



Botley West Solar Farm

Response to ExA Rule 6 Letter

ES Clarifications Report

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1 Introduction

1.1 Purpose

1.1.1 Photovolt Development Partners (PVDP), on behalf of SolarFive Ltd (the Applicant), submitted its application for a Development Consent Order (DCO) for the Botley West Solar Project (the “Project”) on 15 November 2024 (the “DCO Application”). The DCO Application was accepted for examination by the Planning Inspectorate on 13 December 2024.

1.1.2 At the beginning of the Rule 6 letter issued by the Planning Inspectorate (PINs) dated 28th March 2025 [PD-006] it stated that:

“...the ExA considers certain clarifications from the applicant are necessary at this stage to give confidence that the Examination of the application can be conducted and completed within the statutory timeframe, and that there would not be delays during the process.

The clarification relates to the Environmental Statement (ES) and the worst-case scenario that underpins each chapter of it. The ExA has noted discrepancies between the identified worst-case scenarios (maximum design scenarios) stated for different topics of the ES. Some examples (non-exhaustive) are listed below:

1) Table 7.13 in ES Chapter 7 (Historic Environment) and Table 10.25 in ES Chapter 10 (Hydrology and Flood Risk) state there would be 1,600,000 piles as a maximum, whereas Table 9.7.1 (Ecology) states there would be 1,900,000 to 2,500,000. Table 13.23 in ES Chapter 13, where noise impacts are assessed, states there would be between 780,000 to 1,600,000 piles, below that predicted in table 9.7.1.

2) Table 9.7.1 does not mention construction of the main project substation or its parameters, and neither does table 8.19.

3) Table 8.19 in respect of landscape states the maximum height of the NGET substation is assumed to be 12 to 12.5 metres. However, paragraph 2.9 of the guide to the application and the statement of statutory nuisance both say the height would be 15 metres, excluding connecting tower structures.

4) Table 8.19 assesses impacts on the landscape but does not mention the number of panels/ modules being provided whereas 7.13 in respect of the Historic Environment does.

5) Table 10.25 provides information on the separation distance between panels, which is equally a landscape consideration, but does not appear in the landscape maximum design scenario table.

6) Table 10.25 refers to temporary construction compounds, without reference to the three main compounds being used, whereas Table 9.7.1 does.

7) Table 13.23 does not mention construction noise effects from constructing any of the substations across the entire development.

Having regard to paragraph 4.1.3 of ES Chapter 4, the applicant is requested to explain the discrepancies, elaborate on the reasons why the maximum design scenario parameters appear to differ chapter to chapter, and provide reassurance that the absolute worst-case scenario (maximum design scenario) underpins the ES in all respects. This information is requested to be provided at the earliest possible opportunity and no later than Procedural Deadline B which is on 2 May 2025...”

1.1.3 This report is the Applicant’s response to the seven matters listed above.

1.2 Structure of this Report

1.2.1 The subsequent sections of this report are set out as follows:

- Section 2: Environmental Statement Clarifications
- Section 3: Conclusions

2 Environmental Statement Clarifications

2.1 Project description

- 2.1.1 The Applicant's environmental impact assessment of the Project is based upon the project description as set out in Chapter 6 of the Environmental Statement (ES) **[APP-043]**. The project parameters set out at Table 6-3 in that chapter represent the final iteration of a sequence of design refinements and adjustments to the project description made over a period of approximately two years. In many cases the various components that comprise the project description have changed over that time. Specialist topic authors were provided with the final iteration of the project description for assessment purposes to allow them to finalise their respective topic chapters.
- 2.1.2 The matters that have been identified by the Planning Inspectorate, however, show some inconsistencies in the reporting of how those project parameters as set out in Chapter 6 of the ES have been applied. The Applicant, therefore, sets out below a clarification of the identified inconsistency and demonstrates how those inconsistencies do not affect the assessments of significance reported within the Applicant's submitted Environmental Statement.

2.2 ES Clarification 1

Table 7.13 in ES Chapter 7 (Historic Environment) and Table 10.25 in ES Chapter 10 (Hydrology and Flood Risk) state there would be 1,600,000 piles as a maximum, whereas Table 9.7.1 (Ecology) states there would be 1,900,000 to 2,500,000. Table 13.23 in ES Chapter 13, where noise impacts are assessed, states there would be between 780,000 to 1,600,000 piles, below that predicted in table 9.7.1.

