

**Botley West Solar Farm (Ref: EN010147)**  
**The Examining Authority's Second Written**  
**Questions and Requests for Information**  
**(ExQ2)**  
**Joint Response from the Host Authorities**

**22<sup>nd</sup> August 2025**



**Application by Photovolt Development Partners on behalf of Solar Five Limited for an Order Granting Development Consent for the Botley West Solar Farm**

**Host Authority Response to the Examining Authority's Second Written Questions and Requests for Information (ExQ2) Issued on 30<sup>th</sup> July 2025**

The responses from the Oxfordshire Host Authorities (OHA) to the ExAs second written questions (ExQ2) are set out in the table below. Questions not applicable to the OHAs are shown in light grey text. The OHA may be able to provide further detail to some of the questions at a later date as work on the scheme extent, impact assessment and mitigation progresses.

West Oxfordshire District Council (WODC)

Cherwell District Council (CDC)

Vale of White Horse District Council (VWHDC)

Oxfordshire County Council (OCC)

## Abbreviations used:

<b>AADT</b>	Average Annual Daily Traffic	<b>DIO</b>	Defence Infrastructure Organisation
<b>ALC</b>	Agricultural Land Classification	<b>DL</b>	Deadline
<b>AONB</b>	Area of Outstanding Natural Beauty	<b>EA</b>	Environment Agency
<b>AP</b>	Affected Persons	<b>EIA</b>	Environmental Impact Assessment
<b>BESS</b>	Battery Energy Storage System	<b>EM</b>	Explanatory Memorandum
<b>BMV</b>	Best and Most Versatile	<b>ES</b>	Environmental Statement
<b>BNG</b>	Biodiversity Net Gain	<b>ExA</b>	Examining Authority
<b>BoR</b>	Book of Reference	<b>FRA</b>	Flood Risk Assessment
<b>CA</b>	Compulsory Acquisition	<b>FTE</b>	Full Time Equivalent
<b>CA Guidance</b>	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land	<b>Gd</b>	Grade
<b>CA Regulations</b>	The Infrastructure Planning (Compulsory Acquisition) Regulations 2010	<b>GHG</b>	Greenhouse Gas Emissions
<b>CNL</b>	Cotswolds National Landscape	<b>GVA</b>	Gross Value Added
<b>CoCP</b>	Code of construction practice	<b>Ha</b>	hectares
<b>CPRE</b>	Campaign for the Protection of Rural England	<b>HDD</b>	Horizontal Directional Drilling
<b>CROW</b>	The Countryside and Rights of Way Act	<b>HGV</b>	Heavy Goods Vehicles
<b>dB</b>	Decibel	<b>HIA</b>	Heritage Impact Assessment
<b>DBA</b>	Desk-Based Assessment	<b>HRA</b>	Habitats Regulation Assessment
<b>dDCO</b>	Draft Development Consent Order	<b>IAQM</b>	Institute of Air Quality Management

<b>IP</b>	Interested Parties	<b>OCTMP</b>	Outline Construction Traffic Management Plan
<b>ISH</b>	Issue Specific Hearing	<b>OFH</b>	Open Floor Hearing
<b>km</b>	Kilometre	<b>OHA</b>	Oxfordshire Host Authorities
<b>LIR</b>	Local Impact Report	<b>OLDP</b>	Outline Layout and Design Principles document
<b>LLFA</b>	Lead Local Flood Authority	<b>OLEMP</b>	Outline Landscape and Ecology Management Plan
<b>LRN</b>	Local Road Network	<b>OOMP</b>	Outline Operational Management Plan
<b>LSE</b>	Likely Significant Effects	<b>OSMP</b>	Outline Soil Management Plan
<b>LVIA</b>	Landscape and Visual Impact Assessment	<b>OSSEP</b>	Outline Skills Supply Chain and Employment Plan and Employment
<b>m</b>	Metre	<b>OUV</b>	Outstanding Universal Value
<b>MRA</b>	Mineral Resource Assessment	<b>OWSI</b>	Outline Written Scheme of Investigation
<b>MW</b>	Megawatt	<b>PA2008</b>	The Planning Act 2008
<b>NE</b>	Natural England	<b>PC</b>	Parish Council
<b>NGET</b>	National Grid Electricity Transmission Plc	<b>PCS</b>	Power Converter Stations
<b>NHLE</b>	National Heritage List England	<b>PEIR</b>	Preliminary Environmental Information Report
<b>NPA2017</b>	Neighbourhood Planning Act 2017	<b>PIR</b>	Passive Infrared Sensor
<b>NPPF</b>	National Planning Policy Framework	<b>Project webpage</b>	Project webpage of the Find a National Infrastructure Project website
<b>NPS</b>	National Policy Statement	<b>PRoW</b>	Public Rights of Way
<b>NPS EN</b>	National Policy Statement Energy Suite	<b>R</b>	Requirement in the dDCO
<b>NSIP</b>	Nationally Significant Infrastructure Project	<b>RAF</b>	Royal Air Force
<b>OCC</b>	Oxfordshire County Council	<b>RR</b>	Relevant Representation

<b>RVAA</b>	Residential Visual Amenity Assessment	<b>TP</b>	Temporary Possession
<b>s</b>	Section of Parliamentary Legislation	<b>USI</b>	Unaccompanied Site Inspection
<b>SAC</b>	Special Area of Conservation	<b>VWHDC</b>	Vale of White Horse District Council
<b>SF6</b>	Sulphur Hexafluoride	<b>WFD</b>	Water Framework Directive
<b>SM</b>	Scheduled Monument	<b>WHS</b>	World Heritage Site
<b>SOCG</b>	Statement of Common Ground	<b>WODC</b>	West Oxfordshire District Council
<b>SoR</b>	Statement of Reasons		
<b>SoS</b>	Secretary of State		
<b>SPA</b>	Special Protection Area		
<b>SRN</b>	Strategic Road Network		
<b>SSSI</b>	Site of Special Scientific Interest		
<b>SU</b>	Statutory Undertaker		
<b>SuDS</b>	Sustainable Urban Drainage Systems		
<b>tCO2e</b>	Tonnes of Carbon Dioxide Equivalent		

### The Examination Library

References in these questions set out in square brackets (for example [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [Exam Library](#). It will be updated as the examination progresses.

### Citation of questions

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**Annex 1: Response to Question 2.7.4**

**Appendix 1: Landscape and Heritage Omission Maps (separate attachment)**

**Appendix 2: A40 Eynsham Roundabout General Arrangement Plan (separate attachment)**



ExQ2	Question to:	Question:
Q2.1 General and cross-topic questions		
Planning Policy		
2.1.1	Applicant	<p><b>West Oxfordshire Design Guide</b></p> <p>In response to Issue Specific Hearing (ISH) 1 Action Point 8 you provided the West Oxfordshire Design Guide 5 – Settlement Types [REP1-040]. Whilst this document was not requested, it has led the Examining Authority (ExA) to consider other parts of the West Oxfordshire Design Guide that may be relevant to this application and how the project has sought to comply with these guides. Please provide a document that outlines how the project has responded to and will comply with the following parts of the West Oxfordshire Design Guide:</p> <ol style="list-style-type: none"><li>1) Part 2 – Geology and Landscape</li><li>2) Part 11 – New Development and Context</li><li>3) Part 13 – Biodiversity and Protected Species</li></ol> <p><b>RESPONSE:</b></p> <p>WODC: The West Oxfordshire Design Guide is a Supplementary Planning Document that was adopted by West Oxfordshire District Council in April 2016 and is a material planning consideration in planning decisions.</p> <p>The adopted design guide is available via the Council's website at:</p> <p><a href="https://www.westoxon.gov.uk/planning-and-building/planning-policy/supplementary-planning-documents/">https://www.westoxon.gov.uk/planning-and-building/planning-policy/supplementary-planning-documents/</a></p> <p>For reference and to guide the applicant effectively, the relevant chapters are as listed and linked below;</p> <ul style="list-style-type: none"><li>• Part 3 – Geology and Landscape <a href="https://www.westoxon.gov.uk/planning-and-building/planning-policy/supplementary-planning-documents/">https://www.westoxon.gov.uk/planning-and-building/planning-policy/supplementary-planning-documents/</a></li><li>• Part 11 – New development and context <a href="https://www.westoxon.gov.uk/media/rrypakkp/11-design-guide-new-development-and-context.pdf">https://www.westoxon.gov.uk/media/rrypakkp/11-design-guide-new-development-and-context.pdf</a></li><li>• Part 13 – Biodiversity and protected species <a href="https://www.westoxon.gov.uk/media/outl1fk3/13-design-guide-biodiversity-and-protected-species.pdf">https://www.westoxon.gov.uk/media/outl1fk3/13-design-guide-biodiversity-and-protected-species.pdf</a></li></ul>
Planning Permissions		
2.1.2	Applicant Blenheim Palace (Dominic Hare)	<p><b>Application 25/01510/OUT</b></p> <p>The representation from Begbroke and Yarnton Green Belt Campaign [REP2-059] raises that the Blenheim Estate has submitted an application for 500 dwellings, affecting the Order land within the central section. Due to the application being submitted in 2025, it does not appear in the Environmental Statement (ES) Cumulative Effects Chapter 20 [APP-057] but appears to be important and relevant to the project at hand.</p> <ol style="list-style-type: none"><li>1) Explain what is known about this application and, through the use of maps and diagrams, explain the interaction between that proposed housing scheme and the solar farm project.</li></ol>

ExQ2	Question to:	Question:
		2) Provide a cumulative impact assessment. Set out what, if any, changes to the application are required to mitigate the effects on the housing scheme and vice versa.
2.1.3	Applicant	<b>Cumulative developments and battery storage</b> In response to ExQ1.3.5 [REP2-050], you have stated that Battery Energy Storage Systems (BESS) would be provided off-site elsewhere and point to an area to the west of the southern site in the cumulative assessment chapter [APP-057]. Having reviewed [APP-057], it appears that ‘battery’ appears 3 times in the course of ES Chapter 20 and, in each case, is associated with a proposed solar farm development. At a cursory glance, it would appear that those solar farm developments are providing BESS to be self-sufficient and manage their own electricity output.  1) Is it therefore incorrect of the applicant to point to those other BESS facilities as potentially servicing the proposed development? 2) Has the applicant engaged those promoters with a view to connecting the Botley West Solar Farm to battery storage?
<b>Legislative Framework</b>		
	Applicant	<b>The special qualities of the Cotswolds National Landscape</b> The Cotswold National Landscape Board (CNL) [REP2-068] and the Oxfordshire Host Authorities (OHA) [REP2-050, ExQ1.1.6] consider there is insufficient information to verify the applicant’s conclusions in terms of impacts on the CNL, both in terms of viewpoints and detailed consideration of the individual special qualities. The ExA request that a specific topic paper / technical note is provided to evidence the conclusions made in this instance and to demonstrate that there would not be any impediment to the active function upon the local authorities under s85 of the Countryside and Rights of Way Act (as amended). This should include representative viewpoints to verify the assertions made.
<b>Design</b>		
	Applicant	<b>Design principles</b> Despite requests for information, the response to ExQ1.1.10 [REP2-025] effectively states that there are no design details before the Examination, with all to be assessed under Requirement 5 of the Development Consent Order (DCO) post-consent. The lack of design details at this stage leads the ExA to the following questions:  1) The OHA have considered that an independent design review process would be beneficial [REP2-050, ExQ1.1.12]. Since no design information has been offered to the Examination under ExQ1.1.10 [REP2-025], the ExA also see the merit in having such a review process in place at detailed design stage to ensure the principles of good design are adhered to in whatever design choices are made. Provide a Requirement in the Draft Development Consent Order (dDCO) to account for this design review process.  2) The representation of Mr Ford submitted at Deadline (DL) 3 [REP3-103] in response to ExQ1.1.14 references “GOV.UK Guidance – Nationally Significant Infrastructure Projects: Advice on Good Design. Updated 16th April 2025” following on from which Mr Ford asks a series of questions about how the design ambition for the project has been attended to by the applicant. The ExA request detailed answers to be provided.  3) NPS EN-3 paragraph 2.6.1 requests reasons to be provided as to why certain elements of design have not yet been finalised. Provide the reasons in relation to those aspects highlighted in ExQ1.1.10 [REP2-025].
2.1.6	Applicant	<b>Security by design</b> Interested parties (IP) continue to raise the issue about security and the potential for theft or damage of solar infrastructure. NPS EN-5, paragraph 2.4.4, states: “ <i>the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened.</i> ” Demonstrate to the ExA that positive and proactive measures are being secured by design in the dDCO to ensure the proposed development, and the energy it would produce, would be safe and secure.
2.1.7	Oxfordshire Host Authorities	<b>Lighting</b> You have made a request at DL3 [REP3-072] that passive infrared sensor (PIR) motion sensor lighting should be omitted. Can you explain why and state where you consider this request is best secured?  <b>RESPONSE:</b>

ExQ2	Question to:	Question:
		OHA: We wish to see limited use of PIR motion lighting due to false alarms being triggered by wildlife. Lighting is best secured through the outline layout and design principles document [REP3-036].
2.1.8	Applicant	<b>Horlock Rules</b> NPS EN-5, paragraphs 2.9.18 and 2.9.19, require applicants to take several factors into account when designing and locating substations. For the project main substation, and the 6no. secondary substations, set out how the Horlock Rules have influenced the project.
2.1.9	Applicant	<b>Solar panel mounting support mechanism</b> The ExA acknowledges the applicant's response to EXQ1.1.19 at [REP2-025] and the plans supplied and have some follow-up questions. For both sheets of plans (labelled Q1.1.7 for sheet 1 and Q1.1.19 for sheet 2): <ol style="list-style-type: none"> <li>1) The plans show single and double leg supports that appear to be for the same side-on section. Explain in what conditions/instances a single leg support would be used instead of a double leg support.</li> <li>2) For sheet 1 (Q1.1.7), explain how many supporting legs (and corresponding number of piles) there would be on a mounting table of 26 panels for both single and double leg options.</li> <li>3) For sheet 2 (Q1.1.19), explain how many panels would be on a single-row mounting table, and how many supporting legs (and corresponding number of piles) there would be on a mounting table of panels for both single and double leg options.</li> <li>4) ES Chapter 6 [APP-043], Table 6.3, Operational Development Parameters, shows the indicative total number of piles as 780,000 to 1,600,000. This is a huge range that is not fully explained either in this document, or in the response to EXQ1.1.19 or the plans provided. Provide a detailed explanation for this range.</li> </ol>
	Applicant	<b>Hours of working</b> In response to the Joint Local Impact Report (LIR) [REP1-072], the applicant reports the working hours as being 7am to 7pm Monday to Saturday, which has fed into the construction programme [REP2-026, page 45]. The ExA are concerned that works, particularly at noise sensitive times, could be disruptive. It is therefore requested that the applicant considers a separate subset of hours within which the noisiest activities could take place (i.e. 7.30am to 6.00pm), but other non-intrusive works (start-up, shut down, deliveries etc) could take place within the 7am to 7pm period. Provide a response with reasons for the position taken and make any amendments to relevant management plans as necessary.
2.1.11	Applicant Oxfordshire Host Authorities	<b>Hours of working in the operational stage</b> The Outline Operational Management Plan (OOMP) [REP3-032] states that: <i>“Routine inspections and maintenance would be carried out as required during daylight hours, seven days a week. Emergency maintenance would be carried out as and when needed.”</i> Given the wide scope of maintenance activities defined in the dDCO, allowing for the replacement of large parts of the project (but not the whole project at the same time), it would seem inappropriate to allow reconstruction works on a Sunday, particularly when the impact of working on a Sunday does not form part of the ES. The applicant and the OHA are requested to liaise with each other on suitable wording in the OOMP so as to avoid such effects occurring. Included in this should be a consideration of what constitutes an ‘emergency.’  <b>RESPONSE:</b> OHA: Construction work should follow a code of practice that include measures to help keep noise to a minimum. Noisy construction activities should only be carried out during reasonable hours to give neighbouring residents some peace and quiet outside these times, which OHA define as: <ul style="list-style-type: none"> <li>· 7.30am to 6pm from Monday to Friday</li> <li>· 8am to 1pm on Saturdays</li> <li>· No noisy works on Sundays and Bank Holidays</li> </ul> OHA see no reason to widen construction work beyond these hours.
2.1.12	Oxfordshire Host Authorities	<b>Proposed construction hours</b> Following the question raised at ISH1 regarding construction hours being undertaken on a Saturday afternoon, the applicant responded at [REP1–019] by stating: <i>‘This is required to minimise the overall Construction programme period’</i> . What concerns, if any, do the OHA have

ExQ2	Question to:	Question:																												
		<p>with regards to the applicant’s proposed construction hours. In particular, what do you envisage would be the potential impact these additional construction hours proposed by the applicant would have on local residents, in comparison to the construction hours you expect and have stated in the post-hearing submission under agenda item 3i [REP1 -071].</p> <p><b>RESPONSE:</b></p> <p>OHA: Construction work should follow a code of practice that include measures to help keep noise to a minimum. Noisy construction activities should only be carried out during reasonable hours to give neighbouring residents some peace and quiet outside these times, which OHA define as:</p> <ul style="list-style-type: none"><li>• 7.30am to 6pm from Monday to Friday</li><li>· 8am to 1pm on Saturdays</li><li>• No noisy works on Sundays and Bank Holidays</li></ul> <p>These hours represent an industry standard that is typically applied to construction sites in the UK and is advocated by Environmental Protection officers. Most of the population would be at leisure on Saturdays and Sundays and therefore there is an expectation that residents should be able to peacefully enjoy their property at this time. The allowance of Saturday mornings for construction activities is already a compromise position which allows developers to progress their works whilst ensuring that part of the day is kept peaceful for residents. Preventing activity on Saturday afternoons helps to establish an extended quiet break for residents into Sunday and through to Monday morning; a period when they are most likely to be able to benefit from peacefulness. OHA see no reason to widen construction work beyond these hours.</p> <p>The OHA would need to understand exactly how much shorter the anticipated construction period would be in days/weeks to reach a view on whether allowing work on Saturday afternoons would be better overall for residents in terms of noise/disturbance.</p>																												
2.1.13	Applicant	<p><b>Promised documents</b></p> <p>Throughout the DL2 submissions, but particularly in the responses to written questions [REP2-050], the applicant promises additional information and documentation:</p> <table><tr><td>NPPF compliance table with updated local policy context (revised Planning Statement)</td><td>Deadline 6*</td></tr><tr><td>Technical note on SF6 switchgear optionality</td><td>Deadline 3</td></tr><tr><td>Health and socioeconomics to be reflected in SoCG with the Councils</td><td>Deadline 3</td></tr><tr><td>Financial accounts up to December 2024</td><td>In due course</td></tr><tr><td>Archaeology concordance tables</td><td>Deadline 3</td></tr><tr><td>Archaeology trial trenching results</td><td>Deadline 5</td></tr><tr><td>Work No.6 in the dDCO to refer to education facility</td><td>Deadline 6*</td></tr><tr><td>Bat survey data and technical note</td><td>As soon as analysis complete</td></tr><tr><td>Draft habitat licences (to Natural England, not to Examination)</td><td>Deadline 3</td></tr><tr><td>Revised ES Chapter 10 and Flood Risk Assessment</td><td>Deadline 3</td></tr><tr><td>Flood buffer zones to be incorporated into the Outline Operational Management Plan</td><td>Deadline 3</td></tr><tr><td>Bentonite breakout plan added to Outline Code of Construction Practice</td><td>Deadline 3</td></tr><tr><td>ES Chapter 11 resubmitted to address paragraph 11.9.19 issues</td><td>Deadline 3</td></tr><tr><td>Revised Outline Skills and Employment Plan committing to measures in [APP-129]</td><td>Deadline 3</td></tr></table>	NPPF compliance table with updated local policy context (revised Planning Statement)	Deadline 6*	Technical note on SF6 switchgear optionality	Deadline 3	Health and socioeconomics to be reflected in SoCG with the Councils	Deadline 3	Financial accounts up to December 2024	In due course	Archaeology concordance tables	Deadline 3	Archaeology trial trenching results	Deadline 5	Work No.6 in the dDCO to refer to education facility	Deadline 6*	Bat survey data and technical note	As soon as analysis complete	Draft habitat licences (to Natural England, not to Examination)	Deadline 3	Revised ES Chapter 10 and Flood Risk Assessment	Deadline 3	Flood buffer zones to be incorporated into the Outline Operational Management Plan	Deadline 3	Bentonite breakout plan added to Outline Code of Construction Practice	Deadline 3	ES Chapter 11 resubmitted to address paragraph 11.9.19 issues	Deadline 3	Revised Outline Skills and Employment Plan committing to measures in [APP-129]	Deadline 3
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ExQ2	Question to:	Question:	
		Groundwater monitoring details	Deadline 3
		Biodiversity Net Gain Assessment (including watercourse units...offered at Deadline 3)	Deadline 4
		Revised Tree Protection Protocol	To be submitted
		Consider improvements and upgrades to existing PRow and ensure the dDCO allows for this	To be submitted
		Thermal turbulence modelling with regards to radar interference (offered at Deadline 3)	To be submitted
		Revised Glint and Glare Assessment	Deadline 4
		Of those listed above, those highlighted in grey have not yet been received. The ExA request these to be submitted at DL4 in the Examination timetable. Those marked with an asterisk (*) are exempted on the understanding they would come in at a future deadline.	
2.1.14	Applicant	<b>Concrete slabs</b> The ExA are concerned regarding the answer to ExQ1.1.15 [REP2-050]. It states that the applicant cannot commit to cable burial at 1.5m depth below ground level, albeit that is the aim. However, it goes on to say that if burial cannot be achieved to the depth (i.e. shallower) then concrete slabs would be laid to protect the cables. The laying of concrete slabs could have implications for drainage, soil quality (including Best and Most Versatile land (BMV)), agricultural activity (ploughing, mole-digging) in the vicinity of the cables and for ultimate decommissioning practices. The ExA request: <div><div>1) Limits of deviation for cable burial to be formally sought and specified in the dDCO to a minimum depth.</div><div>2) Information regarding any known or likely areas where the geology indicates difficulty in achieving the 1.5m burial depth.</div><div>3) A worst-case scenario assumption as to the percentage of the cable corridor that may require protection by covering.</div><div>4) An assessment of the consequential impacts (across all ES topics) during construction, operation and decommissioning of laying concrete slabs as cable protection.</div><div>5) Amendments to Work Nos. 4 and 6 to make reference to slabs being laid.</div></div>	
2.1.15	Defence Infrastructure Organisation	<b>Position statement and mitigations required</b> Please set out clearly the position regarding the proposed development and the potential for interference with military assets. The statement should set out whether there is any impediment or infringement caused by the proposed development on national security or the ability for national defences to operate and function effectively. If there are concerns and issues about impacts, what mitigation measures are required from the proposed development?	
2.1.16	Applicant	<b>Defence Infrastructure Organisation</b> The Defence Infrastructure Organisation (DIO) made representations [AS-042] and [REP1-082] relating to glint and glare, changes in wildlife patterns, and interactions with Primary Surveillance Radar equipment. The response you gave in [REP2-027] only focuses on glint and glare, offering no other comments on the DIO’s written representation. Provide bespoke responses on the topics raised by the DIO in respect of all the DIO’s interests.	
2.1.17	Applicant	<b>Funding decommissioning</b> In your response to ExQ1.1.16 [REP2-025] you have stated: “ <i>the infrastructure has asset value, which provides a financial incentive to decommission.</i> ” Provide evidence that at the end of the project life, the asset value will be greater than, if not at least equal to the cost of decommissioning.	
Q2.2 Air Quality and Emissions			
Air Quality Management			
		There are no questions under this topic at this time.	
Impacts on Human Health			

ExQ2	Question to:	Question:
		There are no questions under this topic at this time.
Q2.3 Assessment of Alternatives		
Strategic Alternatives		
2.3.1	Applicant	<b>Evidence the assertion</b> Table 5.1 of Environmental Statement (ES) Chapter 5 [APP-042] states that “A <i>site selection exercise was undertaken, including land outside the Oxfordshire Green Belt</i> ”. Whilst that comment may be relevant to the location of the National Grid Electricity Transmission (NGET) substation, there is no direct reasoning or rationale submitted as to why the majority of the solar farm has to be located in the Green Belt as well. Provide the evidence underpinning this assertion as paragraphs 5.6.7 to 5.6.9 basically state that a site without any impact on the Green Belt was not available.
2.3.2	Applicant	<b>NPS EN-5, paragraph 2.2.10</b> NPS EN-5 refers to the duty placed on applicants under Schedule 9 of the Electricity Act 1989. Evidence how this Act and the principles within it have been addressed in the project. Demonstrate how paragraph 2.2.10 has been met.
2.3.3	Applicant National Grid Electricity Transmission	<b>Substation availability</b> From evidence submitted to the Examination thus far, it appears that most existing National Grid substations are at capacity or oversubscribed in terms of customers, giving rise to a need for new substations (such as the one to service the proposed development and other projects in the area). A number of Interested Parties (IP) have commented that there are significant energy projects approved that are in a queue waiting for grid improvements before they can be connected; this, they say, reduces the urgent need for the proposed development because there is more energy than there is demand for the foreseeable future. The urgent need is actually for grid infrastructure. What do you say in response to this?  <b>RESPONSE:</b> OHA: Botley West will not serve local demand as it is transmission connected, so there being ‘more energy than there is demand for the foreseeable future’ seems likely to be inaccurate, or to focus solely on local demand. We do not have enough information about planned development of substations by the DNOs to comment on whether the IPs are correct. More clarity on planned investment in grid infrastructure would be welcomed, as we do acknowledge the large number of generation projects in the queue.
Project Alternatives		
2.3.4	Applicant	<b>Cable corridor</b> In response to ExQ1.3.10 [REP2-025], it is stated that any formal request to remove residual optionality (for the cable routing options) from the Order limits is unlikely until the outstanding surveys and agreements are concluded, which is expected in the post-consent phase. Explain:  <ol style="list-style-type: none"><li>1) Who would be notified of the cable routeing decision outcomes and when.</li><li>2) How would the discarded options be managed post-consent (i.e. for example is it just a case of not exercising Compulsory Acquisition powers)?</li><li>3) Have any surveys or investigations to date indicated a potential preference in cable corridor routeing?</li></ol> Should the optionality, or at least the decisions in relation to the optionality, be subject of a Requirement that would secure a choice of cable routeing that subsequently prevents other options from also being pursued?  <b>RESPONSE:</b> OCC: We request that survey results on highway land are made available to OCC, in particular with respect to the B4044 and Lower Rd cycle route [REP1-070 paragraph 7.8.63].
2.3.5	Applicant	<b>Evidence the assertion</b> Table 5.1 of [APP-042] states: “The layout has been designed to avoid minimise direct or indirect effects on valuable flora and fauna.”



