Botley West Solar Farm

Applicant's Response to Rule 17 Letter (23rd October 2025)

November 2025

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Approval for issue

Jonathan Alsop	10 November 2025

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Contents

Annexes

Annex 1 – Land Holding Details Update

1 Applicant's Response to Rule 17 Letter (23rd October 2025)

1.1 Request for further information

<table>
<tr><th colspan="4">Socioeconomics</th></tr>
<tr><td>1</td><td>Applicant</td><td>The ExA acknowledges the content of the Environmental Statement Addendum [CR2-071] and updated 6.4 Figure 17.3 (Rev 1) [CR2-033] and 6.4 Figure 17.4 (Rev 1) [CR2-034]. Whilst noting that the Environmental Statement Addendum [CR2-071] reports that Change 2 would not result in any new effects or effects greater than those already reported in the ES, please provide an updated ES Chapter 15: Socioeconomics and ES Chapter 17 - Agricultural Land Use and Public Rights of Way in respect of the quantity of agricultural land required for the proposed development. In addition, please also update Table 1.4 - Land Holding Details which was provide at Annex 7 in response to ExQ2.11.13 [REP4-037].</td><td>The Applicant has updated the ES Chapter 15: Socioeconomics to incorporate updated figures in relation to the scale and nature of the agricultural land needed for the Project as well as the effects on economic output in light of the agricultural land required for the Project, following the changes in Change Request 2.

Regarding ES Chapter 17 – Agricultural Land Use and Public Rights of Way, the changes to the areas of land and the Agricultural Land Quality as a result of CR2 are summarised in the Table below:

<table>
<tr><th>ALC Grade</th><th>ES Chapter 17 – Agricultural Land Use and PRoW</th><th>Change Request 2 – Updated Areas</th></tr>
<tr><td>1</td><td>2.16</td><td>2.16</td></tr>
<tr><td>2</td><td>96.87</td><td>86.39</td></tr>
<tr><td>3a</td><td>391.19</td><td>352.38</td></tr>
<tr><td>3b</td><td>796.83</td><td>759.72</td></tr>
<tr><td>Non-Agricultural</td><td>63.94</td><td>60.42</td></tr>
<tr><td>Not Surveyed</td><td>67.12</td><td>67.06</td></tr>
<tr><td>Grand Total</td><td>1418.11</td><td>1328.13</td></tr>
</table>

The Applicant’s earlier submission, ‘Annex 7 to the response to ExQ2.11.3 [REP4-037]’ has also been updated in tracked change to reflect the above. This is attached as Annex 1 of this response.</td></tr>
<tr><th colspan="4">Proposed Modification of Requirement 5</th></tr>
<tr><td>2</td><td>Oxfordshire Host Authorities</td><td>The ExA acknowledge that the Oxfordshire Host Authorities (OHA) saw merit in the idea of an independent design review panel being appointed to the project but had doubts as to its effectiveness in</td><td>n/a</td></tr>
</table>

		any post-consent National Infrastructure Planning Temple Quay House 2 The Square Bristol, BS1 6PN Customer Services: e-mail: 0303 444 5000 BotleyWestSolar @planninginspectorate.gov.uk https://national-infrastructure-consenting.planninginspectorate.gov.uk/ stage [REP2-050, Q1.1.12]. Notwithstanding views expressed by the OHA at Issue Specific Hearing 2 that a design review was not required, the ExA note that the OHA have criticised the content of the Outline Layout and Design Principles (OLDP) document in the Deadline 6 submission and again raised questions about the design process in any post-DCO stage. The ExA do however note that the OLDP has been amended at Deadline 6 providing some detail about 'other infrastructure.' The ExA therefore asks again whether the OHA consider an independent design review would be beneficial to guide and inform design decisions later down the line or whether the adjustments to the OLDP have given the necessary comfort.	
3	OHA and Applicant	The ExA propose, on a without prejudice basis, the following text be added (in modification) to Requirement 5 of the dDCO should the OHA respond to point 2 above that a design review is required (please talk to each other in view of the limited time left in the Examination about this matter so that it features in the statement of common ground). Views are appreciated on the text which reads: *(4) The details submitted under sub-paragraph (1) and under requirement 8 (fencing and other means of enclosure) must have been subject to a design review process carried out by an independent design review panel to the satisfaction of the relevant planning authority and which must consider whether sub-paragraph (5)(2) has been satisfied and make recommendations for design improvements if not*.	The Applicant maintains its position that an independent design review is not required, as set out in its response to ExQ2.1.5 [**REP4-037**], on the basis that detailed design of the Project is already appropriately secured through Requirement 5 (detailed design approval) of Schedule 2 of the DCO. This approach of securing detailed design via a Requirement is a standard approach for large scale solar projects. It ensures that the final design of the Project will be subject to the approval of the relevant planning authority and is drafted by reference to the Outline Layout & Design Principles [**REP6-038**], which sets out the design parameters within which the final design must be brought. This ensures that there is sufficient certainty on the maximum parameters of the final design – as has been assessed – whilst retaining the necessary flexibility for the Project post-consent. The Outline Layout & Design Principles has been updated during the Examination process to secure additional design parameters, to give greater certainty to the OHAs as to how the final design is proposed to look. For example, most recently at Deadline 6 and in response to specific concerns raised by the OHAs, the Outline Layout & Design Principles now includes at section 1.3 specific parameters in relation to fencing, CCTV and lighting. These secured parameters, in addition to the control mechanism at Requirement 8 (*Fencing and other means of enclosure*) – which requires approval from the relevant planning authority of written details of all proposed temporary and permanent fences – means it is not necessary or reasonable to impose an additional requirement for an independent design review. The Applicant reiterates the test under the MHCLG Guidance, '*Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects'* (the DCO

			Guidance) and paragraph 4.1.16 of the Overarching National Policy Statement for energy (NPS EN-1), that Requirements should be "*precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects*". This test is not met. Under the newly proposed wording, the final design (as subject to the independent design review panel) must be 'to the satisfaction of the relevant planning authority'. This is not necessary or reasonable because this principle is already secured in the strongest possible sense by virtue of Requirement 5 and Requirement 8, which requires the final design / written details of temporary and permanent fencing (respectively) to be "*submitted to and approved in writing by the relevant planning authority*" (our emphasis) before any part of the authorised development may commence. Similarly, the reference in the ExA's proposed Requirement to 'whether sub-paragraph (5)(2) has been satisfied' is not necessary because it duplicates the effect of the provisions already secured in Requirement 5. The drafting of Requirement 5(2) ensures that any application to be made by the undertaker for the discharge of Requirement 5 must demonstrate that the final detail design accords with the Outline Layout & Design Principles. To the extent that the relevant planning authority does not consider this to be the case, the process in Schedule 16 which will apply to the discharge of Requirement 5 operates to ensure that further information may be requested. For example, paragraph 3 of Schedule 16 ensures that "*In relation to any application to which this Schedule applies, the relevant planning authority may request such reasonable further information from the undertaker as is necessary to enable it to consider the application*." This process would facilitate design improvements to be made if the relevant planning authority is not satisfied that the application for detailed design accords with the Outline Layout & Design Principles.
Residential Visual Amenity Assessment (RVAA)			
4	Applicant	The ExA welcomes the submitted RVAA document at Deadline 6. There are several questions arising on the content and conclusions of the document: • All the visualisations in the appendices are from ground level looking at a hedgerow, asserting the hedge does the screening. However, it is evident that first floor windows are over and above the hedge height (for example P16 and P30) that appear to have uninterrupted views. Why are upper floor windows and the views therefrom discounted?	In summary, upper floor windows and the views therefrom have not been discounted from the RVAA process. The Assessment Methodology of the RVAA [**REP6-064**] – as updated alongside this Rule 17 Response – is based on the LI RVAA Technical Guidance Note 2/19 (LI TGN 2/19). Step Three of that Assessment Methodology describes a judgement of the magnitude of visual change which would be experienced thorough various factors including: • Distance of property from the proposed development and the visibility of development in views from the property; • The **elevation** of the property relative to the proposed development and angle of view, proportion of the view occupied by the Project; • The extent of development visible, and its position within views from the property e.g. whether in key views from the property, secondary views, gardens and/ or private drives and whether subject to any screening or filtering; • The viewing experiences in different directions: the availability of other views from the property, including those that would not be affected by the Project.

The assessment (Stages 1 to 3 of the RVAA process) has exercised a judgement of the magnitude of visual change taking into account the above factors, including elevation such as upper floor windows (our emphasis above). The identification of amenity areas of residential properties is based on baseline studies and field observations as the assessment has been carried out from publicly accessible locations. Upper-floor windows are part of the elevation(s) of a dwelling and have therefore been considered. The orientation of the main elevation / principal aspect of a property is a factor, which has been considered in determining the magnitude of impact attributable to the proposed development. Therefore, upper floor windows and the views therefrom have not been discounted – see below for specific examples.

