



Parish Council

1. This is the response of Hanborough Parish Council ("HPC") to the further submissions made in this matter by the Botley West Solar Farm ("BWSF") developer and applicant, Photovolt Development Partners Limited ("PVDP") on behalf of SolarFive Limited ("SolarFive"), together "the developer" or "PVDP". It is understood that SolarFive is the actual applicant for a Development Consent Order ("DCO") in relation to this solar farm application.
2. As a preliminary point, HPC reminds itself of the points of what are commonly referred to as the Gunning Principles, established in the eponymous case of *R v. Brent LBC ex p Gunning* [1985] 84 LGR 168. These Principles were later confirmed by the UK Supreme Court in the case of *R ex p Moseley v LB Haringey* [2014] UKSC 56, where Lord Wilson JSC described them as being "*a prescription for fairness*".
3. The four Gunning Principles are that:-
 - (i) **Proposals are still at a formative stage** such that no final decision has yet been made or predetermined by a decision maker:
 - (ii) **There is sufficient information to give "intelligent consideration"**; such information must be available, accessible and easily interpretable for consultees to provide an informed response:
 - (iii) **There is adequate time for consideration and response** for consultees to participate in the consultation: and
 - (iv) **Conscientious consideration must be given to the consultation responses before a decision is made**, such that decision makers should be able to provide evidence that they took consultation responses into account.

4. In this application by PVDP for a DCO, HPC considers that the progress of events after the Examination concluded in November 2025 is little short of astonishing. The Examining Authority produced its recommendation to the SoS on . HPC wishes to record its respectful appreciation of the way in which the ExA conducted that process, often in the face of patently inadequate evidence from PVDP.
5. The SoS, as he was perfectly entitled to do, extended the time for a decision to be made from 10 May 2026 to 10 September 2026. On 14 April 2026, the SoS issued a letter to PVDP and other Interested Parties, making a Request for Further Information (“RFI”) with a response deadline of 09 June 2026. On 28 April 2026 the SoS published an amended version of his RFI, but with the deadline for responses remaining the same at 09 June 2026.
6. On 22 May 2026, the SoS received a request from PVDP asking for an extension of time in which to respond to the RFI from 09 June to 25 September 2026. On 08 June 2026, the SoS issued a letter to PVDP refusing that request for additional time. On 09 June 2026, PVDP lodged a substantial amount of further information as its response to the SoS’s RFI.
7. The SoS then by a letter dated 11 June 2026 invited all Interested parties to comment on the information provided by PVDP in response to the RFI of 14 April. A deadline for IP responses was set for 16 July 2026. This submission is HPC’s selective response to PVDP’s further information provided on 09 April 2026.
8. HPC makes no apology for setting out above in detail the timetable of events since the end of the Examination. HPC is very concerned that:-
 - (a) PVDP first requested an extension of time from 09 June to 25 September.

We note that that is a period of 3½ months, and extends past the amended deadline for a decision from the SoS. If that request had been granted, it would have been inevitable that the date for a decision from the SoS would have had to varied again.

(b) We, HPC, can only conclude from PVDP's request for such an amount of additional time that it believed it required that extension to gather together the additional information required of it. It is, to say the least, surprising that then within a day of the refusal to allow further time by the SoS a substantial quantity of response information was in fact not only available but then provided by PVDP. We point out that PVDP had already had two months to assemble the material required. Indeed, it is reasonable to consider that the only reason the SoS had to make a RFI was because the information being asked for had not been made available during the Examination process itself, when it should have been.

9. We return to the Gunning Principles: the amount of "new" material now being provided by the developer should have been made available for much better public consideration much earlier on. HPC considers that Principle 2 means that the residents of the many communities surrounding the BWSF project proposal have not had the opportunity to properly give "intelligent consideration" to all that this application means.
10. Indeed, we consider that the ExA must also have been denied the opportunity to consider all of the new material now being produced. It remains to be seen whether that might have made any difference to the recommendation they made to the SoS, but it becomes very difficult to see how Principle 4, conscientious consideration, can have been adequately made by the ExA when so much seems to still be left unsaid by PVDP after the Examination itself concluded.
11. We consider that the SoS must now be left in the same position. If PVDP needed the extra time they hoped would be allowed to them, then how can anyone, SoS included, be able to feel secure that they have all the information needed to make a decision in this matter. And if there is yet more material potentially available from PVDP, as appears there could be if it was allowed in, then how can there have been adequate time for consideration and response to enable compliance with Gunning Principle 3?

