



# **Botley West Solar Farm**

Written Summary of Applicant's Oral Submissions at the  
Issue Specific Hearing 2 (ISH2)

**October 2025**

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PINS Ref: EN010147

Document Ref: EN010147/APP/17.3

Revision Rev P0

Planning Act 2008; Infrastructure Planning (Examination Procedure) Rules 2010

# 1. Introduction

1.1.1. The following speakers were present at the hearing for Photovolt Development Partners (**PVDP**) on behalf of SolarFive Ltd (**the Applicant**):

- Toby Yeates, Associate at Pinsent Masons LLP;
- Gareth Phillips, Partner at Pinsent Masons LLP;
- Christopher LeCointe, Planning and Environment;
- Jonathan Morley, Flood Risk Management;
- Mick Rawlings, Historic Environment;
- James Plumb, Aviation;
- Nick Betson, Ecology;
- George Lilley, Landscape and Visual Resources;
- John Watkins, Traffic and Transport;
- Richard Calvert, Noise and Vibration; and
- Mark Owen-Lloyd, Director;

1.1.2. This note summarises the oral submissions made on behalf of the Applicant at Issue Specific Hearing 2 (**ISH2**) held on 9 October 2025 in relation to the application for development consent (**Application**) for the Botley West Solar Farm (the **Project**).

1.1.3. Where the Examining Authority (the **ExA**) requested additional information from the Applicant on specified matters, or the Applicant undertook to provide additional information during the course of ISH2, that information is either set out in this document or otherwise submitted as part of the Applicant's Deadline 6 submissions.

1.1.4. This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant's submissions, or where the Applicant agreed with the submission(s) made and so made no further submissions (this is noted within the document where relevant).

1.1.5. The structure of this note follows the order of the items listed in the detailed agenda published by the ExA [**EV7-001**] (the **Agenda**). Numbered agenda items referred to are references to the numbered items in the Agenda. The Applicant's substantive oral submissions commenced at Item 3 of the Agenda. Therefore, this note does not address Items 1 and 2 on the Agenda as these were procedural and administrative in nature.

## 2. Written summary of the Applicant's oral submissions

| #  | Agenda item                                       | Applicant's response   |
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| 3a | Development Consent Order: Articles, Requirements | <p><b>Clarification matters and change request 2</b></p> <p>The ExA sought clarification from the Applicant regarding the National Grid Electricity Transmission (<b>NGET</b>) substation, noting discrepancies in the anticipated delivery date, uncertainty over the location (whether within or outside the Order limits), and the inclusion of a battery energy storage system (<b>BESS</b>) in NGET's Screening Opinion, despite the Applicant's position that BESS is not part of the project. The ExA requested the Applicant's position on these matters.</p> <p>Mr Yeates, on behalf of the Applicant, confirmed that the current connection date is 2027, as previously agreed by both parties. Earlier discussions with NGET suggested this would be varied to 2028, which formed the basis of the Environmental Impact Assessment (<b>EIA</b>). More recent discussions with NGET now indicate that the connection date will be varied to 2029. The Applicant does not expect this change to impact the conclusions of the EIA, given the short difference between the previously assumed date and the updated date. The Applicant is awaiting formal agreement from NGET to vary the connection date to 2029, and recent discussions have confirmed this as the expected date. This will be captured in a Statement of Common Ground (<b>SoCG</b>) to be submitted at Deadline 6, subject to NGET's response.</p> <p>Regarding location, Mr Yeates explained that the approach taken by the Applicant—securing an option to deliver the substation within the DCO, in the absence of a separate planning permission for delivery off-site—provides additional certainty. The EIA has considered both scenarios: delivery of the substation off-site and delivery within the site. In either case, the substation has been captured as part of the cumulative assessment alongside the main development.</p> <p>In relation to BESS, Mr Yeates noted that the relevant EIA lead would speak to the point later in the hearing. The Applicant undertook to review the scope of the screening request from NGET in light of the application and to provide a written response on this matter.</p> <p>The ExA invited comments from local councils.</p> |

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|   |             | <p>Mr Walker, on behalf of Vale of the White Horse District Council, welcomed the clarification regarding the updated connection date of 2029. He noted ongoing uncertainty around BESS, referencing its inclusion in NGET's Screening Opinion, and highlighted concerns regarding the extent of the laydown area and whether the substation constitutes associated development, given its potential to serve other customers and uncertainty over delivery responsibility.</p> <p>The ExA sought clarification from the Applicant regarding the potential inclusion and assessment of BESS associated with the NGET substation, and requested reassurance that the necessary assessments would be undertaken within the remaining examination period.</p> <p>Mr Yeates directed the ExA to the Applicant's response to question ExQ2.7.1 contained within the <b>Applicant's Responses to ExA's Second Written Questions (ExQ2) [REP4-037]</b> regarding associated development, and confirmed there was nothing further to add on that point. In relation to the parameters and BESS, the Applicant stated that discussions are ongoing with NGET regarding the parameters to be secured within the Order limits for the substation. He added that the recent Change Request updated the parameters for the NGET substation, following discussions with NGET, to secure certainty that the area required—up to 3.8 hectares—is sufficient for the substation only, and does not include BESS. Mr Yeates clarified that the project relates solely to the substation, and any BESS would be a matter for NGET and their separate planning permission. He noted that the Environmental Statement (<b>ES</b>) was prepared based on information available at the time of application, and undertook to consider the implications of any subsequent screening that may include BESS, and how this might affect the assessment conclusions.</p> <p>The ExA sought confirmation from the Applicant as to whether the definition of Work No. 2 in the <b>Draft Development Consent Order (draft DCO) [CR2-009]</b>, relating to the new NGET substation, includes any BESS associated with that substation.</p> <p>Mr Yeates confirmed that Work No. 2 did not.</p> <p>Mr Phillips, on behalf of the Applicant, added that BESS is entirely separate from the project and is not included within the scope of this development or the Grid Connection Agreement. He clarified that there</p> |

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|   |             | <p>is no interface between BESS and the scheme, and any BESS proposals are being progressed independently by NGET with other developers. Mr Phillips further explained that the substation secured under Work No. 2 is designed solely to serve the scheme, whereas NGET's alternative site may be intended to accommodate future customers and wider associated development. He reiterated that, should NGET's alternative site not come forward, the fallback remains delivery of a substation within the Order limits to serve the project.</p> <p>The ExA noted that the Screening Opinion now straddles the Order limits and includes 800MW BESS, and reiterated concerns that, as the Applicant has maintained no BESS, this has not been assessed within the ES.</p> <p>Mr Phillips clarified that the BESS proposals referenced in the National Grid screening opinion are a separate project and not part of the scheme. He explained that screening requests typically set wide parameters to capture all potential constraints, and that these are often narrowed before a planning application is submitted. He acknowledged the ExA's point regarding cumulative impacts and confirmed that this will be addressed, with relevant experts consulted and an update to be provided as soon as possible.</p> <p><b><i>Post hearing submission (PINS Action Point No. 1):</i></b> As confirmed at ISH2, the Botley West Project does not incorporate BESS and the NGET Screening Report does not indicate that NGET proposed BESS within its project red line. What it does show, confusingly since it does not appear to form part of the description of development that NGET has sought a Screening Opinion on, is a pink line indicating an access through the site to the west – and which suggests a connection to a BESS scheme. The NESO TEC register shows two connections at Botley West 400kV substation in addition to the Applicant's. Botley Green Energy Centre is an 800MW connection for solar PV and energy storage. Arise Renewable Energy has a 280MW connection for PV and energy storage. Both have October 2033 connection dates. Neither have submitted planning applications or commenced DCO pre-applications and both will be subject to the NESO Gate 2 Whole Queue process. NESO have confirmed the Applicant's connection as a protected connection resulting in an automatic Gate 2 connection agreement. NESO expect to issue contracts in January 2026 to protected connections.</p> |

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|   |             | <p><b>Post hearing submission (PINS Action Points No. 2 and No. 3):</b> <i>The Applicant has known, since the earliest stages of the Botley West Project, that NGET propose a new 400kV substation in the vicinity of the southern site, connecting to the overhead lines near Farmoor Reservoir. Indeed, it is the required NGET infrastructure that makes provision for the necessary connection point to support the Botley West Solar Farm, and other renewable energy projects. The scoping of the Botley West Project, the informal and statutory consultation, and the EIA, all made clear the expectation of a grid connection via a new NGET substation – and the Applicant made allowance for its delivery within the Order limits, setting aside an area of up to 3.8ha, as well as assessing it cumulatively alongside the DCO Project if it was to be delivered on land adjacent to the west (which NGET made clear was their preference). Both options were assessed on the basis of details provided by NGET at those stages pre-submission.</i></p> <p><i>The NGET 400kV substation design has evolved since the DCO application was submitted. This led to changes in the details and dimensions, subsequently reflected in updates to the Applicant's submission documents, and the revision in Change Request 2 to allow for the alternative use of part of the southern site for solar panels and relocated substation, should the NGET substation be delivered outside the Order limits.</i></p> <p><i>However, its status as a project against which to undertake any formal cumulative assessment is not clear cut, as the NGET substation was not formally a project or proposal in the public domain and did not enjoy any confirmed status for cumulative assessment during the period leading up to the submission of the Botley West application, or throughout the post-submission period and much of the examination period.</i></p> <p><i>It was only in August 2025 that a formal Screening Request – P25/V1685/SCR – was submitted by NGET to the Vale of the White Horse District Council. The updated <b>ES Chapter 20 – Cumulative Effects and Inter-relationships [REP5-022]</b>, therefore included this as part of the updated assessment at Deadline 5 (12 September 2025). The Screening Request is reflected as a 'Tier 2' proposal in the updated cumulative list, and the relationship was assessed based on the dimensions and data provided in the Screening Report.</i></p> |

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|   |             | <p><i>The wider area of the red line for the Screening Request does overlap with the Order limit – but that is partially due to the line of the overhead cables, the options NGET are considering around construction access, and in particular the opportunity for a laydown area on land that PVDP would ultimately seek to develop for its own substation and some panel arrays. PVDP is working closely with NGET to coordinate construction programmes to ensure NGET has access and sufficient laydown area. NGET and the Applicant held a meeting on 25 September 2025 to discuss these matters at which both parties' construction directors were present.</i></p> <p><i>Figure 2.3 of the Screening Report indicates that the main 400 kV 'Farmoor' substation and its associated access would be situated on land to the west of the Botley West site – and would not straddle the Order limits (see figure 2.3 of the updated <b>Illustrative Masterplan [CR2-026]</b>).</i></p> <p><i>In terms of temporal overlap, and bearing in mind the opportunity to reduce impacts by working closely with NGET to manage construction traffic and lay down areas, the Applicant has continued to discuss the likely date of completion for the NGET substation with the NGET team. The NGET team has indicated that completion in 2029 is a certain date, and the first full year of operation would be 2030. The SoCG prepared with NGET confirms this. This first full year of operation is therefore one year later than was assessed at the point of submission for the application, but in follow up, within the updated <b>ES Chapter 20 – Cumulative Effects and Inter-relationships [REP5-022]</b>, this delay has not led the Applicant to the conclusion that there would be any additional significant environmental effects.</i></p> <p>The ExA invited responses from Interested Parties (IPs).</p> <p>Mr Westcott, on behalf of Cumnor Parish Council, raised concerns regarding the changing grid connection dates provided by the Applicant.</p> <p>Mr Mohamed, on behalf of Stop Botley West, requested an opportunity to address the issues around the NGET substation and BESS in writing at a future deadline, noting that NGET is not present and that the SoCG would be welcomed as soon as available.</p> |