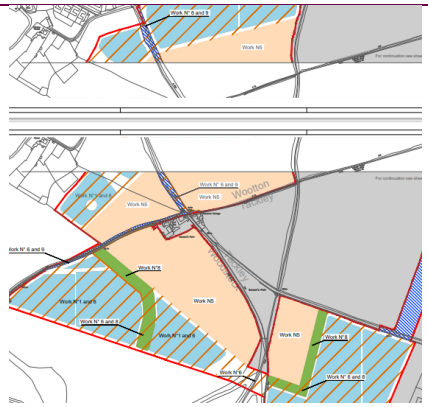
The assessment identifies and makes reference to the orientation of the main/ principal aspects/ elevations of properties and upper storey/floors (see RVAA Table 2 and Table 4), for example in relation to: Upper Dornford Cottage, Campsfield Farm Cottages, Rose Cottage, Williams Court, Goose Eye Farm, Hordley Cottages (P16), Barrow Court, and in the case of New Barn Farm, Weaveley Farm and Jumpers (P30) to 'first floor windows', in relation to the Project.

In respect of the two examples given by the ExA:

1. **Hordley Cottages (P16)** has direct views to the south-east, including from upper floor windows. However, these are partly screened by mature trees to the southeast. The Order Limits are 25+m from the property to the south, and a new hedgerow is proposed along the northern edge of the Project, within the Order Limits. Hordley Cottages have oblique views to the west-northwest, across the B4027. See Table 2 of the RVAA, where express reference has been made to the first floor windows to explain how they formed part of the assessment. As this property was included in the assessment, it also included in Table 4 of the RVAA. See also Figure 2.16. The substantial hedgerow on the opposite side of the road will be maintained to an increased height and reinforced with additional landscape planting which will minimise views.
2. **Jumpers (P30)** will not have uninterrupted views towards the Project from the upper floor windows. There are views over a substantial hedgerow, which partly screens views to the southwest, as do several mature trees within the garden of Jumpers, but also to the west of the adjacent commercial development at Willow Park, to the southeast of Jumpers (see Table 2 and Figure 2.28 of the RVAA). In addition, the hedgerow within the Order Limits, on the opposite side of the B4017, Cumnor Road, will be maintained to an increased height and reinforced with additional landscape planting. The Applicant has included a StreetView image of Jumpers as part of the revised figures submitted alongside this Rule 17 response to illustrate the above.

For completeness, the updated RVAA has also clarified the consideration of upper floor views in respect of Lakeview, Heiderbech, and Tumbledowns (P27, P28 and P29) (as appropriate). These residential properties are assessed within the RVAA at Tables 2 and 4.

• The appendix called 'mitigation schedule' with the relevant calculations (e.g. r1 + 25m + r2) – is this appendix secured with the OLEMP or secured in the dDCO to ensure this mitigation is actually carried out? If not, why not?	The Analysis of Buffer to Farms (Appendix B PVDP Buffer Zone Analysis) [**REP6-065**] ("**Buffer Mitigation**") is evidence of the early phase design work undertaken by the Applicant and its application of the mitigation hierarchy, as this process helped to inform the appropriate design mitigation to be incorporated into the Project. In summary, the Buffer Mitigation is not secured in the oLEMP because it is already secured through the inherently limited scope of the Works Plans. The draft DCO only facilitates consent to install solar arrays over land covered by Work No. 1, as shown on the Works Plans. If Work No. 1 is not shown over a piece of land, then powers of solar installation will not be available. This is the case for the buffer zones referred to in the Buffer Mitigation, as the Applicant intentionally designed the Project (as reflected through the Works Plans), such that no Work No. 1 powers are sought within the buffer zones, meaning that solar arrays may not be installed within them. This is explained further below. Article 3 of the draft DCO seeks development consent to carry out the 'authorised development' (as set out in Schedule 1 of the DCO, which refers to different numbered work packages). Article 3(2) confirms that "*each numbered work must be situated within the corresponding numbered area shown on the works plans*". As such, the scope of the consent being sought means that the works powers in Schedule 1 of the DCO cannot be carried out in any areas where those works numbers are not shown on the Works Plans. Through this, the buffers are already embedded into the scheme design because the Works Plans would not allow solar installation in the buffer zones, as Work No. 1 is not sought over those areas. As the DCO is inherently limited, it is not necessary for these buffers from the farms to be secured separately under any other management plan (including the oLEMP or otherwise) because the Works Plans mean that the DCO would not grant powers over those buffer zones in any event. In other words, any provision in the oLEMP would seek to prevent the exercise of a consent over any area of land where the consent does not cover. This is not precise, enforceable, necessary, relevant to the development, relevant to planning or reasonable in all other respects. By way of an example, in respect of Sansom's Cottage and Sansom's Farm, the scope of Work No. 5 on Sheets 2 and 3 of the Works Plans means that there will be no nearby installation area around those properties – see the snippet below. As a result of the scope of Work No.5, there will be approximately 160m between the fence of the installation from Sansom's Cottage; and approximately 130m between the fence of the installation from Sansom's Farm. This secures the buffer zones identified in the Buffer Mitigation.



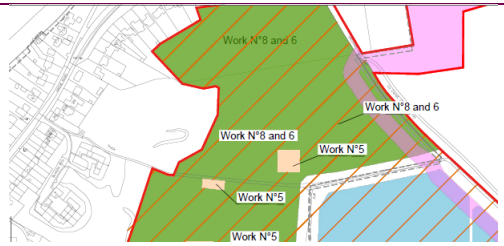
Snippet - Sansom's Cottage and Sansom's Farm

Moreover, the Applicant notes that there are only four farms listed in the Buffer Mitigation with offset buffers of greater than 25m (Bladon North; Bladon Middle; Purwell Farm and Barrow Court). These are explained further here, noting that there is a blanket commitment in the Outline Layout & Design Principles [**REP6-038**] to a "*Minimum distance between residential property boundary and table areas is approximately 25m*" which would apply to these and the other farms in any event.

The below Table 1, 'Buffers', cross-refers to the relevant parts of the Works Plans to illustrate how the buffer zones for the above four properties – as identified in the Buffer Mitigation – are embedded into the project design to ensure that no solar installation is possible within these buffer areas:

Table 1 - Buffers

Farm	Buffer commitment
Bladon North	Following Change Request 2, where powers of solar installation were reduced around Bladon, there is now a buffer of approximately 245m around Bladon North. The scope of Work No.8 and Work No. 6 of Sheet 5 of the Works Plans (see the snippet below) means that the Applicant cannot install solar within 245m of Bladon North because it is not seeking powers for Work No. 1 in that area. This ensures that a buffer far in excess of the 60m, as identified in the Buffer Mitigation, is secured. This increased buffer zone, secured through the limitations of the Works Plans, has increased as a result of iterative design.



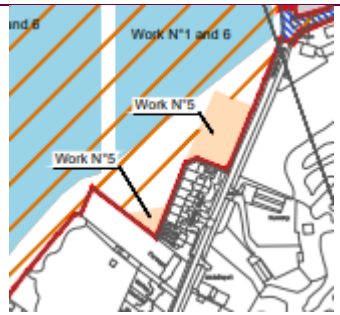
Snippet – Bladon North

Bladon Middle

Following Change Request 2, where powers of solar installation were reduced around Bladon, there is now a buffer of approximately 418m around Bladon Middle. The scope of Work No.8 and Work No. 6 on Sheet 5 and Sheet 6 of the Works Plans (see snippet below) means that the Applicant cannot install solar within 418m of Bladon Middle because it is not seeking powers for Work No. 1 in that area. This ensures that a buffer far in excess of the 65m, as identified in Buffer Mitigation, is secured. This increased buffer zone, secured through the limitations of the Works Plans, has increased as a result of iterative design.

Snippet – Bladon Middle

	Purwell Farm	The Buffer Mitigation indicates a buffer of over 55m in the east, over 100m in west without extra hedges and no buffer to the north, from Purwell Farm. This is secured through the inherent design limitations of the Works Plans – see the snippet below from Sheet 8 of the Works Plans. The area of white hatched land to the East of Purwell Farm is approximately 60m and to the West of Purwell Farm is approximately 127m. This confirms that the Applicant is not seeking Work No. 1 powers (solar installation) within areas of land in excess of the buffer zones identified in the Buffer Mitigation. Therefore, the buffer zones are inherently secured because the Applicant is not seeking powers to install solar panels over those areas.  *Snippet – Purwell Farm*
	Barrow Court	The Buffer Mitigation indicates a buffer of a minimum of 40m from the nearest installation. This is secured through the inherent design limitations of the Works Plans – see the snippet below from Sheet 9 of the Works Plans. The area of white hatched land is approximately 50m from the redline boundary and only includes Work No. 5 and Work No. 6 powers. This illustrates that the Applicant is not seeking Work No. 1 powers (solar installation) within areas of land in excess of the buffer zones identified in the Buffer Mitigation. Therefore, the buffer zones are inherently secured because the Applicant is not seeking powers to install solar panels over those areas.



Snippet – Barrow Court

- Burleigh House does not appear on Tables 2 or 4 despite being noted on the plans as a residential property within the study area and being listed in your response to ExQ2.13.15 [REP4-037] as a property with limited or no vegetation to the boundaries. This lack of vegetation was confirmed at the ExA's USI7 and so it is expected that Burleigh House would be included in the assessment.
- Campsfield Farmhouse is shown on Figure 1.13 as having a boundary with a field containing panels but has not been assessed.
- Dornford Grove is noted as a house however this is understood to be a woodland area. Please identify the house on a plan.
- Lower Dornford Cottage and Dornford Cottage are noted in Table 2 as going forward for assessment but have not been included in the assessment at Table 4.
- Upper Dornford Barn appears on Figure 1.4 at approximately 200m from the panels but is not included on either Tables 2 or 4.
- Old Weavely Farm is noted in Table 2 as going forward for assessment but has not been included in the assessment at Table 4.