ExQ2	Question to:	Question:
		However, Natural England (NE) raised significant concern about the lack of bat surveys and detail regarding bats in the ES, suggesting there may be areas of design refinement to allow bat commuting and foraging. This leaves the Examining Authority (ExA) wondering whether the layout was fully informed by impacts to flora and fauna. Explain how bats and bat activity (breeding, commuting, foraging etc) influenced the layout of the proposal.
2.3.6	Applicant	<b>Minimum buffers</b> In terms of project choices, why did the applicant choose to provide minimum buffers (to rivers, watercourses, ancient woodland etc) as opposed to providing greater margins given the sensitivity of these features?
2.3.7	Applicant	<b>Co-location vs remote battery energy storage</b> Referring to [REP2-122], in which the IP has queried the applicant’s rationale for selecting remote battery storage, can the applicant provide details on the comparison of the two options: ‘co-location verses remote battery energy storage’. The comparison is to focus on the following: 1) maximum potential electricity generated by panels 2) electrical energy inputted to the grid/ used 3) minimising the potential discarding of unused electricity Should there be a difference in efficiency (electrical energy generated vs energy used) between the two options, the applicant is required to equate this to Greenhouse Gas (GHG) emissions.
2.3.8	Applicant	<b>Cable corridor</b> In response to ExQ1.3.10 [REP2-025], it is stated that any formal request to remove residual optionality (for the cable routing options) from the Order limits is unlikely until the outstanding surveys and agreements are concluded, which is expected in the post-consent phase. Explain: 1) Who would be notified of the cable routeing decision outcomes and when. 2) How would the discarded options be managed post-consent (i.e. for example is it just a case of not exercising Compulsory Acquisition powers)? 3) Have any surveys or investigations to date indicated a potential preference in cable corridor routeing? Should the optionality, or at least the decisions in relation to the optionality, be subject of a Requirement that would secure a choice of cable routeing that subsequently prevents other options from also being pursued?
2.3.9	Applicant	<b>Evidence the assertion</b> Table 5.1 of [APP-042] states: “ <i>The layout has been designed to avoid minimise direct or indirect effects on valuable flora and fauna.</i> ” However, Natural England (NE) raised significant concern about the lack of bat surveys and detail regarding bats in the ES, suggesting there may be areas of design refinement to allow bat commuting and foraging. This leaves the Examining Authority (ExA) wondering whether the layout was fully informed by impacts to flora and fauna. Explain how bats and bat activity (breeding, commuting, foraging etc) influenced the layout of the proposal.
2.3.10	Applicant	<b>Minimum buffers</b> In terms of project choices, why did the applicant choose to provide minimum buffers (to rivers, watercourses, ancient woodland etc) as opposed to providing greater margins given the sensitivity of these features?
2.3.11	Applicant	<b>Co-location vs remote battery energy storage</b> Referring to [REP2-122], in which the IP has queried the applicant’s rationale for selecting remote battery storage, can the applicant provide details on the comparison of the two options: ‘co-location verses remote battery energy storage’. The comparison is to focus on the following: 1) maximum potential electricity generated by panels 2) electrical energy inputted to the grid/ used 3) minimising the potential discarding of unused electricity

ExQ2	Question to:	Question:
		Should there be a difference in efficiency (electrical energy generated vs energy used) between the two options, the applicant is required to equate this to Greenhouse Gas (GHG) emissions.
General Considerations for Alternatives		
		There are no questions under this topic at this time.
Q2.4 Climate Change		
Assessments and Calculations		
2.4.1	Applicant	<b>Commentary of case law</b> Could the applicant provide comment in light of the recent cases of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20 and Friends of the Earth Ltd and South Lakeland Action on Climate Change v SSLUHC [2024] EWHC 2349 (Admin), and whether these cases have any implications for the assessments of greenhouse gas emissions?
2.4.2	Applicant	<b>Baseline data</b> In Table 4 of the applicants Issue Specific Hearing (ISH) 1 summary [REP1-019] (Baseline Climate Data (1991-2020) for Oxford Climate Station), it states the monthly mean wind speed in miles per hour (mph). Can the applicant provide the maximum wind speed recorded during this period in mph.
2.4.3	Applicant	<b>Climate change resilience</b> Referring to Table 14.6 in ES Chapter 14 [APP-051] provide further detail and justification for scoping out risks to the proposed development from climate change. If the scoping out relies on the fact that either the likelihood of extreme weather events is extremely low (or defined as minor exposure, as in Table 3 of ISH1 summary [REP1-019]), or the impacts from events such as high winds are insignificant, provide evidence on how such conclusions were reached.
2.4.4	Applicant	<b>Carbon sequestration</b> Can the applicant provide a response to the following statement made by Oxfordshire Host Authorities (OHA) in their written summary of oral submissions for ISH1 [REP1-071]: <i>“Further consideration is required of the Outline GHG Reduction Strategy [APP-216] which makes no mention of the potential for increased carbon sequestration on the site.”</i> .
2.4.5	Applicant	<b>Maximum design parameters</b> In Table 3 of the applicants ISH1 summary [REP1-019], the embedded mitigation measure for the hazard of increased frequency and intensity of extreme weather states: <i>“Panels and mounting systems are designed in accordance with BS 62584-1 specification which ensures a safe design for winds up to 90 mph”</i> . Given wind speeds greater than 90 mph have been recorded across the UK in the past, what assurance can the applicant provide that the proposed panels and mounting systems will either not be subjected to wind speeds greater than 90 mph or will be designed to withstand higher wind speeds.
2.4.6	Oxfordshire Host Authorities National Grid Electricity Transmissions Environment Agency	<b>Justification for SF6</b> The applicant has amended the Outline Layout and Design Principles document <a href="#">[REP3-037]</a> to give reasons for not fully adopting an SF6-free development. Do you accept those reasons?  <b>RESPONSE:</b> OHA: We do not have the requisite expertise to comment on whether the reasons for Botley West not being a fully SF6-free environment are reasonable. We understand that National Grid is exploring opportunities to reduce the use of SF6 in its infrastructure, and we would strongly suggest that this question is put to both National Grid and Scottish and Southern Energy for their feedback.
Impacts of Climate Change		
	Applicant	<b>Lessons learned</b> Can the applicant signpost the Examining Authority (ExA) to where they have provided a response to action point 24 at ISH1 [EV5-010] with regards to lessons learned and how the design standards of their proposed development may differ to those solar farms mentioned in action point 24, resulting in a lower risk of such extreme weather incidents.



ExQ2	Question to:	Question:
2.4.8	Applicant	<b>Mounting structure integrity</b> The applicant’s response to ExQ1.1.18 [REP2-025] states: ‘ <i>mounting structures (frames) for the Botley West Solar Farm are designed for a service life of minimum 40 years.</i> ’ What specific engineering process and procedures will the applicant have in place to ensure the integrity of the mounting structures is maintained throughout the life of the proposed development and has not been reduced due to extreme weather events.
<b>Q2.5 Compulsory Acquisition</b>		
<b>Overarching Case</b>		
2.5.1	Applicant	<b>Land and Rights Negotiations Tracker</b> The submission and content of the Blenheim Estate Ownership Commentary document at Deadline 3 (DL3) [REP3-068] is noted by the Examining Authority (ExA). The Land and Rights Negotiations Tracker submitted at DL3 [REP3-008] lists the following Trustees: 1) Blenheim Trustees Company No. 1 Limited 2) Blenheim Trustees Company No. 2 Limited 3) Vanbrugh Trustees Limited 4) Vanbrugh Trustees No 2 Limited  Whilst the interests held and plot references are given within the tracker, please provide a detailed explanation of the differences between each Trustee. Furthermore, having regard to [REP1-098], the ExA request a flowchart of the companies that make up the Blenheim estate and which arm is responsible for what and who benefits from the project financial arisings. This includes explanation of: 5) The Blenheim Estate 6) Vanbrugh Unit Trust 7) Blenheim Palace Heritage Foundation 8) Blenheim Palace 1984 Maintenance Fund  What is the legal method by which funds, and how much, will transfer directly to Blenheim Palace for the purposes of maintenance of the World Heritage Site (WHS), who will administer these funds and how is it secured? Explain how the Blenheim Maintenance Fund, a recipient of the lease monies, is related to these companies.
2.5.2	Applicant	<b>Funding availability</b> The ExA notes the response to ExQ1.5.26 and ExQ1.5.27 [REP1-025], including the statement that EY London Energy & Infrastructure Corporate Finance team consider that the scheme should be able to achieve a sufficiently high internal rate of return to attract third party debt and equity investors.  However, the ExA, and ultimately the Secretary of State (SoS), need to be satisfied that Photovolt Development Partners (PVDP) will have adequate funds available for proposed development. Currently the ExA has concerns as to whether the availability of funding would be an impediment to the implementation of the proposed development, should development consent be granted.  Please provide additional detail to confirm adequate funding would be available in order to commence development and for any compulsory acquisition to take place within the timescales set by the Order.
2.5.3	Applicant	<b>Botley to Eynsham and Eynsham to Hanborough cycle schemes</b> The response by Oxfordshire County Council (OCC) to ExQ1.5.20 in respect of Third-Party Land is noted by the ExA [REP2-050], as are the comments made by the applicant at DL3 in respect of this issue [REP3-065]. However, please confirm whether any rights granted over highway land or third-party land adjacent the highway would jeopardise the dedication of land as highway or the delivery of the B4044 path in its entirety.
2.5.4	Applicant	<b>Change Request 2 and land retention</b> A response to this question may be provided at Deadline 4 (DL4) or can be included in the environmental information to accompany the second change request application.

ExQ2	Question to:	Question:
		<p>The change request includes two large reductions in land at Bladon. The first relates to complete removal of the land from the Order limits and re-drawing of the boundary as a consequence. The second relates to retention of 17.6ha of land within the Order limits, but the land to be used for biodiversity net gain as opposed to the installation of solar arrays.</p> <ol style="list-style-type: none"><li>1) The Government's 'Guidance related to procedures for the compulsory acquisition of land' advises that the SoS needs '<i>to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development</i>' (paragraph 11). Given the project was already stated to provide up to 80% net gain, why is this 17.6ha of land needed to be acquired to deliver biodiversity net gain (BNG)?</li><li>2) If it is not needed or essential to deliver BNG, is there a compelling case for compulsory acquisition?</li><li>3) What is the actual tangible benefit to the applicant of retaining this land in the Order limits as opposed to re-drawing the boundary to exclude such land entirely?</li><li>4) Would the land not be better served being kept in its current agricultural use?</li></ol>
2.5.5	Applicant West Oxfordshire District Council	<p><b>Land retention at Church Hanborough</b></p> <p>As noted above, the SoS needs to be satisfied that the land to be acquired is not more than is reasonably required of the purposes of development.</p> <p>Applicant - The ExA notes that land to the southeast of Church Hanborough, Field 2.116 and the northern section of Field 2.115 is contained within the Order limits and is, according to the landscape, ecology and amenity plan [AS-022], available for community food growing.</p> <ol style="list-style-type: none"><li>1) What consultation has been undertaken to ensure that this area is the most appropriate for community food growing?</li><li>2) If it is not needed or essential to provide space for community food growing, is there a compelling case for compulsory acquisition?</li><li>3) What is the actual tangible benefit to the applicant of retaining this land in the Order limits as opposed to re-drawing the boundary to exclude such land entirely?</li><li>4) Would the land not be better served being kept in its current agricultural use?</li></ol> <p>West Oxfordshire District Council (WODC) – This area is within the Church Hanborough Conservation area, do you feel that community food growing would be an appropriate use of this land having regard to heritage objectives.</p> <p><b>RESPONSE:</b></p> <p>WODC: No consultation has been undertaken with the OHA to determine the appropriateness or suitability of the land parcel for community food growing. At statutory pre-application consultation stage, the applicant's illustrative masterplan identified the land parcel as meadow grassland / opportunities for enhancement. WODC stated that was not clear what the nature of the enhancements might be at that stage. Although the applicant had indicated that they had been in consultation with community food growing organisations such as the Cherwell Collective, it is not clear that any discussions had been held with organisations about the suitability of the land at Church Hanborough for community food growing or whether there would be interest in utilising this land for such a purpose.</p> <p>The land in question is within the Church Hanborough Conservation Area and is currently in agricultural use. A previously stated and identified in our response to the Examining Authority's First Written Questions <b>[REP2-050]</b> Q1.6.6, views to the east and south east of the Church Hanborough Conservation Area are particularly relevant to the proposed development where the views to the surrounding countryside can be appreciated from public rights of way that extend from the south of the village. The land proposed for community food growing would sit within key views within the Conservation Area and would likely change the character of the landscape within the setting of the Conservation Area.</p> <p>Although WODC would support the provision and expansion of community food growing spaces, including allotment provision in suitable locations, for the multiple benefits they can bring including support for the health and wellbeing of communities, we consider that the proposed use could be harmful to the character of the conservation area, particularly if the community food growing area was to occupy the full extent of the area identified on the Applicant's Masterplan.</p>

ExQ2	Question to:	Question:
		Community food growing spaces are often characterised by different sized plots with storage sheds, water butts, polytunnels and paraphernalia associated with cultivation and growing of food. Such structures in the context of the Church Hanborough Conservation Area would likely be regarded as uncharacteristic and would likely conflict with heritage objectives of the Conservation Area.
2.5.6	Applicant	<b>Decommissioning</b> At paragraph 2.1.1 of the Outline Decommissioning Plan (ODP) [APP-236] it is stated that “ <i>The land within the Project Site Boundary will be returned to the respective landowners and to its original use after decommissioning</i> ”. The ExA acknowledge that the content of commercial agreements is usually confidential in nature. However, the ExA consider it would be useful to have sight of an extract of the Heads of Terms being sought with landowners which confirms the wording of such a return clause.
2.5.7	Applicant	<b>Permanent acquisition</b> The applicant is seeking the permanent acquisition for the freehold of land and permanent acquisition of new rights. Given that the proposed development is considered temporary by the applicant, please provide a detailed explanation as to why the acquisition of permanent rights and land is justified for a temporary development.
2.5.8	Applicant	<b>Proportionate land take</b> At DL3, in response to a submission by Deborah Mackin [REP2-098], the applicant [REP3-064] states that “ <i>The current red line boundary is intentionally broad to allow for flexibility during this process, but all final alignments will be confirmed in consultation with affected parties and designed to minimise disruption</i> ”. The ExA wishes to draw the applicant’s attention to Paragraph 10 of ‘Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land’ which states “ <i>The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.</i> ” If an intentionally flexible and broad approach has been adopted by the applicant in respect of land take, please confirm how compliance with paragraph 10 of the above guidance is to be adhered to.
2.5.9	Applicant	<b>Funding</b> The ExA notes the responses made by the applicant to both Layla Morgan MP and Begbroke and Yarnton Green Belt Campaign in respect of both funding and the selling of other solar projects [REP3-064] and [REP3-065]. With particular regard to the comment made by the applicant that it is “ <i>funding the project up to Decision stage from its own resources...</i> ”, if the proposed development receives consent, please confirm whether it is the intention to sell the Project post-consent?
Statutory Undertakers		
		There are no questions under this topic at this time.
Individual Affected Persons		
	Applicant	<b>Engagement and communication</b> The ExA notes at DL2 several submissions have commented on a lack of engagement and communication in respect of potential land issues and the applicant has responded at DL3 [REP3-064] to the majority of these submissions. The ExA acknowledges the scale of the proposed development but is keen to ensure effective engagement for all parties. Please advise if there are any specific barriers facing the applicant in respect of continuing to undertake meaningful engagement and communication.
Crown Land and Special Category Land		
		There are no questions under this topic at this time.
Q2.6 Cultural Heritage		
General		
2.6.1	Diane Berry	Clarification required

ExQ2	Question to:	Question:
		<p>In section 7 of your Relevant Representation (RR) [RR-248] you state “<i>the remains of the barn where my Great Uncle lived will be cleared away and lost forever, local history destroyed</i>”. In their response to RR [REP1-020] the applicant has stated that no historic farm buildings would be demolished.</p> <p>Please identify the location of this barn (grid reference, field and plot number, or what 3 words reference, along with a photograph) and whether it has any know designation, either as a curtilage building to a heritage asset, or a non-designated heritage asset.</p>
2.6.2	ICOMOS-UK	<p><b>Variation in suggested omissions maps between Deadline 1 and Deadline 2</b></p> <p>The following is a list of field numbers (as seen in [APP-131]) that you had suggested for omission at Deadline1 (DL1) [REP1-103], either in part or whole, but are not suggested for omission in your DL2 submission [REP2-071 – REP2-074].</p> <ul style="list-style-type: none"><li>• Field 1.14 (northern part)</li><li>• Field 2.28, south of Burleigh Farmhouse</li><li>• Field 2.40</li></ul> <p>Please explain these discrepancies.</p>
2.6.3	Applicant	<p><b>Suggested omissions by ICOMOS-UK</b></p> <p>The Examining Authority (ExA) posed question EXQ1.6.11 [PD-008] to ICMOS-UK which asked why they had suggested additional removal of panels and how this impacted on the Outstanding Universal Value (OUV) of the World Heritage Site (WHS). In their response [REP2-069], ICMOS-UK stated that that omitting areas that were considered to be oppressive to local villages would sustain the general quality of the rural landscape that provides context to Blenheim Palace. They further explained that in the 18<sup>th</sup> century, the parkland and rural landscape were perceived holistically around grand houses and that the quality of the landscape outside the park remains relevant to the contemporary understanding of the WHS.</p> <p>In your response to EXQ1.6.12, [REP2-025] which asked you to comment of the additional omissions suggested by ICOMOS-UK you reiterated your position regarding the OUV of the WHS and intervisibility but did not comment on the proposed omissions. Your submission [REP3-065] again ignores the response from ICOMOS-UK. Provide a detailed response to ICOMOS-UK’s position and suggestions for the wider removal of panels that would sustain the context of the Blenheim Estate.</p>
2.6.4	Historic England ICOMOS-UK	<p><b>Settings of historic towns</b></p> <p>In Green Belt policy, one of the purposes of the Green Belt is to preserve the setting and special character of historic towns. Taking into account the applicant’s potential proposed change request [REP2-045], do you consider there to be any continuing conflict with this purpose of the Green Belt?</p>
2.6.5	ICOMOS-UK	<p><b>ICOMOS-UK position</b></p> <p>ICOMOS provided a technical review (Appendix 1 of [RR-0398]) which concluded: “<i>(ICOMOS) considers that the proposal will likely have an adverse impact on the Outstanding Universal Value of the World Heritage property and advises that the proponent consider alternative locations for this development to avoid these negative impacts on the Blenheim Palace World Heritage property.</i>”</p> <p>The ICOMOS-UK position, as outlined in [RR-0413] (superseded by [REP2-070]) and [REP1-103]), fundamentally differs from this technical review in that you do not consider that there would be a direct impact on the OUV, but expands on the potential impact on the wider landscape, including areas suggested for omission that would protect the wider setting.</p> <p>How should the ExA reconcile the different positions of ICOMOS and ICOMOS-UK.</p>
2.6.6	Stop Botley West	<p><b>Community Impact Report</b></p> <p>Figures 6.1a and 6.1b of [REP2-081] show an archaeological excavation site and a fragment of pottery. Please identify these figures in relation to the project site or indicate if they are not related to this site.</p>
2.6.7	Historic England	<p><b>Cumulative impacts</b></p> <p>At Issue Specific Hearing (ISH) 1 [EV5-004] the ExA asked whether you felt that, if taken together, the impact on multiple heritage assets could increase the overall level of harm of the project from less than substantial to substantial. Your response was that you only considered heritage assets individually.</p>

ExQ2	Question to:	Question:
		Whilst it is appreciated that each case is determined on its merits, the ExA has experienced a different approach taken by Historic England (HE) to cumulative impacts on multiple heritage assets on other projects and would like you to expand on the reasons for not considering this in relation to this particular project.
2.6.8	Applicant	<b>Aerial views</b> Taking into account the responses to EXQ1 on this subject, the ExA is minded to consider that on balance, aerial views such as those experienced by air travellers for business or pleasure are a factor in the consideration of the wider setting of the WHS and other numerous heritage assets as they provide the context in which the historic landscape can be viewed and appreciated. It is noted in your response to ExQ1.6.9 [REP3-065] that you will be addressing aerial views in the next revision of ES Appendix 7.5, Settings Assessment and the ExA welcomes careful consideration of this issue.
2.6.9	Applicant	<b>Church of St Peter and St Paul, Church Hanborough (Grade I)</b> The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. However, in consideration of this particular heritage asset, the ExA is minded to agree with HE’s assessment [REP1-086], which they confirm in [REP3-081], that whilst the project would not disrupt views of the church spire or impact its landmark qualities, it would erode the character of the church within its traditional open agricultural setting. In addition, HE note that the proposed development would be in place for nearly two generations and would establish the principle of built form of an industrial character in land from which the church is experienced. As such, they conclude that the magnitude of harm is low adverse, resulting in minor or moderate harm to the significance of the church. In order for the ExA to reconcile this issue, please comment on HE’s assessment and provide more detailed reasonings for your position.
2.6.10	Applicant	<b>Church of St Peter, Cassington (Grade I)</b> The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. However, in consideration of this particular heritage asset, the ExA is minded to agree with HE’s assessment [REP1-086], which they confirm in [REP3-081], that the church spire is seen against a backdrop of agricultural fields which provide a strong visual relationship between the landscape and the church that contributes to the appreciation and understanding of the origins of this rural parish church and its close connection with the landscape. HE note that the proposed development would change the character of those fields behind the church spire from agricultural to semi-industrial, which would erode the church’s traditional agricultural context due to the ordered rows of solar panels making it slightly more difficult to appreciate the silhouette of the spire when compared to the existing backdrop of patchwork fields, thus disrupting its landmark qualities. In addition, HE note that the proposed development would be in place for nearly two generations and would establish the principle of built form of an industrial character in land from which the church is experienced. As such, they conclude that the magnitude of harm is low adverse, resulting in moderate to major harm to the significance of the church. In order for the ExA to reconcile this issue, please comment on HE’s assessment and provide more detailed reasonings for your position and give consideration to potential reductions or omissions of solar panels from this setting.
2.6.11	Applicant	<b>Church of St Michael, Begbroke (Grade II*)</b> The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. However, in consideration of this particular heritage asset, the ExA is minded to agree with HE’s assessment [REP1-086], which they confirm in [REP3-081], that while views towards the church tower from the north are, in part, screened by trees, from these fields the church can be seen within its countryside setting which contributes to its significance as a rural place of worship. HE also stated that from within the fields the church can be seen alongside the former St Philip’s Priory and Church (both grade II listed), and together these have group value in being a focal point in the landscape and gives the viewer the sense that they are approaching an important ecclesiastical complex. HE state that the proposed development would signal a hardening of the setting of the church, and the experience would change from a rural character to one that is semi-industrial, and whilst views of the church tower would not be physically impacted by the development, the ability to experience the church within its traditional agricultural context on this approach would be eroded. In addition, HE note that the proposed development would be in place for nearly two generations and would establish the principle of built form of an industrial character in land from which the church is experienced. As such, they conclude that the magnitude of harm is low adverse, resulting in minor or moderate harm to the significance of the church. In order for the ExA to reconcile this issue, please comment on HE’s assessment and provide more detailed reasonings for your position and give consideration to potential reductions or omissions of solar panels from this setting.
2.6.12	Applicant	<b>Hordley House, Wootton (Grade II*)</b>

