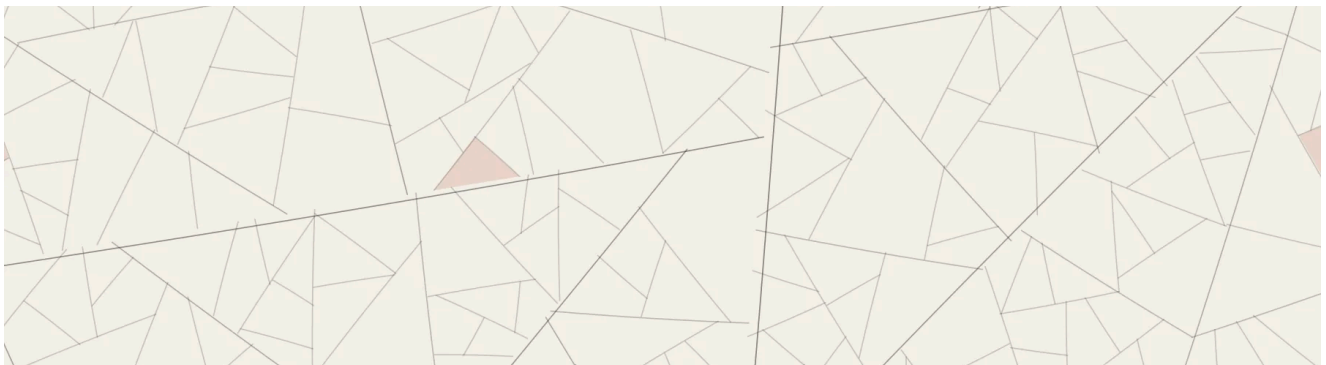


— THE SYSTEM

Who decides an 840MW solar farm, and why the date *keeps moving*.

The Botley West solar farm in Oxfordshire, 840MW on about 1,400 hectares, is decided by the Secretary of State for Energy Security and Net Zero, not by the councils that host it. The Planning Act 2008 allows 3 months from the Planning Inspectorate's report. That report arrived on 10 February 2026, and the deadline is now 10 November, after two resets. This piece sets out how the national route works, what councils and courts can do inside it, and the case each side makes.

The Editor



Ground Level, generated

The Planning Act 2008 gives the Secretary of State 3 months to decide a nationally significant solar farm once the Planning Inspectorate has reported. For the Botley West solar farm in Oxfordshire, the report reached the Secretary of State for Energy Security and Net Zero on 10 February 2026. The date for the decision is now 10 November 2026, 9 months later.

9 months

Time between the Planning Inspectorate's recommendation on the Botley West solar farm reaching the Secretary of State (10 February 2026) and the current decision deadline (10 November 2026). The Planning Act 2008 allows 3 months unless the Secretary of State sets a later date.

SOURCE • PLANNING INSPECTORATE, BOTLEY WEST SOLAR FARM PROJECT PAGE AND UPDATES (EN010147); WRITTEN STATEMENTS HCWS1471 (26 MARCH 2026) AND HCWS304 (2 SEPTEMBER 2026); PLANNING ACT 2008, SECTION 107

The statutory deadline was 10 May 2026. The Secretary of State moved it to 10 September in a written statement to Parliament on 26 March 2026, and to 10 November in a second statement on 2 September 2026. Each statement says the new date does not prejudice the result.

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The decision to set the new deadline for this application is without prejudice to the decision on whether to grant or refuse development consent.

Department for Energy Security and Net Zero,
written statement HCWS304 on the Botley West
Solar Farm · Ground Level, 2 September 2026

The Inspectorate's project page describes Botley West as a solar array and connection infrastructure with a maximum intended generation capacity of 840MW. It covers about 1,400 hectares in West Oxfordshire, Cherwell and Vale of White Horse districts. The councils for those districts do not decide it. This piece sets out who does, what councils and courts can do, and the case each side makes.

What makes a solar farm a national decision.

A solar farm of 100MW or less is ordinarily decided by the council. Under section 15 of the Planning Act, a solar generating station in England above 100 megawatts is a nationally significant infrastructure project instead. Capacity is measured in alternating current at the inverters, according to National Policy Statement EN-3 (paragraph 2.10.45).

100MW

The capacity above which a solar farm in England is decided by the Secretary of State rather than the council. Before 31 December 2025 the line was 50MW. Capacity is measured in alternating current, using the installed inverters.

SOURCE · PLANNING ACT 2008, SECTION 15(2), AS AMENDED BY S.I. 2025/694; NATIONAL POLICY STATEMENT EN-3 (2025), PARAGRAPHS 2.10.45 AND 2.10.46

The line was 50MW before 31 December 2025. The Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 moved it, and the government's Solar Roadmap said the change would mean "more solar projects will be decided at a local level".

The council route is changing too. From 31 October 2026 a council must have an officer decide a solar farm application unless its nominated member and nominated officer agree to refer it to committee (S.I. 2026/854, Schedule 2). We set out those rules in who decides from 31 October.

