



Planning Inspectorate

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The Applicant,
Photovolt Development Partners (PVDP)
on behalf of SolarFive Ltd

Your Ref:

Our Ref: EN010147

By email only

Date: 5 March 2025

Dear Sir/Madam,

Planning Act 2008 (as amended) – Section 89(3)

Application by Photovolt Development Partners (PVDP) on behalf of SolarFive Ltd (the Applicant) for an Order Granting Development Consent for Botley West Solar Farm

Applicant's section 51 (s51) advice note response and submission of updated documents following changes to the DCO Application

The ExA acknowledges the Applicant's response to the s51 advice note issued by the Planning Inspectorate on the 13 December 2024, including the updated and additional submissions related to this response. However, with regards to the Applicant's statement that a separate schedule for Crown Land in the DCO is not required on the basis that conversations with DEFRA have confirmed a requirement for consent under section 135 of the Planning Act 2008 does not apply, the ExA requests the Applicant submit evidence this is the case.

Included in their s51 response, the Applicant informed the Inspectorate of their intention to update other documents associated with the above DCO application. These updates are a consequence of a change in Order Limits following further discussions with a particular landowner and the Applicant's intention to improve archaeological protection.

The Proposed Changes

The Applicant has submitted notification of two proposed changes to the application, which relate to the following elements of the Proposed Development:

- Change 1: Reduction in redline (0.015 ha)
- Change 2: Replace two areas of solar installation for further archaeological protection and management (0.47 ha).

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The Applicant's s51 response indicates that no additional land outside of the Order Limits would be required, with reductions in the Order Limits in the case of both changes. Therefore, all the proposed changes relate to land already proposed for Compulsory Acquisition or Temporary Possession. Assuming this continues to be the case, the ExA is satisfied that The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) would not be engaged.

The Applicant's s51 response also states that none of the proposed changes would be expected to result in any new or different likely significant environmental effects compared to those effects reported in the submitted Environmental Statement. The ExA expects that environmental information which confirms this will be submitted as part of any formal change request, alongside updates to relevant management plans and application plans. We would expect this to include full consideration of any hydrological (including Water Framework Directive) and ecological (Habitats Regulation Assessment) implications.

The ExA notes that the proposed changes seek to respond to concerns raised by landowners and to improve archaeological protection. Each potential change is relatively contained in scope and appears to relate to site-specific matters raised. In light of the above considerations, the ExA is satisfied that the proposed changes, whether considered individually or taken together, would not be so substantial as to amount to a materially different project from that which was applied for.

We note the engagement with landowners that has taken place in formulating the proposed changes as stated in the notification letter. We would expect that the Applicant is also in dialogue more widely with any other relevant Interested Parties such as local authorities, specific statutory parties and all persons with an interest in the affected land, in order that they are prepared for the submission of the Change Application and ready to respond as appropriate. Our current view, subject to the contents of the environmental information accompanying the change request, is that further public consultation may not be required.

The Applicant's s51 response indicates certain work numbers may be struck out of the proposed Development Consent Order (DCO) and a number of plot numbers are no longer relevant as a result of the changed application. Whilst it is up for the Applicant to amend its proposed DCO to ensure it meets the necessary format of a Statutory Instrument, the ExA request that all remaining numbering (as far as is practicable) remains unchanged. This is to aid the ExA and the Examination avoiding any scope for ambiguity going forward.

Next steps

The Applicant is asked to submit a formal change request which responds fully to the points made above and contains sufficient information to enable the ExA to prepare further questions, if necessary.

In preparing its Change Application, the Applicant should pay close regard to the content of this letter and the Planning Inspectorate's [Guidance for Applicants on changes to an Application after it has been accepted for Examination](#) (formerly Advice Note 16). The

Change Application should include a statement setting out the rationale and pressing need for making each change and an update on any consents or licenses that may be required.

Effect on the draft Examination Timetable

The ExA strongly advises that the Change Application is submitted within 14 days of the date of this letter, thus allowing adequate time for Interested Parties and Affected Persons to take the matters into account prior to the Examination commencing. The ExA notes that a number of updated application documents have been submitted by the Applicant [AS-001 to AS-027]. Reference to them, as necessary, is acceptable when making the Change Application.

If the ExA decides to accept the proposed changes, all Interested Parties will have an opportunity to make representations on the changed application during the Examination in line with the principles of fairness and reasonableness. Whilst the draft Examination timetable will be discussed at the Preliminary Meeting and may be subject to amendment, our current view, which may be subject to change depending on the content of the Change Application, is that representations on the changed application could be accommodated within the existing deadlines as set out in the draft Examination timetable.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided in this letter.

Yours faithfully

David Wallis

David Wallis
Lead Member of the Examining Authority

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