ExQ2	Question to:	Question:
		The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. From the Unaccompanied Site Inspections (USI) undertaken and the evidence provided to the Examination to date, the ExA considers that there is an historic relationship between the land to the southwest of Hordley House to the junction at Samsom's Farm that contributes to the significance of Hordley House as part of a wider, planned, historic landscape. The applicant is asked to explore this further, providing any evidential assessment as necessary to demonstrate otherwise than the ExA's initial review, and give consideration to potential reductions or omissions of solar panels from this setting.
2.6.13	Applicant	<p><b>Shipton Slade (Grade II)</b></p> <p>The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. However, from the USI's undertaken and the evidence provided to the to the Examination to date, the ExA considers that the farmland to the north and west provides the historic context and setting of Shipton Slade Farm and whilst the buildings have been converted to residential use, this context and historic association remains important to the significance of the group. The applicant is asked to explore this further, providing any evidential assessment as necessary to demonstrate otherwise than the ExA's initial review, and give consideration to potential reductions or omissions of solar panels from this setting.</p>
2.6.14	Applicant	<p><b>Upper Whitley Farm</b></p> <p>In the Oxford Host Authorities (OHA) response to ExQ1.6.29 [REP3-072] Vale of White Horse District Council (VWHDC) have stated that they consider your statement that “<i>No element of the Project, including the project substation, would be visible in views to or from the listed building</i>” to be incorrect. Your assessment of viewpoint 51 in the Environmental Statement (ES) chapter 8 [APP-045], which represents the closest point to Upper Whitley Farm, indicates that there would be views of the substations. The ExA are minded to agree with VWHDC's position. In light of the proposed changes to the project design set out in Change Notification 2, the ExA request that the applicant to explore the relationship between the project and Upper Whitley Farm further, providing any evidential assessment as necessary to demonstrate otherwise than the ExA's initial review, including photomontages.</p> <p><b>RESPONSE</b></p> <p>VWHDC: <a href="#">This is welcomed, and we hope the applicant will ensure that photomontages reflect summer and winter views.</a></p>
2.6.15	Applicant	<p><b>Burleigh Farmhouse (Grade II)</b></p> <p>The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. From the USI's undertaken and the evidence provided to the to the Examination to date, the ExA agrees with the assessment that the most affected area of the setting would be the fields to the east, which still provides historic context to the working farm. The applicant is asked to explore this further and give consideration to potential reductions or omissions of solar panels from this setting.</p>
2.6.16	Applicant	<p><b>Hall Farmhouse, Begbroke (Grade II)</b></p> <p>It was noted at para 7.2.59 in the OHA Local Impact Report (LIR) [REP1-072] that the setting and potential impact of the project on Hall Farmhouse and The Old Rectory had not been assessed and in your response [REP2-026] you stated that further information would be available within Rev 1 of the settings assessment [REP2-014]. This document does not provide any additional assessment of either of these buildings. From the USI, the ExA considers that the project would lie within the setting of Hall Farmhouse and its associated dwellings and requests that an assessment of the potential impacts are provided.</p>
2.6.17	Applicant	<p><b>Begbroke Conservation Area</b></p> <p>The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. However, in consideration of this particular heritage asset, the ExA is minded to agree with the assessments of ICOMOS-UK [REP2-069] and [REP2-070] and the OHA LIR [REP1-072] that indicate that the development has the potential to result in harm to the setting of the conservation area. Furthermore, in relation to the ICOMOS-UK representations, they have suggested a 200m buffer to the north of the village. The applicant is asked to explore this further, providing any evidential assessment as necessary to demonstrate otherwise than the ExA's initial review, and give consideration to potential reductions or omissions of solar panels from this setting.</p>
2.6.18	Applicant	<p><b>Cassington Conservation Area</b></p> <p>The ExA acknowledges that the applicant has provided further assessment in the updated Appendix 7.5 [REP2-014]. The OHA's responses to EXQ1.6.1 [REP2-050] note the Cassington Design Code and the emphasis it places on the character of the landscape that surrounds the village and how this defines its setting. The ExA notes that this document has not been referred to in the ES Appendix 7.5 [REP2-014]. In</p>



ExQ2	Question to:	Question:
		addition, ICOMOS-UK suggest in their representations [REP2-069] and [REP2-070] that panels should be removed from the north of Cassington in order to provide “breathing space” to the village; a view that is shared by several interested parties (IP). The applicant is asked to explore this further and give consideration to potential reductions or omissions of solar panels from this setting.
Archaeology		
	Applicant	<p><b>Trial trenching results, Sansoms Platt</b></p> <p>It is noted that in their submission [REP2-056], HE is still concerned about the level of impact assessed and the potential for the area of nationally important archaeological remains to be greater than the area currently scheduled.</p> <p>It is also noted in your response to EXQ1.6.45 [REP2-025] that the results of trial trenching will be available at DL5. However, in [CR1-003] you state that the trial trenching was commenced in August 2024. In their responses to EXQ1.6.35, both Oxford County Archaeology Service (OCAS) [REP2-050] and HE [REP2-056] have indicated that they are awaiting this important information in order to be able to more fully assess the potential impact on archaeological site. In addition, OHA second response to EXQ1.6.45 [REP3-072] notes concerns regarding the timing of this submission in relation to the Examination period.</p> <p>1) Please explain the delay in getting these results published and, if possible, commit to submission at DL4 instead of DL5.</p> <p>2) In the updated settings assessment [REP2-014] paragraph 1.9.7 alludes to some of the results being available. If it is not possible to bring the full submission forward, please provide a more detailed initial summary of results at DL4 and whether you consider they are likely to result in any changes to the proposed buffer zones.</p> <p>The ExA appreciate that the conclusions in the ES Appendix 7.5 [REP2-014] have been made without the benefit of the trial trenching results and expect that this document will be updated following publication of the results to ensure that the effects are accurately reflected.</p>
2.6.20	OCAS Historic England	<p><b>Sansom’s Platt protection</b></p> <p>In HE’s RR [RR-0398] it is indicated that the scheduled area is accepted to be the site of a Roman Settlement associated with Akeman Street and may extend beyond the existing scheduling boundary. In light of the trial trenching results possibly not being available until DL5 and given your existing knowledge of this and other similar sites, please provide a plan suggesting what you might consider to be a suitable buffer zone to protect the potential remains in this area.</p> <p><b>RESPONSE</b></p> <p>OHA: The applicant has proposed a number of buffer zones to protect archaeological remains as identified from the geophysical survey. Whilst we are in general agreement with the appropriateness of these buffers for most of the proposal area, we have previously highlighted [REP1-070] that we are unable to confirm that the proposed buffers are appropriate without the evaluation data to ensure that this survey has identified the full extent of the archaeological deposits.</p> <p>In the case of the Roman settlement at Sansom’s Platt the buffer zone to protect the physical archaeological remains will need to be of sufficient size to cover all of the archaeological remains associated with this settlement site. The required extent of this will need to be based on the accurate survey data from the archaeological evaluation, which we do not yet have a copy of.</p> <p>The buffer zone would also need to protect the setting of these significant remains. Whilst we would defer to the advice of Historic England on the matter of setting, it is important to note that the setting of these remains is dependent on their significance, which can only be appropriately understood from the results of the archaeological evaluation to provide the required data on the date range, level of survival and extents of the archaeological remains.</p> <p>As such it is not possible to set out what would be an appropriate maximum extent in the absence of this data being available.</p>
Q2.7 Draft Development Consent Order		
Interpretation and Articles		
2.7.1	Applicant National Grid Electricity Transmission	Associated Development

ExQ2	Question to:	Question:
		<p>By virtue of Work No.2, following on from Work No.1, the National Grid (NGET) substation is classed as being associated development in the Draft Development Consent Order (dDCO). The Examining Authority (ExA) refers to the published guidance note which, in summary, states there needs to be a direct relationship between associated development and the principal development; that the associated development should not be an aim in itself but should be subordinate to the principal development; that development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development; and, that the associated development should be proportionate to the nature and scale of the principal development.</p> <p>The ExA questions whether, given that NGET is looking to reinforce the network in this area and provide a new substation to act as a connection space for a variety of customers (not just the project), the NGET substation is actually an aim of itself and whether it could truly be considered as associated development. Explain your position with reasons.</p>
2.7.2	Applicant	<p><b>Disapplication</b></p> <p>The Oxfordshire Host Authorities (OHA) disagree with the disapplication of s23 Land Drainage Act 1991. Can the applicant explain clearly what the benefit to the project would be by modifying s23 in the manner proposed by the dDCO and what the impediments to the project would be if the existing legislative provisions were retained intact.</p>
2.7.3	<p>Applicant</p> <p>All local authorities (including parish councils)</p>	<p><b>Council organisation and administration</b></p> <p>The ExA is aware of a wider Government push for local government reorganisation that may involve the merge or split of local authorities and the transfer of powers/ responsibilities/ functions between any newly created offices.</p> <p>To that extent the ExA would ask the local authorities to provide an update on the current thinking regarding such reorganisation and indicate the direction of travel that is likely, and also ask the applicant to ‘future proof’ the DCO so that any successors to the current local government structure are accounted for (for example, if Oxfordshire County Council is named in the Order as a discharging authority, if the Council ceases to be called as such or its roles split, that the newly formed entities would remain a discharging authority).</p> <p><b>RESPONSE:</b></p> <p>OHA: It is likely that within 2-3 years district and county functions in Oxfordshire will be combined through the creation of one or more unitary authorities and at present several options for this are being considered. There will also be a wider combined/strategic authority formed. It is also likely that the terms ‘Local Planning Authority’ or ‘Local Highway Authority’ would still be applicable to the successor organisations.</p> <p>Article 2(1) (interpretation) of the dDCO [REP3-005] defines “relevant planning authority” as “the local planning authority for the area in which the land to which the provisions of this Order apply is situated;”.</p> <p>If we consider (say) Cherwell District Council, that authority is the “relevant planning authority” for the purposes of the dDCO for the land within its area. If Cherwell District Council were to cease to exist and its local planning authority functions were to be exercised by Local Authority X, then Local Authority X, as local planning authority for that area, would become the “relevant planning authority” for the purposes of the draft DCO.</p> <p>This interpretation is reinforced by article 2(7) (interpretation) which states: “In this Order, references to any statutory body include that body’s successor bodies”. Since Cherwell District Council is a statutory body, the drafting of article 2(7) confirms that any reference to it includes Local Authority X.</p> <p>While the OHA will consider the Applicant’s response to this question, it appears to the OHA that any successors to the current local government structure are accounted in the dDCO.</p>
2.7.4	Oxfordshire Host Authorities	<p><b>Amendments to the DCO</b></p> <p>Table 20 of the Joint Local Impact Report (LIR) [REP1-072] lists the amendments, clarifications and modifications requested by the OHA to the dDCO, including new requirements. The applicant provided a rebuttal [REP2-026, page 53] agreeing to some corrections and disagreeing on others. In respect of those matters of dispute that remain between the parties, please set out why the Secretary of State</p>



ExQ2	Question to:	Question:
		<p>(SoS) should consider the changes you have suggested and what material difference those amendments would make to the smooth running, understanding or practical application of the DCO.</p> <p><b>RESPONSE:</b>  OHA: Please see the Annex 1 at the end of this document.</p>
2.7.5	Applicant Oxfordshire Host Authorities National Highways Environment Agency	<p><b>Consultation</b></p> <p>The applicant has commented at [REP3-065] that National Highways would be consulted on the final Construction Traffic Management Plan (CTMP) because of an amendment to a paragraph within the outline Code of Construction Practice (CoCP) [ExQ1.7.20]. In a similar vein, the applicant says the Environment Agency would be consulted on the whole CoCP because of a paragraph written into the flood risk assessment [ExQ1.7.27]. This appears to be an unusual and non-standard approach to securing consultation and the ExA strongly suggest the consultees are named on the face of the dDCO. The applicant should update the dDCO accordingly or the consultees (named in this question) should provide written confirmation that the applicant's current approach is acceptable.</p> <p><b>RESPONSE:</b>  OHA: The OHA consider naming the consultees on the face of the dDCO would be preferable. There are several reasons for this: (i) it is the tried and tested means of naming consultees (ii) having consultees named in a single place (i.e. on the face of the dDCO) is preferable to having consultees named in several places (i.e. on the face of the dDCO and on control documents) because it avoids a paper chase and reduces the risk of a consultee being omitted from a consultation exercise and (iii) it is consistent with the approach undertaken by the Applicant elsewhere in the dDCO. For example –</p> <ul style="list-style-type: none"> <li>• by requirement 7(1) (biodiversity net gain) the consultee (“the relevant statutory nature conservation body”) is named on the face of the dDCO;</li> <li>• by requirement 9(3) (surface and foul water drainage) the consultee (“Thames Water Utilities Limited or its successor in function as the relevant water undertaker”) is named on the face of the dDCO;</li> <li>• by requirement 11(1) (code of construction practice), the consultees (“the planning waste authority and the relevant highway authority (as appropriate)”) are named on the fact of the dDCO; and</li> <li>• by requirement 12(1) (operational management plan), the consultees (“the planning waste authority and the relevant highway authority”) are so named.</li> </ul>
2.7.6	Applicant	<p><b>New Article proposed</b></p> <p>Oxfordshire County Council proposed a new Article 16A be added into the Order at [REP3-072]. What is your position?</p>
<b>Requirements</b>		
	Applicant	<p><b>Grampian requirement</b></p> <p>The applicant previously stated [REP2-025, ExQ1.3.3] that the requirement was not needed and not necessary, particularly since there were ‘paid securities’ that the connection agreement in October 2028 would be honoured. NGET’s response [REP2-076, ExQ1.3.6] states the substation would not be built and ready until late 2029 (assuming a smooth process through the planning system). The ExA request re-consideration of this matter and draft wording, on a without prejudice basis, of such a requirement.</p>
2.7.8	Applicant Oxfordshire Host Authorities	<p><b>Replacement panel requirement</b></p> <p>The OHA requested a clause within the dDCO stating that if 30% or more of the solar arrays were to be replaced at one time, a new CTMP should be produced [REP2-050]. The applicant has responded at [REP3-065] that panel replacement would be phased over 5 years. It is unknown whether that means 20% per year. Could both parties give consideration as to how this level of replacement could be written into the dDCO, whether as a definition (under maintain) or as an additional to a Requirement etc. Explain with reasons.</p>

ExQ2	Question to:	Question:
		<p><b>RESPONSE:</b></p> <p>OHA: In [REP2-050] OHA suggested that an additional CTMP would be necessary should more than 30% of panels in the northern, central or southern site need to be replaced at the same time. For clarity this meant 30% of panels within the northern site or 30% of panels in the central site, or 30% of panels in the southern site (not 30% of the total panels across the scheme). As such, even if the applicant were to replace 20% of the panels per year for five years, this would still likely result in the replacement of 30% of the panels within one of the three sections within a single year.</p> <p>30% of the panels within one of the three sites amounts to approximately 200,000-240,000. The applicant in ES Chapter 14: Climate Change [REP3-016] outlines that 25,709 HGV journeys are expected within the initial construction phase. As such, one might assume that for the replacement of approximately 1/9 of the total panels around 2500-3000 HGV movements would be required. OCC as the Highway Authority consider this would generate sufficient HGV movements (let alone other associated vehicle movements) to justify a further CTMP.</p> <p>Likewise, replacement of panels at this scale will result in a significant amount of waste which would not be covered by the Decommissioning Waste Management Plan secured as part of the outline Decommissioning Plan [APP-236]. As such, in the event of large scale replacement of panels a waste management plan would also need to be produced and approved by the relevant Waste Authority</p> <p>Whilst it is noted that the applicant has indicated in the Outline Operational Management Plan that replacement of panels is anticipated but 'will not involve significant construction works and will be managed within the framework of operation procedure, not construction-phase plans' [REP3-032, paragraph 2.2.2], the OHA are concerned that this may not be the most cost effective approach to maintenance and as such may not be considered a viable solution by any future operators of the development and may result in it not be adhered to. This approach also does not take into consideration the possibility of new, more efficient technologies being developed within the lifetime of the development that may result in the desire for widescale replacement.</p> <p>Given the above the OHA consider that a safeguard needs to be put in place if a large-scale replacement of panels occurs to prevent any significant impacts on the road network or waste facilities.</p> <p>This safeguard would be most effectively secured by the inclusion of a requirement drafted along the following lines –</p> <p>(1) No more than 30% of solar panels constructed in the central site, northern site, or southern site may be replaced until a panel replacement construction traffic management plan and panel replacement waste management plan in respect of the relevant site has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the relevant highway authority and waste authority.</p> <p>(2) In sub-paragraph (1) –</p> <p>(a) "the central site" means land within the Order limits identified as 'Central Site Area' within Figure 1.1 - Site Location &amp; Order Limits Overview [APP-059] and</p> <p>(b) "the northern site" means land within the Order identified as 'Northern Site Area' within Figure 1.1 - Site Location &amp; Order Limits Overview [APP-059] and</p> <p>(c) "the southern site" means land within the Order identified as 'Southern Site Area' within Figure 1.1 - Site Location &amp; Order Limits Overview [APP-059].</p>

ExQ2	Question to:	Question:
		The applicant will need to ensure that the references to application documents contained within paragraph 2 of the Site Location and Order Limits Overview <b>[APP-059]</b> is updated.
2.7.9	Applicant	<p><b>Requirement 9</b></p> <p>At [REP3-072] the OHA noted that the applicant indicated that they would work in collaboration with the Lead Local Flood Authority (LLFA) to develop a detailed Surface Water Management Strategy and that such a collaboration would be secured via the DCO. Please confirm and amend, if necessary, as to where Requirement 9 secures approval by the relevant LLFA.</p>
<b>Schedules</b>		
2.7.10	Applicant All local authorities	<p><b>Schedule 12</b></p> <p>The applicant has amended schedule 12 of the dDCO, removing the words “within the Order limits” <b>[REP2-027]</b>. The applicant justifies this as being the means by which hedgerows that straddle the Order limits could be removed in full if necessary.</p> <p>Local authorities</p> <ol style="list-style-type: none"> <li>1) What are your views on this amendment?</li> <li>2) Are you content that the Outline Landscape and Ecology Management Plan (OLEMP) would provide suitable and satisfactory mitigation/ replacement planting for any hedgerow lost that falls outside the Order limits?</li> <li>3) Are the hedgerows affected suitably surveyed or protected (by the need for surveys and environmental mitigation/ protection measures) in the ES and the DCO?</li> </ol> <p>Applicant</p> <ol style="list-style-type: none"> <li>4) The result of the change to Schedule 12 appears to re-draw the Order limits around these hedgerows without seeking the additional land or rights to do this. It would seem unfair for the landowners (whose land the hedgerows fall upon) to be affected in this way without any compensation for the rights lost or the loss of features on their land. Provide a legal note as to why this change is acceptable with regards to the relevant compulsory acquisition guidance and legislation or revert back to the previous wording accordingly.</li> </ol> <p><b>RESPONSE:</b></p> <p>OHA: (1) The OHA do not support the proposed amendment. If hedges are proposed to be removed as part of the development, then these hedges should be included within the Order Limits to ensure that any potential impacts from their removal have been appropriately assessed.</p> <p>(2) and (3) It is noted that none of the tracked changes within the updated ES <b>[REP2-013]</b> and oLEMP <b>[REP3-035]</b> reflect the amendment to the Order Limits. This suggests that the impact pathways caused by the amended Order Limits have not been assessed by an ecologist. Impacts regarding the hedgerow regulations, biodiversity net gain as well as species such as dormouse and bats could become significant. The ecological implications of this therefore must be considered, particularly in relation to the hedgerow regulations, biodiversity net gain, dormouse and bat mitigation.</p>
2.7.11	Applicant All local authorities	<p><b>Paragraph (6) of Schedule 16</b></p> <p>At <b>[REP1-005]</b>, the applicant updated Schedule 16 of the dDCO with text regarding ‘anticipatory steps’ to discharging requirements before the Order is made. The applicant cites some examples where such text has appeared before, saying there is precedent.</p> <ol style="list-style-type: none"> <li>1) The ExA notes all the examples given are highway projects. Can the applicant confirm whether any energy-based projects, including the most recent for solar schemes, contain such provisions?</li> <li>2) Can the applicant explain what the benefits are of having this clause within the Order and whether there really is an impediment to the project that needs overcoming in this way?</li> </ol> <p>Do the local authorities have any practical or operational concerns regarding the inclusion of this provision?</p> <p><b>For Clarity [REP3-005] is the latest version of the dDCO (rev 4) and was used in the preparation of this response.</b></p>

ExQ2	Question to:	Question:
		<p><b>RESPONSE:</b></p> <p>OHA: The OHA note that paragraph 1.2 of Advice Note 15 (Drafting development consent orders) states: “A <u>thorough justification</u> should be provided in the Explanatory Memorandum for every Article and Requirement, <u>explaining why the inclusion of the power is appropriate in the specific case</u>”. <b>[Emphasis added]</b>.</p> <p>Paragraph 4.16.2 of the Explanatory Memorandum <b>[RE3-006]</b> says paragraph 6 has been added “to provide that any anticipatory steps which the Applicant takes to comply with the requirements before the Order is made will be treated as effective in complying with the requirements once the Order is made, thereby avoiding the need to repeat such steps”.</p> <p>This sets out in layman’s terms what paragraph 6 says. To allow the OHA to properly consider this provision, the OHA consider it would be helpful if a proper justification for its inclusion were provided. It would also be helpful if the Applicant could explain which anticipatory steps it intends to take before the Order is made and what impact these will have on the OHA (particularly on OHA resourcing) before the Order is made.</p> <p>The OHA are unaware of this provision being included in other solar Orders and would suggest that it does not necessarily follow that because a provision is appropriate for (say) a highways scheme in Norfolk that it is similarly appropriate for a solar scheme in Oxfordshire.</p>
2.7.12	Applicant	<p><b>Schedule 16 additional sub-paragraph</b></p> <p>The ExA consider it may be useful for members of the public, should development consent be granted, for there to be a clear audit trail of the processes and procedures that take place on the path to commissioning the proposed development. In this vein, particularly with the applicant having added paragraph (6) to Schedule 16, the ExA recommend the following text is added into the dDCO (noting precedent in the A12/A120 Order 2024). The applicant’s views are requested in response to this suggestion.</p> <p><b>Register of requirements</b></p> <p>24.— (1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the approving authority.</p> <p>(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the approving authority has been applied for or given, providing an electronic link to any document containing any approved details.</p> <p>(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.</p>
2.7.13	Applicant	<p><b>Schedules 1 and 5 - road widening</b></p> <p>Schedule 1 of the dDCO mentions road widening at Works. No 9 and then Schedule 5 of the dDCO lists alteration layouts required before these works can go ahead, referring to the B4017 Cumnor Road only [REP3-004]. However, paragraph 12.7.18 of ES Chapter 14 [APP-049] states two other roads where road widening will be undertaken. Does the dDCO cover widening of these two additional roads also, if so, where and how, if not should it do so?</p>
2.7.14	Applicant Siemens Healthcare Limited	<p><b>Protective Provisions</b></p> <p>The ExA notes an outstanding disagreement between the applicant and Siemens Healthcare Limited. Both parties are requested to consider whether the differences could be solved via bespoke protective provisions and, if so, work urgently on drafting these. In response to this question, inform the ExA what is being done, when and why.</p>
<b>Controlling Documents for the dDCO</b>		
	Applicant	<p><b>Integrity of the Project Mitigations and Commitments Schedule</b></p> <p>The ExA has undertaken a random spot check of measures listed in the schedule [APP-129]. The following has been spotted.</p>

ExQ2	Question to:	Question:
		<p>1) Measure 7.11 states all temporary satellite compounds would be managed as grassland if not required for solar installations. The word ‘compound’ appears once in the OLEMP, the word ‘satellite’ does not appear and, whilst grassland is prevalent throughout the document, this specific commitment listed in [APP-129] does not appear in the OLEMP [APP-235].</p> <p>2) Measure 9.28 refers to badger setts being retained with an appropriate buffer of undisturbed habitat. The OLEMP only refers to a license being obtained for disturbance impacts. The measure does not appear secured.</p> <p>3) Mitigation measure 13.8 states a bespoke Horizontal Direction Drilling (HDD) method statement would be committed to in respect of HDDL3 and HDD6 in the CoCP [APP-232]. There is no such commitment listed or readily identifiable.</p> <p>4) Measure 13.5 states that the requirement for operational phase noise limits will be identified in Outline Operational Management Plan (OOMP) [APP-234]. This cannot be readily discerned when reviewing the OOMP.</p> <p>5) Measure 14.1 commits to tables of panels being between 1.5m and 3m apart from one another. Table 9.1 in the Outline Layout and Design Principles document does not reflect this, seemingly saying between 3m and 22m.</p> <p>It is requested that the Project Mitigations and Commitments Schedule [APP-129] is rigorously updated and, where a commitment is said to be in a document, a cross reference should be given to the paragraph or section where such a commitment exists.</p>
2.7.16	Applicant	<p><b>Buffer distances to ancient woodland</b></p> <p>The CoCP states that there would be a 15m buffer between works and ancient woodland. The location for the entry and exit pits for HDDL3 [APP-130], albeit shown indicatively, appear very tight to the edges of these buffers.</p> <p>1) Provide dimensions and distances between the HDDL3 compounds and the edges of the woodland areas.</p> <p>2) Provide details of the likely depth of all occasions where HDD tunnelling would take place underneath ancient woodland and set out why such a depth would be acceptable having regard to the root protection areas and soil stability within woodland areas.</p>
2.7.17	Oxfordshire Host Authorities	<p><b>Legal agreements</b></p> <p>The Joint LIR [<a href="#">REP1-072</a>] made reference to off-site works (biodiversity, improvements to public rights of way etc) that would need to be secured via a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 as amended. The LIR also made reference to the availability and suitability of using a section 278 agreement under the Highways Act 1980 to facilitate works to public highways as opposed to powers sought in the dDCO.</p> <p>On the understanding that Development Consent Orders are used as ‘one stop shops’ for the consenting regime to speed up infrastructure delivery, provide express legal reasons why such different legislative routes should be pursued, and the pros and cons (implications) should development consent be granted for the project in the absence of such legal agreements.</p> <p><b>RESPONSE:</b></p> <p>OHA:</p> <p><b>DCOs as “one stop shops” – the general position</b></p> <p>The ExA will be aware that section 150 (removal of consent requirements) of the Planning Act 2008 provides a mechanism for including certain additional prescribed consents and authorisations within a DCO, where the “relevant body” that would otherwise be required to grant the prescribed consent or authorisation has consented to the inclusion. These are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p> <p>Section 150 is consistent with the Government’s proposal, when introducing the DCO regime, to “as far as possible, create a single application process for all of the development authorisations needed for nationally significant infrastructure projects”. (Planning for a Sustainable Future (2007) para. 2.13(d); emphasis added).</p> <p>Parliament has demanded therefore that, for certain consents and authorisations, the consent of the relevant body is required. The OHA note that in the Planning and Infrastructure Bill, which is due to be considered in Committee in the House of Lords after the summer recess,</p>