Above the line, the Secretary of State decides, by granting or refusing a development consent order, or DCO. For solar that is the Secretary of State for Energy Security and Net Zero. The Planning Inspectorate examines the application first. An Examining Authority of one or more inspectors has up to 6 months to hear evidence and 3 months to write a recommendation. The Secretary of State is not bound by it. The Examining Authority on the Sunnica Energy Farm recommended against consent in 2023. The Secretary of State granted it in July 2024 (*Fordham v Secretary of State for Energy and Net Zero*, [2024] EWHC 3553 (Admin), paragraphs 2 to 5).

What the council gets to do.

The council for the area where the land lies is an interested party automatically (section 102). The Secretary of State must invite it to write a local impact report (section 60), and must have regard to any report that arrives in time (section 104).

A local impact report is about effects. Government guidance says it is "not intended for a local authority to set out its overall case on the application, its views on the merits of the application or whether development consent should be granted". Councils make that case in a separate representation. The same guidance says the reports are "given significant weight".

Cherwell, Vale of White Horse and West Oxfordshire district councils and Oxfordshire County Council filed a joint report on Botley West in June 2025. It says: "The provision of renewable energy of the nature proposed is supported in principle." It then rates as negative effects including those on the Green Belt, landscape, built heritage and agricultural land. West Oxfordshire also attended the hearings. On 12 February 2026 it said it "has not been informed of what recommendation has been made to Government".

After consent the council still approves detail. The Beacon Fen order bars decommissioning until the "relevant planning authority" has approved a decommissioning plan.

What national policy already says.

Before an application arrives, national policy has answered the question of need. Under section 104 the Secretary of State must decide in

accordance with the relevant National Policy Statement, with limited exceptions. The 2025 versions of the energy statements came into force on 6 January 2026. They apply only to applications accepted for examination after that date (EN-1, paragraphs 1.6.2 and 1.6.3). Botley West was accepted on 13 December 2024, so the January 2024 versions apply to it, with the same wording on need. The overarching statement, EN-1, tells the Secretary of State to assess applications on the basis that the government has shown a need that is urgent, and to give that need substantial weight.

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The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part.

Overarching National Policy Statement for Energy (EN-1), 2025, paragraph 3.2.8 • Ground Level, 6 January 2026

It treats low carbon projects, which include solar, as a "critical national priority". For harm left after mitigation, outside protected habitats sites and marine conservation zones, it says that "these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure". It adds that "in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts" (paragraph 4.2.28). The listed exceptions include unacceptable risks to health and public safety, to defence and to irreplaceable habitats.

The Act still lets the Secretary of State depart from national policy where satisfied that the adverse impact of a scheme would outweigh its benefits (section 104(7)).

Why the date keeps moving.

Section 107 of the Act sets the 3 months. It also lets the Secretary of State set a later date, more than once, and even after the current deadline has passed. The Act requires a statement to Parliament announcing the new date. It does not limit how many times the date can move.

Government guidance of 3 July 2026 says that extensions "should only be made in exceptional circumstances". It adds: "In many cases the Secretary of State will have extended the statutory deadline to allow for gathering of further information".

At Botley West the information came from the applicant. The Secretary of State asked for it on 14 April 2026, with answers due on 9 June. The applicant asked to move its own deadline to 25 September and was refused on 8 June. The applicant's late submissions were accepted on 4 September.

Not every decision runs late. The Beacon Fen Energy Park in Lincolnshire, a 400MW solar farm with a battery, reached the Secretary of State on 22 May 2026 and was granted on 21 August. If Botley West needs longer, section 107 allows a third statement, even after 10 November has passed.

What a court can do.

The national route allows one kind of challenge. Section 118 allows only a claim for judicial re-

view, filed within 6 weeks of the order being published, or of the statement of reasons if that comes later. Since the Planning and Infrastructure Act 2025, such claims go straight to an oral hearing on whether they may proceed (guidance, paragraph 3.2).

Judicial review asks whether a decision was lawful, not whether it was right. An independent review for the government by Lord Banner KC, published on 28 October 2024, recorded two views. Claimants told him they "feel disenfranchised by the DCO examination process". It also reported a "widespread feeling" that claimants try to "re-argue the merits of DCOs in the Courts", and he said he tended to agree.

If the court quashes the decision, it goes back to the Secretary of State, who, in the government's guidance, "will address the specific legal failings identified within the court's judgment". There is no statutory deadline for the new decision; the guidance expects one normally within 3 months of receiving the information needed. A win does not refuse the scheme.

HM Treasury said on 20 May 2026 that of 167 DCO decisions made since 2008, 6 had been quashed following a challenge.

6 of 167

Development consent order decisions quashed following a legal challenge, amongst 167 made since 2008, on HM Treasury's count. A quashed decision goes back to the Secretary of State to be decided again.

