



Botley West Solar Farm

The Applicant's Closing Submissions

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1 Introduction

1.1 Purpose of this document

- 1.1.1 These Closing Submissions have been produced by Photovolt Development Partners GmbH (“**PVDP**”) on behalf of SolarFive Ltd (the “**Applicant**”) to summarise the Applicant’s position on key matters that have been subject to submissions by interested parties, affected persons and the Applicant during the course of the Examination of the proposed Development Consent Order (“**DCO**”) for the Botley West Solar Farm (the “**Project**”).
- 1.1.2 These Closing Submissions draw on, and refer to, submissions made by the Applicant in its application for the DCO for the Project (the “**DCO Application**”) and throughout the course of the Examination. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.
- 1.1.3 The Applicant notes that the Guide to the Application [**REP7-002**] lists each of the DCO Application documents and also provides a breakdown of all submissions made by the Applicant during the Examination up to and including Deadline 7¹. It is submitted to assist all Interested Parties and to aid the Examining Authority (“**ExA**”), and the Secretary of State in the reporting and decision-making process. In doing so, this document re-states the Project’s compliance with relevant policy, legislation and guidance.
- 1.1.4 The Closing Submissions also provide details of the status of the Applicant’s negotiations with relevant statutory undertakers at the end of Examination, and in the very limited cases where agreement has not been finalised, provides the Applicant’s case pursuant to section 127 and section 138 of the Planning Act 2008 (“**PA 2008**”).
- 1.1.5 These Closing Submissions have been prepared by Pinsent Masons LLP on behalf of the Applicant. Throughout the pre-application and examination of the DCO Application, Pinsent Masons LLP has guided the Applicant and its professional team based on the extensive experience Pinsent Masons LLP has of advising on solar and other types of Nationally Significant Infrastructure Projects (“**NSIP**”). That experience is unparalleled, particularly in terms of solar NSIPs. We have advised on all aspects of the DCOs made by the Secretary of State for Cleve Hill, Longfield, Sunnica, Mallard Pass, Gate Burton, Cottam, West Burton, East Yorkshire and Tillbridge, as well as those currently awaiting decisions, Fenwick and Springwell. The DCO Application, the assessments undertaken, and mitigation applied, are consistent in approach and quality to those other examined DCO applications, and the findings of the examining authorities and Secretary of State. We are satisfied that the ExA and Secretary of State have sufficient information to determine this DCO Application, which demonstrates accordance with the relevant National Policy Statements (“**NPSs**”). On that basis, we respectfully conclude that the DCO should be made in the terms sought.

¹ Between Deadline 7 and Deadline 8, the Applicant has also submitted into the Examination signed Statements of Common Ground with Oxfordshire County Council; Cherwell District Council; Vale of White Horse District Council; and West Oxfordshire District Council.

1.2 The Project

- 1.2.1 In summary, the Project will comprise the construction, operation, maintenance and decommissioning of a photovoltaic (“**PV**”) solar farm and associated infrastructure with a total capacity exceeding 50 megawatts (“**MW**”), in parts of the Oxfordshire County and the West Oxfordshire, Cherwell and Vale of White Horse districts. For ease of description, the Applicant has broadly divided the Project into three main sites, linked together by common electrical infrastructure, including electrical cabling: the Northern Site Area, the Central Site Area and the Southern Site Area (see Figure 1.2 – Illustrative Masterplan Overview [**REP7-019**]). The Project will be connected to a new National Grid substation located at the southern end of the Project site, providing secure and clean energy of an equivalent level to meet the needs of approximately 330,000 homes.
- 1.2.2 The Project constitutes an NSIP as an onshore generating station in England with a capacity of over 50MW and therefore requires an application for a DCO to be submitted to the Planning Inspectorate for determination by the Secretary of State. The DCO Application was submitted on 15 November 2024, with the Examination into the DCO Application commencing on 13 May 2025 and closing on 13 November 2025.
- 1.2.3 The Project is critical national priority infrastructure in accordance with the national policy statements (“**NPS**”) (section 4.2 of NPS EN-1) and there is an urgent need for the deployment of renewable energy infrastructure such as the Project (section 3 of NPS EN-1) – this strong policy support for the Project is summarised more broadly in section 2 of these Closing Submissions.

1.3 Design Evolution

- 1.3.1 The NPS for Renewable Energy Infrastructure (EN-3) strongly encourages the early application of the mitigation hierarchy (paragraph 2.1.8), along with engagement with key stakeholders, both before and at the formal pre-application stage. This early engagement is demonstrated in the Applicant’s Consultation Report [**APP-024**] submitted as part of the DCO Application, which sets out the activities carried out pre-application to help to build the initial package of mitigation measures that had evolved across that stage of the process.
- 1.3.2 For example, the Consultation Report explains how targeted consultation was carried out in respect of a series of proposed boundary changes (sections 10 and 11). In addition, section 12 of the Consultation Report identifies the responses received, issues raised and (importantly) changes made to the proposed application as a result of the section 47 statutory consultation; whilst section 13 of the Consultation Report identifies the same as a result of the section 42 statutory consultation.
- 1.3.3 The above progression represents an iterative design process – in accordance with national policy – to ensure that the Project carried out a suitable application of the mitigation hierarchy during the pre-application stage. The need for, and suitability of, the proposed mitigation is explained more specifically in each individual chapter of the environmental statement [**APP-038**] to [**APP-058**] (as updated during Examination). The suite of appropriate mitigation offered by the Project at the outset of the DCO Application is summarised in Appendix 6.1: Project Mitigation Measures and Commitments Schedule [**APP-129**]. That appendix also identifies how such mitigation is secured and can therefore be relied upon. This Appendix groups the full package of mitigation measures that were proposed as part of the DCO Application, as a result of the application of

the mitigation hierarchy up to and including the submission of that application. It has since been updated, see [REP4-014].

- 1.3.4 Following the publication of the Acceptance checklist (s55) [PD-001] – which confirms that the Applicant met the relevant legislative tests in respect of consultation – the Applicant continued its engagement with key stakeholders during the pre-Examination and Examination phases of the consenting process. The Applicant will continue to do post-Examination. This continued engagement and design refinement has allowed (and will continue to allow) the Project to evolve as part of the ongoing iterative process. This design will then ultimately be subject to the approval of the relevant planning authority during the detailed design stage, in accordance with Requirement 5 of the draft DCO [REP7-006]. The various commitments secured in the other requirements under Schedule 2 of the draft DCO will then ensure that the other topic specific controls and mitigation measures will be delivered as part of that process.
- 1.3.5 As a result of this continued engagement and application of the mitigation hierarchy, the Applicant submitted a change request application to the ExA on 19 March 2025 (Change Request 1) which sought:
- (a) small reduction in redline (0.015 ha) to remove an access; and
 - (b) replacement of two areas of solar installation for further archaeological protection and management (0.47 ha).
- 1.3.6 The need and rationale for Change Request 1 is explained in full in the Change Request Report [CR1-007]. In short, the changes arose primarily as a result of the Applicant's ongoing engagement with landowners and statutory consultees (specifically Historic England, as the key statutory body for the Historic Environment) during the pre-Examination period.
- 1.3.7 The Applicant submitted a second change request application to the ExA on 12 September (Change Request 2) which sought:
- (a) reduction in the Order Limits boundary to reduce the solar installation area south west of Bladon, and removal of solar arrays on land east of Bladon and north of Heath Lane;
 - (b) reduction in the Order Limits boundary to reduce the solar installation area near to Oxford Airport;
 - (c) refinement of the Project layout and design to reposition the Main Project substation and secondary substation as shown on Sheet 13b of the Works Plans;
 - (d) reduction in the Order Limits boundary to reduce the solar installation on land east of Lower Road;
 - (e) refinement of Project layout and design to remove solar installation areas overlapping with Flood Zones 2 and 3;
 - (f) refinement of Project layout and design to include an additional solar installation area within the Southern Site;
 - (g) reduction in the Order Limits boundary to remove small parcels of land owned by Oxfordshire County Council (Estates);
 - (h) refinement of Project layout and design to reposition the Public Rights of Way proposed to be stopped up and diverted back to definitive alignment;

- (i) reduction in the Order Limits boundary to remove an area of land along Wharf Road;
- (j) clarification of the role of the community educational facility; and
- (k) refinement of Project layout and design to secure the latest design parameters for the new National Grid substation.