ExQ2	Question to:	Question:
		<p>there is no proposal to amend section 150 or the 2015 Regulations mentioned above. (See the latest version of the Bill, which was brought from the House of Commons to the House of Lords on 12 June 2025).</p> <p>While the DCO regime is sometimes referred to as a “one stop shop”, as the above shows, the position in the Planning Act 2008 is more nuanced than that and it has been acknowledged from the outset that the DCO itself would not consent everything.</p> <p><b>DCOs and agreements</b></p> <p><u>Section 106 of the Town and Country Planning Act 1990</u></p> <p>Turning to agreements made under section 106 of the Town and Country Planning Act 1990, it is clear these are complimentary to the DCO regime and have been considered as such since the regime’s outset because section 106 itself was amended by section 174 of the Planning Act 2008 to allow the promoter of a nationally significant infrastructure project to enter into agreements with local authorities, in the same way as a developer seeking planning permission under the 1990 Act.</p> <p><u>Section 278 of the Highways Act 1980</u></p> <p>The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (“the model provisions”) were made under section 38 of the Planning Act 2008.</p> <p>While the power for the Secretary of State to designate, and the requirement to have regard to, the model provisions have both been removed by the Localism Act 2011, they still play an important role in DCO applications. (For example, in respect of the instant application, the Applicant states that its Explanatory Memorandum “seeks to identify and explain departures from the ... model provisions [as] ... the Applicant considers that it is still relevant to note and explain variations made in the Order compared to the model provisions ...” (paragraph 1.6.2 of the Explanatory Memorandum, [REP3-006]).</p> <p>Model provision 13 (agreements with street authorities) provides that a street authority and the undertaker may enter into agreements with respect to certain matters and where a DCO provides the undertaker with powers to interfere with streets, the DCO invariably includes such a provision. (For instance, as well as in the instant dDCO, recent solar DCOs which such a provision include article 12 of the Cleve Hill Solar Park Order 2020, article 13 of the Longfield Solar Farm Order 2023, article 13 of the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024 and article 14 of the Cottam Solar Project Order 2024).</p> <p>The highways agreements made under DCOs are usually based on the relevant highway authority’s section 278 agreement.</p> <p>Therefore, as with the position in respect of agreements made under section 106 of the Town and Country Planning Act 1990, DCO highways agreements are complimentary to the regime.</p> <p><b>Conclusion</b></p> <p>The positives of proceeding with agreements made under these provisions include the fact that the parties (whether local authorities or applicants) are experienced in negotiating them, whether under the DCO regime or otherwise, and so they offer a tried and tested regime for assisting the delivery of the project. Not proceeding with such agreements would necessitate devising a new bespoke regime specific to the DCO in question and it is difficult to envisage any party benefitting from such an approach.</p>
<b>Q2.8 Ecology and Biodiversity</b>		
<b>Ecology</b>		
2.8.1	Applicant	<p><b>Otters, voles and fish</b></p> <p>The Environment Agency (EA) submission at Deadline 1 (DL1) [REP1-083] is unequivocal as to the need for surveys for these species. The Examining Authority (ExA) notes the EA are supported by the Beds, Bucks and Oxon Wildlife Trust [REP2-065, ExQ1.8.14]. The ExA finds no direct rebuttal of the EA’s comments at DL2. If not going to be carried out during the Examination, the ExA expects such surveys to be</p>

ExQ2	Question to:	Question:
		part of the pre-construction surveys the applicant would undertake, with the survey results shared with the relevant consultees to inform detailed design and the mitigation (if any) required. Either provide such surveys to the Examination or update the Outline Landscape and Ecology Management Plan (OLEMP) and register of commitments [APP-129] accordingly to ensure the requested surveys are undertaken and protective measures (if any are necessary) are secured.
2.8.2	Applicant	<p><b>Confidence in assumptions</b></p> <p>In the response to the Joint Local Impact Report (LIR) [REP2-026, p31], you have stated that <i>“further surveys for water vole or otter are not necessary since all impacts are avoided.”</i></p> <ol style="list-style-type: none"> <li>1) When you have not surveyed for the presence of these species, and therefore have no understanding of their potential habitats in the area, how can you be so certain that no impacts would occur?</li> <li>2) In the action of horizontal directional drilling (HDD), there is the potential for bentonite to breakout. Beds, Bucks and Oxon Wildlife Trust [REP2-065] have advocated micro-siting should occur so as to avoid drilling underneath otter and vole habitats, so that any bentonite breakout would be managed without harming habitats. Why has the applicant ruled this out as a potential effect/ impact and what does the applicant propose to do to prevent the impact occurring as feared by the Wildlife Trust?</li> <li>3) In response to ExQ1.10.4 [REP2-025], a commitment appears to be made that HDD would be at least 2m below the riverbed. At this depth, what is the potential for noise and vibration affecting the wildlife in the riverbanks and riverbed?</li> <li>4) In the absence of surveys, how can the applicant be sure that its proposed flood meadow programme on the River Evenlode would not harmfully change or alter the living conditions for otters, voles and fish?</li> </ol>
2.8.3	Environment Agency	<p><b>Fish and the riverbed</b></p> <p>The applicant, at [REP3-065], has said that HDD underneath rivers would only see vibration for a period of 2 weeks and therefore vibration impacts would be minimal. Do you accept this, or do you feel fish surveys are necessary?</p>
2.8.4	Applicant Natural England	<p><b>Ammonia deposition</b></p> <p>The ExA understand that ammonia deposition is under review between the parties. Provide an update and what steps are being undertaken to avoid, reduce or mitigate the effects.</p>
2.8.5	Applicant	<p><b>Bird displacement</b></p> <p>The applicant accepts that the impact to the wintering bird assemblage is moderate adverse and long term. The applicant states the reference to ‘temporary’ in relation to the impact refers to the future provision of further habitat.</p> <ol style="list-style-type: none"> <li>1) When would the new habitat be created and ready for use by wintering birds?</li> <li>2) Where would this new habitat be positioned and why has the location been chosen?</li> </ol>
2.8.6	Applicant	<p><b>Monitoring Evenlode</b></p> <p>Natural England (NE) [REP2-057] requested that water quality in the River Evenlode should be monitored. It is not readily apparent to the ExA that this point has been addressed in the DL3 submissions. Please either signpost where the request has been accommodated or provide reasons as to why this has not occurred.</p>
2.8.7	Applicant Forestry Commission	<p><b>Effects on woodland</b></p> <p>Forestry Commission - In the submission [REP2-054], you state <i>“more needs to be demonstrated to ensure that relevant Government policy, legislation and guidance is being met.”</i> The ExA note that paragraph 5.4.32 of NPS EN-1 requires applicants to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases. The ExA would like to enquire as to which elements of legislation and which elements of the National Policy Statements are considered not currently being met and which direct/ indirect effects you feel are not reasonably covered/ mitigated for by the project. Please specify the exact Acts, clauses and paragraphs, along with reasoning to explain the perceived breaches, deficits or conflicts in each case.</p> <p>Applicant - The ExA requests your early views on the alleged potential non-compliance with NPS EN-1.</p>
2.8.8	Oxfordshire Host Authorities	<p><b>Farmland bird strategy</b></p> <p>Please outline what is envisaged in such a strategy, why you consider it necessary to secure, why it is needed in respect of national policy and what the implications would be if the project was granted development consent without such a strategy in place.</p>

ExQ2	Question to:	Question:
		<p><b>RESPONSE:</b></p> <p>OHA: 15 species, recorded as breeding or possibly breeding, are identified as priority species (listed on S42 of the Natural Environment and Rural Communities Act 2006). Multiple species recorded are also identified as priority species in Oxfordshire's draft Local Nature Recovery Strategy (LNRS) including lapwing, curlew and a farmland bird assemblage (corn bunting, grey partridge, lapwing, linnet, skylark, tree sparrow, yellowhammer, yellow wagtail), nightingale, house martins and tawny owl. The draft LNRS has not been mentioned in the ES and should be considered, with the LNRS expected to be in place late 2025.</p> <p>The latest version of the LNRS can be found here: <a href="https://www.oxfordshire.gov.uk/residents/environment-and-planning/local-nature-recovery-strategy">https://www.oxfordshire.gov.uk/residents/environment-and-planning/local-nature-recovery-strategy</a></p> <p>The term 'Farmland birds' is not defined within the ES and breeding bird survey report [APP-158] and are subsequently not given specific consideration. 'Farmland bird' is a generic term used to describe bird species often associated with agricultural landscapes and the habitats that those landscapes provide. Many of these birds are protected (e.g. raptors subject to special protections under Schedule 1 of the WCA 1981) or priority species (e.g. skylark, identified as being species of "<i>principal importance for the purpose of conserving and enhancing biodiversity in England</i>" under section 41 of the NERC Act 2006). These species may also be described as of conservation concern under national or local criteria (e.g. red list of BOCC).</p> <p>As a public body, the Planning Inspectorate has statutory duties relevant to farmland bird conservation under:</p> <ul style="list-style-type: none"> <li>- Section 40 of the NERC Act 2006 – to further the general biodiversity objective, linked to priority habitats.</li> <li>- Regulation 10 of Habitats Regulations 2017 – to preserve, maintain and reestablish wild bird habitat.</li> </ul> <p>Further to this, the following National Policy Statements paragraphs are relevant to this matter:</p> <ul style="list-style-type: none"> <li>- EN-1: 5.4.16, 5.4.35, 5.4.42, 5.4.43</li> <li>- EN-3: 2.10.77, 2.10.90.</li> </ul> <p>NPPF and NSIP policies EN-1, EN-3 and EN-5 require a measurable net gain in biodiversity to be demonstrated and delivered. Without specific consideration of farmland birds, it cannot be concluded that the previously mentioned policies have been satisfied regarding these species.</p> <p>In the absence of a robust strategy, the scheme would displace a notable proportion of Oxfordshire's breeding skylark from the consent order boundary into the surrounding landscape – which is already likely at a state of equilibrium for breeding skylark. Skylarks are a ground nesting bird with strong anti-predator behavioural traits. They do not typically nest within small fields (&lt;5ha), within 50m of field boundaries, hedges, trees or structures and do not nest within solar arrays. Providing breeding plots within or close solar arrays, on in peripheral areas closer than 50m to boundaries, likely not be successful.</p> <p>It is currently considered that the applicant's current approach to farmland bird compensation is lacking and unlikely to be effective in addressing the losses caused by the development. Residual impacts on protected and priority species are likely to exist and be significant. Section 9.9.90 of the ES concludes no significant numbers of territories of skylarks or other ground nesting birds have been recorded. However, this appears to contradict the high impact on skylarks which are considered separately as a specific mitigation requirement. Lapwings (a LNRS priority species) also do not appear to have been considered in this section. This species also requires areas of extensive grassland with shallow water during breeding season including reeds and sedges for nesting.</p>



ExQ2	Question to:	Question:
		<p>Further detail is requested to demonstrate how the mitigation hierarchy has been applied to farmland birds specifically as an assemblage, including consideration of how this has influenced design in more detail beyond the sowing of foraging seed mixes on the 36ha of retained meadows with under-lying archaeology.</p> <p>Such a strategy should:</p> <ul style="list-style-type: none"> <li>- Update and quantify the level of harm likely to be caused to relevant species, through update survey and assessment.</li> <li>- Identify measures to be implemented to compensate for those identified harms (and ideally result in net gains) for each relevant species (*it is not appropriate to accept harm to one species in exchange for positive measures against another. Each relevant species should be its own discrete planning consideration).</li> <li>- Identify suitable land where those measures can be implemented and secured.</li> <li>- Prescribe detailed method statements and timescales for implementation and ongoing management for a minimum period of 30 years.</li> <li>- Require ongoing ecological monitoring to establish the efficacy of the approach and allow for adaptive management where issues arise.</li> </ul>
2.8.9	Applicant Natural England	<p><b>Skylarks</b></p> <p>The Oxfordshire Host Authorities (OHA) and Cassington Parish Council (amongst others) note that the skylark plots to be provided are only intended to provide foraging areas. There is an alleged loss of nesting/ breeding skylark habitat by the proposed development that the interested parties (IP) consider to be adverse. The OHA suggest some 60ha of off-site land needs to be secured and maintained to support some 228 skylark territories. Provide comment on the request and the need for such mitigation.</p>
2.8.10	Applicant	<p><b>Monitoring commitments</b></p> <p>Table 9.10.1 in the revised Environmental Statement (ES) Chapter 9 [REP2-012] sets out the monitoring commitments in respect of ecology. For some of the entries, it reports cleanly “Requirement in DCO”. The ExA note no such specific requirements for monitoring exists on the face of the dDCO.</p> <ol style="list-style-type: none"> <li>1) If the monitoring measures are to be secured on the face of the DCO, as firmly stated by Table 9.10.1, make the necessary amendments and provisions to make the requirement into force.</li> <li>2) If the monitoring commitments are meant to be part of the OLEMP, specify this clearly in ES Chapter 9 and within the Project Mitigation Measures and Commitments Schedule [APP-129], clearly demonstrating where such measures are secured.</li> <li>3) In Appendix C of the OLEMP [REP2-019], it states hedges should be managed to a minimum height of 3m and would be monitored to ensure this height. Can you explain how the density of planting would be monitored and managed to ensure that visual screening is achieved? (for example, a 3m tall hedgerow which is very sparse might provide very little screening).</li> </ol>
2.8.11	Applicant Natural England Environment Agency	<p><b>Monitoring mitigation</b></p> <p>Applicant – What would happen if ecological monitoring found that a greater adverse effect was being had on a species (i.e. bats, breeding bird assemblage) than the ES envisages? What would the mitigation options be and where are they secured? Would panels be removed to lessen the impact?</p> <p>Natural England / Environment Agency – Please provide your comments on this matter and what monitoring would achieve without effective mitigation options being tabled or understood at this point in the DCO process.</p>
2.8.12	Natural England Oxfordshire Host Authorities	<p><b>Biodiversity metric</b></p> <p>In the applicant’s rebuttal of the local impact report [REP2-026, page 37] the applicant provides reasoning for not applying a temporal multiplier to the biodiversity metric. Do you disagree and, if you do, what are the implications for the ExA’s and the SoS’ assessments?</p> <p><b>RESPONSE:</b></p> <p>OHA: It is stated on page 37 of [REP2-026] that habitats are to be reinstated within 1 year of impact. This is considered in line with biodiversity net gain (BNG) guidance (Biodiversity net gain - GOV.UK).</p>
2.8.13	Applicant	<b>Effects on woodland</b>

ExQ2	Question to:	Question:
		Forestry Commission [REP2-054] query the interface of HDD and ancient woodland. This was not commented on in the applicant's DL3 submissions. Please elaborate on the relationship and specify whether a minimum depth underneath ancient woodland could be secured.
2.8.14	Forestry Commission Natural England	<b>Woodland fragmentation</b> The applicant has stated [REP2-026] that: <i>“maintaining connectivity between woodlands and water course features is ensured within the masterplan through the provision of the buffers around water courses, hedgerows etc. Indeed, the masterplan would improve connectivity between these features compared to the baseline as the majority of the fields present across the Project site have little or no field margin. Once built, the Project would provide a minimum of 5m of margin either side of all hedgerows.”</i> Given this statement, do you consider there the potential for fragmentation between woodland (and ancient woodland) areas to occur, or would the proposal provide betterment compared to the current situation?
2.8.15	Applicant	<b>Biodiversity Net Gain</b> The OLEMP anticipates the delivery of 70% net gain of habitats units across the project as well as 50% net gain in hedgerow units [REP2-019, paragraph 9.1.4]. The Biodiversity Net Gain (BNG) Assessment forecasts 80% and 57% respectively [APP-162]. 1) Explain the differences between the % figure. 2) Which of the above figures is relied upon in the assessment of beneficial effects in ES Chapter 9 [REP2-012]
2.8.16	Natural England	<b>Biodiversity Net Gain vs loss of habitat</b> Many IP have queried whether BNG would actually be an effective replacement for the habitat (breeding and foraging opportunities) that would be lost to bats and breeding birds through the loss of arable land by way of the project. Do you have any views on this, particularly with regards to connectivity between existing established habitats and the distance to proposed BNG land?
<b>Q2.9 Environmental Impact Assessment</b>		
<b>Areas for further evidence</b>		
2.9.1	Applicant	<b>Overplanting</b> NPS EN-3 para 2.10.17 anticipates solar generation as being between 2 to 4 acres for each MW of output. Overplanting, as noted in 2024 NPS EN-3 footnote 92, is <i>“the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator’s grid connection”</i> . The Examining Authority (ExA) has not found reference to overplanting within Environmental Statement (ES) Chapters 5 or 6. Reference was made at Issue Specific Hearing (ISH) 1 regarding the generating capacity being limited by the grid connection offer of 840MW. The ExA requests greater detail on these two aspects of the proposed development in respect of these NPS citations.
2.9.2	Applicant	<b>Cumulative developments</b> Cumnor Parish Council [REP2-048, ExQ1.1.5] raised concern regarding the cumulative effects associated with the Red House Solar Farm and a floating solar farm at Farmoor Reservoir. Whilst Red House Solar Farm is cited in a couple of tables in ES Chapter 20 [APP-057] there is little literature discussing the cumulative impacts of the project with Red House Solar Farm or ratifying the conclusions drawn, even though that proposal is adjacent/ adjoining the project. In addition, whilst the ES does make reference to the Farmoor Reservoir scheme [APP-057], there is little literature on the potential for cumulative effects. Provide more information in respect of these other proposals and evidence any conclusions drawn as to the cumulative effects arising across all the varying ES Chapter topics.
2.9.3	Applicant	<b>Cumulative effects</b> The ExA note that, among all the other projects in the shortlist [APP-224], there are four particular proposals that appear to be getting attention from Interested parties (IP) during the course of the Examination. These are: 1) The 2MWe floating solar farm at Farmoor Reservoir 2) The 65ha solar farm on adjacent/ adjoining land at Red House Farm 3) The Salt Cross housing allocation

ExQ2	Question to:	Question:
		<p>4) The proposed housing development by Blenheim Palace sought under reference 25/01510</p> <p>Other questions in ExQ2 request details relating to these proposals. For the purposes of this question, the ExA state that these proposals appear more important and relevant to the Examination than others due to the interest from IP. The ExA request assessment of these schemes and evidence that the applicant has given thought both to the cumulative effects and to the potential implications for mitigation when advancing the project.</p>
2.9.4	Oxfordshire Host Authorities Other Interested Parties	<p><b>Consequences of assessments</b></p> <p>The ExA note your concerns about the applicant’s methodology (particularly on landscaping) underplaying the effects arising from the proposed project, and the ExA also note the applicant’s rebuttals defending the decisions made. The question following on from this is whether, as a result, you consider the mitigation to be adopted by the applicant is equally underplayed.</p> <p>1) Do you consider that, if the effects arising had been deemed ‘significant’, that additional mitigation above and beyond what is proposed would be required, or:</p> <p>2) Do you consider that the mitigation proposals would likely have remained equivalent to what is currently proposed, regardless of whether the applicant reported moderate adverse effects as significant or not significant?</p> <p>If the answer to question 2 is no (i.e. more mitigation would have been proposed had the effects been deemed significant), which areas do you think the mitigation proposals have been underplayed and what do you consider needs to be done for more effective mitigation?</p> <p><b>RESPONSE:</b></p> <p>OHA: <a href="#">Landscape</a></p> <p>Yes, the mitigation proposed is inadequate, specifically the mitigation embedded into the design. It is usual to undertake assessment and design in parallel, taking an iterative approach to this, so that where significant effects are expected, the design can be altered to respond accordingly, and to reduce effects if that is possible. Planting hedgerows and trees is one form of mitigation, but mitigation by design is the first and most important step, so that the right development is proposed in the right place. This appears to be the step that has not been given sufficient attention in this case. It is very evident, for example, that there are certain areas of the project which are too close to properties, settlements, historic assets, or proposed across ground, which is too widely visible, or too sensitive to this type of development (the steeper ground of the escarpments for example). Some changes have been put forward by the applicant, but these appear to mainly be in relation to avoiding archaeological sites. The suggested changes do not appear to have been followed by a rationalisation of the development parcels so that it follows good design principles. One would expect to see an appraisal of the relative sensitivities of the different parts of the site, and for this to inform the design. Panels should be removed from the more sensitive areas and focused across areas of lower sensitivity, where there are fewer open views, where the landscape character is more ordinary, where key features would not be masked, or key views blocked etc. Once the design is the very best that it can be (avoiding sensitive areas, being compact, logical, using areas that are naturally more screened etc), it is then important to apply further mitigation measures, such as proposed planting.</p> <p>If the effects arising had been deemed to be significant, as indeed many of them should be, and would be expected for this sort of development, then this would have provided a trigger for the applicant to focus to a much greater degree on improving the design, to design out significant effects. It would have been more obvious where panels should be removed, and how the design could be improved through the typical EIA mitigation hierarchy: <b>avoid; reduce; mitigate; compensate</b>. [REP1-072 Paragraph 7.3.115].</p> <p>The mitigation proposals are likely to have remained similar, if we are only talking here about the proposed planting, although more careful attention would have been given to the local landscape characteristics and therefore species, style and character, heights, and the way the vegetation is to be maintained. Nuance is required in terms of the types of planting and types of hedgerows proposed – woodland, copses, tree belts, lower hedges, higher hedges, laid hedges etc should all be considered. It would be beneficial to define different categories of proposed hedgerows. In terms of maintenance, traditional techniques such as laying should be considered to help tie into and reinforce landscape character, rather than detract from it. More fundamentally though, the design embedded mitigation, achieved through changes to the layout and positioning of panels, would have been very different, and a more sympathetic scheme could have been developed. This could still be a sizable project, but would be concentrated on the less sensitive areas, away from villages and individual hamlets or farms,</p>

ExQ2	Question to:	Question:
		<p>and away from the steeper slopes and elevated land where the development would be far more widely visible, leading to a reduction in unacceptable levels of adverse effects.</p> <p>OHA: <a href="#">Ecology</a></p> <p>While it is appreciated that this question is primarily directed towards landscape considerations, underplaying the assessment and therefore the mitigation has a bearing on ecological implications. It is considered important here to reiterate the considerations outlined in section 7.4 of the joint local impact report [REP1-072] which still need to be addressed.</p>
Matters of clarification		
	Applicant	<p><b>Residual effects</b></p> <p>Paragraph 4.1.7 references the role of residual adverse effects after the implementation of mitigation measures in the overall planning balance, and states that the Secretary of State (SoS) should weigh these effects against the public benefits.</p> <p>The applicant has faced criticism of the approach taken in the ES, particularly on cultural heritage and landscape topics in terms of methodology and the perceived downplaying of effects, as well as in respect of ecology in terms of surveys. If an effect has been considered to be of a lesser consequence than it actually is (i.e. not significant), the ExA perceive there could be real potential for the subsequent mitigation plans to be less than what is required (i.e. the belief it is not broke, don't fix it). If that were to be the case, then the true residual effects of the development could be unknown and unquantified.</p> <p>In light of this, the ExA is curious to understand from the applicant how the SoS should take into account the potential for such unknown or understated residual adverse effects in the planning balance. How can it be confidently said that the 'critical national priority' would outweigh the residual effects when the residual effects may not be accurately covered or represented?</p>
Q2.10 Flood Risk, Hydrology and Water Resources		
Flood risk		
2.10.1	Applicant	<p><b>Flood risk assessment</b></p> <p>The response to EXQ1.10.10 is noted [REP2-025]. In respect of those solar panels which have a 200mm freeboard, please provide the following:</p> <ol style="list-style-type: none"><li>1) Location of the proposed solar panels on a plan</li><li>2) Estimate of number of solar panels with a 200mm freeboard</li></ol>
2.10.2	Applicant Environment Agency Oxfordshire Host Authorities	<p><b>Flood modelling</b></p> <p>In relation to the modelling that has been undertaken, the applicant states [REP2-027, page 4]: <i>"While the current model is uncalibrated and excludes some features (e.g., eastern flow route, culverts, urban pipework), it has identified key flood flow patterns and areas of potential mitigation...the modelling outputs have informed initial mitigation concepts."</i></p> <p>How reliable and robust are the flood mitigation proposals when they have been informed by uncalibrated and incomplete data?</p> <p><b>RESPONSE:</b></p> <p>OHA: Flood modelling for the ordinary watercourses was reviewed by a consultant on behalf of the Host Authorities. This review was of the hydraulic modelling reports only and did not undertake model rerunning or development of its own modelling.</p> <p>Hydraulic models are a simplified representation of real-world processes, and therefore there are assumptions and limitations. This includes representations of features, landform and calculations to represent the different flood events. The modelling included sensitivity to downstream boundary and information on the operation of the sluices.</p> <p>The conclusions from the review were that the model for the existing flooding from the ordinary watercourses would require further, more detailed work:</p> <ul style="list-style-type: none"><li>• to cover the potential for validation/calibration from sourcing any known flood incidents and;</li><li>• further testing of the sluice operation and its impact on the flood risk and to understand a worst-case scenario.</li></ul>

