BOTLEY WEST SOLAR FARM

OXFORDSHIRE HOST AUTHORITIES

Closing Statement

- Cherwell District Council
- Vale of White Horse District Council
- West Oxfordshire District Council
- Oxfordshire County Council

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Closing Statement

The Oxfordshire Host Authorities (the “**OHA**”) are comprised of the following host authorities who are working collaboratively to represent constituents on key issues during this Examination and assist the Examining Authority (“**ExA**”) with the Examination’s smooth running:

- Cherwell District Council (“CDC”)
- Value of White Horse District Council (“VWHDC”)
- West Oxfordshire District Council (“WODC”)
- Oxfordshire County Council (“OCC”)

In these submissions, the Oxfordshire Host Authorities may be referred to variously as the OHA, the Host Authorities or the Councils.

Purpose of this Submission

This submission is the Closing Statement of the Oxfordshire Host Authorities. In order to aid the Secretary of State in their duty under S104(2)(b) of the Planning Act to have regard to any submitted Local Impact Report, the Host Authorities propose to use their joint closing statement as an opportunity to run through the key impacts contained within the joint Local Impact Report [**REP1-072**] and outline whether the Host Authorities consider the applicant has sufficiently addressed these impacts throughout the examination. The hope is that this document, in combination with Statements of Common Ground submitted at D8, will aid both the ExA and the SoS in understanding where disagreement remains between the Host Authorities and the Applicant and will streamline the ExA and SoS’s consideration of the LIR when making their decision. Given the substantial areas of disagreement that remain between all the OHA and the applicant, the OHA request that the SoS considers this document both important and relevant to making their decision in line with Section 104(2)(d) of the Planning Act.

1. Overall Position

1.1.1 In principle Oxfordshire Host Authorities (OHA) support proposals for green energy providing there are no significant adverse environmental impacts. The OHA recognise there is a climate emergency and that the expansion of solar generating capacity in Oxfordshire is needed as part of the transition to net zero.

1.1.2 Despite considerable efforts by the OHA to help shape the proposals into an acceptable form, including the submission of maps showing an alternative scheme extent to reduce landscape impacts [**REP6-118]** as reiterated throughout the pre-examination and examination stages, our position remains that in its current form the proposed development cannot be supported due to the significance of its impacts.

1.1.3 OHA note the duty of the Secretary of State under S104 of the Planning Act 2008 to have regard to any submitted Local Impact Report when determining an application for development consent. At the close of the examination, OHA maintain that many of the issues raised within the joint Local Impact Report [**REP1-072**] have yet to be addressed by the applicant. These include (but are not limited to):

- Significant impact on local landscape character and views.
- Significant impact on heritage assets.
- Impact on the Oxford Green Belt.
- The lack of clarity around ecological impacts and concerns around the adequacy of the proposed mitigation.
- Insufficient landscape and Public Rights of Way (PRoW) mitigation for a scheme of this scale.
- Sterilisation of mineral resources.
- Aviation Safety
- Lack of clarity on National Grid substation / grid connections.
- Further amendments to the draft DCO are required.

1.1.4 The removal of panels around Bladon and Oxford Airfield at Change Request 2 was welcomed but further removal is needed to reduce the impact on Green Belt, landscape, heritage assets and minerals. To make the scheme more acceptable from a Landscape, Heritage and Visual Impact perspective, it should be scaled back to the extent shown in the Landscape and Heritage Omission Maps submitted by the OHA **[REP6-118].**

1.1.5 Further detail on outstanding issues is set out in Section 2.

2 Local Impacts

2.1 Green Belt

Very Special Circumstances (VSC)

2.1.1 The proposed development has been identified to be inappropriate development in the Oxford Green Belt which is, by definition, harmful and carries substantial weight. Such development should not be approved except in VSC and that VSC will only exist if the harm to the Green Belt by its inappropriateness, and any other harm, would be clearly outweighed by other considerations.

2.1.2 It will be for the Secretary of State to determine whether VSC put forward by the applicant outweigh the harm to the Green Belt, but the OHA consider VSC have not been adequately demonstrated to set aside the harm to the Oxford Green Belt by its inappropriateness.

2.1.3 The proposed development will introduce a substantial amount of new development into open countryside and have a significant impact on openness for more than a generation, conflicting with the purposes of the Oxford Green Belt. Furthermore, changes made to the DCO application do not substantially address the Green Belt impact as set out in the OHA Joint Local Impact Report [**REP1-072**]. The impact remains negative.

2.2 Historic Environment

Blenheim World Heritage Site

2.2.1 The OHA remain concerned about the impact of the proposed development on the setting of the Blenheim Palace World Heritage Site and the impact that this could have on the Outstanding Universal Value of this asset of the highest significance. This is primarily a result of the proximity, scale and massing of the solar farm proposals, extending from close to the listed wall that encircles the World Heritage Site and out into the open countryside to abut historic rural settlements throughout the rural landscape which define the setting of the WHS.

2.2.2 Whilst welcomed that the Applicant provided baseline information on, and assessment of, effects to historic landscapes as part of their application for development consent but this was largely divorced from consideration of the rest of the historic environment. This was particularly apparent with regard to the open agricultural landscapes that form the setting of the Blenheim Palace WHS and RPG.

2.2.3 This agricultural landscape provides important context for the designed landscape, was part of the source of the wealth of successive Dukes that contributed to the development of the landscape park and is indivisible from its significance – including through its contribution to the settings of these assets.

2.2.4 Changes made to the proposed development under Change Request 2 go some way to mitigating the impacts of the proposed development on the World Heritage Site, but the OHA consider that these are primarily from a visual perspective and don’t fully address the impact on the setting of the WHS.

2.2.5 The views are consistent with those of ICOMOS International as set out in their Technical Review submitted by Historic England **[REP4-052].**

2.2.6 ICOMOS, based on the material at its disposal, advises that it considers that the proposal will likely have an adverse impact on the Outstanding Universal Value of the World Heritage property and advises that the proponent consider alternative locations for this development to avoid these negative impacts on the Blenheim Palace World Heritage property.

2.2.7 ICOMOS also expresses its concern at the level of development pressure on the immediate setting and wider setting of the property, specifically in this context where the property has no buffer zone defined to provide it with an extra layer of protection.

2.2.8 This is relevant in the context of whether VSC exist for development in the Green Belt. Given the strong statutory and Local Plan protections for heritage assets, the Oxford Green Belt and natural environment features such as the Cotswold National Landscape, arguments have been made against establishing a buffer zone for Blenheim Palace and Park WHS, which is already provided with a very high degree of protection for the WHS Outstanding Universal Value. Allowing development within the Green Belt would undermine this additional protection from the effects of cumulative development within the setting of Blenheim Palace WHS.

2.2.9 The continued erosion of the landscape character of the immediate and wider settings poses an imminent danger of erosion of the contribution of the setting of the property to its Outstanding Universal Value.

2.2.10 ICOMOS concludes that the proposed development, its current form, individually and through cumulation with other proposals in the wider setting of the property, presents a significant adverse impact on the Outstanding Universal Value of Blenheim Palace through a cumulative transformation of its wider rural setting.

2.2.11 Although EIA is concerned with significant effects, in a WHS context any negative effect – i.e. harmful impact – to any level would be expected to be avoided. The OHA consider the impact remains negative.

Setting of other Heritage Assets

2.2.12 As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of heritage assets (NPS-EN3).

2.2.13 It remains the view of the OHA that the proposed development will harm the setting of heritage assets across the project area including heritage assets of the highest significance.

2.2.14 Updated settings assessments prepared by the applicant confirm that the proposed development will result in predominantly minor adverse effects arising from changes within the settings of heritage assets as well as assessments of negligible adverse and no change for Listed Buildings, Registered Parks and Conservation Areas in and around the project area **[CR2-038].**

2.2.15 Whilst it is accepted that conservation areas and Listed Buildings will not be physically impacted by the proposed development, the open agricultural and rural settings of heritage assets will be significantly changed.

2.2.16 The transformation of the character of the area from rolling countryside to a solar farm landscape will impact the way heritage assets, including Grade 1 Listed Buildings and Conservation Areas at Church Hanborough and Cassington, are understood and experienced from their wider setting.

2.2.17 Overall, the impact on built heritage assets remains negative.

Archaeological significance and mitigation

2.2.18 Paragraph 7.2.81 of the LIR [**REP1-072**] Oxfordshire County Archaeological Services (OCAS) outlined that the proposed method for mitigating significant impacts on archaeological remains (i.e archaeological exclusion areas) would have a positive effect on the impact on archaeological assets. Paragraph 7.2.86 outlines that an archaeological evaluation report would be required to fully assess the significance of any archaeological remains. Paragraph 7.2.85 outlines that it would not be possible to comment on the adequacy of the proposed archaeological exclusion areas until an evaluation report has been submitted.

2.2.19 Paragraph 5.9.12 of NPS EN-1 states that the applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents.

2.2.20 Despite an evaluation report being requested by OCAS as early as the Relevant Representation [**RR-0793**], and within the LIR [**REP1-072**] and despite requests by the Examining Authority at ISH1 and in Examining Authority’s First Written Questions, this evaluation report was not submitted into the examination until Deadline 6. The versions submitted at deadline 6 were draft documents.

2.2.21 Given the draft nature of these documents, and the very limited timescale in which to review these evaluation reports, OCAS has not been able to fully consider whether the applicant has adequately assessed the significance of archaeological remains within the site. OCAS cannot ensure that the applicant has adequately assessed the significance of archaeological remains until it has had the opportunity to review the final versions of these reports. This will not be possible before the end of the examination.

2.2.22 Despite this and to assist the Examining Authority in making their recommendation OCAS has suggested in their response to questions 11 and 12 of the latest Rule 17 Letter, where archaeological mitigation areas should be revised in light of the contents of the draft evaluation reports. These are preliminary suggestions and would likely be subject to change based on more detailed review of the finalised evaluation reports.

2.2.23 Given the late submission of these documents, and the lack of time for OCAS to adequately consider them the Council contends that the applicant has failed to ensure that the significance of archaeological remains can be adequately considered based on the submitted application. The application therefore has failed to comply with paragraph 5.9.12 of NPS EN-1.

2.2.24 To ensure that OCAS can review the final versions of these reports and to ensure that revised archaeological buffer zones are agreed based on the final reports, the OHA propose the following revision to the Archaeology Requirement:

> 10.—(1) No part of the authorised development may commence and no part of the permitted preliminary works for that part comprising the intrusive archaeological surveys may start until;
>
> b) the evaluation reports and buffer zones have been amended and approved by the local planning authority and;
>
> b) following the agreement of the buffer zones and evaluation reports an archaeological written scheme of investigation for that part has been submitted to and approved in writing by the relevant planning authority.
>
> (2) For the purposes of sub-paragraph 10(1), “commence” includes part (a) of the permitted preliminary works insofar as the works relate to intrusive archaeological surveys.
>
> (3) The archaeological written scheme of investigation must be substantially in accordance with an outline written scheme of investigation, approved in advance by the relevant planning authority, and must be implemented as approved.
>
> (4) within two years of the completion of the archaeological mitigation fieldwork an updated project design and post excavation assessment detailing all processing, research and analysis necessary to produce and secure the delivery of an accessible and useable archive and a full report for publication must be submitted to and approved in writing by the relevant planning authority.

2.3 Landscape and Visual Impact

2.3.1 Section 7.3 of the OHA Joint Local Impact Report (LIR) [**REP1-072**] contains the following summary of the OHA landscape and visual concerns with the DCO:

‘Summary:

- *The OHA consider the proposed development would result in significant effects to both Landscape Character and Views.*

- *The approach and methodology used in the LVIA [**PDB-006**] underplays the impact of the development. The LVIA assesses the development as not causing significant effects on the landscape character, and with regard to visual effects, no significant effects are anticipated by year 15.*
- *The OHA are concerned that the LVIA is not clear in how it has been used to inform the siting, scale and design of the scheme, including master planning to avoid areas of most significant landscape and visual impacts and how landscape character and visibility have been used to inform the mitigation strategy.*
- *The OHA are concerned that the proposed mitigation methods such as hedges around Public Rights of Way will fundamentally change the way the landscape and views are appreciated.’*

2.3.2 As part of the LIR the OHA asked that the applicant revisit their LVIA and address concerns raised in the LIR with regards to methodology / scope / process, baseline information, assessing effects, mitigation and design, and visualisations. The OHA still have the same concerns about the application, as listed in the LIR [**REP1-072**] and as summarised above.

2.3.3 The applicant has made minor amendments and additions to the LVIA since the submission. However, changes have been minor and have not gone far enough to adequately address the issues the OHA have with the LVIA.