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|   |             | <p>The ExA invited responses from the Applicant.</p> <p>Mr Phillips acknowledged the concerns regarding changing grid connection dates and explained that recent government reforms to grid connection arrangements have resulted in significant uncertainty and frequent changes to connection dates across the sector. He confirmed that, while dates have shifted, the most current information is that the project is now working to a 2029 connection date, as previously explained by Mr Yeates.</p> <p>The ExA sought clarification from the Applicant regarding the construction period stated in the Applicant's <b>Landscape and Visual Resources Clarification Note [REP5-006]</b>, specifically whether the reference to a five-year construction period is correct.</p> <p>Mr Yeates confirmed that this was a typo and that the correct construction period was 24 months.</p> <p>The ExA sought reassurance from the Applicant that the mitigation hierarchy has been followed from the outset of project design, in light of Change Request 2 which removed land from the scheme, and queried why such changes were not identified earlier in the process.</p> <p>Mr Yeates explained that the design of a development of this scale is an iterative process, in line with National Policy Statements. The scheme is initially drawn broadly to capture all relevant environmental parameters for assessment, and is refined over time as more information becomes available and engagement with consultees progresses. Reductions and refinements to the Order limits, including those in Change Request 2, have been made following ongoing engagement and in recognition of Compulsory Acquisition Guidance, ensuring only necessary land is included. Mr Yeates confirmed that the remaining Order limits are necessary to deliver the project and that further reductions are not proposed.</p> <p>Mr LeCointe, on behalf of the Applicant, explained that the major changes in Change Request 2 arose due to new information received during the examination, particularly the absence of a published safeguarding zone for Oxford Airport in the local plan, which only became clear through ongoing discussions. He noted that engagement with the airport and Historic England led to further refinements,</p> |



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|   |             | <p>including the removal of panels south of Bladon to protect the setting of Blenheim Palace. These changes were commercially difficult but demonstrate the continued application of the mitigation hierarchy. The Applicant considered these late changes to be exceptions, resulting from the timing and nature of information received during the process.</p> <p>The ExA invited responses from IPs.</p> <p>Mr Mohamed criticised the Applicant's approach and said that there was scope for further refinement of the Order limits.</p> <p><b>Early views on the ExA Schedule of Changes</b></p> <p>The ExA sought clarification from local councils as to whether the Independent Design Review Panel is being pursued, noting that it was raised in response to the first written questions but has not featured in the council's proposed schedule of changes to the DCO.</p> <p>Mr Walker, on behalf of Vale of the White Horse District Council, speaking on behalf of the Oxfordshire Host Authorities (<b>OHA</b>) confirmed that this was not being pursued.</p> <p>The ExA raised the issue of development consent obligations and referenced various side agreements being pursued outside of the examination, including section 278 and section 106 agreements. The ExA queried whether these obligations should be referenced on the face of the DCO, given their importance to delivery, and invited the OHA to comment on the necessity and fairness of the proposed requirement.</p> <p>Mr Thomas, on behalf of the OHA, confirmed that including provision for development consent obligations on the face of the order would be a sensible and reasonable approach.</p> <p>The ExA invited responses from the Applicant.</p> <p>Mr Phillips, on behalf of the Applicant, responded that the relevant tests for including a requirement in the DCO are necessity, not whether it is sensible or fair. He clarified that community benefit funds sit</p> |

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|   |             | <p>outside the planning regime and should not be included in the DCO. Highways agreements under section 278 are for local authority works and are not obligations for development or relied upon in mitigation. Mr Phillips confirmed that a section 106 agreement is not being pursued for this project. He said that duplication of regimes should be avoided, and obligations secured under other agreements do not need to be repeated in the DCO. He noted that the inclusion of planning fee recovery in other DCOs is a separate matter and not analogous to community benefit or planning obligations.</p> <p>Mr Yeates, on behalf of the Applicant, added that section 278 agreements are not necessary as the powers to deliver street works are secured under Part 3 of the <b>draft DCO [REP5-010]</b>. However, recognising the ordinary practice of the highway authority, the Applicant has ensured that the Oxfordshire Permit Scheme will continue to apply. Additional provisions akin to section 278 agreements are facilitated through Article 14 of the DCO, which enables agreements with street authorities, and Article 9(4), which requires the consent of the street authority in a form reasonably required by them. Commitments in the <b>outline Code of Construction Practice (CoCP) [REP5-041]</b> and the <b>Construction Traffic Management Plan (CTMP)</b> further ensure that substantial highways works cannot be carried out until an appropriate agreement has been entered into. The Applicant confirmed that the DCO delivers the necessary powers for these works, with additional commitments ensuring that provisions normally included in section 278 agreements will also apply.</p> <p>Mr St John raised concerns regarding the reduction in panel area, querying what impact this has on the scheme's generating capacity and whether the original application was for a higher output than 840MW.</p> <p>Mr Yeates confirmed that the generating output of the scheme remained unchanged.</p> <p>The ExA noted that community benefits are voluntary and sit outside the examination, but highlighted that the Applicant's Green Belt case initially relied on some of these benefits as very special circumstances (<b>VSC</b>). The ExA queried changes to the proposed community benefits, including the withdrawal of the local electricity discount company and education centre as well as the delivery and clarity of other benefits such as allotments and educational contributions.</p> |

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|   |             | <p>Mr Yeates clarified that the Green Belt case set out in the planning supporting statement primarily relies on national policy support, with the VSC supplementing that position. The Applicant noted that the updated <b>Planning Supporting Statement [REP1-012]</b> has removed reliance on VSC 7 and VSC 8, which related to the community benefit fund and discounted electricity prices, following the first round of hearings. These community benefits are not relied upon in the planning balance for the application, as they sit outside the planning regime. Mr Yeates confirmed a commitment to delivering community benefit and that the Applicant is engaging with the community, noting that there is no legal obligation to secure such benefits in the DCO, as they are voluntary and not necessary for the acceptability of the project in planning terms. He further explained that a section 106 agreement is not required, as it is only necessary to secure mitigation, whereas the community benefit offering is voluntary.</p> <p>Mr Phillips added that community benefits are subject to ongoing engagement with local communities and cannot be unilaterally imposed by the developer. He explained that proposals for community benefits often evolve in response to feedback, with some ideas accepted and others rejected, and that this process typically continues beyond determination of the application. Mr Phillips emphasised that community benefits are voluntary and not part of the decision-making process for the DCO.</p> <p>The ExA asked the Applicant to clarify what is meant by “other education contributions” referenced in <b>ES Chapter 16 Human Health [CR2-023]</b>, and requested details of what these contributions comprise.</p> <p>Mr LeCointe, on behalf of the Applicant, confirmed that the Applicant would provide a written response to the question.</p> <p><b><i>Post hearing submission (PINS Action Points No. 5): The Applicant will continue to offer children's fun trails and education boards (for example on wildlife, heritage and solar energy), which could provide local schools with basic opportunities to undertake their own learning activities. This is committed within the Project design secured through the Outline Landscape and Ecology Management Plan at paragraph 6.1.2. Additional contributions are also offered to increase educational opportunities through these resources. There would be potential to walk through these amenities and potential for guided access to array areas which would support both physical activity and learning outcomes for population health. Location and scale will be finalised during detailed design phase. The expectation is that there will be</i></b></p> |

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|   |             | <p><i>post-consent community involvement in the refinement of design and selection of an appropriate location.</i></p> <p>The ExA invited responses from local councils and IPs.</p> <p>Mr Thomas, on behalf of the OHA, stated that Oxfordshire County Council (<b>OCC</b>) considers all street works should be covered by a section 278 agreement, and requested a commitment from the Applicant to resurface the roundabout if cabling works are needed after council improvements. He also noted that planning obligations for offsite public rights of way (<b>PRoW</b>) improvements and monitoring fees have not been secured, and suggested these could be addressed on the face of the order or by other means.</p> <p>The ExA asked the OHA whether, given the reduced level of interference with PRoW following the Applicant's change request, there is still a need for the proposed fund for PRoW improvements.</p> <p>Mr Gurney, on behalf of OCC, confirmed that discussions with the Applicant on PRoW improvements are ongoing, and while the change request is still being reviewed, OCC broadly considers there is still a need for off-site PRoW improvements.</p> <p>The ExA invited responses from the Applicant.</p> <p>Mr Yeates clarified that on-site PRoW mitigation is secured through management plans and DCO requirements. The Applicant is willing to engage with OCC on potential off-site PRoW improvements, but considers these to be voluntary community benefits, not required to mitigate scheme effects, which have been reduced following the change request.</p> <p>Mr Mohamed, on behalf of Stop Botley West, expressed further concerns with regard to the Applicant's community benefit contribution.</p> <p>Mr Yeates responded that refinements and reductions to the scheme, as well as changes to community benefits, are made in response to feedback from councils and stakeholders. He emphasised that</p> |

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|    |                                    | <p>proposals such as the education facility were included proactively, but have been withdrawn where they were not wanted, and that the process of applying the mitigation hierarchy and refining the scheme is ongoing and intended to improve the project.</p> <p>The ExA reminded the Applicant that a validated statutory instrument version of the DCO, in both PDF and editable Word formats, will be required at Deadline 7.</p>  |
| 3b | Flood Risk and Drainage Management | <p>The ExA asked the Applicant whether the updated planning practice guidance on flood risk and coastal change, particularly regarding surface water flood risk and reasonably alternative sites, has any implications for the proposal.</p> <p>Mr Morley, on behalf of the Applicant, explained that changes to the sequential test in planning guidance now allow mitigation and enhancement measures to be used to ensure developments are safe for their lifetime, including managing surface water risk. These measures are already incorporated in the scheme's design, making the site more sequentially preferable than before.</p> <p><b>Cassington Parish Council, Worton Hall and Jericho Farm specific concerns</b></p> <p>The ExA asked the Applicant to explain why initial infiltration testing has not been undertaken at Cassington, Worton Hall and Jericho Farm and whether such testing could help address local concerns before the end of the examination.</p> <p>Mr Morley, on behalf of the Applicant, explained that a worst-case approach has been taken to attenuation requirements for enhancement measures upstream of Cassington, assuming no infiltration and therefore providing a conservative design. Infiltration testing will be undertaken at the detailed design stage, and if infiltration rates are suitable, the required attenuation area may be reduced. For Cassington, baseline surface water modelling has been completed to understand flood risk sources. The Applicant has committed, as set out in the <b>outline Operational Management Plan (oOMP) [REP4-027]</b>, to undertake further detailed modelling and mitigation design at the detailed design stage,</p> |

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|   |             | <p>in consultation with OCC, the Environment Agency, and local residents. These measures are secured as commitments within the application.</p> <p>The ExA queried whether the proposed mitigation and modelling could be brought forward.</p> <p>Mr Morley confirmed that there is no technical reason why it couldn't but that the Applicant would review and consider if this could be done in practice.</p> <p>The ExA invited responses from local councils.</p> <p>Mr Gurney, on behalf of OCC, stated that the lead flood authority remains of the view that infiltration testing should be carried out prior to consent to ensure the robustness of the outline design, and will provide further comments in writing.</p> <p>Mr Carpenter, on behalf of Cassington Parish Council, raised concerns in relation to the Applicant's approach to flood modelling and mitigation.</p> <p>The ExA invited Cassington Parish Council to respond to the Applicant's comment that the Parish Council's report showed a misunderstanding of solar farm hydrology and runoff, and asked if they wished to comment further on this point.</p> <p>Mr Carpenter, disputed the Applicant's statement regarding hydrological understanding, citing recent scientific literature. He said that this evidence supports the Parish Council's position.</p> <p>Mr Morley confirmed that the scientific papers cited by Cassington Parish Council were reviewed and addressed in a formal technical note (see response to ExQ1.10.13 <b>Applicant's comments on Interested Parties' Responses to ExA's First Written Questions (ExQ1) [REP3-065]</b>). He explained that that the studies referenced different designs and were not representative of the Botley West scheme. The Botley design includes gaps between solar panels, year-round vegetation, and spacing between panel banks to prevent sheeting and reduce runoff, aiming to closely mimic the site's natural hydrological characteristics and further mitigate risks.</p> |