ExQ2	Question to:	Question:
2.10.3	Applicant	<p><b>Infiltration testing</b></p> <p>The applicant states [REP2-027, page 5] it “recognizes the importance of infiltration testing to inform pond sizing, locations, and overall drainage design. A programme of site-specific infiltration testing will be undertaken as part of detailed design.”</p> <p>Can the applicant arrange for some preliminary infiltration testing to take place during the Examination so as to:</p> <ol style="list-style-type: none"> <li>1) Seek to resolve or narrow the amount of dispute with Cassington Parish Council</li> <li>2) Demonstrate to the Secretary of State (SoS) that the assumptions made in respect of flood risk and surface water drainage are robust.</li> </ol> <p>In addition, given the concerns from Oxford Airport and the Defence Infrastructure Organisation (DIO) regarding bird strike, further information on the location, size and form of any attenuation ponds is required, including whether such ponds would accommodate or support large bird species.</p>
2.10.4	Applicant	<p><b>Monitoring of Northern Watercourses</b></p> <p>The Joint Local Impact Report (LIR) requests modelling of watercourses in the northern area [REP1-072, paragraph 7.5.17]. The response to the LIR [REP2-026] does not address this point. Provide a response.</p>
2.10.5	Applicant	<p><b>Cassington vulnerability</b></p> <p>The response by the applicant in respect of specific concerns raised in several Relevant Representations (RR) regarding the impact of the proposed development on Cassington flooding vulnerability is noted [REP1-020]. Please expand on why proposed mitigation measures are to be tested at the detailed design stage and not earlier in the process. How can the Examining Authority (ExA), and ultimately the SoS, be confident that the proposed measures would provide adequate mitigation if testing has not occurred.</p>
2.10.6	Applicant	<p><b>Soil compaction</b></p> <p>The response by the applicant in respect of specific concerns raised in several RR’s regarding the lack of mention of soil compaction in the Conceptual Drainage Strategy with respect to pile driving and construction is noted [REP1-020]. Please provide additional detail as to the content of the proposed soil/grass management plan in order for the ExA to understand what measures would be in place to ensure that the ground does not become bare due to the lack of maintenance and peak runoff discharge does not increase over time</p>
2.10.7	Lead Local Flood Authority	<p><b>Outline Operation Management Plan</b></p> <p>Noting the response made to ExQ1.7.27 <a href="#">[REP2-050]</a>, the applicant has updated the Outline Operational Management Plan (OOMP) at Deadline 3 (DL3) <a href="#">[REP3-032]</a> to include proposed measures to manage recent pollution and manage surface water runoff during the construction of the solar farm. Such measures would include soil/vegetation management in the context of flood risk, and this is to be set out in the Construction Surface Water Management Plan. Please confirm whether these additional measures are considered satisfactory.</p> <p><b>RESPONSE:</b></p> <p>OHA: The Outline Operation Management Plan <a href="#">[REP3-032]</a> now includes in Table 3.1 further details that will be included within the detailed OMP. These include additional inclusions for the section titled ‘<i>Impacts on surface and groundwater quality from site run-off and the potential for accidental spillages (e.g. substations) from supporting infrastructure and maintenance activities</i>’ which would cover the OHA’s points related to surface water runoff from the panels.</p> <p>The oOMP also now includes a new section titled ‘Potential impacts on surface water runoff changes from the land’ which includes points that will be included within the detailed OMP when produced, these include specific points around the management of the ground under panels and how these will be monitored.</p> <p><a href="#">These are satisfactory, provided they can be adequately secured during the design stage and whilst the site is in operation.</a></p>
2.10.8	Applicant	<p><b>Haul roads</b></p> <p>Please confirm whether any of the temporary haul roads are to be kept in place during the operational phase. If so, please provide an explanation as to why this is required and identify on a plan which haul roads are to be retained.</p>
2.10.9	Applicant	<b>Project Mitigation Measures and Commitments Schedule</b>

ExQ2	Question to:	Question:
		The additional mitigation measures contained within Environmental Statement (ES) Chapter 10: Hydrology and Flood Risk submitted at [REP3-012] are noted. However, please advise whether the Project Mitigation Measures and Commitments Schedule [APP-129] should be updated to reflect these additional commitments. If so, please amend and submit into the Examination at D4.
Hydrology and Groundwater		
	Applicant	<b>Code of Construction Practice: Part 1</b> Noting the comments made by the Environment Agency (EA) [REP2-053], please confirm whether the following plans will be available prior to the close of the Examination. Alternatively, if the plans aren't going to be available, please provide further detail on the content of the proposed plans: <ul style="list-style-type: none"><li>1) Pollution Prevention Plan</li><li>2) Spillage and Emergency Response Plan</li><li>3) Contaminated Land and Groundwater Discovery Strategy</li></ul>
2.10.11	Environment Agency	<b>Water Supply Strategy</b> It is noted in the Statement of Common Ground (SoCG) submitted at DL3 [REP3-047] that the applicant is proposing to prepare a Water Supply Strategy post consent. Please confirm whether the timing of this strategy is acceptable to the EA.
Rivers and Watercourses		
		There are no questions under this topic at this time.
Control of Pollution and Contaminants		
		There are no questions under this topic at this time.
Q2.11 Geology and Land Use		
Farming Operations		
2.11.1	Applicant	<b>Grazing strategy</b> The response to ExQ1.10,11 is noted by the Examining Authority (ExA) [REP2-025]. However, please confirm the following: <ul style="list-style-type: none"><li>1) Which other livestock, apart from sheep, is to be used for grazing? Is this reference to low-intensity cattle grazing in the River Evenlode corridor?</li></ul> Provide additional detail in respect of the statement that there will be a pause in the grazing over much of the site to allow grasses and wildflowers to set seed. How long is the pause anticipated to be for?
2.11.2	Applicant	<b>Grazing strategy</b> The response to ExQ1.11.2 in respect of sheep grazing is noted by the ExA [REP2-025]. Given the importance of the grazing, please confirm how the expansion of Blenheim's current livestock business is to be secured? Similarly, if Blenheim's livestock business is not expanded, how would the required number of sheep be secured with the three local farmers mentioned in the response to ExQ1.11.2?
2.11.3	Applicant	<b>Land holding details</b> The ExA notes the response made to ExQ1.11.6 in respect of land holding details [REP2-025]. However, please revisit the response and, as per ExQ1.11.6, amend the original response to include the following details: <ul style="list-style-type: none"><li>1) All relevant plot numbers</li><li>2) Holding Use</li><li>3) Breakdown of land classification – by hectare and percentage of holding</li><li>4) Loss of land – defined by temporary and/ or permanent by both hectare and percentage of holding</li></ul> Please provide the revised response in an Annex to your responses in a tabular format for use by the ExA.
2.11.4	Applicant	<b>Best and Most Versatile Land</b>



ExQ2	Question to:	Question:
		The ExA notes the response made to ExQ1.11.8 in respect of Best and Most Versatile (BMV) land [REP2-025]. However, please revisit the response, and as requested, provide, or signpost to existing, justification for each use of land by grade. Please provide the revised response in an Annex to your responses in a tabular format for use by the ExA.
2.11.5	Campaign for the Protection of Rural England	<b>Best and Most Versatile Land</b> The ExA notes the comments made by Campaign for the Protection of Rural England (CPRE) during Open Floor Hearing (OFH) 1 and the written summary submitted into the Examination [REP1-100]. With regard to the concerns raised regarding the use of Best and Most Versatile (BMV) land, please confirm what additional information CPRE would expect to see from the applicant which illustrates how harm/avoidance of BMV land has been included in the project design.
2.11.6	Blenheim Estate	<b>Fallow land</b> Noting your response to ExQ1.11.11 [REP2-067] and also in response to James Price's submission at Deadline 3 (DL3) [REP3-100], please provide additional detail on how land quality would increase just by leaving it fallow.
2.11.7	Applicant	<b>Best and Most Versatile Land</b> The ExA notes the applicant's response to ExQ1.11.7 [REP2-025], however part 2 of the question has not been answered. Please revisit the response, and as requested, consider whether there would be a significant effect on the ability for those affected farms to grow crops for an extended period of time.
2.11.8	Applicant Oxfordshire Host Authorities	<b>Outline Decommissioning Plan</b> Applicant - The detail regarding the return of land to agricultural use/farmland in the Outline Decommissioning Plan (ODP) [APP-236] is noted. However, the ExA requests that further commitments are included within the ODP to ensure that the land to be returned to agricultural use/farmland would be to the same Agricultural Land Classification (ALC) grade. Additional detail should include, but is not limited to, specific methods and timescales to be involved. Oxfordshire Host Authorities (OHA) – Noting the current wording of Requirement 14 within the Draft Development Consent Order (dDCO) [REP3-004], please comment on whether it is considered necessary for the relevant planning authority to also determine the acceptability of the end state of the land to be returned to agricultural use/farmland in terms of the ALC grade after the decommissioning stage.  <b>RESPONSE:</b> OHA: We do not consider it is necessary to determine the acceptability of the end state of the land to be used for agriculture. Detail can be provided within the required decommissioning plan which is to accord with the outline decommissioning plan <b>[APP-236]</b> . The outline plan states at 2.1.6 “The soil is anticipated to have undergone a period of approximately 37.5 years of lower intensity farming practices including conservation sheep grazing, whilst the Project is operational, providing potential benefits to soil health.” This is considered sufficient should land return to agricultural use.  OHA consider ecological benefit accrued during operation of the solar farm will also need to be assessed prior to decommissioning as over 37.5 years ecology habitats may have established which could have more value than a return to more intensive agricultural use. Furthermore, it may not be feasible to return all areas of the site to the same grade of agriculture dependant on the post development habitats implemented including specific species measures.  The assessment of decommissioning within the ES <b>[REP2-013]</b> focusses primarily on disturbance and indirect impacts as a result of the decommissioning works and does not necessarily consider direct loss of habitats at this stage of the project. These direct impacts should be assessed in more detail including an assessment of reinstatement of habitats such as referred to in sections 9.9.96 and 9.9.104.
2.11.9	Applicant	<b>Underground cables and land drainage</b> The ExA notes that the majority of the underground cables are to be left in-situ following decommissioning. Please confirm whether this would have any effect on the reinstatement of land drains? Would the presence of underground cabling prevent the land from being returned to agricultural use as it would no longer be efficiently drained? How does the applicant intend to maintain the existing land drain network across the site and how is this to be secured?

ExQ2	Question to:	Question:
2.11.10	Natural England	<b>Agricultural land yield</b> At ExQ1.11.11 [PD-008] the ExA requested that Blenheim Estate provide further detail regarding which parcels of agricultural land to be included within the proposed development were degraded of nutritional and organic content. A response was received from Blenheim Estate at [REP2-067]. However various interested parties (IP's), including Professor David Sherratt at DL3 [REP3-112], have raised concern in respect of the information given in terms of accuracy.  In order to assist the ExA, please review the initial question posed at ExQ1.11.1 by the ExA [PD-008] and the responses received and provide commentary.
Other land use matters		
2.11.11	Applicant	<b>Land stewardship</b> The response made by the applicant in respect of land management options is noted by the ExA [REP1-020]. Please confirm whether there is any update in respect of proposed management options. Is a decision in respect of this matter to be made before the close of the Examination?
2.11.12	Applicant	<b>Green Belt – openness definition</b> In response to ExQ1.11.12, the OHA state that the definition of openness as provided in the Planning Statement is not accepted [REP2-050]. Several reasons are given for such non-acceptance but include the fact that the account of a development's three-dimensional volume has not been included, and that the visual element of openness should not be determined simply by whether the scheme can be seen, but also by the change in the openness of the view. Please provide comment on the full answer provided at ExQ1.11.12 by the OHA.
2.11.13	Applicant	<b>Green Belt – Very Special Circumstances</b> The response to ExQ1.11.16 [REP2-025] is noted. With regard to VSC 5 – Economic, Education and Sustainability Benefits please provide additional clarity and detail in respect of each of the three aspects as to how the suggested benefits would justify the proposed development within the Green Belt.
2.11.14	Applicant	<b>Soil analysis information</b> Further to the submissions made by CPRE Oxfordshire [REP3-090] and Tom Lewis [REP3-122] at DL3, please provide a copy of the soil sampling plan and the following information: 1) pH levels 2) Phosphorus, potassium, and magnesium levels, expressed in parts per million, rather than an index 3) Organic matter content  Also, noting the additional comment in respect of lack of data for the northern site, please confirm whether the applicant intends to purchase the missing data? If not, please provide an explanation.
2.11.15	Applicant	<b>Agricultural Land Classification and soil survey</b> Noting the response to ExQ1.11.4 [REP2-025], please provide an update in respect of the outstanding survey work for the remaining 5% of the total survey area. The ExA requests that the results of this survey are submitted into the Examination as soon as possible.
Q2.12 Habitats Regulation Assessment		
Effect of the Proposed Development on its own and In-combination with Other Plans and Projects		
		There are no questions under this topic at this time.
Q2.13 Landscape and Visual Amenity		
Arboriculture		
	Applicant	<b>Updated arboricultural report</b> [REP1-045] provides the updated tree survey plan, however the cable route (shown in light blue on the key) is not shown on the plans.



ExQ2	Question to:	Question:
		<p>[REP1-046] shows what appears to be a cable route, but not in the colour indicated on the key; the lighter blue (which is shown as the proposed cable route on the key) appears to indicate waterways and drains.</p> <p>Update these documents to show the cable route.</p>
2.13.2	Applicant Oxfordshire Host Authorities	<p><b>Tree protection scenarios</b></p> <p>[REP1-047] shows various scenarios in relation to works adjacent to/within root protection zones. However, no indication is provided on the plans of where such incursions may occur. Provide plans that show where each scenario may occur.</p> <p>Oxfordshire Host Authorities (OHA) – do you have sufficient information to provide clear advice on the likelihood of impact to the tree roots and if not, what additional information do you require?</p> <p><b>RESPONSE:</b></p> <p>OHA: No.</p> <p>The information is very generic; it shows proposed methods of tree protection for a range of scenarios but not showing where each scenario is implemented on site. Insufficient information has been provided to provide clear advice on the likelihood of impact to tree roots. Additional information is required.</p> <p>Without knowing the tree constraints across the site, it hasn't been possible to determine how the proposed scenarios would work in reality. Tree constraints need to be identified before any site design development is completed. The site design guide needs to be based on the actual tree constraints, not just a set of principles.</p> <p>A detailed survey of all trees and woodlands adjacent to all works that have the potential to impact on these features, it is not possible to make an accurate and detailed arboricultural assessment of the impact of this proposed development. A detailed arboricultural survey would need to be completed to provide accurate comments on realistic tree related implications of the proposal.</p> <p>An updated detailed Arboricultural Impact Assessment (AIA) in accordance with BS 5837:2012 is required, including accompanying arboricultural impact assessment plans, once the above surveys have been completed, to include trees and all works on the plans, including the photovoltaic (PV) solar farm and associated infrastructure the exact location of cable routes.</p> <p>This AIA needs to follow the basic framework below.</p> <p>Step 1: Identify which trees are a constraint to development due to their arboricultural value (e.g. which trees are Category A &amp; B as per BS5837). These need to be plotted on scale plans, showing the BS category of each tree and the tree's Root Protection Area.</p> <p>Step 2: Amend the design to reflect the tree constraints found on site. i.e. the site layout needs to avoid any construction works in the Root Protection Areas of the higher value trees identified in Step 1.</p> <p>Step 3: Having identified the higher value trees and amended the design accordingly, then identify how the retained trees are going to be protected prior to works starting on site. i.e. using the submitted scenarios.</p> <p>Individual tree protection plans must be provided for all the sites. So, it is clear to the construction team, where exactly tree protection barriers, ground protection, utility routes etc is to be located. This is also a requirement as set out at Table B.1 of BS 5837:2012 and is standard practice for protecting trees during construction works.</p> <p>The above information needs to be submitted in the form of a series of tree protection plans and AIA and Arb Method Statement (AMS).</p> <p>Comments on scenarios:</p> <p>Tree Protection Protocol Scenario 6 is not acceptable. Using machinery to excavate within RPAs is likely to lead to excessive and adverse arboricultural impacts, contrary to section 7.2.1 of BS 5837:2012 which states 'To avoid damage to tree roots, existing ground levels should</p>

ExQ2	Question to:	Question:
		<p>be retained within the RPA. Intrusion into soil (other than for piling) within the RPA is generally not acceptable, and topsoil within it should be retained in situ. However, limited manual excavation within the RPA might be acceptable, subject to justification. Such excavation should be undertaken carefully, using hand-held tools and preferably by compressed air soil displacement'. NJUG Volume 4 also provides guidance for installing utilities within proximity to trees.</p> <p>Specifically relating to section 6.6 of the Scenario which states 'If trenching works will affect more than 20% of any retained trees RPA the impact should be assessed by the project Arboricultural Consultant as the tree may require removal'. This does not accord with BS 5837:2012, which states 'This should extend to arboricultural supervision whenever construction and development activity is to take place within or adjacent to any RPA'. So therefore, any works in the RPA should be assessed by an arboriculturist.</p> <p>Similarly, Tree Protection Protocol Scenario 9 is not acceptable. Strip foundations within the RPA of trees can lead to extensive root loss and should be avoided. Machinery for excavating in RPAs should also be avoided.</p>
Landscape Effects		
	Applicant	<p><b>Landscape effects – construction</b></p> <p>In their responses to EXQ1.14.11 [REP3-072] OHA consider that your response further highlights their general concerns on the Landscape and Visual Assessment (LVIA). They state that there will be compounds, temporary compounds, fencing, vehicle movements, piling with associated plant and drilling machinery, which are all elements that would have an impact on the landscape character of an area thus conflict with the statement <i>“the inherent landscape characteristics and physical framework of the landscape would be retained”</i>.</p> <p>The Examining Authority (ExA) are minded to agree with the OHA assessment and so in order for the ExA to reconcile this issue, please provide a more robust and detailed response to the question of how the assessment of minor adverse effect is justified, particularly in relation to the how the scale of construction across the proposed development site may be considered as only a “slight variance” with the existing character.</p>
	Applicant	<p><b>Landscape effects – operation</b></p> <p>In their responses to EXQ1.14.11 [REP3-072] OHA consider that the impacts on landscape character are inadequately assessed and underestimated, and they state that your response does not address those concerns. In addition, Vale of White Horse District Council (VWHDC) disagrees with your assessment and state that landscape character changes throughout the proposed development site, and for the south area with large scale fields, open nature and elevation of the landscape, means that the change in landscape would be out of odds with the character of the area. They also note that the National Grid Energy Transmission (NGET) substation would not be low-lying in nature.</p> <p>The ExA are minded to agree with the OHA and VWHDC assessments and so in order for the ExA to reconcile this issue, please provide a more robust and detailed response to the question of how the assessment of moderate/minor adverse effect is justified, particularly in relation to the change in character of the landscape from rural to industrial.</p>
2.13.5	Oxfordshire Host Authorities	<p><b>Photomontages</b></p> <p>In <a href="#">[REP2-026]</a> the applicant has responded to question raised by your consultants LUC regarding the photomontages not showing the worst-case scenario of winter in year 15. The applicant has stated <i>“At winter Year 15, the views experienced by visual receptors would be similar to those experienced in summer Year 15, given the height and width of the proposed landscape mitigation and the height of the solar panels.”</i> Do you agree with this statement?</p> <p><b>RESPONSE:</b></p> <p>OHA: We do not agree with this statement. Deciduous trees, shrubs and hedgerows are largely transparent when leafless, typically between around October through to April each year. It is good practice to assess and illustrate a worst-case scenario when vegetation is at its least effective in terms of screening or filtering views. Deciduous hedgerows and trees are widespread in the study area and there is a big difference in the openness of views, and the general appearance and character of the landscape, between the winter and summer months. Young immature plants, in particular, can be almost invisible when leafless. This is not an area where coniferous or evergreen vegetation is particularly widespread or characteristic.</p>

ExQ2	Question to:	Question:
		<a href="#">Example representative visualisations which illustrate this point include 18, 27, 37, 38, 40, 46, 50 and 53.</a>
2.13.6	Applicant	<p><b>Photomontages</b></p> <p>Chapter 3 of Annex 1 to the OHA Local Impact Report (LIR) [REP1-072] indicates several irregularities with the photomontages provided. In order to assure that these can be relied upon, please respond to every point raised and, where necessary, amend the relevant photomontage and re-submit.</p>
2.13.7	Applicant	<p>Hedges adjacent to new and existing Public Rights of Way</p> <p>There have been several representations regarding the “tunnelling effect” of planting tall hedges on both sides of many of the Public Rights of Way (PRoW).</p> <ol style="list-style-type: none"> <li>1) Using a worst-case scenario, provide scaled plans that show a typical section across these paths, showing the minimum suggested width of path and suggested height of hedges on both sides at maturity during operation.</li> <li>2) Include details of the proposed species mix as outlined in the outline Landscape and Ecology Management Plan (OLEMP) [REP3-034].</li> <li>3) In Appendix C of the OLEMP, it is noted that hedgerows should be managed to a minimum height of 3m but no maximum is provided. On the plan and within the OLEMP include details of the proposed maximum height for these hedges during the operational phase of the proposed development to ensure they do not get overgrown. Include details of who holds responsibility for this maintenance.</li> </ol> <p><b>RESPONSE</b></p> <p>OCC: OCC as Highways Authority maintains the position outlined at paragraph 3.5.1 of Oxfordshire County Council’s Relevant Representation [RR-0793] that any mitigation hedge planting that would result in a ‘greenway’ around PRoW should have an overall corridor width of 15m. Hedges should be planted appropriately set back from the edge of this corridor to ensure that once the hedges have matured the hedge is not encroaching on the PRoW and that any trimming of these hedges will not result in thorny detritus being left on the PRoW.</p>
2.13.8	Applicant All Interested Parties	<p><b>Landscape mitigation and decommissioning</b></p> <p>In the applicant’s response to the Rule 17 letter [REP2-029], the applicant states <i>“the proposed landscape mitigation would be retained after the removal of the infrastructure elements and will continue to provide a positive long-term contribution to and reinforcement of the character of the landscape, in line with the management guidelines for the area. Should the proposed landscape mitigation be considered detrimental to landscape character at decommissioning, then it could be removed. However, as it follows the current management guidelines this is unlikely to be recommended.”</i></p> <p>To the applicant</p> <ol style="list-style-type: none"> <li>1) When a number of interested parties (IP) have expressed that the landscape character, at present, is defined by long sweeping views across undulating countryside from higher vantage points, how do you justify your position that the landscape mitigation (including lining footpaths with 3m high hedgerows, thus removing or blocking a proportion of these views) would <u>reinforce</u> landscape character?</li> <li>2) Is the landscape mitigation (i.e. such as additional hedgerows along footpaths) being relied upon for biodiversity net gain calculations or are these deemed as separate biodiversity enhancements?</li> <li>3) There is no mention of future hedgerow management in the outline Decommissioning Plan (ODP) and no mention of whose responsibility this would be. Add this maintenance responsibility information to the ODP along with a proposed appropriate height for future maintenance to ensure the wider landscape views would not be affected.</li> </ol> <p>To all IP</p> <ol style="list-style-type: none"> <li>4) The ExA recognises that the proposal would have visual impacts on the landscape, and several IP’s have expressed concerns as to how adverse they would be. The ExA nonetheless is considering all stages of the development and is considering the future condition of the landscape post-decommissioning. What would your reaction be if, at this stage, areas of landscape mitigation (for example, planting hedgerows along public footpaths) were excluded from the applicant’s plans and not implemented? This would of course result in un-mitigated visual effects being endured during operation but, at decommissioning stage, the original landscape character could be restored closer to that presented, enjoyed and described in the book by Forever Fields [REP1-101].</li> </ol>

ExQ2	Question to:	Question:
		<p><b>** Please note the ExA is not necessarily advocating this or pursuing this as a possibility but simply seeking to consider detail of operational and decommissioning phases of the development, taking into account paragraph 2.10.151 of NPS EN-3.</b></p> <p><b>RESPONSE:</b></p> <p>OHA: It would be better for hedgerows and trees to be planted, than for them not to be planted. The panels, associated structures, and fencing of the solar farm will be intrusive in views and out of character with the landscape. However, more careful and considered design, including the removal of panels and reducing the heights of panels in areas of more open views, would allow for the reduction in height of screening hedgerows. Management and maintenance would be essential for new planting to potentially become and remain a positive feature. Clarity is needed on proposed species, proposed management, how this will be undertaken and ensured including funding, both during the project and in perpetuity. Hedges for example would need to be regularly laid if they are to develop effectively and to tie in with those which are locally characteristic (see <a href="https://www.cpre.org.uk/stories/hedgelaying-in-the-oxford-green-belt/">https://www.cpre.org.uk/stories/hedgelaying-in-the-oxford-green-belt/</a>).</p> <p>The planned character and heights of hedgerows are important – the minimum height of 3m is well above head height and will change the availability of open views across the landscape. Hedges are more usually trimmed annually (only after the end of the bird nesting season) and maintained at heights of around 1.5-2m. Laying is usually done on a 5–10-year cycle, to ensure they remain thick and healthy. In terms of hedgerow and vegetation maintenance, as tenant farmers would no longer be in place, who would do this work? How would it be guaranteed to be appropriate and in character, and to continue post decommissioning?</p> <p>All landscape proposals need to be more nuanced in terms of their design. For example, hedgerows could be planned so that they sweep further away from paths in places, to create a series of spaces which are less oppressively enclosed, and which enhance the character of the journey along them; they could have gaps to allow open views across the countryside; different types and categories of hedge could be proposed. Essentially, landscape proposals need to be carefully designed, implemented and maintained to establish a robust landscape framework, which can help soften and integrate development. It is not simply a case of seeking to block views, and this would be inappropriate and out of character.</p> <p>If hedgerows are present for more than 30 years, they will become protected under the Hedgerow Regulations, so they will need to remain in-situ in perpetuity, albeit that a different management regime could be proposed once the solar panels have been removed such as lowering the maintained hedge height.</p> <p>In terms of the mitigation proposed through use for sheep for grazing, there are many practical considerations which appear not to have been looked at. These include the number of animals that would be required over such a large area, design and location of fencing so animals can be moved from field to field or transported elsewhere, animal care and welfare - access to water, inspections, lambing, winter feeding, shearing requirements etc. Use of sheep on this scale would need to be thoroughly planned and embedded into the project design from the outset, so that it works from a farming and animal welfare perspective. The solar panels and mitigation hedgerows would reduce the visibility of stock and therefore visual inspection would be more difficult and labour intensive. What would happen to the land post decommissioning, would the conservation grazing grassland be maintained?</p> <p>Furthermore, from an ecological perspective the proposed landscape mitigation and enhancement for biodiversity are strongly linked. For example, planting and improving the biodiversity value of hedgerows is a requirement for mitigating impacts to bats, dormice and other species that rely on hedgerows. We would therefore encourage hedgerows to be retained and enhanced as far as possible after the site has been decommissioned. This will help to ensure a biodiversity legacy and all enhancements including floodplain meadows, woodland, trees, and hedgerows should be viewed and secured as long-term enhancements of the landscape for nature recovery.</p> <p>Significant concern remains that if habitat creation and enhancement works are only temporary then the impacts of the enhancements for biodiversity, protected and priority species would not provide long term benefits nature recovery and climate resilience.</p>