2.3.4 The OHA note that the applicant’s responses throughout the DCO process have predominately focused on justifying their approach rather than trying to achieve the best possible outcome in landscape and visual terms. Overall, the lack of engagement with the OHA during the pre-application stage, and the lack of willingness to adequately address areas of concerns by the OHA and other interested parties including local residents has been disappointing.

2.3.5 The OHA recognise and accept that National Strategic Infrastructure Projects (NSIPs) will by their nature adversely affect landscape character and views. The OHA are also not against large-scale solar development in Oxfordshire but consider it important that such development is located within less-sensitive locations and informed by landscape and visual assessment work.

2.3.6 The OHA consider that the LVIA still underestimates the impact on landscape character and views. The OHA also consider that the mitigation hierarchy of *avoid, minimise, mitigate, compensate* has not been adequately applied with regards to landscape and visual impacts when developing the scheme.

<u>Methodology</u>

2.3.7 Key concerns raised in the LIR in relation to methodology included the applicant using DMRB guidance in combination with GLVIA3, the setting of significance thresholds, the application of duration and reversibility, consideration of the geographical extent, addressing cumulative effects, landscape and visual baselines and lighting. Whilst the applicant has made some minor amendments to the methodology, the OHA consider that their concerns have not been adequately addressed as outlined in the OHA’s response [**REP6-119**]. Concerns also remain about the assessment at Year 15 being a summer assessment with limited reference to winter impacts.

2.3.8 The OHA also asked the applicant to revisit the visualisation methodology including ZTV production, photography height, field of view of the proposed development, single frame visualisations, modelling of visualisations, accuracy of visualisations, annotations of viewpoints, including the scheme layout on location plans.

2.3.9 The applicant has provided additional information during the examination process, but the OHA have remained concerned with regards to visualisations. There has been no updated ZTV to account for changes that have been made to the scheme since the DCO application was made, for example with regards to the increased height and scale of the substation elements of the DCO application. Also, the OHA still has concerns about the number of viewpoints, the field of view of the proposed development, the accuracy of visualisations and the annotation of viewpoints.

<u>Landscape character baseline and assessment</u>

2.3.10 The OHA raised concerns about the landscape character baseline including the applicant’s approach on landscape susceptibility, judgements regarding landscape sensitivity, assessment of effects on landscape character and landscape features of the site, and the approach taken in assessing and describing effects on landscape character.

2.3.11 The applicant has added some additional information into the LVIA and appendices with regards to Landscape Character but has not changed the assessment conclusions. Additional information has also been provided by the applicant in the written responses associated with the Deadlines. The new information is contradictory in places as pointed out in [**REP6-119**].

2.3.12 The OHA’s concerns on how landscape character has been covered and assessed in the LVIA remain.

<u>Visual baseline and assessment</u>

2.3.13 The OHA asked the applicant to review and revise the visual baseline and assessment including visual susceptibility to local communities, judgements regarding visual sensitivity, the assessment of visual effects on PRoWs, and the viewpoint assessments where levels of effects have reduced between years 1 and 15, despite no planting being proposed in these locations that would provide any screening.

2.3.14 The applicant has revised parts of the LVIA and made minor amendments and additions; however, this does not go far enough to adequately address the OHA’s concerns as covered in the OHA response to DL6 [**REP6-119**].

2.3.15 Since Scoping stage, the OHA raised concerns that the LVIA does not adequately cover effects on residential properties and settlements. Related to this the OHA questioned the lack of a Residential Visual Amenity Assessment (RVAA). The applicant has provided additional information in form of a RVAA at Deadline 6 [**REP6-064 & REP6-065**], however this information has been shared late in the day and no information from the RVAA has been drawn into the LVIA to provide information on effects on residential properties and to inform mitigation. The OHA’s concerns about the impacts on residential receptors therefore remain.

<u>Mitigation</u>

2.3.16 The OHA raised concerns about the proposed mitigation throughout the process and asked for the LVIA to be revised to provide further information on how landscape and visual matters have informed landscape mitigation proposals, and to reflect on the appropriateness of the proposed mitigation measures. As part of this the OHA raised two issues in particular:

- the use of hedgerows and new planting and the impact these will have on the landscape character and views, and how it will fundamentally change the experience afforded to users of PRoWs, and
- the use of a standard 25m buffer to settlements and residential properties.

2.3.17 The applicant has revised parts of the LVIA and made minor amendments with regards to mitigation proposals and additional information. Additional information has been provided as part of updates to the Outline Landscape & Ecological Management Plan [**REP6-034**] and the RVAA respectively, however, the OHA consider that their concerns with regards to the approach to mitigation have not been adequately addressed. This is covered in detail in OHA deadline 6 response [**REP6-119**], LIR [**REP1-072**] and OHA Responses to Examining Authority’s Second Written Questions (ExQ2) Q2.13.8 [**REP4-074**].

2.3.18 In addition, the OHA have questioned the lack of consideration of embedded mitigation in the process and requested more clarity on the design evolution, and how the LVIA work had inform the siting, scale and design of the scheme. As part of this the OHA requested the submission of a ‘Constraints and Opportunities plan’ to aid the master planning of the site with the aim to inform where panels should be removed from the development to avoid significant harm to landscape character and visual amenity. Such a Constraints and Opportunities plan has not been provided.

2.3.19 The applicant has submitted change requests, but these are not in response to addressing impacts on landscape character and visual amenity. The OHA do not consider that the change requests, have sufficiently addressed the OHA concerns about reducing significant harm to landscape character and visual amenity as outlined in OHA’s response [**REP6-118**].

2.3.20 The OHA consider that their concerns about how the LVIA work has been used to inform the siting, scale and design of the scheme to aid the master planning of the site remain. The OHA cannot therefore see how the mitigation hierarchy has been followed.

2.3.21 The applicant has not revised the scheme to ensure that their proposed mitigation does not impact on the way the landscape and views are appreciated. The OHA does not agree that this can fully be addressed in the LEMP as the layout of the panels and other elements of the scheme cannot be addressed at that stage. This is covered in OHA’s response [**REP6-119**].

<u>Mapping and Documentation</u>

2.3.22 In the LIR the OHA raised concerns about the quality and ease of access to the documentation and requested improved mapping for the scheme to aid understanding. This included the provision of a plan combining the proposed layout of the scheme with locations of photo viewpoints and numbered PRoW routes to ease understanding of what might be visible in views. Improved mapping of the locations of schemes considered in cumulative assessment in association with the scheme layout were also requested.

2.3.23 The applicant has provided an additional plan containing viewpoints and PRoWs, however, there is still no plan combining all the requested information together to assist the OHA and all other interested parties when considering landscape and visual effects.

2.4 Ecology, Nature Conservation and Trees

Ecological surveys and the application of the Mitigation Hierarchy

2.4.1 In the LIR **[REP1-072]** the OHA outlined their concerns that several surveys for protected species such as otters, water voles and bats had not been carried out by the applicant prior to submission. It was therefore questioned how that applicant could have considered impacts on these species within their scheme design and therefore how the applicant had applied the mitigation hierarchy within their design.

2.4.2 Since submission of the Local Impact Report, some of the missing ecological survey work identified in the LIR has been undertaken and submitted by the applicant, including a Bat Technical Note and an update of the Biodiversity Net Gain assessment to include watercourses. However, no otter or water vole survey has been submitted. It remains questionable how, in the light of the late provision or continued absence of this data, it can be demonstrated that application of the mitigation hierarchy has informed design with regards to these ecological matters. It is also questionable how the applicant can demonstrate that the scheme will not result in harm to species such as otters when the site has yet to be surveyed for this species. The 10m buffer zones proposed by the applicant around all water courses is not sufficient to prevent harm to otters being as otters will roam further than 10m from riverbanks.

2.4.3 Impacts on Protected and Priority Species and Mitigation and Enhancement Needs

2.4.4 In the LIR [**REP1-072**] the OHA raised concerns around the applicant’s proposed mitigation and enhancement methods for certain protected and priority species including bats, Great Crested Newts, Skylarks, Dormouse and Nightingales.

2.4.5 During the examination provision of further detail has allowed better understanding of the impact of the proposals on the internationally important bat assemblage, and mitigation is now proposed in the form of a 3-tier approach to buffers of bat flight lines. This is noted within the Bat Technical Note [**REP6-044**] and oLEMP [**REP6-034**].

2.4.6 The Councils accept this approach in principle [**REP6-117**] but suggest justification for the width of the buffers proposed is provided and request that the Tier A buffers are identified on a plan within the oLEMP or on the Masterplan. The OHA have been informed that this will be included in a revised version of the oLEMP at D7, however being as the councils will not be able to review these prior to the end of the examination the councils cannot outline if these late revisions are sufficient to address their concerns.

2.4.7 We consider further enhancements for bats could be achieved by additional buffering and habitat linkage of Bladon Heath and Burleigh Woods. Detailed monitoring of the bat assemblage during the lifetime of the project will be important to understand if the mitigation is effective and allow for remedial actions, if necessary, commitments are made to monitoring within the oLEMP and Bat Technical Note.

2.4.8 The applicant has clarified that they will be obtaining a great crested newt licence through Natural England, so there is no need to secure use of the District Level Licence within the DCO requirements. However, whilst habitat provision is likely to enhance terrestrial conditions for GCN, no provision for ponds has been made within the design which would have provided further opportunities for breeding GCN. As such it is not clear that the applicant is taking to opportunity to provide enhancements for this key protected species.

2.4.9 We still do not consider that the proposed mitigation for Farmland Birds (in particular breeding skylarks) is adequate, despite the submission of a Skylark Technical note at Deadline 4. The Councils provided comments on why they disagree with the conclusions of the technical note in our response at Deadline 5 ([**REP5-025**] page 21). The Councils support the use of a requirement to secure a mitigation strategy for farmland birds, particularly skylark as has been suggested by the ExA in their schedule of proposed changes to the draft Development Consent Order.

2.4.10 Concerns about the potential ‘lake effect’ on wetland birds and aquatic invertebrates have not been fully addressed; monitoring for this effect should be included for the lifetime of the development within the oLEMP, including mechanisms for remedial action if required.

2.4.11 During the examination some additions to the oLEMP have gone some way to including enhancements for priority species identified in the emerging Local Nature Recovery Strategy, including dormouse and nightingale.

<u>Biodiversity Net Gain and Wider Environmental Net Gain</u>

2.4.12 Following additional survey and assessment, a >20% net gain in watercourse biodiversity units has now been demonstrated by the applicant through proposed removal of encroachment of the riparian zone. However, the survey data to demonstrate this is still outstanding, and is needed to provide assurance that this gain is achievable.

2.4.13 No statement indicating how opportunities for delivering wider environmental net gains have been considered and incorporated into the design have been provided.

2.4.14 Wider environmental net gains would relate to the human health and wellbeing benefits arising from nature (ecosystem services) - considering what the development footprint currently provides in this regard, and how the proposals might change/improve this. There are 18 ecosystem services to be considered including things such as climate mitigation, flood management, food production, clean water, connection with nature etc. The applicant has not addressed this.

Arboricultural Surveys and their impact on Detailed Design stage

2.4.15 In section 7.4 of the LIR [**REP1-072**] the OHA outlined their concern that a full arboricultural survey had not been completed in advance of the submissions. This meant that it was not possible to accurately assess the impacts on trees.

2.4.16 It was also noted that a 15m buffer was suggested for Ancient Woodland. This is a Natural England minimum buffer and is caveated by saying that where other impacts are identified this buffer should be extended. The lack of tree surveys at submission meant it was not possible to assess what impacts were likely to occur to Ancient Woodland.

2.4.17 The OHA also noted that the proposed cable route was within root protection areas for many trees within the site. It was recommended a detailed Arboricultural Impact Assessment and Method Statement was submitted which would identify RPA and tree protection plans for individual trees within the site, especially along the cable corridors.

2.4.18 It was also noted that tree protection protocol scenarios 6 and 9 involved the use of mechanical excavation within the RPA of trees which is not acceptable due to the risk of harm to retained trees.

2.4.19 The need for an Aboricultural Method Statement and Method Statement was re-iterated in the OHA’s response to ExQ2.13.2 [**REP4-074**].

2.4.20 The applicant submitted an Arboricultural Impact Assessment and Method Statement at D6 ([**REP6-014**]-[**REP6-018**]). At this late stage the OHA have not been able to review these submissions in any detail and as such cannot advise the ExA of whether these documents have overcome the OHA’s concerns. This is particularly frustrating given OCC have raised this issue at every stage since the PEIR Response (8th February 2024).

