UK Government

Department for Energy Security and Net Zero
3-8 Whitehall Place
London
SW1A 2AW
+44 020 7215 5000
energyinfrastructureplanning@energysecurity.gov.uk
www.gov.uk/desnz

Ref: EN010147

Photovolt Development Partners GmbH (PVDP) on behalf of
SolarFive Ltd
16 Great Queen Street
Covent Garden
London
WC2B 5AH

10 November 2026

Dear [redacted]

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE BOTLEY WEST SOLAR FARM

This decision was made by Minister Curran, on behalf of the Secretary of State for Energy Security and Net Zero.

1. Introduction

1.1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the Examining Authority's ("ExA") Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ExA's Report") dated 10 February 2026. The ExA consisted of four examining inspectors, David Wallis (Lead Member), Helen Cassini, Katharine Metcalfe and Mukhtar Shaikh. The ExA conducted an examination ("Examination") into the application submitted on 14 November 2024 ("the Application") by Photovolt Development Partners GmbH (PVDP) on behalf of SolarFive Ltd ("the Applicant") for a Development Consent Order ("DCO") ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Botley West Solar Farm Project ("the Proposed Development"). The Application was accepted for Examination on 13 December 2024. The Examination began on 14 May 2025 and closed on 13 November 2025. The Secretary of State received the ExA's Report on 10 February 2026.

1.2. On 26 March 2026, the Secretary of State issued a Written Ministerial Statement ("WMS") announcing that the statutory deadline for the decision had been reset to 10 September 2026.

1.3. On 14 April 2026, the Secretary of State issued a letter seeking information on several matters ("the information request") [C1-001][1] with a deadline to respond of 9 June. Amended versions of the information request were issued on 20 April 2026 [C1-001][2] and 28 April 2026 [C1-001A][3] with minor typographical changes. A clarification letter was also issued on 28 April 2026 [C1-001B][4] which responded to procedural queries raised by Interested Parties ("IPs") in response to the initial version of the information request.

1.4. On 22 May 2026, the Secretary of State received a request[5] from the Applicant to extend the deadline for responding to the information request from 9 June 2026 to 25 September 2026. On 8 June 2026, the Secretary of State issued a response letter[6] refusing the Applicant's request. The deadline for responding to the information request therefore remained 9 June 2026.

1.5. On 11 June 2026, IPs were invited to comment on the representations received in response to the information request ("the first all IPs consultation") [C2-001][7].

1.6. On 16 July 2026, the Applicant submitted a late submission to the information request ("late submission") which the Secretary of State subsequently accepted.

1.7. On 2 September 2026, the Secretary of State issued a WMS announcing that the statutory deadline for the decision had been reset to 10 November 2026.

1.8. On 4 September 2026, IPs were invited to comment on the Applicant's late submission to the information request ("the second all IPs consultation") [C3-001][8].

1.9. The Order, as applied for, would grant development consent for the construction, operation and decommissioning of ground-mounted solar photovoltaic ("PV") arrays with a generating capacity of 840 megawatts ("MW") located in West Oxfordshire and in the administrative areas of Oxfordshire County Council ("OCC"), West Oxfordshire District Council ("WODC"), Cherwell District Council ("CDC") and the Vale of White Horse District Council ("VoWHDC") (together and hereon referred to as the Oxfordshire Host Authorities ("OHA")) [ER Overview / 1.3.1]. The Proposed Development would be split over northern, central and southern areas, which would be connected by cabling works. The Proposed Development would have its own principal substation, 6 secondary substations and 156 power converter stations

[1] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002429-Secretary%20of%20State%20First%20Request%20for%20Information%20dated%2014%20April%202026.pdf
[2] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002429-Secretary%20of%20State%20First%20Request%20for%20Information%20dated%2014%20April%202026.pdf
[3] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002443-First%20Information%20Request%20-%20amended%20version%2028%20April%202026.pdf
[4] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002444-Update%20letter%20-%20Botley%20West%20Solar%20Farm.pdf
[5] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002458-Letter%20to%20Secretary%20of%20State%20-%20extension%20of%20time%20request(164232281.2).pdf
[6] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002472-Response%20to%20Applicant%20-%20Botley%20West%20Solar%20Farm.pdf
[7] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002638-For%20Publishing%2011%20June%20-%20All%20IPs%20Consultation%20-%20Botley%20West%20Solar%20Farm.pdf
[8] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002974-Second%20all%20IPs%20Consultation%20-%20Botley%20West%20Solar%20Farm.pdf

("PCS units") [ER 1.3.5]. Land is also reserved within the Order limits for a new, permanent, National Grid Energy Transmission ("NGET") substation to provide a connection to the grid, should NGET not be able to deliver its intended new substation on its preferred site nearby, south of Farmoor Reservoir [ER 1.3.5].

1.10. The Proposed Development would comprise of the following works [ER 1.3.6]:

- Work No. 1 - A ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 MW;
- Work No. 2 - A new NGET substation (if required);
- Work No. 3 - Delivery of a principal 'main' project substation and six secondary substations;
- Work No. 4 - Works in connection with high voltage electrical cabling;
- Work No. 5 - Archaeological protection and management;
- Work No. 6 - General works;
- Work No. 7 - Temporary construction and decommissioning compounds;
- Work No. 8 - Landscape management, protection and enhancement; and
- Work No. 9 - Access works to allow delivery of works 1-8 above.

1.11. The full description of the Proposed Development is in Schedule 1 to the recommended DCO ("rDCO") which is annexed to the ExA's Report [Appendix D]. The Applicant also sought compulsory acquisition ("CA") and temporary possession ("TP") powers.

1.12. Published alongside this letter on the Planning Inspectorate's National Infrastructure Project website[9] is a copy of the ExA's Report. The ExA's findings and conclusions are set out in Chapter 5 of the ExA Report, and the ExA's summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA's Report ["ER *.*.*"].

2. Summary of the Examining Authority's Report and Recommendation

2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA's Report under the following broad headings:

- Principle of the Development;
- Cultural Heritage;
- Landscape;
- Geology and Land Use;
- Ecology and Biodiversity;
- Traffic and Transport;
- Socio-Economics;
- Air Quality;
- Climate Change;

[9] https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010147

- Noise and Vibration;
- Hydrology and Flood Risk;
- Other Planning Matters: Cumulative Effects;
- Other Planning Matters: Decommissioning;
- Other Planning Matters: National Security;
- Other Planning Matters: Minerals and Waste;
- Other Planning Matters: Ground Conditions; and
- Other Planning Matters: Human Health.

2.2. For the reasons set out in the ExA's Report, the ExA recommended that the Secretary of State should refuse development consent for the Proposed Development [ER 8.3.1].

2.3. The ExA also provided a secondary recommendation which is set out at ER 8.3.4 of the ExA Report. The ExA considered that, should all matters outlined in ER 8.3.4 be resolved, then there may be a case for development consent to be granted on the basis of the rDCO as drafted in Appendix D of the ExA's Report (and amended as a result of further submissions). At ER 8.3.5, the ExA stated that this does not overlook the adverse impacts on landscape, cultural heritage, green belt, mineral reserves as well as other impacts identified in chapter 5 of the ExA's Report. However, the ExA recognised the weight to be given to Critical National Priority ("CNP"), and that the Secretary of State may consider that this outweighs the residual adverse effects.

2.4. This letter is intended to be read alongside the ExA's Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of the conclusions and recommendations.

3. Summary of the Secretary of State's Decision

3.1. As the Proposed Development comprises an onshore electricity generating station with a total capacity exceeding 50 MW, the Proposed Development falls within section 15(2) of the 2008 Act and meets the definition of a Nationally Significant Infrastructure Project ("NSIP") as set out in section 14(1) of the 2008 Act.

3.2. The 2024 National Policy Statements EN-1: Overarching National Policy Statement for Energy ("NPS EN-1"), EN-3: National Policy Statement for Renewable Energy Infrastructure ("NPS EN-3") and EN-5: National Policy Statement for Electricity Networks Infrastructure ("NPS EN-5") designated on 17 January 2024 ("2024 NPSs") have effect in relation to the Proposed Development and consequently, the Application is to be determined under the provisions of section 104 of the 2008 Act.

3.3. Section 104(2) of the 2008 Act sets out the matters to which the Secretary of State must have regard when determining an application. Under section 104(2)(a), the Secretary of State must have regard to any relevant National Policy Statement ("NPS") which has effect in relation to development of the description to which the Application relates. Section 104(2) also includes, for example, any relevant Local Impact Reports ("LIRs") and any matters prescribed in relation to the development, together with any other matters which the Secretary of State thinks are both important and relevant to the decision.

3.4. Section 104(3) requires that the Secretary of State must decide the Application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply (pursuant to section 104(3B) of the 2008 Act).

3.5. NPS EN-1 paragraph 4.1.3 states that the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused. NPS EN-1 paragraph 4.1.4 states the presumption in favour is also subject to the provisions of the 2008 Act referred to at paragraph 1.1.4 of NPS EN-1.

3.6. Whilst the Secretary of State does consider the Application to be in conflict with some of the policies contained in NPS EN-1 and NPS EN-3, for the purposes of section 104(3) of the 2008 Act, the Secretary of State considers the Application to be in accordance with the NPSs as a whole.

3.7. The Secretary of State has considered subsections (4) to (8) of section 104 of the 2008 Act. The requirement in section 104(3) to decide an application in accordance with any relevant national policy statement is subject to the exceptions in those subsections (pursuant to section 104(3B) of the 2008 Act). Having considered the overall planning balance, and for the reasons set out in this letter, the Secretary of State has concluded that the adverse impact of the Proposed Development would outweigh its benefits. The exception in section 104(7) therefore applies to this Application and, to that extent, section 104(3) of the 2008 Act does not apply.

3.8. The key issues contributing to the Secretary of State's overall conclusions on the planning balance can be summarised as follows. There would be substantial harm to the Green Belt and harm to a number of designated heritage assets ("HA(s)"), including assets of the highest significance (the Blenheim Palace World Heritage Site ("WHS")). In addition, there are significant adverse effects in relation to landscape and visual amenity. Further, there would be residual adverse impacts on aviation safety which present an unacceptable risk to public safety, and there are issues with the Applicant's approach to assessing and restoring Best and Most Versatile ("BMV") land.

3.9. **The Secretary of State has therefore decided under section 114 of the 2008 Act to refuse development consent for the Application.** This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").

3.10. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of Examination and consultation responses provided during the decision-making stage. 1,115 Relevant Representations ("RRs") were made in respect of the Application. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA.

4.2. The Secretary of State has had regard to the LIRs submitted by CDC [REP1-052] and OCC [REP1-070], the Joint LIR submitted by the OHA [REP1-072], the environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act. This includes policies set out in the 2024 NPSs as designated on 17 January 2024 which are "relevant" NPSs in respect of the Application for the purposes of section 104(2) of the 2008 Act.

4.3. On 6 January 2026, the Government published updates to the 2024 NPSs (which will be collectively known as the "2025 NPSs"). The Secretary of State notes that, in accordance with the transitional provisions set out in section 1.6 of NPS EN-1, the amendments in the 2025 NPSs will have effect only in relation to those applications for development consent accepted for Examination after the final publication of those amendments. As this Application was accepted for Examination prior to the publication of those amendments, the 2024 NPSs had effect for the ExA's consideration of this Application and recommendation. The Secretary of State has therefore had regard to the 2024 NPSs in reaching this decision as noted above.

4.4. The Secretary of State has also had regard to the National Planning Policy Framework ("NPPF") released in December 2024 ("2024 NPPF") and updated in February 2025. The government also published a consultation on a revised NPPF on 16 December 2025, but this document was not published until after the Examination closed. The NPPF was recently updated on 17 August 2026 ("2026 NPPF"). Where the Secretary of State refers to the NPPF in this letter, these are references to the 2024 NPPF, which was the version in effect during the Examination and the majority of the determination period. However, the Secretary of State has considered the 2026 NPPF and has commented on it in those sections below where it is relevant. The Secretary of State finds that there is nothing contained within the 2026 NPPF which would lead to a different decision on the Application, as further detailed below.

4.5. The Secretary of State also recognises the Planning Practice Guidance ("PPG") which adds further context to the NPPF, and which was first published in 2014 and most recently updated in September 2026, as important and relevant considerations in deciding this Application.

4.6. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance, and therefore has no further commentary in respect of the following issues:

- Air Quality – Neutral weight [ER 3.9.48];
- Climate Change – Neutral weight [ER 3.10.47];
- Noise and Vibration – Little negative weight [ER 3.11.74];
- Other Planning Matters – Cumulative Effects – Neutral weight [ER 3.13.14];
- Other Planning Matters – National Security – Neutral weight [ER 3.13.38]; and
- Other Planning Matters – Human Health – Neutral weight [ER 3.13.125];

4.7. The Secretary of State agrees with the weighting ascribed by the ExA on the following matters but has provided further commentary and analysis which is set out within this letter:

- Alternatives and Site Selection – No ascribed weight;

- Principle of the Development – Very great positive weight [ER 3.2.129];
- Cultural Heritage – Very great negative weight [ER 5.4.1];
- Landscape and Visual – Very great negative weight [ER 5.4.1];
- Geology and Land Use – Very great negative weight [ER 3.5.57];
- Traffic and Transport (including Aviation) - Very great negative weight [ER 3.7.136]
- Other Planning Matters – Decommissioning – Neutral weight [ER 3.13.30];
- Other Planning Matters - Minerals – Moderate negative weight [ER 3.13.73];
- Other Planning Matters – Waste – Little negative weight [ER 3.13.56]; and
- Other Planning Matters – Ground Conditions – Neutral weight [ER 3.13.85].

4.8. On the following matters, the Secretary of State ascribes a different weight to the ExA and has provided further commentary and analysis, as set out within this letter:

- Green Belt (this was not afforded a weighting by the ExA) – Substantial negative weight;
- Ecology and Biodiversity – Limited positive weight;
- Socio-Economics – Limited negative weight; and
- Hydrology and Flood Risk – Limited negative weight.

4.9. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information and consultation responses have been sought.

4.10. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out on page 175 of NPS EN-1. The Secretary of State considers the term used by the ExA 'little' equates to 'limited', and the term used by the ExA 'very great' equates to 'substantial'. The Secretary of State uses the descriptors in NPS EN-1 when ascribing weightings and whilst the terminology differs to this limited extent, it does not indicate a disagreement with the ExA unless explicitly stated.

Applicant's Change Requests ("CR") during Examination

4.11. The Applicant made two formal Change Requests ("CR") in respect of the Application.

4.12. The Applicant submitted its first formal CR ("CR1") on 3 February 2025 during the pre-examination period [AS-001]. The changes proposed were a reduction in the Order limits by 0.015 hectares ("ha") to remove a vehicular access point following landowner negotiations and to provide 0.47 ha of archaeological protection in lieu of solar array installation [ER 1.5.4]. The ExA agreed that neither of these changes were so material that it constituted a materially different project. Subsequently, the ExA issued a procedural decision ("PD") within its Rule 6 Letter [PD-006, Appendix F] to accept CR1 into the Examination.

4.13. The Applicant submitted a CR notification on 11 July 2025 [REP2-045]. This CR notification comprised 11 separate changes. These changes are listed at ER 1.5.7. The Applicant concluded that no additional land outside the Order limits would be required. The ExA responded to the CR notification [PD-011] establishing a timetable for consultation and submission of the formal CR to the Examination, subject to the subsequent fulfilment of duties under Regulations 7, 8 and 9 of the CA Regulations if applicable. On 12 September 2025, the second formal change request ("CR2") was submitted. The ExA accepted CR2 on

23 September 2025 [PD-016a], the changes were debated during Issue Specific Hearing 2, Compulsory Acquisition Hearing 1 and Open Floor Hearing 3, as well as the final two Examination deadlines [ER 1.5.10].

Applicant's Changes post-Examination

4.14. The Applicant made several changes to the Proposed Development during the decision-making stage, reducing both its generating capacity and the extent of the solar arrays. However, the information provided in response to the Secretary of State's information request and in the Applicant's subsequent late submission to this request does not clearly establish the extent of those reductions. For example, in its letter dated 16 July 2026 [C1-094], the Applicant referred to a reduction of 130 ha. But the design refinements set out in the Environmental Statement ("ES") Addendum [C1-106], submitted on 16 July 2026, appear to amount to a reduction of 138.7 ha, excluding refinement 1, which had already been implemented at Deadline 7. The Applicant also proposes to use a post-consent process – Proposed Buffer Requirement 15, discussed from paragraph 4.264 below – to determine buffer distances and thereby refine the final layout and extent of the solar arrays. Taken together, the differing area figures and the reliance on that post-consent process have made it difficult for the Secretary of State to establish the final extent of the Proposed Development and, in turn, to assess some of its environmental effects.

4.15. It is clear from the Application and Examination material before the Secretary of State that many of the issues relating to the Proposed Development were known during the pre-application stage and were not resolved during Examination, and consequently, this has impacted the decision-making process and timeline. The Secretary of State also notes that issues identified by the ExA during the Examination continued during the decision-making stage. These included late submissions, documentation that lacked sufficient clarity, and requests that the Secretary of State considers should not have been made.

Critical National Priority infrastructure

4.16. Section 4.2 of NPS EN-1 sets out the Critical National Priority ("CNP") for low carbon infrastructure, and paragraphs 4.2.1 to 4.2.3 set out the background to the need for CNP infrastructure. The Secretary of State agrees with the ExA [ER 5.1.1] that the Proposed Development is CNP infrastructure. Low carbon infrastructure for the purposes of the CNP policy is defined in paragraph 4.2.5 and the glossary of NPS EN-1. NPS EN-5 paragraph 2.12.7 also confirms that electricity grid infrastructure, all power lines in scope of NPS EN-5, including network reinforcement and upgrade works, and associated infrastructure such as substations are included in the CNP for nationally significant low carbon infrastructure.

4.17. Paragraph 4.2.8 of NPS EN-1 is clear that not only does CNP policy influence how non-Habitats Regulations Assessment and non-Marine Conservation Zone residual impacts are considered in the planning balance, but it will also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or Very Special Circumstances ("VSC(s)") have been met by a CNP Infrastructure application. This is reiterated in paragraphs 4.2.16 and 4.2.17 of NPS EN-1.

4.18. NPS EN-1 paragraph 4.2.14 states that when considering CNP infrastructure applications, the Secretary of State must be satisfied that the Applicant's assessment demonstrates that the requirements set out in paragraphs 4.2.10 to 4.2.13 of NPS EN-1 have been met, and that where they have been met, the CNP presumptions set out in NPS EN-1 paragraphs

4.2.15 onwards apply. The Secretary of State has considered whether the policy requirements have been met as discussed further below.

CNP Policy and the Application of the Mitigation Hierarchy

4.19. Given the Proposed Development's status as CNP infrastructure, the Secretary of State has considered whether, and to what extent, the policy presumptions in section 4.2 of NPS EN-1 apply to the adverse effects identified in this case.

4.20. Paragraph 4.2.7 of NPS EN-1 is explicit that the CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure, and that the CNP policy applies following the 'normal consideration' of the need case, the impacts of the Proposed Development and the application of the mitigation hierarchy. If the above requirements have not been met, then the CNP presumptions do not apply (for example, if the mitigation hierarchy has not been properly applied). NPS EN-1 paragraph 4.2.7 further identifies that CNP policy is relevant to the Secretary of State during the decision-making stage and specifically in reference to any residual impacts identified.

ExA's Considerations and Conclusions

4.21. Overall, on the matter of the application of the mitigation hierarchy, the ExA found that the Applicant had promoted the Proposed Development as CNP infrastructure but had determined, in doing so, that impacts are inevitable and acceptable, and so had not appropriately applied the mitigation hierarchy. The ExA further stated that, the Examination evidence suggested that this approach had been systemic from the outset, including the choice of the site in the sifting process for alternative locations [ER 5.5.2].

4.22. By way of examples, the ExA concluded that, in respect of cultural heritage, the Applicant had undervalued the contribution that setting makes to a variety of designated HAs and as such, the proper mitigation hierarchy had not necessarily been followed [ER 5.2.19]; in respect of landscape and visual considerations that the effects had been 'minimised' by adopting a methodology that diminished or 'plays down' the effects, had relied on selected paragraphs from the NPSs as a defence to the approach, specifically referring to paragraph 5.10.5 of NPS EN-1, and that this did not represent good design or the appropriate use of the mitigation hierarchy as required by NPS EN-1 paragraph 4.2.11 [ER 5.2.23]; regarding aviation matters that the Applicant failed to apply the mitigation hierarchy properly, overlooked or ignored the critical information from a key stakeholder and put forward a poorly designed scheme from the outset [ER 3.7.124] and that the design of the Proposed Development, and the full effects arising therefrom, had not been wholly informed by detailed assessments and therefore the mitigation was undeveloped [ER 5.2.48]. In relation to ecology and biodiversity, the ExA remained concerned as to the extent that the mitigation hierarchy was originally applied [ER 3.6.107] and in regard to mineral resources the ExA considered that much more could have been done to apply the mitigation hierarchy [ER 3.13.72].

4.23. The Secretary of State notes that mitigation for the Proposed Development was set out in ES chapter 6, Appendix 6.1 Project Mitigation Measures and Commitments Schedule [APP-129] updated Rev 1 at [REP4-014] and identified embedded and additional mitigation.

Information Request and Consultation Responses

4.24. Given the nature and extent of the ExA's concerns, and the potential relevance of those concerns to the application of the CNP policy, the Secretary of State considered it necessary to provide the Applicant with a further opportunity to demonstrate how the mitigation hierarchy had been applied and, where appropriate, to identify further mitigation capable of addressing the effects identified by the ExA.

4.25. The Secretary of State sought further information [C1-001] directed specifically at a number of the matters in respect of which the ExA had identified deficiencies in the assessment or mitigation of effects. This included a request to explain how the mitigation hierarchy had been applied in regard to landscape and visual and cultural heritage impacts (paragraph 23), in addition to details of appropriate mitigation in respect of outstanding aviation matters (paragraphs 44 and 36), residential visual amenity (paragraph 27), bespoke mitigation for bats (paragraph 35), mitigation measures for protected species (paragraph 42), and the efficacy of hydrology and flood risk measures (paragraph 57).

4.26. Appendix B of the Applicant's response to the information request [page 150 of C1-087] included a table titled 'Change Process table – Project Amendments since submission highlighting application of the Mitigation Hierarchy'. The Secretary of State notes that the table identifies the amendments made to the Proposed Development since the submission of the Application in November 2024, including the removal of some land from the Order limits [ER 1.5.7] [REP2-045] in response to representations from consultees and environmental considerations. The Change Process table [Appendix B on page 150 of C1-087] further sets out post-Examination changes. However, the Secretary of State does not consider that the identification of amendments to the Proposed Development is, in itself, sufficient to demonstrate that the mitigation hierarchy has been appropriately applied. In particular, the table does not clearly demonstrate how the Applicant has sequentially sought to avoid effects before seeking to reduce or mitigate them, nor does it explain the relationship between the amendments and the residual effects which remain.

4.27. Further, the Secretary of State considers that the change process table, supporting explanation at page 154 [C1-087], and the Illustrative Masterplan [C1-051] do not fully explain the layout changes proposed. The figures in the table appear to assume a 250 metre ("m") buffer between every residential property and the solar array. However, under Proposed Buffer Requirement 15 (discussed from paragraph 4.264 below), the buffer distances would be determined after consent through approval of a Residential Visual Amenity Plan ("RVAP") and could range from 100 m to 250 m, subject to any private agreements. The figures therefore do not show the layout that would necessarily be secured under the proposed Requirement, or the full extent of the changes that may result from that post-consent process.

4.28. The Applicant further submitted an Application of the Mitigation Hierarchy document as a late submission to the information request [C1-107] in which it is stated in the introduction as highlighting the main examples of how the mitigation hierarchy has been applied and influenced good design. Although not identified as a revision to [REP4-014], table 2 in the document [C1-107] appears to be an updated version of [REP4-014] with the stated mitigation identified under a specific category within the mitigation hierarchy, with superficial labelling changes and lacking new evidence of mitigation. Table 3 of the document [C1-107] sets out the changes made by the Applicant since the Examination closed, in the northern,

central and southern areas, and identifies further application of the mitigation hierarchy for landscape matters.

4.29. The Secretary of State notes that the OHA concluded in their response [C2-200] to the first all IPs consultation that in their opinion, the response from the Applicant in respect of landscape and visual matters did not demonstrate that the Applicant had followed the mitigation hierarchy process and the OHA confirmed that their view as set out in [REP7-190] was still valid. The OHA also expressed concern regarding the matter of minerals resources (see paragraphs 4.487 and 4.488 below) and regarding the heritage impact assessment ("HIA") (see paragraph 4.161 below). Further, in response to the second all IPs consultation, the OHA confirmed [C3-192] that they had no further comments on this issue other than those contained in their closing statement [REP7-191], in which the Secretary of State notes that the OHA concluded that the mitigation hierarchy had not been adequately applied with regards to landscape and visual impacts, and ecology and biodiversity, particularly regarding ecological surveys when developing the scheme.

4.30. The Secretary of State also notes the concerns of Cumnor Parish Council ("CuPC") [C2-169] [C3-179] who consider that the Applicant's engagement with the mitigation hierarchy should start with accurate baseline information and data across a range of issues including residential visual amenity, bats and skylark, and flood risk. Also noted are the concerns of Stop Botley West ("SBW") on the Applicant's approach to the application of the mitigation hierarchy, including, but not limited to, the site selection process (avoid) that failed at the outset to identify the significance of the non-designated, but highly valued landscape, the setting to Blenheim Palace WHS, the Green Belt, the Cotswold National Landscape ("CNL") and numerous Listed Buildings ("LBs") and village Conservation Areas [C2-161].

The Secretary of State's Conclusion

4.31. Having considered the ExA's conclusions, the information provided by the Applicant in response to the information request [C1-001], and the consultation responses, the Secretary of State is not satisfied that the normal considerations have been properly and robustly undertaken. Specifically, the Secretary of State considers that the deficiencies identified in various assessments in the ES (as detailed further in the following sections of this Letter) have resulted in uncertainty as to the extent of the likely significant environmental effects of the Proposed Development and whether the appropriate mitigation has been identified and applied. The Applicant's response and late submissions to the information request do not provide a consolidated and updated account of the sequencing of the mitigation relied upon, how that mitigation responds to the deficiencies identified by the ExA, or the residual effects which remain. Therefore, this has limited the Secretary of State's ability to reconcile the amendments now relied upon by the Applicant, the mitigation proposed to be secured, and the assessment of residual effects.

4.32. In particular, the Secretary of State is not satisfied that the Applicant has demonstrated that the mitigation hierarchy has been appropriately applied in respect of landscape and visual, aviation, good design, ecology and biodiversity, mineral resources and cultural heritage matters. It is noted, that there is no specific reference to aviation matters in the traffic and transport section of the mitigation hierarchy documents [REP4-014] [C1-107] to demonstrate how the Applicant applied the mitigation hierarchy to adverse effects on the safety of operations at London Oxford Airport ("LOA") or any other stage of the mitigation hierarchy being applied in respect of aviation safety matters.

4.33. On the matter of the Green Belt, the Secretary of State notes that the Applicant stated in its response to the information request [C1-087, page 25] that they carefully assessed potential impacts on the Green Belt as part of the ES, and sought to avoid, minimise and mitigate those effects in accordance with the mitigation hierarchy. However, the application of the mitigation hierarchy on the Green Belt, its openness and purposes is not set out specifically in the mitigation hierarchy document [C1-107] and in any event if applied properly, it would be expected that avoiding land within the Green Belt would be part of the locational considerations. The Applicant also stated that Green Belt had influenced the design and layout of the Proposed Development but conceded it had not been an overriding factor in the strategic site selection process [C1-087, page 36].

4.34. Within their late submission, the Applicant submitted an updated ES addendum [C1-106] that provides a high-level assessment of the design refinements in relation to each environmental topic. The addendum concludes that there would be no new significant effects in the long term, and that the design refinements would result in a betterment of effects for some topics. Due to the inadequacies found by the ExA in relation to the Applicant's approach to assessment across topic chapters – in particular landscape and visual assessments - the Secretary of State cannot, with confidence, rely on the conclusions drawn within the ES addendum in the absence of updated assessments which were also requested by the ExA [ER 3.4.193]. Further, the Secretary of State considers that implementing the Proposed Buffer Requirement 15 before a Residential Visual Amenity Assessment ("RVAA") has taken place at the post-consent stage is not compliant with the mitigation hierarchy, and does not allow the Applicant, or the Secretary of State, to accurately assess the worst-case scenario that may arise from the Proposed Development. This is particularly pertinent to the Landscape and Visual Impact Assessment ("LVIA") and cultural heritage assessments (as further detailed in the relevant sections of this Letter), but also has subsequent implications for other environmental topics, such as ecology and the loss of BMV land.