ExQ2	Question to:	Question:
		The impacts of decommissioning on ecology and biodiversity as well as the legacy of the proposed BNG should be thoroughly considered and assessed when determining land use post decommissioning. If the land is returned to its previous agricultural grade and use this is considered a significant missed opportunity to deliver a significant and long-term contribution to local nature recovery and biodiversity with national importance.
	Applicant	<p><b>Environmental Statement and landscape effects</b></p> <p>In their response [REP2-029], to the Rule 17 letter [PD-009], the applicant acknowledges that mitigation would result in a change in view but states that the mitigation planting would ‘balance’ the effects attributable to the solar infrastructure and that the mitigation would be beneficial. The Environmental Statement (ES) Chapter 8 [PDB-006], paragraph 8.9.107 also states that operational effects are fully reversible suggesting the site would return to baseline conditions following decommissioning. However, the ExA notes that ES Chapter 8 table 8.11 determines the magnitude of impact is related to the change in view from baseline condition.</p> <p>The OHA identify a number of viewpoints [REP1-072], [REP2-050], [REP3-072] where they consider that despite mitigation, the view remains altered and therefore the magnitude of impact is not reduced or reduced to the extent the applicant reports.</p> <p>The ExA notes that in the applicant’s response to the Rule 17 request it states the mitigation will assist in integrating the proposed development into the landscape, provide biodiversity benefits and follow local management guidelines. However, it is unclear how ES Chapter 8 section 8.9 takes into account the change in the nature of the impact with reference to the supporting photomontages and instead considers all mitigation to have a beneficial effect.</p> <p>Can the applicant demonstrate how the change in nature of the impact has been taken into account in line with the methodology with appropriate consideration of, and reference to, the correlating photomontages. Where there is any change in the conclusions or justification for the conclusions of the assessment of likely significant effects, the ES should be updated accordingly.</p>
	Applicant	<p><b>Definition of temporary</b></p> <p>In your response to the Rule 17 letter [REP2-029], you have stated that ‘temporary’ relates to the completion of the construction period and therefore the magnitude of effects at construction is the same as the initial year of operation. However, this is not always the case in ES Chapter 8 [PDB-006] section 8.9; examples include but are not limited to viewpoints 22 and 36. Explain the discrepancies or otherwise seek to amend any errors in the ES.</p>
2.13.11	Applicant Oxfordshire Host Authorities	<p><b>Response to ExQ1.14.9 [PD-008]</b></p> <p>The ExA acknowledge the Change Request (CR) 2 notification [REP2-045]. However, the CR has not taken into account all of the changes proposed by others, particularly in relation to the ICOMOS-UK submission and OHA’s. Please refer back to this question and respond with a plan with overlays, as requested, indicating the omissions proposed in excess of those captured by CR2. It is acknowledged that this may change at DL4 when OHA submits the findings from their visits, as outlined in [REP3-072].</p> <p><b>RESPONSE:</b></p> <p>OHA: The OHA have made suggestions through their previous representations, for land parcels to be omitted from the proposed development, for numerous reasons including landscape, heritage, ecology, flood risk, minerals and waste and green belt impacts.</p> <p>A site visit was undertaken with the OHA landscape consultant on 15 July 2025 to consider whether any land parcels should be omitted from the proposed development, specifically to address the landscape impacts of the scheme. The opportunity was also taken to consider the proposed omissions suggested by both ICOMOS UK [REP2-071, 072, 073 and 074] and Historic England in their representations [REP1-086] to understand whether the proposed omissions would address the concerns of the OHA</p> <p>A map of suggested omissions is included at Appendix 1 to this representation, to show where panels could be removed, to reduce the landscape and heritage impacts of the proposed development. Proposed omissions relate to landscape and built heritage impacts only, and do not fully reflect the extent of the OHA’s view about the totality of the required omissions.</p> <p>The OHA welcome the areas proposed to be omitted by PD-011 Section 89- Change request 2 and the associated Proposed Changes to DCO Application - Change Request 2, however these changes are not extensive enough to address Landscape and Heritage concerns. The OHA site visit assessment was very similar in outcome to the areas proposed to be removed in the ICOMOS-UK [REP2-071, 072, 073</p>

ExQ2	Question to:	Question:
		<p><b>and 074]</b> .However, there are additional areas the OHA would like to be removed from the scheme in addition to the ICOMOS areas for removal. These include additional areas in the South near the substation, areas of higher ground to the south-east of Bladon, land to the north of Cassington, higher-lying land to the south of Bladon Heath Wood, which is seen on views from Church Hanborough across the valley and additional sloping and elevated land either side of River Evenlode to the south of Church Hanborough. There is also additional Heritage Areas such as the setting and approach to the southern side of Blenheim, the setting of Shipton Slade Farm and north of the proposed Salt Cross Village.</p> <p>The OHA Omission Plans, at Appendix 1 show areas the OHA would like to see removed, those specifically related to ‘Heritage’ are Keyed blue. The areas which are most visually prominent, form part of a setting and or part of a historic field pattern are Keyed as ‘Landscape following Site Visit’. The other areas keyed ‘Landscape’ are those areas judged to have unacceptable due Landscape, Visual or Heritage impacts.</p>
<b>Visual Effects</b>		
2.13.12	Applicant	<p><b>LVIA methodology and assessment of effects.</b></p> <p>At Issue Specific Hearing 1(ISH1) and EXQ1.14.10 [PD-008] the ExA asked the applicant to explain why effects with a significance level of Moderate or less were considered not to be significant.</p> <p>Whilst the applicant provided a response at [REP2-025] and [REP2-029], the ExA is minded to agree with other representations on this matter, including the LIR [REP1-072], OHA [REP3-072] and Stop Botley West [REP3-120] and still consider this matter unresolved.</p> <p>In light of these representations (and the alternative approach taken in other ES chapters) and in order for the ExA to reconcile this issue, please comment on the representations made at DL3 and provide a more detailed and robust reasoning for your position.</p> <p><b>RESPONSE:</b></p> <p>OHA: At paragraph 1.2.29 of The applicant’s response to the OHA’s response to the Rule 17 Letter <b>[REP3-066]</b> the applicant states ‘<i>The Applicant’s Position – The use of the National Highways Standard significance of effects matrix (DMRB LA104, Table 3.8.1) adapted to reflect LVIA terminology (Table 8.12 of APP-045) is appropriate for the Botley West Solar Farm project.</i>’ However, it is noted that on page 15 of the Design ‘Manual for Roads and Bridges (DMRB) LA104 (Highways England et al. 2020) guidance NOTE 3 ‘Significant effects typically comprise residual effects that are within the moderate, large or very large categories.’ Therefore, if the LVIA is based on DMRB guidance and their assessment tables reflects those included in this guidance it is not clear why the significance of effects also does not follow the same DMRB guidance and count a moderate effect as significant.</p>
	Applicant	<p><b>Visual effects – operation</b></p> <p>In response to ExQ1.14.14 [REP2-025] you referred to your response to ExQ1.14.10 [REP2-025] regarding the significance of effects. Your statement that “<i>In middle or long distance views, with the Project following the existing contours and much of it at 2.30 m in height, it was judged that views would largely be retained</i>” does not account for the change in view from rural to industrial.</p> <p>1) The ExA would like you to expand on this and explain why, given the change in view from rural to industrial, you consider the views would be largely retained.</p> <p>You also note that in relation to close views, it has been acknowledged in the LVIA that the project would result in a number of significant effects, although you consider that these would diminish over time with no residual significant visual effects predicted at summer of year 15 (paragraph 8.14.4 of the LVIA).</p> <p>2) Because this negation of effect is due to the growth of the screening hedges, the ExA would like you to expand on your reasons for not considering that the change in views from expansive fields to close-range 3m hedges would be significant.</p>
	Applicant	<p><b>Viewpoints</b></p> <p>There have been representations from OHA [REP1-072], [REP2-050], [REP3-072] as well as IP’s, including but not limited to [REP1-148], [REP1-154], [REP2-081], [REP3-108] regarding the lack of consultation on viewpoints, suggestions for additional viewpoints, noting the poor positioning of existing viewpoints and, given the scale of the project, the lack of photomontages.</p>

ExQ2	Question to:	Question:
		From the Unaccompanied Site Inspections (USI) undertaken, the ExA is minded to agree with these various representations and the applicant is therefore asked to explore this further, providing evidence to demonstrate the robustness of their approach in order for the ExA to reconcile this matter.
	Applicant	<p><b>Residential Visual Amenity Assessment (RVAA)</b></p> <p>The Scoping Opinion [APP-126] states <i>“In line with guidance, the requirement for a RVAA is generally dependent on the outcome of a landscape and Visual Impact Assessment (LVIA). Therefore, in the absence of LVIA conclusions, the Inspectorate does not agree to scope out a RVAA at this time. The need for an RVAA should be justified based on the conclusions of the LVIA presented in the ES and agreed with the relevant consultation bodies.”</i> (ID 3.2.3).</p> <p>In the LVIA [APP-126] you have responded with <i>“The need for an RVAA will be determined through the outcome of the ES and through further consultation with relevant parties as required following the ES process”</i> and at paragraph 8.6.80 <i>“Due to the low level of the Project, particularly the solar arrays, and proposed mitigation, there is no potential for any private views to be adversely affected to an extent that would result in a level of harm of Substantial, which trigger the threshold for an RVAA being required. As such, private views are not considered further in this Chapter”</i>.</p> <p>In Appendix 1 of the Joint LIR [REP1-073], OHA consultants have questioned the methodology that led to the assumption that the RVAA was not required, and this does not appear to have been fully addressed in your response at [REP2-026].</p> <p>The ExA are unclear on the properties that were initially considered, what mitigation has already been undertaken since public consultation, which properties may have residual effects and what the proposals are for any further mitigation. In order for the ExA to reconcile this issue, please comment on the representations made by OHA and their consultants on this matter and provide any such further information that would assist the ExA.</p>
<b>Q2.14 Noise and Vibration</b>		
<b>Noise effects</b>		
2.14.1	Applicant	<p><b>Cumulative noise in Public Rights of Way</b></p> <p>In response to paragraph 7.9.10 of the Joint LR [REP2-026] there is a statement that: <i>“It is possible that noise from the PCS units will be slightly audible in some areas of some PROW which cross the Site. However, it is not uncommon for industrial noise to be audible on PROWs, as is experienced alongside the Siemens factory in Whitney. Furthermore, receptors on PROW are transient, and so any potential impact experienced by noise from the development, whilst on a PROW, would be for a very short period of time, thereby reducing the magnitude of any impact.”</i></p> <p>This leads to the following questions:</p> <ol style="list-style-type: none"><li>1) The Examining Authority (ExA) note that the Power Converter Stations (PCS) units are rated at 92dB [APP-043, Table 6.3]. At what distance away from a PCS unit would that level of noise be deemed ‘slightly audible’?</li><li>2) What minimum buffer/ distance is planned in the layout of the proposed development between any single individual PCS unit and the nearest Public Rights of Way (PRoW), and can that buffer appear as a design commitment in the Outline Layout and Design Principles (OLDP) document?</li><li>3) The ExA observed from its Unaccompanied Site Inspections (USI) that, apart from road traffic noise, industrial noise was not frequently experienced across the PRoW network. From the statement above, it appears assumed that the noise from a PCS unit would only be experienced for a short period of time. However, this does not account for someone walking the full length of a path and being susceptible to multiple PCS units (and/ or substations). Does this affect the magnitude of the impact in a cumulative sense?</li></ol>
2.14.2	West Oxfordshire District Council (WODC)	<p><b>Background noise data</b></p> <p>In paragraph 7.9.19 of the Joint LIR [REP1–072], West Oxfordshire District Council (WODC) state they wish to review the derivation of the representative background noise levels. Can you confirm if you have received the information you need from the applicant to complete this review. In the absence of this data being made available to you, how confident are you with the background noise data currently provided by the applicant in their Environmental Statement (ES) assessment.</p>



ExQ2	Question to:	Question:
		<b>RESPONSE:</b> WODC: We confirm that the background noise data has been received from the applicant. At this stage, we need to assess, digest this information to inform the further discussion.
2.14.3	Applicant	<b>Operational noise monitoring</b> In response to action point 27 arising from Issue Specific Hearing (ISH)1 [EV5 -010], you have stated in [REP1-019], your willingness to undertake noise measurements from a sample of PCS units and other electrical infrastructure (e.g. sub-stations) during the commissioning stage. How long will noise monitoring during this commissioning stage last and taking into account cumulative effects also, justify how this would be representative of the noise impact on residents during the operational phase. How will this proposed noise monitoring be secured in the Draft Development Consent Order (dDCO) and what would happen if the noise levels during commissioning were found to be harmful?
2.14.4	Applicant	<b>Statutory nuisance caused by UK solar farms</b> Applicant to investigate and provide details of any statutory nuisance issues caused by noise or vibration generated from solar farms in the UK. Where such issues have been resolved, the ExA would appreciate details of actions taken by the owner of the solar farm and/ or the relevant local authority.
2.14.5	Applicant Oxfordshire Host Authorities	<b>Planning condition</b> At Deadline (DL) 3 in response to the Oxfordshire Host Authorities (OHA) answer to Q1.15.1 [REP3-065], the Applicant accepts that a planning condition requiring a detailed noise impact assessment to be submitted could be imposed. What is meant by planning condition? Is this a requirement, amendment to a requirement or an amendment to a management plan?  <b>RESPONSE:</b> OHA: The OHA would request the addition of a requirement to Schedule 2 of the draft DCO which seeks the submission and approval of a detailed noise assessment for the operational phase prior to the operation of any part of the development. This assessment should demonstrate that acceptable noise levels can be achieved at sensitive receptors EITHER by the plant layout design alone OR give details of any additional mitigation measures required (such as acoustic barriers). This accords with the recommendation in Item 13.1 ‘Embedded Mitigation’ in Table 13.24 from Chapter 13 of the ES – Noise and Vibration [APP-050].
Vibration effects		
		There are no questions on this topic at this time.
Q2.15 Socio-Economic Effects		
Socio-Economic Impacts		
2.15.1	Applicant	<b>Community benefit</b> Please confirm whether the proposed community benefit fund is £440,000 or £441,000 as there are variations in the figures within various documentation submitted into the Examination.  <b>RESPONSE:</b> OHA: On 8 <sup>th</sup> May 2025 a community benefit fund figure of £525 per M/W per annum for the duration of the development (index linked) was agreed between the Applicant and the OHA (this equates to £441,000 per annum). A further discussion is to be arranged to refine details around the timing of payments (including whether they would cover the construction phase), scope for an alternative funding mechanism from year 15, and a potential scheme that offers low-cost solar panels to affected communities in the early stages of the development. The intention is to capture this in a simple legal agreement and then begin drafting the main deed of obligation that is explained further in Question 2.15.2 below.
2.15.2	Applicant Oxfordshire Host Authorities	<b>Community benefit funding</b>

ExQ2	Question to:	Question:
		<p>Applicant - The Examining Authority (ExA) is aware that the proposed community benefit funding sits outside of the Examination. However, please confirm how the proposed funding is to be secured to ensure it can be effectively delivered? Similar scaled projects have previously drafted section 106 agreements to secure such funding.</p> <p>Oxfordshire Host Authorities (OHA) – Please confirm how you wish to see the community benefit funding to be secured and who would be the administrator of the fund.</p> <p><b>RESPONSE:</b></p> <p>OHA: The OHA consider the community benefit fund mentioned in Question 2.15.1 should be secured by a deed entered into under section 1 of the Localism Act 2011 (which allows a local authority to do anything that an individual can do, subject to statutory restrictions) and section 111 of the Local Government Act 1972 (which allows a local authority to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions). The deed would be entered into between the OHA and the Applicant and will need to be completed before any grant of development consent. The OHA are aware that this approach has been followed on other DCO projects to deliver community benefits and consider its use appropriate here also. Any deed would have to provide for circumstances in which the applicant transferred ownership of the project to any other person and for that person to enter into a deed on terms no less advantageous to the OHA.</p> <p>With regard to administering the fund, the OHA have been working with the affected parishes who are intending to set up a Community Interest Company (CIC) made up of representatives of the affected parishes. Upon receipt from the applicant, the OHA would transfer the annual funds to the CIC which would be the administrator of the community benefit fund. Should the CIC not come to fruition for any reason or be disbanded during the life of the development, the OHA (or successor(s) to their statutory functions) would administer the fund.</p>
2.15.3	Applicant	<p><b>Blenheim Palace</b></p> <p>The ExA notes the Applicant's response to ExQ1.16.7 [REP2-025] and the signposting to the Heritage Impact Assessment. However, the Heritage Impact Assessment does not provide detail in respect of agricultural productivity or impacts on tourism as was requested. Please provide this information.</p>
2.15.4	Applicant	<p><b>Education facility</b></p> <p>At Deadline 3 (DL3) various submissions including those from Frances Stevenson [REP3-094] and [REP3-095], Ian Hudspeth [REP3-099], Bladon Parish Council [REP3-073], Professor and Mrs A. Banning [REP3-123] and the OHA [REP3-072] comment that, alongside of a lack of community consultation regarding the proposed location of the education facility, the proposed access along School Lane is narrow and would not offer suitable vehicular access to the land identified for the education facility building.</p> <p>Please confirm whether the proposed location would benefit from adequate access, particularly during the construction phase of the facility.</p>
2.15.5	Applicant	<p><b>Education facility</b></p> <p>Noting the submission at DL3 from the OHA [REP3-072], please confirm what consultation took place with the relevant local authorities and interested parties (IP) regarding the siting of the proposed education facility. If no consultation took place, please provide an explanation.</p>
2.15.6	Applicant	<p><b>Solar Road Map and skills</b></p>

ExQ2	Question to:	Question:
		<p>The recently published ‘Solar Road Map’<sup>1</sup> states that “<i>The solar sector requires skills and professional competencies from a range of occupations. However, there is wide recognition that the sector needs to improve the visibility and clarity of its training provision to the existing and future workforce</i>”.</p> <p>Please confirm how the proposed development would meet Government’s aspiration of improving its training provision for both the existing and future workforce?</p>
2.15.7	Applicant	<p><b>Outline Skills Supply Chain and Employment Plan</b></p> <p>The updates to the Outline Skills Supply Chain and Employment Plan (OSSCEP) made by the Applicant at DL3 [REP3-028] is noted by the ExA. Reference is made to ‘The Planning Inspectorate’ in paragraph 8.2.2 of the OSSCEP. Please review and consider whether this reference should be the relevant Secretary of State or whether the reference should be removed?</p> <p>Additionally, the ExA consider that the figures quoted within Table 8.1 of the OSSCEP for both targeted and stretch outputs are low. Given the location of the proposed development in proximity to the both the Oxford – Cambridge Growth Corridor and well-established education facilities, the ExA considers the targets represent limited ambition for the local area. Please provide an explanation as to how the proposed targets were arrived at. Please also review the targets and if no change is considered necessary, provide a detailed explanation.</p>
Effects on social infrastructure		
		There are no questions on this topic at this time.
Health and Wellbeing		
	Applicant	<p><b>Project Mitigation Measures and Commitments Schedule - trails and education boards</b></p> <p>Row 15.5 of the Project Mitigation Measures and Commitments Schedule [APP-129] states that children’s fun trails and education boards will be provided, and this is a commitment within the project design as set out in the Outline Layout and Design Principles (OLDP) document [REP1-014]. Please signpost to where this is contained within the OLDP.</p>
2.15.9	Applicant	<p><b>New hedgerows</b></p> <p>The proposed provision of new hedgerows to compensate for removal elsewhere or to provide screening is noted by the ExA [APP-129]. However, whilst not only having the potential to change the nature of existing views, concern has also been raised by Stop Botley West regarding users of Public Rights of Way (PRoW) who may potentially experience feelings of enclosure and/or experience a tunnelling effect, which in turn may have a negative effect on mental wellbeing [REP2-081].</p> <p>What consideration has been given to such effects and could hedgerows be lowered at key vantage points to reduce the potential for such effects?</p> <p><b>RESPONSE:</b></p> <p>OHA: In terms of the ‘tunnelling effect’ of the proposed public rights of way mitigation, the OHA maintains the position outlined in paragraph 7.8.46 of the joint LIR [REP1-072] and in response to ExA1 Q1.1.2 [REP2-050] that any planting adjacent to the PRoW needs to be a sufficient distance from the PRoW to prevent an enclosing or tunnelling effect and to prevent harm to PRoW users from overgrown hedges. The OHA do not believe that any submissions by the applicant to date fully address these issues however discussions have begun with the applicant to discuss the onsite PRoW mitigation measures.</p> <p>Regardless of the design of the mitigation in terms of users of the PRoW, from an ecological perspective the proposed flexibility in the management of hedgerows below a minimum of 3 metres in certain locations is agreed with. Natural hedgerows that are managed appropriately should have varying heights along their length depending on aspects such as the presence of trees and shrubs of different age categories.</p>

<sup>1</sup> <https://www.gov.uk/government/publications/solar-roadmap>

ExQ2	Question to:	Question:
		<p>Rotational cutting of hedgerows would allow for some hedgerows too be cut in deferring years, resulting in some hedgerows being cut and others not cut in any given year. This is desirable from an ecological perspective and would help to achieve varying levels in hedgerow height across the site.</p> <p>The requested detail regarding the locations of key bat foraging and commuting routes is a key detail in helping to determine appropriate management in these locations. For example, where a hedgerow could be maintained at a lower height at key vantage points, but it is also considered a key bat flightline then consideration will be required to determine the most appropriate approach to hedgerow height and management.</p>
2.15.10	Applicant	<p><b>Statements of Common Ground and Statement of Commonality</b></p> <p>The topic of 'Health' is not included in the Statement of Commonality submitted at DL3 [REP3-041], please explain why and amend if necessary.</p> <p>The ExA notes that the topic of 'Health' has been included in the Oxfordshire County Council (OCC) Statement of Common Ground (SoCG) submitted at DL3 [REP3-056]. Please explain why 'health' is not included within the other local authorities SoCG?</p>
<b>Q2.16 Traffic and Transport</b>		
<b>Local Road Network</b>		
2.16.1	Applicant Siemens Healthcare	<p><b>Mitigation of effects</b></p> <p>Applicant – Although the construction programme cannot be finalised at this stage, could you provide predictions of how long construction works would be active in the vicinity of the Siemens Healthcare facility? Could this period of works be timed and forewarned to Siemens Healthcare so as to limit impacts upon their operations?</p> <p>Siemens Healthcare – Can you explain how the business operates on a day-to-day basis in terms of its demands on the highway network and when certain activities (deliveries) occur that require the network to be as clear as possible?</p>
2.16.2	Applicant Oxfordshire County Council	<p><b>Highway works interface</b></p> <p>Can the applicant co-ordinate with Oxfordshire County Council (OCC) to facilitate the submission of 1:1250 and 1:500 plans showing the overlay of potential works areas both for the project and for the junction improvements on the A40 that OCC are undertaking, to show the level of interaction between the Order limits and the scope of works intended. In addition to the provision of this plan, both OCC and the applicant are requested to answer the following questions:</p> <p>Both</p> <ol style="list-style-type: none"><li>1) Could this matter be resolved via protective provisions or via a separate memorandum of understanding to be submitted to the Examination?</li></ol> <p>Applicant</p> <ol style="list-style-type: none"><li>2) The applicant states [REP2-026, page 59] <i>"it cannot control the nature and timing of the works proposed to the A40."</i> What prevents the applicants from being flexible in relation to the works in proximity to the A40 and why can works in this location not be undertaken as a bespoke piece of infrastructure delivery, timed to avoid cumulative effects with OCC works programme?</li><li>3) Describe the sequencing or phasing of the project as a whole and whether it would be sequential construction of north, central and south areas or concurrent construction.</li></ol> <p>Oxfordshire County Council</p> <ol style="list-style-type: none"><li>4) Please provide an anticipated timetable for the construction and delivery of the improvement works to the A40.</li></ol> <p><b>RESPONSE:</b></p> <p>OCC: Please see the 1:500 highways general arrangement plan for the Eynsham roundabout at Appendix 2 of this document which has been sent to the applicant. The plan forms part of the live planning application for the A40 improvements (available to view at <a href="http://www.myeplanning.oxfordshire.gov.uk">www.myeplanning.oxfordshire.gov.uk</a> using reference R3.0064/25).</p> <p>Turning to the questions:</p>