2.4.21 Given the significance of this issue, the OHA would not want the ExA or the SoS to consider that this issue is resolved simply by the submission of an AIA and AMS. As such, if the SoS would find it beneficial the OHA will review these documents and can provide comments to the SoS during the 6-month decision stage.

2.5 Hydrology and Flood Risk

Surface Water Management: Construction

2.5.1 In the LIR [**REP1-072**] the OHA outlined concerns that the outline Code of Construction Practice did not include provision for surface water drainage during construction.

2.5.2 It is noted that the outline Code of Construction Practice [**REP6-028**] makes provision to ensure that the detailed CoCP will include specifics on how runoff from the construction will be managed. This is welcomed.

2.5.3 Whilst having some assurance that the detailed CoCP will provide more detailed information. At this point it is not clear (as there is no detailed information on the ground conditions across the site) what this will entail for different locations, including area potential areas of temporary attenuation or other measures. Concerns around the lack of infiltration testing across the site are outlined below.

Surface Water Management: Operation

2.5.4 The Local Impact Report [**REP1-072**] outlined that the principal of the applicants Conceptual Drainage Strategy was acceptable however the OHA had concerns with the lack of ongoing monitoring of ground conditions beneath the panels and with the lack of ground infiltration testing and detailed modelling to support the strategy.

2.5.5 The Conceptual Drainage Strategy [**REP4-018**] includes for a number of elements:

- The drainage proposals include for the runoff from the solar PV Array to be managed through the management of vegetation and soil adjacent to the panel.

- The ancillary buildings which form PCS and HV converters include for a granular sub-base sized to assume no infiltration.
- Applicant substation and NGET substation are proposed to drain via gravel bases to an attenuation basin.

2.5.6 Where there is a reliance on the land to manage flows either directly or through more constructed drainage methods, the OHA would have expected to see more detailed information on the ground conditions and vegetation to confirm that the runoff from the proposals would be accommodated for on site without increasing flood risk. This includes an understanding of the ground conditions and infiltration rates across the site and any eventual outfalls. OHA maintain that this information has not been provided and without this the applicant cannot confirm that there would not be any increase in runoff or flood risk. This issue was highlighted most recently within the OHA’s written summary of oral submission for ISH2 [**REP6-117**] and remains outstanding.

2.5.7 The OHA have also requested that the maintenance regime for the panels and land include for the specifics around the runoff and monitoring/remediation are explicit as the strategy relies on this to work. It is noted that the outline Operational Management Plan [**REP6-032**], the outline Code of Construction Practice [**REP6-028**] and the outline Landscape and Ecology Management Plan [**REP6-034**] have been updated to include commitments to monitor and remediate any issues arising from changing ground conditions beneath panels. This is welcomed.

2.5.8 Whilst these plans are the mechanism for managing the maintenance and continuing performance of the system, they do not cover the adequacy of any proposals that have been put forward and which we have requested further information on to show that these designs are appropriate.

2.5.9 It is noted that the Conceptual Drainage Strategy [**REP4-018**] has been updated to outline that detailed drainage design will be designed in consultation with the LLFA. Whilst this is welcomed, without ground infiltration testing having been provided at decision stage it is not clear whether the entire concept of the drainage strategy will be adequate. If infiltration testing is carried out post decision and it is shown that infiltration rates are not sufficient to accommodate the applicant’s conceptual strategy, then it may be necessary to include additional drainage features which may necessitate works outside of the approved redline boundary. Given this the lack of infiltration testing throughout the examination remains a concern of the OHA.

2.6 Ground Conditions

Minerals Safeguarding

2.6.1 As set out in the Joint Local Impact Report [**REP1-072**], the proposed development could sterilise and prevent or hinder the extraction of minerals within a Minerals Safeguarding Area, therefore making it contrary to both Policy M8 of the Minerals and Waste Local Plan and NPS-EN1.

2.6.2 Firstly in regard to Policy M8, the site has not been allocated for development in an adopted Local Plan or Neighbourhood Plan, nor will the material be extracted prior to development and nor has it been demonstrated that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource.

2.6.3 Secondly it is contrary to NPS-EN1 in that the minerals have not been safeguarded as part of the proposal, nor have appropriate mitigation measures been put in place. It therefore remains the case that to make the proposal acceptable and in accordance with Policy, the applicant should remove all areas of panels located within the Minerals Safeguarding Areas.

2.6.4 The solar PV modules are expected to be mounted upon metal frames supported by four galvanised steel piles driven into the ground by impact piling to a depth of approximately 2-3 metres. As the solar panels extend across the minerals safeguarding area, the installation of these support structures for the PVs necessitates extensive piling within the safeguarded minerals area. At decommissioning stage, in their response [**REP4-037**] and within the latest outline decommissioning plan **[REP6-036]** the applicant only commits to removal of below ground infrastructure “where feasible and appropriate” and that “where full removal is not practicable, these will be cut to 1m depth”.

2.6.5 This could have significant impact on the mineral safeguarding area as it leaves potentially considerable quantities of 2-3m steel piles in the ground. The requirement for any future mineral operator to remove and dispose of these piles could significantly damage any future mineral resource viability, thereby potentially sterilising the resource.

2.6.6 Further, in their response at [**REP4-037**] the applicant confirmed that they are also not intending to remove the HDD cabling where they fall on mineral safeguarding areas following decommissioning. The implications of these cables would then need to be assessed by any future mineral operator prior to extraction in the area, which could reduce viability even further.

2.6.7 The amount of sand and gravel that would be prevented from being worked is considered significant and would come at a time when central government are prioritising house building and growth which will need the adequate supply of sand and gravel to meet demand.

2.6.8 Overall, given parts of the proposal would prevent, hinder and potentially sterilise 3.58 million cubic meters of aggregate (approximately 6.87 million tonnes of primary aggregate) which could assist in meeting the County’s mineral requirements over the life of the proposed development. The OHA consider the impact on the Mineral Safeguarding Area as significant and negative. The proposal remains a major concern from a Mineral Planning Authority perspective.

2.7 Traffic and Transport (including PRoW)

CTMP for Panel Replacement

2.7.1 In section 7.8 of the LIR [**REP1-072**] the OHA outlined their concern that given the scale of the site, if large numbers of panels needed to be replaced during the operational phase of the scheme this could result in significant impacts on the highways network. The OHA requested that a commitment be made within the outline Operational Management Plan to produce a CTMP if 30% of the panels within any of the three site areas (North, Central and South) needed to be replaced within the site.

2.7.2 In the latest version of the oOMP at D6 [**REP6-032**] the applicant commits to not replacing more than 30% of panels within a single site area within one year. OCC welcomes this commitment and the commitment to provide the Authorities with an annual planned maintenance schedule which would include details of transport requirements. Oxfordshire County Council is content that this has resolved this issue

Interaction with the OCC’s proposed A40 improvements

2.7.3 In the LIR [**REP1-072**] Oxfordshire County Council raised concerns that the applicant’s proposed cable route went through the A40 Eynsham Roundabout. OCC will be undertaking improvements along the entirety of the A40 in 2026 and as such it is likely this roundabout will have been entirely resurfaced in advance of the applicant’s works. OCC would protect these works via S58 of the NRSWA (1991).

2.7.4 The OHA requested in the LIR that the applicant work with the OCC to bring about a solution whereby the applicant’s ducting beneath the A40 was installed whilst OCC were undertaking their planned improvement works. This would mean that the applicant would not need to dig up the newly resurfaced Eynsham Roundabout. Failing this OCC requested that the applicant commit in the oCTMP to resurface the entirety of the Eynsham Roundabout in the event that they install their cable after OCC’s works are complete.

2.7.5 Dialogue has been ongoing between OCC and the applicant on this issue. A S.278 agreement is being finalised which would allow OCC to lay the ducting required by the applicant beneath the roundabout whilst OCC are undertaking their planned works.

2.7.6 To account for the ducting in the A40 works programme, the S278 agreement (which would provide for the funding of the works and the and final design) would need to be completed by March 2026. OCC’s project delivery team is awaiting further details from the applicant to allow them to work on the design of the proposed infrastructure and how this can be incorporated within OCC’s designs.

2.7.7 In addition, at Deadline 6 the applicant included a fallback position within the CTMP [**REP6-029**] which committed them to resurfacing the entirety of the Eynsham Roundabout if OCC are unable to deliver the applicant’s ducting as part of their planned works.

2.7.8 Given the applicant’s co-operation on this issue, and the fall-back secured within the oCTMP [**REP6-029**] OCC is content that this issue has been resolved.

<u>Onsite PRoW Mitigation</u>

2.7.9 In Section 7.8 of the LIR the OHA outlined that, given the scale of the impact on the landscape resultant from the scheme and the impact this would have on users of the PRoW network due to the perception of severance caused by industrial areas cutting across the open countryside, significant onsite PRoW improvements were required.

2.7.10 Improvements to the interconnectivity of the PRoW network within the site were essential to help prevent the perceived severance and ensure that use of the PRoW network continued despite of the impact on the landscape character.

2.7.11 At Appendix 3 of the LIR [**REP1-072**] OCC outlines several onsite improvements, in addition to those proposed by the applicant, that it considers necessary to ensure connectivity within the scheme and prevent perceived severance due to the industrial character of the proposed development. These consisted of 18 improvements which are shown over 8 figures.

2.7.12 The applicant at figures 7.6.3.2 of the oLEMP [**REP6-034**] shows their onsite PRoW improvements. When the applicant’s figures are compared to the LIR figures the following improvements remain outstanding:

- Improvement 1: Onsite footpath connection between 379/11/10 and 416/22/10
- Improvement 2: Onsite bridleway connection between 416/2/50 and 416/20/10
- Improvement 3: onsite bridlepath connection between 413/5/10 and 416/2/30
- Improvements 4 and 5: onsite footpath connection between 413/5/30 and 342/13/10
- Improvement 9: Onsite footpath linking into 152/7/10
- Improvement 11: Footpath upgraded to bridleway to Cassington (with the exception of upgrade to 238/5/20)
- Improvement 12 and 13: Linked Bridleways to 152/6/10 and between 206/11/40 and the Lower Road.

2.7.13 Given this, the applicant has not committed to the comprehensive and well-connected PRoW improvements that the Council maintains are required to mitigate the negative impact the change in landscape character and change in perceptions of connectivity the scheme will have on users of the PRoW. The issue of onsite mitigation is therefore unresolved.

2.7.14 In addition, the OHA outlined in the LIR [**REP1-072**] that the proposed Greenways would need to ensure a minimum of 3-4m clearance on either side of the trackway (this would need to include trees) and a minimum width of 15m. It is noticed that several representative plans and sections of the Greenways are included within the oLEMP [**REP6-034**], not all of which contain a full 3-4m clearance from hedges and trees.

2.7.15 However, it is acknowledged that these are only indicative drawings and the OHA hope to be able to resolve the issue of greenway design at detailed design stage.

Off-site PRoW Mitigation

2.7.16 As outlined above, given the scale of the impact on the landscape resultant from the scheme and the impact this would have on users of the PRoW network due to the perception of severance caused by industrial areas cutting across the open countryside, the OHA outlined in the LIR [**REP1-072**] significant off-site PRoW improvements were required.

2.7.17 As such at Appendix 3 of the LIR, the OHA outlined a series of offsite improvements to mitigate this and requested a £350,000 contribution to enable these improvements.

2.7.18 Oxfordshire County Council has engaged with the applicant on this issue throughout the examination. The applicant has reviewed the offsite improvements proposed within the LIR and is prepared to provide a contribution of £310,000 towards these improvements. However, the applicant contends that they have fully mitigated their impacts on the PRoW network with their proposed onsite mitigation and therefore their position is that these offsite improvements are being provided as a form of community benefit and as such will be secured via a S.111 agreement.

2.7.19 OCC is content with their offer of a £310,000 contribution towards offsite improvements. Whilst the council maintain that these offsite improvements are in fact required as mitigation and therefore that this contribution should be secured via a S.106 agreement, the council is willing to accept the contribution via a S.111 agreement. However, this will need to be a separate agreement to that concerning the annual community benefits fund payment because:

- there will be different signatories (not all councils will need to sign the PRoW mitigation);
- the timescales are different: the S111 for the annual community benefit payment needs to be signed in advance of issue of the decision from the Secretary of State; and
- it must not affect negotiations around the annual community benefits payment.

Active travel

2.7.20 To offset the impact of the development on the local community, improvements to the active travel provision in the areas affected were requested. These improvements have arisen from engagement with the local community through the development of Local Cycling and Walking Infrastructure Plans. Many of these improvements apply to the Public Rights of Way network and were outlined within Transport figures 1-3 of the LIR [**REP1-072**].