The Applicant has updated the RVAA alongside this Rule 17 responses to address the specific concerns raised. Table 2 (*Clarifications in response to the ExA's queries on specific properties*) below signposts to the revised RVAA to indicate how those properties referred to are now appropriately captured.

Table 2: Clarifications in response to the ExA's queries on specific properties

Residential property	Clarifications and where property is considered within the RVAA
Burleigh House	Burleigh House is included within Table 2 and assessed at Table 4 within the updated RVAA.
Campsfield Farmhouse	Campsfield Farm is included within Table 2 of the updated RVAA. However, it is intentionally omitted from Table 4 (assessment), for the reasons outlined in Table 2 of the RVAA.
Dornford Grove	Reference to Dornford Grove in the earlier RVAA has been corrected to read Dornford Cottage in Tables 2 & 4 of the revised RVAA. Dornford Cottage is a property that has been assessed in the RVAA (see its inclusion in Tables 2 and 4, by reference to Figure 2.17 of the RVAA [**REP6-065**]).
Lower Dornford Cottage and Dornford Cottage	Lower Dornford Cottage (see Figure 2.18 of **REP6-065**) and Dornford Cottage (see Figure 2.17 of **REP6-065**)) have been added into Table 4.

- Pelican House is shown adjacent to College Farm on Figure 1.20 but is not mentioned in either Tables 2 or 4. It has separate boundaries and outlooks compared to College Farm.
- No properties in the village of Church Hanborough are assessed in either Tables 2 or 4, despite 14 properties being noted within the 250m limits in Figure 1.19.
- New Barn Farm is assessed in Table 4; it is not clear whether this is the same property as New Barn Cottage from Table 2, although the descriptions of proximity to panels do not match.
- Owls Leat/Willow Cottage are noted in Table 2 as being included in the assessment but are not carried forward to Table 4. These properties are not shown on any of the figures and their location is unclear.

This information should be corrected and updated in a revised document.

Upper Dornford Barn	Upper Dornford Barn has been considered within Table 2 of the updated RVAA. However, it is intentionally omitted from Table 4 (assessment), for the reasons outlined in Table 2 of the RVAA .
Old Weaveley Farm	The analysis of Upper Weaveley Farm applies to Old Weaveley Farm and vice versa. This has been corrected in the revised RVAA. Old Weaveley Farm is assessed in the RVAA (see Figure 2.12 of REP6-065) but is not taken forward for assessment, as confirmed in Table 2 of the RVAA. Upper Weaveley abuts the cable corridor and is therefore assessed in Table 3, as confirmed in Table 2 of the RVAA.
Pelican House	Reference to College Farm in the earlier RVAA includes College Farm and Pelican House because Pelican House does not appear as a separate location on the AddressBase/ OS data. This has been clarified in Table 2 & 4 of the updated RVAA. College Farm and Pelican House are assessed in the RVAA (see Figure 2.26 of **REP6-065**).
Church Hanborough	Of the 14 properties identified within the 250m limits in Figure 1.19, only three properties (The Paddock, The Stables and New Barn Farmhouse) have potential views of solar panels from within their curtilage, as shown on the ZTV, Figure 1.19 of **REP6-064**. These properties are captured in Tables 2 and 4 of the updated RVAA.
New Barn Cottage	The references to New Barn Farm in Table 4 and New Barn Cottage in Table 2 are references to the same property. This has been clarified in the updated RVAA.
Owls Leat / Willow Cottage	Owls Leat/ Willow Cottage are not listed as residential properties in the AddressBase/OS datasets, they are classed as CE02, which is Commercial Education (CE) 02 (Children's Nursery and Children's Nursery Crèche). However, they are considered in the RVAA process (see Figure 2.23 of [**REP6-065]**) as part of the assessment of New Barn Farm. They have been added into Table 4 of the updated RVAA.

5	Applicant and Oxfordshire Host Authorities	The ExA, in light of the omissions and errors in the RVAA listed above, remain concerned about the applicant's approach to this matter. The ExA note that there is a "without prejudice" sets of plans from the applicant showing greater buffers in respect of some properties, but that the buffer of 75m does not appear based on any guidance or relation to the Landscape Institute Guidance Note 2/19. It is also unclear why buffers are for some properties and not others when, taking into account paragraph 1.2 of guidance note 2/19: "Residential Visual Amenity means: '*the overall quality, experience and nature of views and outlook available to occupants of residential properties, **including** views from gardens and domestic curtilage*." **(ExA emphasis)**. Given the little time left in the Examination and the late receipt of this document, the ExA are considering whether a precautionary approach should be adopted at this stage, with the opportunity for more definitive work to take place at detailed design stage should consent be forthcoming. In this regard, without prejudice to any recommendation the ExA makes (and without prejudice to the position of the applicant or any Interested Party), the ExA invites the Applicant and the Oxfordshire Host Authorities to provide comment on the following suggested new requirement. *There shall be a distance of no less than 250 metres between the edge of any part of the proposed operational solar array and any residential dwellinghouse (as measured from the curtilage of any private residential property or address), unless otherwise demonstrated to be acceptable in writing to the satisfaction of the relevant local authority, such satisfaction to be given formally in writing subject to Schedule 16 of this Order.*	The Applicant has submitted an updated RVAA as part of its response to the ExA's Point 4, above, to address the errors and omissions listed in Table 2 (*Clarifications in response to the ExA's queries on specific properties*), above. This response to point 5 provides extra clarity on the Applicant's 'Without Prejudice Offer Plans', as offered in Appendix 2 of the Applicant's response to the Rule 17 Letter (14th October 2025) [**REP6-052**]. That without prejudice offer includes two aspects of mitigation: (1) removal of solar installation in certain areas of land, in recognition of the OHA's suggested omission plans submitted at Deadline 4 [**REP4-075**]; and (2) an increased buffer zone of 75m around specific properties. This response focuses on the proposed buffer zone and is split into two parts: (a) **75m buffer**: Additional clarity and explanation in support of the proposed 75m buffer – from both a landscape and commercial perspective in accordance with paragraph 5.10.26 of NPS EN-1 – balancing the benefits of reducing the landscape and/or visual effects alongside the consequential loss of function. This response also provides an explanation as to why the 75m buffers are proposed for some properties and not others, recognising that residential visual amenity includes views from gardens and domestic curtilage; and (b) **250m buffer**: An explanation as to why the Applicant must reject the ExA's proposed requirement for a 250m buffer zone. That part of this response is by reference to the relevant tests under the DCO Guidance and national policy (which set out that requirements should be "*precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects*" (para 4.1.16 of NPS EN-1)). It also explains how the proposed buffer inappropriately applies the balancing exercise in paragraph 5.10.26 of NPS EN-1 in relation to the benefits of reducing the landscape and/or visual effects with the consequential loss of function. **1. Suggested 75m distance buffer in the 'without prejudice' set of plans** As a result of the updated RVAA process which has been revised in response to the ExA's Rule 17 [**PD-018**], 20 properties/groups of properties are judged to have potentially significant effects (see Table 4 of the updated RVAA). Of those 20, 12 are considered to have the significant effects reduced to not significant with a minimum 25m buffer and/or landscape mitigation. Of the other eight, which were assessed as experiencing likely significant effects with a minimum 25m buffer, four were identified as having the potential to benefit from an increased buffer. These four properties are those included in the without prejudice offer, where a 75m buffer was proposed in exercise of professional judgment (noting that GLVIA3 does not specify any buffers for any development type), as explained below: • **Weaveley Farm** (AddressBase name and sign at property) – this property has open views to the west and filtered views to the south. At its closest point it is 65m from the Order

Limits. An increased buffer to 75m from the curtilage of the property would allow additional landscape mitigation in the additional 10m inside the Order Limits and the Project would be further from the property, behind that additional mitigation. The mitigation would assist in screening views of the built elements of the Project, once established.

- **Purwell Farm** – this Listed Building has woodland buffers and areas without panels surrounding its curtilage in most directions. However, the 75m buffer (if accepted by the SoS) would be applied to the gap between two areas of woodland to the north. This would allow landscape mitigation to be included within the 75m buffer in this direction, potentially linking the two areas of existing, mature woodland. On the 'Without Prejudice' plans [**REP6-052**], all solar panels are offered to be removed between Purwell Farm and Goose Eye Farm in recognition of landscape character. This would have beneficial landscape and visual effects from the curtilage of both farms.

- **Barrow Court, Cassington** – due to the areas of archaeological interest to the north of Cassington there is limited scope for landscape mitigation, as those areas of archaeological interest must remain unplanted. A 75m buffer would allow areas within the Order Limits but beyond (to the north of) the archaeological areas of interest to be available for additional landscape mitigation, which would, once established, assist in screening views of the built elements of the Project.

- **Denman's Farm** – a 75m buffer would allow landscape mitigation to be put in place that would, once established, assist in screening views of the built elements of the Project.