SOURCE · HM TREASURY, NEWS RELEASE, 20 MAY 2026

On the council route, a challenge looks like this. Swale Borough Council granted permission on 3

October 2025 for a 65-hectare solar farm at Pitstock Farm, Rodmersham. The parish council filed a claim on 11 November 2025. On 16 September 2026 a deputy High Court judge dismissed all 4 grounds (*R (Rodmersham Parish Council) v Swale Borough Council*, [2026] EWHC 2381 (Admin)). They concerned a planning undertaking published 7 minutes before the committee met, an environmental screening opinion, a remark by the chair to councillors and the lack of enquiry into when the farm could connect to the grid. The judgment's conclusion reads: "It follows that this claim fails."

Each ground concerned how the council reached its decision. On the grid ground the judge said that "it is not enough for the court to conclude that it may have been 'sensible or desirable' to furnish the decision-maker with more information".

On the national route, Local Government Lawyer reported on 5 October 2026 that Lincolnshire County Council had launched a judicial review of the Beacon Fen consent. The council had raised concerns that "insufficient weight may have been given" to impacts including "the cumulative effects of several other major solar developments in Lincolnshire". We found no ruling on the claim.

The Treasury plans to limit challenges further. On 7 September 2026 it set out a fixed Challenge Window, and a way for Parliament to designate and approve the most important projects, giving them "significant enhanced protection from legal challenge". Its policy paper of 20 May 2026 makes both subject to "the passage of underpinning legislation".

The government's case.

Clean power. The Solar Roadmap, published by the Department for Energy Security and Net Zero on 30 June 2025, seeks 45 to 47GW of solar in Great Britain by 2030, ground-mounted and rooftop together, up from more than 18GW then. EN-3 calls solar "the cheapest form of electricity generation".

The grid. EN-1 says there is "an urgent need for new electricity network infrastructure to be brought forward at pace". It says the Planning Act aims to "create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together". The government therefore envisages that, wherever reasonably possible, a generating station and its related infrastructure go in one application, or in separate applications submitted in tandem. Botley West's includes a new National Grid substation.

Certainty for investors. An HM Treasury policy paper of 20 May 2026 says: "Delay has a cost, undermines investor confidence, and slows our transition to homegrown clean energy that protects households from volatile global prices." It says the 2025 Act is expected to speed up major projects by an average of 12 months.

The councils' and residents' case.

Vale of White Horse District Council passed an amended motion on the proposed Cearn solar farm on 21 October 2026 and published its case on 23 October. It says its Leader, Councillor Bethia Thomas, is concerned about "the lack of local accountability in the decision-making process". She said:

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If they're wholly decided in London, the impact on local people can't be properly taken into consideration.

Councillor Bethia Thomas, Leader, Vale of White Horse District Council · Ground Level,
23 October 2026

She also said: "We are advocates of renewable power and solar power generation". The council, she said, has "little control in the approval process other than as a statutory consultee". The council points to Cearn, Botley West, the proposed White Horse Reservoir and East West Rail in one district. On Cearn, in a passage about the reservoir, it says "there is a strong possibility that the construction periods could overlap".

Stop Lime Down, a campaign group in north Wiltshire, says that "Solar energy has an essential role to play in reducing carbon emissions". It adds that the Lime Down project "represents the wrong development in the wrong location and at the wrong scale".

Neither the Vale nor the campaign argues against solar in principle. The Vale's statement criticises a process in which it is a consultee, and asks about Cearn's effects on farmland and the natural environment. The campaign objects to the scale and siting of one scheme.

The landowners.

Landowners have a stake. In its Statement of Reasons of June 2026, the Botley West applicant says it has been seeking the land "by private treaty", with "good progress made" towards voluntary agreements. It also asks for compulsory acquisition powers, including for the case

where an owner who has signed an option agreement does not then grant the lease. The Act allows such powers only if the Secretary of State is satisfied that there is "a compelling case in the public interest" (section 122).

What arrives after the decisions.

The Strategic Spatial Energy Plan, which the National Energy System Operator (NESO) is writing to map potential zones for electricity generation and storage, was due on 31 December 2026. On 20 October 2026 the Minister for Energy directed NESO to submit it by 31 December 2027, so that its modelling can reflect updated generation costs and expectations of demand. NESO says the plan works by zones and "will not identify or recommend specific projects to be delivered". If the dates hold, Botley West and Lime Down will be decided, and Cearn's application made, before NESO's plan is due.

From 2 November 2026 a new application for a development consent order must meet a biodiversity gain objective of at least 10%, Defra says. The rule covers applications made on or after that date, so it does not reach Botley West or Lime Down. It would reach Cearn, whose application the Inspectorate expects in September 2027. Defra's guidance had given the start date as late November 2025, then May 2026, before settling on 2 November 2026.

What to watch.

10 November. The current deadline for a decision on Botley West. The Secretary of State can decide before it, or set a later date, even after it has passed.

22 January 2027. The Examining Authority's report on Lime Down is due. The scheme has a 500MW export connection on land north of Hullavington in Wiltshire. Its examination closed on 21 October 2026, and the Secretary of

State then has 3 months from receiving the report.

The Beacon Fen claim. Whether the High Court lets Lincolnshire's challenge proceed.