4.35. The Secretary of State has considered this conclusion in the context of paragraph 4.2.7 of NPS EN-1, which provides that CNP policy applies following normal consideration of the need case, the impacts of the Proposed Development and application of the mitigation hierarchy. In light of the deficiencies identified above, the Secretary of State is not satisfied that the Applicant has demonstrated that the effects identified in respect of landscape and visual, good design, cultural heritage, ecology and biodiversity, mineral resources and aviation impacts are residual effects following the appropriate application of the mitigation hierarchy. Therefore, whilst the Secretary of State accepts that the Proposed Development is CNP infrastructure, because the Applicant has failed to properly apply the mitigation hierarchy in multiple areas, the Secretary of State considers that the requirements in paragraph 4.2.7 of NPS EN-1 have not been met and therefore the Proposed Development cannot benefit from the CNP policy presumptions in section 4.2 of NPS EN-1.

Principle of the Development

4.36. The ExA considered the need for the Proposed Development under the broader heading of the Principle of Development in which they also considered green belt, assessment of alternatives (site selection) and design. The Secretary of State has provided specific commentary on each of these issues in the paragraphs below. The Secretary of State has considered Green Belt as a standalone planning issue with a separate weighting attributed to it in the planning balance.

Need

4.37. With regard to the need for the Proposed Development, the ExA considered that there is an imperative, unequivocal and compelling case for the delivery of renewable energy at pace established within NPS EN-1 and NPS EN-3 [ER 3.2.75] (see paragraphs 3.2.6 and 3.2.7 of NPS EN-1 and paragraphs 2.1.6 and 2.1.7 of NPS EN-3 for detail). The ExA also recognised the substantial contribution the Proposed Development would make in terms of reducing greenhouse gas ("GHG") emissions over the lifetime of the Proposed Development, being a reduction of 6,545,595 tCO_2e, and combatting the effects of climate change [ER 3.2.125]. For clarity, this figure is taken from the Applicant's assessment of GHG emissions [ES Chapter 14, REP3-016] which used the current grid average as the baseline to assess GHG emissions against.

4.38. The ExA acknowledged that a number of IPs disputed the need for the Proposed Development, citing concerns such as: the efficiency and outputs of solar energy compared to other energy forms; the potential for alternative locations such as domestic and commercial rooftops and brownfield land; and the extent of existing and proposed generating capacity already seeking connection to the grid [ER 3.2.57]. The ExA also stated that, notwithstanding the level of urgency for the Proposed Development, the realisation of the Proposed Development's benefits is tempered by the uncertain future of delivering the NGET substation [ER 3.2.76] which is discussed further in the Grid Connection section of this Letter. Notwithstanding this, the ExA concluded that the combination of the urgent need for the Proposed Development and beneficial impacts on climate change attract very great weight for the making of the Order [ER 3.2.129].

The Secretary of State's Conclusion

4.39. The Secretary of State agrees with the ExA's findings in respect of the need for the Proposed Development and its anticipated climate change benefits. In terms of the Applicant's assessment of GHG emissions over the lifetime of the Proposed Development [ES Chapter 14 REP3-016], the Secretary of State considers that the grid average is an appropriate baseline against which to estimate future carbon savings. In accordance with paragraph 3.2.7 of NPS EN-1, the Secretary of State ascribes substantial positive weight to this need. The difference in terminology used by the Secretary of State is intended solely to ensure consistency with paragraph 3.2.7 of NPS EN-1. The conclusions reached are different in terminology only; in all other respects, the weighting applied by the ExA remains the same.

Alternatives and Site Selection

4.40. During Examination the ExA had concerns with Chapter 5 of the ES on Alternatives insofar as it assessed the availability of alternatives [ER 3.2.81]. It was noted that there was no substantive information in ES Chapter 5 regarding how the Blenheim Palace WHS, LOA, BMV land, flood zones, mineral reserves or Green Belt influenced the site selection, nor whether these locational disadvantages were factored into the wider strategic equation when selecting a site for the Proposed Development [ER 3.2.87].

4.41. The ExA considered that the Applicant took a basic and unscientific approach to assessing alternatives, leading to a preferred substation being identified without much thought or effort [ER 3.2.116]. In terms of the suitability of the land for a solar farm of the scale proposed, the ExA considered there to be limited evidence to demonstrate that the land chosen compared more favourably from an environmental or technical perspective than other land in proximity

to Cowley substation, or other options. The ExA observed that all other options or alternatives were discarded quickly for rudimentary reasons, or the Applicant felt unobliged to explore under NPS EN-1 and NPS EN-3 and, as such, there is no comparison information about the impacts of any other sites or locations [ER 3.2.115]. The ExA stated that for a project of this significant size and scale, the information provided on alternatives was disproportionately limited [ER 3.2.116]. Further, commercial viability was highlighted by the ExA as the principal driver with environmental constraints only shaping the boundaries of the Proposed Development, not the overall strategic site selection [ER 3.2.117].

4.42. The Secretary of State notes that the ExA concluded, that nonetheless, on the basis of the main reasons provided by the Applicant for the option chosen, which are the grid connection, land availability and commercial viability, that the Applicant's approach to assessment of alternatives is compliant with regard to paragraphs 4.3.9, 4.3.25 and 4.3.29 of NPS EN-1, because other potential projects do not need to be treated as alternative solutions; there is no obligation to establish whether the Proposed Development represents the best option; and alternatives are considered to the extent that they are important and relevant [ER 3.2.118].

Information Request and Consultation Responses

4.43. The ExA concluded that, in general terms, the Applicant's assessment of alternatives complied with NPS EN-1 paragraphs 4.3.9, 4.3.25 and 4.3.29. The Secretary of State considered that further information was needed to assess whether the information provided by the Applicant relating to alternatives was proportionate to the scale of the Proposed Development, as is required under NPS EN-1 paragraph 4.3.10. The Secretary of State therefore requested further information from the Applicant on their process to assess alternatives and to also provide evidence on the locational factors influencing site selection.

4.44. Specifically at paragraph 7 of the information request [C1-001], the Secretary of State requested the Applicant to provide evidence of how locational factors including Blenheim Palace WHS, LOA, BMV, mineral resources, land within flood zones and Green Belt were taken into account in the site selection process. The Applicant's response [C1-087] to paragraph 7 of the information request is detailed in the paragraphs below, dealing with each locational factor in turn.

4.45. The details of the Applicant's response in relation to BMV land and the Secretary of State's conclusions are captured within the Geology and Land Use section of this Letter.

4.46. In relation to the Blenheim Palace WHS, the Applicant [C1-087] stated that the WHS was 'a known and important constraint but no part of the Project site will directly affect it'. The Applicant further stated that in selecting land for the solar farm, they needed to safeguard the setting of the WHS and that they worked with Historic England ("HE") and Blenheim Palace using the WHS management plan to gain a clear appreciation of setting and to design the layout of the solar farm accordingly [C1-087]. The Secretary of State notes this response from the Applicant and will cover the issue of the setting of the WHS in the Cultural Heritage section of this Letter.

4.47. In relation to LOA, the Applicant stated that dialogue with the airport began during the scoping stage of the project and has continued. The Applicant stated that it believed it had accommodated all necessary measures to safeguard the airport [C1-087]. The Secretary of

State notes this response from the Applicant and further information in relation to specific safety matters is covered in the Traffic and Transport section of this Letter.

4.48. In relation to flood zones, the Applicant stated that the consideration of areas 'liable to flood' had a direct influence over the detailed design and layout of the Proposed Development once the broad site location for the Proposed Development had initially been identified. However, the Secretary of State notes there was no evidence of this being provided alongside this statement. Further information on flood zones is covered in the Flood Risk and Hydrology section of this Letter.

4.49. In relation to how Green Belt influenced the site selection, the Applicant provided a succinct response stating that Green Belt was a factor that influenced the Applicant's approach to design and layout, but not an overriding one [C1-087] before proceeding to comment on why development was not ruled out in the Green Belt. Notably, the Applicant stated that Green Belt influence has come in, (the Secretary of State understands this to mean, has influenced) the detailed design and location and ultimately justified by a balance of harm versus benefit using VSCs and the positive presumption afforded to it by its CNP status.

4.50. Whilst the Applicant's response on the matter of why the Applicant did not rule out development in the Green Belt, in principle [C1-087] is largely repetitive of the Planning Supporting Statement ("PSS") - Appendix 5 Green Belt Update – Addendum to Appendix 8 [REP1-012] and of the NPPF Compliance table with updated local policy context document [REP6-053], the response does include some additional information on site selection narrative on why Green Belt land was not ruled out at the outset and why land outside of the Green Belt was not pursued further. The Secretary of State notes that with regard to the selection of the substation site, the Applicant was unaware of how Green Belt factored into NGET's search criteria for a substation and that to their knowledge none of the shortlisted site areas for an NGET substation lay outside of the Oxfordshire Green Belt, and that the Applicant did not look beyond this corridor as to do so would fetter NGET's own site search criteria [C1-107, page 24].

4.51. In relation to mineral resources, the Applicant's response stated that they did not use the location of mineral resource to rule out, in principle, development in this location because '*UK planning policy does not prohibit development on mineral reserves, but seeks to prevent unnecessary sterilisation of such reserves'*. The Applicant further stated that the mineral reserve affected by the Proposed Development is temporary and will not damage the resource and that Mineral Safeguarding Areas ("MSA") were identified by the Applicant, and assessed, concluding the acceptability of the Proposed Development in all of the circumstances, including urgent national need for renewable energy and security of energy supply. From this statement, the Secretary of State is not certain whether the Applicant is referring to the mineral reserve as temporary or the Proposed Development as temporary. Further information in relation to mineral resources is provided in the Minerals section of this Letter.

4.52. Of relevance is also the response of the Applicant to paragraph 6 of the information request [C1-001], in which the Applicant provided a response on matters relating to the site selection process for the NGET substation. The Applicant explained their search process which included the process they followed after identifying a location as having potential capacity. In terms of the Northfleet substation in East London, the Applicant stated that the land team had no success with the landowners near or adjacent to the substation, and therefore it was

decided not to request a pre-application call and the location was discounted as it was no longer considered a feasible option.

4.53. In relation to the process the Applicant undertook to securing land associated with the proposed Farmoor NGET substation and the search undertaken for the Cowley NGET substation, the Applicant's response describes the process of securing land, the extent of the overlap between the Cowley and Farmoor search areas, and a comparison of the approaches adopted for each of the search areas. The Applicant also provided a comparative assessment (detailed in pages 9 to 25 of C1-087) of the two different connection scenarios; Farmoor connection through the underground 400 kV cable route to the 'new' NGET substation (the Secretary of State notes that there is currently no planning permission and/or development consent in place for the NGET substation at Farmoor and this is explored further in the Grid Connection section of this Letter), and the cable route to Cowley for which no connection agreement exists (which the Secretary of State notes is due to the fact that this option was not progressed further once agreement had been sought with NGET for the connection at Farmoor). In this comparative assessment, the Applicant has provided detailed information on the impacts of each option in terms of environmental, social, economic considerations, in addition to financial viability and technical feasibility.

4.54. The Secretary of State also notes that CuPC provided extensive comments [C2-169] in response to the first all IP consultation. In summary, CuPC contend that the Applicant's response on alternatives, site selection and grid connection [C1-087] remains inconsistent and fails to demonstrate compliance with NPS EN-1. CuPC consider that the Applicant has not adequately assessed reasonable alternatives, particularly alternative grid connection options, and instead appears to have been driven primarily by land availability. CuPC question the justification for selecting the Farmoor substation location, criticise the reliance on National Grid's site search without sufficient evidence of the methodology applied, and maintain that relevant planning requirements, including the Horlock Rules and mitigation hierarchy, have not been properly addressed. Overall, the response concludes that the Applicant has not provided a robust alternatives assessment or site selection process and requests either the removal of the fallback substation scenario from the DCO or the imposition of a Grampian-style restriction preventing development until National Grid secures planning permission for its preferred substation. In addition, Cassington Parish Council ("CaPC") [C2-162] express scepticism at the lengthy narrative response from the Applicant on the matters of the site selection methodology and conclude that they believe the main, and possibly only driving factor behind the selection of the site was the willingness of a single large landowner to lease a large amount of land for solar projects. SBW also provided a response in the first all IPs and commented that the Applicant is now seeking to rely on a new narrative, which they consider presents contrived costs and options for cable routes for alternatives and site selection, seven months after the conclusion of the Examination stage in which the Applicant failed to provide the required information in the ES despite repeated ExA questioning, as obliged to do so in NPS EN-1 paragraphs 4.3.9, 4.3.20 and 4.13.15 [C2-161].

The Secretary of State's Conclusion

4.55. NPS EN-1 paragraph 4.3.9 explains the NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best policy option from a policy perspective, although there are specific requirements in relation to compulsory acquisition and habitats sites. NPS EN-1 paragraph 4.3.10 states that the Applicant must provide information proportionate to the scale of the project ensuring the

information is sufficient to meet the requirements of the EIA Regulations. Further to this, NPS EN-1 paragraph 4.3.15 states that Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the Applicant's choice, taking into account the environmental, social and economic effects including, where relevant, technical and commercial feasibility.

4.56. NPS EN-1 paragraph 4.3.23, in discussing timescale and delivery of projects states that the Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the Proposed Development.

4.57. The EIA Regulations require reasonable alternatives (for example, in terms of design, technology, location, size and scale) to be described by the developer, together with an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects[10].

4.58. The ExA concluded that, in terms of site selection, alternatives, the methodology used and reasons given for the site selection that they were sufficient to achieve technical compliance with the requirements of NPS EN-1 and EN-3 and the EIA Regulations in this regard [ER 3.2.127]. Notwithstanding this, the Secretary of State requested further information to assess whether the information provided on alternatives was proportionate to the scale of the Proposed Development, as required by paragraph 4.3.10 of NPS EN-1.

4.59. In response [C1-087], the Applicant explained how the consideration of BMV land, Blenheim Palace WHS, flood zones, the Green Belt and LOA had influenced site selection, and whether these locational constraints had been factored into the wider strategic assessment. The Applicant also provided further information on BMV land, mineral resources and the Green Belt. However, the response largely sought to justify the Applicant's original approach and restates arguments made during the Examination.

4.60. Having considered the response, the Secretary of State considers that the information provided on alternatives is not proportionate to the scale of the Proposed Development and is therefore inconsistent with paragraph 4.3.10 of NPS EN-1. The Secretary of State also considers that the response raises a question about compliance with paragraph 4.3.15. In particular, it suggests that commercial viability may have been the principal driver of the site selection, with environmental constraints shaping the boundaries of the Proposed Development rather than the strategic choice of site, as the ExA concluded [ER 3.2.117].

4.61. On the specific matter of the Green Belt, the Secretary of State notes the Applicant's response, some of which is discussed further in the Green Belt section below. The Secretary of State considers that the Applicant's reliance and justification in relation to the harm versus benefit using VSCs and the positive presumption afforded to the Proposed Development by its CNP status, is misplaced. This is discussed further in the consideration of VSCs in section 7 of this Letter. Notably, in explaining the process that led to the location of proposed NGET substation, the Applicant stated that whilst the substation site was no longer at the site of the Cowley substation, that the Farmoor substation site was still within an acceptable distance to allow negotiations with landowners to continue to be progressed [C1-087]. The Secretary

[10] Regulation 14 of, and paragraph 2 of schedule 4 to, the EIA Regulations.

of State considers that the continuation of landowner negotiations following the change in the proposed connection point (location of the NGET substation) indicates that strategic locational considerations and constraints, such as Green Belt, were not a principal consideration in the Applicant's site selection process at the early stages.

4.62. Further, on the matter of the site selection for the substation, the Secretary of State notes the response of the Applicant, which appears to provide more detailed information than was presented to the ExA and IPs during the Examination. Given the Applicant's latest planning position for a reduced solar array land requirement to deliver a viable scheme in response to paragraph 68 of the information request, [C1-087] which is stated as 935 megawatt-peak ("MWp") (a minimum of approximately 554 ha of solar installation), compared with 1,422 MWp (approximately 843 ha of solar installation), the Secretary of State cannot be fully satisfied that other sites discounted, and of a smaller land take, would not have represented a realistic prospect such that it is difficult for a positive conclusion to be reached on compliance with policy NPS EN-1 paragraph 4.3.23.

4.63. Taking all of this into account, the Secretary of State recognises that there is no general requirement to consider alternatives as per paragraph 4.3.9 of NPS EN-1. The Secretary of State agrees with the ExA's conclusion, referred to in paragraph 4.58 of this Letter, that the Applicant's assessment of alternatives is technically compliant with the EIA Regulations. Accordingly, the Secretary of State does not find any failure to comply with the EIA Regulations in this respect. Nevertheless, having regard to paragraphs 4.3.10 and 4.3.15 of NPS EN-1, the Secretary of State considers that the Applicant could have done more during the preliminary stages of the Proposed Development to avoid certain locational constraints and to provide further information on the alternatives considered.

Grid Connection

4.64. The Secretary of State notes that the ExA referred to the urgent need for, and the delivery of, the project and the realisation of its benefits as being intrinsically linked to provision of a new NGET substation, and that it was one of the driving factors behind the Applicant's site selection and land searches [ER 3.2.67].

4.65. The Secretary of State notes that NGET's preferred approach is to develop the substation outside of the Order limits, under the Town and Country Planning Act 1990 ("TCPA 1990"), and that using land within the Order limits (subject of Work No. 2) for the NGET substation represents a fallback position [ER 3.2.68]. Regarding the matter of the timing and location of the NGET substation, the ExA stated that there was conflicting evidence and confusion during the Examination, and that IPs were not satisfied with the Applicant's position on the matter [ER 3.2.69 to ER 3.2.71].

4.66. The Secretary of State notes that in view of this, the ExA considered that a Grampian Requirement preventing commencement of the Proposed Development until the future of the NGET substation had certainty, would be appropriate [ER 3.2.71 and ER 3.2.72]. The Secretary of State notes that the Applicant declined to provide wording to the ExA for the reasons summarised in [ER 3.2.73] and believed that a Grampian Requirement was unnecessary. The Secretary of State further notes that the ExA drafted a Requirement [PD-016, PC001] due to the evident discrepancies between the National Grid delivery programme for the NGET substation and that of the Applicant for the Proposed Development with a range of dates from October 2027 to late 2029 [ER 7.5.1, table 10].

Information Request and Consultation Responses

4.67. The Secretary of State agreed with the ExA that the realisation of the benefits of the Proposed Development is tempered by uncertainty over whether the NGET substation would be delivered [ER 3.2.76]. In view of this, the Secretary of State requested the Applicant and NGET [C1-001] to provide further details on specific matters relating to the grid connection in paragraphs 9 to 14 of the information request, as summarised below.

4.68. The Secretary of State requested that NGET provide an update on the status of the planning application for the new NGET substation outside of the Order limits (NGET's preferred location) and associated development to be submitted to VoWHDC under the TCPA 1990. The Applicant and NGET were also requested to provide an update on the NGET substation delivery programme for NGET's preferred site and the fallback position. In addition, the Applicant was requested to confirm some specific detail referred to in the outline Layout and Principles document ("oLPD") Rev 6 [REP7-029] and provide an updated Grid Connection Statement ("GCS"), Guide to the application document and oLPD.

4.69. NGET and the Applicant were also requested to provide confirmation in respect of works to two towers intended to replace one referred to in the screening report prepared by WSP on behalf of NGET (ref. UK0028121.4284-003[11]) and submitted to the VoWHDC prior to any application for planning permission under the TCPA 1990, and to the Department for Energy Security and Net Zero ("DESNZ") under Section 37 of the Electricity Act 1989 ("Section 37").

4.70. In response, NGET confirmed [C1-028] that joint responses had been prepared with the Applicant [C1-087] to paragraphs 11 and 13 of the information request [C1-001]. In response to paragraph 9 [C1-001], NGET provided an updated programme for the delivery of the NGET substation, which included the proposal for the submission of a planning application to the VoWHDC and a Section 37 application to DESNZ. The programme stated that the completion of works and availability for connection for the solar farm is Q4 2031. The Secretary of State notes that this date extends beyond those dates set out by the Applicant and NGET and discussed by the ExA [ER 3.2.69, ER 3.2.70, ER 3.2.76, ER 7.3.8, ER 7.3.11 and ER 7.3.44] the latest of which was the completion of the construction of the substation in late 2029, with the first full year of operation being 2030 [ER 3.2.69].

4.71. In response to paragraph 11 of the information request [C1-001], the Applicant provided NGET's indicative delivery programme for the substation. NGET anticipated submitting a planning application for its preferred site outside the Order limits in Q1 2027, with consent expected in Q3 2027, mobilisation in Q2 2028 and completion by October 2031. NGET stated that a consent timetable depends on the Local Authority's determination. NGET stated that it would pursue the fallback site within the Order limits only if consent for the preferred site appeared unachievable. It could not provide a programme for the fallback site, but said that its delivery would not be faster than the preferred-site programme [C1-087]. The Applicant acknowledged that the programme for securing consent for NGET's preferred location has demonstrably changed and remains uncertain [C1-087].

4.72. The Applicant set out in its response [C1-087] to paragraph 10 of the information request, and its cover letter [C1-033] that in January 2026 the Proposed Development was confirmed

[11] https://valeofwhitehorse.planning-register.co.uk/Planning/Display?applicationNumber=P25%2FV1685%2FSCR

by National Energy Systems Operator ("NESO") as a Gate 2 Phase 1 project, and as part of the NESO Connections Reform, the project had received a Gate 2 protected connection offer. The Applicant further stated that the effect of not granting consent for the Proposed Development would see the loss of 840 MW of generation capacity from the pre-2030 pipeline. The Applicant also stated that their application for a Contracts for Difference Allocation was assessed and confirmed by DESNZ by letter dated 1 June 2026 as an eligible generator in respect of the Proposed Development [C1-033]. Whilst reference is made to the letter being attached, it was not included in the suite of documents submitted in response to the information request.

4.73. The Secretary of State notes that Cumnor Parish Council ("CuPC") stated in its response [C2-169] that as of 15 July 2026, the Applicant did not have a counter signed agreement with NESO for Gate 2 status based on NESO's Transmission Entry Capacity ("TEC") register that lists projects that hold contracts for TEC with NESO[12].

4.74. Although requested in paragraph 14 of the information request [C1-001], the Applicant did not provide an updated Grid Connection Statement [APP- 019]. The Secretary of State notes that the Applicant is finalising this information with NGET and that they would provide an updated Grid Connection Statement reflecting the agreed connection arrangements once that information is available [C1-087].

4.75. On the matter of specific grid connection matters, in response to paragraph 14 the Applicant provided an updated Guide to the Application document [C1-034] and oLPD document [C1-080]. The Secretary of State notes that the oLPD includes minor text additions to the design principles for each Work No. mainly by the addition of the words 'up to' in respect of site coverage, and cross reference to the definition of the new NGET substation in the Applicant's draft DCO ("dDCO") (Work No. 2).

4.76. In the response to the Secretary of State's request for clarification [C1-001] on the scope of the variety of 'other electrical infrastructure' (none greater than 15 m) and the connecting towers included in Work No. 2 in the oLPD (Rev 6) [REP7-029], identifying which towers are included in Works No. 2 and which ones are not, the Applicant [C1-087] makes the distinction between connecting towers within Work No. 2 and overhead line tower (pylon) secured through Work No. 4(a)(iii), noting that the Works powers are intentionally broad to facilitate all grid connection infrastructure required to connect the project to the National Grid network.

4.77. The Secretary of State also notes that the Applicant stated that the reference to 'gantries' is an interchangeable term for the 'connecting towers' referred to in the oLPD and has replaced the reference to 'gantries' with 'connecting towers' in the updated dDCO Rev 10 [C1-038] for the purposes of Work No. 2 in Schedule 1, and in the later revision dDCO Rev 11 [C1-097].

4.78. On this basis the Applicant considers that the dDCO already secures consent for those connecting towers, but for consistency has updated the dDCO accordingly. However, the Secretary of State is aware that this response does not appear to have been expressly agreed with NGET, and the Secretary of State notes that this has amended the wording provided by NGET for the description of Works No. 2 [REP2-076] in response to the ExA's first written question numbered 1.3.5(4) [PD-008] and that has remained unchanged up until the latest revision of the updated dDCO [C1-097]. No response was received from NGET

[12] https://www.neso.energy/data-portal/transmission-entry-capacity-tec-register

to the first and second all IP consultations [C2-001 and C3-001] on this change. In the absence of agreement from NGET on the change to the scope of works, the Secretary of State has some concerns about the interchangeability of the reference to 'gantries' and 'connection towers'.

4.79. The Secretary of State notes that the Applicant set out the role of the connecting towers and tower structures and the consent being sought in relation to each and set out the sequence of the connection in the event that the NGET substation is delivered within the Order limits [C1-087]. In conclusion, the Applicant stated [C1-087, page 40], that:

> *'In summary, and to be absolutely clear, if the NGET substation is to be deployed within the Order limits, the full scope of works to facilitate a connection to the existing National Grid network is facilitated through the DCO works powers. The specific location(s) and other final design of the connecting towers, tower structures and other infrastructure will be subject to the detailed design requirements in the DCO and ongoing engagement with NGET.'*

4.80. The Secretary of State also notes that matters of concern around the timing and delivery of the National Grid substation and grid connection works were raised in numerous responses to the all IPs consultations [C2-001] [C3-001]. CuPC in their response [C2-169] request that the Secretary of State removes the fallback position from the DCO and adds the Grampian Requirement proposed by the ExA to prevent construction of the Proposed Development until NGET's substation has obtained planning permission, to prevent unnecessary land take for potentially orphan assets with all the harms and none of the benefits that would result.

4.81. The Secretary of State notes the concerns of the OHA on page 26 [C2-200] in respect of the lack of clarity on the NGET substation/grid connections and who will deliver them, and whether the substation will be operational, ahead of the implementation deadline in Requirement 2. The OHA further stated that they remain unclear on whether sufficient land is provided within the Order limits for the Applicant to deliver the NGET substation if delivered within the Order limits. The OHA suggested that the Application should not be determined until an updated Grid Connection Statement reflecting the agreed connection arrangements is in place.

The Secretary of State's Conclusion

4.82. NPS EN-1 paragraphs 4.11.5 to 4.11.7 require the Applicant to liaise with National Grid to secure a grid connection, and wherever reasonably possible that applications for new generating infrastructure and related infrastructure should be contained in a single application to the Secretary of state or in separate applications submitted in tandem. The Secretary of State therefore accepts that it is permissible in policy terms, for phased and separate applications for generation and grid aspects of development to be adopted in some cases.

4.83. NPS EN-1 paragraph 4.11.8 deals with the specific occasions where it may not be possible to coordinate applications, and Applicants may decide to submit separate applications for each element. The policy is explicit that where this is the case, the Applicant should include information on the other elements, (the footnote 160 to this paragraph acknowledges that different levels of information may be available at different times and as such Applicants should take a proportionate approach to what information should be included), and explain

the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused.

4.84. NPS EN-1 paragraph 4.11.12 states that in decision-making that the Secretary of State should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.

4.85. Notwithstanding this, disaggregation of applications for generation and onward transmission/distribution does not mean that diminished weight should be afforded to benefits arising from the Proposed Development. Whilst in this case, the Proposed Development includes provision for new generating infrastructure (Work No. 1) and related infrastructure (Work No. 2) on sheet 13a of 13 [C1-036], the delivery of the NGET substation within the Order limits is not NGET's preferred site but provides a fallback position. Ultimately the decision on which site to adopt will be taken by NGET, and the Secretary of State notes from NGET's response to the information request [C1-028] that the preferred location is dependent on permission being secured under the TCPA 1990 and Section 37. Further, the Applicant acknowledges in the response to the information request [C1-087, page 24] that in respect of NGET's preferred site there is the possibility that planning permission may be refused, in which case it would be delayed either by preparing a revised planning application and/or by needing to appeal the refusal, both of which could take a significant amount of time.

4.86. Noting that NPS EN-1 paragraph 4.11.7 provides for separate applications submitted in tandem, whilst the Secretary of State notes that NGET's preferred location will be the subject of separate applications under different consenting regimes, the most recent programme delivery [C1-028] does not appear to represent applications in tandem, due to the early stage that the TCPA 1990 and Section 37 applications are at, noting that submission of these applications is anticipated to be Q1-Q2 2027 [C1-028]. The Secretary of State also notes that the NGET project page for the Farmoor substation identifies that NGET has identified an initial preferred site for their new infrastructure near Farmoor and that stakeholder consultation is yet to take place in Autumn 2026[13]. In addition, the updated Statement of Reasons ("SoR") [C1-044] and updated Explanatory Memorandum Rev 11 ("EM") [C1-099] detail that in addition to the necessary consents under the TCPA 1990 and Section 37, that NGET is seeking to acquire land for the preferred substation location, and that those negotiations have not yet concluded.

4.87. Whilst the Secretary of State notes the update from the Applicant on the Contracts for Difference and NESO Gate 2 positions, these matters do not, in themselves, secure any planning or other permissions but instead record transmission access arrangements and connection status held with NESO, and so in this context, do not provide any evidence to add certainty to the planning delivery programme of the substation and availability for a connection to the grid on NGET's preferred or fallback location.

