



Botley West Solar Farm

Schedule of Changes to the draft DCO

June 2025

PINS Ref: EN010147

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**Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009**

APFP Regulation 5(2)(q)

Planning Act 2008

The table below details the changes made to the dDCO since its submission [APP-015]. The table below does not detail minor changes made in relation to typographical errors, consistency checks and updates in cross-referencing.

ARTICLE / PARAGRAPH	CHANGE	REASON FOR CHANGE	DEADLINE CHANGE WAS MADE AT
Articles			
Article 2	Deletion of the definition of “crown land plans”.	<p>The Order land does not include Crown Land. The Applicant has identified, as shown in See Plots 13-01 and 13-03 in the Book of Reference [EN010147/APP/4.3], a restriction on title number BK120529 for the benefit of the Secretary of State for the Environment (“Defra”). The Applicant had recognised this land as ‘Crown Land’ on a precautionary basis for the purposes of the DCO submission on the basis that Defra is a Government Department. The Applicant continued to liaise with Defra post-submission to seek a consent under section 135 of the Planning Act 2008 (PA 2008) on that precautionary basis.</p> <p>However, Defra has confirmed since submission that consent under section 135 is not required in respect of the restriction. The Applicant’s understanding, following its</p>	Section 51 Response (Pre-Examination)

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		discussions with Defra, Thames Water (as the freeholder of that title) and the Environment Agency, is that the restriction is a regulatory constraint under section 156 of the Water Industry Act 1991. Therefore, the Applicant's view is that the land does not constitute 'Crown Land' under section 227 of the PA 2008. The Applicant has therefore removed reference to Crown Land from its application.	
	Definition of "permitted preliminary works" amended as follows: "...(c) works in relation to construction compounds and accesses to construction compounds (including above and below ground site preparation for temporary facilities for the use of contractors);..."	The Applicant has reduced the scope of the permitted preliminary works to ensure that 'works in relation to construction compounds and accesses to construction compounds (including below ground site preparation for temporary facilities for the use of contractors)' will constitute commencement and trigger the need to have discharged the pre-commencement requirements.	Deadline 1
Article 6	Insertion of new sub-paragraph (4) as follows:	To modify the 2024 Hedgerow Regulations to ensure beyond any doubt that there is no conflict between	Deadline 1

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	<p><i>“(4) Regulation 5 of The Management of Hedgerows (England) Regulations 2024 is modified so as to read for the purposes of this Order only as if there were inserted after paragraph 5(e)-</i></p> <p><i>“(f) the carrying out of any development or in the exercise of any functions that are authorised by the Botley West Solar Farm Order 202[];”</i></p>	the activities authorised under the DCO and the provisions of the 2024 Regulations.	
Article 47	Deletion of Crown Rights article.	See the reason for the Article 2 change: “Deletion of the definition of “crown land plans””.	Section 51 Response (Pre-Examination)
Schedule 2 (Requirement 9)	<p>New sub-paragraph (3) inserted:</p> <p><i>“(3) Before approving the written details under sub-paragraph (1) the relevant planning authority must consult with Thames Water Utilities Limited or its successor in function as the relevant water undertaker.”</i></p>	In response to the request from Thames Water Utilities Limited in its relevant representation [RR-1045] .	Deadline 1
Schedule 2 (Requirement 11)	<p>Sub-paragraph (1) amended as follows:</p> <p><i>“No part of the authorised development may commence until a code of construction practice for that part has</i></p>	To give absolute clarity that it is not proposed for the obligation on the relevant planning authority to require consultation with both the planning waste authority and the relevant	Deadline 1

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	<i>been submitted to and approved by the relevant planning authority, such approval to be in consultation with the planning waste authority and the relevant highway authority (as appropriate)."</i>	<p>highway authority in respect of all matters submitted pursuant to Requirement 11 (Code of Construction Practice).</p> <p>The intention is for the relevant planning authority to consult with the planning waste authority and/or the relevant highway authority only in respect of matters that are relevant to those bodies. For example, consultation with the planning waste authority in respect of approving the 'Site resources and waste management plan' (Requirement 11(2)(d)).</p>	
	Deletion of sub-paragraph (5).	The scope of the definition of permitted preliminary works has been reduced to remove " <i>works in relation to construction compounds and accesses to construction compounds</i> " and " <i>below ground site preparation for temporary facilities for the use of contractors</i> ". Therefore, such works are no longer excluded from the definition of commencement and would therefore trigger Requirement	Deadline 1

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		11 without the need for sub-paragraph (5).	
Schedule 9	Removal of Plot 6-17 from Schedule 9 (Land in Which Only New Rights Etc. May Be Acquired).	Following further engagement with the landowner, the redline boundary has been reduced to remove Plot 6-17 from the Order Limits as access rights are no longer required over that land.	Section 51 Response (Pre-Examination)
Schedule 13	Updates to document references, revision numbers and dates of latest documents.	General updates to reflect latest documents submitted alongside this Schedule of Changes.	Each deadline.
Schedule 16	<p>Insertion of new sub-paragraph (6) as follows:</p> <p><i>“Anticipatory steps towards compliance with any requirements</i></p> <p><i>6. If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of Schedule 2 of this Order, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they</i></p>	To make it clear that any engagement carried out before the Order is ‘in force’ will count for the purposes of discharging the requirements. This is to enable the Applicant to progress the process for discharging the requirements as efficiently as possible. This wording has precedent in various made DCOs including the A47 Blofield to North Burlingham Development Consent Order 2022, the A428 Black Cat to Caxton Gibbet Development Consent Order 2022, the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022, and the A47 Wansford to	Deadline 1

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	<i>been taken after this Order came into force.”</i>	Sutton Development Consent Order 2023.	