- 1.3.8 The need and rationale for Change Request 2 is explained in full in the Change Request Report [**CR2-073**]. Similarly to Change Request 1, these changes were underpinned by the Applicant's continued engagement with key stakeholders. For the purposes of Change Request 2, this included Historic England, Oxford Airport (or Oxford Aviation Services Limited), the Environment Agency, the Oxfordshire Host Authorities ("**OHAs**"), Siemens Healthcare Limited and National Grid.
- 1.3.9 In response to Change Request 1 and 2, the ExA published its decision to accept both change requests on 28 March 2025 and 23 September 2025 respectively. The Applicant has ensured that documents submitted into Examination after those dates have incorporated the changes forming part of the change requests.
- 1.3.10 The Applicant's submission of Change Request 1 and Change Request 2 reflects a proactive and responsive approach to stakeholder engagement and iterative design, consistent with the principles of good planning and national policy. The design of large-scale infrastructure such as the Project is inherently complex and cannot be fully resolved at the outset of the consenting process (or even during Examination).
- 1.3.11 It is natural and expected for the proposals to evolve over time. Hence, the two change requests do not undermine the integrity of the DCO Application and do not detract from the original application of the mitigation hierarchy pre-submission; rather, the changes strengthen the DCO Application by providing clear evidence of its continued application, reflecting the iterative nature of the design process.
- 1.3.12 During the Examination, particularly in hearings, there was some criticism of the Applicant for not making changes to the DCO Application earlier in the process. This mischaracterised the position. When deciding whether or not to make changes to a DCO application, there are a number of factors an applicant must first consider, including: the statutory process for making a change; the related and available timescales for doing so; the need for meaningful consultation on the changes; the feasibility of, and timescales for, achieving alignment between consultees (the proposed change may be acceptable to some, but not other, affected/interested parties); the weight to be applied to the opinions of consultees (policy and guidance applies greater weight to specific consultees); and the impact on the feasibility and viability of the project, for example balancing the mitigation of impacts by reducing the scale of the Project and the potential for that to reduce the anticipated generation capacity of the Project (see paragraph 5.10.26 of NPS EN-3). Often the change proposed has more than one potential outcome. All this must be assessed by an applicant before producing the necessary documentation in support of making a formal change to the project and DCO application. That takes a considerable amount of time. The Applicant has been guided through the DCO process by its legal advisers, Pinsent Masons LLP, who as set out in paragraph 1.1.5 of these Closing Submissions have advised on the majority of DCOs made to date for solar NSIPs. The approach taken to this DCO Application has been the same as for those others which have been found to be acceptable by the Secretary of State. The important point to note is that there has been demonstrative application of iterative design and the mitigation

hierarchy throughout the DCO process leading up to the end of the Examination, which has responded to the concerns of affected/interested parties in the context of meeting policy objectives. Should the Secretary of State decide to grant a DCO for the Project, the design of it will evolve further, in response to consultation and under the scrutiny of the local planning authorities, alongside the discharge of requirements.

- 1.3.13 This iterative design process must balance the need to minimise potential adverse impacts with the urgent need to deliver the Project's full capacity of 840MW to the National Grid – a critical national priority. This approach is consistent with the principle accepted in paragraph 3.1.2 of the Overarching National Policy Statement for Energy (NPS EN-1), which acknowledges that *"it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts."* The Applicant's design evolution demonstrates a responsible and policy-aligned effort to reduce those impacts wherever practicable, while maintaining the integrity and deliverability of the Project.
- 1.3.14 This iterative design process is further encouraged by the NPS EN-3, which highlights the importance of both early and meaningful engagement with stakeholders to improve project outcomes. In addition to the pre-application process, the proposed changes under Change Request 1 were a direct response to feedback received during early stages of the Examination, and in combination with Change Request 2 they demonstrate an ongoing commitment to collaboration, transparency, and environmental sensitivity whilst showing the Applicant's willingness to adapt the scheme to better reflect local concerns, technical refinements, and evolving best practice.

2 NATIONAL POLICY STATEMENTS FOR ENERGY

2.1 Introduction

- 2.1.1 In November 2023, updated versions of the NPSs – including the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Renewable Energy (NPS EN-3) – were released and subsequently designated in Parliament on 17 January 2024. This updated suite of NPSs for Energy replaced the versions designated in 2011, subject to transitional arrangements.
- 2.1.2 Paragraph 1.6.3 of NPS EN-1 states that the latest amendments to the suite of NPSs for Energy have effect for DCO applications accepted for examination after the designation of the amendments, which was 17 January 2024. On that basis, the NPSs for Energy have effect for the Project pursuant to section 104 of the PA 2008. As such, the Secretary of State in making its decision “*must have regard to any national policy statement which has effect in relation to development of the description to which the application relates*” (section 104(2) PA 2008) and “*must decide the application in accordance with any relevant national policy statement*” (section 104(3) PA 2008).
- 2.1.3 The Applicant relies heavily on the provisions of the NPS throughout its DCO Application, as drawn upon in these Closing Submissions, because it is a legal requirement for the Secretary of State to determine the application in accordance with the NPS. The NPSs are not a “*shield*”, rather they are the starting point for the preparation and determination of the DCO Application. We have a plan-led system for development in England and Wales, and the DCO Application has been promoted in accordance with that plan, i.e. the NPSs.
- 2.1.4 Section 2 of the Planning Supporting Statement [REP1-012] provides the full position on the legislative and policy context for the determination of the DCO Application and is not repeated here.

2.2 National Policy

- 2.2.1 NPS EN-1 sets out the need for nationally significant energy infrastructure to deliver the Government’s targets for the decarbonisation of energy generation, increase the affordability of energy and provide energy security and now includes solar generation.
- 2.2.2 NPS EN-3 includes specific policies relating to the development of large-scale ground mounted solar photovoltaic energy projects such as the Project. At paragraph 2.10.9 of NPS EN-3, the Government has committed to “*sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector*” and paragraph 2.10.10 explains that the Government “*expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)*”. Paragraph 3.5.9 of the Planning Supporting Statement [REP1-012] identifies that there is still a significant shortfall of approximately 39GW (at the time of the DCO Application) from the 70GW Government target.
- 2.2.3 Paragraphs 3.2.6 to 3.2.8 of NPS EN-1 are set out in bold within NPS EN-1 and explain that applications for development of the type of infrastructure set out in the NPS, including solar, should be assessed on the basis that the Government “*has demonstrated that there is a need for those types of infrastructure which is*

urgent” and that “*substantial weight should be given to this need when considering applications*”. Furthermore, “*the Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.*”

- 2.2.4 NPS EN-1 also introduces the classification of infrastructure that is “Critical National Priority” (“**CNP**”). Section 4.2 of NPS EN-1 specifies which energy technologies are considered to be low carbon and therefore CNP; this includes all onshore and offshore generation that does not involve fossil fuel combustion. A solar generating station is classified as CNP and the Project is therefore CNP infrastructure.
- 2.2.5 Paragraph 4.2.16 of NPS EN-1 explains that CNP infrastructure is to be treated as if it has met any tests which are set out within the NPS or any other planning policy, which requires a clear outweighing of the harm, exceptionality or very special circumstances, as the starting point for the Secretary of State’s decision making.
- 2.2.6 Paragraph 3.3.63 of NPS EN-1 also states that the CNP for low carbon infrastructure will “*in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy*” (our emphasis). This confirms that with respect to this policy test, that the bar is high, where the impacts of CNP infrastructure would be required to outweigh the need and benefits overall in order for consent to be refused. As explained in section 1.3 above, the mitigation set out in Appendix 6.1: Project Mitigation Measures and Commitments Schedule (most recently, [REP4-014]), as secured through the requirements of the draft DCO, builds on the environmental assessments carried out as part of the application of that mitigation hierarchy. Therefore, the effect of paragraph 3.3.63 is that the need for the Project as CNP generally outweighs any of the residual impacts of the Project, which are limited in any case.
- 2.2.7 Paragraph 4.1.3 of NPS EN-1 specifies the presumption in favour of granting consent to applications for energy NSIPs that are identified as CNP infrastructure, due to the level and urgency of need for such infrastructure, “*unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused*”. Paragraph 4.1.7 of NPS EN-1 also adds that: “*For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases.*”
- 2.2.8 Paragraph 4.2.17 confirms that the Secretary of State will also take as a starting point that CNP Infrastructure will meet a non-exhaustive, list of tests, including: “*where development within a Green Belt requires very special circumstances to justify development*”.
- 2.2.9 The above provisions of NPS EN-1 and NPS EN-3 give a clear need case for, and urgency to deliver, the Project. The Applicant notes that this need is so clearly defined and strongly supported by policy, that the Secretary of State recently granted consent for both the Tillbridge Solar Project and Stonestreet Green Solar without any expressed reliance on their CNP status – even though each project qualifies as CNP. This demonstrates that, even in the absence of a CNP designation, national policy provides sufficiently robust support for such developments. For each of those consented projects, ‘substantial positive weight’ was afforded to the need.
- 2.2.10 Furthermore, the environmental impacts of the Project – which have been assessed and reported in the Applicant’s Environmental Statement and discussed in the Planning Supporting Statement [REP1-012] (see sections 3 and

4) – demonstrate that overall, with the mitigation hierarchy having been followed and the mechanisms to secure this mitigation being implemented through the proposed requirements in Schedule 2 of the draft DCO [REP7-006], the Project will have limited and localised residual significant adverse effects during its time limited 37.5 year operational lifetime. These limited and localised effects are outweighed by the significant national benefits that the Project will provide, as supported by the general presumption in favour of granting consent for CNP infrastructure set out in NPS EN-1 and discussed above.