4.88. To date, unhelpfully, an updated Grid Connection Statement has not been submitted in response to the request for information. It is a statutory requirement under Regulations 5(2)(p) and 6(1)(a)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("APFP Regs") where an application is for the construction of a generating station that a statement of who will be responsible for designing and building

[13] https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects/farmoor

the connection to the grid accompanies the Application. Therefore, the absence of an updated Grid Connection, which the Secretary of State considers an important document, is noted, particularly given the aligned updates provided by NGET and the Applicant around the grid connection delivery programme and the potential different consenting regimes.

4.89. Based on the responses from the Applicant [C1-087] and NGET [C1-028], it is clear to the Secretary of State that the completion of works for the NGET substation and its availability for connection is some two years later than that presented to the Examination, now at Q4 2031 at its earliest, noting that this programme is to be read as anticipated or 'target dates' whether on its preferred site, or in the fallback location provided for within the Order limits.

4.90. However, on the basis of the responses to the information request from the Applicant [C1-087] and NGET [C1-028], the Secretary of State considers that there is more consistency and certainty around the timing for delivery and availability of the grid connection infrastructure for the Proposed Development, both in NGET's preferred location (outside of the Order limits) and the fallback location (within the Order limits), albeit that for delivery within the Order limits, "*this would not be on a more accelerated programme than that which has been set out for consenting the substation at NGET's preferred site."* [C1-087].

4.91. The ExA recommended a Grampian Requirement preventing commencement of the Proposed Development until details of the planning permission and/or development consent for the NGET substation had been secured, together with a construction programme aligning the completion of the proposed NGET substation and the connection offer of the Applicant. The Secretary of State has considered that recommendation alongside the updated information provided by the Applicant [C1-087] and NGET [C1-028] and notes as set out in paragraph 4.89 of this Letter that delivery of the substation and grid connection is expected to be later than previously anticipated.

4.92. The Secretary of State recognises that the anticipated connection date is not guaranteed. However, uncertainty about the date and location of the substation and associated connection works, does not, of itself, demonstrate that a grid connection cannot be delivered. NPS EN-1 acknowledges that separate applications may be submitted for different elements of a Proposed Development. The Applicant also reported that it initially received a Point of Connection Offer in June 2021 [C1-087] with a connection date in October 2026. The Secretary of State notes that the Applicant chose to manage the consenting/delivery risk of NGET's preferred substation site, by incorporating an alternative NGET substation site within the Order limits, (the fallback position) with the full knowledge of NGET [C1-087, page 24]. The Secretary of State has taken this into account.

4.93. The Secretary of State has considered the ExA's concern that the Proposed Development could commence before the NGET substation is available [ER 3.2.77]. However, the Secretary of State does not consider that the proposed Requirement would secure or accelerate NGET's delivery of the connection, whether on NGET's preferred or fallback location. In view of the updated programme and completion of works [C1-028] and [C1-087], the Secretary of State concludes that it would not have been necessary to restrict commencement using the Grampian Requirement in the event that the Order was being made. However, as development consent has been refused for this Application, there is no Order to consider in this case.

4.94. The Secretary of State has considered the concerns about whether the Order limits include all the land needed for the connection works within the fallback site, and whether the

environmental assessment, including the LVIA, adequately addresses the overhead connection works as set out in paragraphs 4.244 and 4.290 of this Letter. In addition, the Secretary of State is aware of issues around uncertainty, and the potential repercussions identified by the Environment Agency ("EA") [ER 7.3.10] [REP1-025] in respect of the real risk that unmodelled and unassessed flood risk impacts could occur if decommissioning is delayed beyond 2069 [ER 7.3.11].

4.95. However, these matters do not alter the Secretary of State's conclusion on the need for a Grampian Requirement to restrict the commencement of the Proposed Development until details of the planning permission and/or development for the NGET substation had been secured.

4.96. For these reasons, the Secretary of State disagrees with the ExA's recommendation and does not consider a Grampian Requirement would have been necessary if the Order was being made.

Green Belt

Policy

4.97. NPS EN-1 paragraph 5.11.2 sets out that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. The NPS EN-1 provides that further information on the purposes of Green Belt policy are set out in chapter 13 of the NPPF, or any successor to it. The Secretary of State notes that whilst the 2024 NPPF had effect during the Examination and the majority of the determination period, the 2026 NPPF currently has effect. It is also noted that the aim of the Green Belt policy, the five purposes of the Green Belt and the application of the VSCs test to be applied remain unchanged in the 2026 NPPF.

4.98. NPS EN-1 paragraph 5.11.20 is explicit that the general policies controlling development in the countryside apply with equal force in Green Belts, but that there is, in addition, a general presumption against inappropriate development within them, and that such development should not be approved except in VSCs.

4.99. Irrespective of the amount of Green Belt land required for a development proposal, NPS EN1 paragraph 5.11.36 identifies that when located in the Green Belt, that energy infrastructure projects may comprise 'inappropriate development'.

4.100. Paragraph 5.11.37 of NPS EN-1 states that VSCs are not defined in national planning policy as it is for the individual decision maker to assess each case on its merits and give relevant circumstances their due weight. It further states that, when considering any planning application affecting Green Belt land, the Secretary of State should ensure that substantial weight is given to any harm to the Green Belt when considering any application for such development, while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation. VSCs may include the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources.

4.101. Paragraph 5.11.36 of NPS EN-1 also provides that the NPPF makes clear that most new building is inappropriate in the Green Belt and should be refused permission unless in VSCs.

Notably where the CNP policy presumptions apply, paragraph 4.2.17 of NPS EN-1 provides the Secretary of State will take as a starting point that there are VSCs to justify development for CNP infrastructure.

ExA's Consideration and Conclusion

4.102. The ExA considered the impact of the Proposed Development on the Green Belt under the broad heading of the principle of the development, in chapter 3.2 of the ExA Report, alongside the consideration of the need for the Proposed Development and alternatives, in terms of site selection and design [ER 3.2.1]. The ExA's final conclusion on the Green Belt and the VSCs case is set out in chapters 5 and 8 of the ExA Report, further to a consideration of any other harm that might be caused and the potential benefits of the scheme [ER 3.2.54].

4.103. The ExA noted that across the three distinct areas of development; the northern, central and southern areas, that the majority of the central site (870 ha) and all of the southern site area (81 ha) fall within the Oxfordshire Green Belt [ER 3.2.26]. The PSS at paragraph 8.3.11 quantifies this as 69% of the project site [REP1-012]. Below is an extract from the PSS [REP1-012] that shows the extent of the Order limits and above ground development in relation to the Oxfordshire Green Belt. Notwithstanding this, the Secretary of State notes that the Statement of Reasons ("SoR") [C1-044], and previous iterations, erroneously states at paragraph 4.7 that the northern Site, central Site and southern Site do not include any statutory designations (e.g., Green Belt *et al*).

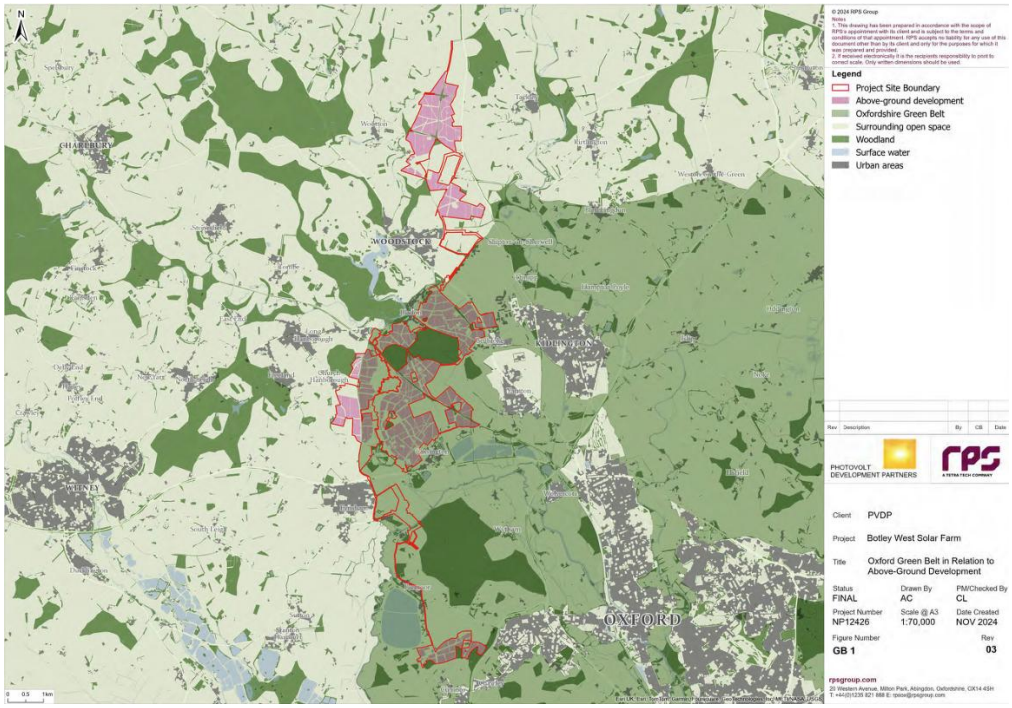


Figure 1: Plan showing the Oxfordshire Green Belt in relation to the above-ground Proposed Development [REP1-012]

4.104. The ExA began by setting out the policy considerations framework in NPS EN-1 and the NPPF for development in the Green Belt [ER 3.2.2 to ER 3.2.5].

4.105. The ExA noted the Applicant's acceptance that the Proposed Development constitutes inappropriate development in the Green Belt [ER 3.2.27]. The ExA's assessment therefore focused on the extent of Green Belt harm arising from the proposal and whether the factors

relied upon by the Applicant amounted to VSCs capable of outweighing that harm, and any other harm identified.

4.106. The ExA then considered the extent of Green Belt harm that would arise from the Proposed Development. In doing so, it considered the effects of the proposal on the openness of the Green Belt, the purposes of including land within it and the implications of the temporary nature of the Proposed Development before reaching an overall conclusion on the significance of that harm.

4.107. In relation to openness, the ExA did not accept the Applicant's argument that the effects on the Green Belt are limited because the development is temporary and reversible, noting that the NGET substation would be a permanent structure in any case [ER 3.2.49].

4.108. The ExA stated that the five purposes of the Green Belt set out in the NPPF combine to keep the Green Belt open [ER 3.2.50] and considered that, on the case made by ICOMOS-UK and Historic England, the Proposed Development would conflict with all five purposes of the Green Belt, whereas the Applicant acknowledged harm to four out of the five purposes of the Green Belt [ER 3.2.50]. Specifically, the Applicant acknowledged that there would be limited conflict with purpose 1 (to check the unrestricted sprawl of large built-up areas) and 2 (to prevent neighbouring towns merging into one another), a conflict with purpose 3 (to assist in safeguarding the countryside from encroachment) and 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), but no conflict with purpose 4 (to preserve the setting and special character of historic towns) [ER 3.2.43].

4.109. The ExA strongly disagreed with the Applicant that the solar farm would not constitute built-up development, stating that it may be different from housing, but it is still an urban feature in an otherwise undeveloped countryside [ER 3.2.51].

4.110. The ExA concluded that in addition to the harm by reason of inappropriateness, the Proposed Development would cause substantial harm to the openness of the Green Belt and significant harm to all of the purposes of including land in the Green Belt as a result of its encroachment into the countryside [ER 3.2.52].

4.111. The ExA stated that NPS EN-1 paragraph 5.11.37 attributes substantial weight to any Green Belt harm [ER 3.2.53]. Despite this, the ExA did not assign a separate weighting to harm to the Green Belt [ER 5.4.1 and table 6].

Information Request and Consultation Responses

4.112. As noted above in the Alternatives and Site Selection section at paragraph 4.44, the Applicant was requested in paragraph 7 of the information request [C1-001] to provide evidence on how the Green Belt, was taken into account in the site selection process. Matters specific to Green Belt and the site selection process are discussed in the Alternatives section of this Letter.

4.113. In relation to the Green Belt policy considerations, as part of the suite of any updated documentation submitted in response to the information request, the Applicant in paragraph 71- (d)(v), [C1-001] was requested to provide an updated PSS including Green Belt Case to represent any revised Green Belt harm and VSCs. Whilst the Applicant did not submit an updated PSS, several of the documents submitted in response to the information request as a late submission are relevant to Green Belt considerations and are discussed below. No updated figures were provided quantifying the percentage of Green Belt land that would be

occupied by above-ground development within the Order limits, or updated plans showing the Green Belt land affected.

4.114. The Applicant on page 36 of its response [C1-087] stated that the Green Belt was a factor that influenced the approach to design and layout but not an overriding one, and that its influence has come in the detail design and layout and ultimately justified by a balance of harm versus benefit using VSCs and the positive presumption afforded to it by its CNP status.

4.115. Further, the Secretary of State notes that the Applicant considered that [C1-087] previous Green Belt studies such as those undertaken by Land Use Consultants on behalf of the OHA, are now out of date.

4.116. The Secretary of State notes that the OHA in its first all IP response [C2-200] disagreed with the Applicant's statement in [C1-087] and considered that the detailed design and layout is a follow through of the Applicant's Proposed Buffer Requirement 15.

4.117. The OHA [C2-200] also commented that the Applicant mistakenly refers to Kidlington as a village, noting that Kidlington officially became a town on 20 February 2026 and prior to this was, unequivocally, a large built-up area for the consideration of Green Belt policy. The OHA also identifies the failure of the Applicant to mention Bicester as one of the nearest towns (closer to the site than Banbury).

4.118. The Applicant's response [C1-087] also makes specific reference to reliance on the February 2025 PPG revision concerning towns versus villages in assessing openness in the Green Belt. The Secretary of State notes that this is not new information as it is contained within the Green Belt Update - Addendum to Appendix 8 of the PSS [REP6-053] in response to the Q1 [PD-017] and Applicant's response to the ExA's first written questions [ExQ1.1.1] [REP2-025] where the ExA requested an updated assessment of the Proposed Development against the most recent version of the NPPF.

4.119. The Applicant also considered [C1-087] that as a result of the proposal to remove additional areas from the Proposed Development, with reference to the Illustrative Masterplan (Rev 4) Figures 2.1a to 2.4c EN010147/APP/ 6.4 [C1-051] and the Change Process Plan at Appendix A [C1-087], that the effect upon Green Belt is judged to be less harmful given the significant additional areas now removed from the Proposed Development.

4.120. Further on the matter of the removal of areas from the Proposed Development, the Secretary of State notes that specific reference to the Green Belt, is made in the ES Addendum 2 [C1-086] at paragraph 2.7.2 in respect of Proposed Change 5: Proposed buffer from residential properties (Proposed Buffer Requirement 15), and ES Addendum 3 [C1-106] at paragraph 2.6.2 in respect of the change described as Design refinement 4 (Buffer from residential properties), where it states that the increased buffer distances would reduce impacts on residential visual amenity to the affected properties, as well providing opportunities for improving visual impacts, reduced adverse effects upon landscape character and improved openness of the Green Belt.

4.121. Although not set out in an updated PSS, the Secretary of State also notes that VSC3 [REP1-012] is no longer accurate as a result of the proposed changes set out in the Applicant's cover letter accompanying their late submissions [C1-094]. The Applicant stated in the letter that there is a decrease from approximately 330,000 to 275,000 homes brought about by a

reduction in installed Direct Current ("DC") capacity by 219 MWp and a reduction in installation area of approximately 130 ha, and as set out in the Masterplan Design and Rationale document [C1-111]. However, the Guide to the Application [C1-095] and the Explanatory Memorandum still refer to the original figure of 330,000 homes [C1-099]. In addition, the Secretary of State notes that the Applicant stated that they are in advanced negotiations with Exeter College, Oxford, to supply renewable energy to their 100 MW Frieze Farm Data Centre development [C1-094]. Notwithstanding that the OHA comment that Exeter College describe discussions as progressing on a preliminary basis, the supply to Exeter College would further reduce the number of homes stated by the Applicant at VSC3, and the OHA request that the Secretary of State has regard to the scheme benefits in the planning balance as result of the reduction. Further discussion on VSCs is set out at paragraph 7.1 and in the paragraphs that follow.

The Secretary of State's Conclusion

4.122. The Secretary of State notes that the ExA reported that the majority of IPs, including the OHA, raised significant concern about the decision to develop within the Green Belt [ER 3.2.38], and that these concerns remained as reflected in the majority of responses to the information request [C1-001] and the first and second all IP consultations [C2-001] [C3-001].

4.123. The Secretary of State agrees with the ExA that the Proposed Development constitutes inappropriate development which is by definition harmful to the Green Belt as per paragraph 5.11.36 of NPS EN-1. Whilst paragraph 180 of the NPPF referred to elements of many renewable energy projects comprising 'inappropriate development', under the 2026 NPPF electricity network infrastructure is not 'inappropriate development', provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes, as set out in policy GB1(f)(i). This is of relevance to the Secretary of State in decision-making, as the Proposed Development includes associated development comprising Work No.2 for the development of a new National Grid substation (if required) and Work No.4 in connection with high voltage electrical cabling, including grid connection cabling. Having considered this, the Secretary of State wishes to note for completeness that the electricity network infrastructure included in the Proposed Development would still be considered 'inappropriate development' because of the identified harm of the Proposed Development on the openness of the Green Belt and significant conflict with the Green Belt purposes, as further detailed below.

4.124. Having taken into account the responses from the Applicant, and other parties to the information request and the responses to the first and second all IP consultations that relate to the matter of the Green Belt, there is nothing before the Secretary of State to lead to a different conclusion than that which the ExA reported at [ER 5.4.12]. The Secretary of State therefore agrees with the conclusion of the ExA that in addition to the harm by reason of inappropriateness, that the Proposed Development would cause substantial harm to the openness of the Green Belt, and significant harm to all of the purposes of including land in the Green Belt as a result of its encroachment into the countryside [ER 3.2.52]. Other harms arising from the Proposed Development are discussed in the respective sections of this Letter.

4.125. The Secretary of State does not accept that the Proposed Buffer Requirement 15, discussed at paragraph 4.264 of this Letter, the extent of which the Applicant intends to finalise post-consent, can be relied upon as a defence for the Proposed Development to improve openness of the Green Belt, when the extent of the final reduction and what elements of the

Proposed Development any buffer would relate to, remain uncertain at the decision-making stage as discussed from paragraph 4.264 below. Therefore, whilst the Secretary of State has also considered the Requirement recommended by the ExA in the rDCO (new Requirement 18) [ER 7.5.1] and that set out by the Applicant in the amended dDCO (Rev 11) in response to the information request [C1-097], neither Requirement is considered to change the conclusion of the Secretary of State on the impact of the Proposed Development on the Green Belt.

4.126. The Secretary of State notes that the ExA did not expressly make a finding on the matter of the application of the mitigation hierarchy in respect of Green Belt harm. Furthermore, the Secretary of State accepts the Applicant's concession that Green Belt was not an overriding influence in its approach to the design and layout of the Proposed Development. Rather than seeking to avoid, reduce or mitigate the effects of the Proposed Development on the Green Belt at the early stages of the design process, the Applicant has chosen to rely on its case for VSCs and a positive presumption that it claims is afforded to the Proposed Development by its CNP status. As concluded above, the Secretary of State considers this represents a failure by the Applicant to properly apply the mitigation hierarchy in respect of Green Belt harm.

4.127. For the reasons set out above, the Secretary of State considers that it is necessary to assign a separate weighting to Green Belt harm and accordingly assigns it substantial negative weight as per paragraph 5.11.37 of NPS EN-1. The Secretary of State's conclusion on the matter of VSCs is discussed separately in the conclusion and planning balance section of this Letter.

Cultural Heritage

4.128. Section 5.9 of NPS EN-1 sets out the policy considerations relating to the historic environment, while paragraphs 5.9.9 to 5.9.15 specify the requirements of the Applicant's assessment. NPS EN-3 is also relevant to cultural heritage matters, alongside the NPPF and the best practice guidance from Historic England and United Nations Education, Scientific and Cultural Organisation ("UNESCO") on preparing and undertaking assessments relating to cultural HAs (including World Heritage Sites ("WHS")), such as Heritage Impact Assessments ("HIA") and Settings Assessments.

4.129. The Secretary of State notes the recently updated 2026 NPPF, with updates including the decision-making policies in Chapter 20. The Secretary of State further notes that the 2026 NPPF introduces a revised approach to the categorisation and weighting of heritage harm, which does not align in all respects with the approach set out in NPS EN-1. In light of that, and having regard to the policy hierarchy reflected in paragraph 13 of the 2026 NPPF and paragraph 4.1.15 of NPS EN-1, the Secretary of State has proceeded on the basis that NPS EN-1 remains the primary framework for the assessment of historic environment impacts in relation to this Application.

Summary of the ExA's Considerations and Overall Conclusion

4.130. The main issues explored during Examination related to the robustness of the Applicant's methodology and approach to key heritage assessments and the effects of the Proposed Development on the WHS, Scheduled Monuments ("SMs"), designated and non-designated HAs and their settings. These issues are explored in further detail below except for non-designated HAs; the Secretary of State agrees with the ExA's conclusions [ER 3.3.287]

regarding the non-designated HAs and therefore does not consider the issue any further in this Letter.

4.131. For the reasons given in section 3.3 of the Report, the ExA concluded that a less than substantial harm would occur to the following assets as a result of the Proposed Development [ER 5.3.2]:

- Attributes 1, 4, 5 and 7 of Outstanding Universal Value ("OUV") for the Blenheim Palace WHS;
- The setting for the Grade I Registered Park and Garden ("RPG") of Blenheim Palace;
- Church of St Peter (Grade I LB);
- Church of St Michael (Grade II* LB); and
- SM at Sansom's Platt.

4.132. At the close of Examination these findings were also in accordance with the findings of HE and the International Council of Monuments and Sites UK ("ICOMOS-UK"). The Secretary of State also notes the Applicant disagreed with these bodies with regard to all of the HAs set out above [ER 5.3.3].

4.133. Overall, the ExA concluded that the issue of cultural heritage weighed heavily against the case of the development consent order [ER 5.2.22] and ascribed this issue very great negative weight in the planning balance [ER 5.4.1].

4.134. The following sections address the specific matters explored by the ExA during the Examination and for which the Secretary of State has further analysis.

Robustness of Methodology and Approach

ExA's Considerations

4.135. During the Examination, concerns were raised by IPs (including from OHA, HE, International Council of Monuments and Sites ("ICOMOS"), ICOMOS-UK and other IPs) regarding the Applicant's approach to assessments, methodological flaws and the underplaying of effects of the Proposed Development in both the HIA and the ES for all HAs including the Blenheim Palace WHS [ER 3.3.41 to ER 3.3.47].

4.136. The ExA recognised that a HA's significance is derived from many contributing factors such as evidential, historical, aesthetic and communal values. This can include the architectural or artistic aspects, as well as cultural significance and how it is experienced by the community. Whilst not a formal heritage value, the 'setting' of a HA can contribute to its significance, or to the ability to appreciate that significance [ER 3.3.56 and ER 3.3.57].

4.137. The ExA noted that the Applicant, by its own admission, had focused primarily on visual aspects and intervisibility as being the principal determining factor for the contribution of the setting to significance [ER 3.3.59]. This was highlighted by ICOMOS in their technical reviews ("TR") as a significant methodological flaw [ER 3.3.59]. The ExA agreed and considered that the narrow focus of the Applicant's assessment overlooked the historical and cultural significance of many assets (not just the WHS) and the settings those assets enjoy [ER 3.3.59].

4.138. A revised HIA was submitted as part of CR2 focusing on the impacts on the WHS [CR2-036]. The Historic Environment chapter of the ES was also revised [CR2-019] but only amended conclusions insofar as claiming 'no change' to the WHS and negligible adverse impacts on the Bladon Conservation Area [ER 3.3.51]. All other aspects of the conclusions remained the same [ER 3.3.51].

4.139. ICOMOS stated that the HIA fell short of the required standard and remained narrowly focused on the visual impacts [ER 3.3.54 and ER 3.3.103]. IPs equally remained opposed at the end of the Examination, citing methods and approach as one of the reasons, for example [REP7-058, REP7-191 and REP7-221] [ER 3.3.55].

ExA's Conclusions

4.140. The ExA considered that the Applicant placed great reliance on the argument that the less than substantial harm would be judged against public benefits and that this approach appears to have overshadowed and impaired a thorough and objective assessment of harms. The ExA therefore disagreed with the Applicant's assertion that it had 'continued to apply the mitigation hierarchy', as the Applicant has been forced into making changes to the proposal by IPs and consultees due its position becoming 'untenable' [ER 3.3.61] rather than undertaking constructive work it had been advised to do by IPs in the pre-application stage [ER 3.3.60].

4.141. Overall, the ExA concluded that there were fundamental flaws in the Applicant's methodology that undermine the robustness of the conclusions drawn in each of the cultural heritage related studies provided [ER 3.3.62]. These methodological flaws are further detailed below.

Effects of the Proposed Development on the WHS and its Setting

ExA's Considerations

4.142. The ExA noted that Blenheim Palace WHS was inscribed by UNESCO on the World Heritage List in 1987. The WHS contains numerous LBs, in addition to five SMs. The ExA noted that the ensemble of the Blenheim Palace WHS with its designed landscape and stone wall boundary are inextricably linked and, as an entity, form a pre-eminent feature in the landscape [ER 3.3.63].

4.143. The ExA noted the Blenheim Palace WHS is considered to have the following seven attributes which contribute to its OUV as outlined in the Blenheim Palace World Heritage Site Management Plan 2017[14]:

- Attribute 1. It remains the home of the same aristocratic family, the successive Dukes of Marlborough, for which it was built.
- Attribute 2. It still contains the unique early 18th century architecture of the Palace and its associated assemblage of buildings together with an archive of original survey and building documentation.

[14] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-001031-PINS%20Action%20Point%20No.%208%20-%20Blenheim%20Palace%20WHS%20Management%20Plan%20(2017)%20(1).pdf

- Attribute 3. It is still set within the early 18th century grand Vanbrugh landscape overlaid by Lancelot Brown's masterpiece of English Landscape style design, internationally considered to be the "English Versailles".
- Attribute 4. The surviving special relationship between the important architectural elements and their landscape setting are an exceptional piece of design and, together are greater than the sum of their parts.
- Attribute 5. The UK has by far the greatest concentration of veteran trees in northern Europe and within High Park, which sits in the south-west section of Blenheim Park, is one of the finest areas of ancient oak-dominated woodland in the country. It is partially descended from the ancient Wychwood Forest, a 12th century deer park and an Anglo Saxon chase.
- Attribute 6. The gardens and pleasure grounds which surround the Palace were partly designed by Lancelot Brown in the mid 18th century, and partly by the French landscape architect Achille Duchene at the start of the 20th century.
- Attribute 7. The park retains a complete, 18th century enclosing stone wall which protects its integrity, but views into and out of the site still provide key linkages between Blenheim and the traditional English countryside and villages surrounding it.

4.144. For an understanding of the significance and setting of the WHS, the Applicant's HIA [APP-141] relied on the WHS Management Plan, in particular the settings study in Appendix 3 and did not undertake any independent assessment of the significance or setting of the WHS, specifically in relation to the Proposed Development [ER 3.3.74].

4.145. The ExA noted that the Applicant initially concluded that only attribute 7 (the Park Walls) would be affected by the Proposed Development, with minor negative impacts during construction and operation and minor positive impacts during decommissioning [ER 3.3.74]. After concerns raised by many IPs including but not limited to [REP1-114, REP1-141, REP1-086 and REP1-185], the Applicant submitted CR2 which reduced the Order limits near Bladon and removed solar arrays from land south-east of Bladon and north of Heath Lane [ER 3.3.92]. An updated HIA was submitted as part of this change [CR2-036].

4.146. The ExA noted that HE welcomed the changes brought forward by CR2, however, throughout the Examination, HE disagreed with the Applicant's HIA conclusions and considered that Attributes 1, 4 and 5 could also be affected because associative values can be drawn from the contribution made by the WHS's setting, and therefore the true impact of the Proposed Development on these attributes had not been taken into account [ER 3.3.110]. HE concluded that the revised development would continue to place solar panels on fields which contribute to the ability to appreciate, or to the maintenance of, the Attributes of the OUV of the WHS. HE further explained that whilst panels on these fields would not harm the contribution made by those fields to the attributes, they would nonetheless result in a change in how the land supports Blenheim [ER 3.3.111].

4.147. The closing positions of HE, ICOMOS, ICOMOS-UK, the Applicant and the OHA are detailed at ER 3.3.116 to ER 3.3.121. The ExA noted that there were differences of opinion across the different parties and that agreement between parties was hindered by their various approaches to a lack of formal buffer zone in the WHS inscription [ER 3.3.129]. Additionally, it was the ExA's view that because of the absence of the landscape-led study advocated by ICOMOS at the pre-application stage - the Examination as a whole was hampered in understanding the proper extent of the setting of the WHS, and the degree to which attributes 1, 4, 5 and 7 are engaged outside of the stone wall that surrounds the WHS [ER 3.3.130].

4.148. With respect to the lack of buffer zones to the WHS, the ExA also considered that the apparently successful argument by one of the Proposed Development's key supporters (The Blenheim Estate) against the need for a buffer zone due to the presence of local protections, undermined the Applicant's subsequent reliance on the absence of a buffer zone to justify its narrow approach to defining the WHS setting [ER 3.3.141].