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|   |             | <p>Mr Carpenter expressed further concerns as to the Applicant's analysis of scientific literature.</p> <p>Mr Morley responded that the scheme is designed to mimic existing conditions and not worsen flood risk, in line with national policy and guidance. He explained that enhancement measures are being considered to provide betterment for local residents, but industry standards do not require attenuation specifically for solar panels. He added that the Applicant's approach is consistent with accepted practice across UK solar projects.</p> <p>The ExA asked the Applicant to confirm whether the indicative attenuation pond shown in the <b>Landscape, Ecology and Amenities Plan [REP2-016]</b> represents the largest possible size or if the pond could increase in size following infiltration testing.</p> <p>Mr Morley confirmed that the attenuation pond shown represents the largest size required under the worst-case scenario. He stated that, following infiltration testing, the pond size would not increase and would not encroach further into the solar panel area.</p> <p>The ExA asked whether the Applicant intended to address existing flood issues through positive design measures in the scheme.</p> <p>Mr Morley confirmed that enhancement measures are being investigated. Baseline modelling for Cassington has been completed, and as the scheme moves into detailed design, further enhancement measures will be considered in consultation with the Environment Agency, the local authority, and local residents. These measures go beyond the requirements of national policy and planning guidance.</p> <p>The ExA asked the Applicant how the additional water features proposed for great crested newt mitigation within bat corridors—such as scrapes, escarpments, and lakes—will be modelled and sized, and what impact they will have on site drainage.</p> <p>Mr Morley explained that explained that the proposed water features for great crested newt mitigation are currently at a high-level design stage. Specifics such as size and water retention requirements will</p> |



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|   |             | <p>be determined during detailed design, taking into account ecological needs and site conditions like infiltration rates. The hydraulic mechanisms and drainage impacts will be assessed at that stage, and the final design will be secured through detailed design and further investigation.</p> <p><b>Field drainage and modification of watercourses</b></p> <p>The ExA asked the Applicant to explain how potential disturbance to existing field drainage north of Cassington will be managed, and how the scheme will ensure that flooding is not made worse following decommissioning.</p> <p>Mr Morley, on behalf of the Applicant, confirmed that appropriate wording will be included in the DCO to secure commitments regarding field drainage. The Applicant will undertake surveys prior to construction to record existing field drainage, ensure operational drainage is reinstated during construction, and repeat this process at decommissioning to restore any damaged drainage and retain its function. This approach is informed by wording used in other consented DCOs and will be incorporated at Deadline 6.</p> <p>The ExA invited a response from Cassington Parish Council.</p> <p>Mr Rogers, on behalf of Cassington Parish Council, raised concerns in relation to flood risk and requested that the scheme be reduced further to address this.</p> <p>The ExA invited responses from the Applicant.</p> <p>Mr Yeates, on behalf of the Applicant, clarified that the most recently submitted <b>outline CoCP [CR2-045]</b> already includes a commitment to field drainage restoration and visual inspections prior to construction. He confirmed that this wording will be refined at Deadline 6 to clarify the scope of the commitment, and reassured that control over these measures will be maintained through the discharge of requirements process with the relevant planning authority.</p> |

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|   |             | <p><b>Post hearing submission:</b> <i>The CoCP has been updated to reflect a commitment to reinstate drainage function where required post decommissioning. This has been included in paragraph 1.10.41 of the Updated CoCP (Revision 5).</i></p> <p><i>"Before commencement of construction, visual inspections will be undertaken of existing functioning field drainage, with drainage plans also consulted (where available). The requirement for the restoration of functioning field drainage is secured through the protective provisions for the benefit of the drainage authorities (Part 3 of Schedule 15) and the Environment Agency (Part 7 of Schedule 15) of the draft DCO."</i> Mr St John suggested that the Applicant should seek to obtain drainage plans from the Blenheim Estate.</p> <p>The ExA asked the Applicant to confirm whether existing drainage records will be accessed as part of survey work.</p> <p>Mr Morley confirmed that drainage plans will be sought from landowners, tenant farmers, and other relevant parties to build a comprehensive picture of existing field drainage. Additional surveys will be undertaken as needed to ensure all drainage features are identified prior to construction.</p> <p><b>Post hearing submission:</b> <i>Drainage plans have been obtained by the Applicant for Denmans land which makes up approximately 10% of the total site area. This information has been used to inform the masterplanning of this area. The Applicant also approached Blenheim Estate and Worton for drainage plans, they stated they did not have formal drainage present and that drainage occurs naturally and therefore could not provide any plans.</i></p> <p><b>Remedial measures for surface water flood risk</b></p> <p>The ExA asked the Applicant if they had seen the Environment Agency's updated position submitted on 7 October 2025, noting that the Environment Agency was unable to attend the hearing.</p> |

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|   |             | <p>Mr Morley confirmed that the Environment Agency's updated response had been reviewed. He stated that the comments are primarily minor clarifications and do not materially affect the Flood Risk Assessment (<b>FRA</b>). The Applicant will provide a detailed response to outstanding points at Deadline 6.</p> <p><b>Post hearing note:</b> <i>Consultation with the EA has been undertaken throughout the examination process to agree outstanding matters. The EA submitted a document on their most recent position with respect to their most recent position on environmental matters to PINS (REF: XA/2025/100270/04-L01, dated 7 October 2025). Based on this most recent position, in response to the limited number of outstanding matters, the applicant has sought updates where required at Deadline 6. A response and required updates have been provided through the SoCG submitted at Deadline 6. It is anticipated that the responses and updates provided will turn all outstanding matters to agreed.</i></p> <p>The ExA invited responses from IPs.</p> <p>Ms Squibb-Williams, on behalf of Mr Dryden, raised concerns about the impact of the scheme on Goose Eye Farm. She highlighted issues including residential amenity, safety, visual and noise impacts, heritage, rights of way, emergency access, water supply, and ecology. She noted that Goose Eye Farm regularly floods and requested specific details from the Applicant regarding additional flood runoff and contamination risks, as well as mitigation and enhancement measures.</p> <p>Mr Morley responded that the scheme is designed to mimic the existing flood scenario and would not increase flood risk to Goose Eye Farm. He undertook to review the specific concerns raised and provide a detailed response at Deadline 6</p> <p><b>Post hearing submission:</b> <i>We note the concern regarding the potential for increased flooding at Goose Eye Farm which is encircled by the project boundary. Solar panels and ancillary infrastructure (including PCS units, temporary compounds and Transformers (Secondary Substations) have been sequentially steered to areas of low risk of flooding (including Flood Zone 1). An FRA has also been prepared in line with national and local planning policy which discussed the existing flood risk and in the context of the development; <b>ES Volume 3 Appendix 10.1: Flood Risk Assessment [APP-166]</b>. This includes consideration of climate change in the sequential design of the solar farm and the</i></p> |

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|   |             | <p><i>conceptual surface water drainage strategy. It demonstrates that the development will not increase flood risk and meets the requirement of the NPPF and NPS EN-1. Solar panels and ancillary infrastructure (including PCS units, temporary compounds and Transformers (Secondary Substations) have been sequentially steered to areas of low risk of flooding (including Flood Zone 1).</i></p> <p><i>Chapter 10 is supported by the conceptual drainage strategy [APP-167] which sets out that a key aspect of the Sustainable Drainage Systems (SuDS) Strategy is "to assess the potential impact of the Project on surface water runoff and to demonstrate the feasibility of appropriate design, such that the Project would not increase flood risk elsewhere". This is secured under Requirement 9 of Schedule 2 of the draft DCO [CR2-009] which provides that no part of the authorised development may commence until written details of the surface water drainage works and (if any) foul water drainage system (including means of pollution control) for that part have been submitted to and approved by the relevant planning authority. Those written details must be substantially in accordance with the conceptual drainage strategy.</i></p> <p><i>Therefore, it is considered that the project has appropriately mitigated any potential flood risk to ensure no significant increase in flood risk off-site, including Goose Eye Farm.</i></p> <p>Mr Westcott, on behalf of Cumnor Parish Council, raised further concerns in relation to flood risk policy and local drainage infrastructure.</p> <p><b>Post hearing submission (PINS Action Point No. 9):</b> A response was provided to Cumnor Parish Council at Deadline 1. An updated ES Chapter 10: Hydrology and Flood Risk was submitted to incorporate a specific reference to policy RNE2 [REP3-020]. Please see Table 10.3, which references the policy and details how this has been specifically addressed as part of the ES.</p> <p>Mr Carpenter, on behalf of Cumnor Parish Council, commented that vegetation alone will not mitigate increased runoff from solar panels and that further measures are required to provide confidence that runoff will be properly managed.</p> |

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|   |             | <p>Mr Morley responded that industry standards indicate gaps between solar panels do not significantly increase impermeable area, so attenuation is not normally required. He reiterated that any enhancement measures, such as attenuation ponds, would be considered for locations with historical flood issues, but does not expect significant hydrological effects from the solar panels themselves.</p> <p>The ExA referred to the <b>ES Addendum [CR2-071]</b>, specifically Appendix 2: Hydrology and Flood Risk Technical Note 2, figure 1.1 and queried why the new solar installation area in Cumnor, located in Flood Zone 1, would not be affected by floodwaters from the adjacent Flood Zone 3, noting that no physical barrier exists between the two areas on site.</p> <p>Mr Morley explained that the boundary between flood zones is determined by hydraulic modelling, which may reflect changes in topography or model limits. He confirmed that the Environment Agency has no objection to solar panels in flood zones, provided the lowest edge is 300mm above flood level, and that the design principle is to avoid Flood Zone 3 areas. The Applicant undertook to review the modelling and provide a detailed technical response at Deadline 6.</p> <p><b><i>Post hearing submission (PINS Action Point No. 10):</i></b> Since the submission of the application and during the examination process, the Flood Map for Planning (FMP) was updated. In response, the applicant has revised the proposed development areas to ensure development is within Flood Zone 1, consistent with the latest mapping and guidance. This revision includes removal of panels to ensure they are in Flood Zone 1 in line with the latest FMP.</p> <p><i>As part of Change Request 2, an area of land at Denmans previously classified as Flood Zone 2/3 is now shown as Flood Zone 1 on the updated FMP. A question arose regarding the presence of a clear, straight boundary line on this updated map. Upon investigation, it was found that the main river influencing flood risk lies downstream to the west of the site. The watercourse along the northern boundary of the site is classified as an ordinary watercourse. The Environment Agency typically models only main rivers and watercourses with catchment areas exceeding 3 km<sup>2</sup>. Therefore, the previous designation of this area as Flood Zone 2/3 has likely been artificially removed to reflect the fact the risk is not 'fluvial' at this location.</i></p> |

