



## Hearing Transcript

<b>Project:</b>	Botley West Solar Farm
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH1) Part 1
<b>Date:</b>	09 October 2025

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### **FULL TRANSCRIPT (with timecode)**

00:00:04:28 - 00:00:36:04

It is now 9:30, and I'm starting this issue specific hearing for the application made by Solar five limited for the Botley West Solar Farm project. We will introduce ourselves fully in just a few moments. But before we do that, please bear with me whilst I do a few housekeeping matters. First of all, can you hear me clearly? Marvellous. That's a good start. Um, have the meeting recordings and live stream started. Thank you. And have there been any requests for reasonable adjustments? Excellent. Thank you very much.

00:00:36:10 - 00:01:09:24

I should also let people know that there are members of the press present today. There are no fire alarm drills today. So if the alarm sounds is the real thing, the exits are behind you. And then we congregate in the car park and the toilets are in that direction, as well as, um, including refreshments. So under introductions. My name is David Wallace. I've been appointed by the Secretary of State as the lead panel member of the Examining Authority to carry out the examination of this application. I'll be making a note of any action points that arise during today's proceedings.

00:01:09:27 - 00:01:13:25

I'll hand over to other members of the examining authority to introduce themselves.

00:01:14:17 - 00:01:21:11

Good morning. I am Mukhtar Sheikh. I have been appointed by the Secretary of State to be the member of a panel of inspectors to examine this application.

00:01:22:06 - 00:01:29:25

Good morning, I'm Helen Corsini. I've also been appointed by the Secretary of State to be a member of the panel of inspectors to examine this application.

00:01:31:20 - 00:01:39:02

Good morning, I'm Catherine Metcalfe. I've been appointed by the Secretary of State to be a member of this panel of inspectors to examine this application.

00:01:40:01 - 00:02:10:10

I can confirm that all panel members have made a declaration of interests responding to the Planning Inspectorate conflict of interest policy, and none of us have any declared interests in relation to our appointment. Also present today are members of the case team dotted around the room. Should you need anything, by all means Uh, speak to them. So, turning to the attendees today. First, I want to acknowledge and welcome everyone who's come here with the time to come with us this morning in person, and also those who are joining us online virtually.

00:02:10:12 - 00:02:39:27

Welcome to you all. Um, so that we can get into the detail of the hearing earlier, I don't propose that we go through sort of a register of attendance at this stage, but all I would ask is that when you speak for the first time or approach the microphone, uh, just let us know who you are and what organization you're representing before letting us hear your representation. I will, however, ask at this time just to find out who's here on behalf of the applicant, please. Hello again. Morning, Toby. I'm half of the applicant.

00:02:39:29 - 00:02:51:12

I'm associate from Pinsent Masons. We're legal advisors for the applicant. I've got various members again from the applicant team here today for each of the agenda items. And I'll let them introduce themselves at the appropriate time.

00:02:52:16 - 00:02:59:05

Thank you very much. Thank you. That. So, I'll hand over to my colleague, Mr. Shaikh, to take you through the next agenda item.

00:03:00:18 - 00:03:42:06

Okay, so moving on to agenda item two. I will set out the procedure for running the hearing. Today, I appreciate attendees who are here for previous hearings will have heard this mic set up by the day before, but I ask that everyone bear with me. I must repeat this for the benefit of attendees who have joined us today for the first time and for the recordings. So firstly, a few words to acknowledge the format of the event. Today. This is a blended event. It allows attendance both in-person and virtually through Microsoft Teams. For those attending virtually, please be rest assured that you have our full attention at all times, even if we are at times not looking at the camera to avoid visual and noise attractions, please keep your cameras and microphones off unless we invite you to speak.

00:03:43:17 - 00:04:17:06

Secondly, the proposed timings for the day we will seek to take a lunch break at approximately 1230, as well as comfort breaks at appropriate times. During the course of the meeting, we aim to finish around 5:30 p.m., but we will keep this under review. These timings are approximate. If you are joining for a particular agenda item, we recommend you keep in touch with the case team. We can tell you if the sessions are running a few minutes late, or ahead of the indicated timings for virtual attendees. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email.

00:04:17:16 - 00:04:58:22

If you are watching the live stream, then please refresh your browser to resume each subsequent session. Thirdly, I would like to make you aware that this event is being both live streamed and recorded. The digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which the General Data Protection Rules regulations apply. The Planning Inspector's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the Development Consent Order. Consequently, if you participate in today's issue specific hearing, it is important that you understand that you will be recorded and that you therefore consent to the retention and publication of the digital recording.

00:04:59:13 - 00:05:39:24

It is very unlikely that the examiner examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason you feel that it's necessary for you to refer to sensitive personal information, we would encourage you to speak to the case in the first instance. We will then explore with you whether the information could be provided in a written format, which might be redacted before being published. The final point is about the substantive matter of today's issue specific hearing itself. The agenda for this hearing was published on the Planning Inspectorate National Infrastructure Project web page on the 18th of September this year, and those are the only matters for discussion today.

00:05:40:21 - 00:05:56:03

To be clear, it is not intended to discuss all matters relating to development consent order. Some matters will be pursued through rounds of written requests. If there are any questions, please raise your hands. Not seeing your hands. That's it for me. I will now hand it back to Mr. Wallace.

00:05:57:06 - 00:06:31:10

Thank you very much. So we come to agenda item three, a, uh, the development consent order. Um, before I launch into the matters of the specifics of the DCO, there are a few strategic matters. Matters of clarification. Um, the first one relates to the National Grid substation. Um, we've got a bit of a situation developing here that I'd like some information on in the examination. We have the connection agreement that says October 2027.

00:06:31:22 - 00:07:10:01

We've got a written submission from the applicant, say in October 2028 is the correct date. And we've got a submission from National Grid saying they won't build this until October 2029. So we've got a timing issue. We've then got a location issue in the order limits. There's about four hectares of land reserved for the National Grid substation if delivered within the order limits. The other option is the National Grid substation is delivered outside of the order limits, but we have been made aware of the screening opinion from National Grid that shows a proposal that straddles the order limits.

00:07:11:04 - 00:07:43:08

We then also have a battery storage issue. The applicant has maintained throughout the examination that there's to be no battery storage as part of this project at all, but I'm led to believe that the screening opinion from National Grid contains proposals for 800MW of battery storage. It now be that inside or outside the order limits in the cumulative effects assessment chapter of the ES or Doe, the screening opinion is referenced. I've not seen any explicit consideration of the battery storage there.

00:07:43:13 - 00:07:53:17

So in essence we've got a timing issue a location issue and a battery issue. And I would like to know from the applicant what is the situation regarding this National Grid substation, please?

00:07:57:11 - 00:08:47:26

Debates on behalf of the applicant. So I'll take each of those in turn. So firstly on the timing issue, um, we would put forward that it's not an issue. So you're right that the current connection date is 2027. And that's what both parties have been well signed up for previously. However, discussions earlier with National Grid suggested that that would be varied until 2028, and that's therefore form the basis of the environmental assessment. However, recent discussions with National Grid in alignment with their submission is that the variation will actually be until 2029, and the applicant's position is that we don't expect this to impact the conclusions of our environmental assessment, given the short difference between the assumed date and now the reality date.

00:08:48:26 - 00:09:14:14

We're waiting for an agreement to vary from National Grid in order to change that date from 2027 to 2029. And we've had discussions recently with National Grid to confirm that that is a certain date of 2029, and that will be captured in a statement of common ground that we intend to submit a deadline. Six but we're awaiting a response from National Grid on that and before we could submit it.

00:09:16:02 - 00:09:50:22

So that gives us certainty in terms of timing and in terms of location. Again, we would put forward that it's an issue in terms of location, and that's why we've taken the approach that we have by securing an option to deliver the substation in accordance with the DCO, in absence of a separate planning permission to be delivered off site. So it gives extra certainty by having this optionality rather than creating any sort of an issue. And the environmental assessments that we've carried out include, from a substation perspective, or come on to the batteries in a second.

00:09:51:00 - 00:10:24:01

I might not be the best person to deal with that, but from a substation perspective, that's certainly been dealt with as part of the cumulative assessment given the locality of that substation, if it was to be delivered offsite. It's also being captured as part of our assessment, if it was to be delivered on the site. In either case, it's being captured as part of the environmental assessment to be brought alongside the main development. I don't think I've got the relevant person in the room to deal with the battery and the assessment. The EIA leads not with us in the room here. So I suggest we'll take that one away and consider the scope, the scoping opinion.

00:10:24:15 - 00:10:28:25

The screening request of National Grid. In light of our application. We can come back in writing on that.

00:10:33:09 - 00:10:46:19

Okay I understand. National grid are not with us, so we can't get any additional light on that. I'll come over to the to the councils. I think it was the Vale of White Horse that had the screening opinion. Do you have any comments on what you've just heard there?