4.149. In terms of the setting of designated HAs within the WHS, the ExA noted that a brief analysis of the setting of the Column of Victory (Grade II) is covered in the Settings Assessment [CR2-038]. Whilst the installation of panels would not preclude visibility of the column, the ExA considered that the intangible values of the WHS are appreciated from such views. The ExA disagreed with the Applicant's assessment of no change and considered that there would be a low adverse impact on a receptor of high sensitivity that, according to the assessment matrix in ES chapter 7, would result in a moderate or major effect that is unmitigated [ER 3.3.153].

4.150. Additionally, the ExA considered that the Park Walls surrounding the palace had been somewhat overlooked. The ExA noted that the park wall is over 14 kilometres ("km") long and provides the passer-by with hints of the historic treasures within, yet has its own setting that circumnavigates the RPG and contributes very much to the experience of the WHS [ER 3.3.154]. The ExA noted that no assessment was made of the setting of the Park Walls in the HIA or the Settings Assessment [ER 3.3.134].

4.151. Furthermore, the ExA also noted that no evidence had been presented on the intangible elements of the WHS such as spirit and feeling [ER 3.3.190].

ExA's Conclusions

4.152. The ExA considered that CR2, whilst welcome, indicates that the Applicant did not follow the four steps of the mitigation hierarchy by, in the first instance, avoiding creating an impact altogether. Furthermore, without the deeper understanding of the wider setting and the evidence before the ExA which demonstrates that the mitigation hierarchy was not properly followed, the ExA did not have the confidence that no more could be done in order to further reduce the impact [ER 3.3.189].

4.153. The ExA firmly disagreed with the Applicant's HIA conclusion [CR2-036] as set out in ER 3.3.197 and concluded that the WHS's key visual links are not isolated or divorced from any appreciation of a countryside setting. The ExA considered that disruption to the surrounding landscape would erode the spirit and sense of place that contributes to the authenticity and integrity of the WHS [ER 3.3.198]. The ExA also noted that the Applicant has neither defined nor assessed the wider landscape setting, and that its claim that decommissioning would be positive by restoring the landscape implicitly acknowledges that harm would occur during the construction and operational phases [ER 3.3.198].

4.154. The ExA went on to state that there has been an insufficient attempt to recognise any of the other values or associated values that the WHS conveys either within, or beyond its boundaries. An example being the perimeter stone wall which the ExA believes had not been considered at all. The ExA also states that the cultural significance of the WHS and the Blenheim Estate, with its dominance over the surrounding land, and land practices for over 300 years, has been given less than a cursory thought in the HIA and the ES [ER 3.3.199]. The ExA also noted the views to the Column of Victory from within fields where solar arrays

are proposed stating that the significance of this landmark, and of the features of the WHS, should not be understated [ER. 3.3.191].

4.155. The ExA ultimately agreed with ICOMOS [ER 3.3.200] and concluded that there would be harm to the OUV of the WHS, principally through harm to Attribute 7 and associatively through harm to attributes 1, 4 and 5 [ER 3.3.201]. The ExA also noted that whilst HE stated CR2 would minimise harm, it does not say that all harm is removed, as claimed by the Applicant [ER 3.3.201]. The ExA continued that, because the solar development would be time-limited and largely reversible, the harm to the WHS should be classified as less than substantial, to be weighed against the public benefits [ER 3.3.202]. However, in referencing paragraph 5.9.27 of NPS EN-1, the ExA reiterated that there is no higher heritage designation than a WHS and as such, the greatest weight should be given to its conservation [ER 3.3.203].

4.156. The ExA concluded that the absence of full information and a detailed assessment of the heritage values of the WHS has added to a lack of understanding and assessment of the intangible elements of OUV that are wrapped up in its authenticity and integrity, and therefore proper mitigation has not been undertaken for these elements [ER 3.3.204 and 3.3.289]. As a result, the ExA suggested that the effects may be considered primary rather than residual. Further, it was noted that the Applicant's reliance on the development being temporary does not mitigate potential primary effects on loss of significance, which would be significantly adverse, endured for 37.5 years and impact upon how future generations would perceive the HA [ER 3.3.204].

Information Request and Consultation Responses

4.157. The Secretary of State notes the ExA's conclusions that the Applicant has not provided a sufficiently robust assessment of the likely effects of the Proposed Development on the WHS. In particular, the Secretary of State notes the ExA's concerns regarding the absence of a full assessment of the heritage values contributing to the WHS's OUV and that the Applicant has narrowly focused on visual aspects and intervisibility which has led to a perceived lack of appropriate mitigation to address potential harm. Thus, in the information request [C1-001], at paragraph 16 and 17, the Secretary of State requested the Applicant to consider whether an updated HIA was required to address concerns raised during the Examination. The Applicant was also requested to consider the need for the assessment to take a landscape-led approach with consideration of both tangible and intangible elements of OUV, including integrity and authenticity, and not solely the visual impacts of the Proposed Development.

4.158. Following the information request, the Applicant submitted an updated HIA [C1-054], which identified a visual change within the setting of the WHS and assessed this as a minor negative impact on attributes 1 and 7 that convey its OUV. The Applicant considered that this change would not occur within any of the '*key visual links*' identified as part of the integrity which contributes to the OUV, but within the setting of the WHS. The Applicant further considered that the establishment of a greater buffer zone between the areas of solar PV panels and the WHS as set out in the amended design of the Proposed Development, following the implementation of the changes set out in the Applicant's Change Request Report [EN010147/APP/16.2], has helped to reduce the potential for harm to the OUV of the WHS. The Secretary of State notes that the updated HIA no longer concludes that such measures would result in no harm to the OUV of the WHS.

4.159. HE provided a response to the information request [C1-026] confirming that it had engaged with the Applicant and had identified a number of primary considerations for the Applicant to take into account prior to submitting an updated HIA. The Secretary of State welcomes the engagement between HE and the Applicant.

4.160. In response to the first all IPs consultation [C2-195] HE acknowledged that the Applicant's updated HIA [C1-054] had addressed its earlier comments (which HE provided on a draft version of the HIA submitted to HE during the information request response period), either in full or part and that the Applicant had now included attributes 4 and 5 in the assessment. HE stated that where their comments have only been partially addressed, in some instances this is a result of the different conclusions reached by the Applicant's assessment in relation to which attributes would be affected by the Proposed Development.

4.161. The OHA also provided a response to the first all IPs consultation [C2-200] commenting on the Applicant's updated HIA [C1-054]. The OHA concluded that the Applicant had not adequately justified the omission of certain attributes or the exclusion of non-visual aspects of setting from its assessment. They also state that 'views' are still the focus of the updated HIA, and without a comprehensive (historic) landscape character assessment a fully informed decision about the full impact of solar panels in the present and in the future cannot be made.

4.162. Neither the Settings Assessment nor the HIA submitted during the Examination assessed the effect of the Proposed Development on the setting of the Park Walls of Blenheim Palace WHS. Accordingly, in paragraph 15 of the information request, the Secretary of State requested the Applicant to consider whether an updated Settings Assessments was required, considering the effects of the Proposed Development on the settings of HAs.

4.163. The Applicant provided an updated Settings Assessment in response to the information request [C1-052] and stated in their response document [C1-087] that the updated Settings Assessment now includes an assessment of the likely impact and effect on the heritage significance of the Grade II Park Walls enclosing the WHS as a result of any change within the setting of the boundary wall. It is noted that the Applicant in their response [C1-087] and updated Settings Assessment [C1-052] did provide information on the significance of the Park Walls. However, the assessment of impact and subsequent conclusions focus on whether or not the Park Walls are visible from any part of the Proposed Development which the Applicant stated it is not. The Applicant stated that the Grade II listed boundary wall around the RPG at Blenheim Palace would not be visible in any views from, towards or across the Site. Further, no part of the listed structure, or any of the associated HAs which are key contributors to its heritage significance, would be physically impacted by the Proposed Development, and therefore any group values associated with these HAs would remain unchanged. The Applicant concluded that heritage significance of the Grade II listed boundary wall would not be harmed and there would be no effect.

4.164. The OHA commented on this updated Settings Assessment in their response to the all IPs consultation [C2-200]. The OHA agree with the inclusion of the Park Walls and its significance, however they did not agree with the Applicant's conclusion that there would be no change or no impact as a result of the Proposed Development. They considered that whilst the assessment has considered the impact of views, it has not considered any other

criteria of setting as defined in Good Practice Advice in Planning Note 3 ("GPA3") guidance[15] which states:

> '*The setting of a heritage asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the heritage significance of an asset, may affect the ability to appreciate that heritage significance or may be neutral*.'

4.165. The OHA stated that the Park Walls of the WHS were and are still a dominant and prominent presence (not just a visual) feature in the landscape whether seen or unseen. They considered that a large-scale development within the setting of the HAs would cause change, it would not be 'no change'. They went on to state that this is because the development would alter the historically undeveloped, agricultural and rural landscape, and therefore sever the last link between an asset and its original setting. The OHA considered that this change would cause less than substantial harm (at the lower level).

4.166. The Secretary of State received over 100 responses to the information request and first and second all IPs consultations from other IPs and non-IPs, including local residents and members of SBW raising concerns with the Applicant's updated assessments. Many of the submissions have raised the same issues and repeated those parties' dissatisfaction with the Applicant's methodology and approach to assessing heritage harm as presented during Examination.

4.167. In relation to the ICOMOS TRs, during Examination, it was noted that the Applicant did not provide a response to specific concerns in these TRs. Therefore, in paragraph 19 of the information request, the Secretary of State requested the Applicant to consider and provide a response to all three ICOMOS TRs. The Applicant stated that they had focussed primarily on the third TR as there had been design changes since the first and second TR had been submitted. The Secretary of State notes that the Applicant's response [C1-087] largely restates its previous position and does not substantively address ICOMOS' central concern regarding the contribution made by the WHS's wider setting to its significance and OUV.

4.168. HE commented [C2-195] on the Applicant's response in the first all IPs consultation and noted it concentrated on the most recent TR. HE considered that the main area of disagreement between the Applicant and ICOMOS remained to be the contribution made by the WHS's setting to its significance and its OUV. HE considered that this had not been fully addressed in the Applicant's updated HIA. The Secretary of State further notes HE's concern that the updated HIA had not responded in detail to specific concerns raised by ICOMOS in its TR where HE consider these comments would have been of most value.

Scheduled Monuments

ExA's Considerations

4.169. The Applicant submitted an archaeological desk-based assessment used to inform the production of the ES chapter 7 [ER 3.3.205] which identified three SMs outside the WHS

[15] https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/

that required separate consideration. These SMs include the Sansom's Platt Roman Villa, Rectangular Earthwork, Hensington, and Blenheim Villa and associated field system. All of these SMs are located adjacent to or near the northern area of the Proposed Development [ER 3.3.207].

4.170. Initially the Applicant's Settings Assessment [APP-143] concluded that the Proposed Development would have a negligible adverse impact on the SMs. HE stated that it agreed with the assessment regarding Rectangular Earthworks, Hensington and Blenheim Villa, but not with regard to Sansom's Platt [REP2-056]. In HE's response [REP2-056] to ExA's first written questions [PD-008], HE reiterated its comments from their Relevant Representation ("RR") that the area of nationally important archaeological remains could be greater than the area currently scheduled, and that the results of the further trial trenching would be able to inform this [RR-0398, REP1-086]. It concluded that the results of additional trial trenching were important to be able to understand the extent of an additional buffer that may be required. Oxfordshire County Archaeological Services ("OCAS") [REP2-050] deferred to HE but stated that the extent and significance of the site could only be fully understood once the archaeological evaluation report had been produced and submitted [ER 3.3.208].

4.171. The Applicant's trial trenching results [REP6-055, REP6-062 and REP6-063] were submitted late and in draft form at Deadline 6, which limited the ability of HE and OCAS to assess the adequacy of proposed archaeological buffers before the close of the Examination [ER 3.3.213]. At Deadline 7, HE [REP7-118] reiterated its continued concern regarding the delay in receiving the trial trenching results, which were seen as critical to being able to understand the extent of protection required for the SM at Sansom's Platt. HE confirmed that the trial trenching results made clear that significant archaeological remains extended beyond the current scheduled area and concluded that panels should be removed from field 1.13 entirely. The Applicant subsequently amended the Works Plans accordingly at the next Deadline [REP7-004].

4.172. OCAS remained critical of the Applicant's report and proposed amendments to the archaeology Requirement (Requirement 10) of the dDCO, maintaining that revisions to the proposed buffers were necessary to protect archaeological deposits [ER 3.3.217].

4.173. The ExA considered that the Applicant failed to provide the required information to the statutory bodies and local authorities in a timely manner to enable them to properly assess the potential impact on the SM at Sansom's Platt. In particular, the archaeological interest associated with this SM was known to be of greater size and significance than reported in the scheduling document. This lack of information impeded proper Examination of the issues [ER 3.3.291].

4.174. Consequently, the ExA considered that OCAS's proposed augmentation of Requirement 10 was fully justified and would provide additional safeguards for archaeological remains, including at Sansom's Platt [ER 3.3.224].

ExA's Conclusions

4.175. Notwithstanding that the Applicant had agreed to remove panels from field 1.13, the ExA concluded that the delay in producing the important trial trenching results, and the fact that they are still only in draft form, means that the ExA cannot be satisfied that additional protection for Sansom's Platt was not required, as well as any other significant archaeological features or deposits [ER 3.3.266]. The ExA did however consider that these

issues could be resolved through an amendment to Requirement 10 of the dDCO and to this end the ExA fully supported the augmented wording proposed by OCAS [ER 3.3.227] set out at [REP7-006] which the Secretary of State notes was carried over to the rDCO. The Secretary of State also further notes that the ExA concluded that the augmented Requirement 10 in the rDCO is wholly necessary in order to ensure that the Proposed Development complies with NPS EN-1 and NPS EN-3 [ER 3.3.291].

4.176. Overall, the ExA considered that, in the absence of full information and trial trenching results being provided earlier in the process, the opportunity to properly consider the full extent of potential mitigation was lost. As such, whilst based on the information available at the end of Examination the level of harm would appear to be in the less than substantial range, the ExA considered that there is potential for this to be raised to substantial harm on further consideration of the full trial trenching results [ER 3.3.229].

Information Request and Consultation Responses

4.177. In paragraph 22 of the information request [C1-001], the Secretary of State requested confirmation from HE that the impacts on the SM at Sansom's Platt had been satisfactorily addressed through the updated Work Plans submitted by the Applicant at Deadline 7 [REP7-004], and that these revisions were consistent with HE's recommendation to remove solar panels from Field 1.13. HE confirmed in their response [C1-026] that the Applicant's updated Works Plan revisions and removals are in line with their recommendations during Examination. HE further stated that they are therefore content that the impact to the SM based on its evolved understanding of associated buried remains, had been adequately addressed. HE also provided a response to the first all IPs consultation [C2-195], which confirmed that the Applicant updated the Works Plans to remove Field 1.13 to minimise harm to the significance of the SM at Sansom's Platt and protect important archaeological remains outside the scheduled area, they also stated that based on the information supplied they do not consider that this change alters their conclusions set out in 5.12 of their closing statement [REP7-118]. The Secretary of State notes that HE concludes that harm to the significance of the SM is minimised, not that there is 'no harm' and HE's comments from their closing statement confirm that even with the removal of Field 1.13 the impact would remain low adverse (in Environmental Impact Assessment ("EIA") terms) on the SM [REP7-118].

Designated Heritage Assets (HAs)

ExA's Considerations

4.178. Other than the WHS (including the designated HAs contained therein) and the SMs dealt with above, the remaining designated HAs addressed during Examination comprise of 1 Grade I LB, 3 Grade II* LBs, 21 Grade II LBs and 5 Conservation Areas [ER 3.3.231]. The Applicant's assessment of these designated HAs was primarily set out in the Settings Assessment [ER 3.3.230].

4.179. In the joint LIR, the OHA stated that the Settings Assessment, and assessment for each HA focussed on intervisibility rather than any wider experience [REP1-072], and in most cases this resulted in a conclusion of negligible impact, leading to minor adverse effects [ER 3.3.233]. HE and the OHA also raised concerns that the assessment underplayed the contribution made by the setting to the significance of HAs [ER 3.3.234 to ER3.3.238] and the effect of the Proposed Development on the Grade I LB (churches at Church Hanborough and Cassington) and the Grade II* LB (Church of St Michael, Begbroke), in particular. HE

disagreed with the Applicant's findings of negligible adverse effects and considered that there would be a low adverse effect and therefore modest harm to the significance of those HAs from development within its setting [ER 3.3.234]. HE concluded that, for Grade I and Grade II* LBs, the impacts adjudged by the Applicant were less than what HE considered would occur [REP7-118], with HE attributing greater levels of harm to the settings of the assets [ER 3.3.53].

4.180. At Deadline 2, the Applicant provided a revised Settings Assessment [REP2-014], however the ExA noted there were limited changes and the same conclusions were reached in relation to the level of effects. HE [REP3-081] and the OHA [REP3-072] also maintained their positions that the level of effects had been underplayed in the revised assessment [ER 3.3.238]. In its response to ExA's second written questions [REP4-037] the Applicant reiterated the findings from the assessment and stated that in each instance the harm identified would be in the less than substantial range and would therefore be weighed against the public benefits of the scheme, in line with NPS EN-1 [ER 3.3.240].

4.181. The Applicant submitted a further revised Settings Assessment at Deadline 5 [REP5-035] as part of CR2. CR2 removed panels from fields surrounding Bladon and Begbroke which the ExA stated assisted in reducing the impact around the Grade I and Grade II* churches, and other LBs and Conservation Areas in these villages [ER 3.3.241]. The OHA submitted a plan showing land parcels that should be omitted from the development to reduce either heritage or landscape impacts [REP4-075]. This was submitted following site visits with the OHA's landscape consultants. At Deadline 6, the OHA provided a detailed methodology and field-by-field justification for the proposed omissions [REP6-118]. CR2 had removed some of the fields which the OHA had suggested for removal, however, the OHA also suggested removal of fields 1.11 and 1.12 relating to the setting of Hordley House, amongst other suggested omissions in the central site and the whole of the southern site [ER 3.3.243] which the Applicant did not initially remove from the scheme. In response [REP6-052] the Applicant stated that, in accordance with NPS EN-1, impacts are envisaged and accepted given the scale of solar projects and therefore it is a high bar to determine that they are so damaging to justify the loss of potential delivery of renewable energy.

4.182. Separately from the impacts on designated HAs, the Applicant made a 'without prejudice' offer of additional mitigation for landscape and visual effects [REP6-052]. The offer also included the removal of Field 1.13. The Secretary of State notes that this could potentially reduce effects on relevant HAs, as highlighted by the OHA in its detailed key [REP6-118], which supported the OHA's earlier plans for a reduced layout of the Proposed Development [REP4-075].

ExA's Conclusions

4.183. At the end of the Examination, the ExA remained concerned that the Applicant had underestimated effects on a number of designated HAs including the Church of St Peter and St Paul at Church Hanborough (Grade I), Hordley House (Grade II*) and Shipton Slade Farm (Grade II) [ER 3.3.255 to ER3.3.268]. Additionally, several IPs (including the OHA and HE) remained of the view that the significance of HAs would be harmed and that impacts had not been fully assessed [ER 3.3.249 to 3.3.255], with HE specifically disagreeing with the findings of the Applicant in terms of the magnitude of impact of the Proposed Development on the significance of the Grade I Church of St Peter and St Paul, Church Hanborough; the Grade I Church of St Peter, Cassington and the Grade II* Church of St Michael, Begbroke [ER 3.3.249].

4.184. The ExA concluded that, overall, the Applicant had undervalued the contribution that setting makes to a variety of designated HAs and consequently, the proper mitigation hierarchy had not necessarily been applied [ER 3.3.276]. As such the ExA considers that the harm to designated HAs should be classified as less than substantial, to be weighed against the public benefits [ER 3.3.278]. Whilst the ExA concluded that the resulting harm to designated HAs would be less than substantial, it considered that great weight must be ascribed to that harm, particularly in relation to the Grade I and Grade II* HAs affected, in accordance with paragraph 5.9.27 of NPS EN-1 [ER 3.3.293 and 3.3.294].

Information Request and Consultation Responses

4.185. In the information request (paragraph 20 and 21) the Applicant was requested to consider whether an updated HIA and Settings Assessments of effects on the significance of these designated HAs was required, addressing concerns raised by multiple IPs (including HE) during Examination regarding the methodology used and the conclusions reached.

4.186. As detailed in paragraph 4.163 above, the Applicant's updated Settings Assessment [C1-052] included consideration of the Grade II Park Walls. However, the Applicant did not provide any additional information on the changes to the Settings Assessment within their overall response document in relation to other designated HAs (including those outlined in paragraph 20 of the information request, such as, The Roman Villa at Sansom's Platt, Church of St Peter and St Paul, Church Hanborough, Church of St Peter, Cassington, Church of St Michael, Begbroke), or how they relate to matters outlined in paragraphs 20 and 21 of the Secretary of State's information request [C1-087]. As a result, it has been challenging for the Secretary of State to identify the exact reasons for such changes, and to what extent the Applicant's conclusions may have changed.

4.187. The Applicant's response to paragraph 20 and 21 put forward the argument that any disagreements on the magnitude of impact on the three churches stems from differing interpretations of the GPA3 guidance. The Applicant considered that while the churches are visible within the wider landscape, the Proposed Development would not affect designed or associative views that contribute to their heritage significance. The Applicant also stated that the Proposed Buffer Requirement 15 in relation to landscape and visual effects put forward in their response to the information request would further reduce impacts on a number of designated HAs including the churches. The Secretary of State notes that the ES Addendum Rev 2 [C1-086] submitted by the Applicant in response to the information request, and Rev 3 [C1-106] submitted as a part of the late submission to the information request is high level and seems to make conclusions on impacts without any re-assessment of the new scheme extent (which cannot be defined until post-consent based on the Applicant's Proposed Buffer Requirement 15). Further on this point, in HE's first all IPs response [C2-195] they stated that the Applicant's Proposed Buffer Requirement 15 would not change the conclusions set out in paragraph 5.13 of their closing statement [REP7-118]: '*In relation to the various churches, we have disagreed with the Applicant on the impact of the scheme (i.e. low adverse rather than negligible harm). However, we are in agreement that it is less than substantial harm'*.

4.188. The Applicant also provided a summary of the agreed positions with HE, CDC and VoWHDC as a response to paragraph 20 and 21 [C1-087], concluding that with regard to all designated HAs in the Statement of Common Ground ("SoCG") (which the Secretary of State notes included the Blenheim Palace WHS), parties agree that the harm is less than substantial. They state: '*Therefore, the position agreed with Historic England and two of the Oxfordshire*

Host Authorities is that, in all cases, harm to the significance of designated heritage assets is less than substantial (the other Oxfordshire Host Authority considers that impacts to some designated heritage assets may be 'significant', but does not go on to define whether or not they consider the resultant harm to the significance of the heritage assets to be substantial or less than substantial).' The Applicant cited the relevant policy balancing test for heritage NPS EN-1 paragraph 5.9.32 and then highlighted the further policy statement from NPS EN-3 paragraph 3.3.8 regarding the Secretary of State taking into account the positive role of large scale renewable projects and mitigation of climate change.

4.189. The Applicant provided a further updated Settings Assessment within their late submission to the information request [C1-112]. The Secretary of State has found it difficult to reconcile the changes set out in the updated Settings Assessment because of inconsistencies in the figures and document references throughout the updated assessment. The Secretary of State notes that when discussing each designated HA, the updated Settings Assessment now appears to describe how photomontages have been updated to reflect submissions as part of CR2 rather than reflected the latest refinement as a result of the Proposed Buffer Requirement 15. Further to this, the updated assessment stated that the revised layout is presented in the Illustrative Masterplan (Rev 5) [C1-118] and describes where solar panels were previously visible from viewpoints but have now been removed - this approach is confusing and presents a challenge to ascertain the changes and impacts of these changes due to the lack of updated visualisations and photomontages. It is noted that there is also a discrepancy with the summary section at 1.10 as it does not reference impacts to the Grade I Churches where there are long term effects of minor adverse significance. However, it does reference other designated HAs which are impacted to the same level. There is also reference to a previous version of the dDCO [C1-038] but not the most updated version of the dDCO submitted with the Applicant's late submissions.

4.190. The OHA commented on the updated Settings Assessment in their second all IPs consultation response [C3-192]. The OHA noted that the updated Settings Assessment had been updated to refer to the 'refined layout' rather than the 'proposed layout' and that it cross references the Illustrative Masterplan (Rev 5) and updated photomontages that take account of changes to the design of the Proposed Development set out in CR2. They highlighted that photomontages have not been updated so in cross referring to photomontages, the report refers to visualisations which showed how the Proposed Development would appear from selected viewpoints. The viewpoints in the photomontages therefore do not reflect the refined layout, so it is difficult for the OHA to ascertain how the proposed changes affect the setting of HAs. The OHA further stated that the Proposed Development will be visible within the setting of certain HAs such as the Church of St Peter and St Paul, Church Hanborough and the Church of St Peter at Cassington. The OHA confirmed in their pre-emptive response to the Applicant's late submissions [C2-218] that the reduction in panel coverage was likely to result in a betterment compared to the scheme submitted for Examination, but the panel reductions do not go far enough in delivering a scheme that minimises landscape and visual impacts to a more acceptable level. The OHA stated that this is directly relevant to assessing the impacts on the setting of HAs and in the absence of updated photomontages and visualisations, it is difficult for the OHA to reach a position that is in any way different to the views expressed throughout the Examination and decision-making stages.

Other Responses to Consultations in Relation to Cultural Heritage Matters

4.191. The Secretary of State has also considered the latest ICOMOS TR appended to HE's [C2-195] first all IPs consultation response. That review relates to a separate and unrelated

development at Land South of Perdiswell Farm, Shipton Road, Shipton on Cherwell. The TR reiterates ICOMOS' concerns about cumulative change within the immediate and wider setting of the Blenheim Palace WHS, the contribution of rural landscape setting to the maintenance of OUV, and the need for a fuller understanding of cumulative impact.

4.192. The Secretary of State notes a large number of responses to the first all IPs consultation raised concerns regarding the effects of the Proposed Development on the historic environment, with a significant proportion highlighting the potential impacts on the Blenheim Palace WHS, and other designated HAs. Responses received to the second all IPs consultation have largely repeated arguments made during Examination and in response to the first all IPs consultation.

The Secretary of State's Conclusions

4.193. The Secretary of State has considered the Examination material, the ExA's conclusions, and the responses to the information request and to the first and second all IPs consultation in relation to heritage matters.

4.194. The Secretary of State notes that the Applicant, HE, the OHA and the ExA reached different conclusions regarding the magnitude of impact and resultant significance of effects on several HAs (EIA conclusions). However, in terms of harm, the Applicant stated in its response to the information request [C1-087] that, in its SoCG with HE, the parties agreed that the harm to all designated HAs considered by HE, including the Blenheim Palace WHS, would be less than substantial. Further, the Applicant also records agreement on less than substantial harm in its SoCG with CDC and VoWHDC. However, in the SoCG with WODC, it is noted that while considering that some effects on HAs would be significant, WODC did not expressly classify the resulting harm as substantial or less than substantial.

4.195. The Applicant has undertaken an assessment of the likely significant heritage impacts of the Proposed Development for the purposes of NPS EN-1 paragraph 5.9.9. However, the Secretary of State does not consider that the level of detail provided in the HIA and Settings Assessment is proportionate to the importance of the HAs, particularly the Blenheim Palace WHS for the purposes of NPS EN-1 paragraph 5.9.10.

4.196. The Secretary of State agrees with the ExA that the HIA narrowly focuses on visual impacts and agrees with IPs that this represents a fundamental flaw in the Applicant's methodology and approach to the assessment; this is irrespective of the revisions made to the HIA during the decision-making stage. The Secretary of State agrees with the ExA and other IPs that the significance of the WHS derives not only from direct views and physical attributes, but also from the wider historic landscape context and cultural associations that contribute to its OUV which encapsulate 'values' including aesthetic, architectural, biological, ecological, historic, geological, social and spiritual. In reaching this conclusion, the Secretary of State has had regard to NPS EN-1 paragraph 5.9.24.

4.197. The Secretary of State accepts that the updated HIA now identifies the tangible and intangible elements of OUV in respect of the Blenheim Palace WHS but considers that it does not adequately assess the impacts of the Proposed Development on the intangible elements as per 2022 UNESCO Guidance and Toolkit for Impact Assessments in a World Heritage Context. This is evident by the clear omission of the identified intangible elements (including the arcadian landscape beyond on the stone-wall boundary and concepts of cultural and communal value) in the 'Impacts' or 'Summary of Harm' sections of the HIA.

Without this information, the Secretary of State is unable to conclude that there would be no degree of change to attributes 4 and 5 that convey the OUV of the WHS.