ExQ2	Question to:	Question:
		<p>1) Following discussions with the applicant we understand that they may want OCC to lay ducting under the roundabout whilst the improvement works are undertaken. We have stressed the importance of confirming this and providing the necessary details as soon as possible as it will affect the A40 improvements works plan and schedule. If ducting is the preferred option, it may be possible to achieve this outside of the DCO with a highways side agreement (including provision for all applicable costs).</p> <p>We have previously set out the issues with alternative methods (see our answer to Question 1.17.17 of ExAQ1 [REP2-050]). Whilst not supported by OCC for sustainability and highway network management reasons, if direct interface with the completed A40 works is required, rather than lay a cable by trenching and backfilling across the A40, OCC would require reinstatement/resurfacing of the entire carriageway of the impacted area of the roundabout (not simply backfilling and surfacing the cable trench) to ensure the integrity of the recently completed works. In this event, a highways side agreement (S278) would be the preferred mechanism to ensure the satisfactory reinstatement of the highway.</p> <p>4) The HIF2 A40 improvement works timetable is:</p> <ul style="list-style-type: none"> <li>• Planning application validated 22/07/25</li> <li>• Targeting November/December 2025 planning committee</li> <li>• Start works on site March-June 2026</li> </ul>
2.16.3	Applicant	<p><b>Road widening works</b></p> <p><b>Management</b></p> <p>In response to ExQ1.17.5, you have confirmed that all road widening works would be retained for the lifetime of the Project [REP2-025]. Can you confirm the following:</p> <ol style="list-style-type: none"> <li>1) If the additional land required is all within the boundary of the Order limits.</li> <li>2) If construction associated with these works is included in the outline Code of Construction Practice.</li> </ol> <p><b>Assessment</b></p> <ol style="list-style-type: none"> <li>3) How was the assessment and subsequent decision to widen certain roads and not others carried out. Can you also confirm if this assessment included the following: <ol style="list-style-type: none"> <li>a. proposed HGV route along the A4095</li> <li>b. access to and from new buildings such as the proposed education facility</li> </ol> </li> <li>4) Taking environmental factors into account, what are the benefits verses harms if the width of these roads were to be reduced back to their original size post construction.</li> </ol> <p><b>RESPONSE:</b></p> <p>OCC: From the point of view of OCC as the Highways Authority the preference would be that the widened roads would be reduced back to their original size following the construction phase. However, this would be dependent on the situation surrounding the ongoing maintenance of the solar panels throughout the operational phase. If, as the OHA have raised concerns around elsewhere, the maintenance of the panels would include the possibility of large-scale replacement of panels (whether due to faults in the panels or replacement with more efficient technology), and these panels would need to be delivered by HGV then the widened roads would need to be retained for the lifetime of the development (including the decommissioning phase).</p>
<b>Public Rights of Way</b>		
2.16.4	Applicant	<p><b>Public Rights of Way diversions and cycle path connections</b></p> <p>Your response to the issues/ concerns on the strategic walking and cycling connections raised in the Joint Local Impact Report (LIR) is noted [REP2-026], including your point about continuing to engage with OCC regarding the Public Rights of Way (PRoW) network. However,</p>



ExQ2	Question to:	Question:
		can the applicant confirm if the issues/ concerns raised by Oxfordshire Host Authorities (OHA) in their response to the Examining Authority's (ExA's) first written questions [REP2-051], including the changes proposed have now been addressed.
2.16.5	Local Authorities	<p><b>Mitigation measures proposed</b></p> <p>Paragraph 7.8.51 of the LIR [REP1-072], states a number of mitigation measures which the OHA are seeking from the applicant, can the local authorities provide an update on how agreement and implementation of these is progressing.</p> <p><b>RESPONSE:</b></p> <p>OCC: To date there is no agreement with the applicant on these mitigation measures. However, a meeting was scheduled with the applicant to discuss PRow improvements on the 21st of August 2025 in which it was outlined how further discussions on these mitigation measures can be progressed. As such the OHA hope to be able to provide a further update at D5.</p>
2.16.6	Applicant Local Authorities	<p><b>Responsibility for new and diverted Public Rights of Way</b></p> <p>Please clarify who would be responsible for maintaining diverted and new PRow including any proposed hedgerow planting alongside them during the operational and decommissioning phases of the proposed development.</p> <p><b>RESPONSE:</b></p> <p>OCC: The following is the position of OCC as the Highways Authority.</p> <ul style="list-style-type: none"> <li>• All maintenance of the temporary PRow (ie. maintenance of the surface, furniture and vegetation) would be the responsibility of the applicant</li> <li>• Maintenance of the hedges planted adjacent to all PRow would be the responsibility of the applicant</li> <li>• Surface and vegetation management on permanent diversions/new PRow would either be the responsibility of the applicant or the Highways Authority. This would depend on whether the construction specifications comply with OCC's standards and whether a legal agreement is put in place between the applicant and the Highways Authority to ensure that the Highways Authority is adequately funded to undertake the maintenance.</li> </ul>
<b>Air Traffic and Aviation Safety</b>		
	Oxford Aviation Services Ltd	<p><b>Thermal plumes</b></p> <p>In light of the forthcoming change request and the applicant's omission of land in proximity to Oxford Airport, are the concerns regarding thermal plumes resolved? If not, why not and which areas cause the concern to remain?</p>
2.16.8	Applicant	<p><b>Bird strike</b></p> <p>Paragraph NPS EN-1 paragraph 5.5.41 requires the applicant to take account of bird strike. It also advocates that environmental mitigation is designed in such a way as not to increase bird strike risk.</p> <ol style="list-style-type: none"> <li>1) Given that there is considered to be long-term displacement of wintering birds [REP2-025, ExQ1.8.7], (deemed temporary until new habitat is established), how does the displacement and the associated new habitat creation seek to avoid an increase in bird strike risk?</li> <li>2) The second change request (that is not yet formally submitted) proposes an additional 17.6ha of biodiversity net gain (BNG), which would be in proximity to the airport. How would bird-strike potential from this land be limited?</li> </ol>
2.16.9	Applicant Oxford Aviation Services Ltd Defence Infrastructure Organisation	<p><b>Impacts on radar</b></p> <p>The applicant reports at Deadline (DL) 3 [REP3-065] that thermal plume modelling is going to be conducted to determine if impacts are possible. However, in the same sentence the applicant states that the impact on radar would be minimal.</p> <p>Applicant - when thermal plumes have not been fully assessed to any great detail, what evidence do you have to substantiate the claim of a minimal effect?</p>

ExQ2	Question to:	Question:
		Oxford Aviation/ Defence Infrastructure Organisation - Are you aware of any instances where radar has been adversely impacted by thermal plumes and, if so, how has such an issue been overcome in the past?
Q2.17 Waste and Minerals		
Waste		
2.17.1	Applicant	<b>Battery Energy Storage System containers</b> On page 18 of the applicant's response to the Joint Local Impact Report (LIR) [REP2-026], in respect of mineral safeguarding, the following is stated: <i>"When the operational phase ends, the solar farm will require decommissioning. All PV modules, BESS containers, mounting poles, inverters transformers and switchgear would be removed and recycled or disposed of in accordance with good practice and market conditions at the time."</i>  Battery Energy Storage System (BESS) containers are not listed in the Draft Development Consent Order (dDCO) in any of the works or equipment to be provided, and the applicant has stated repeatedly that BESS is not part of the project. The reference to BESS containers is therefore unusual. What is this, why is it listed, and would that invoke any different waste regulations to those already relied upon for the disposal of waste arisings?
2.17.2	Applicant	<b>Bill of quantities</b> The Examining Authority (ExA) note that the applicant has declined to provide a bill of quantities in response to ExQ1.18.4 [REP2-025]. The Environmental Impact Assessment (EIA) regulations state that the description of the development should include an estimate, by type and quantity, of types of waste produced during the construction and operation phases (Schedule 4 Paragraph 1(d)). In line with the EIA regulations and the requirements of NPS EN-1 confirm the anticipated volumes of waste from the proposed development and provide a bill of quantities.
2.17.3	Applicant	<b>Future waste management</b> In their response at Deadline (DL) 3 [REP3-072] the Oxfordshire Host Authorities (OHA) state - <i>"The Minerals and Waste Policy and Strategy Team therefore remain of the view that there is currently insufficient information within the application to ascertain its impact, particularly on existing waste infrastructure and to plan for the management of the waste arisings from this development over future plan periods."</i> <ol style="list-style-type: none"><li>1. Whilst acknowledging the applicant intends to provide details on the waste arisings during decommissioning in the future decommissioning management plan and that specific waste management facilities and tonnages may be subject to commercial confidentiality, how does the applicant intend to alleviate the concerns raised by Oxfordshire County Council (OCC) regarding the lack of detail on type and amount of waste likely to be generated?</li><li>2. Applicant to produce a waste processing plan for the life of the project. The plan to include details of:<ul style="list-style-type: none"><li>• when individual parts would need replacing (based on estimated failure rates)</li><li>• A list of the components, materials and quantities each of these parts would be broken down into</li><li>• outlet for each specific material generated, taking into consideration potential recyclables produced by other solar farms and industries in the future (U.K. recycling capacity) and the ease with which the material can be processed.</li></ul></li></ol> N.B. If outlets for specific waste materials are not likely to be available in the near future, this should influence design choices.
2.17.4	Environment Agency	<b>Landfill cabling</b> With regards to potentially installing underground cabling in close proximity/ through a landfill, has the applicant sought advice from you about how best to approach this and, if so, are there sufficient safeguards in place to give you reassurance that contamination, leachate or release of landfill gases would not occur?
2.17.5	Applicant	<b>Waste facilities</b> Having read the DL3 response from the OHA [REP3-072], the ExA require clarity on the following: <ol style="list-style-type: none"><li>1) Is the applicant reliant on existing waste management facilities to handle construction waste?</li><li>2) Is the applicant reliant on existing waste management facilities to handle operational waste?</li></ol>



ExQ2	Question to:	Question:
		<p>3) If the answer to 1 and/or 2 is yes, whilst the contract may be described as ‘commercially confidential’, the ExA want to know the amount of waste being sent to those facilities and the distance the waste would travel (i.e. would waste be handled within 5 miles of the Order limits?)</p> <p>4) The OHA state that if the amount of waste is broadly known, this could influence future policymaking and the planning for future management facilities in the locality. It almost implies there is a ‘chicken and egg’ scenario to the handling of waste. Provide comment and a means for resolution</p>
Minerals		
	Applicant	<p><b>Repeat of question ExQ1.3.11</b></p> <p>Point 1 in question ExQ1.3.11 [PD-008] asked about the amount of the mineral safeguarding area that was covered by the solar farm, which was responded to by the applicant saying 119ha. Point 2 of the question asked why the mineral safeguarding area, or more crucial parts of it, wasn’t avoided when selecting the site, designing the solar farm and arranging the cable corridor. The response given relates to contaminated land, which does not answer the question being asked in point 2. Please answer appropriately.</p>
2.17.7	Oxfordshire Host Authorities	<p><b>Clarification on mitigation</b></p> <p>In the applicant’s response to ExQ1.18.8 [REP2-025], it is stated that the principle of incidental extraction (i.e. use it or sell it) is a type of mitigation for developing over a mineral safeguarding area. Is that mitigation or opportunism?</p> <p><b>RESPONSE:</b></p> <p>OCC: The applicant’s reply to ExQ1.18.8 [REP2-025] states that in that in terms of mitigation measures for the development, the principle of incidental extraction would be adopted during construction works when developing over a Mineral Safeguarding Area (MSA).</p> <p>We would disagree that this should be considered an appropriate mitigation measure for safeguarding the mineral resource impacted by this proposed development.</p> <p>It is acknowledged that the principle of incidental extraction is removing and using or selling mineral encountered during non-mineral development. The incidental extraction with this proposal is as a result of digging trenches and for utilities which are required to ensure delivery of the wider development. However, it is not considered mitigation if the other impacts of the development remain unacceptable. This development would cause much wider sterilisation of a significant and safeguarded minerals resource and is therefore considered unacceptable.</p> <p>In addition, this approach would result in the partial removal of mineral only to the depth required for infrastructure, leaving substantial quantities of safeguarded mineral sterilised beneath the development footprint. The applicant’s response to Q1.18.7 [REP3-065], states that “it is likely that much of the cable route will be founded within the overburden”. Therefore, this is not mitigation of the mineral resources within the development, it is the reusing on site or selling the potentially very limited mineral that is going to be removed anyway due to trenches/utility works. This potentially benefits the developer economically, without fulfilling the core purpose of the NPPF and mineral safeguarding, which is to protect long-term access to mineral resources for future generations.</p> <p>It is therefore considered in this instance, that this incidental extraction functions more as opportunism than meaningful mitigation of the wider mineral resources within this proposal.</p> <p>Notwithstanding the above, should the SoS grant the DCO despite OCC’s objections on minerals safeguarding grounds, as Mineral Planning Authority we would like to ensure we receive details of the sales from the incidental extraction, if any, for minerals planning purposes.</p> <p>In addition, in response to ExQ1.1.18.8 [REP2-025] the applicant states that incidental extraction would likely be where safeguarded resources are encountered during such works as “trenching/utilities/<i>piling</i>” works.</p> <p>We understand how incidental extraction may occur when creating trenches and installing utilities, however we seek clarity on how piling will cause extraction as we understand that these are driven into the ground with high pressure machinery, thereby not creating any mineral extraction. Unless the developer is referring to when and if the piles are removed.</p>

ExQ2	Question to:	Question:
		<p>Clarity on the impact, duration and removal of the piling was sought in our response at 1.18.7 [REP2-50]. Whilst our response was not included in full within Q1.18.7 [REP3-065], particularly those comments in relation to our concerns over decommissioning and either the potential retaining in situ of the piles following decommissioning or removal and damage to mineral, the applicant has now confirmed that all piles will be removed.</p> <p>They also state in their response to Q1.18.7 [REP3-065], that the piles will be removed without any significant volume of material being brought to the surface. We would appreciate evidence on how the removal of steel piles, driven into the ground, can be easily undertaken without impacting or disturbing material surrounding them is possible.</p> <p>In addition, the management of the waste arisings from these removed piles should now be considered along with all other waste arisings. Table 18.23 of the ES [AP-055] sets out that during the construction phase, it is estimated that the maximum number of Solar Photovoltaic (PV) modules used could be up to 2,200,000 and this is repeated in Table 9.1 [APP-238]. If each module requires four piles, there is the potential for up to 8,800,000 three-meter steel piles that will become a waste arising and will need managing following decommissioning. Details on quantities, management method and availability of facilities is not provided, and this should be known and considered prior to any decision taken.</p>
2.17.8	Applicant	<p><b>Decommissioning of cables</b></p> <p>Can the applicant commit, in the Outline Decommissioning Plan, to remove all above and below ground infrastructure in the presence of the mineral safeguarding area? If not, why not.</p>

Annex 1 – Response to Question 2.7.4

Introduction

1.
- The table below sets out the OHA’s comments, as set out in their Joint Local Impact Report [REP1-072], the Applicant’s response, as set out in its Responses to Local Impact Reports Submitted at Deadline 1 [REP2-026] and the OHA’s reply to that response.
2.
- The OHA have only replied to points which are still “live”. Where no reply has been provided to a particular response, the OHA are either satisfied with the response provided or do not intend to pursue the point further. No response has been provided to the points given the following numbers: 1, 2, 4, 5, 6, 9, 15, 21, 22 and 25.

Table

OHA’s comment	Applicant’s response	OHA’s reply
<p><b>3. Art.2(1) (interpretation)</b></p> <p>The “permitted preliminary works” are excluded from the definition of “commence”. Several of the excluded works seem significant; for instance, sub-paragraph (c) includes “works in relation to construction compounds and access to construction compounds” and sub-paragraph (h) includes “site clearance (including vegetation removal, demolition of existing buildings or structures”.</p> <p>The OHA would welcome more information in respect of these, including (in respect of sub-paragraph (h) for example) which existing buildings and structures are proposed to be demolished, and how the works mentioned in that sub-paragraph.</p> <p>It would be helpful if the relevant paragraphs of the ES which assess the “permitted preliminary works” could be flagged up.</p> <p>In addition, several of the excluded works are temporary in nature. For example –</p> <ul style="list-style-type: none"><li>• Sub-paragraph (c) includes the provision of “temporary facilities for the use of contractors”;</li><li>• Sub-paragraph (f) provides for “temporary means of enclosure, fencing and site security for construction”;</li><li>• Sub-paragraph (g) provides for “the temporary display of site notices or advertisements”.</li></ul> <p>Does the Applicant have any idea of what “temporary” might mean in each of these scenarios?</p> <p>Also, for sub-paragraphs (f) and (g) what will happen to the land after it has been put to its temporary use? For instance, will it be reinstated (say) to a condition suitable for its former use?</p> <p>Regarding fencing, the OHA assume the works falling within sub-paragraph (f) would be captured by requirement 8 (fencing and other means of enclosure) and the OHA would be grateful if the applicant could confirm this is the case.</p>	<p>This exclusion is deliberate and the reason for this is set out at section 3.2 of the Explanatory Memorandum [REP1-006].</p> <p>This exclusion is required to enable the undertaker to carry out certain enabling phase works and preparatory works prior to the submission of relevant details for approval under all of the requirements contained in Schedule 2 to the Order so that certain works can be carried out without "commencing" the authorised development, in order to build the required flexibility into how the authorised development can be constructed. The works identified in the "permitted preliminary works" include pre-commencement activities such as surveys, monitoring and site investigations which are considered appropriate as the nature of these works means they are not expected to give rise to environmental effects requiring mitigation.</p>	<p>The OHA understand the exclusion is deliberate and while the OHA appreciate the Applicant’s response, they do not consider it is a response to the points raised in their original comments. The OHA would be grateful if such a response could be provided.</p>
<p><b>7. Art.6(1)(a) (application and modification of statutory provisions)</b></p>	<p>As set out at 3.2.15 of the Explanatory Memorandum [REP1-006], the Applicant has sought disapplication of section 23 of the Land Drainage Act</p>	<p>No protective provisions have yet been agreed, though the OHA is keen that discussions on these now progress in earnest. As mentioned in the</p>

<p>This provision seeks to disapply s.23 of the Land Drainage Act 1991. As stated elsewhere in this LIR (Chapter 6.6 (hydrology and flood risk)) OCC (the lead local flood authority) would prefer to maintain the tried and tested regime under s.23, rather than replace it with a regime which includes, for instance, shorter timeframes for determining applications. OCC therefore opposes the disapplication of s.23.</p>	<p>1991 on the basis that this will be addressed through protective provisions for the protection of the relevant drainage authorities (Part 3 of Schedule 15 to the Order). To the extent that any aspects of the Land Drainage Act 1991 remain relevant to the protective provisions included for the protection of drainage authorities, these are being negotiated with those drainage authorities and agreed wording will be incorporated into the draft DCO in due course.</p>	<p>OHA Comment row, the Joint LIR <b>[REP1-072]</b> provides additional information on this point. Please note the cross-reference in the OHA Comment row is incorrect. The correct cross-reference is to Chapter 7.5 (Hydrology and Flood Risk) of the Joint LIR <b>[REP1-072]</b>.</p>
<p><b>8. Art.6(3) (application and modification of statutory provisions)</b> The effect of this provision is that any hedgerow to which the Hedgerow Regulations 1997 apply can be removed if required “for carrying out any development or in the exercise of any functions that are authorised by the” Order. (This power is wide-ranging. For instance, unlike art.38(4) (felling or lopping of trees and removal of hedgerows), it does not appear to be limited to hedgerows within the Order limits). The OHAs consider the power under art.6(3) be limited to art.38(4) e.g. – “(3) Regulation 6(1) of the Hedgerows Regulations 1997 has effect as though after sub-paragraph (e) there were added— “(ea) for the purposes of article 38(4) of carrying out any development or in the exercise of any functions that are authorised by the Botley West Solar Farm Order 202[ ];” The OHA’s concerns with art.38 are set out below.</p>	<p>The Applicant disagrees, on the basis that “carrying out any development or in exercise of any functions that are authorised” by the DCO will be limited to what powers the DCO grants to the Applicant within the Order Limits. As set out in the Explanatory Memorandum [REP1-006], that wording is also consistent with the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p>	<p>For clarity and the avoidance of doubt, the OHA would prefer their wording which explicitly links art.6(3) with the power under art.38(4).  In the light of the OHA’s objection to the Applicant’s proposed amendments to Schedule 12 (as set out in the reply to Question 2.7.10) – where certain hedgerow works are now proposed outside the Order Limits – the OHA is particularly keen for its proposed amendment to be included.</p>
<p><b>10.Part 3 (streets)</b> OCC would welcome discussions on the Applicant’s proposed highways powers which, in their current form, are too wide-ranging. For instance, and to name but four of these concerns, OCC is concerned by (i) the absence of a need for consent before carrying out the street works mentioned in article 8(1) (street works), (ii) the absence of a need for consent before carrying out the works mentioned in article 9(1) (power to alter layout, etc. of streets), and (iii) how OCC will be resourced to carry out additional highways-related work proposed by the draft DCO (iv) the lack of certainty regarding whether any streets which will be resurfaced will be resurfaced to a standard OCC considers satisfactory.</p>	<p>The Applicant would welcome further discussion with the local authorities on this matter if that would assist, but directs the local authorities to Article 9 which says “Where the undertaker is not the street authority, the provisions of sections 54 (notice of certain works) to 106 (index of defined expressions) of the 1991 Act apply to any street works carried out under paragraph (1)”.</p>	<p>OCC welcomes the Applicant’s commitment to enter into an agreement under section 278 of the Highways Act 1980 to address the highways impacts of the project. OCC hopes that discussions can now progress in earnest with a view to completing an agreement as soon as possible.</p>
<p><b>11. Art.11(4)(b) (temporary closure of public rights of way)</b> By art.11(4)(b), the street authority’s consent is required before certain streets or public rights of way are interfered with and “the street authority may attach reasonable conditions to any such consent”. Similarly, by art.17(3), (discharge of water) –</p>	<p>The Applicant does not consider that such amendments are necessary as the current wording does not prevent the relevant authority from already imposing reasonable conditions when granting consent. The current drafting is also consistent with a range of other solar DCOs granted by the Secretary of State.</p>	<p>The OHA consider the current wording is inconsistent and the requested amendments should be made. As mentioned in the OHA Comment row, certain provisions which refer to the grant of consent state that conditions may be attached to that consent; however, other provisions which refer to the grant of consent are silent as to the power to attach conditions.</p>

<p>“The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs whose consent may be given subject to terms and conditions as that person may reasonably impose”.</p> <p>There are other provisions in the draft Order which require the consent of a consenting body (for example articles 9(4)(power to alter layout, etc., of streets), 16(4)(b) (traffic regulation measures), 18(4)(a) and (b) (authority to survey and investigate the land) and 38(6)) (felling or lopping of trees and removal of hedgerows); however, these provisions are silent as to the power to attach or impose reasonable conditions. For consistency with arts.11(4)(b) and 17(3), the OHA consider the power to attach conditions should be attached to each consenting provision, as follows –</p> <p>Article 9(4) –</p> <p>“(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority and the street authority may attach reasonable conditions to any such consent”.</p> <p>Article 16(4)(b) –</p> <p>“(4) Before exercising the power conferred by paragraph (2) the undertaker must—</p> <p>(a) consult with the chief officer of police in whose area the road is situated; and</p> <p>(b) obtain the written consent of the traffic authority and the street authority may attach reasonable conditions to any such consent”.</p> <p>Article 38(6) –</p> <p>“(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 consent of the highway authority, and the highway authority may attach reasonable conditions to any such consent”.</p>		<p>It is surely preferable for the drafting within a statutory instrument, which is as much a piece of legislation as an Act of Parliament, to be consistent to avoid any confusion in future.</p> <p>The OHA note the current drafting is consistent with other solar DCOs, from the OHA’s analysis of other solar DCO Examination Authority Recommendations and Reports and Decision Letters, this point does not seem to have been picked up on previously. While the precedent point is noted, the OHA believe drafting can always be improved and consider that their proposed amendments would improve the drafting in the instant Order because it would aid clarity.</p>
<p><b>12. Art.11 (temporary closure of public rights of way) and art.11 (permanent closure of public rights of way)</b></p> <p>The OHAs concerns with the public rights of way provisions are set out in Chapter 6.9 (traffic and transport (including public rights of way)). The OHAs would welcome a discussion on those concerns with a view to agreeing the best way forward.</p>	<p>The Applicant would welcome further discussion with the local authorities on this matter if that would assist.</p> <p>The Applicant assumes the reference regarding permanent closure of public rights of way is to Article 12, rather than Article 11.</p>	<p>The Applicant’s assumption is correct: the reference should be to article 12, rather than article 11.</p> <p>Discussions on this points are currently taking place. The OHA will update the ExA in respect of the discussions at D5.</p>
<p><b>13. Art.15 (agreements with street authorities)</b></p> <p>Officers are concerned by the scope of the powers proposed under Part 3; however, it is possible most concerns can be addressed by making the proposed works</p>	<p>The Applicant would welcome further discussion with the local authorities on this matter if that would assist.</p>	<p>OCC welcomes the Applicant’s commitment to enter into an agreement under section 278 of the Highways Act 1980 to address the highways impacts of the project. OCC hopes that discussions can now progress in earnest with a view to completing an agreement as soon as possible.</p>

under Part 3 subject to an agreement drafted in line with OCC's standard highways agreement. OCC will share this with the Applicant and would welcome discussions on the same.		
<p><b>14. Art.16(7)(a) and (b) (traffic regulation measures)</b></p> <p>These provisions refer to the “instrument” which must include any provision made by the undertaker under art.16(1) or (2).</p> <p>OCC considers it would be helpful if a copy of the made instrument were made available by the undertaker and also sent to OCC. In the light of this, OCC would suggest a new art.16(8) to provide as follows –</p> <p>“(8) A copy of the instrument referred to in paragraph (7)(a) must be held at the registered office address of the undertaker for inspection during normal working hours and, as soon as reasonably practicable after being made, a copy must be served on the highway authority”.</p>	<p>This provision is typical of a number of solar DCOs and the Applicant expects that the written instrument will be of a similar form to that provided by other undertakers. We note that that Article 16(5) requires publication of the undertaker's intention to exercise the relevant powers to the chief officer of the police and the relevant traffic authority. The undertaker is also required to provide notice in relevant newspapers that the provisions relate to. On that basis, there is already a clear notice mechanism prior to the powers being exercised and the Applicant does not consider any further amendments are required.</p>	<p>OCC disagrees. As traffic authority, it is important for OCC to have a complete picture of what is happening to its traffic network and the provision of a copy of the “instrument” would aid this. It is also likely that OCC will be the first port of call for a person with an interest in the “instrument” and, as such, it would be helpful if it could be provided with a copy of the same once it has been made. Sending a copy of the instrument which affects the traffic network to the traffic authority once it has been made would be reasonable and would impose a negligible administrative burden on the Applicant.</p> <p>Since OCC considers the provision to it of a copy of the instrument, OCC would propose to amend the suggested new art.16(8) as follows –</p> <p>“(8) As soon as reasonably practicable after the instrument referred to in paragraph 7(a) being made, a copy of it must be served on the highway authority”.</p>
<p><b>16. Art.35 (consent to transfer the benefit of the Order)</b></p> <p>If the benefit of the Order is transferred, each of the OHA wish to be notified of the same and request that art.35 is amended accordingly.</p>	<p>The notification process under Article 35 is related to the Secretary of State's specific role within this Article, so that they hold a record of what benefits have been transferred, and what of those benefits have or have not required its consent. The Applicant considers the proposed amendment to be inappropriate on the basis that:</p> <ul style="list-style-type: none"> <li>• The OHA do not have any role in granting consent for the transfer of benefits;</li> <li>• There is no separate provision for notification of other parties regarding the transfer of benefits that the Secretary of State consents to;</li> <li>• The current wording is consistent with a range of other recently consented Solar DCOs, including East Yorkshire and West Burton.</li> </ul>	<p>The dDCO provides the OHA with an important role in the discharge of requirements and other consents and it clearly in the interests of good administration for them to be informed of any transfer, particularly if such a transfer would have an impact on any role which the dDCO demands they undertake.</p> <p>The provision of the requested notification would impose a negligible administrative burden on the OHA and the request for its inclusion in art.35 is reasonable.</p> <p>The OHA note that the forthcoming Fenwick Solar Farm Order <b>[REP4-004]</b> includes, at art.36(8) (consent to transfer the benefit of the Order), a similar provision, namely –</p> <p>“A copy of any decision by the Secretary of State to approve a transfer or grant under paragraph (3) or the notification of a transfer or grant issues under paragraph (4) shall be provided by the undertaker to the relevant authority as soon as reasonably practicable following issuance;”</p> <p>Similarly, the Examining Authority's recommended DCO for the forthcoming Gatwick Airport Northern Runway project (published 27 February 2025) includes the following provision at art.8(6) (consent to transfer benefit of Order) –</p> <p>“The undertaker must notify a local highway authority in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than that local highway authority the benefit of the Order in respect of local highway works in an area for which that local highway authority is the relevant highway authority”.</p>