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|    |                          | <p><i>However, the absence of Flood Zones 2 and 3 on the map does not imply that there is no flood risk in the area. The Hydrology Technical Note 2 [CR2-072] assesses surface water flood risk and proposes appropriate mitigation measures based on this data. The surface water risk is linked to an overland flow pathway rather than the ordinary watercourse itself. This is evident from the fact that the risk is not within the channel or immediately out of bank. Instead, the risk shows a pathway flowing just to the south of the ordinary watercourse. A 10-meter development free buffer zone from the ordinary watercourse has been maintained here.</i></p> <p><i>Mitigation strategies have been informed by surface water flood depths, include raising the lowest leading edge of the development by 900 mm above the predicted flood level (maximum of 540mm), providing a 300mm freeboard. This is in line with the wider project mitigation approach.</i></p>  |
| 3c | Ecology and Biodiversity | <p><b>Bats, habitat and commuting protection</b></p> <p>The ExA noted Natural England's outstanding technical concerns in relation to the <b>Bat Technical Note [REP5-009]</b> citing incomplete data.</p> <p>Dr Betson, on behalf of the Applicant, confirmed that static bat monitoring data has been collected on site in 2002, 2003, 2004, and again this year. The latest data will be used to inform the final detailed design, particularly the placement of buffers around features used by bats. The Applicant expects to have the data available for submission at Deadline 6, and all information required by Natural England will be included. Dr Betson added that the Applicant was meeting with Natural England on 10 October 2025 to discuss the Bat Technical Note. An updated Bat Technical note will be submitted at Deadline 6.</p> <p>The ExA asked the Applicant whether the three-tier bat buffer system in the <b>outline Landscape and Ecology Management Plan (oLEMP) [CR2-051]</b> needs to be cross-referenced in the outline CoCP to ensure it is maintained during construction.</p> |

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|   |             | <p>Dr Betson confirmed that buffers to protect bats will be carried through into the outline CoCP to ensure their protection during construction. He explained that there is already a requirement for a minimum 5m buffer for all hedgerows, but agreed that bat-specific buffers will be made more explicit in the CoCP at Deadline 6.</p> <p>Mr Rogers, on behalf of Cassington Parish Council, highlighted that the site is importance for bat populations. He cited recent studies demonstrating that bats use these habitats more than previously understood. Mr Rogers expressed concern that the Applicant's mitigation measures are based on outdated knowledge and do not adequately protect bat species.</p> <p>Dr Betson explained that the Tinsley et al. study compared grassland habitats with and without solar panels, but did not assess agricultural land versus grassland with panels. The study showed differences in bat flight patterns, with smaller species foraging differently in fields with solar PVs, indicating an effect, though the mechanism is not yet clear. In response, the project has adopted a precautionary approach by applying a three-tier buffer system to create permeability, with larger buffers in core areas for connectivity and smaller buffers on other features. Discussions are ongoing with Natural England, who expect the project to be an exemplar in addressing bat impacts.</p> <p>Mr Rogers asserted that the Tinsley research did not apply.</p> <p>Dr Betson explained that the radiotracking figures show the statistical modelled extent of where bats might occur, but these data must be interpreted in light of bat ecology—they do not indicate that bats feed across the entire site. Technical data shows bats primarily use corridors along hedgerows, railway lines, and watercourses. While larger species may forage across fields, most bats forage closer to linear features. The Tinsley study did not find solar panels have a significant effect on these patterns.</p> <p>The ExA invited responses from local councils.</p> <p>Mr Gurney, on behalf of OCC, requested more extensive monitoring, both along buffer areas and within the solar farm itself, ideally for a period longer than the typical ten-year licensing period.</p> |



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|   |             | <p>Dr Betson explained that while the monitoring strategy was not immediately available, the intention is to monitor wildlife—including bats—for the operational lifetime of the project, as set out in the oLEMP.</p> <p>The ExA requested an update as to the current position of the Local Nature Recovery Strategy.</p> <p>Mr Gurney confirmed that this was currently going through the approval process with the view to be published on 12 November 2025. He said that it was the intention for this to be considered within the examination.</p> <p>Mr Yeates, on behalf of the Applicant, noted that Deadline 7 falls on 10 November 2025, the last substantive deadline, and suggested that minimal weight should be given to submissions at that stage due to insufficient time remaining in the examination for proper consideration.</p> <p><b>Farmland birds</b></p> <p>The ExA asked the Applicant to clarify what is meant in practice by managing the 17.6 hectares of land retained within the Order limits for the benefit of farmland birds, specifically skylark, following the removal of solar installation in Change Request 2.</p> <p>Mr Betson, on behalf of the Applicant, confirmed that the 17.6 hectares of land retained within the Order limits will be managed as part of the bird risk zone for Oxfordshire Airport, following a long grass policy (20–30cm height). This management is considered ideal for skylarks and other ground-nesting birds, providing suitable habitat and supporting their conservation.</p> <p>The ExA asked the Application to provide further clarification in relation to other bird species.</p> <p>Dr Betson clarified that there were not enough birds found on site on an individual basis to warrant individual consideration, and that the retained land would not be particularly beneficial for other species. However, the project incorporates large areas of new habitat and hedgerows, which will be beneficial for species such as corn bunting and grey partridge that use field margins. He explained that the project</p> |

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|   |             | <p>site currently has virtually no field margins, reflected in the very low numbers of these species recorded, but post-development, every hedgerow will have at least a 5m buffer suitable for farmland birds.</p> <p>The ExA invited responses from local councils.</p> <p>Mr Gurney, on behalf of OCC, noted that OCC continues to advocate for a farmland bird strategy to increase capacity for skylarks in the surrounding area.</p> <p>The ExA proposed amending the farmland bird strategy to a skylark mitigation strategy.</p> <p>Ms Dodd, on behalf of West Oxfordshire District Council, confirmed that she was comfortable with the mitigation put forward in relation to other species.</p> <p><b><i>Post hearing submission (PINS Action Point No. 11): The Applicant has provided a Response to the ExA's Proposed Schedule of Changes that considers the move from a farmland bird strategy to a skylark mitigation strategy.</i></b></p> <p>The ExA asked the Applicant for an update on the agreed methodology with Natural England for the Habitats Regulations Assessment (<b>HRA</b>), and when this information will be available.</p> <p>Dr Betson confirmed that air quality modelling has been completed and will be discussed with Natural England at a meeting on 10 October 2025. The only location where any exceedance of the relevant threshold is modelled is at the SAC boundary, which passes through an underpass beneath the A34 overpass, and only in the in-combination scenario. The results will be discussed with Natural England, but the Applicant anticipates no adverse effect.</p> <p>The ExA asked the Applicant to provide a more detailed response regarding tree protection scenarios.</p> <p>Dr Betson confirmed that this would be provided at Deadline 6.</p> |

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|    |                   | <p><b>Post hearing submission (PINS Action Point No. 12):</b> <i>As requested by the OHA, the Applicant has provided an updated Appendix 8.3 – Strategic Arboricultural Impact Assessment at Deadline 6.</i></p> <p><b>Biodiversity Net Gain</b></p> <p>The ExA asked the Applicant when the updated Biodiversity Net Gain (<b>BNG</b>) assessment would be available and whether this will include watercourse BNG units.</p> <p>Dr Betson confirmed that this would be provided at Deadline 6.</p> <p><b>Post hearing submission (PINS Action Point No. 13):</b> <i>The Applicant has provided an updated Appendix 9.13: Biodiversity Net Gain Assessment at Deadline 6 to include watercourse BNG units.</i></p> <p>Mr Rogers, on behalf of Cassington Parish Council, raised concerns in relation to farmland bird decline.</p> <p>Dr Betson highlighted research by the University of Cambridge and the RSPB showing that well-managed solar farms can significantly benefit farmland bird diversity and abundance compared to intensive arable landscapes.</p> |
| 3d | Cultural Heritage | <p>The ExA noted the earlier discussion and requested a response from the Applicant in relation to BESS.</p> <p>Mr Owen-Lloyd, on behalf of the Applicant, clarified that confusion about BESS arises from a separate connection agreement at the Botley West substation for the Botley Green Energy Centre, which originally included 800MW of solar and BESS with an October 2033 connection date. The solar element has since been dropped, and the developer is now pursuing a 250MW battery connection, pending confirmation under the Gate 2 process. There is currently no planning application for this battery project, and no link to NGET's plans. The reference to battery access in National Grid's screening was due to the landlord's preference for a single access road, but NGET has no battery plans at present. The outcome will depend on the Gate 2 process, expected to be resolved by January 2026. Mr Owen-Lloyd</p>  |

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|   |             | <p>also confirmed that Botley Green shares a boundary with National Grid and the landlord, but not with the Applicant's Order limits.</p> <p>The ExA sought clarification in relation to cumulative effects.</p> <p>Mr LeCointe, on behalf of the Applicant, explained that the BESS mentioned does not exist in planning or EIA terms and is not part of the screening report. He noted that references to battery in the report are not related to the adjacent site, and that the battery proposal falls outside the tiers normally included in the cumulative impact assessment. Therefore, it has no planning status and is outside the scope of the Applicant's assessment.</p> <p><b>World Heritage Site matters including ICOMOS review and derivation of benefits to heritage assets</b></p> <p>The ExA queried the updated HRA and the Applicant's conclusion that no visual change will occur within key visual links identified in the <b>World Heritage Site Management Plan [REP1-036]</b> despite panels remaining in parts of fields 2.6, 2.7, and 2.11.</p> <p>Mr Rawlings, on behalf of the Applicant, explained that the key visual links shown in the World Heritage Site Management Plan are view cones from specific points within the site looking outward. While panels may be present within the land covered by these cones, none will be visible from the base of the view cone, meaning the development will not be seen in those key outward views.</p> <p><b><i>Post hearing submission (PINS Action Point No. 14):</i></b> <i>The ExA asked Historic England if, after reviewing the Applicant's Deadline 5 submissions and the ICOMOS Technical Review, they are now able to comment on whether the potential harm to the Outstanding Universal Value (OUV) of the World Heritage Site (WHS) has been removed or substantially reduced by the latest changes.</i></p> <p>Mr Scott, on behalf of Historic England, confirmed that the changes in Change Request 2 were welcomed, noting that the removal of solar panels from fields with strong intervisibility and connection</p> |

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|   |             | <p>to the WHS has minimised harm to its OUV and avoided visibility from key viewpoints. Historic England is in ongoing dialogue with ICOMOS regarding their technical review and will provide a further update at Deadline 6.</p> <p>The ExA asked whether substantial areas of wider landscape setting, which may not provide a primary contribution to the significance of the WHS but still support its OUV, have been sufficiently considered and appropriately dealt with in the application.</p> <p>Mr Scott explained that Historic England's assessment followed UNESCO guidance and considered how each field within the application site contributes to the attributes of the OUV and the experience of the WHS and registered park and garden. The assessment also addressed integrity and authenticity, using Historic England's own guidance on the settings of historic assets.</p> <p>The ExA invited responses from the OHA.</p> <p>Mr Orr, on behalf of the OHA, stated that they continue to have concerns about areas of panels that interact with Attribute 7—the rural setting of the WHS—and believe these areas would benefit from reconsideration. He noted a difference in professional opinion with Historic England and welcomed the opportunity to review Historic England's assessment and discuss areas of disagreement.</p> <p>The ExA invited responses from IPs.</p> <p>Ms Hamilton Rutter, on behalf of Stop Botley West, raised concerns regarding the Applicant's reliance on visual qualities of setting in its heritage assessment. She referenced ICOMOS operational guidelines, which emphasise the importance of wider setting. She also noted the experience of the landscape and its functional links. She said this demonstrates Applicant's focus on visual and proximity terms, rather than a holistic approach to setting.</p> <p>Mr Rawlings explained that the assessment of impacts on the Blenheim Palace WHS is structured around its OUV and the defined attributes that convey its significance. He noted that the OUV is based on UNESCO criteria (ii) and (iv), relating to the site's architectural and landscape value, its role in the</p> |