00:10:48:07 - 00:11:28:28

Um, yeah. Good morning everyone. Stewart Walker um, for the Vale of White Horse, uh, welcome. The clarity that we're going to have an updated agreement, perhaps working to the date of October 2029. I think, um, given the uncertainty around this, that's that's welcomed with regards to the, um, battery energy storage system. I think it's shown in the screening report on one of the drawings as an access route to a site to the west of the proposed National Grid substation, which is where the Vale of White Horse queried this to pick this up, and I probably understand in the, um, connection offers, it's probably a customer that's going to National Grid, which is why it's in the National Grid submission to us as a screening opinion.

00:11:29:12 - 00:12:01:15

Um, the overlap with regards to lay down area, there's still an area of uncertainty with regards to the site areas required, given that the screening opinion was seven hectares as opposed to 3.9 in the applicant submission? And we've still got concerns with regards to the substation itself being whether it's associated development with this proposal, given how it will perhaps be feeding into or other customers needs and who will be delivering it in its entirety. So that's the comments we've got at the moment, sir.

00:12:01:17 - 00:12:02:09

Thank you.

00:12:03:09 - 00:12:39:27

Thank you very much. Yes, we we raised the issue of associated development in our second written questions. And I believe you responded that on the basis of a solar DCO that had been consented, it was possible to be associated development. Um, but I'd appreciate sort of a comment back just to, to help the council on that particular point, but in the appreciate that you haven't got anyone here to talk about the battery storage. Um, the, the concern would be obviously if it's a seven hectare site, the that National Grid are looking at compared to your four hectares.

00:12:39:29 - 00:13:11:00

One assumes that that includes battery storage in in in that it's not just the substation. And if that tips over into your order limits, obviously your ES doesn't assess that at all. And even if it's outside, as I say, the screening opinion references the the screen opinion is referenced in your cumulative assessment chapter. But battery storage, particularly 800MW, is quite substantial and I'd be very concerned if that was not covered in any specific detail.

00:13:11:16 - 00:13:24:05

Um, you know, at the, at the at this stage of the examination, I just wondered if you could give us reassurance that in the time left, we will be given certainty on that and that the necessary assessments can actually be undertaken.

00:13:26:26 - 00:14:01:14

On behalf of the applicant. So just briefly, on the point for the council, I'll just direct you to our response to question And 2.7.1. I've not got anything to add over and above that. That's document reference rep for Dash 037. And it was Q2 .7.1. And our response set out there. And that's around the

associated development end point. Um, in terms of the parameters and the battery. So we've been in discussions with National Grid around the parameters that are needed to be secured within the order limits for the substation.

00:14:01:23 - 00:14:39:24

And you'll note that as part of the recent change request to that included an update to those parameters in discussion with National Grid to give certainty that the parameters we're securing, which is obviously just for the substation and not for any battery, that those parameters are up to 3.8 hectares is sufficient for that substation. And I suppose that's the point here that for this project, it is only part of the proposal to have the optionality for the National Grid substation. We're not related to the battery. That's a question for National Grid and their development to the extent that they want to bring batteries associated to their national grid planning permission.

00:14:40:11 - 00:15:05:24

Obviously, we take the point around assessment and ensuring that our assessments capture that if that was to be brought forward. But when the environmental statement was initially prepared and submitted, the time of application, obviously we can only work on the information that we'd been provided in the screening that's subsequently gone in. If it does or does not contain battery, that's a point for us to take away to consider how that might impact our conclusions.

00:15:08:06 - 00:15:28:09

Okay. And just one further point of reassurance then looking at the development consent order itself. Work number two is described development of a new National grid substation under that definition. Does that include any battery storage associated with that substation?

00:15:30:06 - 00:15:32:09

So it's on behalf of the applicant. No.

00:15:35:26 - 00:15:36:13

Thank you sir.

00:15:37:00 - 00:16:08:19

It's the applicant. If I can just be clear to get this absolutely crystal clear. The battery is a separate development to this one. Nothing to do with this development or this applicant. This project does not require the battery in order to function. It's not part of our grid connection agreement or anything like that. So it's like another housing estate coming along alongside another one. So there's no there's no interface between that battery and what we're doing. It's an entirely separate scheme that National Grid have been working up with, with other developers.

00:16:08:21 - 00:16:56:03

I think the other thing to clarify here is what we have sought to include in the scheme is a substation that serves the scheme, what we believe National Grid are doing with their with their alternative site is perhaps one that might accommodate future customers and other things that might help with the associated development point that the council have raised and that what we're looking at is a substation that serves and delivers and is not an impediment to our scheme. National grid have a bigger picture and that's why they're looking at the alternative site. So in the event that National Grid

failed to secure that land or fail to procure planning permission from the local authority or other connections fall away because of the Niso reform that we've touched on in other hearings, then we have the fallback, which is fine.

00:16:56:05 - 00:17:05:08

That's not worked out. But for this project, there is a substation that can be delivered within the order limits and deliver that. I hope that clarification helps it.

00:17:05:10 - 00:17:35:25

It does and it doesn't in the sense that originally, at the start of this examination process, I had in my mind that there was a clear divide between it's either in the limits or out the limits. And the screening opinion now straddles those limits. And the screening opinion includes 800MW of battery storage. Now, I appreciate you say you don't need it to function. Okay, fine. I appreciate that NPS and free says you don't need to co-locate. Okay, fine.

00:17:35:29 - 00:17:53:15

What I've got is a potential 800 megawatt battery storage facility that may or may not straddle the order limits. And at the moment, because you've maintained no battery, no battery, it is not assessed. And that's that's the issue that I've got here.

00:17:53:17 - 00:18:38:11

Oh, Gareth is the applicant at that point. We're with you on and we'll come back to you the cumulative impact point. Absolutely. That's the point for us to address. I just wanted to make clear that it is a separate project. And if people are sort of looking at the two, there's a national grid in the screening and there's the DCO. And why are these not the same? That's what I was trying to clarify. Okay, okay. Worth also saying and I'm not going to speak for National Grid, but when you when you draw up a screening request for any development, you inherently draw the parameters very wide so that you capture the full parameters that you might want to have rather than what you you definitely need to have so that you pick up all the ecology, any, any ecological constraints, physical constraints, policy constraints, etc..

00:18:38:13 - 00:18:47:03

So you're throwing a throwing the envelope wide, if you like, in order to capture that. We wait for that to be turned off.

00:18:48:18 - 00:19:15:10

Um, so when that's done you have that screening opinion. Get the feedback. There can often be quite a narrowing of parameters by the time you then put your planning application in. So again, it's all about the stages that all these different developments are in and what we can do. But your point about cumulative that's taken we'll deal with it. And we the relevant experts we think are in the room next door. So we've sent a question to them. We may be able to give you an update today as to where we are on that, but we'll come back to you.

00:19:15:12 - 00:19:40:27

Okay. Fair enough. Now, out of the corner of my eye, there's some hands up over there. Can I just record an action point for both the applicant and for National Grade two to review this section of



footage, if you like, on the on the recording, and to provide a comprehensive response on what's happening with the national grid position and the cumulative effects. Yes, there's two hands up. I don't know who is first. Does that come nobody's chance?

00:19:40:29 - 00:19:41:26

Trapp was first.

00:19:41:28 - 00:19:42:14

Okay.

00:19:44:04 - 00:20:24:09

Thank you very much indeed. Chris Westcott Cumnor Parish Council. And thank you very much indeed for bringing this issue up, both here today and in your written questions. As you know, parish council has addressed this issue in our rep 2048, Rep 3078 and Rep 4046 recording the changing account given by the applicant on each and every occasion. And well, I think I've heard this morning, is the applicant saying that the current position is 2027 with a discussion with National Grid to change that to 2029.

00:20:24:23 - 00:20:57:15

If I've heard that correctly, then that doesn't quite match what they have previously said to you, which they said that they had a grid connection. Agreed back in 2021 with a connection of 26. If you apply a standard open source intelligence technique and look at the applicant's website over time since they first put it up, you'll discover that on the 20th of December 2022. So after they have claimed to have had reached an agreement with National Grid, they make no statement about grid connection.

00:20:57:25 - 00:21:29:25

They changed the website to the 3rd of December 2023, when they quote an autumn 2027 grid connection date. That date of autumn 2027 was still on the applicant's website when they submitted the documents to you in November 2024 and live today. The applicant's website is quoting a connection date of autumn 2028. So we return to our previous points that every time we ask the question, we get a different answer.

00:21:29:27 - 00:21:30:20

Thank you.

00:21:31:14 - 00:21:38:02

Thank you very much. So my eyes are not that good. Is that stop Botley West? Yeah. Sorry, I can't read your table.

00:21:38:09 - 00:21:40:06

Good morning. Um, Mr. Hashi.

00:21:40:08 - 00:22:11:22

Mohammed, counsel on behalf of Berkeley West. Uh, good morning. And, um. Thank you. Just as a matter of courtesy, to try and understand the exchanges that have taken place and to be given an opportunity to be able to address this in writing. My understanding of what you've just raised and

around the national grid, and I also understand that you proposed a Grampian condition in relation to this issue. So what you've raised this morning around the timing issue, the location issue, the battery issue.

