



Botley West Solar Farm

Schedule of Changes to the draft DCO

July 2025

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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 2	Definition of "undertaker" amended as follows:	Registered office address of the undertaker added in response to REP1-072.	Deadline 2

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	<p><i>“undertaker” means SolarFive Ltd of 16 Great Queen Street, Covent Garden, London, United Kingdom, WC2B 5AH (company number 12602740) and any other person who for the time being has the benefit of this Order in accordance with article 34 (benefit of the Order) or article 35 (consent to transfer the benefit of the Order);</i></p>		
	<p>Sub-paragraph (3) amended as follows:</p> <p><i>In this Order, references to the purposes of the authorised development includes the construction, maintenance, operation, use and decommissioning of the authorised development.</i></p>	In response to REP1-072.	Deadline 2
Article 6	<p>Insertion of new sub-paragraph (4) as follows:</p> <p><i>“(4) Regulation 5 of The Management of Hedgerows (England) Regulations 2024 is modified so as to read for the</i></p>	To modify the 2024 Hedgerow Regulations to ensure beyond any doubt that there is no conflict between the activities authorised under the DCO and the provisions of the 2024 Regulations.	Deadline 1

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	<p><i>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>		
Article 10	<p>Sub-paragraphs (2), (3) and (6) have been amended as follows:</p> <p><i>“(2) Subject to paragraph (3), the temporary alterations to each of the streets specified in Part 2 (temporary alteration of layout) of Schedule 5 (alteration of streets):</i></p> <p><i>(a) must be completed to the reasonable satisfaction of the street authority; and</i></p> <p><i>(b) the temporary alterations must be maintained by and at the expense of the undertaker for the duration that the temporary alterations are used by the undertaker.”</i></p>	<p>In response to ExQ1.7.5.</p> <p>In summary, this is to ensure that the maintenance obligations under the DCO will apply to the undertaker in the circumstances where the undertaker’s status as a street authority would not otherwise obligate the undertaker to carry out such maintenance. As the maintenance obligations will apply under the DCO, it is no longer appropriate to seek the disapplication of the defence provisions under sub-paragraph (4) and (5) which should continue to apply.</p>	Deadline 2

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	<p><i>“(3) Those restoration works carried out pursuant to article 9(3) (power to alter layout, etc., of streets):</i></p> <p><i>(a) must be completed to the reasonable satisfaction of the highway authority or street authority; and</i></p> <p><i>(b) must be maintained by the undertaker for a period of 12 months from their completion and from the expiry of that period by and at the expense of the highway authority or street authority.”</i></p> <p><i>“(6) Paragraphs (2)(a) and (3)(a) (2) to (5) do not apply where the undertaker is the street authority for a street in which the works are being carried out.”</i></p>		
Article 12	Updates to amend the article to reference permanent ‘stopping up’ of public rights of way as opposed to ‘closure’.	In response to ExQ1.7.1. The Applicant agrees that ‘stopping up’ is appropriate in relation to powers to permanently close (or ‘stop up’) PRoW.	Deadline 2
Article 29	Sub-paragraph (1)(a)(ii) amended as follows:	The preceding text at sub-paragraph (1)(a)(i) refers to the land specified in column (1) of the table in Schedule 11	Deadline 2

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	<p><i>“any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;”</i></p>	<p>(land of which temporary possession may be taken). This land at Schedule 11 does not constitute Order Land and therefore the Applicant has removed ‘other’ for the avoidance of any doubt. The intention is for temporary possession powers to be available over the land in Schedule 11 (shaded Green on the Land Plans, where temporary possession powers only arise and it is not Order Land); <u>and</u> over the Order Land (i.e. shaded Pink or Blue on the Land Plans, where other temporary possession powers arise in addition to other freehold or permanent rights acquisition powers respectively).</p>	
Article 38	<p>Sub-paragraph (6) amended as follows:</p> <p><i>“(6) The undertaker may not pursuant to paragraphs (1) and (5) fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior written consent of the highway authority”</i></p>	<p>In response to a request from the host authorities.</p>	<p>Deadline 2</p>

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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 1	Work No. 4(a) amended as follows: <i>"(vi) marker posts, underground cable marker, tiles and tape, communications chambers, optical fibre optie cables and lighting and other works associated with cable laying;"</i>	In response to ExQ1.7.21.	Deadline 2
Schedule 2 (Requirement 9)	New sub-paragraph (3) inserted: <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>	In response to the request from Thames Water Utilities Limited in its relevant representation [RR-1045].	Deadline 1
Schedule 2 (Requirement 11)	Sub-paragraph (1) amended as follows: <i>"No part of the authorised development may commence until a code of construction practice for that part has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the</i>	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 highway authority in respect of all matters submitted pursuant to	Deadline 1

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	<i>planning waste authority and the relevant highway authority (as appropriate)."</i>	<p>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).	<p>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 11 without the need for sub-paragraph (5).</p>	Deadline 1

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Schedule 2 (Requirement 14)	<p>Insertion of sub-paragraph (2):</p> <p><i>“(2) Unless otherwise agreed with the relevant planning authority to which this requirement applies, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify that relevant planning authority of the intended date of decommissioning for that part of the authorised development.”</i></p>	In response to REP1-072, accepting the request of the host authorities.	Deadline 2.
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 12	<p>Number of hedgerow and extent of removal column (2) amended in respect of the following four hedgerows:</p> <ul style="list-style-type: none"> • <i>“Removal of up to 11m of the hedgerow H2.02 within the Order limits as shown approximately</i> 	The Applicant has updated Schedule 12 to clarify that for the four specific and limited areas of hedgerow identified (where the hedges extend beyond the Order limits), the drafting does not inadvertently prevent the removal of those hedgerows in full.	Deadline 2

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	<p><i>within the Hedgerow removal plans Sheet 2 of 13.”</i></p> <ul style="list-style-type: none"> • “Removal of up to 58.5m of the hedgerow H2.04 within the Order limits as shown approximately within the Hedgerow removal plans Sheet 2 of 13.” • “Removal of up to 55m of the hedgerow H3.01 within the Order limits as shown approximately within the Hedgerow removal plans Sheet 3 of 13.” • “Removal of up to 29m of the hedgerow H3.07 within the Order limits as shown approximately within the Hedgerow removal plans Sheet 3 of 13.” 	<p>The intention of the Applicant is for the DCO to include the power to remove the specific hedgerows identified in Schedule 12, if required. This is facilitated through Article 38(5) and is shown on the Hedgerow Removal Plans [AS-007]. The EIA has been carried out on the assumption of full removal and therefore it is justified for the DCO to facilitate that power. Notably, it is likely that most of the hedgerows identified will only be lowered for visibility splays and not removed entirely, therefore any practical limitations will be limited.</p> <p>The base mapping software used identifies that those four hedgerows areas are partially within the redline boundary and partially extend beyond the redline boundary. This mapping software may not be 100% reliable as the thickness of the hedgerows may depend on the season / growth of the vegetation, as well as the recent maintenance practices of the existing landowner(s), causing the thickness of</p>	

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		the hedgerows to fall partially outside the redline boundary. This amendment therefore removes any doubt as to whether the DCO powers facilitate removal of the full width of hedgerows.	
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 been taken after this Order came into force.”</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 Sutton Development Consent Order 2023.	Deadline 1