4.198. The Secretary of State also notes that the updated HIA and its supporting material does not consistently assess the same iteration of the Proposed Development. The figures that the Applicant has provided, which identify key visual sensitivity areas, remain the same as was previously submitted during Examination and there has not been changes as a result of the newly Proposed Buffer Requirement 15. This undermines the robustness of the conclusions drawn in the HIA as the assessment is not based on the most up to date information in relation to the scheme extent. Additionally, the Secretary of State also considers that parts of the HIA are challenging to follow which has hampered the ability of the Secretary of State to adequately understand the extent of the impacts as is required by NPS EN-1 paragraphs 5.9.10 and 5.9.12.

4.199. In reference to the TRs provided by ICOMOS, the Secretary of State considers that the Applicant's response largely restates its previous position as asserted during Examination and does not substantively address ICOMOS' central concern regarding the contribution made by the WHS's wider setting to its significance and OUV.

4.200. Furthermore, the Secretary of State considers that, for the purposes of NPS EN-1 paragraph 5.9.13, the Proposed Development could have made a positive contribution to the historic environment had the Applicant undertaken its heritage assessments in a more proportionate manner, consistent with NPS EN-1, but ultimately failed to do so.

4.201. The Secretary of State also acknowledges the concerns raised by IPs, such as HE and OCAS, during Examination regarding undiscovered archaeological interests associated with the SM at Sansom's Platt and considers that measures, such as trial trenching, should have been carried out at the outset to determine the probability of their existence. Notwithstanding this, and in light of the trial trenching results and agreement to remove panels from sensitive areas (specifically from Field 1.13 as evidenced in the Applicant's response to the information request [C1-087]), the Secretary of State considers that, for the purposes of NPS EN-1 paragraph 5.9.21, appropriate procedures for the identification and treatment of any such interests would have been secured through the ExA's recommended Requirement 10 in the event the Order was being made. However, it is noted that HE acknowledged that there would still be a low adverse impact on the SM at Sansom's Platt, rather than negligible impact as contested by the Applicant.

4.202. The Secretary of State has had regard to NPS EN-1 paragraph 5.9.23, 5.9.24 and 5.9.25 and agrees with the ExA that the Applicant has underestimated the contribution made by setting to the significance of a number of designated HAs (including, Grade I churches at Church Hanborough (St Peter and St Paul) and Cassington (St Peter) and the Grade II* Church at Begbroke (St Michael)), and notes the difference in conclusions in respect of the magnitude of impact and therefore significance of effects between the Applicant and HE on the Grade I and Grade II* Churches with HE attributing low adverse rather than negligible harm to these HAs [REP7-118]. Notwithstanding these differences in conclusions on the effects, there seems to be agreement on the level of harm to these assets falling in the less than substantial range, however HE do describe the harm to be 'modest' in NPS terms [REP1-086 and REP7-118].

4.203. The Secretary of State has considered the updated Settings Assessments submitted by the Applicant in response to the information request and as part of the late submissions. The

Secretary of State considers these revisions to be high level (apart from the inclusion of the Park Walls) and do not adequately reassess impacts based on the revised scheme extent which the Applicant seems to be relying on as further mitigation with respect to all HAs. As noted in the preceding paragraph, the consultation responses from HE and the OHA also demonstrate that disagreement remains with the Applicant regarding the magnitude of impact on a number of HAs, including the Grade I and Grade II* listed churches, in addition to the Park Walls (specifically for the OHA) and resultant significance of effect.

4.204. Having considered these differing professional judgements, the Secretary of State considers that the Applicant's findings in the heritage assessments do not adequately reflect the effects of the Proposed Development on the significance of several HAs. The Secretary of State has exercised judgement (and considered the professional judgement of IPs and the ExA) regarding the contribution made by setting to their significance and the effect of the Proposed Development on that significance and ultimately agrees with the ExA's conclusions.

Secretary of State's Conclusions on Heritage Harm

4.205. For the reasons set out above, the Secretary of State concludes that, the Proposed Development would result in less than substantial harm to the OUV and significance of the Blenheim Palace WHS, principally through change within its setting and the effects on the wider rural landscape, cultural associations and other attributes that contribute to its significance.

4.206. The Secretary of State also concludes that the Proposed Development would result in less than substantial harm to the other designated HAs including but not limited to the Grade I RPG at Blenheim Palace, the SM at Sansom's Platt and Grade I and Grade II* LBs (including Church of St Peter and St Paul at Church Hanborough, Church of St Peter at Cassington and Church of St Michael at Begbroke).

4.207. The Secretary of State has had regard to section 5.9 of NPS EN-1. In particular, paragraph 5.9.27 which requires great weight to be given to the conservation of designated HAs, and provides that the more important the asset, the greater the weight should be. This applies irrespective of whether the harm amounts to substantial harm, total loss, or less than substantial harm to significance.

4.208. The Secretary of State has also had regard to paragraph 5.9.36 of NPS EN-1, which requires great weight to be given to negative effects on the setting of designated HAs when weighing them against the wider benefits of the Application. The Secretary of State considers that the surrounding rural landscape, associative values, boundary wall and approaches to the Blenheim Palace WHS are relevant to the way in which the WHS is understood, experienced and appreciated. Reflecting the WHS's international significance, the Secretary of State gives great weight to its conservation and to the desirability of avoiding harm arising through development within its setting.

4.209. The Secretary of State has also had regard to paragraph 5.9.28 of NPS EN-1, which provides that any harm to or loss of significance of a designated HA, (whether from alteration, destruction or development within its setting), should require clear and convincing justification. Whilst acknowledging the benefits of the Proposed Development and the Applicant's assessment of heritage effects, the Secretary of State does not consider that sufficient justification has been provided for the identified harm to the Blenheim Palace WHS and other designated HAs including the Grade I RPG, SM, Grade I and Grade II* LBs.

4.210. The Secretary of State has further had regard to NPS EN-3. Paragraphs 2.10.151 and 2.10.160 recognise that the time-limited nature of solar development and the extent to which land would return to its original state are relevant considerations when assessing effects on the settings of HAs. Whilst the Secretary of State accepts that the solar elements of the Proposed Development would be time-limited and largely reversible (excluding the NGET substation), this does not remove the harm that would be experienced during the operational life of the Proposed Development.

4.211. In reaching this conclusion on harm, the Secretary of State has given great weight to the conservation of the Blenheim Palace WHS and the other affected designated HAs, in accordance with section 5.9 of NPS EN-1. Taking these matters into account, the Secretary of State considers that the cultural heritage impacts of the Proposed Development weigh substantially against the making of the Order, noting that is the same weighting afforded by the ExA, albeit a difference in weighting terminology. The final balancing of that harm against the public benefits is addressed below.

Heritage Balance

Less than Substantial Harm

4.212. NPS EN-1 paragraph 5.9.32 states that where the proposed development will lead to less than substantial harm to the significance of a designated HA, this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use.

ExA's Heritage Balance

4.213. In accordance with NPS EN-1 paragraph 5.9.27 the ExA afforded great weight to the conservation of all the assets listed in the paragraphs above [ER 5.3.4]. The ExA concluded that, having applied the policies in NPS EN-1, the totality of the adverse impacts on the historic environment from the Proposed Development would strongly outweigh its overall benefits [ER 5.3.7].

4.214. The ExA also considered whether any further restrictions or mitigation beyond those provided for in the rDCO could overcome its concerns but concluded that the fundamental concerns outlined in section 3.3 of the ExA Report could not be satisfactorily overcome in that way [ER 5.3.8].

Secretary of State's Heritage Balance

4.215. Notwithstanding the limitations identified in the Applicant's heritage assessments, the Secretary of State is satisfied that the Proposed Development would cause less than substantial harm to the relevant HAs as set out above.

4.216. The Secretary of State has therefore undertaken the balancing exercise as required by NPS EN-1 paragraph 5.9.32 having regard to the ExA's conclusions, the further information submitted following the close of the Examination, responses received from HE, the OHA, ICOMOS-UK and other IPs, and the relevant policy tests in NPS EN-1, NPS EN-3, the 2024 NPPF and 2026 NPPF.

4.217. The Secretary of State has had regard to paragraph 5.9.27 and 5.9.28 of NPS EN-1. In doing so, the Secretary of State accepts that great weight should be given to the conservation of

the Blenheim Palace WHS, reflecting its international significance. The Secretary of State also gives great weight to the conservation of the other designated HAs, particularly those of the highest significance, including the Grade I RPG, Grade I, Grade II* and Grade II LBs, and SMs.

4.218. NPS EN-3 paragraph 2.3.8 provides that, in considering impacts on the historic environment and whether substantial public benefits would outweigh harm to the significance of a designated HA, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target. In agreement with the ExA, the Secretary of State recognises the significant contribution the Proposed Development would make to securing reliable energy production which would result in climate change benefits. The Secretary of State also notes that there would be ecology and biodiversity benefits (in the form of Biodiversity Net Gain ("BNG")).

4.219. The Secretary of State has also had regard to NPS EN-3 paragraphs 2.10.151 and 2.10.160, which provide that the period of time for which consent is sought, and the extent to which the site would return to its original state, are relevant considerations when assessing effects on the settings of HAs. The Secretary of State accepts that the solar elements of the Proposed Development would be time-limited and largely reversible and has taken this into account in concluding that the identified harm to HAs (including the WHS) would be in the less than substantial range. However, the Secretary of State does not consider that the temporary and reversible nature of the solar arrays removes the harm that would be experienced during the operational life of the Proposed Development, particularly given the significance of the WHS and the other affected designated HAs. In reaching this conclusion, the Secretary of State has had regard to NPS EN-1 paragraph 5.9.24 and 5.9.25.

4.220. Whilst the Secretary of State agrees with the ExA (and IPs) and considers that the harm would be in the less than substantial range, the Applicant's approach to assessments and quality of the information provided both during Examination and decision-making stage have hindered rather than helped the Secretary of State in reaching this conclusion.

4.221. The Secretary of State has given great weight to the conservation of Blenheim Palace WHS, and great weight to the conservation of other affected designated HAs. The Secretary of State also recognises that the Proposed Development would result in less than substantial harm to the significance of those assets, including harm to a HA of the highest international significance. The Secretary of State recognises the substantial public benefits arising from the Proposed Development, including its contribution to renewable energy generation. However, the Secretary of State concludes, with reference to the overall planning balance, that the public benefits of the Proposed Development would not outweigh the harm to the significance of the affected designated HAs.

Landscape and Visual

Policy Framework

4.222. The relevant policy framework for landscape and visual matters is set out in section 5.10 of NPS EN-1. Paragraphs 5.10.16 to 5.10.25 specify the requirements of the Applicant's assessment. NPS EN-3 and the NPPF are also relevant. The Secretary of State has considered the 2026 NPPF but considers that there are no changes which impact the conclusions reached on these matters. The assessment is also informed by established

best-practice guidance, including the third edition of the *Guidelines for Landscape and Visual Impact Assessment* ("GLVIA3") and the Landscape Institute guidance on Landscape and Visual Impact Assessment ("LVIA") and Residential Visual Amenity Assessments ("RVAA").

4.223. The section then considers each issue in turn, summarising the ExA's Examination and conclusions and, where relevant, the Secretary of State's subsequent information requests and consultation responses, before setting out the Secretary of State's assessment.

4.224. Landscape and visual effects were a major issue during the Examination. The ExA examined the following issues in further detail: the methodology and approach; landscape and visual effects and viewpoints; the effects and approach to mitigation; the approach to the RVAA; and impacts on National Landscapes [ER 3.4.45]. These specific matters are explored in the following paragraphs.

4.225. The ExA's overall conclusions are set out at [ER 3.4.188 *et seq*]. The ExA considered that the Applicant had underestimated the visual impact of the Proposed Development and disagreed with the Applicant's conclusion that there would not be any significant residual adverse landscape and visual effects during the operational phase of the development [ER 3.4.190].

4.226. In its planning balance, the ExA gave very great negative weight in the Planning Balance for landscape matters [ER 5.4.1, Table 6]. The ExA highlighted that the adoption of their proposed Requirement 18 in the rDCO, in addition to the Applicant's Without Prejudice Offer ("WPO"), was essential to bring the Proposed Development in line with the NPS [ER 3.4.194 and 3.4.195]. However, even with both measures in place, the ExA would still give the landscape and visual harm moderate negative weight [ER 3.4.196]. The ExA's consideration of proposed Requirement 18 and the WPO forms part of its secondary recommendation, as discussed at paragraph 2.3 of this Letter.

LVIA Methodology and Landscape and Visual Effects

ExA's Considerations and Conclusions

4.227. A summary of the findings in the Applicant's final version of the ES chapter 8, LVIA submitted at Deadline 6 (Rev 4) [REP6-012] is set out at [ER 3.4.70]. In short, the Applicant considers that minor-to-moderate (not significant) adverse effects would occur on landscape character areas where the Proposed Development is located, with no significant effects predicted on landscape character areas within 5 km during construction, operation and maintenance; moderate to adverse (significant) visual effects would occur from 15 representative viewpoints in winter year 1 following construction, but that these would reduce to no residual significant effects at summer year 15, with the exception of viewpoints (23, 48 and 50); and no significant cumulative landscape and visual effects are predicted [ER 3.4.70].

4.228. The Secretary of State notes that significant disagreement remained at the close of Examination between the Applicant and IPs (particularly the OHA) on the Applicant's conclusions on landscape and visual effects [ER 3.4.72 and ER 3.4.73].

4.229. The ExA recognised that there is no prescribed approach to preparing an ES and that professional judgement is likely to be exercised more in landscape-related matters than some other topics since landscape assessment is less responsive to scientific analysis [ER 3.4.83]. However, it was clear that the issue of consistency across the EIA topics was at the heart of the ExA and IPs concerns on the application of the LVIA methodology, and that the

Applicant had not demonstrated that the approach taken had resulted in a robust assessment of the landscape effects of the Proposed Development [ER 3.4.84].

4.230. The ExA further stated that by removing the no change category from the assessment matrix, the Applicant could exercise judgement where previously this would not have existed, and consequently the true impacts of the Proposed Development are either unknown, uncertain or likely to be greater than the Applicant purports them to be [ER 3.4.88], a view shared by many IPs. Whilst later revisions of the LVIA concluded that there would be some significant effects, the professional judgment that was used in making this decision was not explained [ER 3.4.90].

4.231. The ExA concluded that it had serious concerns over the conclusions of the LVIA in ES chapter 8 and considered that there are effects that are underestimated arising as a result of the flawed application of methodology, inadequate application of the mitigation hierarchy and poor quality of reporting, this view was shared by many IPs [ER 3.4.95].

4.232. The ExA and IPs also raised in relation to the selection and assessment of viewpoints, the quality and representativeness of photomontages and the absence of a clear and transparent evidence trail linking the underlying assessment evidence to the conclusions reached by the Applicant [ER 3.4.96].

4.233. In its response to Deadline 6 submissions, the OHA disagreed with the Applicant's findings in relation to visual effects [REP7-190] highlighting that the Applicant had not considered the impact of other elements of development including the substations, and in particular the main project substation and grid connection. Further, in the OHA's closing statement [REP7-191] it reiterated the conclusions from their joint LIR [REP1-072] that the Proposed Development would result in significant effects to both landscape character and views, the OHA also stated that it is not clear how the LVIA has been used to inform the siting, scale and design of the scheme (as required by NPS EN-1 paragraph 5.10.19). Further the OHA and multiple IPs consider that the proposed mitigation methods such as hedges around the Public Rights of Way ("PRoW") would fundamentally change the way the landscape and views are appreciated [ER 3.4.105 to 3.4.106].

4.234. The ExA considered that the GLVIA3 guidance is clear in that landscape is a resource in its own right, and therefore assessment of any effects should be distinct from an assessment of visual effects. The ExA considered that the Applicant has conflated visual and landscape matters and the conclusions consequently resulted in a reduction in the levels of harm reported [ER 3.4.111]. Further to this, the ExA noted that there were multiple examples within the LVIA which demonstrate the blurring of lines between landscape and visual effects, creating an opaque and potentially inaccurate assessment of the reality of the likely landscape effects [ER 3.4.112]. Other examples are of where the landscape character has been erroneously conflated with a perception of whether or not the Proposed Development is visible rather than of the physical changes to the landscape which alter its character [ER 3.4.113].

4.235. The ExA stated that it accepts that there will be landscape and visual impacts as a result of the Proposed Development as per NPS EN-1 paragraph 5.10.5. However, they found that the approach to assessment of landscape and visual matters to be untenable and it raised too many questions as to the robustness and accuracy of the documentation, therefore potentially leading to higher impacts than those accounted for in all the documentation submitted [ER 3.4.118]. In addition to this, the ExA noted that their conclusions were

supported by the OHA and a number of IPs, who equally considered there to be a persistent under-assessment of effects, inadequate or misrepresentative viewpoint locations, and lack of consideration for road users and outdoor recreational users, amongst other issues [ER 3.4.118].

4.236. To conclude, the ExA stated that the Applicant had underestimated the visual impact of the Proposed Development and disagreed with the Applicant that there would not be any significant residual adverse landscape and visual effects during the operational phase of the development [ER 3.4.191]. In addition, the ExA recognised that NPS EN-1 paragraph 5.10.12 states that locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development. However, the landscape and visual harm would be significant adverse and weigh greatly against the Order being made [ER 3.4.194]

Information Request and Consultation Responses

4.237. Based on the ExA's conclusions in relation to the Applicant's assessments and approach to landscape and visual matters [ER 3.4.118], in the information request [C1-001] at paragraph 24 (a to d), the Secretary of State requested the Applicant to consider whether an updated LVIA was required. As is described in paragraph 1.4 of this Letter, the Applicant requested a 15 week extension to the information request deadline in order to progress work relating to landscape and visual matters, and specifically to provide an updated LVIA and updated RVAA. The Secretary of State refused this request on 8 June 2026, the reasons are provided in the Secretary of State's refusal letter[16].

4.238. The Applicant subsequently provided a response [C1-087] in relation to paragraph 24 (a to d) of the information request which focused on the LVIA. The Applicant stated that an independent review of the LVIA had been completed, including the methodology and findings, as well as the representations made by the OHA and wider IPs. The Applicant conceded that the review identified areas to be resolved, however, in line with the paragraphs highlighted from NPS EN-1, the Applicant stated that they focussed the time available on updating the Proposed Development to embed further landscape and visual mitigation, identifying the most sensitive receptors that have potential to experience the greatest magnitude of change, and therefore the greatest level of significance. The Applicant provided no further information on what these 'sensitive receptors' were or any detail on the further landscape and visual mitigation apart from including a new Proposed Buffer Requirement 15 in a revised draft of the dDCO. This Proposed Buffer Requirement 15 was detailed in the Applicant's response to paragraph 24 (d) of the information request and in the Applicant's cover letter [C1-033] and further amended by the Applicant's late submissions to the information request [C1-094, C1-097 and C1-099]. The Applicant's Proposed Buffer Requirement 15 is covered later in this section of the Letter.

4.239. The Applicant responded to paragraph 24 (a) of the information request which focused on the OHA's concerns regarding the methodology and approach to the LVIA highlighted in their closing statement [REP7-191], which added to their response to the ExA's Rule 17 Letter [REP7-190], and included their comments on documents submitted at Deadline 6. In their response to paragraph 24 (a), the Applicant sought to justify their original approach to

[16] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010147-002472-Response%20to%20Applicant%20-%20Botley%20West%20Solar%20Farm.pdf

undertaking the LVIA where professional judgement is relied upon to pronounce on the magnitude of impact of the Proposed Development on landscape and visual receptors, and on landscape character.

4.240. The OHA responded [C2-200] to the first all IPs consultation in relation to the Applicant's response to paragraph 24(a) of the information request. In their response, the OHA considered that a comprehensive review and update of the LVIA had not taken place, and noted that, although the Applicant stated in their response that an independent review had identified matters needing to be resolved, neither the findings of that review, or an updated LVIA have been provided as part of the Applicant's response. The OHA also highlighted that whilst an amended Illustrative Masterplan [C1-051] has been submitted, it is difficult to meaningfully identify any changes that have been made in landscape and visual terms and no plan highlighting the changes have been submitted.

4.241. Overall, in relation to the Applicant's landscape responses, the OHA [C2-200] stated in their response to the first all IPs consultation that the Applicant had predominately focussed on residential amenity and that the Applicant's response largely seeks to justify the approach taken in the LVIA. The OHA further stated that the Applicant's response has not provided any additional information to address the OHA's concerns. For example, it was noted that no additional information had been provided in relation to lighting and cumulative effects. The OHA concluded that the concerns highlighted in section 2.3 of the OHA's closing statement [REP7-191] remain the same and have not been rectified or minimised by the Applicant's response.

4.242. Paragraph 24(d) of the information request related to how landscape and visual considerations informed the siting, scale and design of the Proposed Development at the early stages of scheme development, including how the mitigation hierarchy had been applied. The Applicant responded stating that they have followed the mitigation hierarchy, highlighting the 'The Analysis of Buffer to Farms' (Appendix B PVDP Buffer Zone Analysis) [REP6-065] as further evidence of the early phase design work undertaken by the Applicant and its application of the mitigation hierarchy, as this process helped to inform the appropriate design mitigation to be incorporated into the Proposed Development. They further state that this is explained in the Applicant's Response to the ExA's Rule 17 Letter [REP7-047]. The Secretary of State notes that these documents were submitted at both Deadline 6 and 7 right before the end of Examination and therefore could not have informed the early phase design due to the timing of submission.

4.243. Overall, the Applicant's response to paragraph 24(a) to (d) mainly sought to restate arguments put forward during the Examination and there seemed to be limited new information in relation to questions about IPs concerns, visualisations and the methodological approach undertaken when completing assessments.

4.244. In relation to grid connection matters, the Applicant responded to paragraph 12 of the information request [C1-087] setting out that the works to facilitate a connection to the grid include works to the existing overhead line tower structures to connect the new NGET substation to the existing 400 kilovolt ("kV") Cowley to Walham overhead line, which includes the replacement of one existing tower with two replacement towers of approximately 60 – 80 m in height [C1-087]. The Secretary of State notes that the existing and proposed photomontages from representative viewpoints 46, 50 and 53 [CR2-032] do not show any increase in the number of pylons, which based on the Applicant's statement confirming that

the full scope of works to facilitate a connection is included in the dDCO, would therefore be expected.

Effects of Mitigation

ExA's Considerations and Conclusions

4.245. The Secretary of State notes that, in relation to mitigating landscape and visual impacts from the Proposed Development, the principal mitigation measures relied upon by the Applicant are the creation of new areas of woodland and the planting of 3 m high hedgerows either side of footpaths to screen the Proposed Development. These measures are captured within ES Chapter 6, Appendix 6.1 – Mitigation Measures and Commitments Schedule [ER 3.4.119]. The Applicant stated that the hedgerows would remain post-decommissioning as part of the Proposed Development's landscape legacy, and they maintained that hedge-lined paths were characteristic of the local area and therefore, the proposals would enhance the local landscape [ER 3.4.121]. This was heavily disputed by IPs during Examination [ER 3.4.123] and led the ExA to ask IPs whether they would prefer to see hedgerow planting removed from the proposals altogether. Almost all responses received stated the Applicant should look to remove panels from sensitive areas and vistas as a first principle [ER 3.4.123].

4.246. The ExA considered that the Applicant had not given detailed consideration to the impacts of mitigation upon landscape and visual resources [ER 3.4.115]. The ExA stated that in a landscape that offers panoramic views, open and vast vistas and long-distance appreciation of the topography, it is curious that the Applicant had concluded that planting 3 m high hedgerows along the length of footpaths in and around the project area would not have an adverse visual effect [ER 3.4.115]. The ExA highlighted that there were many examples of the Applicant relying on planting to screen the Proposed Development, without any assessment of how this planting may affect the landscape and no consideration given to the existing baseline landscape character in the LVIA [REP6-012] and Landscape Character Assessment ("LCA") [REP5-031] [ER 3.4.116]. The ExA also noted that the hedgerows would not reduce the visual impacts in many cases [ER 3.4.117].

4.247. The ExA concluded that it had concerns relating to the permanent change that the proposed mitigation, in the form of hedgerow-lined footpaths, would have on the prevailing landscape character of the locality. They stated that the mitigation would permanently affect views available while walking a significant number of the paths crossing the Order limits. The ExA sympathised with IPs regarding the loss of views and impacts on the character of the landscape, however they considered this adverse impact to be residual and secondary, given that the alternative would be unmitigated views of the solar panels for the 42 year life of the Proposed Development [ER 3.4.135].

4.248. The ExA concluded on the issue of the impacts of the proposed mitigation by acknowledging that NPS EN-1 paragraph 5.10.5 states that: "*Virtually all nationally significant energy infrastructure will have adverse effects on the landscape*." However, they highlighted that NPS EN-1 paragraph 5.10.6 states: "*Projects need to be designed carefully, taking account of the potential impact on the landscape*". The ExA stated that the Applicant was able, through CR2 [CR2-001] to [CR2-073] to remove circa 100ha of solar installation without any effect on the 840 MW target, subject to adjusted parameters regarding slightly increasing panel density in suitable zones. The ExA therefore believes that the mitigation hierarchy of avoid, minimise, mitigate has not been properly followed and that effects should have been avoided or minimised in the first instance [ER 3.4.136], highlighting the allegations of a lack

of engagement, a failure to take on board advice and not tackling key issues as examples which has led to the ExA's overall lack of confidence in the landscape assessments and conclusions [ER 3.4.137].

Information Request and Consultation Responses

4.249. The Secretary of State did not request any specific information on landscape mitigation in the information request. However, in its late submission to the information request, the Applicant provided an addendum to the outline Landscape and Ecology Plan ("oLEMP") [C1-101], titled 'oLEMP Supplement – Design Response to Local Landscape Character' ("oLEMP Supplement") as additional documents to support the mitigation proposals.

4.250. In its cover letter [C1-094], the Applicant stated that the oLEMP Supplement provides an enforceable framework for landscape and ecological mitigation, monitoring and management. The introduction of the oLEMP Supplement states that it presents further analysis of local landscape character, identifies landscape sensitivities and key qualities at risk, and explains how these considerations informed the proposed design response and Landscape Perimeter Plan through an iterative design process.

4.251. The Applicant provided the OHA with the documents ahead of submission, and as a result of this, the OHA commented on these documents in a pre-emptive response submitted as part of the first all IPs consultation [C2-218]. In their response, the OHA disputed the Applicant's suggestion that there is any agreement regarding the appropriateness of the design strategy set out within the oLEMP Supplement. Whilst acknowledging that the document provides additional information on local landscape character, the OHA consider that it has been produced too late in the decision-making process to have genuinely informed the siting and design of the Proposed Development. They note that the additional landscape character analysis was not used to inform the LVIA or wider EIA and question how it can be relied upon as evidence of an iterative design process when it was only introduced at the very end of the decision-making process.

4.252. The OHA further consider that the oLEMP Supplement provides an incomplete assessment of landscape character and sensitivity. In particular, they state that insufficient regard has been given to important characteristics such as tranquillity, recreational value, perceptual qualities and key views, and that a number of highly sensitive landscape areas remain identified for solar development notwithstanding their visibility and contribution to local landscape character. The OHA contend that a proper understanding of baseline landscape character would have led to the exclusion of some of these areas from the Proposed Development altogether.

4.253. Overall, the OHA consider that the oLEMP Supplement largely repackages existing landscape character information without demonstrating how it has influenced the design of the Proposed Development or materially reduced landscape and visual effects. Whilst acknowledging that some amendments may reduce effects in certain locations, the OHA do not consider that the additional information substantiates the Applicant's conclusions regarding the effectiveness of the design response and maintain that significant concerns regarding landscape character and visual amenity remain. The OHA provide a number of location-specific examples within their response [C2-218] to illustrate their concerns and to demonstrate where they consider the Applicant's analysis has failed to adequately identify landscape sensitivities or respond appropriately through design changes.

Residential Visual Amenity Assessment (RVAA) and Without Prejudice Offer (WPO)

4.254. The RVAA and the Applicant's WPO are considered together in the following paragraphs as the issues are closely linked.

RVAA: ExA's Considerations and Conclusions

4.255. In terms of residential visual amenity impacts, the Applicant was requested to provide a RVAA at multiple points, both during the scoping stage, and during the Examination, which was supported by the relevant consultation bodies and multiple IPs. The Applicant resisted providing this assessment [REP6-064 and REP7-042] until the very late stages of Examination (Deadline 6). Their approach before providing this assessment was to provide a minimum offset of 25 m from any residential property to the edge of any part of the solar array included in the LVIA as embedded mitigation. The Applicant stated this buffer was based on professional judgement and the Landscape Institute Technical Guidance Note 2/19 Residential Visual Amenity Assessment ("LI TGN 2/19") was also referenced [ER 3.4.143]. The original reason they provided for not submitting an RVAA was that there would be no significant effects and therefore there would be no need for an RVAA. The ExA pointed out that in line with the guidance, an RVAA is generally dependent on the outcome of a LVIA and in absence of those conclusions it did not agree that the RVAA should be scoped out [ER 3.4.143].

