

## The Development Consent Regime for PVDP proposal of Botley West Solar Farm.

### Stage 1

#### Pre-application (1 – 2 years)

Pre-statutory community consultation held by PVDP.

Draft SoCC issued to WODC by PVDP.

Scoping Report issued to PINS by PVDP.

Scoping Opinion issued to PVDP by PINS.

PEIR issued by PVDP.

SoCC issued by PVDP.

Statutory community consultation held by PVDP.

### Stage 2

#### Acceptance (max. 28 days)

PVDP submits DCO application to PINS.

DCO includes ES and Consultation Report.

WODC submits an Adequacy of Consultation Report to PINS.

PINS has 28 days to refuse or accept application by PVDP.

### Stage 3 (around 3 months)

#### Pre-examination

PVDP publicises the fact that the application is accepted by PINS.

Panel of inspectors appointed by PINS (Examining Authority).

Preliminary meeting held by PINS.

Anyone can register as an interested party.

### Stage 4

#### Examination (max. 6 months)

Examining Authority examines the application.

Examining Authority invites interested parties to submit detailed views.

WODC submit their LIR and SoCG

### Stage 5

#### Decision (max. 6 months)

Examining Authority has 3 months to write their recommendation and submit to Secretary of State (SoS).

SoS has 3 months to make final decision.

### Stage 6

#### Decision (6-week window)

PVDP or interested party can legally challenge SoS's decision.

### KEY

**SoCC** – Statement of Community Consultation

**WODC** - West Oxfordshire District Council

**DCO** - Development Consent Order

**LIR** - Local Impact Report

**PVDP** - Photovolt Development Partners GmbH

**PINS** - Planning Inspectorate

**ES** - Environmental Statement

**SoCG** - Statements of Common Ground

## The Development Consent Regime for PVDP proposal of Botley West Solar Farm.

**Photovolt Development Partners GmbH (PVDP)**, on behalf of SolarFive Ltd. (The Applicant), is proposing to build and operate a new ground-mounted solar farm in Oxfordshire. SolarFive Ltd. is a 'special purpose vehicle' (SPV) that has been granted a licence by Ofgem to generate electricity and offered a grid connection by National Grid Electricity Transmission

- The scale of the PVDP proposal is so significant that it cannot be determined by the District Councils through a normal planning application process. It is a **Nationally Significant Infrastructure Project (NSIP)** - projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by the Government.
- Instead of applying to the local authority for planning permission, the developer must apply to the **Planning Inspectorate (PINS)** for a **Development Consent Order (DCO)**.
- As a host authority, **West Oxfordshire District Council (WODC)** will be closely involved in the decision making and examination process for this scheme but will not make the final decision. WODC will also be working closely with the other affected District Councils in Oxfordshire (Vale of White Horse DC, Cherwell DC, Oxford City & County Councils).
- Legislation underpinning this process is The Planning Act 2008. Attached to this is Statutory Guidance 2012.
- It is a front-loaded process - the proposal must be fully developed & refined by the time the application is submitted to PINS. (Though this does not prevent additions and alterations being made throughout the process.)
- There are 6 stages:

### 1. Pre-application stage. 1-2 years.

**1.1** This stage is driven by PVDP /SolarFive and takes as long as is necessary. The proposal must be fully scoped and refined by PVDP/ SolarFive before submission to PINS. (Though additions and alterations can be made throughout the process.)

**1.2** Because BW is such a large project with a long development period, PVDP is undertaking non-statutory early consultation at a stage where options are still being considered. PVDP are therefore holding 2 phases of community consultation:

1. **pre-statutory consultation**
2. **statutory consultation** (there may also be a second statutory).

## The Development Consent Regime for PVDP proposal of Botley West Solar Farm.

**1.3** During this phase, PVDP consults with:

1. Local Community.
2. Local authorities – County, District and Parish Councils (WODC is the host authority).
3. Statutory bodies – The Environment Agency, Natural England, The Historic Buildings and Monuments Commission for England (Historic England).
4. Any affected person.

**1.4** PVDP holds the **pre-statutory community consultation**. An initial **draft Statement of Community Consultation (SoCC)** is produced by PVDP which sets out ways in which the **statutory community consultation** will be carried out. This is submitted to WODC who have 14 days (10 working days) to respond to PVDP. SBW prepares 2 reports: 1 on the community questionnaire response and 2 on the Parish Council questionnaire response. SBW also advises on possible venues and timing for the **statutory community consultation**.

**1.5** PVDP/ SolarFive hold the **statutory community consultation** on more detailed design proposals (following the results from the **pre-statutory consultation** and the **Scoping Opinion** issued by PINS – see 1.6).

PVDP produces a **Statement of Community Consultation (SoCC)** in consultation with WODC, setting out how they propose to consult the local community.

PVDP publishes the **SoCC** and carry out the community consultations in accordance with the **SoCC**. They publish a notice in a local (for two consecutive weeks) and national newspaper (published once) to describe the project and explain where to view documentation.

Consultees have at least 28 days to respond to the consultation.