- 2.2.1 The correct number of piles to be used for assessment purposes is set out in Table 6.3 of Chapter 6, page 13 **[APP-043]** which states that the 'Indicative total number of piles' is between '780,000 to 1,600,000'.
- 2.2.2 ES Chapter 10 **[APP-047]**, Hydrology and Flood Risk **correctly** states that there would be a maximum of 1,600,000 piles. This corresponds with the assumed worst-case for assessment purposes as set out in Chapter 6 and is the correct project parameter to use for EIA purposes.
- 2.2.3 ES Chapter 9 **[APP-046]**, Ecology, at Table 9.7.1 page 64, **incorrectly** refers to between 1,900,000 to 2,500,000 piles. This was a working assumption used by the applicant based on earlier design parameters. This was subsequently refined to the parameter range now reported within Chapter 6, to reduce or avoid any related effects arising from interference with surface water run-off and impact on any underground archaeology. As a result, the maximum number of piles that has been assessed for Ecology exceeds the assumed worst-case design scenario for the Project and is therefore overly precautionary.
- 2.2.4 However, despite this overly precautionary approach, it still falls within the range that does not materially affect the reported impact and effect and so the conclusions of significance in that chapter do not alter.

- 2.2.5 ES Chapter 13 **[APP-050]**, Hydrology and Flood Risk, states at Table 13.23, page 49, that the total number of piles would be between 780,000 to 1,600,000. This corresponds with the assumed worst-case for assessment purposes as set out in Chapter 6 and is the **correct** project parameter to use for EIA purposes. The ES therefore remains robust.
- 2.2.6 The Applicant has submitted an updated version of the Outline Layout & Design Principles alongside this ES Clarifications Report to secure that the scope of the consent being sought is limited to a design including an indicative parameter range of between 780,000 and 1,600,000. This is to give comfort to the Examining Authority that the assessments have been carried out on a reasonable worst-case basis, in line with the design being sought, save for the Ecology assessment which goes above and beyond that (albeit, noting that this overly precautionary approach does not alter the existing assessment conclusions).

2.3 ES Clarification 2

Table 9.7.1 does not mention construction of the main project substation or its parameters, and neither does table 8.19.

- 2.3.1 The main Project substation was not described expressly in Table 9.7.1. However, the effects arising from its construction and operation were assessed within Chapter 9 of the ES, Ecology and Nature Conservation **[APP-046]**. The assessment of impacts and effects were based upon the Project Description in Chapter 6 of the ES, as well on Figures 2.1a - 2.4d - Illustrative Masterplan **[APP-062]**, which themselves incorporate the main project substation adjacent to the NGET substation within the Southern Site Area.
- 2.3.2 On this basis, relevant impacts (e.g. due to habitat loss, noise and lighting impacts) are already incorporated into the assessment and reported levels of significance of effects would remain unaltered. For example, the presence of the main substation was considered in paragraph 9.9.306 with respect to the potential for disturbance effects on hedgerows during construction activities. The main substation (an electrical compound) was also considered with respect to lighting effects during operation on a variety of Important Ecological Features (e.g. badgers at paragraph 9.9.375). The ES therefore remains robust.
- 2.3.3 The Applicant has submitted an updated version of Chapter 9: Ecology alongside this ES Clarifications Report to add in express reference to the main Project substation at Table 9.7.1 to make it clear to the Examining Authority where that substation has already been considered and assessed.

2.4 ES Clarification 3

Table 8.19 in respect of landscape states the maximum height of the NGET substation is assumed to be 12 to 12.5 metres. However, paragraph 2.9 of the guide to the application and the statement of statutory nuisance both say the height would be 15 metres, excluding connecting tower structures.