2.3 Need for, and benefits of, the Project

- 2.3.1 As reflected through the national policy above, there is an urgent global need to generate energy using renewable and low carbon sources to provide sufficient, reliable and affordable sources of electricity, whilst meeting national climate change and carbon reduction targets and budgets.
- 2.3.2 The Government expects large scale solar generation to make an important contribution to achieving its decarbonisation requirements and climate change targets, as well as its objectives for the UK's power system, which includes ensuring the supply of energy remains secure, reliable and affordable.
- 2.3.3 The Planning Supporting Statement [REP1-012] and Supplementary Statement of Need [PDB-014] demonstrate that global commitments to decarbonise were not sufficient to meet nor sustain a (likely) successful track towards containing global temperature rise below 1.5C and that the policies implemented to date fall short even of those commitments. Only the most dramatic and most urgent decarbonisation actions provide a route that is likely to achieve the aim of the Paris Agreement (2015), to which the UK is a signatory, and limit global warming to 1.5°C with no or limited overshoot.
- 2.3.4 Without a rapid increase in low-carbon supply, decarbonisation of the energy sector, and other sectors is unlikely to occur. The Supplementary Statement of Need [PDB-014] aligns with NPS EN-1 by concluding that the Project will bring important benefits towards delivering the following three national energy policy aims:
1. Net zero and the importance of urgently deploying low-carbon generation assets at scale;
 2. Security of supply (geographically and technologically diverse supplies); and
 3. Affordability and reducing exposure to volatile international markets.
- 2.3.5 In order to meet these objectives, the evidence points to the development of proven technologies such as large scale solar as being necessary, and states that such schemes should be brought forwards with urgency to make tangible and essential advances in decarbonisation in the near term.
- 2.3.6 The Project, if approved, would contribute a significant 840MW to the UK energy generation mix, through enabling the generation of more low-carbon power from indigenous and renewable resources. Therefore, the approval, construction and operation of the Project will make a significant contribution to the UK's energy security needs, and the decarbonisation needs of the UK.
- 2.3.7 Paragraphs 3.5.12 and 3.5.13 of the Planning Supporting Statement [REP1-012] provides additional support to this by setting out that the Project will connect to the National Grid transmission system via a new National Grid 400kV substation to be located close to the existing National Grid 400kV line that runs between

Cowley and Walham. The Applicant has a grid connection offer from National Grid and suitable land for the new substation, if required, which would facilitate further grid connection opportunities. The proposed location of the Project therefore enables the Project to deliver against the urgency of need, in relation to decarbonisation, security of supply and affordability. The Project has achieved protected status under Gate 2 of the NESO's Connections Reform, meaning it can expect a favourable revised grid connection offer in January 2026 to enable connection before 2030 (noting that the intention of both National Grid and the Applicant, as confirmed in the signed Statement of Common Ground ("**SoCG**") submitted at Deadline 7 [**REP7-039**], is for a 2029 connection date for this Project). No adverse grid operability effects are anticipated as a result of connecting the Project to the National Electricity Transmission System at the proposed location.

- 2.3.8 Furthermore, the Project will be a substantial infrastructure asset, which if consented will deliver large amounts of low-cost, secure and low-carbon electricity both during and beyond the critical 2020s timeframe. Maximising the capacity of generation in the resource-rich, well-connected and technically deliverable proposed location for the Project, represents a significant and economically rational step forwards in the fight against the global climate emergency.
- 2.3.9 The Project is a leading UK large-scale solar development. If consented, it would be an essential component of the UK's plan to deliver a future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. The Project addresses all important and relevant aspects of existing and emerging government policy.
- 2.3.10 As identified in national policy and the Government's strategy, there is an urgent need to bring forward large scale solar development in order to meet targets for decarbonisation and net zero. The Project will deliver these policy aims, providing a significant amount of low carbon electricity over its 37.5-year lifetime and providing resilience, security and affordability of electricity supply due to its large scale. It will be a critical part of the national portfolio of renewable energy generation that is required to decarbonise its energy supply quickly.
- 2.3.11 The Project will also deliver other more localised economic, social and environmental benefits. These include substantial biodiversity net gain; economic, educational and sustainability benefits; and enhanced landscape and public access legacy through improvements to the existing public right of way network through the provision of permissive paths. These are set out in further detail in the Planning Supporting Statement [**REP1-012**].
- 2.3.12 In summary, the Project will provide CNP infrastructure where the need is already established and for which the presumption in favour of granting development consent is engaged. In accordance with NPS EN-1 and its status as CNP infrastructure, which weighs heavily in favour of consent being granted, "substantial positive weight" should be given to the need for the Project.

3 THE APPLICANT'S FINAL POSITION ON KEY EXAMINATION MATTERS

3.1 Introduction

3.1.1 In the Programme Document published by the Applicant during pre-application, the following matters were identified as the likely key issues to be raised during Examination:

1. **Ecology** – in recognition of the additional survey work to be undertaken, notably in respect of bats;
2. **Cultural heritage** – due to the proximity to the Blenheim Palace World Heritage site (WHS);
3. **Best & Most Versatile Agricultural land (BMV)** – due to the political and public interest in BMV;
4. **Green Belt** – due to the political and public interest in green belt;
5. **National Grid substation** – acknowledging that the precise location of the new substation is not yet confirmed;
6. **Landscape and visual** – in recognition of the fact that landscape impacts are of significant public interest for large scale renewable energy developments; and
7. **Traffic** – due to the additional movements of traffic in the area.

3.1.2 This section 3 of the Closing Submissions deals with each of the above in turn, albeit some of the above topics did not attract as much attention during the Examination as initially expected. For example, in relation to BMV and Traffic. Therefore, such topics are dealt with more briefly below. Section 3.9 (other matters during Examination) has also been included to deal with other topics that were not listed in the Programme Document but have received more attention than envisaged during Examination.

3.2 Ecology

3.2.1 Natural England is the relevant statutory consultee in respect of Ecology. Natural England's statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

3.2.2 At the time of the application, having applied the mitigation hierarchy, the Applicant included the following mitigation as part of its application in the outline Landscape and Ecology Management Plan [APP-235]:

"The Project will incorporate appropriate buffers either side of any important bat flight line, as identified by radio tracking studies of the Project Site. Such buffers will not include any solar infrastructure and are to ensure that bats can use the landscape unhindered by any interaction between their echo location and solar panels. The buffers will be managed to ensure a diverse range of habitats with as many ecotones as possible. This will include a range of grasslands, scrub and mature trees along the length of a hedgerow." (paragraph 8.5.1)

3.2.3 Natural England raised initial concerns with this approach in its Written Representation [REP1-087]. However, as identified in Natural England's Closing Statement: *"Throughout the DCO application, we have been well engaged with*

the applicant and made our concerns relating to bats clear. The applicant has understood these concerns and worked with us proactively to address them."

- 3.2.4 In the outline Landscape and Ecology Management Plan ("oLEMP") [REP7-027], amongst other things, the Applicant has evolved its mitigation offering to provide additional clarity on the nature of the proposed mitigation in respect of the 'appropriate buffers'. This includes:
1. Tier A buffers which will be 25m on either side of the feature and will be established in specified locations (paragraph 8.5.2 of the oLEMP);
 2. Tier B buffers which will be 10m either side of the feature and are included to provide linkages through the Project site with the Tier A buffers and the wider landscape. Their final location will be determined during detailed design (paragraph 8.5.4 of the oLEMP); and
 3. Tier C buffers would be 5m either side of a feature and would cover the remaining hedgerows on the Project site (paragraph 8.5.6 of the oLEMP).
- 3.2.5 The Closing Statement of Natural England recognises that "*the consideration of impacts of solar farms on bats is a novel issue*" but confirms that the proposed mitigation strategy of the Applicant, as summarised above, is "*novel and innovative*" and "*is likely to avoid or mitigate any potential impacts to bats*". This is clear evidence of the Applicant successfully applying the mitigation hierarchy.
- 3.2.6 The Applicant therefore considers that this issue has been resolved during the Examination. This is confirmed by Natural England's Closing Statement and the SoCG with Natural England, which also identifies that all other matters in respect of ecology are agreed between the Applicant and Natural England (as the key statutory body in respect of ecology).
- 3.2.7 The Closing Statement of Natural England also refers to the "*truly ambitious*" nature of the Applicant's biodiversity net gain (BNG) proposals. As a result of feedback from the ExA, the Applicant now secures these BNG commitments on the face of the DCO – Requirement 7 in Schedule 2 sets out a commitment to secure "*a minimum of 70% biodiversity net gain in area-based habitat units, a minimum of 50% biodiversity net gain for hedgerow units, and a minimum of 20% biodiversity net gain for watercourse...*". In its two most recent decision letters, the Secretary of State ascribed 'moderate positive weight' to the level of BNG offered for both the Tillbridge Solar Project and Stonestreet Green Solar project. In a comparable BNG requirement in the Tillbridge Solar Project Order 2025, the developer has committed to a minimum of 64.44% area-based habitats units; a minimum of 17.28% hedgerow units; and a minimum of 22.94% watercourse units. Whereas, in the Stonestreet Green Solar Order 2025, the developer has committed to a minimum of 100% area-based habitats units; a minimum of 10% hedgerow units; and a minimum of 10% watercourse units. On the basis that the Project has comparable but even more substantial BNG commitments, the Applicant proposes that at least moderate positive weight will be applied for this Project. This is to recognise the clear commitment to substantial BNG proposals for each of the three habitat types, far in excess of the 10% minimum proposed under the Environment Act 2021.

3.3 Cultural Heritage

- 3.3.1 Historic England is the relevant statutory consultee in respect of the Historic Environment. Historic England is the Government's statutory adviser on all matters relating to the historic environment, including world heritage.