00:22:11:24 - 00:22:48:05

And um, if I, I'm generous enough to say the coincidence of a battery next door to a development that says it has nothing to do with the battery at all. In terms of the implications of what you're being given and the legal consequences of the environmental statement and any other aspects of the particular order you're being asked to draft. All I would say at this point is we'd be very, very keen to have an opportunity to address you in writing at one of the next deadlines, because a big gap in what you're hearing now is the fact that the national grid is not here, obviously.

00:22:48:07 - 00:23:13:12

And if this statement of common ground materializes, we'd like to see it sooner rather than later. So insofar as Mr. Yates and his colleague are trying to give you some reassurance, um, we're certainly not reassured, but we would like to at least be able to put something definitive and comprehensive in writing so that you can take that away before you decide to do what you would need to do afterwards. So I just thought I'd put that down now. Yeah.

00:23:14:04 - 00:23:47:08

Yes. No. We have deadlines. Six on the 20th of October. You're more than welcome to write comments between now and then. Obviously, in the absence of seeing information, I'd hope that we'd get information by deadline six at the very latest. And then there's deadline seven, which follows. We do have one more deadline. Deadline? Eight I'm pretty sure it's only a couple of days after deadline seven, but that's for any other information we want, if you like. So if we need to, we'll issue a letter and ask for, um, views from whoever we need to at that time.

00:23:47:10 - 00:23:54:13

But yes, you certainly have the opportunity. Um, before we move on with anything from the applicant, I wanted to add, before we move on.

00:23:55:10 - 00:24:28:17

To the applicant, just to respond to the gentleman's comment about each time they ask a question, they get a different answer. I think that's a fair comment. Uh, and I explained yesterday that, you know, I'm involved in quite a lot of the solar Nips and other energy technology projects that are coming forward at the moment. And we have had an odd year where government decided to carry out reform to the grid connection status of many projects, and as a result of that, over the last 12 months, certainly in my 20 year career of doing this stuff, I've never seen different dates fly around as they are at the moment.

00:24:29:03 - 00:25:03:25

From a developer's perspective, you know, they have all developers have thought that they had a contract with National Grid, and you'd have thought when you got a contract with National Grid, there's a fixed date in it. And then because of the reform, things have all changed. So the gentleman is quite right. There has been a moving feast on this, and to some degree, the developer is trying to keep up as much as everybody else is. But the dates are. My colleague, Mr. Yates has explained today

where we are, National grid aren't here, but we're working to the 29 date now and that is the most current information that we have.

00:25:04:27 - 00:25:35:18

Okay. Thank you very much. Um, it's the second point of clarification that I hope will be a minor point, but we'll see. We'll see where we get to. It's in relation to the applicants landscape. Clarification note um, 5006 um, it's specifically the response to question two point 13.10. Um, if you're in the document, it's uh, page 11 of 15 of that PDF. Uh, no need to throw it up, per se.

00:25:35:20 - 00:25:46:12

It's just a quick question. It says in response to that that it will take five years to construct. Is that is that right? Is that correct or is that a mistake?

00:25:50:06 - 00:25:55:10

So it's about half of that in the construction period that's assumed at 24 months for the projects. That'll be a typo.

00:25:55:19 - 00:26:28:08

Okay. No, thank you very much. I just saw that and I thought, well, that's complete and conflict. What you said in the. Yes, but no. So the clarification note is wrong in that regard. Okay. That's reassuring. Thank you very much for that. Um, the final clarification before we turn to the DCO fully, um, is in respect of the the environmental statement and the application of the mitigation hierarchy. And the reason why I raised this is in respect of change request two that we received and has been accepted into the examination at deadline five.

00:26:29:25 - 00:27:02:23

The hierarchy, of course, is generally avoid, minimize, mitigate, compensate or words to those effect. Now the change is in change. Request two comprising dropping nearly 42 hectares of land at Blaydon. A further eight yard reduction of solar installation near the airport. An additional 12 hectares of land that has been reduced off of Lower Road. So you're nearly looking at 100 over 100 hectares of land cut out by the change request, which is not small in size.

00:27:03:03 - 00:27:37:22

Um, and I'm thinking that why weren't these sorts of things picked up earlier in the process, we're told, believe there's people from aviation Services here who said that during the peer stage, they flagged don't put solar panels at the end of the runway. And yet they formed part of the design of the proposal, and now they've been struck out. And so I'm in my mind thinking, well, if the mitigation hierarchy is avoid, minimize, mitigate. How did these change. How were these changes made now are not catered for earlier on in the process.

00:27:37:24 - 00:27:52:17

And it now makes me start looking at other pieces of land and thinking, no. Are they also eligible to be removed? And I'd just like some reassurance that the mitigation hierarchy has indeed been followed, right? Right from the outset when you're designing the project.

00:27:55:23 - 00:28:31:17

On behalf of the applicant. So lean on my colleague. Mr.. To see in a second in relation to the design of the project and how that's evolved just before he comes forward and talks to that. I think it's important to note that in accordance with the NPS, the design of a development of this scale is an iterative process. And as my colleague Mr. Phillips says, it starts at the outset of screening, where it's broad to bring in all of the different environmental parameters for the purposes of assessment. That then evolves to a point of resubmission, where, based on the design information available at that time, naturally, you will have a scheme that's broader than what is ultimately delivered.

00:28:31:19 - 00:29:08:08

And that maintains true until the point of consent, where there's still flexibility sought throughout the application as is necessary, and the control on that then comes forward in the discharge of requirements to make sure that the eventual project that is brought forward is within the scope of the environmental conclusions that you've reached on the basis of that broader proposal. Now, the points that we've refined and reduced, which I hope is encouraged as part of this iterative design process, has been as a result of continued engagement with each of those consultees from the outset.

00:29:08:10 - 00:29:43:29

But then also as the projects developed, where we've got a greater amount of information around certainty and deliverability of certain aspects of the project at different alternative parts of the project that allow us to remove or refine parts of the old limits that we have come forward and refined. And that's in light of compulsory acquisition, guidance and recognition that we can only bring forward a scheme that includes land that's necessary. And as the iterative design process progresses, the applicant is able to get more clarity on what is necessary for the delivery of the project.

00:29:44:01 - 00:30:14:27

And when we consider that design process in engagement with the likes of Oxford Airport, and look at those areas in isolation and can take confidence that the project can still be delivered and the sufficient over planning for the rest of the development to meet the 840 megawatt grid connection that then we're comfortable to refine the scheme in those areas that everything else that remains in the order limits is necessary to ensure now that that 840 megawatt grid connection can be met.

00:30:14:29 - 00:30:38:13

And that's why the applicant doesn't propose to make any further refinements or reductions, because having already made those reductions and refinements. The remainder of the order limits is necessary in order to deliver the project that we're looking to deliver. That's the general framework. If you need more information on how that design has helped to inform the process, it's probably not one for me, and it's one for one of the design colleagues that I can bring forward if useful.

00:30:38:20 - 00:30:46:05

Okay. I don't know whether he's chomping at the bit or no, but I see Mr. Lemoine sort of there. I don't know if he wanted to come in with anything.

00:30:47:11 - 00:30:49:21

Yeah. Christopher eloquent, on behalf of the applicant.

00:30:49:27 - 00:30:51:20

I think the major.

00:30:51:22 - 00:30:55:29

Changes that have emerged through change. Request number two.

00:30:56:13 - 00:30:57:02

Um.

00:30:57:25 - 00:30:58:12

We would.

00:30:58:23 - 00:30:59:13

Ideally.

00:30:59:15 - 00:31:02:10

As applicant preferred sort of not a made.

00:31:02:23 - 00:31:39:12

Um, but they came about, um, largely because in the case of the airport. The airport did not have a safeguarding zone published in the local plan, which most, most airports would normally do. So they would publish the area safeguarded, that should be safeguarded, that would find its way into a local plan. In this case, the applicant would read the local plan and see that there's a large safeguarding zone and accommodate it at that point. Excuse me. Sorry. Um, as as Oxford, um, London Oxford Airport had not published the safeguarding zone in the relevant local plan.

00:31:39:22 - 00:32:18:23

Uh, that only has emerged over time through discussion resulting in the change that has now come about. Um, it's also fair to say that we did engage with the airport at the peer stage, and we did make some minor adjustments in consultation with them, but those then emerged and grew to to the point where they are now reflected in our change request, which I think the airport is now comfortable with. The other major change, the removal of panels south of Bladen again, was a matter that emerged through continuing dialogue with Historic England in particular.

00:32:19:00 - 00:32:50:01

And again, we took a view as to what was appropriate in terms of trying to protect the setting of the of the palace. We were comfortable with that view, but we continued a dialogue with the Palace and Historic England and ultimately, albeit late in the day, reached a view that in order to safeguard the setting of Palace um, from their perspective, then we would remove those panels. So it was an uncomfortable decision commercially for the applicant to take.