Where the 75m buffer overlaps with solar panels, those panels would be removed and the Project reduced. Within the 75m buffer, where it overlaps with the Order Limits, landscape mitigation would be implemented. This would allow any effects to be minimised, not only by distance but also by additional landscape mitigation. The Applicant has also indicated landscape mitigation planting, outside the 75m buffer on the 'Without Prejudice' plans [**REP6-052**], e.g. wet woodland within the Evenlode valley to the east of Lower Road. This will also assist in minimising the landscape and visual effects of the Project, beyond the 75m buffers. The reasons as to why a greater buffer is not necessary or reasonable, is explained further below.

The remaining four properties / groups of properties have not had the proposed increase of a 75m buffer in the without prejudice offer, even though they are considered to have likely significant effects where there is a minimum 25m buffer only. This is because it is not considered appropriate for them, as there would be no significant landscape or visual benefit achieved through an increase buffer, which would therefore not warrant any loss of function. This approach therefore aligns with national policy, which states that "*there may, however, be **exceptional circumstances**, where mitigation could have a **very significant benefit** and warrant a small reduction in function*" (paragraph 5.10.26 of NPS EN01, our emphasis) and "*Virtually all nationally*

significant energy infrastructure projects will have adverse effects on the landscape" (paragraph 5.10.5).

This is explained more below in respect of each property:

- **New Barn Farm** - Views to the north of New Barn Farm are screened by agricultural buildings (barns). Views south are shortened by existing vegetation within the curtilage of the property. Views west are of Lower Road. On the opposite side of Lower Road mitigation is proposed that will strengthen the additional hedgerow. Mitigation is proposed to the east of the property, which will assist in minimising views. An extended buffer would not achieve any further screening of significance.

- **College Farm** and **Pelican House** – Views to the north and south of these properties are screened by existing vegetation. Views to the west are of Lower Road, beyond which a large field up to Church Hanborough is within the Order Limits but does not have any solar panels within it. The eastern boundary of these properties is more open with a hedgerow. The 25m buffer to the east has allowed sufficient space for additional mitigation to be put in place, including hedgerow and tree planting, which will assist in minimising views. An extended buffer would not achieve any further screening of significance.

- **Goose Eye Farm** – A 25m buffer was applied to the north of Goose Eye Farm. There are principal/ rooms occupied during waking hours that have views to the north. A 25m buffer is sufficient to allow for areas for landscape mitigation. Extending the buffer to 75m would not achieve a significant reduction in landscape effects. To the east and south of the property there was a distance over 75m from the eastern and southern boundaries of the property in any event. On the 'Without Prejudice' plans [**REP6-052**]- it is proposed that all solar panels may be removed between Purwell Farm and Goose Eye Farm for landscape character reasons which will have beneficial visual effects as well as beneficial landscape effects from the curtilage of both farms.

As described in Part 2 of the Applicant's response to the ExA's Point 9 of the previous Rule 17 [**REP6-052**] and referred to above**,** there is a balance to be made between the benefit to landscape and visual resources and receptors, with the loss of power generation, caused by the removal of areas of panels. The without prejudice offer has an intentional focus on the specific properties mentioned above so that if further reductions are recommended (by the ExA) or decided (by the SoS), then a targeted approach can be taken that would most effectively help to mitigate the visual and landscape effects of the proposed project further, (in accordance with paragraph 5.10.26 of NPS EN1-1) in exchange for the loss of function that would need to be sacrificed.

These buffers were not originally included as part of the DCO application as the Applicant's base position is that a 25m buffer effectively achieves the appropriate balance, and the increased buffers are not necessary to make the Project acceptable in planning terms, noting the recognition

in national policy for significant landscape and visual effects as highlighted above by reference to paragraph 5.10.5 of NPS EN-1. In addition, there would be a reduction of 9.2 ha and a loss of power of 15.33 MWp, with a 75m buffer as proposed as part of the without prejudice offer. As such, the Applicant's view is that the landscape benefit to be obtained from the increased buffer does not warrant the loss of function. However, if the ExA (or SoS) disagree, then the without prejudice plans offer a compromise to facilitate some loss of function for the most achievable and acceptable landscape and visual benefits.

2. 250m buffer and suggested new Requirement

As described above, the Applicant found that an increased buffer to 75m would be an appropriate without prejudice offer for four properties, noting that this would achieve additional landscape benefits in exchange for the loss of function. A 250m buffer from all residential properties would not achieve any further justifiable visual benefits for properties within the 250m study area, than will already be achieved through either the 25m (minimum) or additional 75m buffers, and would lead to a drastically large loss of function that would threaten the viability of the Project. This newly proposed requirement is therefore not necessary or reasonable in all other aspects as is the test under the DCO Guidance and paragraph 4.1.16 of the Overarching National Policy Statement for energy (NPS EN-1). To extend the buffer further by any amount (beyond that proposed in the without prejudice offer) would contradict the policy aims of protecting Project function unless there are "*exceptional circumstances*" and "*a very significant benefit*", in which case "*the Secretary of State **may** decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function*" (our emphasis).

Notwithstanding, there is also no industry, sector or local guidance which specifies a blanket 250m buffer from properties in any event. GLVIA3 does not specify any buffers for any development type. The two renewable energy studies that form part of the evidence base for West Oxfordshire District and the South Oxfordshire and Vale of the white Horse District Council local plans - Renewable Energy and Low Carbon Energy Assessment and Strategy for West Oxfordshire (LDA, 2016 and the South Oxfordshire and Vale of White Horse Renewable Energy Study: Landscape Sensitivity Assessment (LUC, 2024) do not specify buffers or contain residential constraints plans for solar projects.

LI TGN 2/19 only mentions a distance of 250m once, in relation to study area distance, at paragraph 4.7:

"When assessing relatively conspicuous structures such as wind turbines, and depending on local landscape characteristics, a preliminary study area of approximately 1.5 - 2 km radius may initially be appropriate in order to begin identifying properties to include in a RVAA. However, other development types including potentially very large but lower profile structures and developments such as road schemes and housing are unlikely to require RVAA, except potentially of properties in very close proximity (50-250m) to the development. For example, when assessing effects of

overhead transmissions lines, generally only those properties within 100 – 150 metres of the finalised route are potentially considered for inclusion in a RVAA." (Applicant's emphasis).

In other words, a buffer zone of 250m would simply mean that an RVAA is 'unlikely to be required'. It does not seek to manage potential effects, rather acts as a threshold for when an assessment of the potential effects is required. In any event, the Applicant has provided an RVAA (which has been updated to address the ExA's concerns above) and so it is not necessary or relevant in planning terms for a blanket 250m buffer. It is also not reasonable because the national policy does not seek to avoid development within that distance of properties as it recognises that all NSIP scale development will have adverse effects on the landscape.

Not all properties within 250m of the Project have views – in fact, most do not, e.g. along Heath Lane or at Church Hanborough (see Figures 1.14 and 1.19 of **REP6-064** Residential Visual Amenity Assessment. It also does not mean that those that might have views meet the Residential Visual Amenity threshold (RVAT), as paragraphs 1.2.3 and 1.2.4 of **REP6-064** explain. Therefore, it would be entirely unreasonable to impose a blanket 250m buffer, particularly as it would be to the substantial detriment of the Project function (threatening viability of the critical national priority infrastructure as explained below).

If the ZTV indicates that a property may have views, it does not mean that the property has views of the whole of the Project. It simply means that they may have a view of part of the Project. As ZTVs are computer-generated they record even the smallest part of the Project being as visible, in the same manner they would a large part of the project being visible. ZTVs also do not account for the effects of distance. This therefore ensures a precautionary assessment that can then inform appropriate mitigation. The ZTVs use the freely available Environment Agency National LiDAR Programme dataset, this dataset uses a 1m spatial resolution, which may not record walls, fences and some hedgerows. Hence ZTVs are a tool only, with actual visibility being verified in the field. This fieldwork has been undertaken throughout the Project's development, with a more detailed assessment of those properties considered to be most affected undertaken. Using the Church Hanborough ZTV example, Figure 1.19 of **REP6-064** RVAA. From fieldwork of the few properties that have potential views indicated by the ZTV few will have little if any views, due to a presence of an existing hedgerow along the northern edge of the Project. The role of ZTVs in LVIA/RVAA is fully explained in paragraphs 1.3.19.to 1.3.30 of **REP6-064**.

In short, there would be no further significant benefits from applying a blanket 250m buffer around all residential properties over and above what would be gained through the without prejudice offer of 75m buffer for four properties. The Applicant has set out above how its without prejudice offer of 75m achieves the maximum benefit available in respect of each relevant property. Other properties either do not have any views, views would not be significant, or a 25m buffer as proposed would reduce visual impacts to below significant. There is also no precedence for a 250m buffer from residential properties in any made DCO for a solar NSIP, even though those solar NSIPs are of a similar scale and feature residential properties at similar distances to the Project. This is due to the SoS having regard to the policy position that recognizes that "*it will not*

be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts" (paragraph 3.1.2 of NPS EN01). To impose a requirement for this 250m buffer is therefore not necessary or reasonable in national policy terms.

Turning to the consequential loss of function, a 250m buffer from all residential properties would mean a loss of solar array over 210 ha and an installed generation capacity reduction of 350 MWp (i.e. approximately 30% of the Project's anticipated installed generation capacity). This percentage loss is calculated using the 350 MWp as a percentage of the total installed capacity, which is currently 1160 MWp (not considering the without prejudice loss). The 840 MW AC is the export capacity after all losses. This is explained further in response to part (A) of Question 19 below.