- 3.3.2 For context, Blenheim Estate (made up by various entities) owns a substantial portion of the land to be used for the Project. The Applicant has entered into a lease with Blenheim Estate to secure the necessary rights and land voluntarily. As a result of this and the perceived proximity of the Project to Blenheim Palace (the World Heritage Site, “WHS”), the Park or the Palace Gardens (collectively “**Blenheim Park**”), there has been lots of public interest and media attention given to the potential impact of the Project on the WHS or otherwise.
- 3.3.3 However, to be clear, the land to be leased by the Blenheim Estate does not comprise any part of Blenheim Park. Therefore, a clear distinction needs to be made between the perceived impact and the actual potential effects on the historic environment as a result of the Project. In fact, there is no intention for the solar farm to affect the ultimate ownership of the land within the Blenheim Estate – the land used for the solar farm will continue to be part of the estate (subject to the lease) and will contribute towards the maintenance of the World Heritage property. The majority of land within the wider setting of the WHS will remain in traditional farming use (mixed arable and pastoral) – this includes land to the north, north-west, west and south-west that will remain unchanged.
- 3.3.4 Historic England’s Closing Statement sets out its final position in respect of all heritage matters including in relation to the WHS, where Historic England confirms that as a result of Change Request 2, “[t]he removal of panels appears to have minimised harm to OUV and avoided intervisibility with the WHS”. This approach to minimising harm – as recognised by the key statutory consultee – is clear evidence of the Applicant’s successful application of the mitigation hierarchy.
- 3.3.5 Historic England continue to say in its Closing Statement that “...any impacts from the construction and decommissioning phases (e.g. noise and lighting) from within the WHS would be minimal and that measures set out in the Outline Code of Construction Practice (CR2-045) would address the concerns we had raised and would be secured through the DCO.” As such, there is no cause for concern when considering the actual effects of the Project on the WHS. The Applicant therefore considers that any heritage issue in respect of Blenheim Estate has been resolved during the Examination.
- 3.3.6 In addition, amongst other things, Historic England’s Closing Statement confirms that: “Following extensive discussion with the Applicant regarding the scheduled monument we welcome the changes that we have agreed with the Applicant. We are of the view that provided, as agreed, the Applicant submits the updated Works Plans removing Works from field 1.13, the harm to the significance of the scheduled monument at Sansom’s Platt will be minimised and important archaeological remains outside the scheduled area protected”. Again, this is clear evidence of the continued application of the mitigation hierarchy. The Applicant included Work No. 5 (*sensitive archaeological site protection and management*) as part of the DCO works packages in Schedule 1 of the DCO at the time of its original application submission, to ensure that suitable mitigation was secured in light of the information available at the time. Following additional survey work and the analysis of the results of that survey work, the Applicant has broadened that mitigation package to minimise harm in accordance with the continued application of the hierarchy and following feedback from the key statutory body.
- 3.3.7 In relation to the various churches potentially affected by the Project, Historic England have disagreed with the Applicant on the exact nature of the impact of the Project (i.e. Historic England suggest ‘low adverse’ rather than ‘negligible harm’). However, Historic England agrees that it is ‘less than substantial harm’.

Therefore, even if the Secretary of State were to attribute the same impact as Historic England, the Applicant would expect that this 'less than substantial' harm must be ascribed 'little negative weight' only, in line with the recent decision making in the Heckington Fen Solar Park decision letter.

3.3.8 The SoCG between the Applicant and Historic England Historic identifies that the parties have reached broad agreement on all other matters.

3.3.9 Notwithstanding the above, any decision made by the Secretary of State must be made under the statutory test at section 104 of the PA 2008, which sets out that the Secretary of State must have regard to the NPSs when making its decision. In NPS EN-3, under the sub-heading of Secretary of State decision making, paragraph 2.10.160 confirms that:

"Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets." (Our emphasis)

3.3.10 The consent for the Project is time limited. This is secured through Requirement 14 (decommissioning and restoration) of the DCO which imposes an obligation on the undertaker to decommission the Project after 37.5 years of operation. Therefore, there is clear support under national policy for consent to be granted from a heritage perspective.

3.4 Best & Most Versatile Land

3.4.1 This is often a popular area of focus for large scale solar projects, in recognition of NPS EN-3 which sets out that "...poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible" (paragraph 2.10.29).

3.4.2 However, BMV was not a huge focus of attention during the Examination of the Project. Perhaps, on the basis that the initial application (ES Chapter 17: Agricultural Land Use and Public Rights of Way [APP-054]) identified that "[t]he total of area of best and most versatile agricultural land to be permanently lost is approximately 5.5 ha, which equates to 0.4 % of the total quantity of surveyed best and most versatile land within the wider Project site".

3.4.3 In any case, the Applicant's response to the Rule 17 letter at Deadline 6 [REP6-052] (Point 7) explains how the Applicant has otherwise complied with NPS EN-3. It also sets out that the Project sits within a framework under NPS EN-3 which does not prohibit the development of mounted solar arrays (paragraph 2.10.30) and sets out that land type should not be a predominating factor in determining the suitability of the site location (paragraph 2.10.29). It is also recognised that at this scale it is likely that developments will use some agricultural land (paragraph 2.10.31).

3.5 Green Belt

3.5.1 The Very Special Circumstances ("VSC") case for the Project is set out in Appendix 8 of the Planning Supporting Statement [REP1-012]. Some harm to the Green Belt is identified and this is carefully assessed. This VSC case is supplemented by the Applicant's Response to ExA's Rule 17 (14 Oct 2025) [REP6-052] (Point 1).

3.5.2 From a policy perspective, paragraph 4.2.16 and 17 of NPE EN-1 sets out:

“As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.”

“This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests: • where development within a Green Belt requires very special circumstances to justify development...”

3.5.3 Notwithstanding, the Applicant has undertaken a VSC analysis and concludes that whilst harm is created to some Green Belt purposes, the Applicant is of the firm view that this harm is low/limited, temporary and reversible, and the considerable benefits arising from the Project, which amount to VSC individually and together, more than outweigh harm caused by inappropriateness, and any other harm.

3.5.4 Overall, the VSC case is compelling and offsets identified harms.

3.6 Landscape and Visual

3.6.1 As a starting point, the Applicant highlights the below paragraphs from national policy – which the Secretary of State must taking into account in making its decision in accordance with section 104 of the PA 2008 – as being particularly notable in respect of landscape and visual:

- Paragraph 5.10.5 of NPS EN-1: *“Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation”*;
- Paragraph 5.10.13 of NPS EN-1: *“All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites”*;
- Paragraph 5.10.35 of NPS EN-1: *“The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (**including need**) of the project”* (our emphasis, see section 2 of these Closing Submissions which highlights the substantial positive weight to be attributed to need); and
- Paragraph 5.10.36 of NPS EN-1: *“In reaching a judgement, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.”*

3.6.2 The policy presumption in favour of CNP infrastructure requires application of the mitigation hierarchy to all potential significant effects of the Project (not just landscape and visual impacts). The policy position is clear that landscape and visual effects are a necessary consequence of NSIP scale development.

3.6.3 As summarised in this document and set out in the Applicant’s Response to the ExA’s Rule 17 request dated 14 October 2025 [REP6-052] – as supplemented by the Applicant’s Response to ExA’s Rule 17 Letter (23 Oct 2025) [REP7-047] – the Applicant has consistently and demonstratively applied the mitigation hierarchy across all phases of the Project, in relation to landscape, visual and residential amenity as well as other disciplines. For example, during the pre-application stage, a detailed analysis of landscape and visual impacts on farms (see Annex B ‘PVDP Buffer Zone Analysis’ [REP6-065]) informed the

identification of appropriate buffer zones from the outset of Project design. These buffer zones were embedded into the scheme layout through the Works Plans, which intentionally omit powers for solar installation within those buffer zones areas – representing an appropriate application of the mitigation hierarchy by securing avoidance of particular properties.

3.6.4 Other key Examination documents in respect of landscape and visual include:

- **Environmental Statement Chapter 8: Landscape and Visual Impact Assessment [REP6-012]** – this set outs the identification and assessment of key landscape and visual receptors in accordance with the initial stages of the mitigation hierarchy;
- **Outline Landscape and Ecology Management Plan [REP7-027]** – this plan is secured through Requirement 6 of Schedule 2 of the draft DCO and includes various industry standard mitigation measures and design principles at sections 2 to 5, demonstrating an effective application of the mitigation hierarchy by securing mitigation measures to reduce environmental effects to the extent those effects cannot be avoided (as is recognised to be the case for large scale infrastructure). Importantly, the mitigation measures within this management plan have evolved across Examination in response to feedback. For example, paragraph 3.2.1 of the oLEMP sets out that proposed new and reinforced hedgerows, *“will be managed to a height of approximately 3m during operation, managed annually, accepting that hedgerows may be managed to a lower height (the locations and heights of which to be agreed in consultation with the Oxfordshire Host Authorities) in order to support important and / or more open views, provided such maintenance falls within the scope of the environmental assessment”* – this ensures appropriate screening mitigation is secured, whilst retaining flexibility to facilitate the retention of open views, in response to feedback from the OHAs;
- **The Applicant’s Response to Rule 17 Letter (17th June 2025) on Environmental Statement Landscape and Visual Impact Assessment Chapter 8 [REP2-029]** – this clarified various specific concerns raised by the ExA, including most notably how the approach to determine moderate effects as non-significant is in accordance with the ‘Guidelines for Landscape and Visual Impact Assessment: Third edition’ (Landscape Institute and Institute of Environmental Management and Assessment, 2013) (“**GLVIA3**”). Whilst there has been a difference in professional opinion on the methodology applied, the approach taken by the Applicant is facilitated under the relevant industry guidance and therefore any such difference of opinion is not indicative of a failure to comply with that applicable guidance;
- **The Applicant’s Response to the OHA’s Response to the Rule 17 Letter re Chapter 8 LVIA [PD-009] [REP3-066]** – this response supplements the above submission document following a review of the OHA’s response to that same Rule 17 letter [REP2-049] and provides further commentary on the Applicant’s position. This demonstrates a clear recognition and appreciation of the views of interested parties in informing the formation of appropriate mitigation measures; and
- **Applicant's Response to ExA's Rule 17 (14 Oct 2025) [REP6-052]** – this included various responses to landscape concerns raised by the ExA, including the provisions of a residential visual amenity assessment (“**RVAA**”) and a without prejudice offer to reduce the scope of installation: (a) in certain areas of land as identified by the Oxfordshire Host Authorities [REP4-074]; and (b) in an increased buffer of 75m around certain residential properties in

line with the results of the RVAA. This without prejudice offer is proposed in recognition of the limited flexibility afforded to the Secretary of State under paragraph 5.10.26 of NPS EN-1, which provides that:

*“There may, however, be **exceptional circumstances**, where mitigation could have a **very significant benefit** and warrant a **small reduction in function**. In these circumstances, Secretary of State **may** decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the **marginal loss of function**”* (Our emphasis).