00:32:50:14 - 00:33:26:22

But fortunately, with the over planting issue, which Mr. Leslie could talk to if necessary. We were able to remove those panels, and I think that does demonstrate the application continued application of the mitigation hierarchy. I think they are the exception rather than the rule. And hopefully that, um, short explanation will help. Um, sort of, uh, clarify why they came about relatively late on in the day, but I think they would be regarded as an exception to that rule.

00:33:27:03 - 00:33:31:04

But they came about in the way that they did as a result of that timing.

00:33:31:12 - 00:33:40:26

Okay. Thank you very much. Before I before I open to the floor, I just come across to the the council's. Did anyone from any council have anything they wanted to add? First of all.

00:33:44:05 - 00:33:45:10

No. Okay.

00:33:46:02 - 00:33:46:17

Sorry.

00:33:46:21 - 00:33:47:06

Sir.

00:33:47:08 - 00:34:33:26

Uh, Mr. Mohammed, on behalf of Botley West, the answer to your question in relation to the extent of the removals that you're seeing is really fundamentally down to the fact that there has been very little, if any, engagement before the order limits were being defined. And as part of stop, Botley West, one of the biggest and the most egregious things that the community has been complaining about is the lack of consultation and a lack of communication and a lack of proper engagement. And the reason why that's important is because when you mention the mitigation hierarchy and national policy that talks about those stages, the approach that's been taken here is the opposite of that, because what's happened is that they've put in as much as they possibly can.

00:34:34:10 - 00:35:10:17

And to use this process where we're sitting right now to pull back, and that's what's fundamentally happened. So rather than applying the mitigation hierarchy right at the start of the process like you're supposed to, they are doing it as they go along. And the airport is one example. Another example of the impacted communities. Bladen is one example of 60 properties that were impacted that have been pulled back. Part of change request too. But there's also Beck. Brook is another example where about 12 people's 12 properties and community members have been impacted.

00:35:10:19 - 00:35:50:13

And now the pullback has assisted. And what's incidentally, what you've just heard finally on this point about it's the exception rather than the rule. But when we get to discuss the issue of landscape and heritage later, you'll find that actually what they've been doing is the rule rather than the exception. And that's where I think later on we'll see. And and finally, what you asked was you in in seeing those changes you asked. Now you're asking yourself, well, where else could we be looking at that? Well, that's a very important question for what we are going to discuss later on today in terms of landscape and heritage, because will discover that there'll be plenty of other places.

00:35:50:15 - 00:36:18:21

And then finally, what's interesting about what what was said at just a few moments ago is normally in these CEOs, the answer is, well, this is what we need, and we need it because of the grid connection, what's going to be created and so on. But apparently that wasn't the starting point. We've got to that point now, and that's what I find quite confusing. So we'll see when we get through the other evidence how much of these panels actually stick around? Thank you.

00:36:19:13 - 00:36:24:07

Hey, thank you very much. Before I move on, is there anything further you wanted to add?

00:36:25:25 - 00:37:01:00

Okay. Thank you very much. Let's move on then, to the government consent order. There's some specific matters I want to discuss here. Um, ultimately, the Acsa published its schedule of proposed changes to the DCO. Um, that's in the exam library reference PD hyphen 015. I'm not necessarily going to go through all those matters here today that everyone's got the ability to respond in writing at deadline six to those. But there are a couple of matters that I want to raise from there, and also ones that are not on there.

00:37:01:12 - 00:37:22:17

Um, one that isn't on there. Um, I'll come over to the council's, um, looking to you in the first instance, in response to our first written questions, the issue of the Independent Design Review panel was raised, and the response that we got back was, well, it could be useful, but because it would be.

00:37:22:19 - 00:37:23:07

Post.

00:37:23:09 - 00:37:47:06

Consent, in effect, it's usefulness might not be all there. Um, and as a result, in your sort of schedule of changes, if you want the amendments, you want to the DCO, the independent design review. Never, never featured. I just wanted to clarify with you if that's something that you're pursuing or have, you know, are you happy that that doesn't appear as a requirement or what's your position on that, please?

00:37:50:13 - 00:38:00:21

I'm Stuart Walker of the Battle of White Horse, speaking on behalf of the Oxfordshire host authorities. I think we're content with that in not being pursued. The design review. Okay.

00:38:01:04 - 00:38:08:00

Okay. Fair enough. Um, come over to the applicant for a response. Not there's much response you can give to that, but no.

00:38:09:12 - 00:38:12:18

Toby, it's on behalf of the applicant, and our responses are set out in response to that.

00:38:12:27 - 00:38:19:01

Thank you. Thank you very much. I'm aware that there's a hand up online. Is that Mr. Sinjin?

00:38:24:28 - 00:38:25:20

Are you there, sir?

00:38:31:03 - 00:38:34:14

Okay. It might be on mute if you're. If you're trying to speak.

00:38:38:20 - 00:38:39:10

Okay.

00:38:40:27 - 00:39:11:15

Uh, if you want to, by all means, know Tony Cameron and bring that to my my attention. Um, there is an element of the proposed schedule changes that I do want to raise now. Um, and that is the matter of development consent obligations. Um, there's been reference to a number of side agreements that are being pursued outside of the examination. Um, things like a section 278 agreement for highways works, a section 111 of the Local Government Act for the community benefits.

00:39:11:25 - 00:39:51:03

Um, and the potential also there's been talk about section 106 agreements. Um, and the note that at deadline for um, the Oxfordshire House, authorities said that work should begin on those agreements in earnest. In other words, now let's deal with this urgently. Um, it occurs to the ECA that, as you know, the the ultimate product, if you like, of this whole process is a development consent order, the text of environment consent order that perhaps there should be reference to these obligations and side agreements on the face of the DCO, given their importance to the delivery of the infrastructure.

00:39:51:14 - 00:40:18:13

Hence, that's why our requirement has featured in our proposed schedule of changes. Granted, perhaps better wording could have been used for that, but nonetheless, the applicant will understand the gist of what we're seeking there. Um, in the first instance, I'll come over to the Oxfordshire House authorities and say you've obviously had a chance to see that proposed requirement for development consent obligations. Do you think it's necessary and do you think it's fair?

00:40:21:10 - 00:40:25:07

Sir Thomas, on behalf of the authorities.

00:40:25:09 - 00:40:27:09

Sorry, you might just need to lower that down. Thank you.

00:40:27:11 - 00:40:28:00

Is that better?

00:40:28:02 - 00:40:28:17

That's better.

00:40:28:19 - 00:40:59:29

Thank you. Yes. Um, the host authorities consider that that would be a sensible approach to take. They consider it a reasonable amendment to the order, whether it would be included in a requirement or elsewhere, but including such provision on the face of the order would be sensible. We note, for



instance, that in a recent draft version, the final draft version of the Fennec solar farm order, that's a cross reference thereto, costs being paid in accordance with the Planning Performance Agreement.

00:41:00:01 - 00:41:06:05

So there is. These things do happen on the face of development consent orders and we would be in favour of them. Thank you sir.

00:41:06:13 - 00:41:09:13

Thank you very much. I'll come across to the applicant.

00:41:13:08 - 00:41:43:14

Gareth, read it to the applicant. We need to remind ourselves of what the tests are for a requirement. Sensible and fair are not part of those tests. Okay. What we have to start with first is. Are they necessary? Okay. What we are talking about here is agreement certainly in the section one agreement which is a community benefit fund. And to remind everybody because I notice it's on the agenda. Community benefit funds sit outside the planning balance.

00:41:43:16 - 00:42:19:20

They sit outside the planning regime. So if we need to talk about them today, we can. But no reliance can be placed on community benefits when making the recommendation to the Secretary of State, nor when the Secretary of State is making the decision. So for that reason, an agreement that captures community benefit funds should definitely not be in the DCO. That's a matter of law. The second point is where we are talking about, uh, highways agreements for the 278. That is actually about enabling works to come forward earlier than the DCO, in fact, would be granted.

00:42:19:22 - 00:42:56:13

So it's about the local authority who are doing roadworks, thinking ahead quite sensibly and saying, well, we don't want to do roadworks and then have them dug up again in two years, three years time, whatever the time happens to be. So that's not actually associated with the DCO. It's about them coordinating works as they might do so under the new Roads and Street Works Act in order to facilitate their own works, and so that they can comfortably serve a notice in due course prohibiting, you know, works on the road. So again, not an obligation for this development or the DCO, not something that we rely on in mitigation.

00:42:56:15 - 00:43:29:01

It's outside of this regime. Uh, so that then um, brings us to, um, the section 106 agreement. I think we've confirmed before that we're not doing a section 106 agreement on that, on this. So that that one I think is out. I'll be corrected if I'm wrong. But then coming back to the tests, we have to we have to ask if something is necessary. Well, I've dealt with a few points there, but even if they were to be secured under other agreements, it therefore means that you don't need duplication in in a DCO.