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|   |             | <p>English Romantic movement, and its status as an outstanding example of an early 18th-century European princely residence.</p> <p>Mr Rawlings described how the integrity of the WHS is maintained by its enclosing 18th-century stone wall, the unaltered layout of principal buildings, and the largely unchanged landscape structure. He emphasised that important visual links exist between the gates, parkland buildings, and buildings in the surrounding landscape, and that protecting these visual links is a key part of maintaining the site's integrity.</p> <p>He explained that the significance of the WHS is further articulated through seven defined Attributes, with Attribute 7 specifically addressing the wider setting. Attribute 7 states that the park retains a complete 18th-century enclosing stone wall, which protects its integrity, but views into and out of the site provide key linkages between Blenheim and the traditional English countryside and villages surrounding it. Mr Rawlings clarified that, in the Applicant's assessment, the focus is on these visible links—where you can see into or out of the WHS—rather than on the wider setting extending for miles around.</p> <p>Mr Rawlings explained that the Applicant's assessment and scheme design have therefore sought to avoid visibility of the solar development from within the WHS, in line with guidance from UNESCO and Historic England. The initial assessment considered all views into and out of the site, not just the view cones in the management plan, and the project was designed so that no part of the scheme would be visible from any location within the WHS. This approach was agreed with Historic England, and additional viewpoints and photomontages were provided to demonstrate this.</p> <p>Mr Rawlings acknowledged that the setting of Blenheim can be extensive and does not have a fixed boundary, but maintained that, following the changes made in Change Request 2 (which removed land providing the clearest views into the WHS), there would be no harm to the significance or OUV of the WHS, in line with UNESCO guidelines. He referenced UNESCO's operational guidelines, which state that boundaries should be drawn to include all attributes that convey OUV and ensure integrity and authenticity, and that for properties nominated under criteria (i)-(vi), boundaries should include all areas and attributes that are a direct, tangible expression of the property. He concluded that, by these</p> |

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|   |             | <p>guidelines, the significance of the WHS should be contained within its boundary, and changes in the wider setting resulting from the amended scheme would not harm the asset's significance.</p> <p>The ExA asked whether Historic England's view was that more than one Attribute was engaged.</p> <p>Mr Scott agreed that Attribute 7 is critical for assessing impacts on the WHS, but emphasised that other Attributes—specifically Attributes 1, 4 and 5—are also important and were considered in Historic England's assessment.</p> <p>The ExA asked whether Historic England had any remaining concerns in relation to the Applicant's assessment of the WHS.</p> <p>Mr Scott stated that Historic England are still reviewing the details of the Applicant's assessment and will provide a full response regarding the consideration of Attributes and the Applicant's approach at Deadline 6.</p> <p>The ExA invited responses from IPs.</p> <p>Ms Hamilton Rutter expressed further concerns in relation to the wider setting of the WHS.</p> <p>Dr Weir, on behalf of the Blenheim Estate, said that not all changes in the surrounding landscape necessarily affect OUV, and that the English planning system allows for harm to be balanced against public benefits, unlike UNESCO's stricter approach. He noted that the concept of 'substantial harm' is defined in case law and requires significance to be seriously diminished, which he does not consider would result from the scheme. Dr Weir also highlighted the need for a rational approach to assessing the relevance of the countryside around Blenheim, focusing on important visual links rather than the entire surrounding landscape, and flagged differences in opinion between ICOMOS and Historic England on the level of harm.</p> <p>Dr Hearne, on behalf of Begbroke and Yarnton Green Belt Campaign, raised concerns in relation to the cumulative impact of the scheme on the WHS.</p> |



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|   |             | <p>Mr Orr agreed that there is tension between international heritage guidance and the UK planning system. He said that Attributes are a tool for thinking, not the sum total of significance, and more consideration is needed by the Applicant.</p> <p><b>Post hearing submission:</b> Further information regarding the wider setting of the WHS is provided in Appendix 2 of this document, in response to Hearing Action Point 14.</p> <p><b>Change Request 2 and other areas proposed for exclusion</b></p> <p>The ExA asked the Applicant provide assurance that all possible steps have been taken to avoid harm to the WHS and its setting with reference to its application of the mitigation hierarchy.</p> <p>Mr Rawlings, on behalf of the Applicant, explained that the mitigation hierarchy was applied throughout the project, with the scheme design amended several times prior to submission and assessed in accordance with UNESCO guidance. Following advice from Historic England during the examination, further changes were made to avoid harm, aiming for a design with no adverse impact on the WHS. He added that, while it is not always possible to avoid all harm to heritage assets, the scheme has been designed to minimise impacts as far as practicable. Mr Rawlings referenced the A303 Stonehenge DCO confirming that, if the planning process follows all relevant UK legislation and policy, the Secretary of State will have met their obligations under the World Heritage Convention. He acknowledged differences of professional opinion and confirmed that panel areas were reduced in response to Historic England's advice.</p> <p>The ExA invited responses from IPs.</p> <p>Mr Mohamed, on behalf of Stop Botley West, questioned the Applicant's approach and application of the mitigation hierarchy.</p> <p>Mr Wynne expressed concerns in relation to the impact of the development on the WHS.</p> |

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|   |             | <p>The ExA invited responses from the Applicant.</p> <p>Mr Phillips, on behalf of the Applicant, noted that Historic England is the statutory adviser on heritage matters and their opinion will guide the Secretary of State's decision, not UNESCO or other bodies. He explained that the Applicant has worked closely with Historic England throughout the process, making iterative changes to the scheme in response to consultation and advice. Mr Phillips argued that such iterative design and mitigation is normal and should be welcomed, rather than seen negatively, and reiterated that Historic England can be asked to comment further on any points raised.</p> <p>The ExA raised concerns as to the scale of the Applicant's changes.</p> <p>Mr Phillips clarified that significant changes during examination are common for large infrastructure projects, citing experience of work on the Heckington Fen and West Burton solar DCOs, where substantial areas were removed during the process. He said that iterative design and consultation are a normal part of project evolution, especially as engagement often increases after submission.</p> <p>Mr Mohamed raised concerns in relation to the Applicant's changes to the Order limits.</p> <p><b>Archaeology including trial trenching and Samsons Platt</b></p> <p>The ExA noted that Historic England and OCC have requested the removal of development from certain fields as a precaution due to uncertainty surrounding the location of heritage assets near Samsons Platt. The ExA asked the Applicant to comment on this proposal and confirm whether these changes will be made and requested an update in relation to the Applicant's trial trenching reports.</p> <p>Mr Rawlings, on behalf of the Applicant, explained that trial trenching draft reports for Samsons Platt will be submitted at Deadline 6. These will be shared immediately with Historic England and OCC for review. Any necessary changes to buffer zones will be made in consultation with these bodies and reflected in updated plans by Deadline 7. He noted that Requirement 5 in the draft DCO allows for further adjustments at detailed design stage, ensuring appropriate archaeological protection.</p> |

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|   |             | <p><b>Post hearing submission:</b> <i>The draft trial trenching reports have been submitted at Deadline 6. The Applicant has been in discussions with Historic England regarding the archaeological protection zone at Sansom's Platt. Meantime, the Applicant has agreed to include Historic England as a consultee in relation to Work No. 5 which deals with all the archaeological protection zones, including Sansom's Platt. This is captured in the updated DCO submitted at Deadline 6.</i></p> <p>Mr Oram, on behalf of OCC, said that buffer zones cannot be confirmed until the evaluation report is seen, and that larger additions may be needed depending on the findings.</p> <p>The ExA queried whether LiDAR survey data held by Blenheim Palace could be submitted into examination.</p> <p>Mr Rawlings noted the fallback position provided by Requirement 5 in the draft DCO. This requirement ensures that detailed design, including archaeological buffer zones, must be agreed with the relevant local planning authority and Historic England before construction, allowing for further adjustments if needed. He also clarified that no LiDAR survey has been undertaken by Blenheim Estates near Samsons Platt, but a geophysical survey was conducted to support tree planting plans. The results, which belong to Blenheim Estates, indicated archaeological remains and led to changes in planting plans. He stated that the survey was not followed by trial trenching and any release of the data would require Blenheim Estates' permission, as it was not commissioned for the Botley West project.</p> <p><b>Post hearing submission:</b> <i>The results of the geophysical survey undertaken on behalf of Blenheim Estates are provided as Appendix 1 of this document.</i></p> <p>The ExA asked the Applicant how best to advise the Secretary of State on the protection of Samsons Platt, given that the extent of archaeological buffer zones is currently unknown.</p> <p>Mr Rawlings explained that the current buffer zone for Samsons Platt is shown in the <b>Illustrative Masterplan [AS-020]</b> and considered appropriate based on available information. He acknowledged that Historic England and OCC wish to review trial trenching results before confirming the buffer's</p> |

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|   |             | <p>adequacy. If changes are needed, the Applicant aims to update the buffer zone by Deadline 7. If further adjustment is required after that, Requirement 5 in the DCO provides a fallback mechanism, ensuring that detailed design and buffer zones are agreed through consultation with all relevant parties before construction.</p> <p>Mr Yeates, on behalf of the Applicant, added that the legal mechanism for archaeological protection is a pre-commencement requirement in the DCO. This means that, even if buffer zone details are not finalised before the recommendation or decision, no works can begin until the requirement is discharged and approved by the relevant planning authority. The Applicant is also updating the drafting to ensure Historic England is consulted. The ExA can advise the Secretary of State that, if consent is granted with this requirement, the buffer zones will be objectively agreed before implementation, providing assurance of protection for Samsons Platt.</p> <p>Mr Sumner raised concerns in relation to the disputed size of Samsons Platt and how mitigation should address this.</p> <p>Mr Rawlings clarified that Samsons Platt is scheduled as a Roman villa based on limited evidence, but is now understood to be a settlement with features such as a temple and cemeteries. He explained that the term “small town” is avoided due to its specific archaeological meaning. He disagreed with claims about the extent of the site though associated remains exist outside the scheduled area. The Applicant's buffer zone accounts for all significant archaeology identified through geophysical survey and trial trenching. Mr Rawlings confirmed ongoing engagement with Historic England and OCC to review buffer zone adequacy once trial trenching results are available.</p> <p>The ExA noted that the next question regarding heritage maintenance fund relationships would be addressed in writing.</p> <p><b><i>Post hearing submission (PINS Action Point No. 15): Blenheim have confirmed that the 2006 Maintenance Fund does not own any land within the order limits.</i></b></p> |