The loss of function is set out in the table below, with reference to consequential loss associated with each residential property.

Farm/Residence	Loss in ha	Loss in MWp
Northen Area		
Upper Dornford	1.41	2.35
Old Man l Leys Cottage	0.21	0.35
Lower Dornford Farm	6.86	11.43
Dornford Cottage	8	13.33
Hordley Cottages (Hordley House & Hordley Farm Bams)	11.92	19.87
Sansom's Farm	2.79	4.65
Weaveley Farm	11.58	19.30
Weaveley Farm Bungalow	1.63	2.72
Shipton Slade Farm	13.71	22.85
Total Area	**58.11**	**96.85**
Central Area 1		
Campsfield	3.87	6.45
Heath Lane Neighbourhood	4.8	8.00
Village End	0.93	1.55
Burleigh House	6.17	10.28
Burleigh House Lodge	1.71	2.85

Mill Farm	0.13	0.22
Total	**17.61**	**29.35**
Central Area 2		
Mill Farm	3.38	5.63
Pelican House and College Farm	10.34	17.23
New Barn Farmhouse	2.1	3.50
City Farm Cottages	1.16	1.93
Purwell Farm	17.98	29.97
New Barn Cottage	38.51	64.18
Owls Leat		
Goose Eye Farm		
Building South of Goose Eye Farm		
Building South of Goose Eye Farm	0.47	0.78
Jericho Farmhouse	11.26	18.77
Building East Jericho Farmhouse		
Battimer		
Jericho Farm	16.2	27.00
Yarnton Road Neighbourhood		
Elms Road Neighbourhood		
Hollow Furlong and Williams Court	5.38	8.97
Eynsham Road Neighbourhood		
Total	**106.78**	**177.97**
Southern Area		
Denman's Farm	13.88	23.1
The Courtyard	10.72	17.9
Lakeview, Heiderbech/ and Tumbledowns	2.63	4.4
Total	**27.23**	**45.38**

			This extent of loss of function would be a 'significant operational constraint' and therefore directly contradicts the intention of paragraph 10.5.26 of NPS EN-1. The loss of function here would significantly undermine the viability of the Project. On that basis, to impose a requirement for this 250m buffer is entirely unreasonable in national policy terms.
Defence Infrastructure Organisation			
6	The Defence Infrastructure Organisation	The Defence Infrastructure Organisation (DIO) submitted a Relevant Representation [RR-0724] and followed this up with a Deadline 1 submission [REP1-082]. Despite being asked questions in ExQ1 [PD-008] and ExQ [PD-012] and being invited to the Issue Specific Hearing held on 9 October 2025, the DIO has been silent. The ExA will assume the DIO has no objections or comments to make on the dDCO and will report as much to the Secretary of State unless a formal written submission clarifying the https://national-infrastructure-consenting.planninginspectorate.gov.uk/ position is received at Deadline 7. The Applicant will be afforded the opportunity to respond to the DIO at Deadline 8 should such a submission be forthcoming.	n/a
7	Applicant	You are requested to pursue this matter with the DIO as well, to demonstrate to the Secretary of State that the Proposed Development would not compromise military aviation interests in the vicinity and thereby not affect national security.	The Applicant has continued to pursue this matter with the DIO, most recently by email on 24 October 2025. The DIO responded on 30 October 2025 to confirm that "*As we are raising no objections to your project, we do not feel that a SoCG between yourselves and DIO is necessary*". The Applicant therefore considers that this matter is resolved.
Protective Provisions			
8	Applicant	There are still no protective provisions for National Grid in the Deadline 6 version of the dDCO. The ExA request a full copy of the applicant's preferred protective provisions to be inserted into the dDCO. In a separate document, the ExA request the applicant's protective provisions to be annotated by National Grid as to where there are disputes and/ or differences of opinion, with the necessary wording to discern what exact changes National Grid would want to see in the Order AND the rationale behind each change.	The Applicant has submitted an updated version of the DCO at Deadline 7 to include protective provisions for the benefit of National Grid Electricity Transmission Plc at Part 9 of Schedule 15 of the dDCO. The Applicant has reached an agreed position with NGET in respect of the protective provisions. This has been recorded in the SoCG submitted at Deadline 7.

9	Applicant	In addition, section 5 of the protective provisions for Thames Water (entitled 'acquisition of land') simply reads [xxx] and is therefore incomplete. Carry out the above exercise in point 8 for point 9 as necessary.	See the response to Question 10 below in respect of Network Rail. Whilst the quote from the Secretary of State's decision letter to is in the context of protective provisions with Network Rail, hence it is dealt with at Question 10, the accepted principle is analogous to Thames Water. For example, paragraphs 8(1) and 8(2) of Part 5 of Schedule 15 (protective provisions for the benefit of Thames Water) ensure that plans must be submitted for the approval of Thames Water prior to the commencement of the relevant works. Therefore, irrespective of whether or not compulsory acquisition powers are sought over the affected land, the undertaking, land and apparatus of Thames Water will remain suitably protected.
10	Applicant	In Part 4 of Schedule 15, paragraph 4 (after the definitions in paragraph 2) reads [xxx] and is incomplete. Resolve.	The Applicant has updated the draft DCO at Deadline 7 to remove this placeholder. The placeholder was included for any further provision relating to compulsory acquisition which may arise from voluntary negotiations, which remain outstanding. Any further provision to enable the withdrawal of the representations by Network Rail is therefore pending completion of voluntary land agreements that are in the process of being negotiated. The Applicant's full position explaining how the relevant s127/138 tests under the Planning Act 2008 are met in absence of this wording will be set out in its Closing Submissions, to be submitted at Deadline 8. In the meantime, the Applicant notes that the Secretary of State's decision letter for the Cambridge Waste Water Treatment Works DCO sets out: "*In consideration of the current protective provisions which ensure that asset protection agreements are entered into prior to the carrying out of specific works [ER 6.5.110], and that proper and sufficient plans of specified works are provided for the reasonable approval of an NRIL engineer, and that specified works cannot be carried out except in accordance with such plans, the Secretary of State agrees with the ExA that the Applicant's protective provisions would afford NRIL an appropriate level of the protection in terms of its statutory undertaking, land and apparatus, and would ensure that the Proposed Development would not result in serious detriment to the carrying on of its undertaking consistent with sections 127 and 138 of the PA2008*". (see para 21.33). The above text is in the context of Network Rail and so the principle is directly applicable here – namely, in absence of the compulsory acquisition wording, the protective provisions which are in otherwise agreed form offer sufficient protection in practice to secure an appropriate level of protection over Network Rail's undertaking, land and apparatus. For example, paragraph 5(1) of Part 4 of Schedule 15 ensure that plans must be submitted for the approval of Network Rail's engineer prior to the commencement of the relevant works. Therefore, irrespective of whether or not compulsory acquisition powers are sought over the affected land, the undertaking, land and apparatus of Network Rail will remain suitably protected. For completeness, the Applicant is unable to incorporate the provisions being sought by Network Rail because to limit the ability of the Applicant to rely on any compulsory acquisition powers in absence of a voluntary agreement would effectively put the Applicant in a ransom position. This would threaten the delivery of the Project, which is wholly unreasonable given that the delivery of the Project can be done in collaboration with the existing Network Rail undertaking as a result of the otherwise agreed wording in the protective provisions – this principle is confirmed by the ExA

			and SoS in the Cambridge Waste Water Treatment Works. To include the provisions being sought in absence of voluntary agreement would also be inconsistent with national policy and the urgent national need for large scale energy infrastructure (which is critical national priority), as doing so would risk potentially preventing the supply of 840MW to the electricity system in order to gain no additional practical protection for an existing undertaking.
Archaeology			
11	OHA and Historic England	The Archaeology Assessments provided at D6 have outlined several fields in which anomalies are noted that correlated well to the results of the preceding geophysical survey, although a limited number of additional features were revealed that did not correspond to geophysical survey anomalies or mapped historic boundaries. Please can you confirm whether you are content with the archaeological buffer zones as suggested in the latest Illustrative Masterplans [CR2-026], or whether you consider greater buffers should be applied following this survey. Specifically, please indicate this in relation to the following field numbers; those marked with an asterisk currently have no buffer zones proposed: North Site: 1.1*; 1.2; 1.4*; 1.5; 1.6; 1.7*; 1.8*; 1.11; 1.12; 1.13; 1.14; 1.17; 1.18*. Central East Site: 2.1; 2.3*; 2.9; 2.10; 2.12; 2.13*; 2.14*; 2.16*; 2.18*; 2.20*; 2.24*; 2.27; 2.30*; 2.37; 2.42; 2.43; 2.45; 2.53*; 2.54. Southern Site: 3.1*; 3.3; 3.10*; 3.11*; 3.13*; 3.15*.	The Applicant appreciates that this question is directed at the OHAs and Historic England but thought it would be helpful to offer some clarity on its position too. Following continued engagement with Historic England as a result of HE's review of the survey reports, the Applicant has updated the Works Plans (Revision 3) at Deadline 7 to extend Work No. 5 (*sensitive archaeological site protection and management*) over field 1.13 – in substitution of Work Nos. 1, 6 and 8 – to ensure enhanced archaeological protection around Samsom's Platt Schedule Monument. Whilst the avoidance of solar installation over this area could be facilitated through detailed design under the existing DCO drafting – noting that HE is secured as a consultee for the purposes of Requirement 5 (*Detailed design approval*) – the Applicant has amended the Works Plans at this stage to give certainty to HE (and the ExA and SoS) that this is protection area is secured pre-consent. Any other amendments required by Historic England will be considered as part of the detailed design process when the final layout is submitted for final approval of the relevant planning authority, in consultation with Historic England. To be clear, in terms of the fields with an asterisk (i.e. those identified as having archaeological features where no buffer zone is proposed), most of the archaeological features are former field boundaries that the Applicant can identify on historic maps. They are of very limited value and there is no reason for a buffer zone to be applied – these features will easily survive the construction of a solar farm with no harm to their significance. The remaining features are likely to be of local importance only and discussions with the Oxfordshire County Archaeology Service (OCAS) as part of the detailed design process will determine the appropriate course of action. Paragraph 7.9.33 of ES Chapter 7: Historic Environment Rev 3) [**CR2-019**] sets out that mitigation for archaeological remains of likely local importance could include protection through the placement of cable within protective ducts placed on the surface of the ground, or the implementation of a programme of archaeological investigation ahead of construction. Further details regarding the methodologies for archaeological investigation are set out in the Outline Written Scheme of Investigation (Rev 3) [**CR2-054**], secured under Requirement 10 of the draft DCO.
12	OHA and Historic England	It is acknowledged that the survey for the Central West Site, carried out by a different contractor, is still in draft form and that Appendix 2 of this report, the Summary of Geophysical Survey Results in particular, is missing detail. Notwithstanding this, at Table 2 the report notes 66 trenches with significant	The Applicant refers to the response set out above (point 11) with regard fields where archaeological remains have been identified but no buffer zone is currently proposed.