00:43:29:03 - 00:44:09:08

And there's quite accepted case law on this point and guidance that you don't duplicate regimes. So for example, you don't have a planning condition requiring a section 106 agreement to be entered. When you've got a section 106 agreement that does the same job. Similarly, you don't have duplications in the conditions in order to do that. The example that was given of the of the planning fees that were

talked about, this is because there's a reform ongoing at the moment. And if that if that comes to be, um, local authorities will be able to recover their fees associated with the Planning Act and the regime projects that are coming through earlier.

00:44:09:10 - 00:44:34:11

In the case of the Phoenix scheme, which I advised on, it was a case of the local authority saying, well, we would like to be able to recover our fees and we see that as, as an appropriate thing to put in the DCO alongside the requirements. So it's quite different to having another agreement somewhere else that dealing with community benefit agreements or planning obligations or something else. So that's that's a sort of high level view. I just looked at my colleague to see if there's anything he wanted to add.

00:44:35:14 - 00:45:10:26

Soviets on behalf of the applicant, just briefly in relation to the highways works points. Try and give some comfort there. So as my colleague Mr. Phillips explained, our starting position is that section 278 is not necessary in accordance with the tests, because those powers to deliver those street works are secured under part three of the DCO. But then we recognise and in conversation with Oxfordshire county councillors, the highway authority, that the ordinary way in which they're used to those works being delivered is through section two 7/8 and the Oxfordshire Permit scheme, which we're not modifying or supplying, so would continue to apply.

00:45:11:15 - 00:45:55:02

But in recognition of how some additional provisions of a section two, seven, eight agreement would work, this is built into the provisions of the DCO through the article 14, which enables agreements with street authorities. And you'll see that article nine, subparagraph four of the DCO has been drafted to explain that the powers conferred under that article may not be exercised without the consent consent of the Streets authority. Such consent to be in a form reasonably required by the Street Authority that builds in express provision to enable those street works to be delivered in the context of an agreement in the form of which the Council are used to in a reasonable form.

00:45:55:04 - 00:46:32:24

So that's effectively facilitating agreement. That's akin to a section 278, but without the need for a 278, because the power and consent for those works is under the DCO. So that drafting of the articles works in parallel, then with commitments that we make in the Code of Construction Practice, or more specifically, the construction traffic management plan, and you'll see it paragraphs 1.6.7 and 1.7.3 of that management plan in relation to certain more substantial highways works, the commitments being built in to enter into a highway side agreement for the purposes of those work.

00:46:32:26 - 00:47:08:13

So that works alongside the powers under the development consent order to mean that. Then normally you'd get a two, seven, eight for those works, and the applicant recognises that we don't need a two, seven, eight because the powers are under the DCO. But then through article nine four and a form of agreement reasonably required by the Council and the commitment then in the CTP, that will ensure that those works can't be carried out until that form of agreement has been entered into by the applicant. Okay. So that's that's sort of the summary really, that the consent itself delivers the ability to carry out the works that are section 278 agreement would normally deliver.

00:47:08:15 - 00:47:19:21

And then on top of that, the commitments in the CMP then ensure that any additional provisions that would normally be included in a two, seven, eight are then also going to apply in this situation here. Thank you.

00:47:20:01 - 00:47:22:18

Okay. Thank you. Um.

00:47:23:17 - 00:47:25:24

Hello, Mr. Wallace.

00:47:26:05 - 00:47:27:07

It's Harry engine.

00:47:27:09 - 00:47:28:01

Speaking.

00:47:28:07 - 00:47:31:12

I've discovered, like button. I apologize.

00:47:32:11 - 00:47:38:20

That's okay. Um, do you have something to say on this specific matter? Because I was just about to go back to the applicant.

00:47:38:23 - 00:47:42:08

Oh, yeah. Matter that I wanted to raise a question.

00:47:43:00 - 00:47:44:22

Okay. Yes. Please do.

00:47:45:09 - 00:47:46:12

Can I do it now?

00:47:46:24 - 00:47:48:03

Yes. Go ahead.

00:47:48:12 - 00:48:22:05

Um, you rightly pointed out, um, earlier the significant reduction in the amount of panels. It's about 200 acres. Nobody has said, and it's not even shown on the change documentation how much power will be reduced because of 200 acres less of panels. Now, as we we've been told repeatedly that the there is a license connection for 840MW.

00:48:22:23 - 00:48:53:24

Uh, now, we were told that the original scheme was, uh, Sufficient to supply 840MW. If 200 acres of panels is removed, what is the new figure? And if it's still 840MW, which I've just heard the applicant inferring it would be, then surely the original application must have been for a great deal more power. So, um, that needs some explanation.

00:48:54:09 - 00:49:27:06

Um, and then moving on from that, um, in the actual, um, statement of reasons. Um, they define the revised, uh, total site area of installation at about 193 hectares, which to me is 2946 acres. Um, however, in the change report, um, the they focus on the actual area of panels.

00:49:27:24 - 00:50:05:10

And of course, one of the things that I would like to see in the DCO is some clear definition of the exact areas, so that there isn't a misunderstanding as to what is, uh, the installation area, which is a the larger area within which there is grass and BNG land and you name it, what else? And the actual area of panels that, that and I think that the one thing that in work item number one in the DxO DC.

00:50:05:27 - 00:50:32:06

Oh sorry. Um, it says this is a the work number one is for a generating station, solar voltaic photovoltaic solar generating station in excess of 50MW. Well, I'm sorry, there should be surely an up. A maximum limit, i.e. 840. Can that be done? Thank you.

00:50:33:01 - 00:51:04:07

Thank you very much. Like I can answer that last question effectively. There is no cap. There is no limit other than the National Grid connection agreement. And the reason why it says 50MW is that is what tips it over into a development consent order. So that's why they've gone for that. Um, I will just come to the applicant and just ask in terms of that maximum generation, that 840MW you're saying you're going to produce. Am I right in saying it is still that amount, even with the reductions?

00:51:05:21 - 00:51:07:16

It's a matter of the applicant. Yes. That's correct.

00:51:07:18 - 00:51:45:00

Okay. Thank you. Thank you, Mr. Chen. Um, if I may now just then return to what we're talking about in terms of the development consent obligation requirement, in terms of the response that we received. Let me just. Sorry. It sounds like I'm going to be talking at you for a little while, but bear with me on this one. The community benefits, as you've said, sit outside of the examination. They're voluntary and all the rest. At the beginning of this process. The applicant's green belt case, the very special circumstances relied on those community benefits or some of them.

00:51:45:13 - 00:52:25:04

And on that basis, that's why I'm feeling entitled to go into them a bit further. Now, as far, just put yourself in my position for for the moment, I've seen, um, you propose a company to offer discount rates to the locals in terms of electricity, and that's fallen by the wayside. We've seen an education centre proposed and that has fallen by the wayside. We've seen allotments allegedly proposed. Um, not too sure whether it was allotments you were going for originally, but now it's said that you're doing this for private commercial enterprises rather than locals living next door.

00:52:26:01 - 00:52:59:22

And now, also you mentioned about the section 106 not pursuing that, but I notice in your revised A.S. chapter 16, paragraph 16.9 .133, in the process of mourning the loss of the education centre. You're saying you're making other education contributions which are not clarified or specified anywhere in that document. So in terms of do I think it's necessary to have an agreement secured? No.

00:52:59:24 - 00:53:25:13

In all honesty, I'm thinking, well, I want to pin you down to something. I want to ensure that what you're saying you'll deliver will be delivered. Because at the moment, it seems like shifting sands. And that's why the requirement notwithstanding what you said about texting two, seven, eight, we'll come back to the council on that in a moment. But that's why it was felt a need to raise this both in the shadow of changes and here today. I'd like to respond to that, please.

00:53:27:25 - 00:53:42:12

Delegates on behalf of the applicant. So just in the first instance and the planning supporting statement in the green belt case that you referred to, I won't go over the policy in detail because I know you're aware of that. But just to reiterate that our green belt case doesn't rely on the

00:53:44:05 - 00:54:21:06

case set out in the planning support statement. Primarily, it relies primarily on the national policy support that it assumes as a starting point that that VSC case will be met. VSC case that's then set out in the planning supporting statement is to supplement that starting position. In any event, just like to flag that the planning supporting statement that was updated rep 1-012 that removes reliance on VSC seven as it was numbered and VSC eight as it was numbered, which is the Community benefit fund and the discounted electricity prices And that was following the first round of hearings where we accepted that as a community benefit.

00:54:21:08 - 00:54:51:28

That's not being relied on in the planning balance for the purposes application, because it can't be, as Mr. Phillips has said, we'd included it to try and be helpful but appreciated. It might have been a distraction, so we've removed that entirely from the planning supporting statement, and I'll pass it over to Mr. Phillips in a second. But I think the point here is that the applicant is committed to delivering community to benefit. And that's the practical reality here. And we're engaging with the community as to what form that community benefit should take and how that should look. But as Mr.