The reasoning behind the without prejudice offer as well as justification for the Applicant's primary position, by reference to the relevant national policy tests, is set out in [REP6-052] and is further supported in the Applicant's Response to ExA's Rule 17 Letter (23 Oct 2025) [REP7-047].

- 3.6.5 In summary, the Applicant's overall approach has been landscape led to ensure that the Project design and layout have formed a fundamental basis for the design evolution of the project, recognising the importance of its scale. This approach is specifically evidenced through the buffer zones referred to above as a result of the 'buffer zone analysis' and is further supported by the Applicant's 'Approach to Design Note', at Annex 4 of the Applicant's Responses to the ExA's Second Written Questions (ExQ2) [REP4-037].

3.7 National Grid Substation

- 3.7.1 As anticipated, various representations were made during the Examination as to the purported uncertainty of being able to deliver the Project, in the absence of an existing National Grid substation. For example, the newly proposed 'Grampian' requirement PC001 in the ExA's Schedule of Changes to draft Development Consent Order [PD-015].
- 3.7.2 The Applicant's full response to that proposed requirement – along with its responses to the other proposed requirements – is set out in the Applicant's Response to the ExA's Schedule of Changes to the dDCO [REP6-051]. However, by way of an update since that submission, an agreed SoCG with National Grid Electricity Transmission plc (NGET) has been signed and submitted into the Examination at Deadline 7 [REP7-039]. That SoCG confirms that all matters between the Applicant and NGET are agreed. Amongst other things, the SoCG confirms agreement in respect of:
- (a) the proposed DCO drafting (including the powers to deliver the new National Grid substation under the DCO, if required, as well as the protective provisions at Part 9 of Schedule 15);
 - (b) feasibility of the land reserved for the new substation site and the parameters for the new substation; and
 - (c) the consenting and delivery programme with a view for a 2029 connection date.
- 3.7.3 Notably, the Project has achieved protected status under Gate 2 of the NESO's Connections Reform, meaning it can expect a favourable revised grid connection offer in January 2026 to enable connection before 2030.
- 3.7.4 This agreement between the parties, in addition to the inclusion of the necessary powers in the DCO to secure the delivery of the new National Grid substation (see Work No. 2 in Schedule 1), gives comfort to the ExA and Secretary of State that the relevant parties are aligned in respect of the works required to deliver to

the connection agreement, along with the necessary legal certainty as to the appropriate scope of the DCO provisions to facilitate that connection.

3.8 Traffic and Transport

- 3.8.1 The number of additional traffic movements as a result of the Project has not been a huge focus of attention during the Examination of the Project. Perhaps, on the basis that Chapter 12: Traffic and Transport [REP5-016] confirms that “*it is concluded that there will be no significant effects arising from the Project during the construction, operation and maintenance or decommissioning phases*” (alone or cumulatively). Any effects are therefore suitably mitigated, primarily through the commitment to the outline Code of Construction Practice [REP7-023] and [REP7-025] secured under Requirement 11 of the draft DCO, which includes the outline Construction Traffic Management Plan (“CTMP”).
- 3.8.2 The mitigation measures committed to by the Applicant have evolved across the Examination. For example, the OHA’s 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. In the oOMP submitted at Deadline 6 [REP6-032], the Applicant committed to not replacing more than 30% of panels within a single site area within one year. In the OHA’s Closing Statement, Oxfordshire County Council (“OCC”) – as highway authority – welcomes this commitment and the commitment to provide an annual planned maintenance schedule which would include details of transport requirements. This resolved the matter.
- 3.8.3 There have been other specific queries in the context of traffic that have attracted attention during Examination. These include:
1. **Street Works powers** – the OHA’s have continued to raise concerns around the scope of the Street Works powers sought under Part 3 of the DCO. However, the Applicant has maintained that the provisions sought are industry standard and suitably controlled. This is explained in more detail in the Explanatory Memorandum [REP-009], by reference to the growing solar DCO precedent in favour of these provisions. For example, most recently in the Tillbridge Solar Project Order 2025 and the Stonestreet Green Solar Order 2025. In any event, the Applicant is not seeking to disapply or modify in any way the Oxfordshire Permit Scheme for Road Works and Street Works (2019). As such, the provisions of that permit scheme will continue to apply.
 2. **Interaction with A40 Improvement works proposed by OCC** – as acknowledged in the OHA’s Closing Statement, an agreement pursuant to section 278 of the Highways Act 1980 is being negotiated between OCC and the Applicant which would allow OCC to lay the ducting required by the Applicant beneath the roundabout whilst OCC are undertaking its planned works. However, in absence of that agreement, the Applicant has included a fallback position within the CTMP which commits the Applicant to reinstatement if the Applicant has to deliver the cable works under the DCO powers after OCC has carried out its planned works. On this basis, OCC have confirmed that the matter is resolved.
 3. **The works proposed on Wharf Road near to Siemens Healthcare Limited’s (Siemens) Eynsham Facility** – the Closing Statement of Siemens confirms that the protective provisions at Part 8 of Schedule 15 of the DCO (as amended at Deadline 7 to secure Siemens’ proposed wording,

[REP7-006]) are agreed. The Closing Statement also refers to other measures requested by Siemens in order to mitigate any potential risk on its operations – these commitments are secured in paragraph 1.96 and 1.9.7 of the oCTMP and through the addition of Siemens as a consultee in respect of the relevant parts of the CTMP under Requirement 11. Therefore, whilst the Applicant acknowledges that Siemens maintains its objection on the basis that Cassington Road is its preferred route, the practical reality is that sufficient controls are secured under the DCO to avoid or mitigate any potential risk to Siemens' operations if Wharf Road is used. This provides a robust justification as to why the Cable Optionality Report [REP4-039] does not identify a substantial risk to disruption. There is no greater risk to disruption as a result of the Project. The use of Wharf Road is already open to all users of the adopted highway, including the other undertakers referred to by Siemens who are not subject to the same controls as the Applicant, therefore, if anything, the additional control and management of Wharf Road would facilitate more certainty for Siemens by ensuring a commitment continued operational access.

For completeness, the Applicant's full position as to why the Cassington Road route is less suitable, is set out in the Cable Optionality Report [REP4-039]. However, picking up on Siemens' specific point in its Closing Statement, the Applicant has considered the option of 'opening the bridge' although this is intentionally omitted from the Cable Optionality Report as it is not an available solution. This is confirmed in the Applicant's Written Summary of its oral submissions at Compulsory Acquisition Hearing 1 [REP6-046], which confirms that: *"Oxfordshire County Council also advised that "there are severe structural defects, a settling, rotating abutment, cracking and spalling of part of the reinforced concrete bridge deck, due to abutment movement and corrosion of the reinforcement. Most of the width of the bridge is fenced off, to keep traffic loading off the weakest elements. It is suitable for pedestrian loading only over the narrowed width"*.

3.9 Other matters during Examination

Aviation safety

- 3.9.1 Aviation safety has been a fairly central area of focus during Examination. It was included as an agenda item for Issue Specific Hearing 1 [EV5-001] and Issue Specific Hearing 2 [EV7-001].
- 3.9.2 Two key consultees in respect of aviation safety include the Defence Infrastructure Organisation ("**DIO**") and Oxford Aviation Services Limited ("**OASL**").
- 3.9.3 The DIO represents the Ministry of Defence ("**MOD**") as a consultee in UK planning and energy consenting systems. Importantly, in its Deadline 7 submission [REP7-087], the DIO has confirmed that *"the MOD has no objections to this proposed development"*. This position is reached on the following basis:
 - (a) **Glint and Glare** – *"The MOD has no objections on glint and glare grounds to this proposed development"*;
 - (b) **Bird strike** – *"...the MOD has no birdstrike objections to this proposed development. No habitat restrictions or amendments are required"*; and
 - (c) **Thermal plumes and radar** – *"The MOD therefore has no concerns with this development in relation to thermal plumes and impact on CNS infrastructure"*.



- 3.9.4 In relation to OASL, an SoCG between the Applicant and OASL was submitted at Deadline 7 **[REP7-038]**. Importantly, all matters are agreed except for one in respect of thermal plume.
- 3.9.5 The agreed matters with OASL include the avoidance of risk associated with Engine Failure After Take-Off as a result of the Applicant's successful Change Request 2, where solar installation was removed from areas of land that OASL had indicated are required as safety crash landing zones. In addition, an agreed position has been reached in respect of bird strike, as a result of an agreement between the Applicant and OASL for the provision of an additional bird-scaring unit, secured by private agreement.
- 3.9.6 In respect of thermal plume, the Applicant's position is set out in the Thermal Impact Report **[REP6-066]** and Thermal Plume Primary Radar Refraction **[REP6-067]**. These documents conclude that the issue of Heat Induced Turbulence is will not adversely impact OASL's operation in any material way and therefore no negative weight should be ascribed. However, this is not yet agreed because OASL has not yet completed a peer review to verify the findings of the technical studies. The Applicant will continue to work with OASL to achieve an agreement in this regard with a view to updating the Secretary of State during the recommendation or decision period. Even without that, the Secretary of State is able to form a view on this potential impact based on the Applicant's evidence. There is no evidence to the contrary, and OASL could have produced this at any time during the Examination if Heat Induced Turbulence, was a significant concern.

