land requirements has not been satisfactorily resolved.

## C. Overall conclusion

Taken together, these matters demonstrate that the latest submissions have **not transformed the application into a sufficiently defined, assessed and reliable scheme upon which development consent can safely be granted.**

The central problem is not that every detail of a major infrastructure project must be predetermined. Rather, it is that too many matters capable of materially affecting the scale and consequences of the development remain uncertain.

The Applicant continues to seek the benefit of a consent for a very large and environmentally consequential solar installation while seeking to defer significant decisions concerning its final layout, residential buffers, environmental mitigation, associated infrastructure and other safeguards.

That approach is particularly problematic where subsequent decisions could determine whether identified harm is actually avoided, reduced or merely accepted.

A DCO should provide confidence about what is being authorised and the environmental consequences of that authorisation. It should not provide a broad framework within which the Applicant can subsequently determine important aspects of the development with materially reduced public scrutiny.

In my view, the latest submissions therefore **do not cure the fundamental deficiencies in the Botley West application.** Instead, they demonstrate why the outstanding matters should be resolved before any consent can properly be considered.

I respectfully urge the Secretary of State to take these unresolved issues into account when determining the application and to conclude that the proposal, as currently presented, does not provide an adequate basis for development consent.

**I therefore respectfully request that the Secretary of State refuse the application for a Development Consent Order for the Botley West Solar Farm.**

Yours faithfully

Steven Jenkins

Interested Party Registration Identification Number: [REDACTED]