

Botley West Solar Farm - EN010147
Photovolt Development Partners (PVDP) on
behalf of SolarFive Ltd

Section 51 Advice Log
Version: 3 October 2024

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the Applicant (Photovolt Development Partners (PVDP) on behalf of SolarFive Ltd) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the Applicant during which s51 has been provided. The Applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The Applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

Project name s51 Advice Log - Index	
Date of advice	Overview
1 October 2024	Project update meeting – topics of discussion included a review of overall programme, general update on land rights, Adequacy of Consultation Milestone and Development Consent Order (DCO) application submission
18 October 2024	Planning Inspectorate advice following review of Applicant’s programme document
18 October 2024	Planning Inspectorate advice following review of Applicant’s Adequacy of Consultation Milestone notification

Project name -s51 Advice Library	
Topic	Meeting date: 1 October 2024
Application	The Inspectorate advised that if the application is submitted after 5pm this would be regarded as the next working day. The Inspectorate also advised work cannot start on the application until the application fee was paid.
General	The Inspectorate advised the Applicant the scale of plan drawings needs to be 1:2500, the maximum document size for submissions should be 50mb and the minimum font size is 12, but that this can be adjusted where justifiable (such as content in Tables ensuring that content is still legible). The Inspectorate advised there was a new order to appendices and documents that should be considered, if relevant (as set out in our revised published Advice on the Preparation and Submission of Application Documents.
General	The Inspectorate queried the likelihood of post submission changes to the Red Line Boundary and potential change requests. The Applicant has advised whilst there may be some reorganisation within the boundary, the boundary itself will remain the same.
General	The Inspectorate queried the cable routes and any potential for changes to routing. The Applicant advised the red line boundary incorporated a wider corridor with options for the cables.
General	The Inspectorate queried the options for the substation location. The Applicant advised it was in regular contact with National Grid (NG) and that NG would be seeking consent for the substation to be located within its own site. The Inspectorate queried the impact on Botley West if this was not granted. The Applicant has advised it will be retaining optionality for this scenario. If granted, additional solar panels would be installed on that area. In the event NG cannot secure land rights or planning permission there would also be optionality in the DCO drafting to allow it to deliver the substation on land within the Order Limits.
LPA comments	The Inspectorate questioned Local Planning Authorities (LPAs) engagement regarding the Adequacy of Consultation. The Applicant advised the LPA's confirmed they would comment after viewing evidence of the consultation feedback considerations.
Adequacy of Consultation (AoC)	The Inspectorate queried the submission of the AoC notification. The Applicant advised it was in finalising the

	document, dependency on LPA engagement. It would be likely to give an early indication of the LPA view. The exact submission was still be confirmed.
Development Consent Order (DCO)	The Inspectorate queried any novel drafting within the DCO. The Applicant advised there is nothing the Inspectorate needs to be aware of regarding this at the moment. The Inspectorate requested an update should this change.
General	The Applicant queried the approach to document referencing. The Inspectorate advised all individual documents should have an individual title and reference number, and once published will be provided an Examination Library (EL) reference number. These EL references numbers would be referred to throughout the Examination. Multiple copies of the same version of a document should not be supplied, and version control should be clear in the title. The Inspectorate also reminded the Applicant to ensure each Environmental Statement paragraph is titled.
General	The Inspectorate requested that the draft application index be submitted for review at least a week before the application. This would allow the Inspectorate can flag any concerns with naming conventions and referencing.
General	The Inspectorate advised that should the application be accepted for Examination, the Applicant should identify a number of suitable venues for events and supply a shortlist to the Inspectorate early in the pre-examination stage. The Examining Authority (once appointed) would determine the final choice of venue.

Review of programme document	Advice issued: 18 October 2024
<p>The Applicant submitted its Programme Document in June 2024 in response to the Inspectorate’s Expression of Interest form in respect of its new pre-application services.</p> <p>Having reviewed the Applicant’s document and given the advanced stage of the proposed application when the request was made, the Inspectorate considers that the Programme Document broadly meets the expected content as set out at paragraph 10 of the government’s Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects guidance:</p> <ul style="list-style-type: none"> • the date the Applicant intends to submit their application 	

The Applicant included the anticipated submission date for the application, being 1 November 2024.

- **a comprehensive timetable of the Applicant’s pre-application process, the main events with dates and milestones demonstrating how the pre-application process will be completed (using the maximum target of 2 years as a benchmark)**

The Applicant had set out its timetable of the main events and dates in relation to its pre-application process, under the separate headings of ‘Consultation’ and ‘Environmental Information’. It is also noted that the Applicant allowed for further rounds of targeted consultation in its programme.