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|    |                      | <p>The ExA queried why the revised <b>Setting Assessment [CR2-038]</b>, submitted with Change Request 2, did not include any amendments to the text or consideration of further panel omissions in relation to Hordley House.</p> <p>Mr Rawlings explained that no changes have been made to the scheme near Hordley House in Change Request 2, so the assessment in the latest settings assessment remains current. He stated that unless the buffer zone around Samsons Platt is amended following review from Historic England and OCC, which could affect the assessment for Hordley House, there are no plans to change the scheme or update the assessment in that area.</p> <p>Ms Hamilton Rutter, on behalf of Stop Botley West, suggested that the further removal of panels from the area surrounding Hordley House was necessary.</p> <p>Mr Rawlings acknowledged Ms Hamilton Rutter's comments and confirmed that the buffer zone around Samsons Platt will be reviewed. He reiterated that the assessment for Hordley House remains unchanged, concluding minor adverse effects from changes within its setting. Mr Rawlings explained that, under national policy, less than substantial harm to designated heritage assets must be weighed against the public benefits of the scheme, and referred to the extensive public benefits of large-scale renewable projects as set out in the application.</p> |
| 3e | Landscape and Visual | <p><b>Change Request 2 and other areas proposed for exclusion</b></p> <p>The ExA requested that the OHA submit a detailed clarification note at Deadline 6 explaining the methodology and impacts for each area they recommend for removal from the application, both for landscape and heritage reasons, as mapped in their previous submission <b>[REP4-075]</b>.</p> <p><b>RVAA and buffer zones</b></p> <p>The ExA asked the Applicant to clarify how many properties fall within the Landscape Institute's definition of "very close proximity" (50–250m) to the solar farm, noting that the Applicant previously</p>  |

| # | Agenda item | Applicant's response   |
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|   |             | <p>identified 18 properties considered during the design process and applied a minimum 25m buffer to minimise effects.</p> <p>Mr Lilley, on behalf of the Applicant, noted that the Applicant would provide a written response. He noted that proximity is only one factor in assessing residential visual amenity; other considerations include the orientation of properties, views from upper storeys, and existing vegetation, which can mitigate visual impacts.</p> <p><b><i>Post hearing submission (PINS Action Point No. 18):</i></b></p> <p>An RVAA has been completed [EN010147/APP/17.13]. A total of 330 residential properties have been identified as falling within 250m of the Project and within the ZTV (Figure 1.1 to 1.66 of the RVAA). It should be noted that not all these properties would have views of the Project. Those that would have views available have been identified within the RVAA and assessed accordingly.</p> <p>The ExA queried why a Residential Visual Amenity Assessment (<b>RVAA</b>) had not been undertaken for properties closer than 50m to boundary of the scheme, such as Barrow Court, and why these were not contained within the list of the 18 properties considered by the Applicant.</p> <p>Mr Lilley explained that a more detailed assessment of residential visual amenity has been carried out, and will be published at Deadline 6.</p> <p>Mr Yeates, on behalf of the Applicant, added that while the assessment referred to by Mr Lilley was not a full RVAA, it instead clarifies why a RVAA is not required, with reference to the relevant technical guidance. He explained that the technical guidance recognises that it is not uncommon for significant adverse visual effects to be experienced by residents near large infrastructure projects. However, an exception is made where the impact on visual amenity is so great that it is not in the public interest to permit such conditions. National policy (NPS EN-1) acknowledges that all nationally significant energy projects will have adverse landscape and visual effects, and the Secretary of State must judge whether these impacts are outweighed by the public benefits and urgent need for such infrastructure. The</p> |

| # | Agenda item | Applicant's response   |
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|   |             | <p>Applicant's assessment, to be submitted at Deadline 6, will reference this guidance and policy framework, confirming why a full RVAA is not required for this project.</p> <p><b><i>Post hearing submission:</i></b></p> <p>The ExA asked how the Applicant has accounted for secondary substations and PCS units in their assessments, noting these are not necessarily low profile compared to the solar panels.</p> <p>Mr Lilley explained that all built elements—including substations and PCS units—have been considered within the Landscape and Visual Impact Assessment (<b>LVIA</b>). The assessment evaluates the development as a whole, taking into account the height and scale of each component, and uses the Zone of Theoretical Visibility tool to inform the analysis of visual impacts.</p> <p>The ExA asked the Applicant to explain why its <b>Glint and Glare Study [REP4-012]</b> was not used as a baseline for identifying potential residential visual amenity issues.</p> <p>Mr Plumb, on behalf of the Applicant, explained that the Glint and Glare Study is a separate technical appendix and does not directly inform the LVIA. The study assesses various receptor types, including dwellings, road users, and aviation, but does not evaluate each dwelling individually—one receptor may represent multiple properties. Its purpose is to model the distribution of potential solar reflections, which depend on sun movement and geometry, rather than simply visibility. While visibility is considered, the Glint and Glare Study focuses on detailed modelling of solar reflections, not baseline residential visual amenity.</p> <p>Mr Mohamed, on behalf of Stop Botley West, queried the number of properties where residential visual amenity is impacted by the scheme and the rationale behind the applicant's Change Request.</p> <p>Ms Bowen, on behalf of Stop Botley West, queried the Applicant's LVIA.</p> <p>Ms Oxley, on behalf of the Coast Authority, queried the Applicant's classification of significant effects.</p> |



| #  | Agenda item                | Applicant's response   |
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|    |                            | Mr Rogers, on behalf of Cassington Parish Council, raised concerns in relation to PRoWs.   |
|    |                            | Ms Squibb-Williams, on behalf of Mr Dryden, raised concerns in relation to specific visual impacts on Goose Eye Farm.  |
|    |                            | The ExA invited responses from the Applicant.  |
|    |                            | Mr Yeates clarified that Change Request 2 was driven by engagement with Historic England regarding heritage impacts, not LVIA. The change aimed to achieve a “no harm” scenario for heritage, as a voluntary measure to bring Historic England fully on board, even though national policy accepts some heritage effects for such developments. He also confirmed that the 25m buffer between residential boundaries and solar arrays is legally secured in the <b>outline Layout and Design Principles [REP4-032]</b> and through Requirement 5 of the DCO. Additionally, the expert has now visited the site, and the updated assessment reflecting this will be provided at Deadline 6. |
| 3f | Traffic and Transportation | <b><u>A40 protection</u></b>   |
|    |                            | The ExA asked the OHA to confirm that they are seeking a section 278 agreement from the Applicant for the A40 improvement works, which would require the Applicant to resurface the road if it is dug up during construction, with the commitment secured through a section 278 notice.  |
|    |                            | Mr Gurney, on behalf of OCC, explained that the ideal solution is to install ducting beneath the roundabout before either the Applicant's or OCC's works, allowing resurfacing to be completed in one go and avoiding future disruption. This could be secured through a section 278 agreement, though the exact mechanism is still being considered. As a fallback, OCC seeks a requirement in the DCO obliging the Applicant to fully resurface the roundabout if it is dug up for cabling works, ensuring public safety and proper maintenance.   |
|    |                            | The ExA invited responses from the Applicant.  |

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|   |             | <p>Mr Yeates, on behalf of the Applicant, agreed with OCC's approach and noted that the Applicant and the OHA are working together to secure the appropriate mechanism, ideally through a section 278 agreement. The Applicant has received a draft agreement and is discussing how it would work, given OCC would carry out the works. A meeting is scheduled for 16 October 2025 to progress this. Mr Yeates also acknowledged the need for a fallback provision in the DCO, ensuring the roundabout would be resurfaced if agreement cannot be reached in time.</p> <p><b><i>Post hearing submission:</i></b> <i>The Applicant had a meeting with OCC on 16 October to discuss the technical details for the ducting works under the A40, which is proposed to be carried out by OCC on behalf of the Applicant. The Applicant and OCC remain in discussions around the cost estimate for the works, the form of s278 Agreement to facilitate the works, and the technical detail required for the works. In the meantime, OCC has requested that the Applicant incorporates a fallback position into the CTMP to provide that if an agreement is not reached in time (such that the Applicant has to exercise its DCO powers to carry out the cabling, potentially after the A40 improvement works), the Applicant must reinstate the improved road. The Applicant has updated the CTMP at Deadline 6 to include those reinstatement provisions, including an obligation on the Applicant to enter into a separate highways side agreement to facilitate those reinstatement works (if required).</i></p> <p>The ExA asked the OHA to confirm whether they are satisfied that the management plans require a new CTMP to be produced when 30% of the panels are replaced during the operational phase, and whether this trigger point is clearly recorded.</p> <p>Mr Gurney clarified that the trigger for a new CTMP is not 30% of the scheme as a whole, but 30% panel replacement within any one of the three project areas (North, Central, or South).</p> <p>Mr Yeates added that the commitment not to replace more than 30% of panels in a single year was included in the <b>outline Operational Management Plan (oOMP) [CR2-049]</b> at Deadline 4. The Applicant will review and consider amending this requirement to reflect the trigger for each individual project area (North, Central, South), as requested by OCC, and will update as needed subject to instructions.</p> |

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|   |             | <p><b>Post hearing submission:</b> <i>The wording added by the Applicant to paragraph 2.3.2 of the oOMP at Deadline 4 secured that panel replacement will not exceed 30% in a single year. This text has been updated at Deadline 6 to clarify that this commitment relates to panel replacement within any one site area in response to clarity sought by the OHAs. The new wording is copied below for reference:</i></p> <p><i>“2.3.2 The large-scale replacement works described above will be phased over a minimum of five years, and distributed spatially across the site to avoid concentrated activity. The extent of annual panel replacement across the five-year period may vary depending on the level of works required. However, the panel replacement will not exceed 30% in a single year within any one site area (North, Central, or South). This will ensure that the workforce, traffic and environmental impacts remain consistent with routine maintenance.”</i></p> <p><b>Aviation Safety including radar, thermals, ecology and defence</b></p> <p>The ExA sought clarification from the Applicant regarding the status of thermal plume modelling.</p> <p>Mr Plumb, on behalf of the Applicant confirmed that thermal plume modelling is currently being finalised, with the report expected shortly. Initial results from the computational fluid dynamics modelling suggest that impacts on Oxford Airport's flight paths would be minimal, supporting the conclusions of earlier work. The full report has not yet been received. Once available, it will be shared with Oxford Airport and submitted to the planning authority. The Applicant intends to submit the report at Deadline 6, subject to receipt from the third-party consultant.</p> <p>The ExA sought clarification as to whether modelling indicated any effect on radar performance.</p> <p>Mr Plumb explained that while the mechanisms for radar interference are well understood—particularly the role of atmospheric refraction—such effects are common across urban developments and areas with heat sinks, which would behave similarly to a solar farm. He noted that the urban area of Oxford, located near the development site, would produce comparable atmospheric conditions. Initial modelling results indicate that any increase in air temperature would be less than one degree Celsius, and therefore unlikely to result in significant atmospheric refraction. Further assessment would require input</p> |

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|   |             | <p>from affected parties regarding expected mechanisms of interference. To date, there is no evidence of radar installations being impacted by thermal plume-induced atmospheric refraction.</p> <p>The ExA sought clarification as to the Applicant's approach to bird strike mitigation.</p> <p>Dr Betson, on behalf of the Applicant, explained that the bird mitigation areas are designed to support the farmland bird assemblage currently present across the application site. These areas are distributed throughout the site rather than concentrated in a single location. In relation to bird strike risk, Dr Betson acknowledged concerns raised by Oxford Aviation and confirmed that engagement has taken place following the previous issue-specific hearing. As a result, the oLEMP has been updated to reference the use of Civil Aviation Authority wildlife management processes in the area surrounding the aerodrome. The Applicant's position is that the overall bird strike risk associated with the site would be lower than that posed by the existing agricultural landscape. Agricultural land is recognised in CAP 772 as a land use type requiring caution due to its potential to attract large flocks of birds, particularly gulls, following ploughing activity. The removal of such practices from approximately two-thirds of the site is expected to reduce the presence of large flocks and thereby lower aviation risk.</p> <p>Mr Curtis, on behalf of Oxford Aviation, raised concerns regarding the thermal plume modelling report and the issue of displacement relating to bird strike, stating that the removal of agricultural land could redirect bird populations toward the airport.</p> <p>Mr Yeates, on behalf of the Applicant, noted that the focus of the hearing had shifted towards bird strike safety, but the Applicant wished to remind the ExA that Oxford Airport's primary concern, as raised in earlier hearings, related to safety zones. In response to feedback from the airport, Change Request 2 included amendments to the site boundary to significantly reduce any safety risks associated with those zones.</p> <p>Dr Betson added that the site had been subject to extensive bird population surveys, including two wintering periods—double the standard effort for solar farm assessments. These surveys did not identify significant flocks of aviation-sensitive species such as gulls, except on isolated occasions. He noted that any displacement of birds would likely be absorbed by the surrounding landscape, and that</p> |