**1.6** PVDP, on behalf of SolarFive Ltd., submit its **Scoping Report** to PINS. As part of the formal application, an **Environmental Impact Assessment** must be undertaken by the developer and an **Environmental Statement (ES)** is produced by them and submitted to PINS in the **acceptance stage** (2). Scoping is the process to identify the issues to consider in the **ES**. Through scoping, the key environmental issues are identified at an early stage, which enables subsequent work to concentrate on those environmental topics for which significant effects may arise because of the development. The **Scoping Report** triggers a response from PINS, in the form of a written opinion (**Scoping Opinion**), indicating the scope and level of detail and information they require SolarFive Ltd to provide in the **ES**.

PINS is required to adopt a **Scoping Opinion** a minimum of 42 days from receiving a scoping request.

## The Development Consent Regime for PVDP proposal of Botley West Solar Farm.

In reaching the **Scoping Opinion** the PINS is required to consult with the prescribed consultation bodies: WODC, as 'host' local authority; Natural England; The Historic Buildings and Monuments Commission for England (Historic England); The Environment Agency; The relevant Parish Council(s).

PINS invites WODC to respond to the **Scoping Report** and they have 28 days to do so. SBW responds to the **Scoping Report** in its own right.

**1.7** Following consultation on the **Scoping Report**, and considering the **Scoping Opinion** by PINS, the developer prepares a **Preliminary Environmental Impact Report (PEIR)**, this is essentially a draft **ES** and forms the basis of formal consultation with statutory bodies and the public.

**1.8** Alongside the EIA process, if required, a **Habitats Regulations Assessment (HRA)** is undertaken. The report of this process is provided alongside the **ES** as part of the application for development consent.

**1.9** The formal (statutory) consultation can't begin until the **SoCC** has been agreed by PINS and PINS have issued a **Scoping Opinion** in relation to the environmental impacts of the proposal.

**1.10** Following consultation with the statutory bodies and the community, the developer can further refine details of the project. The **ES** and the application for the **DCO** are finalised by the developer.

**1.11** During Stage 1, WODC prepares the following impact assessments and representations which will be submitted to PINS in the **Examination stage (4)**:

- (a) **Local Impact Report (LIR)** which allows WODC to set out details of their views on the likely effect of the development on the local area and community, and
- (b) **Statements of Common Ground (SoCG)**, a written statement prepared jointly by the Developers and WODC, setting out any matters on which they agree, and matters where agreement has not been reached between. This can then be looked at during examination.

## **2. Acceptance. Maximum 28 days**

**2.1** PVDP formally submits a **DCO** application to PINS (expected early 2024). This application includes the **ES** and a **Consultation Report** which sets out details of the consultation undertaken, the responses to consultation and how this has informed the application.

## The Development Consent Regime for PVDP proposal of Botley West Solar Farm.

**2.2** WODC has 14 days to submit an **Adequacy of Consultation Report** to reflect on whether the consultation has been undertaken in line with the **SoCC**.

**2.3** This stage is driven by PINS who has 28 days to decide if all relevant documentation has been submitted to enable the application to proceed to stage 3, **Pre-Examination**.

**PINS refuses the application:**  
6-week window for PVDP to legally challenge.

**PINS accepts the application:** all documentation is published on the PINS website and the process moves on to stage 3.

### **3. Pre-examination. Around 3 months.**

**3.1** Once the application is accepted by PINS, PVDP / SolarFive must publicise this fact.

**3.2** An Inspector or panel of Inspectors (likely to be three Inspectors) is appointed, this is the Examining Authority.

**3.3** A preliminary meeting is held to decide procedural issues and timetable.

**3.4** PINS explains how and when parties can get involved in the Examination Process. Stakeholders are invited to register as **Interested Parties** at this point, so that they can get involved in the examination process. WODC is automatically included as a host authority.

**3.5** SBW must register as a Rule 6 party within 28 days and provide a summary of their views of the application by submitting a Relevant Representation. SBW can also take part in the Preliminary Meeting. SBW submits information to PINS based on the PINS matrix and SBW's own expert analysis. SBW encourages the community to register individually as **Interested Parties**.

#### **3.6** WODC :

- continues to prepare the **LIR, SoCG** and written representations,
- prepares for Examination including engaging legal and specialist support,
- continues negotiations with developer and
- submits relevant representations.

## **The Development Consent Regime for PVDP proposal of Botley West Solar Farm.**

### **4. Examination. Maximum 6 months**

**4.1** The examining authority examines the application.

**4.2** Examining authority invites interested parties to provide more detailed views, these are generally written submissions and written questions, but there can be hearings at which an interested party can speak.

**4.3** WODC submits their **LIR and SoCG**.

**4.4** This stage must be completed within 6 months.

### **5. Decision. Maximum 6 months.**

**5.1** Examining authority has 3 months to write their recommendation and submit it to the relevant Secretary of State.

**5.2** The Secretary of State has 3 months to make a final decision.

### **6. Post Decision. 6-week window.**

6-week window for PVDP, interested parties or anyone else to legally challenge the Secretary of State's decision.