		archaeological features and deposits located in the following field numbers. Therefore, please comment on whether you consider greater buffers should be applied following this survey in relation to the following field numbers; those marked with an asterisk currently have no buffer zones proposed 2.63*; 2.65*; 2.66*; 2.70; 2.78; 2.80*; 2.84; 2.89*; 2.92*; 2.95*; 2.100; 2.102*; 2.103*; 2.104; 2.110; 2.114; 2.115*; 2.118* and 2.57*.	
Compulsory Acquisition			
13	Historic England	There is a voluntary agreement between the applicant and Blenheim Palace lands that covers the lease of the land via the various trusts for the purposes of undertaking the project and currently there is no expectation that this will not go ahead. However, should the voluntary agreement not progress, the fallback position would be for the applicant to use compulsory acquisition powers to acquire the land directly from Blenheim Palace. You have noted [RR-0398] that Attribute 1 of the Outstanding Universal Value (OUV) of the World Heritage Site (WHS) *"It remains the home of the same aristocratic family'"* has associative values that can be drawn from the setting. How do you consider that this fallback position would impact on this attribute should it be implemented?	The Applicant appreciates that this question is directed at Historic England but thought it would be helpful to offer some clarity on its position too. The DCO includes compulsory acquisition powers over the full extent of the Order Land, including powers of freehold acquisition over land owned by Vanbrugh Trustees Limited; Vanbrugh Trustees No. 2 Limited; Blenheim Trustee Company No. 1 Limited and Blenheim Trustee Company No. 2 Limited (collectively "Blenheim"). However, to be clear, a voluntary lease agreement has already been entered between the Applicant and Blenheim. Whilst the terms of that agreement are commercially sensitive, the agreement prevents the Applicant from exercising or procuring the exercise of any powers of compulsory purchase against any interests held by Blenheim. In other words, under the voluntary agreement, compulsory purchase powers may only be exercised over third-party interests in the Blenheim land. In any event, the Applicant's position remains that the use of the definitive article 'it' in Attribute 1 refers to the WHS itself and not to any land outside of the WHS. The Applicant disagrees that any land outside of the WHS can be described as 'the home' of the Marlborough family.
Flood Risk			
14	Applicant	The paragraphs 3.5.4 and 4.5.5 in the revised Flood Risk Assessment are not wholly clear and lack legibility. The changes have basically come about due to accommodating the solar panels on the additional 2.41ha of land and the flood risk associated with it. Could these paragraphs be looked at to make the wording more accessible?	The changes and wording have come about following a request from the Environment Agency to match the wording of the mitigation commitments to the FRA. As such, we would recommend that no further amendments are made, albeit clarity regarding the approach is outlined below for reference. The paragraphs provide a commitment from the Applicant that solar panels will be excluded from areas of surface water flooding associated with ordinary watercourses. This approach has been applied where there is an absence of fluvial modelling, whereby the surface water modelling has been used as a proxy. Where there are areas of surface water flooding associated with pooling due to topography or an overland flow pathway, the EA has agreed solar panels can be placed in areas of surface water risk with appropriate mitigation. This is due to the inherent waterproof nature of solar panels.

			Paragraph 3.5.4 refers to the mitigation proposed at these locations (central site) where flood depths could reach up to 300mm. The lowest leading edge of solar panels in this area will be raised 800mm above ground levels to provide an appropriate 500m freeboard above the flood level in accordance with EA guidance. Paragraph 4.5.5 refers to the mitigation proposed at this location (southern site) where flood depths could reach up to 600mm. The lowest leading edge of solar panels in this area will be raised 900mm above ground levels to provide an appropriate 300m freeboard above the flood level in accordance with EA guidance. The approach outlined has been agreed via consultation with the EA and captured in the SoCG.
15	Applicant	At Deadline 6 the Oxfordshire Host Authorities submitted a 'Response to Change Request 2' document. In relation to 'Change 5: refinement of project layout and design to remove solar installation areas overlapping with Flood Zones 2 and 3' (page 7), please provide the further clarification as request regarding the additional panels proposed for the southern area site.	We note the comment from Oxfordshire Host Authorities which is copied below for completeness: *"5. Refinement of Project layout and design to remove solar installation areas overlapping with Flood Zones 2 and 3. As established through discussion at the Issues Specific Hearing 2, held 8 October, further clarification is required for those additional panels proposed for the southern site area, as it appears from figure 1.1 Appendix 2: Hydrology and Flood Risk Technical Note 2 [CR2-071] these additional panels will be located within flood zone 2."* Figure 1.1 as presented within Appendix 2: Hydrology and Flood Risk Technical Note 2 [**CR2-071**] demonstrates the location of the additional solar panels to be restricted to Flood Zone 1. Clarity on this matter can be found in the Applicant's post hearing submission submitted at Deadline 6, under *"PINS Action Point No. 10*" [**REP6-047**].
Clarification			
16	Applicant	In the Schedule of Certified Documents in the dDCO, there is reference to "Appendix 19.1 Air Quality Impacts on Oxford Meadows SAC." It would appear this is not a separate appendix but actually Annex E to the Habitats Regulations Assessment Report. As such, it appears the reference can be deleted. Please amend or state otherwise.	The ExA is correct – it is Annex E to the Habitats Regulations Assessment Report [**REP6-022**]. The Applicant has therefore updated the DCO at Deadline 7 to remove reference to the 'Air Quality Impacts on Oxford Meadows SAC' in Schedule 13 (Documents and Plans to be Certified).
17	Applicant	There does not appear to be any submission at Deadline 6 providing the applicant's responses to the RIES. Was this intentional or are there any comments you wish to make?	The only point for the Applicant to address in the RIES **[PD-016]** was "*Can the applicant provide an update at DL6 on the assessment of ammonia emissions from road traffic in relation to Oxford Meadows SAC?*". The Applicant has provided this update through the assessment incorporated as Annex E to the Habitats Regulation Assessment Report **[REP6-022]**, submitted at Deadline 6. This shows that there are no adverse effects on the integrity of the site. The Applicant does not have any further comments that it wishes to make at this stage.

18	Applicant and Historic England	In the most recent Development Consent Order, Historic England have been added as a consultee to certain requirements. However, the ExA note some of the wording states: "*any parts of Work Nos. 6 or 8 within the setting of either*". There has been much debate in the Examination as to what setting, particularly of the World Heritage Site, actually entails. Is this wording too ambiguous?	This wording has been agreed between the Applicant and Historic England and therefore no amendments are proposed. In this context, the only implication of any potential ambiguity on whether something falls within the 'setting' or not, is whether or not Historic England must be treated as a statutory consultee. However, the relevant planning authority has discretion to consult with Historic England in any case. Therefore, to the extent there is any disagreement as to whether or not a matter falls within the relevant setting, the relevant planning authority may treat Historic England regardless. Therefore, the Applicant does not consider this wording to be too ambiguous in this context.
19	Applicant	The ExA also wish clarification regarding the "without prejudice offer" made by the Applicant in relation to further reductions. The clarifications are: a) the reductions total a loss of 54.46MWp. How does that relate to the overall generation capacity of 840MW? b) without prejudice to the ExA's position or the SoS determination, should the ExA or SoS consider that some, any or all of the offered reductions are necessary, by what mechanism would they (or the plans on which they are shown) be secured or entered into the dDCO? Sample wording for insertion may be useful.	A) <u>Generation Capacity</u> The 54.46 MWp reduction relates to the DC side and does not change the agreed 840 MW AC export limit. However, it lowers the DC/AC ratio. In UK conditions, solar panels rarely operate at their laboratory-rated output because of higher temperatures and lower irradiance. Oversizing is therefore required to keep inverters efficiently loaded and to ensure the plant can reach the 840 MW AC export capacity under realistic conditions. Adequate DC capacity also compensates for natural module degradation of around 0.3 % per year. This is supported by paragraph 2.10.55 of NPS EN-3 which states that "*The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays*". Further reductions would bring the DC/AC ratio below the optimal range, limiting generation in normal conditions and reducing total annual energy yield. The current configuration would provide the necessary technical balance and maintain stable, efficient operation throughout the project's lifetime. The Applicant has determined – using specialized software and 20 years of experience in designing and building solar power plants – that the breakeven ratio for this project and this location is a AC/DC ration of 1.3 which determines the minimum DC capacity of 1100 MWp for which 660 ha of installation area is needed. As a result of the two Change Requests and evolution of the project design across the DCO process (including the potential additional loss of installation area under the without prejudice offer), the Applicant has already facilitated substantial reductions to the Project (the generation capacity of the Project – and consequentially it´s size – has already been reduced by 275 MWp (which equates to approximately 20%)). The Applicant wants to clearly state that the limit of reduction in generation capacity is reached and the Project is now at commercial breakeven point due to high grid connection costs. In other