Public Rights of Way ("PRoW")

- 3.9.7 Chapter 17: Agricultural Land Use and Public Rights of Way concludes that "*No significant residual effects on Agricultural Land Use and Public Rights of Way are predicted during construction, operation and decommissioning of the Project*". There are also no significant residual cumulative effects expected in respect of PRoW
- 3.9.8 This conclusion is met due to the commitments made by the Applicant for onsite PRoW mitigation. These onsite provisions include new permissive routes and cycleway provisions and greenways in the oLEMP (as secured under Requirement 6); and the management of PRoW during construction and decommissioning through the outline PRoW management plan (as secured as part of outline Code of Construction Practice under Requirement 11).
- 3.9.9 On the basis that no residual effects are expected following the application of the above mitigation, no offsite mitigation measures (or additional onsite mitigation measures) are necessary. Notwithstanding, in recognition of requests made by the OHA's and following continued engagement with the OHA's, the Applicant is in discussions with the OHAs to secure a voluntary agreement for the delivery of additional offsite benefits.
- 3.9.10 The Applicant's full position is set out in the Applicant's Responses to other D6 Submissions – in response to the OHA's submission **[REP6-117]**

Flood risk and hydrology

- 3.9.11 In respect of flood risk and hydrology, the two key consultees are the Environment Agency and OCC as the Lead Local Flood Authority (LLFA). Notably, all matters are agreed with the Environment Agency and either agreed or still under

discussion with OCC as the LLFA (as set out in the SoCGs with each party) – see the Statement of Commonality [REP7-034].

3.9.12 Two specific areas of concern that have been addressed during Examination include:

1. **Specific flood risk concerns in Cassington** – In short, surface water modelling was undertaken for the area upstream of Cassington to understand the pre-existing flood risk and inform enhancement mitigation measures. Shallow ponds, bunds and ditch widening is proposed at an area upstream of Cassington in accordance with baseline surface water modelling. The sizing and discharge location is subject to detailed design and proposed options modelling. This is committed to in the outline Operational Management Plan (oOMP) [REP6-032] and is a proactive example of the application of the mitigation hierarchy, as this demonstrates the commitment of the Applicant to identify and mitigate an existing problem affecting the Cassington Parish, which therefore goes above and beyond the scope of mitigation required for the Project and offers enhancement benefits of the Project; and
2. **Clarity on Change 6 (Refinement of Project layout and design to include an additional solar installation area within the Southern Site)** – this is responded to in the Applicant's Response to ExA's Rule 17 Letter (23 Oct 2025) [REP7-047].

3.9.13 The Applicant's full position on each of these matters can also be found in the Applicant's Written Summary of its oral submissions at Issue Specific Hearing 2 [REP6-047].

3.10 Conclusions

- 3.10.1 The Project was conceived in 2018 and has evolved since that time responding to economic, environmental and planning constraints and opportunities as well as in response to a series of informal and statutory consultation events and most recently through representations made during Examination.
- 3.10.2 The Applicant considers the Project has responded effectively to all relevant considerations and has now produced a scheme that delivers on the Government's Net Zero obligations and targets for solar development.
- 3.10.3 The scale of climate crisis is significant. The solutions must respond accordingly. This Project is part of the solution. Many more similar schemes are urgently needed.
- 3.10.4 In determining this DCO application, the wider benefits of the proposal must be reviewed against local issues and concerns. This balancing exercise must also consider the context of national, UK and European policies and obligations that seek to tackle climate change, deliver security of the UK's energy supply and promote a shift to renewable energy. It is important to note in that context that all host authorities have declared a climate emergency and the Project coming forward represents a unique opportunity to positively address that emergency – locally and nationally.
- 3.10.5 As set out above, the Applicant has demonstrated that the likely significant effects of the project have been assessed and the mitigation hierarchy has been applied, thus avoiding or minimising any residual adverse effects. There is overwhelming national policy support for the Project, as it complies with all material aspects of NPS EN-1, NPS EN-3 and to the extent relevant, NPS EN-5.



- 3.10.6 The layout and design of the Project has been carefully considered and has continually evolved and been refined leading to the form that it is now presented to the ExA and Secretary of State. The design and layout of the Project together with mitigation measures proposed, will avoid or reduce unacceptable environmental effects. The Applicant has set out in draft DCO, the Works Plans and Management Plans what is intended, how the environment will be protected and key measures controlled and delivered.
- 3.10.7 The environmental assessment process has also revealed significant beneficial opportunities. Opportunities including, for example, achieving at least a 70% BNG in area-based habitat units, 50% in hedgerow units and 20% in watercourse units (which is unique to the host authorities given the scale of that opportunity), and very much supported in policy terms. These BNG commitments are secured on the face of the draft DCO through Requirement 7 of Schedule 2. There are significant landscape benefits, socio-economic and educational benefits and of course climate change benefits too.
- 3.10.8 Some adverse effects are predicted and some harm to the Green Belt is anticipated. However, these have been set out and assessed. The adverse effects are related to landscape and visual; cumulative effect on the loss of agricultural land; and habitat loss on wintering birds during construction of the Project only, noting that these are relatively limited given the scale of the Project and its benefits. Such adverse effects are also not unique to this Project, and are often consequences of other large scale solar Projects, all of which have been consented to date.
- 3.10.9 The residual adverse effects are outweighed by the Project benefits. The adverse effects arising are not in the opinion of the Applicant of a scale or type to prevent a positive decision being made on this application which is supported by the substantial precedent building in favour of large-scale solar development. See Section 4 of the Planning Supporting Statement [**REP1-012**], 'Balance of Considerations and Overall Conclusions' for more detail.

4 STATUTORY UNDERTAKER UPDATES

4.1 Introduction

- 4.1.1 Interests in the Order land which are held by each statutory undertaker are identified in the Book of Reference [REP7-013]. The Applicant has been and continues to engage with these statutory undertakers to ensure that the Project can be developed without serious detriment to any statutory undertaking, including the provision of the protective provisions as set out within Schedule 15 of the draft DCO, all of which are in substantially agreed form.
- 4.1.2 Table 3 of the Land and Rights Negotiations Tracker [REP7-011] includes the final position on the status of negotiations with statutory undertakers.

4.2 Protective Provisions

- 4.2.1 The Applicant has included protective provisions in the final draft DCO [REP7-006] for the benefit of the statutory undertakers (see Article 30 and Schedule 15). The Applicant has successfully agreed final protective provisions with all statutory undertakers, save for the following outstanding points:

1. **Network Rail Infrastructure Limited (Part 4 of Schedule 15)** – these protective provisions have been agreed with Network Rail, save for a placeholder at paragraph 4 of Part 4 of Schedule 15 in the draft DCO submitted at Deadline 6 [REP6-004]. That placeholder was intended for additional wording relating to compulsory acquisition, which Network Rail has requested as part of ongoing negotiations. That placeholder was removed in the updated DCO at Deadline 7.

The Applicant cannot include the requested wording at this stage because the necessary property agreements have not yet been completed. Including such wording prematurely would create significant uncertainty for the delivery of the Project on the basis that without compulsory acquisition powers, in absence of a voluntary agreement, Network Rail could effectively adopt a ransom position. The lack of voluntary agreements should not be an impediment to the enable the delivery of the Project where other suitable protections are in place.

The Applicant considers that the protective provisions in their current form (noting they are already agreed in all other respects) provide robust protection for Network Rail's interests. See Appendix 1 of these Closing Submissions for more detail, by reference to the tests under section 127 and section 138 of the PA 2008.

Importantly, the Applicant continues to negotiate the property documents with Network Rail. Heads of Terms have been agreed between the Applicant and Network Rail, and both parties remain actively engaged with the clear intention of concluding formal agreements shortly after the Examination. The Applicant will update the Secretary of State as necessary following the close of the Examination to confirm any amendments required to the draft DCO should a voluntary land agreement be reached.

2. **Thames Water Utilities Limited (Part 5 of Schedule 15)** – these protective provisions have been agreed with Thames Water, save for a placeholder at paragraph 5 of Part 5 of Schedule 15 in the draft DCO submitted at Deadline 6 [REP6-004]. This is confirmed in the Statement of Common Ground ("SoCG") with Thames Water [REP7-041]. That

placeholder was intended for additional wording relating to compulsory acquisition, which Thames Water has requested as part of ongoing negotiations. That placeholder was removed in the updated DCO at Deadline 7.

For the reasons set out above, the Applicant cannot include the requested wording at this stage because the necessary property agreements have not yet been completed. Similarly to the position with Network Rail, the Applicant considers that the protective provisions in their current form (noting they are already agreed in all other respects, as confirmed by the SoCG) provide robust protection for Thames Water's interests. See Appendix 1 of these Closing Submissions for more detail, by reference to the tests under section 127 and section 138 of the PA 2008.

Importantly, the Applicant continues to negotiate the property documents with Thames Water. By way of an update since Deadline 7:

- (a) Heads of Terms have progressed and are now substantially agreed, which will enable the formal documents to be negotiated; and
- (b) A draft Deed of Variation (in respect of the transfer referred to in the SoCG) has been shared by the Applicant with Thames Water for review and comment.

Both parties remain actively engaged with the clear intention of concluding the formal agreements shortly after the Examination. The Applicant will update the Secretary of State as necessary following the close of the Examination to confirm any amendments required to the draft DCO should the voluntary land agreements be reached.