- Transport Figure 1 shows on improved bridle way connection which is the same as improvement 2 suggested by the PRoW team within appendix 3 of the LIR. This improvement has not been facilitated by the applicant.
- Transport Figure 2 shows an offsite link between the proposed Bladon-Begbroke cycle path and the Begbroke. Whilst the applicant has not made the provision shown within Transport Figure 2, they have included an offsite connection as one of the improvements they are willing to provide an offsite contribution towards. This is therefore resolved.
- Transport Figure 3 shows upgrade to 238/5/20 to a cyclable route. The Council notes that this section of the PRoW is included in figure 7.6.3.2 of the oLEMP. This is therefore resolved.

2.7.21 Two strategic walking and cycling schemes that are being progressed by OCC interact with the development – Eynsham to Hanborough walking and cycling route via Lower Road, and Eynsham to Botley walking and cycling route via the B4044. The applicant has stated they will not prevent the delivery of the Lower Road walking and cycling route and are aware of the land required. Whilst this has been said there is no commitment within the outline Code of Construction Practice **[REP6-023]** to do so. This commitment would be welcomed.

2.7.22 Cable laying is proposed on the verge of the B4044 where the walking and cycling route is proposed. No finalised plans have ever been shared of this cable routing. The applicant has been requested to ensure that the verge is left in a good state following any works, including burying the cable at a sufficient depth so that delivery of the walking and cycling route is not precluded or made more challenging. Whilst this has been discussed with the applicant in a meeting on the 10th of October 2025, a commitment has not been made within the outline CTMP **[REP6-023]** to do so. This commitment would be welcomed.

2.8 Noise and Vibration

Operating Hours

2.8.1 As set out in 7.9.13 of the OHA Joint Local Impact Report [**REP1-072**], and in our responses to ExQ2 2.1.12 [**REP4-074**] and ISH2 Action Point 21 [**REP6-117**], the OHA maintain that the construction hours should be limited to 07.30H-18.00H Monday to Friday, 07.30H-12.30H on Saturdays and no time on Sundays, Bank and Public Holidays. A longer quiet period at the weekend would be preferred to a slightly shorter construction period due to many residents benefitting more from peacefulness during this time than during the working week.

Noise Assessments

2.8.2 The OHA have previously highlighted concerns regarding the noise impacts of the proposed development during the operational phase of the development, particularly noise impacts of the Power Converter Stations and Sub Stations.

2.8.3 Development should be designed to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Where this can’t be achieved, the various noise control measures considered as part of the assessment should be fully explained (i.e. relocation of noise sources, use of quieter equipment, enclosures, screening, restriction of the hours of operation) and the achievable noise level should be identified.

2.8.4 The applicant has confirmed that operational noise will be limited to a rating level which is up to 4dB greater than the background sound level at the nearest receptor. This operational noise criterion will be secured as a requirement of the DCO and agreed with the relevant stakeholders.

2.8.5 The OHA welcome changes made to the Outline Code of Construction Practice [**REP6-029** – **REP6-030**] which confirm that noise measurements of the PCS units and the main and secondary substations will be undertaken, albeit during the commissioning phase only.

2.8.6 These noise measurements will be carried out to ensure that the electrical equipment associated with the solar farm is operating within the noise limits secured under the Outline Layout & Design Principles.

2.8.7 Overall, the OHA consider the impact on noise remains neutral.

2.9 Climate Change/ Resilience

Climate Resilience

2.9.1 As outlined in the LIR [**REP1-072**] section 7.10 the OHA’s key concerns relate to the resilience of the development to the impacts of climate change, and the adequacy of the climate risk assessment given the availability of specific local information on climate risk, such as Oxfordshire’s Climate Vulnerability Assessment and Extreme Value Analysis.

2.9.2 Paragraph 4.10.1 of NPS EN-1 states ‘If new energy infrastructure is not sufficiently resilient against the possible impacts of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS.’

2.9.3 While it is accepted that the risk from climate change had been assessed (Appendix 2 [**REP1-019**]) and scoped out (Table 14.6 [**APP-051**]), the OHA feels that the applicant’s response does not sufficiently take into account any extreme value analysis which would include a review of the potential impacts of the increased likelihood of extreme weather in the future as stated in [**REP5-125**]. It focuses on average conditions during 2040 to 2069 and 2070 to 2099 to ensure consideration of likely conservative extremes in climate change projections. The OHA position is that it is not the average conditions that are likely to cause damage to the solar farm, but occasional extreme events, as outlined the Oxfordshire Climate Vulnerability Assessment, which will become more likely over the period.

2.9.4 The applicant has provided late-stage clarification ([**REP6-052**] page 29) about the additional mitigations built into the design to address concerns about wind speeds during storms, and the potential impact on the panels. The OHA are pleased to see that learnings from other solar farm damage incidents highlighted during the Examination process have been integrated into design of the development.

2.9.5 However, the OHA still have some outstanding concerns about whether the IEC TS 63126:2020 standards are sufficient to deal with the reduction in efficiency as a result of extreme heat. Given the increased risk of extreme heat throughout the lifetime of the proposed development and the applicant’s indication on the outline Operational Management Plan [**REP6-032**] that large scale replacement of panels will not take place during the lifetime of the development, it is questioned how the applicant could address any issues that arose from Extreme Heat without amending the Development Consent Order.

2.9.6 The issue of Climate resilience is therefore unresolved.

2.10 Socio-Economic

Impact on Tourism

2.10.1 Tourism is a significant contributor to the local economy, with the Cotswold National Landscape and Blenheim Palace. The proposed development has the potential to negatively impact both.

2.10.2 Landscape is an important part of the tourism offer in the local area and, as such, any changes to the natural landscape could impact significantly its appeal. In addition, tourism in the area provides an important contribution to the local economy, providing approximately 36,969 jobs in 2022 and generating a total tourism value of £2.17 billion (Experience Oxfordshire 2022).

2.10.3 The Local Impact Report [**REP1-072**] considered how the proposed development will likely result in negative impacts to landscape and visual resources, including impacts of on public rights of way and long-distance trails, and the historic environment and cultural heritage. These components of the natural, built and historic environment are key attractors to people wishing to visit the area and underpin the tourism industry in this part of Oxfordshire.

2.10.4 Any threats to the integrity of these assets or negative impacts arising from the scheme could substantially impact local tourism and its value to the local economy. Blenheim Palace World Heritage Site alone significantly benefits the local economy through tourism, employment and local spending. Losing World Heritage Site Status could have a significant negative economic impact, through diminished reputation and reduced tourism.

2.10.5 Overall, the OHA consider the impact on tourism remains negative.

2.11 Human Health

2.11.1 The OHA are content that issues raised within the Human Health section of the LIR [**REP1-072**] have been resolved.

2.12 Agricultural Land Use

Best and Most Versatile Agricultural Land

2.12.1 In the Joint LIR [**REP1-072**] the OHA stated that the long term or permanent loss of best and most versatile agricultural land contrary to local policy is regarded as a negative impact of the proposed development. It was contended that the removal of proposed development from areas of best and most versatile agricultural land would mitigate impacts on the soil resource.

2.12.2 The OHA did not agree with the applicant’s assessment that the development is only temporary and therefore it was recommended that the loss of large areas of Grade 2 and 3A BMV land to solar panel arrays should be reviewed and reduced where possible to retain these areas for food production [**REP3-072**].

2.12.3 The removal of panels from the parcels to the south of London-Oxford Airport as a result of Change Request 2 reduces the loss of some areas of Grade 2 BMV agricultural land [**REP6-117**]. However, there are still a substantial number of parcels identified as being of the higher ALCs that remain within the areas proposed for built development. Notably, within the site of the NGET substation where the loss would be unequivocally permanent. The loss of BMV agricultural land will need to be weighed as a harm against the benefits of the development in the overall planning balance.

2.12.4 As per the OHA response to the ExQ2s [**REP4-074**] it is not considered necessary to determine the acceptability of the end state of the land to be used for agriculture as detail can be provided within the required decommissioning plan in accordance with the outline decommissioning plan [**APP-236**].

2.13 Waste and Resources

2.13.1 The OHA continue to have concerns regarding the adequacy of the information submitted in relation to waste management and disposal. The Applicant has not considered and assessed the impact of the development on other waste management methods and associated facilities further up the waste hierarchy, only disposal. The Minerals and Waste Authority would expect to see more detailed projections of waste arisings and a clear strategy for the removal and management of the waste within the Environment Statement and outline plans. Waste management is a material consideration and should be addressed prior to determination.

2.13.2 Whilst it is acknowledged that this development is not the only source of solar panels in Oxfordshire, currently this is the largest development with potentially the use of over 4 million solar panels. Each panel will require replacement at least once over the 40-year operational period, alongside its associated infrastructure. This would result in largest volume of solar panel waste in Oxfordshire, and potentially the UK.

2.13.3 To be able to fully assess the impact of this development on existing waste management facilities within Oxfordshire, not just landfill, and to plan for future waste management needs, the OHA continues to require more detailed projections of waste types, anticipated management routes required and indicative timings. These should be included, ahead of any determination, within the applicants outline Code of Construction Practice and Outline Decommissioning Plan.

2.14 Aviation Activity

2.14.1 The OHA raised concerns about the detrimental impact of the development upon aviation activities at London-Oxford Airport in our Joint LIR [**REP1-072**]. It was considered that the siting of panels on land to the south of the runway would be harmful to public safety by reducing the available area for safe landing in the event of engine failure after take-off (EFATO). It was also contended that inadequate assessment had been carried out to determine the impacts of glint and glare, thermal plumes and wildlife displacement/’lake effect’ on aviation.

2.14.2 Following consideration of Change Request 2, which proposed the removal of panels/built development on land to the south of the runway, the OHA note that Oxford Aviation Services (the operator of London-Oxford Airport) welcomes the extent of the safeguarded zone for EFATO. The OHA also observe that the amended version of the Glint and Glare Study Rev 1 [**REP4-012**] adequately addresses this matter in terms of impact upon the airport. The OHA are therefore content that harm to public safety has been satisfactorily addressed in respect of EFATO and Glint and Glare.

2.14.3 The OHA acknowledges that a Thermal Impact Report [**REP6-066**] and a Thermal Plume Primary Radar Refraction Report [**REP6-067**] were provided at Deadline 6. It is noted that both reports conclude that there would be minor effects in terms of turbulence and negligible effects in terms of radar interference. The Civil Aviation Authority (CAA) and Oxford Aviation Services’ views on these reports and their findings are awaited and therefore the OHA cannot confirm if thermal effects have been appropriately addressed. The OHA also notes that the issue of displaced wildlife and the potential for increased incidence of ‘bird strike’ has not been addressed to the satisfaction of the airport operator [**REP6-113**].

2.14.4 Whilst a suitable safeguarded zone for EFATO has been provided and Glint and Glare in respect of the airport have been appropriately dealt with, the OHA continue to believe that the development could be detrimental to public safety due to outstanding concerns from London-Oxford Airport and the CAA in respect of thermal effects and wildlife displacement.

2.15 Cumulative Effects and Inter-relationships

2.15.1 Issues relating to cumulative effects are outlined above within relevant sections, notably the Ecology, Historic Environment and Landscape and Visual Impacts sections.

3 Comments on Draft Development Consent Order

Introduction

3.1.1 The OHA’s Deadline 4 document Responses to Examining Authority’s Second Written Questions (ExQ2) [**REP4-074**] included (at Appendix 1) a table which set out the OHA’s comments on the draft DCO, as set out in their Joint Local Impact Report [**REP1-072**], the Applicant’s response to those comments, as set out in its Responses to Local Impact Reports Submitted at Deadline 1 [**REP2-026**] and the OHA’s reply to that response.

3.1.2 This document updates the earlier table (under the column headed OHA’s reply) with the OHA’s Deadline 7 update, which comments on the latest version of the draft DCO, which was submitted at Deadline 6 [**REP6-005**].