		The OHA's request is consistent with the latest approach to the drafting of this provision.
<p><b>17. Art.38 (felling or lopping of trees and removal of hedgerows)</b>  By article 38(4), the undertaker may "... undertake works to or remove any hedgerows within the Order limits that may be required".  Paragraph 22.1 of PINS Advice Note Fifteen: drafting Development Consent Orders states –  "Applicants may wish to include an Article within the draft DCO to allow the removal of hedgerows (if necessary) for the purposes of carrying out the Authorised Development. The draft DCO can include an Article with powers which remove the obligation on the Undertaker to first secure consent under The Hedgerows Regulations 1997 ...It is recommended that DCO Articles of this kind are made relevant to the specific hedgerows intended for removal. To support the ExA, the Article should include a Schedule and a plan to specifically identify the hedgerows to be removed (whether in whole or in part). This will allow the question of their removal to be examined in detail. Alternatively, the Article within the DCO could be drafted to include powers for general removal of hedgerows (if they cannot be specifically identified) but this must be subject to the later consent of the local authority".  The draft DCO does not include a schedule and plan identifying the hedgerows to be removed under article 38(4). Similarly, the requirement to obtain consent under art.38 is limited to the scenario described in art.38(6) i.e. when proposing to "remove hedgerows within the extent of the publicly maintainable highway" when the highway authority's consent is required.  In the light of the above, the OHA consider art.38(4) should be amended to reflect the advice mentioned above.</p>	<p>The specific hedgerows to be removed are captured within Schedule 12 of the DCO. As the hedgerow removal plans is an Approved Document subject to Requirement 3 of Schedule 2, amendments to the hedgerow removal plans must not be given unless the relevant planning authority is satisfied that the amendment is unlikely to give rise to materially new or materially different environmental effects.  There are a range of other mechanisms within the draft DCO that prevent the general use of hedgerow removal powers in a manner that would generate materially different environmental effects to what have been assessed in the ES. In particular, the CoCP and LEMP must be prepared and approved by the relevant planning authority prior to commencement. The CoCP must include a CTMP. To the extent that these are developed in a way that is inconsistent with the hedgerow removal plans:</p> <ul style="list-style-type: none"> <li>• Depending on the inconsistency, they may not satisfy the relevant requirement of being in "substantial accordance" with the outline plan; or</li> <li>• Under Schedule 16, paragraph 2(3), any applications made to the relevant planning authority to discharge a requirement must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are. Again, to the extent that removal of hedgerows not identified in Schedule 12 would result in discharge of a requirement in a way that has materially different environmental effects, it would be open to the relevant planning authority to refuse to discharge the requirement.</li> </ul>	<p>The OHA's concerns regarding hedgerows are set out in the reply to Question 2.7.10, particularly those works now proposed outside the Order Limits.</p>
<p><b>18. Art.39 (trees subject to tree preservation orders)</b>  Paragraphs 22.2 and 22.3 of PINS Advice Note Fifteen: drafting Development Consent Orders state –  "22.2 Applicants may also wish to include powers allowing them to fell, lop or cut back roots of trees subject to a Tree Preservation Order (TPO). This power can extend to trees which are otherwise protected by virtue of being situated in a conservation area. To support the ExA inclusion of this power should be accompanied by a Schedule and plan to specifically identify the affected trees.  22.3 Trees subject to TPO and/ or are otherwise protected (and likely to be affected) should be specifically identified. It is not appropriate for this power to be included on a</p>	<p>Consistent with the recently consented East Yorkshire DCO, the Applicant does not consider that a schedule identifying specific trees for removal is necessary, noting the comprehensive mitigation package already proposed for trees affected by the Project within CoCP and LEMP. Moreover, the carrying out of the authorised development is subject to the Requirements at Schedule 2 of the draft DCO. Requirement 6 secures the need for a Landscape and Ecology Management Plan (LEMP) to be submitted for approval, which must be substantially in accordance with the outline LEMP. The Applicant has updated the oLEMP at Deadline 2 to include an obligation to require replacement where required by the street authority. Namely:</p>	<p>Please see the OHA's reply in <b>[REP3-072]</b> on this point: page 6, paragraph 16.3.1 (replacement trees) –  "OHA welcome the inclusion of this paragraph, but it should be further amended to cover all trees removed. Furthermore, whilst OCC recognises that the majority of trees removed would not be within the authority of the council, OCC would expect the applicant to plant at least 2 trees for every tree removed in line with Policy 3 of the Tree Policy for Oxfordshire. The OHA also considers it important that the development's scheme design should seek to avoid the impact on TPO in the first instance before considering replacement planting. In addition, OCC requests that CAVAT (Capital Asset Value for Amenity Trees) assessments should be provided for OCC trees that require removal as part of the development in line with Council's tree policy".</p>



<p>precautionary basis. Proper identification of affected trees will enable the ExA to give full consideration to the particular characteristics that gave rise to their designation and the desirability of continuing such protection". In the light of the advice mentioned above, the OHA consider this article should be accompanied by a Schedule and Plan.</p>	<p>"where an individual tree subject to a TPO must be removed to facilitate part of the scheme and the local authority requires replacement, a new tree of equivalent species and ultimate size will be agreed with the LPA. Planted in the same place or as near as reasonably practicable to the position of the removed tree, subject to operational requirements. Replacement planting for individual trees will utilise Standard tree stock (8- 10cm girth) and will be planted in the next planting season following removal. The final species and planting location will be agreed in advance with the LPA". The Applicant therefore maintains that the general power is suitably controlled.</p>	
<p><b>19. Art.45 (procedure in relation to certain approvals etc.)</b> Sub-section (2) states – (2) Where paragraph (1) applies to any consent, agreement or approval, such consent, agreement or approval must not be unreasonably withheld or delayed. By art. 45(4) if within 8 weeks after the application for consent has been submitted to a consenting authority the authority has not notified the undertaker of its disapproval, it is deemed to have approved the application for consent. Owing to the deeming provision, the OHA do not consider the reference to delaying consent in art.45(2) is necessary and so the words "or delayed" should be omitted.</p>	<p>The Applicant considers it appropriate for this to remain, on the basis that while the deeming mechanisms are intended to provide a ceiling within which the consenting authority must respond regarding an approval, the consenting authority should still avoid unreasonable delays in providing approvals. There may be circumstances, depending on the approval in question, where a delay is unreasonable but the deemed provision has not been engaged.</p>	<p>The OHA maintain the position set out in the OHA Comment row. The Applicant considers the period of 8 weeks to be a reasonable maximum period for the determination of applications. If determination does not take place within that period, the deeming provision can take effect. In the light of this, the reference to "delay" is unnecessary because a suitable sanction is already included in the Order.</p>
<p><b>20. Requirements: general (phasing scheme)</b> Most solar DCOs include a requirement which require the submission of a written scheme setting out the phase or phases of construction, which includes a timetable for the construction of the phase or phases and a plan identifying the phasing area. Examples include – Cleve Hill Solar Park Order 2020 (SI2020/547), Little Crow Solar Park Order 2022 (SI2022/436), Longfield Solar Farm Order 2023 (SI2023/734), Mallard Pass Solar Farm Order 2024 (SI2024/796), Gate Burton Energy Park Order 2024 (SI2024/807), and Cottam Solar Project Order 2024 (2024/943). An example of such a requirement is – "No part of the authorised development may commence until a written scheme setting out the phase or phases of construction of the authorised development has been submitted to the relevant planning authorities. The written scheme submitted pursuant to subparagraph (2) must include a timetable for the construction of the phase or phases of the authorised development and a plan identifying the phasing area. The scheme submitted and approved pursuant to subparagraph (2) must be implemented as approved.</p>	<p>The Applicant does not consider it necessary or appropriate for a phasing requirement to be included in the DCO. Some flexibility is required over the construction phase, taking into account matters such as supply chain, weather conditions and availability of contractors. As the ES has assessed an approximate construction phase, based on a reasonable worst-case effects envelope for construction related effects, there is no specific effects management basis for including a phasing requirement. The Applicant will however maintain an open dialogue with the OHAs through the detailed design and construction phases of the Project and will ensure OHAs are aware of any matters requiring their input.</p>	<p>The OHA will obviously welcome the open dialogue proposed. If no phasing requirement is proposed, the OHA would welcome a mechanism by which the Applicant provides the OHA with a timetable of forthcoming applications for the discharge of consents under the Order, which can be updated periodically. This will allow the OHA to plan for those applications and devote resources accordingly. The mechanism could be a requirement on the face of the dDCO or a provision in a Planning Performance Agreement, should such a PPA be agreed prior to the Order coming into force.</p>

<p>Notice of the date of final commissioning must be given to the relevant planning authority within 15 working days of the date of final commissioning for that phase”.</p> <p>The OHA would welcome the inclusion of such a requirement because being provided with the scheme (particularly the timetable) would allow the relevant planning authorities to prepare resources for discharging requirements etc.</p>		
<p><b>23. R.7 (biodiversity net gain)</b></p> <p>The OHAs consider that sub-paragraph (2) should be amended as follows –</p> <p>“(2) The biodiversity net gain plan must be substantially in accordance with the outline landscape and ecology management plan and the biodiversity net gain statement and must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates”.</p> <p>The biodiversity net gain statement sets out the approach to BNG adopted by the project and is set out in ES Volume 3, Appendix 9.13 [APP-162] and so its inclusion in R.7(2) is appropriate on this basis.</p> <p>The OHAs note that Requirement 9 of the Cottam Solar Project Order 2024 (2024/943) includes the following subparagraph -“The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 76.8% biodiversity net gain in habitat units, a minimum of 56.1% biodiversity net gain in hedgerow units and a minimum of 10% biodiversity net gain in river units for all of the authorised development during the operation of the authorised development, and the metric that has been used to calculate that those percentages will be reached”.</p> <p>The OHAs consider it would be helpful if a similar provision (albeit with updated figures etc.) were included in requirement 7 of the instant Order.</p>	<p>The Applicant does not consider any amendment to Requirement 7 is required on the basis that the oLEMP will require each LEMP to demonstrate how the Project contributes to the achievement of BNG.</p>	<p>The OHA consider their suggested approach is reasonable and consistent with recent DCO drafting. For example, in addition to the example given in the OHA Comment row, requirement 7(2) (biodiversity net gain) of the East Yorkshire Solar Farm Order 2025 states –</p> <p>“(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 80.42% biodiversity net gain in area-based habitat units, a minimum of 10.30% biodiversity net gain in hedgerow units, and 10.09% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs’ 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body)”.</p> <p>Moreover, requirement 7(2) of the forthcoming Fenwick Solar Farm Order <b>[REP4-004]</b> includes a similar provision.</p>
<p><b>24. R.8 (fencing and other means of enclosure)</b></p> <p>As explained in Chapter 6.3 (historic environment) of the LIR, the OHA consider a specific heritage related requirement is required in respect of the Grade II listed Milestone located on Oxford Road and this could be included at the end of existing Requirement 8, as follows –</p> <p>“(7) No part of the authorised development may commence until a detailed scheme of protection for the Grade II listed Milestone located on Oxford Road (NHLE number 1181978) (“the Milestone”)</p>	<p>Chapter 7 - Historic Environment of the ES [APP-044] assessed potential effects of the Project on the Oxford Road Milestone. It was concluded that there would be only minor residual adverse effects, with no further mitigation or monitoring required. On that basis the Applicant does not consider it necessary to include a specific requirement within the draft DCO providing specific protections for the Milestone.</p>	<p>The OHA’s Joint LIR <b>[REP1-072]</b> states (at paragraphs 7.2.67 and 7.2.68) –</p> <p>“Milestone on the Oxford Road (NHLE number 1181978) lies within the cable route area. The impact assessment is that there will be a minor adverse impact during construction, operation and decommissioning. It is not proposed to move the asset which is significant both for its age and its specific location relative to the areas it marks. As it is not proposed to change the asset’s location, VWHDC is satisfied that the impact to its significance will be minor changes to the road conditions largely during construction and decommissioning.</p> <p>In order to be satisfied that there is no risk to the asset during these periods it is suggested that should consent permission be granted for the scheme,</p>

<p>has been submitted to and approved by the relevant planning authority.</p> <p>(8) The scheme mentioned in sub-paragraph (7) must -(a) explain how the Milestone will be protected by fencing during the construction and decommissioning of the authorised development; and (b) be implemented as approved”.</p> <p>This addition to R.8 is required to protect and safeguard the milestone during construction and decommissioning.</p>		<p>a requirement is attached to any order which agrees, prior to commencement, protection measures to be installed during commissioning and again during decommissioning which protect the asset from any damage. These agreed measures must be retained in place until such time that all construction and decommissioning works have been completed. The reason is to preserve the asset in line with both Local Policy and Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990”.</p> <p>It will be noted that this is a relatively small Milestone and potentially easy to miss by (say) a HGV or other vehicle.</p> <p>In the light of the above, the OHA consider the request for addition protection in the requirement to be reasonable and would encourage the Applicant to accept the drafting proposed in the OHA Comment row.</p>
<p><b>26. R.11(2) (code of construction practice)</b></p> <p>As explained in Chapter 6.5 (Ecology, Nature Conservation and Trees) of the LIR, the OHA consider that, under sub-paragraph (2), the code of construction practice should also include a construction environmental management plan. A draft construction environmental management plan should be submitted into the examination as soon as possible and officers would be willing to discuss its proposed contents after Deadline 2.</p>	<p>The Applicant seeks further clarification from the OHA as to what specific measures they consider would be captured by a construction environmental management plan that are not already captured by the management plans already proposed for the Project.</p>	<p>The cross-reference in the OHA Comment row is incorrect. The correct cross-reference is to Chapter 7.4 (Ecology, Nature Conservation and Trees) of the Joint LIR <b>[REP1-072]</b>.</p> <p>The OHA maintain their position as set out in that Chapter.</p>
<p><b>27. R.14 (decommissioning and restoration)</b></p> <p>The OHAs note that Requirement 21(2) and (3) of the Cottam Solar Project Order 2024 (2024/943) differ from R.14 of the instant draft Order as follows –</p> <p>“(1) The date of decommissioning must be no later than 37.5 years following the date of final commissioning.</p> <p>(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.</p> <p>(3) Unless otherwise agreed with the relevant planning authority to which this article applies, no later than ten weeks prior to the intended date of decommissioning of any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to that relevant planning authority for that part a decommissioning plan for approval”.</p> <p>The OHAs consider it would be helpful if the notification mentioned in R.21(2) of the Cottam order was also</p>	<p>The Applicant agrees to the inclusion of the new requirement 21(2) as proposed by the OHA, requiring the Applicant to provide notice of the date it intends to commission any part of the Project.</p> <p>In respect of a longer period of 8 weeks under Requirement 21(3) for providing the relevant part of the decommissioning plan, Schedule 16 already provides an 8 week timeframe for discharging requirements, as does the general deemed approval procedure under Part 2 Article 45. Such timeframes should remain consistent within the Draft DCO as otherwise the decommissioning plan could be deemed to be approved while the relevant planning authority is still within the 10 week period if specified under Requirement 14. We note that it would be open to the Applicant to provide documents to the relevant planning authority sooner and that the Draft DCO is intended to provide for the minimum time period within which the decommissioning plan must be provided.</p> <p>The Applicant also does not consider this to be necessary, particularly if an additional notice mechanism is being introduced 12 months in advance of decommissioning. This gives the relevant planning authority plenty advance warning that the decommissioning plan or relevant part is to be provided for approval.</p>	<p>The OHA welcome the inclusion of new requirement 14(2) but, as mentioned in the OHA Comment row, in requirement 14(3), the OHAs would welcome the slightly longer notification period of 10 weeks in respect of the submission of the decommissioning plan.</p>

provided to the relevant planning authority under the instant draft Order. Similarly, the OHAs would welcome the slightly longer notification period of 10 weeks in respect of the submission of the decommissioning plan.		
<b>29. Proposed new requirement (2)</b> During Issue Specific Hearing 1, there was a discussion on whether a Grampian condition should be included in the draft DCO preventing the undertaker from (i) exercising compulsory purchase powers and (ii) commencing the authorised development until planning permission has been granted for the proposed National Grid substation. The OHAs consider such a provision would be sensible because it would ensure that infrastructure which is important to the instant application has been consented before the instant works can be commenced.	The Applicant's position, as set out at Issue Specific Hearing 1, remains that a Grampian condition is not necessary. Please refer to the Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 1 [REP1-019].	The OHA maintain the position set out in the OHA Comment row.
<b>30. Proposed new requirement (3)</b> Prior to the commencement of the development, it is anticipated that works will have recently been completed on the A40 and the OHAs would not want these to be dug up under powers contained in the DCO (for instance, for the purposes of installing the authorised development's cable route). In the light of this, the OHAs consider the draft DCO should include a provision which prevents this happening. As matters stands now, the OHA's understand the cable route could cross the area of recently completed works. The OHAs would like clarity that the undertaker will either avoid the refurbished section of road or utilise HDD at a sufficient depth to prevent any harm to the new road. The OHAs consider this could be secured via a requirement to submit details of any proposed cable crossing of the A40 prior to them starting works on that section of the cable routing.	The Applicant refers to [APP-062] 6.4 of the ES - Figures 2.1a - 2.4d - Illustrative Masterplan Figure 2.2F Central site area 6 of 6 which indicates the location of the cable route crossing the A40 road. It is noted that OHA's have stated that there is the intention to re-surface this area of road. The Applicant has been in discussions with OCC highways team, and has agreed that any prior works to the roads, and surface will be advised, in advance of the works commencing by OCC highways team, to enable the Applicant to manage their phasing and workstreams to minimise the damage to newly completed works. The Applicant will use all reasonable endeavours to achieve this, but due to programme and logistical constraints this may not always be achievable. In relation to and HDD to this crossing of the A40, this option was considered, but there was not a location for an exit point for the HDD, therefore open cut trenching was discussed with OCC in this location. As the Applicant cannot control the nature and timing of the works proposed to the A40, it is not realistic to include a Requirement within the DCO that prevents the Applicant from undertaking works in this location where necessary to deliver the Project. However, the Applicant acknowledges that there is a need to work closely with the OHAs in delivering works in this area, and commercially motivated to do this in the most efficient and effect manner possible on the basis that any damage to the road from cabling works will need to be remediated.	Please see the reply to Question 2.16.2.
<b>31. Proposed new requirement (4)</b> The OHAs are concerned by the prospect of the consequences arising from panel replacement works on the road network and waste management sites. The OHAs consider these concerns could be addressed by including a requirement which requires the undertaker to submit a document like the decommissioning plan (and which would include provision for traffic and waste management)	The Applicant does not consider that such a requirement is necessary, with the Applicant already assessing the worst-case scenario in terms of effects from the Operational Phase, including replacement activities. The Outline Operational Management Plan [APP-234] requires the Applicant to prepare an Operational Waste Management Plan (OWMP) for managing waste from operational phase activities, including replacement. Traffic effects from this phase are assessed as being negligible.	Please see the reply to Question 2.7.8 for the OHA's latest position on this issue.

for the replacement panels when the number of panels to be replaced exceeds (say) 50 panels.		
<p><b>32. Schedule 16 (procedure for discharge of requirements) –paragraph 5 (fees)</b></p> <p>The first point to make is that while the relevant planning authorities will be required to deal with applications for consent under articles and under requirements, by paragraph 5(1) of Schedule 16, a fee is only payable in respect of requirements. The OHAs consider that a fee should also be paid for dealing with applications under articles. The Council’s approach is consistent with the standard drafting for a provision dealing with procedure for the discharge of approvals, as set out in Appendix 1 to PINS Advice Note 15, which concerns drafting DCOs. The second point to make is that the proposed fee is too low. Paragraph 5(1) applies the fee prescribed in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. This amounts to £145. If we assume an hourly rate of £100 for an officer to deal with this work, it would mean the officer would have to deal with any discharge application within approx.1 hrs and 24 minutes before dealing with the application was costing the relevant authority money. It is unlikely that any application will be capable of determination within that time period. While no local authority can make a profit for this work, it is reasonable for it to seek the full recovery of the actual costs incurred.</p> <p>This is not only about fairness but also about the way in which the Order is drafted. For example, by paragraph 2(2) of Schedule 16, the relevant planning authority will have 8 weeks to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. By article 45(4) of the Order, a similar regime applies in respect of consents sought under articles. Dealing with any application for consent under this Order will therefore be a matter of high priority for the relevant planning authority and it is possible that external help will be sought to ensure matters are dealt with on time.</p> <p>Rather than the regime currently proposed in the Order, the OHAs consider it would be preferable if the Applicant and OHAs entered into a planning performance agreement (“PPA”) for the full recovery of the OHA’s costs in discharging any application under the Order. The OHAs consider there is enough time to agree a PPA during the Examination and would be willing to share a first draft of such an agreement with the Applicant in order to progress matters.</p>	<p>The Applicant notes that the ability of the relevant planning authority to recover fees prescribed in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 has precedent from a number of other Solar DCOs, as set out in the Explanatory Memorandum [APP-017]. Recognising the OHA’s concerns about the sufficiency of those regulations, the Applicant notes the DCO provides flexibility for adjustments to these fees to reflect future amendments to the regulations, through the wording “as may be amended or replaced from time to time”.</p> <p>The Applicant does not consider it necessary for there to be a general cost-recovery mechanism for provision of approvals under the DCO, but welcomes further engagement with the OHA on exploring the potential for planning performance agreements.</p>	<p>The OHA maintain their position set out in the OHA Comment row.</p> <p>The Applicant has demanded, in its Order, that the OHA must discharge requirements and other consents. By section 120(2) of the Planning Act 2008, it could have chosen another body or bodies to discharge requirements. It has therefore chosen to involve the OHAs. Moreover, the Applicant has imposed on the OHA a regime which can allow for the deemed consent of applications in a certain circumstances. This means that the OHA will have to prioritise any application under the DCO.</p> <p>In these circumstances, it is only fair that the cost of the work the Applicant is requiring the OHA to do, will be met by the Applicant. This applies to the cost of discharging requirements and any other consent under the Order.</p> <p>The OHA welcome the Applicant’s willingness to explore planning performance agreements and would suggest that discussions on these now begin in earnest.</p>

Once the PPA is agreed, existing paragraph 5 can be replaced with a provision which states fees for applications will be paid in accordance with the PPA.		
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**ExQ2: 30 July 2025**  
**Responses due by deadline 4: 22 August 2025**

**Appendix 1: Landscape and Heritage Omission Maps (separate attachment)**



**ExQ2: 30 July 2025**  
**Responses due by deadline 4: 22 August 2025**

**Appendix 2: A40 Eynsham Roundabout General Arrangement Plan (separate attachment)**