- 4.2.2 In support of the Applicant's position above that the protective provisions provide sufficient protection of both Network Rail and Thames Water in absence of the further provisions regarding compulsory acquisition, the Applicant refers to the Secretary of State's decision letter for the Cambridge Waste Water Treatment Works DCO. As stated in the 'Applicant's Response to Rule 17 Letter (23rd October 2025)' [REP7-047], paragraph 21.33 of that decision letter sets out:

"In consideration of the current protective provisions which ensure that asset protection agreements are entered into prior to the carrying out of specific works [ER 6.5.110], and that proper and sufficient plans of specified works are provided for the reasonable approval of an NRIL engineer, and that specified works cannot be carried out except in accordance with such plans, the Secretary of State agrees with the ExA that the Applicant's protective provisions would afford NRIL an appropriate level of the protection in terms of its statutory undertaking, land and apparatus, and would ensure that the Proposed Development would not result in serious detriment to the carrying on of its undertaking consistent with sections 127 and 138 of the PA2008."

- 4.2.3 The Applicant also reiterates the point identified by the Secretary of State in the same paragraph of that decision letter, that the current practice of side agreements introducing separate approval processes means that there is a limit as to how much reliance can be placed on previous examples of protective provisions on other public facing Orders. Moreover, other Orders may include the relevant wording on the basis that voluntary property negotiations have concluded. For the reasons set out earlier, the Applicant reiterates that there is an unacceptable risk to the Project if that wording is included in absence of those voluntary agreements being entered for this Project.



- 4.2.4 The unacceptable risk to the Project is also not a reasonable or necessary one to impose. In line with the principle accepted by the Secretary of State in the Cambridge Waste Water Treatment Works decision letter, the protective provisions for the benefit of Network Rail (see paragraph 4 of Part 4 of Schedule 15 of the draft DCO, [REP7-006]) and Thames Water (see paragraph 5 of Part 5 of Schedule 15 of the draft DCO, [REP7-006]) already ensure that each statutory undertaker has a right of approval over the relevant works caught by the protective provisions, meaning that in any event there is suitable control mechanisms secured in the DCO to ensure adequate protection of each statutory undertakers' assets. The Secretary of State's decision letter in the Stonestreet Green Solar farm adds that there is a compelling case in the public interest to grant compulsory acquisition powers to facilitate delivery in absence of the voluntary agreements, as the lack of voluntary agreements "*should not be an impediment to authorising the acquisition of these land rights*" (paragraph 6.14). This enables the delivery of the Project in recognition that other suitable protections are in place.
- 4.2.5 In light of the above and the existing protections that are already included within the final draft DCO, including the protective provisions that are in otherwise agreed form, the Applicant considers that the compulsory acquisition powers being sought should be granted, notwithstanding any outstanding representations. Please see the Applicant's full statement in accordance with section 127 and section 138 of the PA 2008, at Appendix 1 to these Closing Submissions.

5 OTHER LAND INTERESTS

- 5.1.1 The latest position on other land interests is set out in the Land and Rights Negotiations Tracker **[REP7-011]**; Compulsory Acquisition (CA) Schedule and Land Rights Tracker **[REP7-033]**; and Status of Negotiations **[REP7-048]**.
- 5.1.2 Notwithstanding any outstanding voluntary agreements, the Applicant has demonstrated that the land and rights being sought are required for the Project, and that there is a compelling case in the public interest for compulsory acquisition powers to be granted. All statutory and policy tests for the inclusion of compulsory acquisition powers in the DCO have been met. The Applicant's full position can be found in the Statement of Reasons **[CR2-015]**.

6 CONCLUSIONS

- 6.1.1 As set out in the DCO Application and Examination deliverables, and summarised in these Closing Submissions, there is a clear and compelling need for the Project which substantially outweighs its limited residual adverse effects. The Applicant has provided all necessary information to inform the ExA's Recommendation Report and the Secretary of State's decision making.
- 6.1.2 Agreement has been reached with the vast majority of relevant statutory undertakers, and protective provisions for all relevant undertakers are included within Schedule 15 of the draft DCO. On the basis of the protections offered, the Secretary of State can be satisfied that there would be no serious detriment to any statutory undertaking and that the powers sought by the Applicant are necessary and should be granted.
- 6.1.3 The Project comprises critical national priority infrastructure, for which there is an urgent national need as defined and established in the NPSs. There are no overriding or "exceptional" local impacts. On that basis, and for the reasons given throughout this document, the case has been made for:
1. the Examining Authority to recommend that the DCO be made; and
 2. the Secretary of State to make it, in the form submitted by the Applicant at Deadline 7.
- 6.1.4 Finally, the Applicant wishes to take this opportunity to thank the ExA, the case team and the Planning Inspectorate, and all those individuals and organisations who have participated in the consultation and examination of the Project.

APPENDIX 1

Section 127 and Section 138 Statement

1 Introduction

- 1.1.1 The Applicant submitted the DCO Application for the Project on 15 November 2025. As set out in Section 10.3 of the Statement of Reasons [CR2-015], the Order land includes land, rights or other interests owned by statutory undertakers.

2 Legislative position

- 2.1.1 Section 127 (“s127”) of the PA 2008 applies where:

1. the land or interest has been acquired by statutory undertakers for the purposes of their undertaking;
2. a representation has been made about an application for an order granting development consent before the completion of the examination of the application, and the representation has not been withdrawn; and
3. as a result of the representation the Secretary of State is satisfied that the land is used for the purposes of carrying on the statutory undertakers' undertaking, or an interest in the land is held for those purposes.

- 2.1.2 Section 127(2) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of statutory undertakers' land to the extent that:

1. the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
2. the land can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.

- 2.1.3 Section 127(5) of the PA 2008 states that an order granting development consent may only include provision authorising the compulsory acquisition of a right over statutory undertaker's land by the creation of a new right over land to the extent that:

1. the right can be purchased without serious detriment to the carrying on of the undertaking; or
2. any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of the other land belonging to or available for acquisition by them.

- 2.1.4 Section 138 (“s138”) of the PA 2008 applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and:

1. there subsists over the land a relevant right (defined in s138(2)); or
2. there is on, under or over the land relevant apparatus (defined in s138(3)).

- 2.1.5 Section 138(4) of the PA 2008 states that an order may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.

3 End of Examination – s127 and s138 cases

- 3.1.1 The DCO Application includes provisions authorising the compulsory acquisition of land and/or new rights over land, or affecting rights, belonging to statutory undertakers. As at Deadline 7, some representations made by statutory undertakers have not been formally withdrawn, including by Thames Water Utilities Limited (“**Thames Water**”) and Network Rail Infrastructure Limited (“**Network Rail**”).
- 3.1.2 The Applicant has agreed to the form of protective provisions with both Network Rail and Thames Water, in each case except for one remaining provision. These protective provisions are included at Part 4 and Part 5 of Schedule 15 respectively, in the final draft DCO submitted at Deadline 7 [REP7-006]. The placeholder in each set of provisions was intended for additional wording relating to compulsory acquisition, which Network Rail and Thames Water has requested as part of ongoing negotiations. Those placeholders were removed in the updated DCO at Deadline 7, on the basis that the Applicant cannot include the requested wording at this stage because the necessary property agreements (to grant the necessary land/rights voluntarily) have not yet been completed. Including such wording prematurely would create significant uncertainty for the delivery of the Project on the basis that without compulsory acquisition powers, in absence of a voluntary agreement, Network Rail and Thames Water could effectively adopt a ransom position.
- 3.1.3 The Applicant considers that the protective provisions in their current form (noting they are already agreed in all other respects) provide robust protection for Network Rail’s and Thames Water’s interests.
- 3.1.4 The Applicant will continue to liaise with these statutory undertakers. Heads of Terms have been agreed between the Applicant and Network Rail, and both parties remain actively engaged with the clear intention of concluding formal agreements shortly after the Examination. The Heads of Terms are also substantially agreed between the Applicant and Thames Water; and a draft Deed of Variation (in respect of the transfer referred to in the SoCG) has been shared with Thames Water for review and comment – see the signed SoCG between the Applicant and Thames Water [REP7-041], for details of the outstanding agreements being negotiated. All parties remain actively engaged with the clear intention of concluding the formal agreements shortly after the Examination. The Applicant will update the Secretary of State as necessary following the close of the Examination to confirm any amendments required to the draft DCO should the voluntary land agreements be reached.
- 3.1.5 However, in the event that the voluntary property agreements are not completed and the representations of Network Rail and Thames Water are not formally withdrawn, the Applicant has set out in Table 1 below the reasons why the Applicant considers that the tests set out in s127(2) and s127(5) of the PA 2008 are satisfied. For completeness, the Applicant has also included in the table below the position in respect of all statutory undertakers.
- 3.1.6 Section 138 of the PA 2008 is engaged by Article 30 of the draft DCO. This Article will permit the undertaker to extinguish or relocate the rights or apparatus of statutory undertakers and electronic communications apparatus. Such power may only be included in the DCO if the Secretary of State is satisfied the extinguishment or removal is necessary for the authorised development (section 138(4) of the PA 2008).



- 3.1.7 The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 15 of the DCO which set out constraints on their exercise with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests. The Applicant therefore considers that the test set out s138 of the PA 2008 is satisfied.