OHA’s comment	Applicant’s response	OHA’s reply
3. Art.2(1) (interpretation) The “permitted preliminary works” are excluded from the definition of “commence”. Several of the excluded works seem significant; for instance, sub-paragraph (c) includes “works in relation to construction compounds and access to construction compounds” and sub-paragraph (h) includes “site clearance (including vegetation	This exclusion is deliberate and the reason for this is set out at section 3.2 of the Explanatory Memorandum [REP1-006]. This exclusion is required to enable the undertaker to carry out certain enabling phase works and preparatory works prior to the submission of relevant details for approval under all of the requirements contained in Schedule 2 to	The OHA understand the exclusion is deliberate and while the OHA appreciate the Applicant’s response, they do not consider it is a response to the points raised in their original comments. The OHA would be grateful if such a response could be provided. **Deadline 7 update:** The latest version of the draft DCO **[REP6-005]** deletes,

removal, demolition of existing buildings or structures”. The OHA would welcome more information in respect of these, including (in respect of sub-paragraph (h) for example) which existing buildings and structures are proposed to be demolished, and how the works mentioned in that sub-paragraph. It would be helpful if the relevant paragraphs of the ES which assess the “permitted preliminary works” could be flagged up. In addition, several of the excluded works are temporary in nature. For example – • Sub-paragraph (c) includes the provision of “temporary facilities for the use of contractors”; • Sub-paragraph (f) provides for “temporary means of enclosure, fencing and site security for construction”; • Sub-paragraph (g) provides for “the temporary display of site notices or advertisements”. Does the Applicant have any idea of what “temporary” might mean	the Order so that certain works can be carried out without "commencing" the authorised development, in order to build the required flexibility into how the authorised development can be constructed. The works identified in the "permitted preliminary works" include pre-commencement activities such as surveys, monitoring and site investigations which are considered appropriate as the nature of these works means they are not expected to give rise to environmental effects requiring mitigation.	from sub-paragraph (h), of the definition of “permitted preliminary works”, the “demolition of existing buildings or structures”. The OHA welcome this deletion. The OHA’s questions regarding temporary works remain i.e. those in respect of sub-paragraphs (c), (f), and (g) and whether the Applicant has any idea of what “temporary” might mean in each of these scenarios? The OHA await confirmation about what will happen to the land after it has been put to its temporary use. For instance, will it be reinstated (say) to a condition suitable for its former use? The OHA obviously consider this should happen.

in each of these scenarios? Also, for sub-paragraphs (f) and (g) what will happen to the land after it has been put to its temporary use? For instance, will it be reinstated (say) to a condition suitable for its former use? Regarding fencing, the OHA assume the works falling within sub-paragraph (f) would be captured by requirement 8 (fencing and other means of enclosure) and the OHA would be grateful if the applicant could confirm this is the case.		
7. Art.6(1)(a) (application and modification of statutory provisions) This provision seeks to disapply s.23 of the Land Drainage Act 1991. As stated elsewhere in this LIR (Chapter 6.6 (hydrology and flood risk)) OCC (the lead local flood authority) would prefer to maintain the tried and tested regime under s.23, rather than replace it with a regime which includes, for instance, shorter timeframes for determining applications. OCC therefore opposes the disapplication of s.23.	As set out at 3.2.15 of the Explanatory Memorandum **[REP1-006]**, the Applicant has sought disapplication of section 23 of the Land Drainage Act 1991 on the basis that this will be addressed through protective provisions for the protection of the relevant drainage authorities (Part 3 of Schedule 15 to the Order). To the extent that any aspects of the Land Drainage Act 1991 remain relevant to the protective provisions included for the protection of drainage authorities, these are being negotiated with those drainage authorities and agreed wording will be	No protective provisions have yet been agreed, though the OHA is keen that discussions on these now progress in earnest. As mentioned in the OHA Comment row, Chapter 6.6 of the Joint LIR **[REP1-072]** provides additional information on this point. **<u>Deadline 7 update:</u>** The OHA Deadline 6 response **[REP6-117]** to the *ExA's Proposed Schedule of Changes to the dDCO* **[PD-015]** explained, at PC-005 (article 6), the OHA position on the disapplication of s.23 of the Land Drainage Act 1991. The ExA has recommended the omission of article 6(1)(a)

	incorporated into the draft DCO in due course.	and the OHA agreed with that omission. The OHA maintain that position. For convenience, the text regarding PC-005 is below – “The OHA agree with the ExA’s reasoning for the deletion of this provision because no agreement has been reached on the applicant’s proposed protective provisions. Owing to this, there is no reason to retain in the draft DCO (i) sub-section (a) of article 6 (in relation to s.23 of the Land Drainage Act 1991) and (ii) the protective provisions included at Part 3 (for the protection of drainage authorities) of Schedule 15 (protective provisions) to the draft DCO. In any event, the OHA would prefer to retain the use of the Land Drainage Act (“LDA”) regime, which they are used to and which works. The protective provisions would reduce the time for determining applications from a maximum of 62 days (if an application covered (say) July and August or December and January) to 28 days. The OHA consider such a reduction is unrealistic because that is not the timeframe the relevant team works to. Having said that,

		applications under s.23 of the LDA are generally dealt with in around a month (the average is around 32 days), though this timeframe does not include any the time taken for any pre-application discussions. Obviously, complex applications can take longer. The LDA process is straightforward for an applicant and works. The OHA will work proactively with any applicant in respect of an application and would emphasise that using the LDA regime does not mean the process cannot be managed in a forward-looking way. The OHA have mentioned in previous submissions that there is an agency agreement in place between OCC and the district councils which allows the district councils to determine applications under the LDA. The agency agreement does not provide for determining applications under the instant Order and so it would have to be reworked to provide for this. The OHA would prefer to avoid this additional administrative step, especially since a satisfactory regime is already in place to determine applications”.

8. Art.6(3) (application and modification of statutory provisions) The effect of this provision is that any hedgerow to which the Hedgerow Regulations 1997 apply can be removed if required “for carrying out any development or in the exercise of any functions that are authorised by the” Order. (This power is wide-ranging. For instance, unlike art.38(4) (felling or lopping of trees and removal of hedgerows), it does not appear to be limited to hedgerows within the Order limits). The OHAs consider the power under art.6(3) be limited to art.38(4) e.g. – “(3) Regulation 6(1) of the Hedgerows Regulations 1997 has effect as though after sub-paragraph (e) there were added— “(ea) for the purposes of article 38(4) of carrying out any development or in the exercise of any functions that are authorised by the Botley West Solar Farm Order 202[ ];” The OHA’s concerns with art.38 are set out below.	The Applicant disagrees, on the basis that “carrying out any development or in exercise of any functions that are authorised” by the DCO will be limited to what powers the DCO grants to the Applicant within the Order Limits. As set out in the Explanatory Memorandum [REP1-006], that wording is also consistent with the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.	For clarity and the avoidance of doubt, the OHA would prefer their wording which explicitly links art.6(3) with the power under art.38(4). In the light of the OHA’s objection to the Applicant’s proposed amendments to Schedule 12 (as set out in the reply to Question 2.7.10) – where certain hedgerow works are now proposed outside the Order Limits – the OHA is particularly keen for its proposed amendment to be included. **<u>Deadline 7 update:</u>** The OHA maintain the position set out in the OHA Comment row and above.
10.Part 3 (streets) OCC would welcome discussions on the Applicant’s proposed highways powers which, in their current form, are too wide-ranging. For instance,	The Applicant would welcome further discussion with the local authorities on this matter if that would assist, but directs the local authorities to Article 9	OCC welcomes the Applicant’s commitment to enter into an agreement under section 278 of the Highways Act 1980 to address the highways impacts of the project.

and to name but four of these concerns, OCC is concerned by (i) the absence of a need for consent before carrying out the street works mentioned in article 8(1) (street works), (ii) the absence of a need for consent before carrying out the works mentioned in article 9(1) (power to alter layout, etc. of streets), and (iii) how OCC will be resourced to carry out additional highways-related work proposed by the draft DCO (iv) the lack of certainty regarding whether any streets which will be resurfaced will be resurfaced to a standard OCC considers satisfactory.	which says “Where the undertaker is not the street authority, the provisions of sections 54 (notice of certain works) to 106 (index of defined expressions) of the 1991 Act apply to any street works carried out under paragraph (1)”.	OCC hopes that discussions can now progress in earnest with a view to completing an agreement as soon as possible. **<u>Deadline 7 update:</u>** The OHA maintain the position set out in the OHA Comment row and above. The OHA Deadline 6 response **[REP6-117]** to the *ExA’s Proposed Schedule of Changes to the dDCO* **[PD-015]** explained, at PC003, the OHA’s position in respect of (i) the section 278 agreement which is being negotiated between OCC and the applicant to provide for ducting works to take place before the instant order is made and (ii) the wider point regarding the need for highways agreements. Regarding the latter, the OHA note the (identical) amendments made to paragraphs 1.6.7 and 1.7.3 of the latest version of the CTMP **[REP6-028]**; however, the OHA do not consider these amendments go far enough and consider the Applicant’s new text should be added to as follows –

		“**The highways side agreements will be entered into before commencement of the authorised development and will be based on OCC’s template section 278 agreement**. The Applicant will reimburse the highway authority or street authority (as relevant) for any reasonable and proper costs incurred in respect **of any work arising from an article or requirement of the DCO. This includes, but is not limited to,** determining if any permanent or temporary alterations to streets have been completed to the reasonable satisfaction of the highway authority or street authority (as relevant), in line with costs for similar Section 278 or Section 184 applications made under the Highways Act”. The OHA’s additional text is shown in bold and underlined.
11. Art.11(4)(b) (temporary closure of public rights of way) By art.11(4)(b), the street authority’s consent is required before certain streets or public rights of way are interfered with and “the street authority may	The Applicant does not consider that such amendments are necessary as the current wording does not prevent the relevant authority from already imposing reasonable conditions when granting consent. The current drafting is also	The OHA consider the current wording is inconsistent and the requested amendments should be made. As mentioned in the OHA Comment row, certain provisions which refer to the grant of consent state that conditions may be

attach reasonable conditions to any such consent”. Similarly, by art.17(3), (discharge of water) – “The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs whose consent may be given subject to terms and conditions as that person may reasonably impose”. There are other provisions in the draft Order which require the consent of a consenting body (for example articles 9(4)(power to alter layout, etc., of streets), 16(4)(b) (traffic regulation measures), 18(4)(a) and (b) (authority to survey and investigate the land) and 38(6)) (felling or lopping of trees and removal of hedgerows); however, these provisions are silent as to the power to attach or impose reasonable conditions. For consistency with arts.11(4)(b) and 17(3), the OHA consider the power to attach conditions should be attached to each consenting provision, as follows – Article 9(4) – “(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street	consistent with a range of other solar DCOs granted by the Secretary of State.	attached to that consent; however, other provisions which refer to the grant of consent are silent as to the power to attach conditions. It is surely preferable for the drafting within a statutory instrument, which is as much a piece of legislation as an Act of Parliament, to be consistent to avoid any confusion in future. The OHA note the current drafting is consistent with other solar DCOs, from the OHA’s analysis of other solar DCO Examination Authority Recommendations and Reports and Decision Letters, this point does not seem to have been picked up on previously. While the precedent point is noted, the OHA believe drafting can always be improved and consider that their proposed amendments would improve the drafting in the instant Order because it would aid clarity. **<u>Deadline 7 update:</u>** The OHA welcome the amendments to the following provisions which now provide for the attachment of conditions to the consents mentioned in those provisions –

authority and the street authority may attach reasonable conditions to any such consent”. Article 16(4)(b) – “(4) Before exercising the power conferred by paragraph (2) the undertaker must— (a) consult with the chief officer of police in whose area the road is situated; and (b) obtain the written consent of the traffic authority and the street authority may attach reasonable conditions to any such consent”. Article 38(6) – “(6) The undertaker may not pursuant to paragraphs (1) and (5) fell or lop a tree or remove hedgerows within the extent of the publicly maintainable highway without the prior consent of the highway authority, and the highway authority may attach reasonable conditions to any such consent”.		• Article 15(4)(b) (Traffic regulation measures) • Article 17(4)(a) and (b) (Authority to survey and investigate the land) • Article 37(6) (Felling or lopping of trees and removal of hedgerows) Article 9(4) (Power to alter layout, etc., of streets) states – “The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, **such consent to be in a form reasonably required by the street authority**”. [Emphasis added]. For consistency with the drafting elsewhere in the dDCO, the OHA consider this provision should be drafted as follows – “The powers conferred by paragraph (2) may not be exercised without the consent of the street authority **and the street authority may attach reasonable conditions to any such consent**”.
12. Art.11 (temporary closure of public rights of way) and art.11 (permanent closure of public rights of way)	The Applicant would welcome further discussion with the local authorities on this matter if that would assist.	The Applicant’s assumption is correct: the reference should be to article 12, rather than article 11.