			words, whilst the project would remain viable if the without prejudice offer is chosen, any further reduction in generation capacity would significantly undermine the viability of the Project. B) Without Prejudice Offer To the extent that the ExA or SoS consider some, any or all of the reductions under the without prejudice offer to be necessary, then the Works Plans would need to be updated to remove powers for Work No. 1 (solar installation) over those areas. For the West Burton Solar Project, the SoS requested further information in relation to an option to remove solar panels from Stow Park Deer Park. Prior to making its decision, the ExA published a letter on behalf of the SoS which stated that: "*Without prejudice to the Secretary of State's final decision, the Applicant is requested to provide further clarification regarding the option to remove solar panels from Stow Park Deer Park ("the Stow Park Alteration")*". A similar approach may be taken by the ExA or SoS for this Project, whereby the ExA or SoS may publish a Rule 17 letter to ask the Applicant to submit a set of without prejudice Works Plans (post-Examination but pre-decision) to exclude powers of solar installation over some or all of the areas shown in the Applicant's without prejudice offer, as is considered necessary by the ExA or SoS (without prejudice to its recommendation or decision).
Oxfordshire County Council			
20	Oxfordshire County Council	Please provide a response to Action Point 4 as detailed in Action Points from Compulsory Acquisition Hearing 1 (CAH1) [EV6-002] or signpost to where a response has been provided.	n/a
21	Oxfordshire County Council	For ease of reference, the question directed to the Council was as follows "Change 1, as detailed in the applicant's Change Request Report [CR2-073], states that to the east of Bladon, approximately 17.6ha of panels and associated maintenance roads are to be removed from scheme but the Order limits are not to be removed. The applicant confirmed that the 17.6ha would perform an additional mitigation function alongside of the already proposed to the BNG. One of the roles of the SoS is to ensure that s/he is satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development. Does Oxfordshire County Council consider this to be necessary mitigation, or should it be removed from the Order limits?"	n/a

Compulsory Acquisition – Local Highways Authority			
22	Applicant	In the Oxfordshire County Council 'Written Summary of Oral Submission for the Compulsory Acquisition' document submitted at Deadline 6, the Council stated that they were expecting the applicant to submit case law justifying the inclusion of Highways Land within the scope of compulsory acquisition within a DCO. Please signpost to this information or submit at Deadline 7.	The Applicant has continued to consider the Book of Reference alongside the Draft DCO in light of the submissions made by OCC, to identify the compulsory acquisition powers being sought over land where OCC (as highway authority) has an interest. There are only three plots (Plot 3-22, Plot 9-18, and Plot 10-05) in the previously submitted Book of Reference [**CR2-017**] where OCC (as highway authority) is listed as being a freehold owner and the Applicant was seeking permanent acquisition of the land itself (shown pink on the Land Plans). However, as a result of the updates made to the Book of Reference and Land Plans at Deadline 7, the Applicant is no longer seeking powers of acquisition of land for any plots where OCC (as highway authority) is listed as freehold owner. This is because: • **Plot 3-22** – upon closer review of Sheet 3, the Applicant noticed that there had been a misalignment of the underlying mapping which formed the basis of the Land Plans and Book of Reference. This meant that certain land interests were noted as existing within the Order land, which do not in fact fall within the Order land. For example, it has occurred that Plot 3-22 falls entirely outside of the highway boundary. In consequence, OCC (as highway authority) has no freehold interest in Plot 3-22 as it belongs entirely to Vanbrugh Trustees Limited and Vanbrugh Trustees No. 2 Limited (as Trustee of the Vanbrugh Unit Trust). Therefore, whilst the Plot remains 'pink' on the Land Plans, reference to OCC (as highway authority) has been removed in the Book of Reference submitted at Deadline 7 to reflect that OCC (as highway authority) has no freehold interest in that plot. • **Plot 9-18** – upon closer review of more accurate OS mapping that has become available, this plot falls entirely within the highway boundary. As such, the Applicant is satisfied that no compulsory acquisition powers are necessary over this land. As a result, the Applicant has updated the Land Plans, Book of Reference and dDCO to 'grey out' this plot to reflect that the Applicant is not seeking to compulsorily acquire the highway land or rights over it. • **Plot 10-05** – this plot is in the same position as Plot 9-18. As a result of the above updates, the Applicant is now only seeking permanent acquisition of new rights (and temporary possession) over plots where OCC (as highway authority) is listed in the Book of Reference as being a freehold owner (including Plot 9-18 and Plot 10-05). Whilst the Applicant can rely on its statutory right(s) to carry out street works in land that falls entirely within the highway boundary – hence the Applicant does not need to seek an easement with OCC in respect of the highway or compulsory acquisition powers of the freehold title – it is necessary for the Applicant to seek compulsory acquisition powers for new rights (and temporary possession) over this land. This is justified on the following basis: 1. There is mixed case law on where the highway ends and becomes a subsoil interest. For example, *Tunbridge Wells Corp v Baird* [1896] A.C. 434 established the "top two spits" rule (spit meaning spade depth), limiting a highway to its surface and the top two spade-depths of subsoil – known as the Baird principle. In contrast, *London Borough of Southwark v Transport for London* [2018] UKSC 63 adopted a more flexible concept – the

"*zone of ordinary use*". This refers to vertical extent of the highway authority's interest and includes the surface of the road, the subsoil immediately beneath it to a depth sufficient for support and drainage, and a modest slice of the airspace above it. This is not a fixed measurement and depends on the nature and intensity of the use of the road. In light of this uncertainty, compulsory acquisition powers are necessary to give certainty that the Applicant has the right to lay its cables under the highway in the event of any dispute that the depth of cabling under the highway goes beyond the highway boundary.

2. The 'zone of ordinary use' also includes the horizontal extent of the highway (see *TfL* case above*)* and there is uncertainty on how to define the extent of the horizontal extent of the highway. For example, para 32 of Lord Briggs' judgment in the *TfL* case states "*There is in my view no single meaning of highway at common law. The word is sometime used as a reference to its physical elements. Sometimes it is used as a label for the incorporeal rights of the public in relation to the locus in quo. Sometimes, as here, it is used as the label for a species of real property. When used within a statutory formula, as here, the word necessarily takes its meaning from the context in which it is used*". Therefore, compulsory acquisition powers are necessary to ensure delivery in the event that the cabling works go beyond the horizontal 'zone of ordinary use' of the highway and there is any resulting doubt as to whether the works are within the highway or not; and
3. There are limited provisions allowing a highway to be stopped up. Whilst there are some protections under the New Roads and Street Works Act 1991 to protect the Applicant, the availability of a proprietary right is more certain to ensure delivery of the Project in the event that the highway is stopped up.

The plots over which the Applicant is seeking permanent rights – including highway plots – are set out in Schedule 9 (*land in which only new rights etc. may be acquired*) of the dDCO. This sets out whether rights are required for cables, access, or both. In any event, Article 21 (*Compulsory acquisition of rights*) ensures that the undertaker may only acquire compulsorily such rights or impose such restrictive covenants "*as may be required for any purpose for which that land may be acquired under article 18 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence*". In other words, the acquisition of rights may only be exercised 'as is required for the authorised development or to facilitate, or as is incidental, to it'. Therefore, the exercise of any powers is inherently limited and suitably controlled. The DCO would not enable the Applicant to exercise C compulsory acquisition powers over any highway land in respect of the new rights if the street works powers in the DCO can effectively deliver the Project.

A summary of the powers being sought and a justification for those powers has been shared with OCC in advance of Deadline 7.