- 2.4.1 The correct maximum height to be used for assessment purposes is set out in Table 6.3 of Chapter 6, page 14 **[APP-043]** which states that the NGET substation will have an approximate height of “12m height of main building” and “12.5m height of landing gantry”.
- 2.4.2 The LVIA assessment has taken account of these project design parameters, including the NGET substation, and it **correctly** assumes that the height of the NGET substation is between 12m to 12.5m. This parameter range is then committed to in the Outline Layout and Design Principles **[APP-238]** which is secured through Requirement 5 of the draft Development Consent Order **[AS-009]**. Therefore, the LVIA assessment represents a reasonable worst-case scenario because it has assessed the maximum design parameters being sought as part of the consent application. The ES therefore remains robust.
- 2.4.3 References to a height of 15m in the Guide to the Application **[AS-002]**, and Statement of Statutory Nuisance **[APP-018]**, are not accurate. These documents have been updated and submitted alongside this report as part of the Applicant’s submission at Procedural Deadline B to refer to the correct parameters.

2.5 ES Clarification 4

Table 8.19 assesses impacts on the landscape but does not mention the number of panels/ modules being provided whereas 7.13 in respect of the Historic Environment does.

- 2.5.1 Table 8.19 is found with Chapter 8 of the ES, Landscape and Visual Impact Assessment **[APP-045]**. The landscape and visual impact assessment (LVIA) of the Project is an assessment of the development as a whole in terms of the overall area of landscape within which it sits, rather than, in respect of this matter, the individual number of panels. It is the wider layout rather than the individual number of panels, that is of primary importance when considering landscape and visual impacts. The LVIA follows current best practice guidance and is based on GLVIA3. The ES therefore remains robust.
- 2.5.2 Table 7.3 can be found in Chapter 7 of the ES, Historic Environment **[APP-044]**. This chapter does refer to the number of panels/modules provided because it is one of a number of elements, like the Illustrative Masterplan, that helps the reader understand how the solar arrays may impact upon heritage assets. Like the LVIA chapter, however, whilst the number of panels is referred to within the MDS table, on its own it is not determinative of the likely significance of effect upon heritage assets. The assessment has also relied upon the Illustrative Masterplan and the total area covered by the Project when considering and reporting likely significant environmental effects.

- 2.5.3 The fact that Historic Environment chapter refers to the number of panels/modules being provided, and the landscape chapter does not, is not a contradiction or weakness in terms of the way the either topic was assessed and the significance of impacts reported. Notwithstanding, the Chapter 8: Landscape and Visual Impact Assessment has been updated to include references to the number of panels for consistency and avoidance of doubt, noting however that the number of panels is not determinative of the likely significance of effects (as mentioned above). The ES therefore remains robust.

2.6 ES Clarification 5

Table 10.25 provides information on the separation distance between panels, which is equally a landscape consideration, but does not appear in the landscape maximum design scenario table.

- 2.6.1 Hydrology and Flood Risk, Chapter 10 [APP-047], has expressly referred to the separation distance between tables (these parameters are consistent with those in Chapter 6, Table 6, page 12). This is because it is directly relevant for the assessment of surface water run-off and related impacts and effects, due to the ability for water to run off from the sides as well as lower edge of panels. This is why this project parameter has prominence in the chapter and why it is included in Table 10.25.
- 2.6.2 However, whilst the separation distance between tables is material in terms of assessment of likely significant effect in hydrology terms, it is not a specific attribute of the project which requires a separate or specific assessment in its own right in LVIA terms. Rather, it is the overall layout and height of the Project components, and the general disposition of these within the Project site, that are determinative of the significance of effects in landscape and visual impact terms. As described above, the LVIA is an assessment of the project as a whole, incorporating, for example, the effects arising from representative viewpoints. To the extent gaps between panels have been considered as part of the overall Project assessment, reference has been made to them. For example, see the specific reference to the gap between groups of panels, within the assessment for Representative Viewpoint 23 at operation and maintenance (paragraph 8.9.192). However, the majority of the assessment considers the overall effect of the panels as a whole and the gaps between the panels have not had a material effect on the assessment.
- 2.6.3 The reported effects for both the LVIA and hydrology chapters, therefore, contain relevant environmental information in EIA terms and the ES remains robust.

2.7 ES Clarification 6

Table 10.25 refers to temporary construction compounds, without reference to the three main compounds being used, whereas Table 9.7.1 does.