4.256. During Examination, the Applicant's approach was further questioned by the ExA. The Applicant noted that individual properties were looked at on a case-by-case basis and in some cases, it was appropriate to have a greater buffer. The Applicant reiterated that due to the low level of the Proposed Development and mitigation proposed, it was anticipated that there was no potential for private views to be adversely affected to an extent that would trigger the requirement for a RVAA [ER 3.4.148]. None of the relevant consultation bodies agreed that an RVAA could be scoped out, and the OHA rejected the idea of a standard 25 m buffer and stated that mitigation should be bespoke on a property-by-property bases [REP1-072] [ER 3.4.149]. The ExA requested the Applicant to confirm how many properties fell within the 250 m zone described as 'very close proximity' in LI TGN 2/19 [ER 3.4.153]. The Applicant was unaware of the number of properties in close proximity to the Proposed Development and had only included 18 properties to consider on a case-by-case basis. IPs suggested that there could be as many as 300 properties which fell within this distance bracket [ER 3.4.154].

4.257. At Deadline 6 the Applicant provided an RVAA [REP6-064] which concluded that the residential visual amenity threshold was not reached. The ExA concluded that the RVAA document [REP6-064] contained multiple flaws and faults. As a result, the ExA proposed a precautionary approach to RVAA to be adopted post-consent, with a Requirement (Requirement 18 in the rDCO) suggested to secure a 250 m buffer zone around each dwelling unless the Applicant was able to demonstrate to the relevant local authority that a lesser buffer would be sufficient [PD-018]. The 250 m buffer figure was proposed as a direct reference to the LI TGN 2/19 guidance [ER 3.4.156]. The Applicant provided an updated RVAA at Deadline 7 [REP7-042] to correct errors but stood by the conclusions provided in the previous iteration, additionally the Applicant rejected the ExA's suggested Requirement, stating that it was unnecessary, unreasonable and would serve only to compromise the project's viability. A table was produced by the Applicant [REP7-047] to show the likely loss of capacity if a 250 m buffer was imposed, which notes that it would likely result in the loss of an area of over 210 ha and a loss in capacity of 350 MWp [ER 3.4.158].

4.258. The ExA concluded on this issue by observing that the Applicant strives for commercial viability and that reductions in the solar array would affect viability and the contribution to fighting climate change, however that the RVAA document [REP7-042] provided contains multiple flaws and faults, not least that no actual views from any actual properties are depicted because the Applicant did not visit any property or immediate grounds thereof in its preparation [ER 3.4.163]. There are substantive objections and concerns lodged against this document and its findings, plus a continual theme from all IPs throughout the Examination that a 25 m buffer is not enough [ER 3.4.162 and 3.4.163]. The ExA stated that they understand that a 250 m buffer is highly unlikely to be required at every property but given the lateness and inadequacy of the information provided, the ExA considered that the Requirement would obligate the Applicant to carry out a more robust assessment than has been provided during the Examination. The ExA therefore strongly considered that a precautionary approach must be observed in the circumstances, without full knowledge of whether or not primary (i.e. not residual) adverse effects would occur to residential addresses [ER 3.4.168].

4.259. The Secretary of state further notes the ExA stated that:

> '***Until further work is done, the ExA cannot decisively say whether or not significant primary or residual adverse effects would be experienced by residents nor that the 25 m buffer proposed by the applicant would be sufficient in all cases.*** *In light of NPS EN-1 paragraph 5.10.14, we urge caution on this matter and the ExA recommends an additional requirement is imposed securing further work to justify buffers on a property-by-property basis' (**Secretary of State's emphasis**)* [ER 5.2.28].

4.260. This suggests to the Secretary of State that there could be significant primary effects, the extent of which cannot be understood without a robust RVAA assessment, and additionally a robust LVIA to inform this RVAA assessment. The Secretary of State considers that this provides justification as to why an assessment should not be delayed to the post-consent period.

Without Prejudice Offer (WPO): ExA's Considerations and Conclusions

4.261. The Secretary of State notes that, during Examination, a number of IPs proposed and supported reductions to the scheme [ER 3.4.128]. The OHA proposed a large series of areas that should be omitted from the Order limits [REP4-075] and provided a thorough detailed rationale underpinning the suggested omissions at Deadline 6, [REP6-118], concluding that the removals would help reduce the level, extent and seriousness of the effects. The OHA's proposals were supported by a host of IPs (for example [REP7-063] [REP7-069] [REP7-111] [REP7-205]) [ER 3.4.129].

4.262. As a result of repeated queries from the ExA and IPs, the Applicant put forward a WPO towards the end of the Examination [REP6-052]. In summary, the offer sought to exclude solar panels from land on a) higher ground, rides and slopes and b) specific properties (four in total) to increase buffers between these properties from the Proposed Development from 25 m to 75 m, and this proposal would remove 23.48 ha of solar installation which would result in a loss of 39.14 MW [ER 3.4.130].

4.263. The ExA noted that the OHA did not believe the WPO went far enough to reduce landscape and visual impacts of the development and suggested there was no logic to a 75 m buffer

and that it did not have any basis in research or assessment [ER 3.4.133]. When the ExA requested details from the Applicant, the Applicant suggested that the proposal could be explored by either the ExA or the Secretary of State after the Examination [REP7-047]. The ExA considered that it would have been more useful to the Examination and decision-making processes if all the information had been provided when requested in this regard, and if nothing else, comparisons could be made with the original work plans [ER 7.3.38].

Information Request and Consultation Responses

RVAA

4.264. In paragraphs 26 and 27 of the information request [C1-001], the Secretary of State requested the Applicant to consider whether an updated RVAA was required and whether it would be feasible to undertake a property-by-property assessment based on the ExA's proposed Requirement 18. The Applicant stated that, due to insufficient time to refresh its RVAA submission, it could not undertake an updated RVAA or property-by-property assessment and instead (noting the viability constraints) proposed an increased buffer of between 100 m and 250 m from residential properties and the nearest solar arrays (Proposed Buffer Requirement 15). The Applicant's Proposed Buffer Requirement 15 would mean that the precise buffer distance would be determined by the submission of an updated RVAP with supporting assessment and justification, submitted for approval by the relevant planning authority - wording to this effect was added as a new Requirement 15 in the updated dDCO [C1-038]. The exception to the application of this Proposed Buffer Requirement 15 is where the Applicant may have already agreed a different buffer distance with owners of relevant residential properties. In the Applicant's late submissions to the information request [C1-094], the Proposed Buffer Requirement 15 was adapted further, and detail is provided on this in paragraphs below.

4.265. In response to the first all IPs consultation, the OHA commented [C2-200] on the Applicant's response to the information request. For the Applicant's Proposed Buffer Requirement 15, the OHA considered that there are practical difficulties with how this Requirement would be implemented. The OHA have stated that they recognise the Requirement proposed by the Applicant differs to the Requirement proposed by the ExA in the Rule 17 letter. However, the fundamental difficulties with the practicality of discharging the requirement remain the same. The OHA outlined another issue with both the Applicant's Proposed Buffer Requirement 15 and Requirement 18 proposed by the ExA in the rDCO, being a lack of evidence at this stage as to whether any buffer is a suitable and sufficient form of mitigation for residential visual amenity impacts. Mitigation for residential visual amenity impacts needs to be based on a robust assessment of the significance of the impact, and the OHA state that it is yet to be demonstrated that a 250 m buffer has been based on any form of assessment of the impact. The OHA reference the LI TGN 2/19 guidance and state whilst a standard buffer may be a suitable starting point, it should be supported by a property-specific assessment (including fieldwork and site visits to each impacted property) that considers factors beyond distance, including topography, viewing context and the degree to which development may dominate or obstruct key views which could result in effects that exceed the Residential Visual Amenity Threshold. Further, they state that the issue of impacts on residential visual amenity cannot be left until after the scheme has been consented and instead needs to form part of the Secretary of State's weighing and balancing when determining the Application. The OHA also outlined their concerns in terms of the practical difficulties with how this Requirement would be implemented and indeed enforced.

4.266. The OHA also highlight that the Applicant stated in their response to paragraph 24 (b) of the information request at page 65 [C1-087] that a revised RVAA was not completed to inform the Requirement nor the size of the buffer and that the revised RVAA would not be completed until the detailed design stage. The OHA consider that at this stage it may be too late to incorporate the required mitigation, and therefore the Secretary of State can also not be certain that the mitigation proposed would be sufficient to avoid significant harm when the assessment methodology used to identify the potential impacts has not been clearly outlined prior to determination.

4.267. The Applicant provided more information as a late submission to the information request which was subsequently accepted into the decision-making stage on 3 September 2026. This submission package contained an outline Residential Visual Amenity Plan ("oRVAP") amongst other documents including; an updated Illustrative Masterplan – Rev 5 [C1-118], a Masterplan Development and Rationale document [C1-111], and an ES Addendum (Rev 3) [C1-106]. The Secretary of State notes that the proposals relating to the residential buffers have been amended slightly from the Proposed Buffer Requirement 15 provided in the Applicant's initial response to the information request (detail provided in the Applicant's Explanatory Memorandum [C1-099]. For example, the oRVAP documents each property within 250 m of the Proposed Development and provides a comparison between the buffers proposed during the application stage and buffers which the Applicant is now proposing in the decision-making stage. At paragraph 1.3 of the oRVAP the Applicant outlined that they have introduced the Proposed Buffer Requirement 15 and that this allows for additional offsets of up to 250 m where necessary, the Applicant further stated at paragraph 1.4 that the document presents potential additional offsets in relation to each residential property, with reference to the Illustrative Masterplan (Figures 2.1a-2.4c), derived through an iterative design evolution process (frequently referred to as the Revised Masterplan within the oRVAP). The Applicant stated this is supported by an analysis of the likely level of effect and resultant residential experience arising from this design-led approach.

4.268. In the OHA's pre-emptive response [C2-218] to these documents, which they had access to from the Applicant prior to submission, they stated that the information provided within the oRVAP appears to be limited to a brief comparison with the previous proposal, for each property or groups of properties. The OHA also highlight that the Applicant stated at paragraph 1.7 of the document that agreement have been sought with the OHA regarding the appropriateness of the design strategy in reducing the potential for adverse effects to arise. The OHA note that they have not agreed this strategy. However, some positive changes have been suggested which they do not go on to detail. The OHA provided a response to the second all IPs consultation [C3-192] which considered that there were some minor changes between versions, but that their comments within C2-218 remain valid.

4.269. The OHA consider [C2-218] that the oRVAP acknowledges shortcomings in the Applicant's previously proposed mitigation through the introduction of increased buffer offsets. However, they note that the proposal assessed in the oRVAP differs from that examined through the EIA, LVIA and accompanying visual material, and that no updated visualisations, zone of theoretical visibility ("ZTV") mapping or detailed assessment have been provided. The OHA therefore question how decision-makers can rely on information that does not relate to the scheme as examined and consider that, if revised buffers are to be adopted, the associated assessments, analysis and illustrative material should also be updated to ensure the EIA assesses the proposed project.

4.270. Notwithstanding the amendments made to the Proposed Buffer Requirement 15 through the Applicant's late submissions in response to the information request, the OHA maintain that the Proposed Buffer Requirement 15 would not provide an appropriate mechanism for securing mitigation of residential visual amenity effects. The OHA consider that insufficient information has been provided regarding the methodology underpinning the proposed mitigation measures to enable the Secretary of State to determine whether those measures would avoid or materially reduce significant adverse effects. The OHA further state that the drafting of the Proposed Buffer Requirement 15 lacks sufficient precision and certainty, resulting in ambiguity regarding how it would operate in practice and raising concerns as to whether it would be enforceable. The OHA provided a response to the second all IPs consultation [C3-192] which noted that with the exception of sub paragraph (5) being added to clarify the works for which the Requirement applies, in addition to some positive progress being made in negotiating post-consent Planning Performance Agreement with the Applicant, that the comments OHA provided in [C2-200 and C2-218] remain valid and have not been resolved through the Applicant's updated drafting of the Requirement.

4.271. The Secretary of State notes some discrepancies and potential errors within the oRVAP [C1-108]. Using Jumpers Farm as an example, in the new oRVAP under section 3 – 'design evolution assessment' there is a comparison of the Application and revised masterplan assessment for this property. C1-108 details that there is no existing agreement with Jumpers Farm, however the distance between what the Secretary of State is presuming is the solar array and specified works (as there is no explanation for the asterisk after 'distance' in the table provided) is 70m. However, the Applicant's Proposed Buffer Requirement 15 states clearly the minimum buffer distance to be 100 m (unless otherwise agreed with landowners).

4.272. The Secretary of State also notes that the Applicant provided a Masterplan Development and Rationale document [C1-111] to support the new oRVAP. This document provides a comparison between the masterplan provided during the Application phase and the new proposals (Masterplan Rev 5 [C1-118] which seems to supersede Illustrative Masterplan Rev 4 [C1-051]). The Secretary of State notes that revision 5 of the Illustrative Masterplan [C1-118] has smaller buffers in certain areas than revision 4 of the Illustrative Masterplan [C1-051]. This presents the Secretary of State with a challenge on understanding the reasons for the Applicant's changes as they have not been explained by the Applicant. The Secretary of State has also compared the design changes detailed within the table on page 1 of the Masterplan Development and Rationale document [C1-111] with the table of refinements within the new ES Addendum [C1-106] submitted as part of the late submission. The design changes and refinements do not correspond with each other and the total reduction in hectares across the changes and refinements do not match up. In particular there is no correspondence with design change 4 from [C1-111] and design refinement 6 (which one could presume are directly related). Again, this presents the Secretary of State with a difficulty in understanding the Applicant's proposals and subsequent effects.

4.273. As outlined in the previous paragraph, the Applicant provided an ES Addendum [C1-086] and superseded by [C1-106] which briefly outlined the proposed changes to the Proposed Development (including Proposed Buffer Requirement 15) and gave a high-level estimate of environmental effects as a result of the Applicant's revised proposals. The Applicant stated that landscape and visual effects would be minimised as a result of their Proposed Buffer Requirement 15. This conclusion was based on the maximum buffer size being applied (250 m) and therefore the maximum reduction in the size of the Proposed Development, although

this contradicts with the wording of the Applicant's Proposed Buffer Requirement 15 found in the Applicant's cover letter and response document [C1-033 and C1-087].

Information Request and Consultation Responses

Without Prejudice Offer (WPO)

4.274. Paragraphs 66 to 72 of the information request addressed the Applicant's WPO put forward towards the end of the Examination. In these paragraphs the Secretary of State also noted the OHA's suggested revised layout [REP4-075 and REP6-118]. The Applicant was requested to consider if further reductions to the array layout to address impacts of the Proposed Development, whilst maintaining a viable development, was possible. In considering any proposal to change the layout of the Proposed Development, the Applicant was requested to provide supporting documentation that would need to be updated if changes were made [C1-001, see list of documents in paragraph 71]. The Applicant responded to outline that the previous WPO had been replaced by their Proposed Buffer Requirement 15 (see above).

4.275. In terms of the Secretary of State's question on viability (paragraph 68 and 69), the Applicant responded [C1-087] to state that the position of the Proposed Buffer Requirement 15 as submitted in response to the information request represents the maximum viable reduction and provided further information in response to paragraph 69 in the form of a viability assessment. The OHA noted in their first all IPs consultation response that the Applicant's table on pages 144 – 145 [C1-087] contains errors, with the figures for the 935 MWp proposal appearing to be incomplete. The OHA also query why the Applicant has not considered seeking a modification to the grid connection contract and whether NGET have been consulted regarding feasibility, cost, and programme of a reduced export capacity. The OHA also considered the revenue assumptions underpinning the viability assessment to be unclear. They stated that it is unclear whether the assessment assumed a secured route to market as the wording implies that it does. In relation to levelised cost of energy ("LCOE"), the OHA question the analysis the Applicant has provided due to the many assumptions that are attached to LCOE, therefore it is difficult to ascertain whether the analysis is reasonable. The OHA posed a number of clarification questions to the Applicant. These included whether the Applicant had accounted for variable cost savings, such as fewer solar panels, inverters and less trenching, rather than focusing primarily on fixed costs. The OHA also sought clarification on the Applicant's yield assumptions made regarding annual generation, degradation and operational life. It further questioned how topography, aspect and panel performance had informed the assessment of generation losses associated with the proposed removal of panels.

First and Second all IP Consultation Responses

4.276. In terms of the broader responses from the first and second all IPs consultations, the Secretary of State received over 150 responses which related to landscape matters and the RVAA. The Secretary of State notes that these responses are largely repetitive and highlight concerns with the lack of robust assessments, impacts on residential visual amenity, and inadequate mitigation measures to mitigate landscape and visual effects from the Proposed Development.

The Secretary of State's Considerations and Conclusions

4.277. NPS EN-1 paragraph 5.10.6 notes that projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.

4.278. NPS EN-1 paragraph 5.10.14 states that the Secretary of State will have to judge whether the visual effects on sensitive and other receptors outweigh the benefits of the proposal. Further, paragraphs 5.10.16 to 5.10.25 of NPS EN-1 outline the requirements of the Applicant's assessment, indicating that this should report on the landscape and visual impacts, cumulative effects, light pollution effects on dark skies, local amenity and nature conservation, and noise pollution.

4.279. NPS EN-1 paragraph 5.10.26 states that reducing the scale of a project can help to mitigate the visual and landscape effects, although reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function. However, where mitigation could have a very significant benefit and warrant a small reduction in function, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.

4.280. NPS EN-1 paragraph 5.10.27 states that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site.

4.281. NPS EN-1 paragraph 5.10.29 states that the Secretary of State should take into consideration the level of detailed design that the applicant has provided and secures within the DCO and the extent to which design details are subject to future approvals.

4.282. NPS EN-1 paragraph 5.10.35 states that the scale of energy projects means that they will often be visible across a very wide area and that 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 of the project.

4.283. NPS EN-5 section 2.9 sets out the requirements for the Applicant's assessment for electricity networks infrastructure. Paragraph 2.9.7 recognises that new overhead lines can give rise to adverse landscape and visual impacts, and paragraph 2.9.8 sets out that the impacts depend on type, scale, siting and degree for screening of the lines, as well as the characteristics of the landscape and local environment through which they are routed.

4.284. The Secretary of State notes the ExA's conclusions, which identified significant concerns regarding the assessments undertaken, the methodology applied, mitigation suggested and conclusions reached on the significance of landscape and visual effects.

4.285. In reaching a decision, the Secretary of State has considered the information submitted by the Applicant and IPs during Examination and the decision-making stage. The Secretary of State has also had regard to the joint LIR submitted by the OHA together with the relevant policies and guidance set out in NPS EN-1, NPS EN-3 and the NPPF concerning landscape and visual matters.

4.286. Overall, the Secretary of State considers that four principal concerns arise from the evidence in relation to landscape and visual matters as described in the subsections above. First, the

assessment of landscape and visual effects as captured within the LVIA is not sufficiently robust to provide confidence that the full extent of the likely effects of the Proposed Development have been properly identified and assessed. Secondly, landscape and visual considerations were not adequately integrated into the siting and design of the Proposed Development at an early stage, as is required by NPS EN-1 paragraph 5.10.19. Thirdly, the Applicant has relied on mitigation through post-consent processes to address impacts rather than seeking in the first instance to avoid or minimise those impacts through the layout and design of the Proposed Development in accordance with the mitigation hierarchy, and therefore the Proposed Development has not been designed to minimise landscape harm as required by NPS EN-1 paragraph 5.10.37 or 5.10.21. Finally, the Secretary of State is not satisfied that the information provided in relation to the changes proposed in response to the information request have assessed the likely worst-case scenario of the Proposed Development as is required by NPS EN-1 paragraph 4.3.12.

Deficiencies in the LVIA and RVAA

4.287. The Secretary of State has considered the Applicant's responses to the information request, alongside the OHA's, and other IPs responses. The Secretary of State considers that the additional information provided does not resolve the methodological deficiencies identified in the RVAA and LVIA during Examination. In particular, the Secretary of State remains concerned that the Applicant has not provided a sufficiently robust evidential basis on which to understand fully the extent of the likely landscape and visual effects arising from the Proposed Development.

4.288. The Applicant sought to justify their approach to landscape and visual matters in its response [C1-087] to the information request. Notwithstanding the Applicant's Proposed Buffer Requirement 15 forming part of their first response and late submission to the information request, the Secretary of State considers that the Applicant's response provided to paragraphs 24 (a to d) largely seeks to repeat information that it had already provided during the Examination and there is limited new information for the Secretary of State to consider. This is a view which is shared by multiple IPs in their all IPs consultation responses.

4.289. Another issue which has been a feature throughout both the Examination and decision-making stage is the quality of information provided by the Applicant. There are many instances where inaccurate figures, incomplete plans and information not corresponding across documents have hindered the Secretary of State's ability to understand the exact extent of the Proposed Development. For example, the proposed changes in the Applicant's Masterplan Development and Rationale document do not correspond with the design refinements captured within the most recent ES Addendum, this presents the Secretary of State with a challenge to understand the exact reduction in hectares or what exactly the refinements refer to (specifically in relation to refinement 6). Whilst not in effect at the time of submission, the Secretary of State wishes to note for future applications, the recent Planning Guidance 2026[17] which clearly states that applications should be sufficiently developed before submission including the need for most issues to be resolved during Examination and it is the Secretary of State's firm view based on the evidence that this has not been the case for this Application.

[17] https://www.gov.uk/guidance/planning-act-2008-introduction-to-national-infrastructure-planning-guidance-july-2026

4.290. The Secretary of State has also considered grid connection matters (which are covered in more detail from paragraphs 4.64 to 4.96 of this Letter) and the potential impacts of the related connection infrastructure on the landscape. The Secretary of State accepts that some details of the overhead line connection may not be known at this stage, however, there is an expectation in line with NPS EN-5 section 2.9 that landscape and visual effects, including cumulative effects, from overhead lines, are assessed in the ES. The Secretary of State does not consider that the LVIA has assessed the overhead line element of the Proposed Development, either as part of the NGET's fallback position (within the Order limits) or NGET's preferred location (outside of the Order limits) which would be expected as part of the LVIA and cumulative effects assessment. The Secretary of State cannot therefore conclude that this aspect of the Proposed Development has been fully and properly assessed, and appropriate mitigation included.

4.291. Collectively, the methodological deficiencies, inconsistencies in the information provided and uncertainties identified in the paragraphs above limit the precision with which the full extent of the likely landscape and visual effects of the Proposed Development can be identified and understood. They do not, however, lead the Secretary of State to conclude that significant adverse effects would not arise. On the evidence available, the Secretary of State disagrees with the Applicant's conclusions on effects and agrees with the ExA that the Proposed Development would give rise to significant adverse landscape and visual effects.

4.292. Accordingly, while the deficiencies and inconsistencies identified above create uncertainty as to the precise extent and magnitude of those effects, the Secretary of State considers that the evidence provided both during Examination and during the decision-making stage is sufficient to conclude that significant adverse landscape and visual effects would arise, and that those effects have been underestimated by the Applicant during both the Examination and decision-making stages.

Failure to Integrate Landscape Considerations into the Design of the Proposed Development Including Following the Mitigation Hierarchy

4.293. The Secretary of State has considered the information submitted by the OHA, including the LIR for which the OHA used an independent landscape consultant to review the Applicant's LVIA assessment, and subsequent responses to the information request and all IPs consultations. The Secretary of State notes the OHA's concerns regarding the Applicant's LVIA methodology, assessment of effects, approach to mitigation and the reliance on post-consent processes. Whilst the Secretary of State recognises that the Applicant has sought to address the concerns of IPs and the OHA through their first response and late submission to the information request, the evidence from the beginning of Examination and subsequent submissions from the Applicant demonstrates that the Applicant failed to consider landscape effects during the initial stages of the siting and design of the Proposed Development which evidences a lack of compliance with NPS EN-1 paragraphs 5.10.6 and 5.10.19.

4.294. In considering the Applicant and the OHA's response to the information request and all IPs consultation, the Secretary of State considers that rather than incorporating landscape considerations into the siting and design of the scheme as is required by NPS EN-1 paragraph 5.10.19, the Applicant has incorporated measures that rely on a post-consent process. In addition to this, the Applicant has also stated that as part of Proposed Buffer Requirement 15, there are existing agreements with some landowners on buffer sizes which highlights that the size of the buffers would not be based on the effects and impacts of the proposal and instead be based on private agreements.

4.295. The Secretary of State also notes that the Applicant has relied on viability considerations to justify the extent to which further reductions in the scheme can be achieved (NPS EN-1 paragraph 5.10.26). However, as highlighted by the OHA, the viability information submitted contains inaccuracies, inconsistencies and assumptions which are not clearly explained. The Secretary of State therefore affords limited weight to this financial viability evidence (as set out on pages 141 to 145 of C1-087) when considering whether further changes to the site layout may have been possible to reduce landscape and visual effects.

4.296. For these reasons, the Secretary of State further considers that the Applicant's approach is inconsistent with the mitigation hierarchy contained within NPS EN-1 paragraph 4.2.11.

4.297. Rather than avoiding or minimising impacts through design and layout of the Proposed Development, the Applicant has relied upon mitigation measures including hedgerow planting (which is noted to be at odds with the current landscape character baseline), buffer distances (which are not yet agreed) and post-consent processes to address concerns raised during Examination. Therefore, the Secretary of State agrees with the ExA and the OHA that these measures do not overcome the fundamental concerns regarding the siting and design of the Proposed Development.

4.298. The Secretary of State therefore concludes that the Applicant has not demonstrated that the Proposed Development has been designed so as to minimise harm to the landscape through the application of the mitigation hierarchy as required by national policy.

Reliance on Post-Consent Assessment and Mitigation

4.299. The Secretary of State notes that in the absence of a robust RVAA and LVIA which identifies the true impacts and effects of the Proposed Development, the ExA applied a precautionary approach to mitigating effects and inserted Requirement 18 in the rDCO. The Secretary of State considers that the Applicant's Proposed Buffer Requirement 15 is an iteration of the ExA's Requirement 18, and that the Applicant's Proposed Buffer Requirement 15 supersedes the WPO put forward at the end of Examination.

4.300. The Secretary of State has considered both the Applicant and ExA's proposed Requirements and appreciates that whilst further assessment and any consequential mitigation or design changes could potentially address some of the identified effects, neither Requirement is appropriate as they defer matters that should have informed the decision on the Application (as is required by NPS EN-1 paragraph 5.10.19) to the post-consent phase. The OHA in their responses to the information request and all IPs consultations also highlighted issues with the practicality of discharging such Requirements. However, their main concern was that the buffer mitigation is not based on robust evidence of the significance of impacts and therefore there is a lack of evidence to inform the detail of them [C1-024, C2-200 and C2-218].

4.301. The Secretary of State has had regard to the 2026 NPPF (and 2024 NPPF) and the PPG, and does not consider either Requirement to be precise, enforceable or necessary. It is for these reasons, in addition to the Applicant's failure to apply the mitigation hierarchy as required by NPS EN-1 paragraph 4.2.11, that the Secretary of State disagrees with the ExA that this matter can be delayed to post-consent through the application of proposed Requirement 18 in the rDCO or that the concerns outlined within this chapter could be adequately addressed through the Applicant's Proposed Buffer Requirement 15.

4.302. Specifically, in terms of the Applicant's Proposed Buffer Requirement 15 the Secretary of State does not consider that the Requirement would adequately remedy the methodological deficiencies and more importantly, the buffer mitigation is not based on robust evidence of the significance of impacts. The Requirement would defer a property-specific assessment of visual effects until after development consent had been granted. However, whilst there has been some further work completed by the Applicant to identify properties which would fall within their Proposed Buffer Requirement 15 as part of their late submissions to the information request and included within the oRVAP [C1-108], the Secretary of State has not been provided with the information necessary to evaluate the likely effects at those properties at the point of determination (as is required by NPS EN-1 paragraph 5.10.19), including evidence such as visualisations and photomontages. Without this evidence, significant issues in relation to landscape and visual, and residential effects remain unresolved at the point of determination of the Proposed Development.

Worst-case-Scenario (Rochdale Envelope)

4.303. The Secretary of State has additional concerns regarding the Applicant's assessment of the Proposed Buffer Requirement 15 provided in the ES Addendum [C1-086] and updated ES Addendum [C1-106]. The most recent ES Addendum (Rev 3) [C1-106] (which seems to capture Proposed Buffer Requirement 15 as design refinement 4) assumes the application of a minimum of 100 m buffer distances, whilst the Proposed Buffer Requirement would permit smaller distances where agreements with landowners exist. The Secretary of State therefore considers that the assessment is not based on the worst-case effects (which could be less than 100 m where landowner agreements exist) of the Proposed Development. NPS EN-1 paragraph 4.3.12 states that the ES should, to the best of the Applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the Proposed Development to ensure that the impacts of the Proposed Development as it may be constructed have been properly assessed. The ES addendum concludes that there would be no new significant effects in the long term, and that the design refinements would result in a betterment of effects for some topics.