00:54:52:00 - 00:55:28:05

Phillips explained before, there's no obligation to enter into that community benefit from a legal perspective in the planning balance for the purpose of this project. So in terms of a requirement and whether that's necessary to include in the DCO to allow the project to come forward, that's not necessary because it's a voluntary it's effectively a voluntary offering which the applicant is committed to deliver but is not necessary to allow the project to be acceptable in planning terms. And that's the distinction between a 100 said why we don't think 106 is required, because that's only required to secure mitigation.

00:55:28:07 - 00:55:39:02

That needs to counteract effects of the project. And we don't consider that to be the case of what we're talking about is the voluntary community benefit offering. Then if Mr. Phillips had anything to add before you come back.

00:55:40:08 - 00:56:12:03

Cool. Thank you very much, Gareth. It's the applicant. I think it's also fair to say that, you know, you've put it in the words that you want to pin us down on something. Um, my experience across all of these projects is that you often go out into the community and say there are community benefits to be had here. Often the first reaction you get is that's just a bribe and we're not interested. Then as people take advice and get more familiar with what's going on here, reference to it in hearings like this, they then start to be willing to engage.

00:56:12:14 - 00:57:00:24

But you don't always get ideas back from, from from communities generally. You then put some ideas out into the community to say, well, what about this? What about that? You've listed some of them. And as those ideas are put out, we you'll get an array of responses to it. But we can't unilaterally force a community benefit of any description onto the community. It has to be, you know, at least a bilateral negotiation of what is wanted to give you an idea. Back in the days of Cleeve Hill, when we consented that one of the original proposals was to have an education centre, in that the problem was that the feedback from the community, there was a they didn't want one, b they didn't know who would run it, even if a fund was was set up and a structure put round it.

00:57:00:26 - 00:57:35:11

So that one was rejected. Then there was talk about having a cycle path all around the site and how that would work. But then those, those who were more of an ecology mind. Were saying, well, no, no, it's important for birds. And so you can't have people on bicycles and horses riding around because that causes that. I just give two examples. But in all of these projects, even the ones in Lincolnshire that were consented, more recently, ideas are put out there and then rejected. Other ideas come in and I daresay this will be something that will go on long beyond the determination of this application.

00:57:35:13 - 00:57:51:02

There will be a continuous negotiation. What's it? So it's not about the developer saying, we're going to give you this, and then we're saying, no, we're not anymore. It's about a two way negotiation. But ultimately these are all community benefits. And they are not for the decision making process before us.

00:57:52:01 - 00:58:01:09

Okay. Could either of you talk about is chapter 1616 .9.133 where you talk about the other education contributions? What are they please?

00:58:15:00 - 00:58:38:00

I. I would need to double check. But, um, from recollection, I think it's a referring to the, um, uh, the, the educational boards that we intend to, uh, to place, which we discussed the other day, I believe, uh, along, uh, permissive paths or existing rights of way and the educational benefit arising from that. But I would need to sort of verify that and come back to you.

00:58:41:10 - 00:58:48:22

Okay. Thank you. Um, a lot of information to go through there, but I'll pass back over to you if you want to respond to any of that.

00:58:48:24 - 00:59:29:05

Thank you very much, Sir Thomas, on behalf of the Oxfordshire host authorities, um, in terms of section 278, first of all, um, the TMP sets out paragraphs 1.6.71.7.3, those works which are going to be covered by section 278 agreement, or I should say, agreements made under article 14 of the DCO. Essentially equivalent of a 278 agreement at the Oxfordshire County Council have shared their template 278 with the applicant, and the applicant has come back with some comments on that in respect to those matters listed in the TMP.

00:59:29:29 - 01:00:10:00

The county council's position is that they consider that all this all street works should be covered by 278 agreement. So that list would need to be expanded slightly. And Mr. Gates mentioned the um, the discussions which are being taking place in respect of the two seven, eight um, which would be a two, seven, eight in respect of the A40 works. Um, you'll be aware that the authorities have said in previous submissions that before commencement of the authorised development, it's expected that the council's works on this road will have been completed and they don't want these works to be dug up.

01:00:10:06 - 01:00:44:06

So the purpose of this agreement is to prevent that from happening. If, however, is a situation where agreement cannot be reached. Then Orchestra Company Council would like the comfort of some form of commitment from the applicant, which ensures that the applicant would be responsible in those circumstances for resurfacing the ancient roundabout, um, if it undertakes cabling works. After the improvement works carried out by the County council have been completed.

01:00:44:16 - 01:01:19:09

Question whether where that commitment could lie, whether on the face of the order itself, or perhaps in the outline code of construction practice. That's the two seven, eight. In terms of planning obligations, you'll be aware that the host authorities have mentioned in several of their representations matters which they consider ought to be secured by obligation. Um, but which, um, obviously haven't. There's no indication of that coming forward. The two main ones are offsite improvements from um, in respect to the public rights of way.

01:01:19:11 - 01:01:58:18

There have been discussions in respect of those plans and they've not been fruitful. And also, um, a fee which you will have in the usual way secured. And the second or a section 1 or 6 agreement for the monitoring work that the local authority would be responsible for in respect of being. So that would be a that's what you'd expect to see in a 1 or 6, I think in directed to the all amp in various responses. But I don't think the Olymp itself, while it sets out the regime from what monitoring it doesn't set out the mechanism for payment of the council's fees, and that ought to be secured.

01:01:58:23 - 01:02:09:06

Okay. Um, it could be secured in a in a fee fresh air deal on the face of the order. Necessarily have to be secured by requirement. More than one way of skinning that particular cat. Do you think?

01:02:09:11 - 01:02:42:21

Okay, sir. And you just mentioned that the public rights of way issue. I remember back in your local impact report, I think it was the region of 350,000, something like that, towards improvements to public rights of way following the applicant's second change request and amendments to the DCO. Obviously, the level of interference with footpaths has gone down, if you like, in terms of terms of stopping up, diverting or whatever else, do you still feel there is a need for that fund?

01:02:44:23 - 01:02:46:15

Uh, George Gurney, speaking on behalf of.

01:02:46:17 - 01:03:02:25

Oxford County Council and we are still in discussions with the applicant on public rights of way improvements. And I think we are also still digesting the change to request. And so I think we will be having that conversation with the applicant moving forward. But I think broadly, yes, we do think there is still a need for Off-Site public Rights of way improvements? Yeah.

01:03:02:27 - 01:03:05:26

Okay. Thank you very much. Come back over to this side.

01:03:07:13 - 01:03:40:13

Toby, it's on behalf of the applicant. So I think the distinction here is the offering that's being made is a form of mitigation to address effects in relation to the scheme. And that's the on site public right of way offering, which is secured through the various management plans and the requirements of the DCO. The applicant has, has been pointed out, engaged in discussions with the council around the potential of off site public right of way offering as well, and we're willing to engage with the council on that, the terms of which are still to be decided.

01:03:40:15 - 01:03:59:03

But that would be a form of community benefit that's over and above what we need to rely on to mitigate the effects arising from the scheme, which, as you say, has been reduced from the change request. So that's not an obligation that we need to rely on for the purposes of the scheme. It's over and above the existing offering for the on site upgrade works which were already secured.

01:04:00:22 - 01:04:04:01

Okay. Does anyone else wish to? Yes, sir.

01:04:04:21 - 01:04:35:13

Very short observation on the community. Benefits much? Hashi, Mohammed. Um. Stop Botley West. Much to the frustration of the local community. We understand how legally the community benefits aspects set outside the regime in the way that these things work, and I get that. But the big takeaway from the exchanges you've had with the applicant here for us is that you you're you are asking about the fact that the discount question had disappeared. The community centre is no longer happening. The allotments are quite unclear.



01:04:35:15 - 01:05:08:15

The section 106 elements and other benefits seem to be a falling by the wayside. And then now, in terms of the greenbelt harm, we're told that obviously national policy allows for that to, uh, be a price to pay, frankly. But I think from from our from our part, I think the big takeaway is not to say that these are all parts of the negotiations, and sometimes they go away. The big takeaway for us is the fact that these things are falling by the wayside without any credible explanation.

01:05:08:27 - 01:05:37:06

Speaks to the lack of confidence that you, as an examining authority, can have to what's being proposed to you in other elements. So it's not to say, well, we we're not relying on them. We don't need to rely on them because national policy statements doesn't need us to write it. That's fine. But you did put it in front and you did then start pulling them away. And when you're asking, what should I pin you down on? The answer isn't we don't need any of it anymore. Well, that's just not credible. And that's, I think, where this question goes to.

01:05:40:22 - 01:05:45:09

Yes. Thank you very much. Any further thoughts before I conclude this item.