12. It is a matter of concern to HPC that the Examination before the ExA ended with the revelation that no adequate assessment of Residential Visual Amenity had been carried out by PVDP, and none had been produced before the Examination closed. That deficiency was just one of the striking omissions by the developer in the Examination process. HPC understands that PVDP now claims to have completed a desk-top assessment of the RVAA. HPC considers that to be quite inadequate.
13. The reality is that there are only a relatively limited number of residential properties, within the Hanborough Parish or elsewhere, which will be directly affected by any interference with their RVA, and it is surely quite inappropriate for PVDP to be allowed to deal with this issue without any personal or physical examination for any property likely to have its visual amenity disturbed.
14. HPC is well aware that Hanborough Parish contains not only Long Hanborough but also the village of Church Hanborough, The Parish has residences within the Parish boundary which fall within the current red line boundary of the BWSF project. One of these is Goose Eye Farm, owned and occupied by Mr & Mrs Dryden. HPC is aware of the representations made on their behalf both during the Examination and more recently, and in response to the current deadline, and wishes to be associated with those representations, which HPC supports in their entirety.
15. HPC notes the very recent concession made by the developer that any buffer area (being the distance between any residence and any installed solar PV panel arrays) around residential property should be extended to not more than 250 metres rather than any lesser distance. HPC considers this concession to be a pragmatic and appropriate response, but deplores the fact that it has taken until now, well after the end of the PINS Examination, for this concession to be made.
16. It is HPC's view that this tardy acceptance of the impact which any installation of solar arrays will have could have been, and should have been, made long ago. We cannot however support any attempt to reduce any buffer distance to

less than the 250 metres now accepted, and certainly not to a minimum of 100 metres, on the basis that there can be no justification for subjecting some residents of our communities to a greater burden than others. We agree with others who have commented that it would be quite wrong to leave decisions on buffer distances to be agreed after any DCO has been made. Again, HPC considers that an obvious breach of Gunning Principles 2, 3, and 4 would arise if such an undemocratic process was to be allowed.

17. That is particularly true of Church Hanborough, which has its own conservation area to be considered. It is also the case that Church Hanborough lies closer to the BWSF red line boundary than does most of Long Hanborough, although the area of Parish land within PVDP's red line boundary still takes up something over 30% of the Hanborough Parish land area. HPC accepts that some adjustment of proposed empanelment has been made around Church Hanborough and its conservation area, but that does not on its own provide any reassurance that buffer distances will be maintained at 250 metres.
18. A further issue which concerns HPC is the question about the use of land within the red line boundary, as it is presently drawn, where that land will not contain solar PV panels but none the less will remain under the control of the developer if any DCO is granted. It seems to HPC that this is an anomaly which needs to be corrected. If land within the red line boundary is not required for the siting of solar PV panel arrays, then why does it have to be within the red line boundary at all?
19. On this question, the provision of community food growing areas has been floated. HPC has already commented previously on this; we take the view that there seems very little justification at all for such community food growing areas to be included as a kind of spurious mitigation for the Developer's retention of other land for whatever area of ground-mounted solar PV panels might be installed. So-called community food growing does not include handing land over to purely commercial vegetable growers. As we commented previously, commercial onion growing does not provide any community benefit at all to the residents of Hanborough Parish.

20. It is a feature of this particular application for a DCO by the developer, PVDP that the land proposed to be utilised for this exceptionally large solar farm is about 95% owned by one landowner, Blenheim Estates. If they wish to provide some estate land for community gardens, allotments or such areas, then they do not need to have that land included within the BWSF red line boundary. It is their land; they can use it how they like within reasonable planning constraints. And they, Blenheim Estates, are likely to have more control over what happens to any such land if it is outside the red line boundary than if it remains inside and under the notional control of the developer.
21. A further issue which has caused some quite widespread concern is the idea that land within the red line boundary will be subject to potential compulsory purchase powers to be exercised by the developer, or potentially by their successors. HPC accepts that some element of control over the land within the red line boundary may be necessary over the so-called limited lifetime of this BWSF project (40 – 42 years). We accept that such control may be necessary for making inter-array connections or cable runs, or for other future maintenance reasons.
22. But we recall that during the Examination process, the representative of PVDP assured the ExA that compulsory acquisition powers being sought within the DCO were “simply” a back-up power, to be used only if necessary and in any event not intended to be permanent in any way. Whether or not that is the case, HPC considers that such powers, if granted at all, should be carefully limited to only those points where no other more limited way of having permissible access can be found.
23. It is not acceptable for residents to feel that their properties are at risk. The demographic of Hanborough Parish, and of other local Parishes, is that quite a significant percentage of residents are of mature or retirement age, and are long-term residents who have deep local roots within our communities. Potential compulsory acquisition / purchase is not something which maintains their equanimity in the circumstances of this BWSF application.

24. Finally, HPC understands that there is a suggestion that PVDP may wish to submit further material to the SoS for inclusion in their application for a DCO, despite the deadline of 09 June 2026 having been passed. HPC considers that – if this were to happen or be allowed - this would be another instance of a blatant breach of the Gunning Principles. Such fresh submissions would be to grant the developer a further opportunity to “enhance” their application without giving those affected by their proposals any opportunity to be consulted or to respond – unless the whole application timetable is to be subverted even more than it already has.
25. There is a well-known legal saying that “*justice delayed is justice denied*”. If PVDP cannot get their case together in the time they have already had, then their application should be refused, otherwise the strength of Lord Wilson’s comment in the Moseley v Haringey case that the Gunning Principles are “.. *a prescription for fairness* ..” will have been lost ... along with the fairness.

Hanborough Parish Council

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