The OHAs concerns with the public rights of way provisions are set out in Chapter 6.9 (traffic and transport (including public rights of way)). The OHAs would welcome a discussion on those concerns with a view to agreeing the best way forward.	The Applicant assumes the reference regarding permanent closure of public rights of way is to Article 12, rather than Article 11.	Discussions on this point are currently taking place. The OHA will update the ExA in respect of the discussions at D5. **<u>Deadline 7 update:</u>** As stated in previous submissions, the OHA consider a financial commitment of approximately £350,000 for off-site improvements in respect of public rights of way works is required. The OHA Deadline 6 response **[REP6-117]** to the *ExA's Proposed Schedule of Changes to the dDCO* **[PD-015]** explained, at PC003, that the payment should be secured by an article, based on article 65 of the A122 (Lower Thames Crossing) Development Consent Order 2025 (SI 2025/462). Further detail is set out at point 23 below (concerning Requirement 7 (BNG)).
13. Art.15 (agreements with street authorities) Officers are concerned by the scope of the powers proposed under Part 3; however, it is possible most concerns can be addressed by making the proposed works under Part 3 subject to an agreement drafted in line with OCC's	The Applicant would welcome further discussion with the local authorities on this matter if that would assist.	OCC welcomes the Applicant's commitment to enter into an agreement under section 278 of the Highways Act 1980 to address the highways impacts of the project. OCC hopes that discussions can now progress in earnest with a view to completing an

standard highways agreement. OCC will share this with the Applicant and would welcome discussions on the same.		agreement as soon as possible. **<u>Deadline 7 update</u>:** Please see the reply at point 10 regarding Part 3 (streets).
14. Art.16(7)(a) and (b) (traffic regulation measures) These provisions refer to the “instrument” which must include any provision made by the undertaker under art.16(1) or (2). OCC considers it would be helpful if a copy of the made instrument were made available by the undertaker and also sent to OCC. In the light of this, OCC would suggest a new art.16(8) to provide as follows – “(8) A copy of the instrument referred to in paragraph (7)(a) must be held at the registered office address of the undertaker for inspection during normal working hours and, as soon as reasonably practicable after being made, a copy must be served on the highway authority”.	This provision is typical of a number of solar DCOs and the Applicant expects that the written instrument will be of a similar form to that provided by other undertakers. We note that that Article 16(5) requires publication of the undertaker’s intention to exercise the relevant powers to the chief officer of the police and the relevant traffic authority. The undertaker is also required to provide notice in relevant newspapers that the provisions relate to. On that basis, there is already a clear notice mechanism prior to the powers being exercised and the Applicant does not consider any further amendments are required.	OCC disagrees. As traffic authority, it is important for OCC to have a complete picture of what is happening to its traffic network and the provision of a copy of the “instrument” would aid this. It is also likely that OCC will be the first port of call for a person with an interest in the “instrument” and, as such, it would be helpful if it could be provided with a copy of the same once it has been made. Sending a copy of the instrument which affects the traffic network to the traffic authority once it has been made would be reasonable and would impose a negligible administrative burden on the Applicant. Since OCC considers the provision to it of a copy of the instrument, OCC would propose to amend the suggested new art.16(8) as follows – “(8) As soon as reasonably practicable after the instrument referred to in paragraph 7(a) being made, a copy of it must be

		served on the highway authority”. **<u>Deadline 7 update:</u>** the OHA welcomes the inclusion of article 15(8) (Traffic regulation measures) of the draft DCO **[REP6-005]**.
16. Art.35 (consent to transfer the benefit of the Order) If the benefit of the Order is transferred, each of the OHA wish to be notified of the same and request that art.35 is amended accordingly.	The notification process under Article 35 is related to the Secretary of State’s specific role within this Article, so that they hold a record of what benefits have been transferred, and what of those benefits have or have not required its consent. The Applicant considers the proposed amendment to be inappropriate on the basis that: • The OHA do not have any role in granting consent for the transfer of benefits; • There is no separate provision for notification of other parties regarding the transfer of benefits that the Secretary of State consents to; • The current wording is consistent with a range of other recently consented Solar DCOs, including East Yorkshire and West Burton.	The dDCO provides the OHA with an important role in the discharge of requirements and other consents and it clearly in the interests of good administration for them to be informed of any transfer, particularly if such a transfer would have an impact on any role which the dDCO demands they undertake. The provision of the requested notification would impose a negligible administrative burden on the OHA and the request for its inclusion in art.35 is reasonable. The OHA note that the forthcoming Fenwick Solar Farm Order **[REP4-004]** includes, at art.36(8) (consent to transfer the benefit of the Order), a similar provision, namely – “A copy of any decision by the Secretary of State to approve a transfer or grant under paragraph (3) or the notification of a transfer or grant issues under

		paragraph (4) shall be provided by the undertaker to the relevant authority as soon as reasonably practicable following issuance;” Similarly, the Examining Authority’s recommended DCO for the forthcoming Gatwick Airport Northern Runway project (published 27 February 2025) includes the following provision at art.8(6) (consent to transfer benefit of Order) – “The undertaker must notify a local highway authority in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than that local highway authority the benefit of the Order in respect of local highway works in an area for which that local highway authority is the relevant highway authority”. The OHA’s request is consistent with the latest approach to the drafting of this provision. **<u>Deadline 7 update:</u>** the OHA welcomes the inclusion of article 34(8) (Consent to transfer the benefit of the Order) of the draft DCO **[REP6-005]**.

17. Art.38 (felling or lopping of trees and removal of hedgerows) By article 38(4), the undertaker may “… undertake works to or remove any hedgerows within the Order limits that may be required”. Paragraph 22.1 of PINS Advice Note Fifteen: drafting Development Consent Orders states – “Applicants may wish to include an Article within the draft DCO to allow the removal of hedgerows (if necessary) for the purposes of carrying out the Authorised Development. The draft DCO can include an Article with powers which remove the obligation on the Undertaker to first secure consent under The Hedgerows Regulations 1997 …It is recommended that DCO Articles of this kind are made relevant to the specific hedgerows intended for removal. To support the ExA, the Article should include a Schedule and a plan to specifically identify the hedgerows to be removed (whether in whole or in part). This will allow the question of their removal to be examined in detail. Alternatively, the Article within the DCO could be drafted to	The specific hedgerows to be removed are captured within Schedule 12 of the DCO. As the hedgerow removal plans is an Approved Document subject to Requirement 3 of Schedule 2, amendments to the hedgerow removal plans must not be given unless the relevant planning authority is satisfied that the amendment is unlikely to give rise to materially new or materially different environmental effects. There are a range of other mechanisms within the draft DCO that prevent the general use of hedgerow removal powers in a manner that would generate materially different environmental effects to what have been assessed in the ES. In particular, the CoCP and LEMP must be prepared and approved by the relevant planning authority prior to commencement. The CoCP must include a CTMP. To the extent that these are developed in a way that is inconsistent with the hedgerow removal plans: • Depending on the inconsistency, they may not satisfy the relevant requirement of being in	The OHA’s concerns regarding hedgerows are set out in the reply to Question 2.7.10, particularly those works now proposed outside the Order Limits. **Deadline 7 update:** The OHA maintain the position set out in the OHA Comment row and above.

include powers for general removal of hedgerows (if they cannot be specifically identified) but this must be subject to the later consent of the local authority”. The draft DCO does not include a schedule and plan identifying the hedgerows to be removed under article 38(4). Similarly, the requirement to obtain consent under art.38 is limited to the scenario described in art.38(6) i.e. when proposing to “remove hedgerows within the extent of the publicly maintainable highway” when the highway authority’s consent is required. In the light of the above, the OHA consider art.38(4) should be amended to reflect the advice mentioned above.	“substantial accordance” with the outline plan; or • Under Schedule 16, paragraph 2(3), any applications made to the relevant planning authority to discharge a requirement must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are. Again, to the extent that removal of hedgerows not identified in Schedule 12 would result in discharge of a requirement in a way that has materially different environmental effects, it would be open to the relevant planning authority to refuse to discharge the requirement.	
18. Art.39 (trees subject to tree preservation orders) Paragraphs 22.2 and 22.3 of PINS Advice Note Fifteen: drafting Development Consent Orders state – “22.2 Applicants may also wish to include powers	Consistent with the recently consented East Yorkshire DCO, the Applicant does not consider that a schedule identifying specific trees for removal is necessary, noting the comprehensive mitigation package already proposed for trees	Please see the OHA’s reply in **[REP3-072]** on this point: page 6, paragraph 16.3.1 (replacement trees) – “OHA welcome the inclusion of this paragraph, but it should be further amended to cover all trees removed.

allowing them to fell, lop or cut back roots of trees subject to a Tree Preservation Order (TPO). This power can extend to trees which are otherwise protected by virtue of being situated in a conservation area. To support the ExA inclusion of this power should be accompanied by a Schedule and plan to specifically identify the affected trees. 22.3 Trees subject to TPO and/ or are otherwise protected (and likely to be affected) should be specifically identified. It is not appropriate for this power to be included on a precautionary basis. Proper identification of affected trees will enable the ExA to give full consideration to the particular characteristics that gave rise to their designation and the desirability of continuing such protection”. In the light of the advice mentioned above, the OHA consider this article should be accompanied by a Schedule and Plan.	affected by the Project within CoCP and LEMP. Moreover, the carrying out of the authorised development is subject to the Requirements at Schedule 2 of the draft DCO. Requirement 6 secures the need for a Landscape and Ecology Management Plan (LEMP) to be submitted for approval, which must be substantially in accordance with the outline LEMP. The Applicant has updated the oLEMP at Deadline 2 to include an obligation to require replacement where required by the street authority. Namely: “where an individual tree subject to a TPO must be removed to facilitate part of the scheme and the local authority requires replacement, a new tree of equivalent species and ultimate size will be agreed with the LPA. Planted in the same place or as near as reasonably practicable to the position of the removed tree, subject to operational requirements. Replacement planting for individual trees will utilise Standard tree stock (8-10cm girth) and will be planted in the next planting season following removal. The final species	Furthermore, whilst OCC recognises that the majority of trees removed would not be within the authority of the council, OCC would expect the applicant to plant at least 2 trees for every tree removed in line with Policy 3 of the Tree Policy for Oxfordshire. The OHA also considers it important that the development’s scheme design should seek to avoid the impact on TPO in the first instance before considering replacement planting. In addition, OCC requests that CAVAT (Capital Asset Value for Amenity Trees) assessments should be provided for OCC trees that require removal as part of the development in line with Council’s tree policy”. **Deadline 7 update:** The OHA maintain the position set out in the OHA Comment row and above.

	and planting location will be agreed in advance with the LPA”. The Applicant therefore maintains that the general power is suitably controlled.	
19. Art.45 (procedure in relation to certain approvals etc.) Sub-section (2) states – (2) Where paragraph (1) applies to any consent, agreement or approval, such consent, agreement or approval must not be unreasonably withheld or delayed. By art. 45(4) if within 8 weeks after the application for consent has been submitted to a consenting authority the authority has not notified the undertaker of its disapproval, it is deemed to have approved the application for consent. Owing to the deeming provision, the OHA do not consider the reference to delaying consent in art.45(2) is necessary and so the words “or delayed” should be omitted.	The Applicant considers it appropriate for this to remain, on the basis that while the deeming mechanisms are intended to provide a ceiling within which the consenting authority must respond regarding an approval, the consenting authority should still avoid unreasonable delays in providing approvals. There may be circumstances, depending on the approval in question, where a delay is unreasonable but the deemed provision has not been engaged.	The OHA maintain the position set out in the OHA Comment row. The Applicant considers the period of 8 weeks to be a reasonable maximum period for the determination of applications. If determination does not take place within that period, the deeming provision can take effect. In the light of this, the reference to “delay” is unnecessary because a suitable sanction is already included in the Order. **<u>Deadline 7 update:</u>** The OHA maintain the position set out in the OHA Comment row and above.
23. R.7 (biodiversity net gain) The OHAs consider that sub-paragraph (2) should be amended as follows – “(2) The biodiversity net gain plan must be substantially in	The Applicant does not consider any amendment to Requirement 7 is required on the basis that the oLEMP will require each LEMP to demonstrate how the Project	The OHA consider their suggested approach is reasonable and consistent with recent DCO drafting. For example, in addition to the example given in the OHA Comment row, requirement 7(2)

accordance with the outline landscape and ecology management plan and the biodiversity net gain statement and must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates”. The biodiversity net gain statement sets out the approach to BNG adopted by the project and is set out in ES Volume 3, Appendix 9.13 [APP-162] and so its inclusion in R.7(2) is appropriate on this basis. The OHAs note that Requirement 9 of the Cottam Solar Project Order 2024 (2024/943) includes the following subparagraph -“The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 76.8% biodiversity net gain in habitat units, a minimum of 56.1% biodiversity net gain in hedgerow units and a minimum of 10% biodiversity net gain in river units for all of the authorised development during the operation of the authorised development, and the metric that has been used to calculate that those	contributes to the achievement of BNG.	(biodiversity net gain) of the East Yorkshire Solar Farm Order 2025 states – “(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 80.42% biodiversity net gain in area-based habitat units, a minimum of 10.30% biodiversity net gain in hedgerow units, and 10.09% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs’ 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body)”. Moreover, requirement 7(2) of the forthcoming Fenwick Solar Farm Order **[REP4-004]** includes a similar provision. **<u>Deadline 7 update:</u>** As stated in previous submissions, a mechanism is required to secure a fee for the work carried out by the district councils in reviewing BNG monitoring reports

percentages will be reached”. The OHAs consider it would be helpful if a similar provision (albeit with updated figures etc.) were included in requirement 7 of the instant Order.		prepared by the applicant and undertaking BNG-related site visits. Under the TCPA regime, such a fee is secured by section 106 agreement. (The applicant has stated that the oLEMP sets out how BNG monitoring will be undertaken. It does; however, the oLEMP does not provide for the payment of the fee mentioned above). The Applicant is unwilling to enter into a s.106 agreement to secure this funding. The OHA Deadline 6 response **[REP6-117]** to the *ExA’s Proposed Schedule of Changes to the dDCO* **[PD-015]** included, at PC-003, the OHA’s proposed mechanism for securing this payment i.e. a new article, based on article 65 of the A122 (Lower Thames Crossing) Development Consent Order 2025 (SI 2025/462). The OHA maintain their position and, for completeness, the proposed article is set out below – “**Financial arrangements for the relevant planning authority and the highway authority** (1) The undertaker, the relevant planning authority and the highway authority,