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|   |             | <p>tracking such movement would require tagging or ringing, which has not been undertaken. Some species, such as lapwing, may remain within the development site due to the provision of suitable habitat corridors, the Evenlode Corridor, in particular. He acknowledged that it is not possible to guarantee zero displacement onto the airfield, but emphasised that the airfield is actively managed to be unattractive to birds. The Applicant does not consider the bird population present on site to pose a significant aviation risk and confirmed that mitigation is not considered necessary.</p> <p>The ExA sought clarification from the Applicant regarding the potential for bird strike arising from reinstated agricultural land, specifically where solar panels have been removed.</p> <p>Dr Betson confirmed that the reinstated agricultural land near the runway end had been part of the original survey area and did not show evidence of large flocks of birds during the assessment period. Bird presence across the site was generally dispersed, and the Applicant considers the risk of concentrated bird activity in that specific location to be limited, even following its return to agricultural use.</p> <p>Mr Nedin, on behalf of Oxford Aviation, reiterated concerns regarding thermal plume and bird strike.</p> <p>Mr Westcott, on behalf of Cumnor Parish Council, raised concerns in relation to assemblages of birds at reservoirs.</p> <p>Dr Betson confirmed that the relevant reservoir lies outside both the development site and the survey area, and therefore bird activity associated with the reservoir was not recorded. He explained that the two-year survey effort undertaken for the project aligns with Natural England's guidance for assessing functionally linked land. Based on the absence of large flocks of special interest species during this period, the Applicant considers the site not to be functionally linked to the nearby SPA. While occasional bird presence may occur, the Applicant maintains that, on the balance of probability and in line with best practice, the site does not support significant populations relevant to aviation risk.</p> <p><b><i>Post-hearing clarification: The Applicant has included a Bird Strike Technical Note at Appendix 3.</i></b></p> |

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| 3g | Socioeconomics      | The ExA noted that questions in relation to Socioeconomics would be provided in writing.  |
| 3h | Noise and Vibration | <p><b>Noise management during construction</b></p> <p>The ExA sought clarification from the Applicant regarding their response to written ExQ2.1.10, which asked whether a subset of working hours would be applied for the noisiest construction activities. It was queried whether the Applicant agreed to this approach and, if so, what specific hours would be proposed for such activities.</p> <p>Mr Watkins, on behalf of the Applicant, confirmed agreement to the ExA's proposed subset of working hours for noisy construction activities. These works will be restricted to the period between 07:30 and 18:00.</p> <p><b>Construction period duration</b></p> <p>The ExA sought clarification from the Applicant regarding the potential reduction in construction period if Saturday working hours were limited.</p> <p>Mr Watkins noted that the Applicant would provide a written response.</p> <p><b>Post hearing submission (PINS Action Point No. 20):</b> If the working hours were to change from 07:00-19:00 to 07:00-13:00 on Saturdays, then this reduction would result in 6 hours of work lost each Saturday. Over a two-year period (104 weeks), based on 07:00-19:00 Monday to Friday and 07:00-13:00 Saturdays, this would result in an additional 9.45 weeks to the programme. Therefore, a revised programme period of 113.45 weeks.</p> <p><b>Monitoring, influence of results on design and operations</b></p> |

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|   |             | <p>The ExA queried the Applicant's approach to noise monitoring, how monitoring during both the construction and operational phases would be undertaken, and how the results could influence the design and operational management of the scheme.</p> <p>Mr Calvert, on behalf of the Applicant, confirmed that there is currently no commitment to undertake noise monitoring during either the construction or operational phases. The Applicant's assessments for both phases have not identified any significant adverse effects, and therefore no justification exists at this stage for implementing specific noise monitoring measures. He added that noise monitoring will be undertaken during the commissioning stage. This will involve specific measurements of the peaks units and substations to ensure they operate within the assessed parameters and manufacturer specifications. The monitoring will form part of a broader commissioning process. While the format of post-monitoring outputs has not yet been decided, the Applicant indicated that technical documentation summarising the findings and equipment performance could be produced.</p> <p><b>Cumulative effects assessment if NGET substation outside order limits</b></p> <p>The ExA sought clarification from the Applicant regarding the cumulative noise assessment methodology, specifically in relation to the location of the National Grid substation.</p> <p>Mr Calvert confirmed that the National Grid substation was included within the Order limits for the purposes of the noise assessment, and assigned a noise power output based on data provided by NGET. He acknowledged that there may be uncertainty regarding whether the substation ultimately falls inside or outside the Order limits. If delivered within the Order limits, the Applicant considers the assessment to reflect a maximum design scenario. If brought forward separately, the substation would be subject to a standalone planning application, including a full technical noise assessment.</p> <p>Ms Grant expressed concerns in relation to the lack of long-term noise monitoring, particularly in relation to transformer equipment within the solar fields.</p> <p>Mr Calvert acknowledged the importance of equipment siting, noting that sound propagation reduces with distance and that all equipment has been located away from residential receptors. These locations</p> |

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|   |             | <p>have been incorporated into the noise model and assessment, which concluded no significant adverse effects. In relation to long-term monitoring, Mr Calvert reiterated that noise measurements will be undertaken during commissioning. He explained that, with appropriate maintenance, electrical equipment typically maintains consistent sound output over time, and therefore ongoing operational monitoring is not considered necessary.</p> <p><b><i>Post hearing submission (PINS Action Point No. 22):</i></b> <i>The Applicant has included the following commitment in the outline Code of Construction Practice to noise monitoring during the commissioning phase only.</i></p> <p><i>“Noise measurements of the PCS units and the main and secondary substations will be undertaken during the commissioning phase only. These noise measurements will be carried out so as to ensure that the electrical equipment associated with the solar farm is operating within the noise limits secured under the Outline Layout &amp; Design Principles. The noise measurements will be recorded and reported in a technical note, which can be made available to the OHA. It is proposed that, as is typical for commissioning noise testing, noise measurements be conducted on 10% of the PCS units”</i></p> <p><i>The CoCP is secured through Requirement 11 of the draft DCO. To be clear, the Applicant does not intend to carry out any noise monitoring during the wider construction period or during operation. It is not necessary for the Applicant to commit to any noise monitoring as no likely significant effects from noise have been assessed. However, the Applicant offers this commitment to monitoring during the commissioning phase as a voluntary offering and reasonable compromise in response to concerns raised by the ExA. It would not be reasonable or necessary to require a broader obligation.</i></p> <p>The ExA queried how noise monitoring would be secured within the DCO.</p> <p>Mr Yeates, on behalf of the Applicant, confirmed that noise controls are already secured within the draft DCO through the <b>outline Layout and Design Principles [REP4-032]</b>, which sets a maximum noise level of 92dB for solar infrastructure. This figure forms the basis of the Applicant's noise assessments, which concluded no significant adverse effects. Given this, the Applicant does not consider it necessary to include further noise monitoring requirements in the DCO. However, it was noted that voluntary</p> |



| #  | Agenda item         | Applicant's response   |
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|    |                     | <p>commissioning-stage monitoring may be undertaken as a verification exercise to confirm compliance with the specified noise limits. Any such commitment would be secured through the oOMP under Requirement 12 of the draft DCO, which applies prior to final commissioning. The plan also includes provisions for selecting quieter equipment where practicable, to be addressed at detailed design stage.</p> <p>Mr Westcott, on behalf of Cumnor Parish Council, sought clarification as to the noise levels proposed.</p> <p>Mr Yeates clarified that the 92dB noise limit applies specifically to the power converter stations under Work No. 1 (solar installation). The outline Layout and Design Principles also secures maximum noise levels for other infrastructure types: approximately 95dB for the National Grid substation (Work No. 2), 93dB for the main project substation, and a variable range of 73–86dB for secondary substations under Work No. 3B. These limits are appropriately secured within the draft DCO and reflect the differing characteristics of each infrastructure component.</p>                                     |
| 3i | Outstanding Matters | <p><b>Post hearing submission (PINS Action Point No. 17):</b> The ‘full soil sampling plan’ requested by the ExA relates to a request made by CPRE [REP3-090] in response to a plan submitted by the Blenheim Estate [REP2-067]. The Applicant has therefore liaised with the Blenheim Estate to seek for the full report to be issued CPRE. On Friday 17 October 2025, the Blenheim Estate issued the soil samples associated with the plan submitted as part of the Blenheim Estate submission REP2-067. Blenheim Estate confirmed:</p> <p><i>“These samples were initially commissioned for the now discontinued Sustainable Farming Incentive (SFI), and reliance is limited for that purpose. As mentioned in REP2-067, the Estate does not have equivalent data sets for areas within the order limits but outside these fields, as they were not included in the SFI scheme at Blenheim. It is important to highlight that while these samples serve as valuable management tools for farmers to assess soil viability, they should not be confused with, and are provided without prejudice to, ALC submissions on behalf of the applicant”.</i></p> |

**Appendix 1: Geophysical survey undertaken by Blenheim  
Estates across land to the east and north-east of the  
Sansom's Platt Scheduled Monument**



## **Appendix 2: Applicant's response to Hearing Action Point 14 – Applicant to reflect the wider supporting setting to the OUV**

### **Setting (general)**

The relevant definition of the setting (of a heritage asset) is provided in footnote 231 of the Overarching National Policy Statement for Energy (NPS EN-1). This establishes that *'The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'*.

The definition is very similar to that provided in the Glossary of the National Planning Policy Framework, which is repeated within the principal guidance document published by Historic England in 2017: *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (Second Edition) (GPA3). There are two key points arising from the definition:

1. The setting is not fixed – changes to the surroundings of the asset and the asset itself can be anticipated.
2. It is the contribution that setting makes to the significance of the asset which is important.

These points are confirmed within GPA3, which sets out in paragraph 9 that *'Setting is not itself a heritage asset .... Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance'*.

### **Significance of the Blenheim Palace World Heritage Site**

The significance of heritage assets can be expressed in different ways according to the type of asset that is being assessed. Clarification has recently been provided in Section 102 of the Levelling-up and Regeneration Act 2023. A table provided in this section of the Act (for insertion into the Town and Country Planning Act 1990) establishes that the significance of a World Heritage Site (WHS) is established by its Outstanding Universal Value (OUV). The OUV is usually set out in the Statement of OUV (SOUV) submitted to, and agreed with, UNESCO.

The OUV of the Blenheim Palace WHS is based on two of the six defined criteria for citation as a cultural heritage WHS:

Criterion (ii) – exhibits an important interchange of human value, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental art, town planning or landscape design:

*By their refusal of the French models of classicism, the Palace and Park illustrate the beginnings of the English Romantic movement, which was characterised by the*

*eclecticism of its inspiration, its return to national sources and its love of nature. The influence of Blenheim on the architecture and organisation of space in the 18th and 19th centuries was greatly felt both in England and abroad.*

Criterion (iv) – is an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history:

*Built by the nation to honour one of its heroes, Blenheim is, above all, the home of an English aristocrat, the 1st Duke of Marlborough, who was also Prince of the Germanic Holy Roman Empire, as we are reminded in the decoration of the Great Drawing Room [the Saloon] by Louis Laguerre (1719-20). Like the World Heritage properties Residence of Würzburg and the Castles of Augustusburg and Falkenlust in Brühl, Blenheim is typical of 18th century European princely residences.*

The SOUV also identifies the defined conditions of integrity and authenticity which contribute towards the OUV.