01:05:46:18 - 01:06:21:16

From the applicant? Just very briefly. Um, helpful to hear Mr. Mohammed talk about the national policy position being in alignment with what we're proposing here and that being the starting block. I think it's just important to reiterate as well at this stage, that we're obviously focusing a lot on refinements and reductions to the project and community benefits, as if they're coming in a negative light when what the applicant would put forward is that using the educational facility as an example, that was included proactively in the application documents on the understanding that was welcomed by the councils.

01:06:21:18 - 01:06:53:21

We've since then had engagement that actually it's not wanted by the council. So we're reacting to feedback that we're getting and trying to offer something that's then being told isn't actually one isn't actually wanted. So we're continuing to engage in those discussions and they're falling away. I think it's the language that's being used, not because we're pulling away something that we weren't willing to offer, but in response to substituting it with something that actually is more welcome as a community benefit for others. I just wanted to reiterate that point here. And it's the same principle applies for the refinements and the reductions.

01:06:53:23 - 01:07:06:03

What we're what we don't want to be encouraging here is to apply the mitigation hierarchy at the outset and then stop there. It's a continued process that we continue to apply to try and deliver an improved scheme, and that's what we're achieving here.

01:07:08:15 - 01:07:09:06

Okay.

01:07:09:10 - 01:07:45:01

Okay. Um, before we bring this agenda item to to a close, obviously I've said the schedule of changes is out there, the proposed schedule changes out there, and anyone is invited to respond to those at deadline. Six um, this is just an early marker or reminder, if you like, for the applicant that at the deadline seven in the examination, the examining authority and the Secretary of State would appreciate the Development Consent Order in a validated statutory instrument in both PDF and word formats, one of which is editable with those versions could come in.

01:07:45:03 - 01:08:02:07

I know you know that already. I know it's already in the timetable, but just to hammer home that we need those. So, um. Yeah. Thank you. On on that. Um, it's 1037. I don't think we need a break quite yet, so I hand over to Miss Cassini to go on to, uh, flood matters. Thank you.

01:08:02:09 - 01:08:34:22

Thank you, Mr. Wallace. We'll now move on to agenda item three B relating to flood. Um, before we start on the items listed on the agenda, I'd like to ask the applicant whether you have any comments to make on the updated planning practice guidance on flood risk and coastal change regarding managing surface water flood risk in respect of the clarification on what constitutes a reasonably alternative site. Does this clarification have any implications for the proposal before us?

01:08:36:25 - 01:08:40:28

On behalf of the applicant. So for flood matters, I'm going to pass to my colleague, Mr. Jonathan Morley.

01:08:42:13 - 01:08:43:12

I'm sorry, Jonathan.

01:08:43:14 - 01:09:13:12

Morley, on behalf of the applicant, the changes to the sequential test is how are you referring to. Yes, it changes to sequential test. Reduce the material consideration on surface water risk, whereby you can use mitigation measures and enhancement measures to ensure that the development is safe for the lifetime. That is what we have already incorporated within the design. So in actual fact, it is a benefit to the applicant from those premises. So it's actually more sequentially preferable now than it was previously.

01:09:14:10 - 01:09:47:25

Thank you very much. Do any of the councils have any comments to make on that point? No thank you. We'll move to the first agenda item. So regarding Cossington Waterhole and Jericho Farm, specific concerns, um, directed firstly to the applicant, I'd like to discuss the Castleton Surface Water Modeling report, which was stated as being produced to support enhancement mitigation for existing flood risk in Cossington and also, to maybe a lesser degree, the conceptual drainage strategy.

01:09:47:27 - 01:10:20:25

I know what your response is to 2.1.2.3 and point five, which is Rec 4037, where we requested that some initial infiltration testing was undertaken. As I'm sure you aware, the reasons that this request, these requests were made was that a significant number of representations have been received into the

examination, which raised serious concerns about the potential for additional flooding in and around the Castleton Water and and Jericho Barnes locality.

01:10:20:27 - 01:10:52:22

As a result of the proposed development. In responses to some of the questions we asked, you stated that the approach is adopted a reasonable and that should consent be granted, further work would be undertaken post consent. And I'm also assuming you have reviewed the responses made by both the Environment Agency and the Oxfordshire host authorities, which concurred that perhaps some further Modeling infiltration testing was required. I appreciate your approach that you've proposed.

01:10:54:00 - 01:11:45:07

The undertaking of detailed survey work. Post consent is a standard approach. But having said that, as I'm sure you're aware, every project needs to be looked at individually. It is not a blanket approach, and given the level of local concern which I know you are aware of because you have responded to it, I'd like to explore further with you this very specific point. Why initial infiltration testing isn't considered necessary, given the level of concern that is evident, and why that infiltration testing couldn't be undertaken, which would, I'm assuming, alleviate some of the concerns and therefore bring the parties closer together to as we as I said yesterday, as we are very near to the end of the examination, the people living in Carson turn.

01:11:45:12 - 01:11:55:14

You know, it may be a small issue for yourselves, but it certainly is not a small issue for those living in this area. So I would appreciate your comments on that, please.

01:11:57:09 - 01:12:08:12

Jonathan Walley, on behalf of the applicant. So sorry. There was sort of two two things you mentioned there. One was infiltration testing and one was a risk to Cossington. So if I just deal with them individually that's okay.

01:12:08:14 - 01:12:08:29

That's fine.

01:12:09:01 - 01:12:40:17

Thank you. So for with regard to infiltration testing, the approach we've taken is a worst case approach where in essence where we've designed drainage, where it's needed. We've then assumed no infiltration. Therefore we've provided over what we need as a regard to attenuation where that's appropriate. And so when we do a detailed design, undertake infiltration testing the size of any attenuation required, take into account any appropriate infiltration rates will reduce that attenuation requirement.

01:12:41:02 - 01:13:21:16

So we saw just a worst case at the moment in the absence of the data. Okay. With regard to caching, as you point out, it's a historical flooding issue. What we've done at the moment is we've undertaken baseline surface water hydraulic modelling to understand where the risk emanates from. And then what we propose to do is, um, captured in one of our commitments is to undertake that detailed potential mitigation modelling at a later stage, a detailed design whereby we will look at what options

are available through consultation with the Environment Agency, Oxfordshire Council and the local residents to understand what's a preferable method.

01:13:22:04 - 01:13:28:05

We feel that it's appropriate to just secure that at the moment as a commitment, and deal with that at a later stage.

01:13:31:08 - 01:13:32:27

Could that be brought forward?

01:13:35:09 - 01:13:41:25

The modelling, the mitigation, modelling, I would have to discuss that with the with the applicant themselves directly.

01:13:42:08 - 01:13:44:17

That I accept, but is there any technical reason.

01:13:44:19 - 01:13:45:06

Why that would.

01:13:45:08 - 01:13:53:11

Be? Why it couldn't be done? I'm not asking you to say you're going to go away and do it. I'm asking you whether there is a technical reason why this could not be done now.

01:13:53:13 - 01:13:54:18

There is not.

01:13:55:09 - 01:13:56:05

Thank you.

01:13:58:08 - 01:14:21:19

I'm going to turn to the Oxfordshire host authorities. More on your role as local lead authority. You made a response at 2.1.2 in respect of modelling. And from what you've heard today. Do you have any further comments to make? Other. Over and above the response to that question.

01:14:25:09 - 01:14:46:08

George Gurney speaking on behalf of Oxfordshire County Council. Unfortunately, my colleague from the LFA isn't able to attend today, so we might have to come back with you in writing on that one. But I think with regards to the point of infiltration testing, the LFA is still of the opinion that infiltration testing should take place prior to consent in order to ensure that the outline design is sufficiently robust.

01:14:46:17 - 01:14:57:14

Thank you. We'll put that as an action point as well for you. I'm turning to Catholic Parish Council. Do you have your hydrology consultant with you today?

01:14:58:10 - 01:15:09:10

Uh, yes. Alex Rogers from Partington Parish Council. Uh, I have Clive Carpenter here who is our advisor on hydrology.

01:15:09:12 - 01:15:30:11

Thank you. Um, we're aware of the concerns that you've expressed, and we've read all of the details. Um, moving to the early infiltration testing. Can you outline your comments that you've made on that? And maybe and in terms of modeling as well, respond to what the applicant said today, please.

01:15:30:27 - 01:15:36:14

Uh, I'll hand over to Clive. Um, because I'm not hydrologists.

01:15:38:29 - 01:16:14:24

But carpenter for Castleton Parish Council, taking the second point first, which is the modeling. The applicants describe this modeling as to establish the baseline condition from which they wanted to explore mitigation measures. Um, the modeling itself they have accepted is not calibrated. So we don't have confidence in how this model reflects the baseline condition. If it doesn't reflect that baseline condition, we don't understand how they can have confidence in identifying mitigation measures.

01:16:15:09 - 01:16:48:10

Um, there are a number of technical reasons that we think the model is inappropriate. Uh, it doesn't include, uh, flow routes to the east of the model domain, which go into the village. Um, by their own descriptions, the applicant accepts that they don't fully understand how the culverts and the pipelines through the village constrain the flooding so I can train the constrain that flows through the village. And for these reasons, we don't have confidence that they understand the hydrology and that the baseline modelling is is inappropriate.