ANNEX 1

Land Holding Details Update

Botley West Solar Farm

Applicants Response to Rule 17 Letter (23rd October)

Annex 1 – ExQ 2.11.3 CR 2 Update to Land Holding Details

November 2025

PINS Ref: EN010147
Document Ref: EN010147/APP/18.3
Revision Rev 0
APFP Regulation 5(2)(a); Planning Act 2008; and Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations

Approval for issue	
Jonathan Alsop	10 November 2025

Prepared by:	Prepared for:
RPS **101 Park Drive, Milton Park, Abingdon, Oxfordshire, OX14 4RY** **United Kingdom**	**Photovolt Development Partners GmbH, on behalf of SolarFive Ltd.**

Landowner Tables

Table 0.1: Land holdings by ALC grade

Holding No	Holding	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
1	Blenheim Trustee Company No. 1 Limited, Blenheim Trustee Company No. 2 Limited, Vanbrugh Trustees Limited and Vanbrugh Trustees No 2 Limited. The Estate Office Blenheim Palace Woodstock OX20 1PP	1-03	New Rights	Agricultural	2.16 - Permanent	81.92 ~~92.36~~ - Permanent	331.8 ~~370.35~~ - Permanent 0.02 - New Rights 0.001 - Temporary	591.63 ~~672.27~~ - Permanent 0.22 - New Right 0.001 - Temporary	5.39
		1-04	New Rights						
		1-05	Permanent						
		1-06	New Rights						
		1-07	Permanent						
		1-08	Temporary Use						
		1-09	Temporary Use						
		1-10	Permanent						
		1-11	New Rights						
		1-12	New Rights						
		1-13	Permanent						
		2-01	Permanent						
		2-02	New Rights						
		2-03	Permanent						
		2-04	Permanent						
		2-05	Permanent						
		2-06	New Rights						
		2-07	Permanent						
		2-08	New Rights						
		2-09	New Rights						
		2-10	Permanent						
		2-11	Permanent						
		2-12	Permanent						
		2-13	Permanent						

HoldingHolding No	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
	2-16	Permanent						
	3-01	Permanent						
	3-03	Permanent						
	3-04	New Rights						
	3-06	New Rights						
	3-07	Permanent						
	3-08	New Rights						
	3-12	Permanent						
	3-21	New Rights						
	3-22	Permanent						
	3-23	Permanent						
	3-25	Permanent						
	3-26	New Rights						
	3-27	Permanent						
	3-31	New Rights						
	3-32	New Rights						
	3-34	New Rights						
	4-23	Permanent						
	4-24	Permanent						
	4-25	New Rights						
	5-01	Permanent						
	5-02	New Rights						
	5-03	Permanent						
	5-04	Permanent						
	5-05	Permanent						
	5-06	New Rights						
	5-07	New Rights						

HoldingHolding No	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
	5-08	New Rights						
	5-09	New Rights						
	5-10	New Rights						
	5-11	Temporary Use						
	5-12	Permanent						
	5-19	New Rights						
	5-22	Permanent						
	5-24	Permanent						
	6-01	Permanent						
	6-02	Permanent						
	6-03	Permanent						
	6-04	Permanent						
	6-05	Permanent						
	6-06	Permanent						
	6-07	Permanent						
	6-09	Permanent						
	6-12	Permanent						
	6-13	Permanent						
	6-14	New Rights						
	6-15	New Rights						
	6-16	New Rights						
	6-18	Permanent						
	6-19	Permanent						
	6-21	New Rights						
	6-22	New Rights						
	6-23	New Rights						
	6-24	Permanent						

HoldingHolding No	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
	7-01	Permanent						
	7-03	Permanent						
	7-04	New Rights						
	7-06	Permanent						
	7-07	Permanent						
	7-09	Permanent						
	7-10	New Rights						
	7-31	Permanent						
	7-32	Permanent						
	8-01	Permanent						
	8-02	New Rights						
	8-03	New Rights						
	8-04	Permanent						
	8-06	Permanent						
	8-07	Permanent						
	8-09	New Rights						
	8-12	Permanent						
	8-13	New Rights						
	8-14	Permanent						
	8-15	Permanent						
	8-16	Permanent						
	8-18	Permanent						
	8-19	Permanent						
	8-20	Permanent						
	8-21	Permanent						
	8-23	Permanent						
	8-24	New Rights						

HoldingHolding No	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
	8-25	New Rights						
	8-26	Permanent						
	8-27	Permanent						
	8-28	Permanent						
	8-30	Permanent						
	8-31	New Rights						
	8-32	Permanent						
	8-33	New Rights						
	8-36	Permanent						
	8-38	Permanent						
	9-01	Permanent						
	9-02	Permanent						
	9-03	Permanent						
	9-04	Permanent						
	9-18	~~Permanent~~ No Rights Required						
	10-01	Permanent						
	10-02	Permanent						
	10-05	~~Permanent~~ No Rights Required						
	10-07	New Rights						
	10-08	New Rights						
	10-09	Permanent						
	10-10	New Rights						
	10-11	Permanent						
	10-12	Permanent						
	10-14	New Rights						
	10-15	Permanent						
	10-16	Permanent						

Holding No	Holding	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
2	Worton Rectory Farms Ltd, Cassington, Oxon OX29 4SU			Agricultural			1.76 - Permanent	53.04 - Permanent	
3	John P. Gee & Sons Limited Denmans Farm, Farmoor Oxford OX2 9NJ			Agricultural		4.02 - Permanent	15.76 - Permanent	60.37 - Permanent	
4	Unregistered/Unknown The Chancellor Masters and Scholars of the University of Oxford University of Oxford University Offices Wellington Square Oxford OX1 2JD			Agricultural					6.58
5	Smith and Sons (Bletchington) Ltd Enslow, Kidlington Oxford OX5 3AY			Agricultural					31.7783
6	Punch partnerships, Elsley Court 20-22 Great Titchfield Street London W1W 8BE			Area used for hospitality events					0.07

Holding No	Holding	Plot Numbers	Acquisition Type	Holding Use	Grade 1	Grade 2	Grade 3a	Grade 3b	Not Surveyed
7	Oxford Diocesan Board of Finance Church House Oxford Langford Locks Kidlington OX5 1GF			Agricultural					3.43
8	The Wardens and Scholars of the House or College of Scholars of Merton University of Oxford, Oxford OX1 4 JD			Agricultural					3.55
9	The Sunderland Foundation (as Trustee of the Duke of Marlborough's 1981 settlement) PO Box 175 Guernsey Gy1 4HQ			Agricultural					10.00
10	Malcolm Stuart Hoskins Price, Perdiswell Farm Woodstock, OX20 1QJ			Agricultural					5.29

Table 0.2: Land use breakdown within the Project by land holding

Land Holding No	Land Holding	Land Use Breakdown within Project	
1	Vanbrugh Trustees Ltd The Estate Office Blenheim Palace Woodstock OX20 1PP	Archaeological exclusion areas	~~34.74~~ 33.55
		Buffer strip	3.48
		Bund	0.20
		Cable 33 kv Crossings	~~0.82~~ 0.78
		Educational area	0.00
		Existing hedges	~~13.33~~ 12.26
		Existing woodland	~~6.93~~ 6.74
		Food Growing	32.56
		Food Growing / Education	1.17
		Installation Area	~~745.09~~ 680.59
		Maintenance Roads	~~36.56~~ 33.28
		Meadow Grassland and Enhancement	~~257.51~~243.84
		PCS	~~0.42~~ 0.39
		Proposed bridge	0.01
		Proposed pond	1.45
		Proposed woodland	~~4.18~~ 3.98
		Secondary substation	0.58
		Skylark Plot	~~3.17~~ 2.95
2	Worton Rectory Farms Ltd, Cassington, Oxon OX29 4SU	Archaeological exclusion areas	0.29
		Cable 33 kv Crossings	0.09
		Existing hedges	0.38
		Existing woodland	0.31
		Installation Area	43.81
		Maintenance Roads	2.00
		Meadow Grassland and Enhancement	8.11
		PCS	0.02

Land Holding No	Land Holding	Land Use Breakdown within Project	
		Skylark Plot	0.22
3	John P. Gee & Sons Limited Denmans Farm, Farmoor Oxford OX2 9NJ	Archaeological exclusion areas	0.54
		Cable 33 kv Crossings	0.00
		Educational area	0.00
		Existing hedges	1.15
		Existing woodland	0.75
		Installation Area	45.94
		Main substation	0.76
		Maintenance Roads	3.20
		Meadow Grassland and Enhancement	24.23
		NG substation	2.88
		PCS	0.03
		Proposed woodland	0.20
		Secondary substation	0.21
		Skylark Plot	0.23
4	Unregistered/Unknown The Chancellor Masters and Scholars of the University of Oxford University of Oxford University Offices Wellington Square Oxford OX1 2JD	Cable Route Corridor – 8.37ha	
5	Smith and Sons (Bletchington) Ltd Enslow, Kidlington Oxford	Cable Corridor – 33.20ha	

Land Holding No	Land Holding	Land Use Breakdown within Project
	OX5 3AY	
6	Punch partnerships, Elsley Court 20-22 Great Titchfield Street London W1W 8BE	Cable Corridor – 0.07ha
7	Oxford Diocesan Board of Finance Church House Oxford Langford Locks Kidlington OX5 1GF	Cable Corridor – 3.43ha
8	The Wardens and Scholars of the House or College of Scholars of Merton University of Oxford, Oxford OX1 4 JD	Cable Corridor – 3.55ha
9	The Sunderland Foundation (as Trustee of the Duke of Marlborough's 1981 settlement)	Cable Corridor – 3.74ha

Land Holding No	Land Holding	Land Use Breakdown within Project
	PO Box 175 Guernsey Gy1 4HQ	
10	Malcolm Stuart Hoskins Price, Perdiswell Farm Woodstock, OX20 1QJ	Cable Corridor – 5.29ha