It would have been helpful had the Applicant also included an overarching programme timetable showing milestones for, as an example, the draft document review stage, obtaining other consents and permissions, any engagement with statutory parties on draft documents and any multi-party meetings held. While an overview of the programme for commencement of environmental surveys, submission of scoping, publication of the Preliminary Environmental Information Report (PEIR), production of Environmental Statement and Statements of Common Ground is set out, many of these matters are listed as “ongoing”. More detail in respect of the preparation of these documents and dates for finalising them would have been welcome, together with any progress regarding related other consents, permits or permissions (if required) and timescales for obtaining them.

- **the Applicant’s view on the main issues for resolution and activities they will undertake to address those**

The Applicant’s consideration of the main issues is included and clearly set out under the relevant subject heading with comments and proposed actions listed against each identified topic. However, it would have been helpful to have had some further detail included regarding the progress of the surveys and assessments as well as the outcomes to engagement and agreements with the cited statutory consultees, though this may have been intended to form part of the next iteration of the Programme Document.

- **the Applicant’s proposals for engaging with statutory consultees and local authorities during the pre-application period and any intended financial support agreements, such as Planning Performance Agreements (PPAs)**

Stakeholder engagement is detailed in its own section and explains the Applicant’s consultation activities with a table setting out the work undertaken. However, it could have been made clearer as to whether the Programme Document had been shared with the statutory bodies or landowners and had recorded any of their views on the proposed programme and the pre-application engagement issues cited. Additionally, it would have been helpful to have set out the level of engagement with neighbouring authorities. While information about the progress and conclusion of the Planning Performance Agreement(s) with the host authorities is set out, further information about the procurement of

chargeable services of relevant statutory bodies would have been welcome. Furthermore, the Programme Document establishes a timeline for submission of the Adequacy of Consultation Milestone but does not detail whether the views of the relevant local authorities had been sought on the matter.

- **the Applicant’s identification of risks to achievement of the pre-application stage and the process by which these risks are tracked and managed**

The Applicant has set out a high level summary of the risks under a separate section from its assessment and against the progress of the proposed application, which is at an advanced stage at pre-application. More detail around what other projects are in the locality under ‘cumulative impacts’ and the technical issues that may affect the final ‘design’, for example, would have been welcome.

- **cross references to the Statement of Community Consultation (SoCC) required by [section 47 of the Planning Act](#).**

Target dates for the preparation and publication of the SoCC is included in the consultation timetable, with a statement that the Applicant’s statutory consultation activities have been in compliance with the it. The Programme Document states that the Consultation Report will explain in detail how the Applicant has complied with the statutory, regulatory and policy requirements.

Lastly, as the government’s pre-application guidance states, updates to the Programme Document should be communicated by the Applicant proactively. We note that the Programme Document on the Applicant’s website has not been updated since it was received in June, and a further iteration of the document would have been welcomed before the submission of the application.

Review of Adequacy of Consultation Milestone (AoCM)	Advised issued: 18 October 2024
Paragraph 1.8	The AoCM includes references to consultation and engagement with the host Local Authorities but does not appear to include neighbouring authorities. The Inspectorate will be seeking the Adequacy of Consultation views from host and neighbouring Authorities following receipt of the application.
General	It is expected that the views of local authorities on the adequacy of consultation are included in the AoCM.
General	It is expected that the Applicant will explain in the Consultation Report whether the Marine Management Organisation (MMO) and the Greater London Authority have

	been consulted or whether the Applicant is of the view that consultation with the MMO and Greater London Authority is not applicable.
Table 2.2	Table 2.2 could helpfully explain how section 44 Category 3 persons were identified. Table 2.2 could also helpfully provide a brief explanation of the Applicant's ongoing commitment to due diligence in relation to identification of persons with an interest in land.
Table 2.2	It is expected that the Applicant will provide evidence in the Consultation Report of the regard to statutory guidance to support statements of compliance.
General	It is expected that the Applicant will provide evidence in the Consultation Report of the consultation (both early and formal) with host authorities regarding the draft SoCC.
Appendices 5.1 to 5.6	It is noted there is no reference to feedback on the draft SoCC being received from Oxfordshire County Council. This could be acknowledged in the AoCM.
Table 5.5	It is noted that Table 5.5 refers to the inclusion of advertisement in the "Bicester Advertiser" however this is not listed elsewhere in the AoCM where publications of notices are listed. It would be helpful to clarify this matter in the Consultation Report.
Section 4	Section 4 refers to a number of embedded mitigation measures through management plans. It would be helpful to clarify if and how these will be included in the Development Consent Order (DCO) application.
General	It would be helpful if the AoCM set out the approximately number of responses for each round of consultation.
General	It would be helpful if the AoCM provides a brief explanation as to the Applicant's regard to s51 Advice from the Planning Inspectorate.
General	It is expected that the Applicant will provide justification in the Consultation Report for any targeted consultation, and details regarding the defined list of consultees and activities undertaken, including how the consultation was publicised.