01:16:48:21 - 01:17:39:13

Um, you raise the point, ma'am, that the village is already, uh, vulnerable to flooding. So any increase in flooding that may occur will see any increase in runoff from the site will have an impact on the flooding. Because there's no freeboard, there's no there's no, um, uh, opportunity for any additional water to, to go anywhere else. So these put a considerable emphasis on them getting the modeling right. Uh, and we contend they don't have the information and that the model they prepared doesn't reflect baseline and is therefore not helpful in identifying mitigation measures which which the the council can consider will be, um, fit for purpose to ta ta ta not increase flood risk, but also to um, to not provide an opportunity to reduce flood risk.

01:17:40:25 - 01:18:14:08

Thank you. Also, um, the applicant commented on, I think it is your report. Um, at rec 374 um, the applicant stated that the report showed a fundamental misunderstanding of the hydrological behaviour of solar farms in respect of runoff. I don't think we received a comment from Cossington Irish Council regarding that. I didn't know whether you wanted to take the opportunity to comment on that today.

01:18:14:22 - 01:18:20:00

Um, I will hand over to Clive on this, but actually we did respond to that.

01:18:20:02 - 01:18:22:28

So if you could direct me to.

01:18:23:14 - 01:18:23:29

Yeah.

01:18:24:01 - 01:18:32:27

So you don't have to do it now in writing is fine. I apologize, miss that in case you don't have to respond to it. You could just direct me to that.

01:18:32:29 - 01:18:43:21

I will hand over to Clive on this matter. It relates to the scientific literature on the behaviour of solar farms with respect to runoff.

01:18:44:16 - 01:18:45:11

Thank you.

01:18:46:16 - 01:19:29:03

A carpenter for Kensington Parish Council. Um, we would dispute that statement. Um, there is more recent literature, um, scientific literature than has been referred to by the applicant. Um, the most recent date into June 2024, which explores these issues. The more recent research looks in much greater detail at the hydrological processes, um, that occur on within, around solar panels, um, installations. Uh, and that concludes that, um, over a wide range of climatic conditions and over a wide range of wide range of soil types, that the introduction of solar panels does increase runoff.

01:19:29:24 - 01:19:51:01

Um, this particular research we're referring to, um, refers to five commercial farms in the US from a, from uh, um, from, uh, a wide range of, of climatic environments. So, um, the, the literature, um, strongly points towards, um, solar paneling, increasing runoff.

01:19:52:24 - 01:19:56:22

Thank you. Does the applicant wish to respond on any points made?

01:19:57:02 - 01:20:33:18

Yeah. Jonathan Miller, on behalf of the applicant. Yeah, we did review those, uh, scientific papers that were referenced by the relevant representative representations, and we reviewed them in detail. And a number of them were in different case studies and not representative of the design we were looking to put forward, for example, where we're looking to put gaps between the solar cells on the panels to actually encourage droplets to hit on the what's down the shadow side of the panel that wasn't actually shown with any of the scientific examples put Forward. And also, what they also encouraged in other reports was the use of vegetation across the site.

01:20:33:20 - 01:21:25:15

So if you promote vegetation that looks to ban the soil and hinder erosion from the solar panels, and also, as I say, the gaps between the solar cells would reduce the kinetic energy coming from the lowest

leading edge of the panel. So what we're looking to do through the course of the design is look to mitigate those risks throughout, as I say, several things promoting droplets to the shadow side of the panel, promoting vegetation under the shadow side as well between the panel banks. So through the vegetation and those gaps, we should see well, look to mimic as closely as we possibly can the natural, uh, the natural hydrological characteristics of the site, but also as we're promoting year round vegetation that will look to bang the soil more effectively than it probably does at the current situation, where it may be found and cultivated throughout the year.

01:21:25:17 - 01:21:27:26

We're actually promoting that long term vegetation.

01:21:29:16 - 01:21:41:03

Thank you. Um, Mrs. Karen Williams, I had you down potentially to speak on this agenda item. Is that is that correct?

01:21:44:14 - 01:21:59:09

Thank you. Madam. Um, I've actually I'm down to speak, which addresses a number of the sort of three bc the e items. I don't know if you want me to. I was thinking it may be more helpful if I address them in the round at the. Maybe at the end.

01:21:59:11 - 01:22:07:19

Okay. In that case, I'll come back to yourselves, and then I will promise not to forget to come back to you.

01:22:07:21 - 01:22:08:18

I'm grateful.

01:22:09:13 - 01:22:11:08

Sorry. Tim. Parish council.

01:22:11:12 - 01:22:40:19

Yeah. I would just like to say that on this matter and many others relating to solar installations, there is a lack of scientific study and evidence. So we have to work with what we have. In the case of runoff. Actually, there are quite a few studies, and I would just like to hand over to Clive to respond to the applicant's last statement.

01:22:43:04 - 01:23:17:00

Carpenter for Kensington Parish Council. Um, we're aware that there are a wide range of scientific literature available, and some of this was undertaken in environments which don't necessarily, uh, relate closely to that of, of the climatic environment in Oxfordshire. The which is why I specifically refer to one paper. Um, and that covers this wide range of climatic conditions, which will include, um, climatic conditions which are similar enough to Oxfordshire to be a, to be of uh, of direct value.

01:23:17:11 - 01:23:55:19

Um, and I think the applicant is, is aware of that. um, on the point relating to gaps and panels. There are no details of what these gaps are. There's no details of whether these are millimeters wide or

whether these are centimeters wide. So we don't see how, uh, it's possible to draw that conclusion. Um, I think it's worth stating that the applicant has to, uh, has to mitigate a wide range of storm events. And these are designed storm events which are required under, uh, under the, the uh planning framework and on the national guidance.

01:23:56:01 - 01:24:26:19

Um, and these include an up to the 1 in 100 year event plus an allowance for climate change. So we are talking about a huge events. We're talking about, uh, 1 in 100 year event. You know, it will occur perhaps, um, there's a 60% chance of it occurring in 100 years. So we're talking, um, generational events. We're not talking about normal daily rainfall. So I'm just trying to create an image for you that that they may have these small gaps.

01:24:26:21 - 01:25:05:16

We don't know how big they are. We don't know if they've ever undertaken some, uh, some field trials to work this out. But we are talking about in the wide range of storm events that have to be considered some, some generational size events, which the applicant alleges some of this will go into through these gaps underneath the panel. Um, we think that's highly unlikely. Uh, the applicant, I believe in their documentation, does recognize that solar panels do generate increased amounts of runoff, but they believe they can mitigate this with vegetation.

01:25:06:01 - 01:25:38:28

Our position is that that is not a strategy which provides confidence to the full mitigation of the increase in in runoff. It's not an engineering approach. Um, where, uh, runoff from impermeable, um, areas otherwise have to be demonstrable in a way that they can confirm that the increase in runoff is reduced down to pre-development levels. The use of vegetation, it doesn't kind of provide that level of confidence.

01:25:39:02 - 01:26:10:06

Um, there we know that there are shading issues underneath, underneath panels, which means that the vegetation doesn't grow as well as that beyond the panels. Um, so these can't be considered the same thing. It doesn't mimic the existing conditions on the site. Um, and we're told through the documentation that this would be managed by being mown or using grazing. So the so the vegetation conditions are going to be changing constantly and season to season. The extent to which they've been grazed and not.

01:26:10:08 - 01:26:42:11

So there's this, this is moving uh, um, vegetation, In mitigation measure that is going to be changing routinely, and our position is that they cannot demonstrate that this provides adequate confidence that mitigation of the runoff coming off the panels, uh, will provide adequate reduction in or will not increase and perhaps provide a betterment, a reduction in runoff that ensures there is no increased flood risk from the site.

01:26:44:06 - 01:26:46:26

Thank you. Would you like to respond to anything?

01:26:47:12 - 01:27:19:18



Um, yeah. Jonathan Molloy for the applicant. Um, firstly, I appreciate the comments. Um, but the what we're looking to do is mimic the existing. So under the NPS and the NPF, we're not required to provide betterment but not make it any worse. So what we feel is based on the design and approach, we're not making it worse. What we are looking for, specifically at places such as Cannington, is to look at enhancement measures to provide a betterment to the local residents. So we are in accordance with the legislation and the policy.

01:27:19:20 - 01:27:41:22

And beyond that, we're looking also it has measures to help manage those extreme events that were mentioned, those extreme events. We don't foresee that there would be a need to attenuate for solar panels, and that is an industry standard, accepted process across hundreds of solar panels across the UK. And therefore we feel, as I mentioned just then, we're in line with policy and guidance.

01:27:44:00 - 01:28:06:14

Thank you. We do have other questions obviously on flooding, but I am conscious that we've been sitting quite a while now, so I'm going to adjourn, but we will come back and continue the flood agenda item. So it's now 1057. So if we adjourn this hearing until 1115.