#### Integrity

*The property is enclosed by an 18th century dry stone wall which defines its extent and maintains its physical integrity. Within the wall, the layout of the principal buildings remains unaltered since their construction, and the overall structure of the landscaped park layout remains largely as set out by Vanbrugh and Brown. The buildings and Park were laid out over an earlier Roman and medieval landscape, remnants of which are still visible through the Vanbrugh and Brown landscapes. Changes to the landscape and building by their owners have continued to the present day although these have not detracted from the Outstanding Universal Value of the property.*

*The Park contains important veteran trees. Disease and time have caused some loss of original tree specimens, but these have been replanted with the same species where possible and appropriate. Because of climate change and the greater incidence of drought, adjustments have to be made to the mix of species used in conserving the park landscape.*

*The integrity of the property is well protected by its enclosing wall but important visual links do exist between the gates, the parkland buildings, and buildings in the surrounding landscape, and care needs to be taken to ensure these key visual links are protected.*

#### Authenticity

*The overall relationship between the Baroque Palace and its Park is still clearly in place and the Outstanding Universal Value of the property can be readily understood despite the early 20th century changes to the landscape. The form and design of the Palace and Park survive well and there is a high degree of survival of fabric and indeed original fittings and furnishings.*

Therefore, the only mention of the landscape outside the WHS boundary in the SOUV is in the discussion of its integrity, which describes the need to ensure that key



visual links between the gates, parkland buildings, and buildings in the surrounding landscape are protected.

Beyond the SOUV, a series of Attributes have been defined which are considered to be those that convey the OUV of the WHS. Only Attribute 7 includes any mention of the landscape beyond the WHS. *'The park retains a complete, 18th century enclosing stone wall which protects its integrity, but views into and out of the site still provide key linkages between Blenheim and the traditional English countryside and villages surrounding it'*. This wording reflects that provided in the Integrity section of the SOUV, but sets out that the key linkages come from views into the WHS as well as outward views. The wider landscape is described as *'traditional English countryside and villages'*, with no further discussion of this landscape.

The Operational Guidelines for the Implementation of the World Heritage Convention (otherwise known as the OG) set out how WHSs should be established and managed. Paragraph 99 of the OG states *'The delineation of boundaries is an essential requirement in the establishment of effective protection of nominated properties. Boundaries should be drawn to incorporate all the attributes that convey the OUV and to ensure the integrity and/or authenticity of the property'*.

Paragraph 100 of the OG goes on to state *'For properties nominated under criteria (i) – (vi), boundaries should be drawn to include all those areas and attributes which are a direct tangible expression of the property, as well as those areas which, in the light of future research possibilities, offer potential to contribute to and enhance such understanding'*.

In other words, the boundary of the Blenheim Palace WHS should incorporate not just all of the OUV but also all of the attributes which convey that OUV.

### **The wider landscape setting of the WHS**

This wider landscape setting comprises the *'traditional English countryside and villages'* referenced in Attribute 7, albeit that the wording of the attribute links this wider landscape to *'views into and out of the site'*. It should also be noted that the principal guidance document GPA3 does not make any reference to the 'wider setting' of heritage assets – there is just 'setting' and the contribution that this makes to the significance of the asset.

A detailed review of the setting of the WHS is provided in ES Appendix 7.4: Heritage Impact Assessment (Rev 1) [CR2-036]. This concluded that the *'traditional English countryside'* is taken to be a reference to the prevailing landscape surrounding the Blenheim Palace WHS, comprising medium and large fields used for arable or pastoral farming and separated by mature hedgerows, along with woodlands of various sizes.

As set out above, the agreed definition of the setting of a heritage asset establishes that it not fixed and will change over time. One consideration of setting may take account of the ownership of land and its functional link to the WHSD, i.e. land that generates income for the maintenance of the WHS.

Land ownership as a property of setting can be quite complex and could ultimately rule out some land that is geographically quite close to the WHS. Land under consideration as being within the wider setting of the WHS on the basis of ownership falls into several categories:

- Land which was included within the initial grant of estate to the Churchill family, and which remains within the ownership of one of the trusts which are part of the Blenheim Estate;
- Land which was included within the initial grant of estate to the Churchill family but which has subsequently been sold and is no longer within the ownership of one of the trusts which are part of the Blenheim Estate;
- Land which was not included within the initial grant of estate to the Churchill family but which has been acquired subsequently and is now within the ownership of one of the trusts which are part of the Blenheim Estate; and
- Land which was not included within the initial grant of estate to the Churchill family but which was subsequently acquired and then sold, so is no longer within the ownership of one of the trusts which are part of the Blenheim Estate.

The pattern of land acquisition and resale can be linked in several locations to the process of enclosure via Parliamentary Acts in the later 17<sup>th</sup> and 18<sup>th</sup> centuries. In this situation, the Duke of Marlborough would acquire land to the extent that they became a major landowner within a parish. Acting in conjunction with other major landowners (usually the Church of England and/or one of the Oxford colleges), a Parliamentary Act would be obtained and the land then enclosed. Any land or buildings surplus to the requirements of the Duke could then be sold off.

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With regard to the current land holdings of Blenheim Estates outside the WHS, these are indicated on Figure 1.2 in the Rev 1 version of ES Appendix 7.4: Heritage Impact Assessment [CR2-036]. No change of ownership would occur as a result of the proposed development, so that potential element of setting would remain unchanged.

As set out in ES Appendix 7.4: Heritage Impact Assessment (Rev 1) [CR2-036], it is the visible change of use of land within the proposal site that requires consideration in respect of the setting of the WHS.

The '*traditional English countryside*' identified in the wording of Attribute 7 extends for many miles in all directions outside the WHS. At some point distance becomes a factor in the contribution that this setting makes to the significance (the OUV) of the WHS. This point has already been made by the Applicant in a previous submission

(their response to ExQ2.6.3 in the Applicant's Response to the ExA's Second Written Questions (ExQ2) (Rev 0) Part 1 [REP4-037]). This explained how there had been no consideration of the potential for harm to the OUV of the WHS within the promotion (by West Oxfordshire District Council) of the Salt Cross Garden Village development, nor in the outline planning application for this development which was submitted in July 2020. Similarly, there was no consideration of the WHS (or indeed any mention of the WHS) in the April 2024 appeal decision allowing a development of up to 540 dwellings and associated infrastructure on land to the west of Yarnton, very close to the Botley West solar farm site and just 3 km from the WHS (APP/C3105/W/23/3329587). The land required for both of these developments could easily be seen as part of the '*traditional English countryside*' surrounding the WHS, yet the absence of any consideration of the WHS indicates that distance is a key factor, potentially along with intervisibility.

In most directions around the WHS the '*traditional English countryside*' will remain unchanged as a result of the proposed development. This includes areas of farmland to the north, west and south-west which fall within the Cotswold National Landscape and thereby benefit from an additional level of policy protection.

The amendments to the design of the proposed development made as a result of Change Request 2 mean that the areas of panels closest to the WHS have been pulled further away, i.e. in land to the south and south-east of the WHS. The distance between the proposed development and the WHS has been increased, and any potential views towards the WHS from land subject to solar panels and associated infrastructure have been greatly reduced.

Whilst the proposed development would represent a visible change to the land (despite the continuation of grazing), this is time-limited and fully reversible. Following decommissioning the land would return to its current farmland use. This is different to the residential developments at Woodstock, as well as the ones at Yarnton and Salt Cross discussed above, all of which are permanent and irreversible.

To return to the points discussed above regarding setting, the key question is whether or not the change within the setting of the WHS (as represented by the proposed development) affects the OUV or the ability to appreciate the OUV?

The Applicant's position, following the changes to the design of the proposed development made as a result of Change Request 2, is that the change within the setting of the WHS would not affect the OUV or the ability to appreciate the OUV.

In the event that the Examining Authority and/or the Secretary of State decide that the change within the setting of the WHS would affect the OUV or the ability to appreciate the OUV, then the relevant policy position starts with paragraph 5.9.27 of NPS EN-1 – the Overarching National Policy Statement for Energy.

*'When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should*



*be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance'.*

Any potential harm to the OUV of the WHS should be considered to be 'less than substantial'. Paragraph 5.9.32 of NPS EN-1 states '*Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use*'.

This should be taken alongside the policy section in NPS EN-3 (the National Policy Statement for Renewable Energy) which addresses national designations within factors influencing site selection and design of renewable energy projects. Paragraph 3.3.8 states '*In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether it is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target*'.

## Appendix 3: Bird Strike Technical Note

The Applicant's position with respect to the change in bird strike risk as a result of the Project is that the development of a solar site in this location would either not change or slightly decrease the overall risk in the area. There are three components to this:

- Direct bird strike risk;
- Displacement of birds onto an airport; and
- Displacement of birds within the surrounding landscape.

### Direct bird strike risk

The baseline within the Project site comprises agricultural land which is a specific land use type listed within the CAA CAP772 Guidance as being high risk with respect to bird strike, albeit such risk is usually only for short periods of time when the land is ploughed, for example. Solar sites are not listed in this manner. As such, removal of the arable land use and its replacement with a less intensive land management within the Project site in and around the panel areas will mean that similar flocks of birds (especially gulls) aren't attracted to the Project site in the same manner. Research in the US (DeVault *et al.* 2014) found no evidence that converting airport grasslands to solar arrays would increase hazards associated with birds suggesting that birds do not find solar sites any more attractive than airfield grassland. Indeed, there are many instances of solar farms being created both on and adjacent to airfields both in the UK and internationally without any corresponding increase in wildlife hazard management. As such, therefore, there is very unlikely to be any increase in direct bird strike risk associated with the Project site compared to an arable baseline. Notwithstanding this, following further consultation with Oxford Airport, the Applicant has updated the oLEMP (section 7) to ensure that land within 1.5km of the Airport will be managed according to the CAA CAP772 principles that include use of a Long Grass Policy, no additional water bodies, no additional scrub/woodland planting etc. There will also be communication between the Project operator, and nearby airports to ensure that any flocks of birds etc that might pose a risk to aviation are identified and any appropriate management implemented. This will help reduce the risk further.

### Displacement of birds onto an airport

With respect to displacement of birds onto an airport (Oxford Airport, in particular), this is also considered highly unlikely to occur. Birds go where there is food, water, nesting opportunities or land to loaf on. The grassland within all airports is managed specifically to ensure that these features are not present for the larger species that are a threat to aviation. As such, it is very unlikely that birds currently using the solar sites would try to use the grassland on nearby airports thereby increasing bird strike risk.

Further, during the two years of bird surveys undertaken on the Project site, no regularly-occurring flocks of birds that may be a threat to aviation were observed. As such, it is not likely that the Project site supports such flocks on anything other than an occasional basis for them to be displaced such that this displacement would result in an increased risk of bird strike at nearby aerodromes.

#### Displacement of birds within the surrounding landscape

With respect to displacement of birds from the Project site into the surrounding landscape, it is possible that some birds may move in some locations to 'chase tractors' in other areas of arable land in the surrounding landscape. However, this would be no different to the current baseline situation where birds would have moved from field to field to feed as land was managed. In addition, the Project site does include the Evenlode Corridor. As set out in Section 7 of the oLEMP, this would comprise restoration of flood meadow grassland and associated habitats along the length of the river Evenlode as it passes through the Project site. This restoration will create habitat that is highly suitable for foraging birds such as lapwing and curlew. As such, it is likely that this feature within the Project site will attract birds to forage, especially over winter. On this basis, therefore, the Evenlode Corridor is likely to act as an attractant to bird species, potentially attracting them away from arable fields near to aerodromes.