		(“the parties”) are to agree in writing the financial contribution to be made available by the Applicant for the benefit of the relevant planning authority and the highway authority. (2) The agreement referred to in paragraph (1) is to be made prior to the commencement of the authorised development. (3) The financial contribution referred to in paragraph (1) is to be used for— (a) monitoring by the relevant planning authority of BNG monitoring reports prepared by the undertaker; (b) undertaking by the relevant planning authority of BNG-related site visits; and (c) undertaking off-site improvements to the public right of way network. (4) If agreement is not reached regarding the financial contribution, the parties are to agree that the matter is referred to an agreed independent assessor or arbitrator, or failing agreement to be appointed on the application of any of the parties (after giving notice to the other parties) by the President of the Institution of Civil Engineers (“the President”).

		(5) The parties are to agree a timetable with, and the provision of papers and documents to, the agreed independent assessor or arbitrator or with the arbitrator appointed by the President. (6) The costs of the consideration of the financial contribution (referred to in paragraph (1)) by the agreed independent assessor or arbitrator, or the arbitrator appointed by the President, is to be paid by the undertaker. (7) The reasonable costs of the relevant planning authority and the highway authority is to be agreed between the parties and paid by the undertaker. (8) The agreed independent assessor or arbitrator or the arbitrator appointed by the President is to prepare a recommendation regarding the appropriate level of the financial contribution referred to in paragraph (1).The recommendation referred to in paragraph (7) is to be submitted to the Secretary of State by the undertaker together with any supporting papers and documents provided to the agreed independent assessor or arbitrator or arbitrator appointed by the President.

		(9) In relation to the recommendation, the Secretary of State may— (a) approve the recommendation; (b) refuse the recommendation; or (c) modify the recommendation in such way as the Secretary of State thinks fit”.
24. R.8 (fencing and other means of enclosure) As explained in Chapter 6.3 (historic environment) of the LIR, the OHA consider a specific heritage related requirement is required in respect of the Grade II listed Milestone located on Oxford Road and this could be included at the end of existing Requirement 8, as follows – “(7) No part of the authorised development may commence until a detailed scheme of protection for the Grade II listed Milestone located on Oxford Road (NHLE number 1181978) (“the Milestone”) has been submitted to and approved by the relevant planning authority. (8) The scheme mentioned in sub-paragraph (7) must - (a) explain how the Milestone will be protected by fencing during the construction and	Chapter 7 - Historic Environment of the ES [APP-044] assessed potential effects of the Project on the Oxford Road Milestone. It was concluded that there would be only minor residual adverse effects, with no further mitigation or monitoring required. On that basis the Applicant does not consider it necessary to include a specific requirement within the draft DCO providing specific protections for the Milestone.	The OHA’s Joint LIR **[REP1-072]** states (at paragraphs 7.2.67 and 7.2.68) – “Milestone on the Oxford Road (NHLE number 1181978) lies within the cable route area. The impact assessment is that there will be a minor adverse impact during construction, operation and decommissioning. It is not proposed to move the asset which is significant both for its age and its specific location relative to the areas it marks. As it is not proposed to change the asset’s location, VWHDC is satisfied that the impact to its significance will be minor changes to the road conditions largely during construction and decommissioning. In order to be satisfied that there is no risk to the asset during these periods it is suggested that should consent permission be granted for the scheme, a requirement is attached to

decommissioning of the authorised development; and (b) be implemented as approved”. This addition to R.8 is required to protect and safeguard the milestone during construction and decommissioning.		any order which agrees, prior to commencement, protection measures to be installed during commissioning and again during decommissioning which protect the asset from any damage. These agreed measures must be retained in place until such time that all construction and decommissioning works have been completed. The reason is to preserve the asset in line with both Local Policy and Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990”. It will be noted that this is a relatively small Milestone and potentially easy to miss by (say) a HGV or other vehicle. In the light of the above, the OHA consider the request for addition protection in the requirement to be reasonable and would encourage the Applicant to accept the drafting proposed in the OHA Comment row. **<u>Deadline 7 update:</u>** The OHA maintain the position set out in the OHA Comment row and above.
26. R.11(2) (code of construction practice)	The Applicant seeks further clarification from	The cross-reference in the OHA Comment row is

As explained in Chapter 6.5 (Ecology, Nature Conservation and Trees) of the LIR, the OHA consider that, under sub-paragraph (2), the code of construction practice should also include a construction environmental management plan. A draft construction environmental management plan should be submitted into the examination as soon as possible and officers would we willing to discuss its proposed contents after Deadline 2.	the OHA as to what specific measures they consider would be captured by a construction environmental management plan that are not already captured by the management plans already proposed for the Project.	incorrect. The correct cross-reference is to Chapter 7.4 (Ecology, Nature Conservation and Trees) of the Joint LIR **[REP1-072].** The OHA maintain their position as set out in that Chapter. **Deadline 7 update:** The OHA maintain the position set out in the OHA Comment row and above.
27. R.14 (decommissioning and restoration) The OHAs note that Requirement 21(2) and (3) of the Cottam Solar Project Order 2024 (2024/943) differ from R.14 of the instant draft Order as follows – “(1) The date of decommissioning must be no later than37.5 years following the date of final commissioning. (2) Unless otherwise agreed with the relevant planning authority to which this requirement applies, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised	The Applicant agrees to the inclusion of the new requirement 21(2) as proposed by the OHA, requiring the Applicant to provide notice of the date it intends to commission any part of the Project. In respect of a longer period of 8 weeks under Requirement 21(3) for providing the relevant part of the decommissioning plan, Schedule 16 already provides an 8 week timeframe for discharging requirements, as does the general deemed approval procedure under Part 2 Article 45. Such timeframes should remain consistent within the Draft DCO as otherwise the	The OHA welcome the inclusion of new requirement 14(2) but, as mentioned in the OHA Comment row, in requirement 14(3), the OHAs would welcome the slightly longer notification period of 10 weeks in respect of the submission of the decommissioning plan. **Deadline 7 update:** The OHA welcome the inclusion of “no later than 10 weeks” in article 14 (decommissioning and restoration).

development, the undertaker must notify that relevant planning authority of the intended date of decommissioning for that part of the authorised development. (3) Unless otherwise agreed with the relevant planning authority to which this article applies, no later than ten weeks prior to the intended date of decommissioning of any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to that relevant planning authority for that part a decommissioning plan for approval”. The OHAs consider it would be helpful if the notification mentioned in R.21(2) of the Cottam order was also provided to the relevant planning authority under the instant draft Order. Similarly, the OHAs would welcome the slightly longer notification period of 10 weeks in respect of the submission of the decommissioning plan.	decommissioning plan could be deemed to be approved while the relevant planning authority is still within the 10 week period if specified under Requirement 14. We note that it would be open to the Applicant to provide documents to the relevant planning authority sooner and that the Draft DCO is intended to provide for the minimum time period within which the decommissioning plan must be provided. The Applicant also does not consider this to be necessary, particularly if an additional notice mechanism is being introduced 12 months in advance of decommissioning. This gives the relevant planning authority plenty advance warning that the decommissioning plan or relevant part is to be provided for approval.	
29. Proposed new requirement (2) During Issue Specific Hearing 1, there was a discussion on whether a Grampian condition should be included in the	The Applicant’s position, as set out at Issue Specific Hearing 1, remains that a Grampian condition is not necessary. Please refer to the Applicant’s Written Summary of Oral	The OHA maintain the position set out in the OHA Comment row. **<u>Deadline 7 update:</u>** The OHA maintain the position

draft DCO preventing the undertaker from (i) exercising compulsory purchase powers and (ii) commencing the authorised development until planning permission has been granted for the proposed National Grid substation. The OHAs consider such a provision would be sensible because it would ensure that infrastructure which is important to the instant application has been consented before the instant works can be commenced.	Submissions at Issue Specific Hearing 1 [REP1-019].	set out in the OHA Comment row.
30. Proposed new requirement (3) Prior to the commencement of the development, it is anticipated that works will have recently been completed on the A40 and the OHAs would not want these to be dug up under powers contained in the DCO (for instance, for the purposes of installing the authorised development’s cable route). In the light of this, the OHAs consider the draft DCO should include a provision which prevents this happening. As matters stands now, the OHA’s understand the cable route could cross the area of recently completed works. The	The Applicant refers to [APP-062] 6.4 of the ES - Figures 2.1a - 2.4d - Illustrative Masterplan Figure 2.2F Central site area 6 of 6 which indicates the location of the cable route crossing the A40 road. It is noted that OHA’s have stated that there is the intention to re-surface this area of road. The Applicant has been in discussions with OCC highways team, and has agreed that any prior works to the roads, and surface will be advised, in advance of the works commencing by OCC highways team, to enable the Applicant to manage their phasing and workstreams to minimise the damage to newly	Please see the reply to Question 2.16.2. **Deadline 7 update:** The OHA Deadline 6 response **[REP6-117]** to the *ExA’s Proposed Schedule of Changes to the dDCO* **[PD-015]** explained, at PC-003, the position regarding the section 278 agreement which is being negotiated in respect of the A40 works. At D6 the applicant updated their Outline Code of Construction Practice **[REP6-028]** OCC is content with the fallback position secured within the outline CTMP ensuring that, in the event the applicant’s cabling works are untaken following the OCC planned

OHAs would like clarity that the undertaker will either avoid the refurbished section of road or utilise HDD at a sufficient depth to prevent any harm to the new road. The OHAs consider this could be secured via a requirement to submit details of any proposed cable crossing of the A40 prior to them starting works on that section of the cable routing.	completed works. The Applicant will use all reasonable endeavours to achieve this, but due to programme and logistical constraints this may not always be achievable. In relation to and HDD to this crossing of the A40, this option was considered, but there was not a location for an exit point for the HDD, therefore open cut trenching was discussed with OCC in this location. As the Applicant cannot control the nature and timing of the works proposed to the A40, it is not realistic to include a Requirement within the DCO that prevents the Applicant from undertaking works in this location where necessary to deliver the Project. However, the Applicant acknowledges that there is a need to work closely with the OHAs in delivering works in this area, and commercially motivated to do this in the most efficient and effect manner possible on the basis that any damage to the road from cabling works will need to be remediated.	improvements to the Eynsham Roundabout, the applicant will resurface the entirety of the A40 roundabout to a suitable standard and will enter into a Highways Side Agreement to ensure the works are undertaken to a suitable standard.