4.304. Based on this, the Secretary of State also considers that the Applicant's application of the mitigation hierarchy, and the approach to the Proposed Buffer Requirement 15, has implications for the correct approach to using the Rochdale Envelope. In line with the Nationally Significant Infrastructure Projects: Pre-Application Advice on Environmental Impact Assessment[18], the Rochdale Envelope should allow flexibility in design, but '..*information should be sufficient to enable the main, or the likely significant effects on the environment to be assessed*..' The Secretary of State considers that in relation to residential visual effects, the Proposed Buffer Requirement 15 has not been accompanied by the worst-case scenario assessment, which in the case for residential receptors, would be the closest distance between houses and the solar array. The guidance states that:

- the assessment should be based on a cautious 'worst-case' approach and the mitigation measures proposed should adequately address the worst-case;

[18] https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-pre-application-advice-on-environmental-impact-assessment#environmental-statements

- information should be sufficient to enable the main, or the likely significant effects on the environment to be assessed and the mitigation measures should be described; and

- the need for flexibility should not be abused and does not give applicants an excuse to provide inadequate project descriptions.

4.305. The Secretary of State considers that the Applicant has not adopted the above approach. In addition, it is noted that the guidance states '*Applicants should take care to ensure that the approach taken in the assessment is not overly complex, as this may impede the understanding of the assessment and the finding of likely significant effects*.' During the decision-making stage, it has not been clear to the Secretary of State what the conclusions of significant effects are in relation to the changes caused by the Proposed Buffer Requirement 15, which has not been aided by differing descriptions of the project changes across documents submitted by the Applicant, as well as incoherent Works Plans and Masterplans which have added to the complexity of the changes.

4.306. Due to the inadequacies found by the ExA in relation to the Applicant's approach to assessment across topic chapters – in particular for cultural heritage and landscape and visual assessments - the Secretary of State cannot, with confidence, rely on the conclusions drawn within the ES addendum in the absence of updated assessments which were also requested by the ExA [ER 3.4.193]. Further, the Secretary of State considers that implementing the Proposed Buffer Requirement 15 before the RVAA assessment has taken place at the post-consent stage is not compliant with the mitigation hierarchy, and does not allow the Applicant, or the Secretary of State, to accurately assess the worst-case scenario that may arise from the Proposed Development at the point of determination. This is particularly pertinent to the RVAA, LVIA and cultural heritage assessments, but also has subsequent implications for other environmental topics, such as ecology and the loss of BMV land.

4.307. The Secretary of State has had regard to NPS EN-1 paragraph 4.3.12 that states that the ES should, to the best of the Applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the Proposed Development to ensure that the impacts of the Proposed Development as it may be constructed have been properly assessed. It is clear to the Secretary of State, that from the information presented, the Applicant has not complied with this policy requirement and therefore the impacts of the Proposed Development are not fully assessed or evidenced.

National Landscapes

4.308. The Secretary of State also notes, for completeness, agreement with the ExA's conclusions with respect to National Landscapes as set out in paragraph ER 3.4.185 of the Report. The detail as set out in the Report is not repeated in this Letter. However, the Secretary of State wishes to point to this issue as yet another example of the Applicant's unsatisfactory approach to undertaking assessments, which ultimately and in many cases, has created uncertainty around the true effects of the Proposed Development.

4.309. The Secretary of State notes the Applicant's approach to assessing the effects of the Proposed Development on national landscapes to be similar to its approach to assessments throughout the Examination and it is clear to both the ExA and the Secretary of State that National Landscapes had no bearing on the early design choices taken by the Applicant [ER 3.4.184], which conflicts directly with the requirements under NPS EN-1 paragraphs 5.10.7

and 5.10.8 which states that projects should be designed sensitively given the various siting, operational, and other relevant constraints.

Final Conclusions

4.310. In relation to the NPS policy requirements for which the Secretary of State has had regard to, NPS EN-1 paragraph 5.10.16 and paragraph 5.10.19 require the Applicant to carry out a landscape and visual assessment, and to consider landscape and visual matters in the early stages of siting and design. NPS EN-1 paragraph 5.10.37 outlines that the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation. It is the Secretary of State's view that the Applicant has not done this and has not provided appropriate mitigation in terms of landscape and visual effects.

4.311. The Secretary of State notes a persistent pattern throughout both the Examination and decision-making stage of inconsistencies, errors, incomplete analysis and reliance upon professional judgement without sufficient supporting evidence. This pattern contributed significantly to the concerns expressed by the ExA, OHA and IPs and this approach remains evident within the Applicant's response to the information request and their subsequent late submissions. The Secretary of State therefore considers that based on the information presented by the Applicant, considerable uncertainty remains as to the full extent of landscape and visual effects of the Proposed Development. Notwithstanding that uncertainty, the Secretary of State disagrees with the Applicant's conclusion that there would be no significant residual landscape effects, and is not satisfied, on the evidence available, that the significant visual effects identified at 15 viewpoints can be assumed to reduce to not significant after 15 years.

4.312. The Secretary of State has considered whether the additional information submitted during the decision-making stage addresses the concerns identified above. The Secretary of State recognises that the Application has evolved and that the Applicant has provided further information during both the Examination and the decision-making stage. However, despite having had sufficient opportunity to address the identified deficiencies in the landscape and visual evidence base, the Applicant has not satisfactorily resolved them. The Secretary of State considers that the additional information does not address the methodological deficiencies and inconsistencies identified above and therefore does not provide a sufficiently robust basis on which to accept the Applicant's conclusions as to the significance of landscape and visual effects.

4.313. In these circumstances, and notwithstanding the uncertainty as to the precise extent and magnitude of the landscape and visual effects, the Secretary of State considers that the evidence is sufficient to reach a conclusion as to their significance. The Secretary of State disagrees with the Applicant's conclusions and agrees with the ExA's conclusions that for landscape and visual, the effects of the Proposed Development would be significant adverse [ER 3.4.194].

4.314. In reaching this conclusion, the Secretary of State has had regard to the methodological deficiencies and inconsistencies identified above, the significant visual effects identified at a number of viewpoints, and the uncertainty as to whether those effects would reduce as anticipated by the Applicant. The Secretary of State has also taken account of the Applicant's reliance on post-consent processes to address matters identified during the scoping stage

of the Application. Taking all of the above into account, the Secretary of State agrees with the ExA that this issue should be afforded substantial negative weight in the planning balance.

Geology and Land Use

4.315. The ExA considered two main issues under Geology and Land Use; Best and Most Versatile ("BMV") Land and Agricultural Land Quality [ER 3.5]. The ExA's considerations, the Secretary of State's further information request, considerations and conclusions are detailed below. The ExA ascribed very great negative weight against the Order being made in relation to this matter, and the Secretary of State explores in more detail below issues that were further explored beyond the close of the Examination. In coming to a decision, the Secretary of State notes the relevant paragraphs of NPS EN-3, as well as NPS EN-1 including paragraph 5.11.34.

Best and Most Versatile Land (BMV)

4.316. The issue of BMV land was the primary issue discussed throughout Examination in relation to Geology and Land Use. Following the CR2, it was confirmed that BMV land comprised 42% of the installation area, with the majority falling within Grades 2 and 3a, equating to 314 ha of BMV land being affected by the Proposed Development, of which 5.5 ha is to be permanently lost under areas of hardstanding for the NGET substation. The Applicant held throughout Examination that BMV land lost to solar panels can be counted as a temporary loss, as the land could be returned back to agricultural production upon decommissioning. Further, the Applicant also argued that [REP6-052] the land surrounding the solar panels will be in continuous agricultural use as sheep grazing will be allowed to continue over the lifetime of the Proposed Development. The Applicant also put forward that paragraph 2.10.30 of NPS EN-3 does not prohibit the development of ground-mounted solar on BMV agricultural land, and that at this scale, some BMV land is expected to be used (paragraph 2.10.31).

4.317. Many IPs, including the Campaign to Protect Rural England ("CPRE") and the OHAs [REP7-075 and REP8-002], raised concerns in relation to the Applicant's approach to avoidance of BMV land and cumulative impact of the loss of BMV land. The ExA agreed with IP comments [ER 3.5.38] that the Applicant had not detailed the process of how BMV land was avoided during site selection, or the options of alternatives available. The ExA [ER 3.5.40] also noted that a commitment had not been made to restore soils to their starting agricultural land classification ("ALC") grade and had only committed to reinstating disturbed soils during decommissioning.

Information Request and Consultation Responses

4.318. In line with paragraph 5.11.34 of NPS EN-1, the Secretary of State requested that the Applicant provide justification as to the siting of the scheme on the BMV land, and how the alternatives or avoiding BMV land altogether have been considered during site selection within the information request. Separately, the Secretary of State requested the Applicant to update the Soil Management Plan (as appended within the Code of Construction Practice) to secure the restoration of BMV land to at least their pre-construction ALC grade upon decommissioning.

4.319. The Applicant responded [C1-072], with an updated Soil Management Plan with updated information on how soil would be handled, stored and monitored on site, including soil restoration specifications that are based on the distribution of the soil types across the site including the ALC grades found. However, the Secretary of State notes that no specific commitment to restoring soil to at least its ALC grade has been made within the Soil Management Plan and does not consider that the update provided sufficiently answers the request.

4.320. In relation to justifying the use of BMV land, the Applicant responded [C1-087] with further information on site selection. They explained that panels are mainly located in pockets or areas of fields where removing them would not provide accessible areas of sufficient scale to accommodate commercial arable farming. Further, they argued that the latest predictive mapping indicates that 50.48% of the agricultural land in England is predicted to comprise BMV, and therefore it is inevitable that the Order limits for any major development would include some BMV. The mapping showed that the Order limits appeared to have predominantly Grade 3 and lower quality land but would require further ground truthing to establish this. As the Order limits have a lower percentage of BMV land than would be expected compared to the national average and have a lower percentage than typically found in Oxfordshire, the Applicant is content that this demonstrates that steps were taken at the site selection stage to avoid BMV land [C1-087]. The Applicant also put forward that through the design phase, CR2 [CR2-072] led to a nearly 20% reduction in the volume of BMV land being taken. Within the Applicant's response [C1-087] to the information request, they stated that *'the presence or absence of BMV was unlikely to be a determinative factor in site selection providing they could comply with policy requirements.'*

4.321. Within the Applicant's late submission [C1-106] the Applicant provided an updated ES addendum that outlined how the Proposed Buffer Requirement 15 would impact the conclusions of Chapter 17: Agricultural Land Use and Public Rights of Way. Within the updated addendum, the Proposed Buffer Requirement 15 was assessed under 'Design Refinement 4' as well as further reductions in relation to landscape and visual impacts under 'Design Refinement 6' where it was concluded that a combined total of 48 ha of BMV land would not be taken for the solar arrays after the implementation of the Proposed Buffer Requirement 15, plus any additional agreements that may be made with land owners as set out in the Illustrative Masterplan (Rev 5) [C1-118] but that this does not introduce any new elements or any significant changes to the assessment. It was concluded that there are therefore no new or materially different significant effects, and that the conclusion of no significant effects in relation to BMV land is retained.

Agricultural Land Quality

4.322. The Secretary of State notes that the issue of agricultural land quality arose as a separate - however closely linked – issue to the BMV land topics discussed above. Throughout the Examination, Blenheim Palace, as the majority landowner working with the Applicant, had given anecdotal evidence that although technically classed as BMV land, much of the land owned by the Estate is of poor quality and did not support farming [REP2-067]. This was also supported by farmers that voiced the land did not support high food yields [REP1-151]. IPs including CPRE repeatedly requested that evidence was submitted to the Examination that supported these claims, which the Applicant suggested was the responsibility of Blenheim Palace. At Deadline 7, soil survey results were eventually submitted to the ExA [REP7-237] through an IP who acquired them directly from Blenheim Palace. These results suggest that the soil quality of the land parcels owned by the Blenheim Estate were of good

fertility with good nutrient availability. CPRE [REP7-075] submitted that these results in line with RB209 – UK guidance[19] on soil fertility used by the Department for Food and Rural Affairs ("DEFRA") – is explicit in that the correlation between the nutrient availability apparent in the soils and yield rates is strong, and that they ultimately rejected claims that the land was unproductive. At the end of the Examination, the Applicant did not address the results or associated analysis of the soil survey results. The ExA confirmed [ER 3.5.50] that the results showed the land is of good agricultural quality and that this would be taken out of agricultural production for an extended period of time [ER 3.5.52].

Information Request and Consultation Responses

4.323. The Secretary of State requested the Applicant to address the soil survey results in the first information request and asked for further detail as to whether the outcomes of Chapter 17: Agricultural Land Use and Public Rights of Way in relation to BMV land and the siting of the solar array were impacted by these results. In the Applicant's response, they confirmed that the soil results did not impact the results of Chapter 17, as the areas sampled were already marked as BMV land.

The Secretary of State's Conclusions

4.324. The Secretary of State has considered the information received during the decision-making stage in relation to the matters discussed above. The Secretary of State agrees with the ExA [ER 3.5.54] that the Applicant has not detailed the process of how BMV land was avoided during site selection, or the options of alternatives available.

4.325. The Secretary of State acknowledges that for the purposes of paragraph 2.10.31 of NPS EN-3 that a development of this scale may use some agricultural land. However, paragraph 5.11.34 of NPS EN-1 requires the Secretary of State to ensure that Applicants do not site their scheme on the BMV land without justification. The Alternatives chapter within the ES [APP-042] states that efforts to avoid permanent infrastructure on BMV land will be taken where practicable, but does not detail how the solar arrays, considered temporary infrastructure, would be sited to avoid BMV land. The Secretary of State notes that the ExA [ER 3.5.38] concluded that even in the endeavour to avoid permanent losses, the Applicant had also failed with the siting of the NGET substation on BMV land.

4.326. The Applicant justified the approach to siting the Proposed Development on BMV land based on the new ALC map for England that was introduced in March 2026. In this case, the Secretary of State is not convinced by the argument that because approximately half of England is comprised of BMV land, it is inevitable that approximately half of the installation area would also be comprised of BMV land. The Secretary of State considers that the relevant policies within the NPS recognise the presence of BMV land across the country, but that there is a preference for poorer quality land to be used, and adequate justification given where this is not possible. Whilst the Secretary of State acknowledges that the utilisation of some BMV land for a development of this scale can be expected, the Applicant's explanation as to its choice of site for the purposes of NPS EN-3 2.10.31 is unsatisfactory.

4.327. In relation to the Applicant's late submissions and the implications of the Proposed Buffer Requirement 15 on BMV land, the Secretary of State notes that it is not clear which areas of

[19] NutrientManagementGuideRB209S1_260310_WEB.pdf

the Proposed Development have been removed based on the documents provided by the Applicant which were submitted as a late response to the information request [C1-118]. Although the ES addendum suggests that 48 ha of BMV land could be retained through the Proposed Buffer Requirement 15 and other design refinements submitted, due to discrepancies within the late submissions describing these changes, and no clear table detailing the overall reduction of BMV land impacted by the Proposed Development, it is not clear to the Secretary of State whether this number is accurate. In any event, the final number would depend on agreements made post-consent. As such, final totals of BMV land lost to the Proposed Development are unknown to the Secretary of State. In any event, any reductions in BMV land take are incidental, and driven by reducing impacts on landscape and visual receptors. The case is similar for the reductions to the extent of the solar arrays made during the CR2, where reducing impacts on cultural heritage receptors was the driving factor. As such, the Secretary of State concludes that the Applicant has failed to seek to minimise the impacts on BMV land as per EN-1 paragraph 5.11.12.

4.328. In relation to agricultural land quality, the Applicant has not clearly committed to ensuring that ALC grade and soil properties are both restored to the same status as prior to the Proposed Development. The Secretary of State notes the soil survey results submitted at Deadline 7, but does not consider that this changes the conclusions of Chapter 17 in relation to BMV land within the Proposed Development.

4.329. The ExA recognised that the effects on BMV land would be considered temporary by reason of NPS EN-3 paragraph 2.10.66 and that there is a major adverse permanent impact on BMV land availability during the construction phase when taken with other plans or projects [ER 3.5.54]. The Secretary of State has also considered the other economic benefits of the land in line with EN-1 paragraph 5.11.34; approximately 314ha of BMV land within the Order limits would be sterilised for over 40 years, taking it out of arable food production for which the proposed conservation grazing would not mitigate.

4.330. Given the Applicant's approach to avoiding and justifying impacts on BMV land, and that no commitment has been made to restore soils to their ALC grade upon decommissioning, the Secretary of State agrees with the ExA [ER 3.5.56] that the topic of geology and land use carries substantial negative weight against the Order being made.

Ecology and Biodiversity

4.331. The key issues discussed during Examination relating to ecology and biodiversity concerned impacts to an internationally important assemblage of bats, impacts to ground nesting birds, the adequacy of the baseline survey work and mitigation for protected species, and protective measures for veteran trees and ancient woodland. The ExA stated that at the end of Examination a number of matters relating to these issues remained outstanding, namely mitigation for ground nesting birds and water-based wildlife, and protective measures for existing trees [ER 5.2.40]. The ExA ascribed neutral weight to ecology and biodiversity in the planning balance, weighing neither for nor against the Proposed Development [ER 5.2.42]. Issues that were further explored post-Examination are set out below.

Bats - Operational Impacts

4.332. Bladon Heath and Burleigh Woods, located in the central site, were demonstrated by the Applicant to support a nationally significant assemblage of bats, including maternity roosts for nationally scarce Annex II Bechstein's and Barbastelle [APP-153]. Consequently, the

issue of operational impacts to the bat assemblage became a topic of interest throughout Examination. At the beginning of Examination Natural England ("NE") stated there was a lack of detail across all aspects of the Applicant's submissions regarding bats, and the limited survey data that had been obtained did not appear to have informed the design of the Proposed Development [RR-0761].

4.333. The ExA also considered the Applicant's approach to bats to be reactive rather than proactive, citing the substantial changes to the project design made late in Examination as evidence of a lack of initial consideration [ER 3.6.46]. In response, the Applicant conducted further survey work and provided an outline mitigation strategy incorporating a three-tiered buffer system of key bat habitats and flightlines [REP6-034, REP7-027]. NE's final position on the issue was positive [REP7-180]. The ExA acknowledged that the Applicant's approach to bats improved significantly throughout Examination, ultimately deferring to NE's view that the three-tiered buffer strategy would mitigate any potential impacts on the assemblage [ER 3.6.48]. The ExA raised a *'lack of a credible commitment to responding to monitoring results if the results found a greater adverse effect than anticipated'* [ER 3.6.49], highlighting that the remediation triggered if the monitoring found the bat mitigation to be inadequate was limited to the repairing or resitting of bat boxes.

Information Request and Consultation Responses

4.334. The Secretary of State sought further information on the remediation in the information request, requesting that the Applicant amend the oLEMP to ensure that any remedial actions considered necessary would be agreed with the local planning authority, and include NE as a consultee. In response the Applicant amended the oLEMP [C1-076] stipulating that any remedial measures would be set out in the relevant monitoring report for agreement with the relevant stakeholder, in consultation with Natural England.

4.335. The Secretary of State notes the OHA, Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust ("BBOWT"), and the Forestry Commission's statements that the impact of PV infrastructure on bats is an emerging phenomenon for which there is not yet a comprehensive understanding [REP7-191, RR-0098, REP4-062]. The Secretary of State welcomes the Applicant's data-led approach to mitigating potential impacts to bats, and notes that the adaptive management of the strategy is key to ensuring the strategy's continued functionality, and the monitoring reports for building a wider understanding of how PV infrastructure interacts with bat populations.

4.336. The Secretary of State notes that CaPC, in response to the second all IPs consultation, proposed to NE that the bat assemblage within Bladon Heath has the potential to meet the criteria for Sites of Special Scientific Interest ("SSSI") designation, and that the Applicant had not adequately accounted for impacts to the assemblage [C3-112]. The Secretary of State agrees with the conclusions of NE and the ExA, which viewed the three-tiered buffer strategy as a pragmatic approach to mitigating impacts to the identified bat assemblage.

Skylark - Operational Impacts

4.337. The potential impact of habitat loss on breeding farmland birds was raised throughout Examination, with a number of IPs stating that impacts to breeding farmland birds were not adequately mitigated [REP1-072, REP4-074]. The species considered at greatest risk of habitat loss was skylark [REP5-125]. The OHA and the BBOWT raised the issue of habitat loss for breeding skylark on a number of occasions, advising on an approach toward

mitigation [REP5-125, RR-0098]. In EIA terms, the Applicant initially concluded the magnitude of impact for the loss of habitat for ground nesting species to be low, citing a non-significant population and habitat retention measures [APP-046].

4.338. At CR2 the Applicant made reductions to the array to reduce landscape and visual impacts, repurposing the areas in which the panels had been removed as grassland, some of which would be managed to support breeding skylark [REP6-047]. Following these design amendments, the Applicant stated that the Proposed Development could theoretically support 33.19 skylark territories [REP4-037]. The Applicant's 2024 breeding bird surveys [APP-159] recorded a peak annual count of 228 skylark territories throughout the project site. In response to this disparity, the Applicant stated that the unmitigated breeding skylark territories would be absorbed into the arable area surrounding the redline boundary [REP4-037]. This statement was refuted by the BBOWT which stated that these areas will potentially be at carrying capacity for breeding skylark [RR-0098], and unable to support any displaced breeding pairs. The BBOWT outlined key principles for the design of skylark mitigation, detailing how they believed mitigation/compensation should be delivered [RR-0098]. The OHA questioned the Applicant's targeted breeding skylark territory density in their mitigation areas. The OHA highlighted that the targeted density of 0.46 territories per ha was in line with that expected of spring sown crops, not the natural grassland which would be established in the mitigation areas (able to support a density of 0.27 territories per ha) [REP5-125].

4.339. Furthermore, the OHA and BBOWT flagged issues with the Applicant's approach towards the use of skylark plots as a means of mitigation. The Applicant's initial designs incorporated skylark plots at a density of 2 per/ha throughout the solar array as a means of providing breeding skylark mitigation. The OHA/BBOWT raised that skylark plots are designed to be used in arable fields, and that their establishment within the array would likely yield minimal benefit [REP5-125, RR-0098]. The Applicant subsequently repurposed the skylark plots as 'foraging plots' which would support breeding in the surrounding arable/enhancement areas. The BBOWT agreed that the plots may offer foraging opportunities for skylark, though stated that given the scale of the array it was unclear where the skylark who may utilize the plots for foraging may nest [RR-0098], as skylark typically forage within 100 m of their nest site.

4.340. At the close of Examination, the OHA regarded the proposed mitigation for farmland birds, in particular for skylark, as inadequate [REP7-191], and considered that offsite compensation was still required [REP6-117]. The ExA recognised that issues surrounding skylark remained unresolved at the end of Examination [ER 7.3.31]. In response to IP concerns, the ExA proposed the addition of Requirement 17 for a farmland bird strategy which would clarify the approach to mitigation for all farmland bird species [ER 3.6.73].

4.341. During Examination, the Applicant's final position on skylark was that the species was adequately mitigated, and that a dedicated Farmland Bird Strategy was not necessary [REP6-051]. Consequently, the Applicant rejected the need for a proposed Requirement, citing a British study on the impacts of PV sites on birds. The Secretary of State notes that this study highlights the potential benefits of solar PV for a range of farmland bird species, but clearly highlights that ground nesting species like skylark and lapwing are negatively impacted by the presence of an array, in line with the IP comments made throughout Examination.

Information Request and Consultation Responses

4.342. The Secretary of State regarded the ExA's proposed Requirement for a farmland bird strategy as a positive step towards mitigation, though not sufficiently targeted to the species at most risk. In the information request, the Secretary of State requested that if impacts to breeding skylark cannot be mitigated on site, the Applicant should provide a Skylark Compensation Strategy. The Secretary of State stipulated that this strategy should be developed in conjunction with the OHA, and only incorporate areas of suitable habitat for which the Applicant can guarantee the continued management. In response to this request the Applicant provided an Outline Skylark Compensation Strategy ("oSCS") [C1-088, C1-104], secured via Requirement 16, to be agreed in consultation with the OHA and the Secretary of State. Within the oSCS the Applicant outlined the methodology to be used to calculate the mitigation requirement, and the steps which would be taken should the mitigation requirement exceed the site capacity and compensation should be required.

4.343. The Secretary of State notes that the oSCS mitigation requirement calculation is based on the enhancement of suitable habitat in the fields 50 to 100 m around the Proposed Development Site. The Secretary of State notes that while the on-site enhancements may improve the breeding density surrounding the site, the Applicant cannot guarantee the continued provision of suitable skylark habitat outside of their redline boundary, and therefore questions how effectively these areas can be incorporated into a mitigation calculation. The Secretary of State notes that the oSCS outlines the provision of compensation land off-site should the strategy require it, and welcomes the Applicant's provision for this.

4.344. The Secretary of State notes the OHA's general satisfaction with the oSCS approach in their final response on the matter [C2-200]. The Secretary of State welcomes the improvements made by the Applicant in their approach to mitigating impacts to skylark. However, the extent to which the mitigation is adequate at this stage is undetermined given the outline status of the proposed residential buffers (as included in the Proposed Buffer Requirement 15), which will contribute to territory provision. As the buffers are potentially subject to change post-consent (detail provided in paragraph 4.264 of this Letter), impacting the amount of onsite habitat provision, the Secretary of State cannot yet know the extent to which impacts to skylark will be mitigated, or if compensation will be required. Consequently, the Secretary of State is unable to form firm conclusions as to how adequately this impact pathway will be addressed.

Protected Species - Construction Impacts

4.345. The Applicant chose not to undertake species-specific baseline surveys for water vole and otter prior to Examination, choosing to rely on an 'appropriate buffer' of 10 m [APP-046] as embedded mitigation to avoid construction impacts. The EA [RR-0308] [REP1-083] stated that this approach failed to capture aspects like presence/absence and utilisation of habitat within the construction area, which are intrinsic factors in the determination of the scope and adequacy of mitigation. Furthermore, the EA flagged that the standing buffer would not account for disturbance to either species during construction for works on or near watercourses. The EA consequently requested the completion of baseline otter and water vole surveys. The OHA [REP4-074] and the BBOWT [REP2-065] also raised the issue, and proposed the completion of baseline surveys.

4.346. Throughout Examination the Applicant undertook no further surveys [ER 3.6.52], though agreed to amend the wording within the Outline Code of Construction Practice ("oCoCP") to specifically require pre commencement surveys for otter and water vole [REP4-022]. The OHA welcomed the improvements to the pre-commencement survey wording, but flagged the fundamentally unsatisfactory nature of leaving species surveys to the post-consent stage [REP5-125].

4.347. Recognising the deficiencies in the Applicant's approach, the ExA stated their disappointment that baseline survey work was not undertaken [ER 3.6.54]. Furthermore, the ExA highlighted that this issue fed into their wider concern regarding the extent to which the Applicant had followed the mitigation hierarchy throughout the project [ER 3.6.107]. Acknowledging the flaws in the Applicant's approach, the ExA considered that the pre-commencement surveys would seek to address concerns in respect of these species and was ultimately satisfied that protection would be in place prior to construction [ER 3.6.54].

Information Request and Consultation Responses

4.348. Considering the lack of baseline surveys for otter and water vole, in the information request the Secretary of State requested the Applicant set out how any mitigation measures, method statements, or licence requirements will be developed in consultation with NE for these species post-consent. The Secretary of State requested that the Applicant update the oCoCP to provide the methodology for each species-specific pre commencement survey. In response, the Applicant provided a broad overview of the species-specific pre commencement surveys which would be undertaken in the oCoCP [C1-074]. The Secretary of State notes that the OHA were satisfied with the updated methodologies for the pre-commencement surveys [C2-200].

4.349. The Secretary of State observes that while the pre-commencement survey methodologies outlined may avoid harm to protected species in the short term, they are not a substitute for baseline species-specific surveys. Pre commencement surveys by definition provide limited scope for ensuring impacts to protected species are avoided long term, as they capture a relatively small time period of habitat usage. The Secretary of State wishes to state its dissatisfaction with the Applicant's approach, and highlights that the mitigation hierarchy should be followed in the early stages of project design to provide the opportunity to avoid impacts to protected species and their habitats.

Habitat Fragmentation - Operational Impacts

4.350. During Examination, the OHA, BBOWT and the Forestry Commission raised concerns about the potential for habitat fragmentation within and adjacent to the project site. They also identified an opportunity to strengthen habitat connectivity between Bladon Heath and Burleigh Woods [REP7-191, RR-0098, REP2-054]. The ExA acknowledged these concerns [ER 3.6.84] and raised the issue in ExA's second written questions.

Information Request and Consultation Responses

4.351. In response, the Secretary of State requested that the Applicant update the oLEMP to include native woodland planting north and south of Burleigh Lodge, in line with the advice provided by the OHA, BBOWT and the Forestry Commission. The Applicant subsequently committed to planting native woodland to strengthen connectivity between Burleigh Wood and Bladon Heath [C1-076]. The Secretary of State welcomes this amendment.

Ancient Woodland and Veteran Trees - Construction Impacts

4.352. The Applicant stated that a full site-wide arboricultural survey was deemed impractical and unnecessary at the design stage due to the 'inherent low impact of solar farm installation' [REP6-014], choosing to survey the cable corridor exclusively. The OHA voiced their concern with this approach, considering it to be inadequate [REP1-072].

4.353. The Applicant's Appendix 9.15: Veteran Tree Survey Report [APP-164], recorded the presence of multiple veteran trees along the southern perimeter of Worton Heath. The Secretary of State observed that the Woodland Trust's Ancient Tree Inventory recorded a number of additional veteran trees unrecorded by the Applicant's surveys in this area. The Secretary of State also observed that the Strategic Arboricultural Impact Assessment & Method Statement [REP6-014 to REP6-018] provided a methodology for trenching within Root Protection Areas, and that Horizontal Directional Drilling ("HDD") was planned to be used in close proximity to ancient woodland, in particular crossing points 3 and 11 [REP4-016].