- 2.7.1 Table 10.25 is from Hydrology and Flood Risk chapter of the ES [APP-047]. Table 9.7.1 is from the Ecology and Nature Conservation chapter [APP-046].

- 2.7.2 Chapter 6 of the ES, Project Description [APP-043], confirms that there are **four** construction compounds. This is also confirmed in the outline Code of Construction Practice – Part 1 [APP-232], which deals with temporary construction compounds at section 1.9. This confirms that:
- “There will be four main temporary construction compounds to serve the Site, one in the Northern Site Area (measuring approximately 200m x 200m), two in the Central Site Area (measuring approximately 100m x 200m) and one in the Southern Site Area (measuring approximately 100m x 200m) (see Temporary Facilities Plan [EN010147/APP/7.3.4] and details of layout and elevations at [EN010147/APP/7.3.6]).”*
- 2.7.3 The Code of Construction Practice is secured through Requirement 11 of the draft Development Consent Order.
- 2.7.4 Chapter 10 of the ES, Hydrology and Flood Risk [APP-047], **correctly** refers to the four construction compounds in Table 10.25. The ES, therefore, correctly assesses the Project and levels of significance in respect of the construction compounds and is robust.
- 2.7.5 Chapter 9 of the ES, Ecology and Nature Conservation [APP-046], also **correctly** refers to the four construction compounds in Table 9.7.1. The ES, therefore, correctly assesses the Project and levels of significance in respect of the construction compounds, and is robust.

2.8 ES Clarification 7

Table 13.23 does not mention construction noise effects from constructing any of the substations across the entire development.

- 2.8.1 Table 13.23 is from Chapter 13 of the ES relating to Noise and Vibration [APP-050].
- 2.8.2 The chapter makes clear in Table 13.8, page 1, that effects scoped into the noise and vibration assessment include “..**Noise and vibration effects** due to the **construction** and decommissioning of the solar PV array areas and associated plant such as transformers **and substations**..” (author emphasis).
- 2.8.3 Paragraph 13.4.22, second bullet point, also makes clear that the assessment study area included noise sensitive receptors within 300m of substations.
- 2.8.4 Whilst Table 13.13 omits to include an express reference to the potential noise and vibration effects from the construction of the sub-stations, these have been assessed (as confirmed by the scope of the assessment in Table 13.8). However, to remove any doubt and give clear clarification to the Examining Authority that these substations are captured as part of the assessment carried out, the Applicant has updated Chapter 13: Noise and Vibration alongside the submission of this Report at Procedural Deadline B to update the list of considerations to include reference to noise from the construction of the sub-stations, as assessed and modelled.
- 2.8.5 The ES, therefore, remains robust.

3 Conclusions

- 3.1.1 This report provides clarification of the seven matters raised by PINs.
- 3.1.2 Where there has been an *error*, **ES Clarification 1** (Ecology Chapter referring to a greater number of panels/modules), this has been shown not to be material in that it still assesses a worst case based on the latest scope of design as applied for, and whilst that worse case is greater than the actual position (there are fewer panel/modules), it nevertheless falls within a range that does not affect the relevant assessment of significance within that chapter.
- 3.1.3 **ES Clarification 2 to 6**, relate to *inconsistent* reference to the information contained within the Project Description Chapter and/or between different topic chapters, but in no case does this alter the assessments carried out, reported levels of significance of impact or effect in those chapters.
- 3.1.4 In relation to **ES Clarification 7**, there was concern that within the Noise and Vibration Chapter of the ES, it had missed an assessment of the construction of any of the Project substations. This ES Clarifications Report confirms that these effects were assessed and the relevant chapter has been updated to expressly identify this.
- 3.1.5 To remove any doubt and ensure consistency across the application documents, the Applicant has updated various Chapters as referred to in this Report to expressly clarify the points raised by the ExA. None of those updated documents and nothing in this report constitute “further information” for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’). This is because the Applicant’s assessment is unchanged, rather the documents have been updated to help clarify the assessment that has already been undertaken. As confirmed in this Report, there are no new or different significant effects arising, such that it is not relevant to the Examining Authority’s ability to reach a reasoned conclusion on the significant effects of the Project (as per Regulation 3 of the EIA Regulations).