Table 1 – Section 127 Statement

| Statutory undertaker or other apparatus owner | Engagement of Section 127 | Applicant's Position |
|---|--|--|
| Thames Water Utilities Limited | <p>Thames Water submitted representations in respect of the DCO application ([RR-1045]; [REP1-126]; and [REP2-084]). As at Deadline 7, these representations have not been withdrawn.</p> <p>The form of protective provisions included in Part 5 of Schedule 15 to the final draft DCO submitted at Deadline 7 are agreed, subject to the earlier placeholder at paragraph 5 being replaced with provision in relation to compulsory acquisition pending voluntary negotiations. The parties are currently negotiating the voluntary land agreement(s) which the Applicant understands will enable Thames Water to formally withdraw its representation(s).</p> <p>See the Statement of Common Ground submitted at Deadline 7 between Thames Water and the Applicant.</p> | <p>Thames Water owns land and has apparatus and interests within the Order land for the purposes of its water undertaking under the Water Industry Act 1991.</p> <p>In its representations, Thames Water raised concerns regarding works being carried out in proximity to its apparatus and the use of compulsory acquisition powers unless and until suitable protective provisions had been secured in the draft DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety, decommissioning and third-party obligations.</p> <p>Protective provisions for the benefit of Thames Water are included in Part 5 of Schedule 15 to the draft DCO submitted at Deadline 7. The Applicant considers that through the protection afforded by the protective provisions in their current form and which are otherwise agreed (save for any further provision relating to compulsory acquisition which may arise from voluntary negotiations), the compulsory acquisition provisions in the draft DCO can be granted without serious detriment to the carrying on of Thames Water's undertaking. See section 4.2 of the Closing Submissions.</p> |
| Network Rail Infrastructure Limited | <p>Network Rail submitted representations in respect of the DCO application ([RR-0768] and [REP1-088]). As at Deadline 7, these representations have not been withdrawn.</p> <p>The form of protective provisions included in Part 4 of Schedule 15 to the final draft DCO submitted at Deadline 7 is agreed, subject to the earlier placeholder at paragraph 4 being replaced with provision in relation to compulsory acquisition pending voluntary negotiations. The parties are currently negotiating the voluntary land agreement which the Applicant understands will enable</p> | <p>Network Rail owns land and has apparatus and interests within the Order land for the purposes of its railway undertaking as a railway operator for the majority of the rail infrastructure of Great Britain (the "Railway").</p> <p>In its representations, Network Rail raised concerns regarding works being carried out in proximity to its apparatus and the use of compulsory acquisition powers unless and until:</p> <p>(1) adequate protective provisions and/or requirements are included within the DCO; and</p> |

Network Rail to formally withdraw its representation(s). Heads of Terms have already been agreed.

A form of framework agreement has also been agreed with Network Rail, with the intention for the framework agreement to be entered simultaneously with the land agreement, once the final formal documents are also progressed and agreed.

- (2) an agreement is entered to ensure that the new rights sought are exercised in regulated manner to prevent adverse impacts to the Railway.

Protective provisions for the benefit of Network Rail are included in Part 4 of Schedule 15 to the draft DCO submitted at Deadline 7. The parties have also agreed the terms of a framework agreement, with the intention that this agreement will be completed concurrently with the land agreement. In any event, the Applicant considers that through the protection afforded by the protective provisions in their current form and which are otherwise agreed (save for any further provision relating to compulsory acquisition which may arise from voluntary negotiations), the compulsory acquisitions provisions in the draft DCO can be granted without serious detriment to the carrying on of Network Rail's undertaking. See section 4.2 of the Closing Submissions.

National Grid Electricity Transmission plc ("NGET")

NGET submitted representations in respect of the DCO application ([RR-0760]; [REP1-106] and [REP2-076]).

The final Statement of Common Ground submitted at Deadline 7 confirms that all matters that are agreed between the Applicant and NGET. The SoCG acknowledges that the DCO includes agreed protective provisions at Part 9 of Schedule 15 of the draft DCO.

Agreed protective provisions for the benefit of National Grid Electricity Transmission plc (NGET) are included at Part 9 of Schedule 15 of the final draft DCO submitted at Deadline 7. This is confirmed in the signed Statement of Common Ground between the Applicant and NGET, also as submitted at Deadline 7.

The Applicant does not consider that s127 of the PA 2008 is triggered because NGET has confirmed in its Deadline 7 Closing Statement that any objection will be withdrawn upon completion of a private side agreement, which has now completed.

GTC Pipelines Limited

GTC Pipelines Limited submitted representations in respect of the DCO application [RR-0372] and [AS-038]. As at Deadline 7, these representations have not been withdrawn. Whilst not formally withdrawn, continued engagement with GTC Pipelines Limited has confirmed that whilst the Order Limits intersects with some of its boundaries, none of its assets are directly impacted. Therefore, the Applicant does not consider that s127 of the PA 2008 applies as it has been confirmed that the Project is not expected to cause any detriment to the carrying on of the undertaking. The Applicant has reached out to GTC Pipelines Limited to confirm this but is awaiting a response.

Protective provisions for the protection of electricity, gas, water and sewerage undertakers are included at Part 1 of Schedule 15 of the final draft DCO submitted at Deadline 7. In any event these will operate to protect GTC Pipelines Limited's interests as a licensed gas transporter under the Gas Act 1986.



| | | |
|--|--|--|
| GTC Infrastructure Limited | GTC Infrastructure Limited did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | Protective provisions for the protection of electricity, gas, water and sewerage undertakers are included at Part 1 of Schedule 15 of the final draft DCO submitted at Deadline 7. In any event these will operate to protect GTC Infrastructure Limited's interests – GTC Infrastructure Limited itself is not a direct licence holder under the Electricity Act 1989. However, it manages and operates assets for two licensed Independent Distribution Network Operators (IDNOs) (The Electricity Network Company Limited and Independent Power Networks Limited) and is therefore “an owner or operator of apparatus within paragraph (e) of the definition of that term”. |
| Southern Gas Networks plc | Southern Gas Networks plc has withdrawn its objection [REP3-117] and therefore s127 of the PA 2008 is not triggered. | Agreed protective provisions for the benefit of Southern Gas Networks plc as gas undertaker are included at Part 6 of Schedule 15 of the final draft DCO submitted at Deadline 7. |
| The Environment Agency | <p>The Environment Agency submitted a representation in respect of the DCO application [REP-0308]; [AS-046]; [REP1-083]; [REP2-053]; and [REP4-061].</p> <p>The final Statement of Common Ground submitted at Deadline 7 confirms that all matters that are agreed between the Applicant and the Environment Agency. The SoCG acknowledges that the DCO includes agreed protective provisions at Part 7 of Schedule 15 of the draft DCO. Therefore, the Applicant does not consider that s127 of the PA 2008 is triggered because any objection is considered withdrawn by virtue of the SoCG.</p> | <p>Agreed protective provisions for the benefit of the Environment Agency are included at Part 7 of Schedule 15 of the final draft DCO submitted at Deadline 7.</p> <p>The Applicant considers that through the protection afforded by the protective provisions, the compulsory acquisitions provisions in the draft DCO can be granted without serious detriment to the carrying on of the Environment Agency's undertaking. The content of the signed SoCG with the Environment Agency demonstrates that its representation has been withdrawn.</p> |
| <p>Southern Electric Power Distribution plc; Scottish and Southern Energy Power Distribution Limited; and SSE Utility Solutions Limited</p> <p>(collectively, “SSE”)</p> | SSE did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | Protective provisions for the protection of electricity, gas, water and sewerage undertakers are included at Part 1 of Schedule 15 of the final draft DCO submitted at Deadline 7. In any event these will operate to protect SSE's interests as a licence holder under the Electricity Act 1989. |



| | | |
|----------------------|--|--|
| Gigaclear Limited | Gigaclear Limited did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | Protective provisions for the protection of operators of electronic communications code networks are included at Part 2 of Schedule 15 of the final draft DCO submitted at Deadline 7. In any event these will operate to protect Gigaclear Limited's interests as an electronic communications code operator in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act. |
| Openreach Limited | Openreach Limited did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | <p>Protective provisions for the protection of operators of electronic communications code networks are included at Part 2 of Schedule 15 of the final draft DCO submitted at Deadline 7.</p> <p>In any event these will operate to protect Openreach Limited's interests as an electronic communications code operator in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act.</p> |
| Vodafone Limited | Vodafone Limited did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | Protective provisions for the protection of operators of electronic communications code networks are included at Part 2 of Schedule 15 of the final draft DCO submitted at Deadline 7. The Applicant has agreed and signed a side letter with Vodafone Limited to amend these standard provisions. Those provisions will operate to protect Vodafone Limited's interests as an electronic communications code operator in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act. |
| Virgin Media Limited | Virgin Media Limited did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | <p>Protective provisions for the protection of operators of electronic communications code networks are included at Part 2 of Schedule 15 of the final draft DCO submitted at Deadline 7.</p> <p>In any event these will operate to protect Virgin Media Limited's interests as an electronic communications code operator in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act.</p> |
| BT Group plc | BT Group plc (or British Telecommunications plc) did not submit a representation in respect of the DCO Application and therefore s127 of the PA 2008 is not triggered. | <p>Protective provisions for the protection of operators of electronic communications code networks are included at Part 2 of Schedule 15 of the final draft DCO submitted at Deadline 7.</p> <p>In any event these will operate to protect BT Group plc's interests – whilst BT Group plc is not an electronic communications code operator, its subsidiary British Telecommunications plc is. Also, BT Group operates fixed-</p> |



line networks (copper and fibre-optic cables); broadband infrastructure; mobile networks; and telecommunications equipment including underground and overhead cabling. These assets are used to provide electronic communications services and are considered apparatus under the Electronic Communications Code, which includes cables used for telecommunications. BT Group plc is therefore *“an owner or operator of apparatus within paragraph (e) of the definition of that term”*.