32. Schedule 16 (procedure for discharge of requirements) – paragraph 5 (fees) The first point to make is that while the relevant planning authorities will be required to deal with applications for consent under articles and under requirements, by paragraph 5(1) of Schedule 16, a fee is only payable in respect of requirements. The OHAs consider that a fee should also be paid for dealing with applications under articles. The Council's approach is consistent with the standard drafting for a provision dealing with procedure for the discharge of approvals, as set out in Appendix 1 to PINS Advice Note 15, which concerns drafting DCOs. The second point to make is that the proposed fee is too low. Paragraph 5(1) applies the fee prescribed in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. This amounts to £145. If we assume an hourly rate of £100 for an officer to deal with this work, it would mean the officer would have to deal with	The Applicant notes that the ability of the relevant planning authority to recover fees prescribed in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 has precedent from a number of other Solar DCOs, as set out in the Explanatory Memorandum [APP-017]. Recognising the OHA's concerns about the sufficiency of those regulations, the Applicant notes the DCO provides flexibility for adjustments to these fees to reflect future amendments to the regulations, through the wording “as may be amended or replaced from time to time”. The Applicant does not consider it necessary for there to be a general cost-recovery mechanism for provision of approvals under the DCO, but welcomes further engagement with the OHA on exploring the potential for planning performance agreements.	The OHA maintain their position set out in the OHA Comment row. The Applicant has demanded, in its Order, that the OHA must discharge requirements and other consents. By section 120(2) of the Planning Act 2008, it could have chosen another body or bodies to discharge requirements. It has therefore chosen to involve the OHAs. Moreover, the Applicant has imposed on the OHA a regime which can allow for the deemed consent of applications in a certain circumstances. This means that the OHA will have to prioritise any application under the DCO. In these circumstances, it is only fair that the cost of the work the Applicant is requiring the OHA to do, will be met by the Applicant. This applies to the cost of discharging requirements and any other consent under the Order. The OHA welcome the Applicant's willingness to explore planning performance agreements and would suggest that discussions on these now begin in earnest.

any discharge application within approx.1 hrs and 24 minutes before dealing with the application was costing the relevant authority money. It is unlikely that any application will be capable of determination within that time period. While no local authority can make a profit for this work, it is reasonable for it to seek the full recovery of the actual costs incurred. This is not only about fairness but also about the way in which the Order is drafted. For example, by paragraph 2(2) of Schedule 16, the relevant planning authority will have 8 weeks to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. By article 45(4) of the Order, a similar regime applies in respect of consents sought under articles. Dealing with any application for consent under this Order will therefore be a matter of high priority for the relevant planning authority and it is possible that external help will be sought to ensure matters are dealt with on time. Rather that the regime currently proposed in the Order, the OHAs considers		**<u>Deadline 7 update:</u>** The OHA maintain the position set out in the OHA Comment row and would make the additional comments – No PPA has been entered into between the Applicant and OHA; instead, the OHA have amended paragraph 5 (fees) of Schedule 16 (procedure for discharge requirements) of the draft DCO **[REP6-005]** to include different application fees for different applications. The OHA do not consider these are satisfactory and the basis for including them in the draft Order is unclear. If such an approach is to followed, the OHA consider the fees included in the table should be reasonable and proportionate and would propose the following text instead – **BWSF Planning Fees Fees** **5. — (1) Where an application is made to the relevant local planning authority for agreement, endorsement or approval in respect of a requirement, a fee shall be paid to each discharging authority within whose**

<table>
<tr>
<td>it would be preferable if the Applicant and OHAs entered into a planning performance agreement (“PPA”) for the full recovery of the OHA’s costs in discharging any application under the Order. The
OHAs consider there is enough time to agree a PPA during the Examination and would be willing to share a first draft of such an agreement with the Applicant in order to progress matters.
Once the PPA is agreed, existing paragraph 5 can be replaced with a provision which states fees for applications will be paid in accordance with the PPA.</td>
<td></td>
<td>administrative area the application falls and based upon the size of the site as follows —

<table>
<tr><th>Requirement</th><th>Fee</th></tr>
<tr><td>Category 1: reserved matters (major)

Requirement 5: Detailed design approval</td><td>In accordance with subparagraphs (2), (3) and (4)</td></tr>
<tr><td>Category 2: minor reserved matter and other details

Requirement 6: Landscape and ecology management plan
Requirement 7: Biodiversity net gain
Requirement 8: Fencing and other means of enclosure
Requirement 9: Surface</td><td>£2,535</td></tr>
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		and foul water drainage Requirement 10: Archaeology Requirement 11: Code of Construction Practice Requirement 14: Decommissioning and Restoration	
		Category 3: re-approvals (i) In respect of any Category 1 or Category 2 requirement where an application is made for discharge in respect of which an application has been made previously; and (ii) Requirement 3: Approved details and	**£578**

		amendments to them	
		Category 4: Other **Requirement 4: Community Liaison Group** **Requirement 8: Fencing and other means of enclosure** **Requirement 12: Operational Management Plan** **Requirement 13: Skills, Supply Chain and Employment** **Any approval required by a document referred to by any requirement or a document approved pursuant to any**	**£462**

		requirement |
		Calculation of Category 1 fees **(2) Subject to sub-paragraph (3) and (4) below, applications for discharge of requirement 5 shall be calculated as follows —** **(a) where the area of gross floor space / gross site area to be created by the development does not exceed 40 metres, £462;** **(b) where the area of the gross floor space / gross site area to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £578;** **(c) where the area of the gross floor space / gross site area to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £578 for each 75 square metres of that area;** **(d) where the area of gross floor space /gross site area to be created by the development exceeds 3750 square metres, £21,150; and an additional £127 for each 75 square metres.** **(3) For the purpose of the calculation of fees**

		pursuant to paragraph 5(2)— **(a) the gross site area shall be taken as consisting of the area of land to which the application relates;** **(b) the area of gross floor space created by the development shall be ascertained by external measurement of the floor space, whether or not it is bounded (wholly or partly) by external walls of a building;** **(c) the gross floor space / gross site area to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 metres.** **(4) The maximum total fee payable to each local planning authority for discharge of requirement 5 shall be £333,092.** ***Fee increase*** **(5) Where an application under sub-paragraph (1) is made and a fee payable on or after 1 April 2025, then regulation 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits)(England)**

		Regulations 2012(a) (as may be amended by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Amendment Regulations 2023) will apply as modified by this Order, so that “the relevant amount” means the fee payable under sub paragraph (1). ***Monitoring fees*** **(6) Prior to commencement of development a fee of £35,000 shall be paid to each discharging authority towards enforcement monitoring during the lifetime of the application.** The figure in sub-paragraph (4) is based on the sum included in Category 5 (the erection, alteration or replacement of plant or machinery) set out in “Fees for planning applications in England from 1 April 2025”, a link to which is below. **Planning fees: annual indexation from 1 April - GOV.UK** This is the sum that would apply if a TCPA application for a solar farm were made. While the OHA obviously appreciate this is not a TCPA application,

		they consider there is no reasonable justification for a lower sum to apply in respect of an NSIP application. It will be noted the fee in Category 5 of “Fees for planning applications in England from 1 April 2025”, is a maximum in total of £411,885. Having considered other DCOs which include a similar fee schedule to the one proposed (including the Sizewell C Order) the OHAs have applied a lower figure than that included in Category 5, which is closer to precedent.

New Deadline 7 comment

Requirement 10 (archaeology)

As outlined above the OHA require the applicant to submit the final versions of the Archaeological Evaluation reports before buffer zones can be agreed

The OHA consider it is essential that the full archaeological archive must be deposited with OCC; however, the outline written scheme of investigation does not provide for this. To ensure this is done, the OHA consider Requirement 10 should be amended as follows to as follows

> 10.—(1) No part of the authorised development may commence and no part of the permitted preliminary works for that part comprising the intrusive archaeological surveys may start until;
>
> a) the evaluation reports and buffer zones have been amended and approved by the local planning authority and;
> b) following the agreement of the buffer zones and evaluation reports an archaeological written scheme of investigation for that part has been submitted to and approved in writing by the relevant planning authority.

	(2) For the purposes of sub-paragraph 8(1), “commence” includes part (a) of the permitted preliminary works insofar as the works relate to intrusive archaeological surveys. (3) The archaeological written scheme of investigation must be substantially in accordance with an outline written scheme of investigation, approved in advance by the relevant planning authority, and must be implemented as approved. (4) within two years of the completion of the archaeological mitigation fieldwork an updated project design and post excavation assessment detailing all processing, research and analysis necessary to produce and secure the delivery of an accessible and useable archive and a full report for publication must be submitted to and approved in writing by the relevant planning authority.

Compulsory Acquisition

3.1.3 The applicant has failed to provide the case law references which were promised to OCC to justify the need to CA Highways Land. It is noted that this has been picked up by the ExA and requested in the Latest Rule 17 letter. Unfortunately, this will mean the evidence for this justification will be submitted at D7 and as such OCC will have only 3 days in which to review and respond to this and as such it is likely that the Council will be able to provide a detailed response.

3.1.4 Given this and being as OCC have never been approached by the applicant for negotiations on CA matters, OCC maintains the objection raised to CA of Highways Land as outlined in [**REP6-116**]. Other than vague assertions on potential difficulties when it comes to subsoil rights the applicant has not robustly justified how the CA of Highways Land is necessary in order to facilitate the proposed development in line with section 122 of the Planning Act. The Council therefore objects in the strongest manner to the inclusion of Highways Land within the powers of CA contained within the draft DCO.

4 Community Benefits

4.1.1 The OHA’s position on Community Benefits is as set out in our response to ExQ2 [**REP4-074**] Q.2.15.1 and 2.15.2. The OHA consider the community benefit fund should be secured by a deed entered into under section 1 of the Localism Act 2011 and section 111 of the Local Government Act 1972. The deed will be entered into between the OHA and the Applicant and will need to be completed ahead of issue of any DCO consent.

4.1.2 A community benefit fund figure of £525 per M/W (equating to £441,000) per annum for the duration of the development (index linked) was agreed between the Applicant and the OHA (in consultation with the affected parishes) on 08/05/25. The applicant also submitted this figure in their response to ExQ2.

4.1.3 Further discussions are continuing to refine details around the timing of payments (including whether they would cover the construction phase), scope for an additional funding mechanism from year 15, and a potential scheme that offers low-cost solar panels to affected communities in the early stages of the development.

4.1.4 Consideration is also being given to the future guidance that is likely to be published by DESNZ in relation to Community Benefits for low carbon energy infrastructure following consultation on their working paper in May 2025.

5 Summary and Conclusions

5.1.1 The provision of renewable energy of the nature proposed is supported in principle and the OHA recognises the benefits of the scheme in terms of meeting climate change targets. Notwithstanding, the delivery of new renewable energy infrastructure must be weighed against the wider environmental, economic and social impacts to ensure that negative impacts do not outweigh any broader benefits that may arise from the proposed development.

5.1.2 Paragraph 4.1.5 of NPS EN-1 states that in considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy.

5.1.3 Whilst the OHA welcome the positive steps taken by the applicant to amend the proposed development, changes do not go far enough to mitigate identified impacts. As such there remain numerous areas of concern and disagreement with the applicant’s assessment approach and the proposed development.

5.1.4 CDC welcome the removal of panels from the Central Site as detailed in Change Request 2 and consider that this adequately addresses our concerns about the coalescence of Kidlington and Begbroke and harm to public safety from engine failure after take-off from air traffic at London-Oxford Airport. However, CDC contend that the development would continue to have a detrimental impact upon landscape character and would result in inappropriate development in the Green Belt and the long-term loss of agricultural land of the highest quality for food production. Concerns also remain about the harmful impacts on Blenheim Palace World Heritage Site and other heritage assets and about detrimental impacts on ecology and habitats (including trees and hedges). CDC remain uncertain whether other public safety concerns around aviation activities have, or can be, resolved.

5.1.5 VWHDC consider that the proposal is not acceptable and the proposed solar arrays in the Vale of White Horse district should be removed from the application. VWHDC remain of the view that the proposed development would have a detrimental impact on the landscape character of the area and its contribution to the understanding of nearby heritage assets. The scheme will result in a significant change to the local rural context which cannot be supported.

5.1.6 WODC consider that in totality, the cumulative impact of such a major development in its current form, would be detrimental to many of the special and protected characteristics that make West Oxfordshire such a special place to live in. In order to arrive at a development proposal that would address the harmful impacts of the project, the scale of the proposed development would have to be significantly reduced and proposed development removed from areas that are particularly sensitive in terms of landscape, ecology and cultural heritage.

5.1.7 OCC shares the concerns of the other OHA on the level of significant impact the proposed scheme would have on Ecology, the landscape character of the site and surrounds and residential amenity. The Council also maintains its concern over the lack of a robust assessment of archaeological significance, the sterilisation of safeguarded minerals and the lack of information regarding the disposal of waste. The Council also does not consider the applicant to have fully mitigated the impacts on users of the PRoW. Finally, the Council remains concerned that at the end of the examination the Council has no certainty that it will be able to adequately consent to all highways works proposed by the applicant. The Council considers that the significant impacts that would result from the scheme have not been sufficiently avoided, minimised and mitigated and as such cannot support the proposed development.