4.354. The ExA concluded that there would be no deterioration of ancient woodland based on NE's conclusions [ER 3.6.83] that there were 'no ancient woodland or ancient/veteran trees within the Order limits or within close proximity; as such, have no detailed comments to make' [RR-0761]. The Secretary of State observes that this conclusion is in direct conflict with the advice provided in other sections of NE's Relevant Representation, for example on operational impacts to bats, and is potentially an error.

Information Request and Consultation Responses

4.355. In the information request, the Secretary of State requested that the Applicant update the Strategic Arboricultural Impact Assessment & Method Statement to identify all veteran trees along the boundary of ancient woodland, incorporating the Woodland Trust's Ancient Tree Inventory [RR-1057]. The Applicant was also requested to amend their methodology to state that there will be no trenching in veteran tree Root Protection Areas, and to provide further information as to how the potential impacts of HDD on ancient woodland and veteran trees would be managed.

4.356. The Applicant responded with amendments to the Strategic Arboricultural Impact Assessment & Method Statement with a more precautionary methodology for construction work in veteran tree Root Protection Areas, crucially avoiding trenching in these areas and providing further clarification on their methodology for using horizontal directional drilling [C1-056]. The Applicant elaborated further on their approach in their final oLEMP, which provided an overview of the pre-commencement surveys to be used to inform the detailed design, to be decided in conjunction with the Local Planning Authority [C1-101]. In their final response, the OHA indicated that flaws remained in the Applicant's approach to surveying and expressed dissatisfaction with the Applicant's reliance on post-consent processes [C2-200].

4.357. The Secretary of State considers that the Applicant's approach to woodland and veteran trees is sub-standard. The lack of an initial full-site arboricultural/veteran tree survey, and subsequent deferral of such survey work until the detailed design stage, has meant that impacts on trees and woodlands have potentially been underestimated throughout the design stage. While the generic tree protection scenarios presented in the Strategic Arboricultural Impact Assessment & Method Statement [C1-056] provide a range of options for works within and in proximity to trees, the Applicant has not provided a comprehensive

record of where construction, and site design, will be in conflict with retained trees. The Secretary of State regards that this approach does not align with the principles of the mitigation hierarchy, in that the avoidance of harm has not been consistently prioritised, and that the deferral of avoidance of harm to the post-consent phase will require significant input from Local Authority officers [C1-024] to ensure compliance with policy.

Biodiversity Net Gain

4.358. The Applicant's approach to BNG is set out in the BNG Assessment [REP6-019]. The ExA highlights that the Applicant has committed to the delivery of a net gain of at least 70% habitat units, 50% hedgerow units, and 20% watercourse units [ER 3.6.100], secured via Requirement 7 of the dDCO [REP7-006]. The ExA considered that these values were sufficiently ambitious for the scale of the Proposed Development while maintaining achievability [ER 3.6.96], and represented a modest benefit which weighed positively in favour of the Proposed Development [ER 5.2.41].

4.359. The Secretary of State regards the most significant contribution proposed within the BNG strategy as the creation of approximately 100 ha of floodplain wetland mosaic along the River Evenlode, forming what the Applicant refers to as the 'Evenlode Corridor' biodiversity enhancement area. The Applicant proposed a separate Landscape and Ecology Management Plan ("LEMP") for the Evenlode Corridor which would be '*overseen by a steering group which would include BBOWT, relevant planning authorities and local interest groups*' [REP7-027].

4.360. NE [REP7-180] welcomed the inclusion of the Evenlode Corridor, considering it ambitious in its potential benefits to water quality as well as wider biodiversity. The Environment Agency [RR-0308] also welcomed the Corridor, in particular the role it will play in reconnecting the river to its floodplain. The Secretary of State notes NE's advice that it is essential to understand whether/how the river has become disconnected from its floodplain in order to create the desired habitats, and that a change in management is unlikely to have the desired effect if the land no longer floods [RR-0761].

Information Request and Consultation Responses

4.361. The Secretary of State welcomes the proposed inclusion of local stakeholders in the management of this area, noting that it would likely improve the deliverability and long-term success of the strategy. To secure this, the Secretary of State requested that the Applicant modify the dDCO to secure the standalone LEMP for the Evenlode Corridor, stipulating that the wording should list NE, the BBOWT, the OHA as consultees in its development. The Applicant responded with a proposed amendment to Requirement 6 of the dDCO providing the requested addition [C1-089]. Given the listed consultees, the Secretary of State is confident the BNG strategy would have sufficient oversight to ensure hydrological functionality prior to development.

4.362. The Secretary of State notes the Applicant's request in their final submission to limit the assessment of BNG to the 70% stated in the dDCO [C1-097], despite the projected increases in the latter period of the decision-making stage to 112.34% habitat units, 59.18% hedgerows, and 27.74% watercourses [C1-116]. The Secretary of State acknowledges that the final BNG design is dependent on the size of the proposed residential visual amenity buffers – (the Applicant's Proposed Buffer Requirement 15, detail provided in paragraph 4.264 of this Letter), and that therefore the BNG values and design may be subject to

change. The Secretary of State regards the final BNG strategy [C1-114] as better aligned with the principles of good ecological design, in particular the enlarged buffer around the Evenlode Corridor, and welcomes the changes. This is caveated by the fact that the Applicant's request to limit the assessment of BNG to 70% introduces uncertainty as to which elements of the BNG plan will be delivered, creating the possibility that high-distinctiveness elements of the plan will be deprioritised. In line with the comments made by consultees, the Secretary of State welcomes the Applicant's approach to BNG. The Secretary of State observes that the BNG strategy is designed in accordance with local habitats, integrating with valuable habitat found in the wider landscape, notably the floodplain meadows of Oxford Meadows Special Area of Conservation ("SAC"). Notwithstanding the potential hydrological issues raised by NE [RR-0761], and uncertainty around which elements will be delivered in the final design, the Secretary of State welcomes the establishment of large scale, diverse habitat, to be managed in conjunction with local environmental stakeholders.

The Secretary of State's Conclusions

4.363. The ExA considered that biodiversity and ecology matters had largely been appropriately assessed and that the policy requirements of NPS EN-1 and NPS EN-3 had been met, noting that the rDCO would adequately secure the mitigation necessary to address any effects, barring some residual impacts [ER 3.6.110]. The ExA considered that the residual adverse impacts, weighed alongside the proposed substantive BNG arising from the Proposed Development, would be of equal consequence. As such the ExA considered that ecology and biodiversity matters weighed neither for nor against the Proposed Development in the planning balance [ER 3.6.110].

4.364. The Secretary of State has considered the recommendations of the ExA, the advice of NE and other nature conservation bodies, the views of all other IPs, and the Applicant's case. The issues regarding the application of the mitigation hierarchy around bats, protected species, and woodland/veteran trees, indicate a lack of regard for best practice on the part of the Applicant. The Secretary of State acknowledges that the Applicant intended for these issues to be considered further at the post-consent stage, though wishes to highlight that the mitigation hierarchy should be followed at the outline stage of project design in order to integrate avoidance measures, where possible, to manage potential impacts.

4.365. The Secretary of State considers that at the decision-making stage the Applicant improved their approach to ecology and biodiversity issues, outlining a more robust approach to skylark mitigation, providing further survey information, clarifying operational monitoring and remediation, and improving the design of the BNG. The Secretary of State observes that the extent to which skylark will be mitigated on site is yet to be determined and would be subject to the size of the buffers in the Proposed Buffer Requirement 15 which are yet to be finalised (detail provided in paragraph 4.264 of this Letter). Given the outline state of the proposed residential buffers, the Secretary of State cannot form firm conclusions as to the extent to which the impacts to skylark will be adequately mitigated. Furthermore, as the final BNG strategy is also reliant on the location and specification of the proposed residential buffers, the Secretary of State cannot firmly conclude as to how BNG should be weighed in the planning balance, particularly when viewed in conjunction with the Applicant's request for the Secretary of State to limit their assessment to the 70% BNG committed to [C1-097].

4.366. Despite an overreliance on post-consent processes, the Secretary of State observes that at the decision-making stage, the Applicant improved the mitigation for the residual impacts highlighted by the ExA, for which a neutral weighting in the planning balance was ascribed.

Accounting for these improvements, in conjunction with the significant contributions to BNG, the Secretary of State believes that ecology and biodiversity issues should be given limited positive weight in favour of the Order being made.

Traffic and Transport

4.367. The ExA considered the matter of aviation safety at LOA [ER 3.7.82 to ER 3.7.126] under the overarching traffic and transport topic that included impacts on the Strategic Road Network ("SRN") [ER 3.7.27 to 3.7.30], the Local Road Network ("LRN") [ER 3.7.32 to 3.7.48], Eynsham A40 Improvement Works by OCC [ER 3.7.49 to ER 3.7.54], Siemens Healthcare [ER 3.7.55 to 3.7.69] and the PRoW network [ER 3.7.70 to 3.7.81].

4.368. The Secretary of State agrees with the ExA's conclusions in respect of traffic and transport related matters as set out at the end of the respective subsections at [ER 3.7.125 to ER 3.7.128] and [ER 5.2.43 to ER 5.2.50] and therefore has no comment with respect to these matters. However, the Secretary of State has further comments in relation to aviation matters which are addressed in the aviation safety section below.

4.369. The Secretary of State notes that in its overall conclusion on traffic and transport matters that the ExA assigned very great negative weight against the making of the Order [ER 3.7.136] and [ER 5.2.51] on the basis of the real threat to public safety in respect of aviation effects [ER 3.7.135 and ER 8.2.6].

Aviation Safety

4.370. The ExA set out the policy background in respect of airports and aviation safety, (both civil and military), including communications and surveillance infrastructure with specific reference to NPS EN-1 paragraph 5.5.41 in respect of the consideration of bird strike risk, building induced turbulence and thermal plume turbulence; paragraph 5.5.50 in respect of designing proposals to minimise adverse impacts on the operation and safety of aerodromes; and paragraph 5.5.60 in the consideration of risks to national security or physical safety [ER 3.7.5].

4.371. The ExA set out the significant and substantial concerns raised by Oxford Aviation Services Limited ("OASL") at the outset of the Examination [ER 3.7.82] specifically including:

- Emergency landing areas for planes suffering engine failure after take-off (Engine Failure After Take Off ("EFATO"));
- Glint and glare;
- Bird strike; and
- Heat-induced turbulence/thermal plumes.

4.372. The Secretary of State notes that the ExA made reference to LOA as the biggest pilot-training airport in England [ER 3.7.82] in the introduction to aviation safety, which the Secretary of State considers is important to refer to at the outset of this section.

4.373. The ExA provided a summary of its position on each of the matters mentioned above at the close of the Examination [ER 3.7.91 *et seq],* concluding that significant and unresolved matters in respect of civil aviation safety at LOA remained at the close of the Examination [ER 5.2.46].

4.374. In the secondary recommendation, referred to in paragraph 2.3 of this decision letter, three specific aviation matters were identified by the ExA as requiring resolution, in respect of thermal plume modelling, confirmation from OASL that there are no objections on any matter and proof of a signed agreement securing bird strike mitigation [ER 8.3.4].

4.375. The Secretary of State notes that the ExA considered that the matter of the lateness of the submission of thermal reports demonstrated that the Applicant failed to apply the mitigation hierarchy properly, overlooked or ignored the critical information from a key stakeholder and put forward a poorly designed scheme from the outset [ER 3.7.124]. The Secretary of State also notes the ExA did not accept the Applicant's claims that the issues regarding LOA only became clear during discussion in the Examination stage, and the ExA considered that the Applicant belatedly made changes to the Proposed Development's layout rather than actively realising the public safety concern [ER 3.7.132].

4.376. The ExA concluded that the design of the Proposed Development, and the full effects arising therefrom, had not been wholly informed by detailed assessments and therefore the mitigation is undeveloped [ER 3.7.133]. Noting the ExA's concerns in respect of aviation safety [ER 3.7.131 to ER 3.7.134] and in view of the unresolved matters and the secondary recommendation [ER 8.3.4], the Secretary of State sought further information from the Applicant and OASL in respect of specific aviation safety matters discussed below.

Engine Failure After Take Off (EFATO)

4.377. The Secretary of State notes the series of maps prepared by the Local Runway Safety Team ("LRST") at OASL, [PDA-002], where it described that, removal of the solar panels within areas shaded green on the final map, was an "absolute minimum" to safeguard the future of single engine flight training [ER 3.7.91].

4.378. The ExA considered that the Applicant had removed the most immediate threat to life via CR2 [ER 3.7.94] and noted that the position taken by the Applicant represented the 'absolute minimum' scenario that OASL required. The ExA commented that they were acutely aware that 'getting this matter wrong', that is the removal of panel coverage not being correctly applied, could result in the death of a pilot and, secondarily, damage to the solar farm. However, it was noted by the ExA that the Works Plans [REP7-004] still showed a considerable bank of solar panels to the west of the airport runway, in the fields between the airport and the nearest area of woodland [ER 3.7.95]. The ExA also noted that FTE Jerez, a flight training organisation, though not an IP, made representations at the close of the Examination about the threat to aviation safety and the impact that would have on any business decision to train at LOA [ER 3.7.95]. In addition, the ExA considered that the location of the construction compound, although construction-time limited, would remain within the zone that OASL requested remain absolutely clear of development. The ExA concluded that whilst concessions had been made by the Applicant in CR2 to remove panels close to the airport, only the minimum had been done to protect trainee pilots against fatality from EFATO incidents and the Proposed Development would therefore cause harm to the aerodromes training needs, operational functions, safety and contribution to the regional economy [ER 3.7.134].

Information Request and Consultation Responses

4.379. The Secretary of State requested in paragraph 44 of the information request [C1-001] that the Applicant provide details, including updated Works Plans, of an alternative location for a

construction compound and removal of solar panels within the area shaded green identified on the plan prepared by the LRST [PDA-002].

4.380. The Applicant in its response, [C1-087] stated that the EFATO issue was successfully resolved between parties during the Examination. Notwithstanding this, the Applicant continued, that in response to the Secretary of State's request, panels have been removed from the relevant fields, and the construction and decommissioning compound has been relocated, and Works Plans have been updated to reflect these changes. This amendment is referred to as amendment 3b in the ES addendum [C1-086]. A comparison of the Works Plans Rev 4 [C1-036] with the respective OASL LRST plan [PDA-002] showed that the construction compound in question has been moved from the area to remain absolutely clear of development. The compound has been re-sited from plot 5-12a on the Land Plans Rev 4 [C1-037] to the adjacent plot 5-12 [C1-037].

4.381. In addition, the Applicant stated [C1-087] that the area of the solar installation near LOA had been reduced. This change, referred to as Amendment 3a, would reduce the extent of the installation by approximately 1.64 ha. However, from a comparison of the Works Plans Rev 4 [C1-036] with the final plan submitted in [PDA-002] the Secretary of State observes that, notwithstanding the stated reduction, the amendment is not reflected on the most recent Works Plans. Part of the solar array area remains within the LRST's identified green shaded area to remain free of development. The affected area lies immediately south of the southernmost point of Work No. 5 [C1-036], within plot 5-05 as shown on the Land Plans [C1-037].

4.382. Although the reduction is not shown on the Works Plans Rev 4 [C1-036], the Secretary of State notes that both the Illustrative Masterplan Rev 4 [C1-051] and the late submission Rev 5 [C1-118] depict the solar arrays as having been removed from the south-eastern part of field 2.12. Therefore, the Secretary of State cannot be certain that the issue has been resolved because the two sets of certified documents do not align. Consequently, the Secretary of State is unable to conclude that the required reduction of the solar farm array has been made.

4.383. The Secretary of State notes the response from Leading Edge Aviation [C2-176], based at LOA, although not an IP, (also submitted by Begbrooke and Yarnton Green Belt Campaign group on behalf of Leading Edge Aviation [C2-207]), who disagree with the Applicant that matters in relation to EFATO have been satisfactorily resolved. The Secretary of State notes that Leading Edge have over 500 students training with them in Oxford and in Spain, with 240 new students joining them each year in Oxford. They comment that as a flight training organisation, they routinely conduct engine failure training in the vicinity of LOA, commenting that the changes do not address the broader reality that engine failures and partial power loss events can occur at any point during departure, arrival, circuit operations or training exercises.

4.384. It is also noted by the Secretary of State that Leading Edge Aviation also raise concerns in respect of glint and glare, bird strike risk ("BSR"), thermal plumes and radar performance, and these are commented on further in the relevant sections below.

Glint and Glare

4.385. The Secretary of State notes the glint and glare study undertaken by the Applicant [APP-128] as part of the Application and the subsequent revised study submitted during the

Examination that included the reorientation of one field of solar panels [REP4-012] [ER 3.7.97]. The Secretary of State notes the conclusions of the study set out at [ER 3.7.100], in relation to aviation impacts that no solar reflections would occur towards the air traffic control tower at the airport and whilst solar reflections are predicted towards the approach paths for the runway, they should be outside of a pilot's primary field of view. Noting the timeline of the receipt of the amended study, the ExA commented that the 'current position' of OASL pre-dated the revised glint and glare study [ER 3.7.98]. The ExA advocated a precautionary approach in the absence of endorsement on the Applicant's position on glint and glare from OASL and Civil Aviation Authority ("CAA") and concluded that glint and glare risk had not been fully mitigated by the Applicant [ER 3.7.102].

Information Request and Consultation Responses

4.386. The Secretary of State requested OASL in the information request [C1-001] to provide comments on whether the revised glint and glare study [REP4-012] satisfactorily resolved the concerns raised, including the direct effect on air traffic control operations at LOA.

4.387. OASL responded [C1-025] and confirmed that the revised assessment indicates a lower potential impact on airport operations and operators. On that basis, OASL does not consider the Proposed Development likely to have an unacceptable effect on LOA. OASL nevertheless wished to record that a residual risk of unforeseen glint and glare effects will always remain where ground-mounted solar arrays are installed close to an airfield.

4.388. In [C2-210] FTE Jerez, although not an IP, commented specifically on the glint and glare report stating that the assessment which plays down the perceived threats to aviation from glint and glare relies heavily on the assumption that glare is only hazardous if it occurs within 50 degrees of a pilot's primary heading on final approach to land (along the extended runway centre-line), and while this may be appropriate for an aircraft on a stabilised, straight-in Instrument Landing System ("ILS") approach, it is entirely invalid for visual operations. FTE Jerez continues that during Visual Flight Rules ("VFR") operations, pilot attention is deliberately and continuously directed away from the centre-line, with specific reference to the Downwind Leg, The Base Leg and Air Traffic Scanning.

4.389. FTE Jerez concludes that by applying only straight-in instrument approach criteria to a busy visual training aerodrome, the developer's study completely misses a multitude of locations where pilots will have solar panels in their field of view, and that for a student pilot trying to fly a precise circuit, a sudden burst of "temporary after-image" glare can cause immediate spatial disorientation, cockpit distraction, and a breakdown in situational awareness during a critical, low-altitude phase of flight [C2-210]. The Secretary of State notes that reference is also made by FTE Jerez to the UK Civil Aviation Authority's Combined Aerodrome Safeguarding Team ("CAST") Advice Note - Renewable Energy Developments: Solar photovoltaic developments dated July 2023 which was superseded by CAST Advice Note 5 dated February 2024, section 2 specifically relating to solar developments. Nonetheless, the CAST Advice Note 5 aligns with previous advice and provides guidance that places the onus on the developer to undertake safety surveys and is specific that assessments should also consider any impacts to aircraft utilising instrument procedures and aircraft in the visual circuit.

4.390. In [C2-176] Leading Edge Aviation, echo the concerns raised by FTE Jerez [C2-210] in respect of glint and glare risk being particularly significant for student pilots, who have less experience in managing unexpected visual distractions during take-off, circuit operations and

landings. Leading Edge Aviation conclude that any increase in cockpit distractions during these phases of flight represents an unacceptable additional risk in a training environment. It is also noted by the Secretary of State that Leading Edge also raise concerns in respect of EFATO, BSR and thermal plumes and radar performance, and these are commented on further in the relevant sections below.

Bird Strike Risk

4.391. The Secretary of State notes that the dangers of bird strike were a constant theme throughout the Examination from OASL [ER 3.7.103] and the ExA's considerations around this topic through the Examination [ER 3.7.104 to ER 3.7 109].

4.392. The Secretary of State notes that the ExA accepted that the proposed ecological enhancements would attract some displaced birds [ER 3.7.111] but that further mitigation is required given the real risk to aircraft and aviation safety [ER 3.7.112]. The further mitigation as discussed by the ExA is in the form of a bird scaring unit for which agreement appeared to have been reached outside of the Examination [ER 3.7.112]. This matter remained unresolved at the close of the Examination and was identified as a matter to be resolved in the secondary recommendation [ER 8.3.4].

Information Request and Consultation Responses

4.393. In view of the lack of evidence of the agreement to secure the bird scaring unit, and that any such agreement was caveated that it would only be provided subject to reasonable costs [REP7-038], the Secretary of State asked in paragraph 47 of the information request [C1-001] both the Applicant and OASL to provide evidence of the signed agreement securing a bird-scaring unit for the operational lifetime of the development and further clarity on the details of the bird scaring unit, monitoring its effectiveness and a suitable mechanism to secure its delivery.

4.394. OASL confirmed [C1-025] that the agreement between the parties provides for funding from the Applicant to OASL in relation to bird strike risk at LOA. The funding is described to cover an independent assessment of any increase in bird strike risk attributable to the Proposed Development, together with the planning, implementation, operation, and maintenance of a Wildlife Hazard Management Unit ("WHMU") at LOA. The agreement remains in draft and is awaiting finalisation and signature.

4.395. The Applicant confirmed [C1-087] that since the close of the Examination, the parties have been negotiating a WHMU Agreement and have made good progress in the negotiation of the agreement, including financial contributions to be made to facilitate the mitigation having been agreed, along with all other key provisions now substantially agreed. The Applicant stated that the provisions of the agreement align with the principles secured in the letter of understanding, and that this will be the legal mechanism to facilitate the planning, establishment and implementation of an additional WHMU during the operational lifetime of the Proposed Development, as appropriate. The WHMU would include an additional bird-scaring device to discourage birds from occupying land at LOA similar to the existing WHMU operated at LOA.

4.396. The Secretary of State notes the response to the first all IPs consultation from Leading Edge Aviation [C2-176], who express concerns that the WHMU has not yet been finalised and that

until there is clear evidence demonstrating that BSR will not increase, the precautionary approach should apply.

4.397. The Applicant stated in its late submission to the information request [C1-094] that in terms of Oxford Airport, the only outstanding matter not agreed between the parties is that OASL are seeking unlimited liability which the Applicant cannot accept. The Applicant stated that other provisions are agreed which would allow for the planning, establishment, and implementation of an additional WHMU during the operational lifetime of the Proposed Development.

4.398. In its second all IPs consultation response OASL [C3-180] commented that one of the core purposes for their response, was to provide comment and correction to the statement made by the Applicant in their cover letter dated 16 July 2026 [C1-094] accompanying the Applicant's late submission, wherein they state that in terms of the Oxford airport the only outstanding matter not agreed between the parties is that OASL are seeking unlimited liability which the Applicant cannot accept. The Applicant further comments that all other provisions are agreed which would allow for the planning, establishment and implementation of an additional WHMU during the operational lifetime of the Proposed Development. OASL state in [C3-180] that the matter of a liability cap is confidential and is for OASL to set based on the perceived level of risk to and impact on its business operations. OASL confirm, for the avoidance of doubt and in the interests of transparency that they have since agreed to a cap and that this was communicated to the Applicant on 24 August 2026. However, OASL state that aside from the point around the liability cap, that not all other matters are agreed. Amendments were proposed by OASL in June 2026 and have not been incorporated into the latest draft legal agreement.

4.399. OASL in the same submission, [C3-180] before commenting on the WHMU as set out in the paragraph above, state that in the main, that OASL's concerns have been heard, and amendments made to the draft Order to reduce the potential impact on operations at the aerodrome. However, they further note, that, in recent rounds of consultation, a number of airport tenants, independent of OASL, have raised further objections, not raised earlier in the process, that is a cause of considerable concern to OASL. OASL conclude that, if its tenants feel that the solar farm is not compatible with their safe operation then it will likely lead to relocation, having a damaging effect on OASL business as a direct result of the Proposed Development. This is discussed further in the socio-economic section of this Letter.

Heat Induced Turbulence/Thermal Plumes

4.400. The Secretary of State notes the concerns of OASL regarding heat induced turbulence affecting planes and inexperienced pilots, as well as distortion to radar returns [ER 3.7.113]. The timeline of events leading up to the submission of two reports tackling thermal plume impacts [REP6-066] [REP6-067] and the summary of the reports is also noted [ER 3.7.114 to ER 3.7.115].

4.401. The Secretary of State notes that the Applicant maintained that any effect is minor, and that it would continue to work with OASL in this regard [ER 3.7.120]. The ExA reported that IPs raised general concerns on thermal plume modelling, noting one providing a critical reflection of the Applicant's thermal information [REP7-161]. Notably, FTE Jerez raised the concern about thermal plumes de-stabilising an aircraft's flight path [REP7-187].

4.402. The Secretary of State notes the concern of the ExA on this matter [ER 3.7.122] and reasons for applying a precautionary approach given that human health and life is at stake [ER 3.7.123].

Information Request and Consultation Responses

4.403. The ExA set out that OASL raised concerns regarding heat induced turbulence affecting planes and inexperienced pilots as well as distorting primary radar returns giving an accurate radar picture [REP1-107] [ER 3.7.113]. The Secretary of State notes that the Applicant confirmed that a study would be undertaken [REP1-107] [ER 3.7.114], but that the study was eventually submitted to the Examination at Deadline 6 [REP6-066] several months after the initial agreement to undertake it [ER 3.7.115]. There had been no confirmation that the thermal plume modelling was satisfactory at the close of the Examination, and this was a specific matter in the secondary recommendation at [ER 8.3.4]. Therefore, the Secretary of State requested further information from OASL in paragraph 46 of the information request [C1-001]. Specifically, OASL were requested to confirm that the thermal plume modelling is satisfactory and whether there would or would not be an impact on operations or communications infrastructure at LOA. Further if this position is not agreed, OASL was requested to set out their position, with supporting evidence, together with details of any appropriate mitigation to address the identified and evidenced harm.

4.404. In response, OASL further advised [C1-025] that they were unable to identify suitable technical expertise to independently peer review the reports on thermal plume impacts. They stated that in those circumstances, the Secretary of State will need to rely on the Applicant's own studies when reaching a conclusion on this issue, stating that as with glint and glare, there remains a residual risk of unforeseen impacts. In the absence of independent peer review, OASL concluded that it must therefore reserve its position on the thermal plume assessment.

4.405. The Secretary of State also notes the response to the first all IPs consultation from Leading Edge Aviation [C2-176], who express concerns that suitable independent expertise has not been able to fully review this issue, and that where uncertainty remains regarding a potential aviation safety hazard, especially one affecting navigation, surveillance or situational awareness, caution should prevail.

The Secretary of State's Conclusions

Policy Considerations

4.406. NPS EN-1 paragraph 5.5.60 requires the Secretary of State to be satisfied that the impacts of proposed energy developments do not present risks to physical safety, and that where they do, the Secretary of State is satisfied that appropriate mitigation can be achieved, or appropriate requirements can be attached to any Development Consent Order to secure those mitigations, to grant consent.

4.407. NPS EN-3 paragraph 2.10.158 states that the Secretary of State should assess the potential impact of glint and glare on aviation infrastructure, including aircraft departure and arrival flight paths. NPS EN-3 paragraph 2.10.159 states that whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be

demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms.

4.408. NPS EN-1 paragraph 5.5.41 requires that assessments near aerodromes consider BSR, noting the importance of designing infrastructure and energy installations, as well as any environmental mitigation required, in such a way to not increase the risk to the airport.

4.409. NPS EN-1 paragraph 5.5.41 requires that assessments near aerodromes consider building induced and thermal plume turbulence.

4.410. In addition to the aviation related policy considerations set out in section 5.5 of NPS EN-1, the Secretary of State has considered policy TR7(1)(c) of the 2026 NPPF. That policy applies to development proposals involving the provision, expansion of airport and aviation facilities, and development ancillary to them. The Proposed Development does not itself fall within that description. However, TR7(1)(c) identifies the importance of maintaining a national network of aviation airfields, and supporting their economic and public service roles, including their role in pilot training. The Secretary of State has therefore considered that objective when assessing the effects of the Proposed Development on LOA and its pilot training role.

4.411. NPS EN-1 paragraph 5.5.5 highlights the indivisibility of aviation and socio-economic benefits. Matters pertaining to aviation safety and socio-economic considerations in respect of LOA are discussed separately in the next section.

4.412. Further, the Secretary of State notes that the National Policy Statement for Airports ("NPSA") was considered of little or no relevance by the Applicant [ER 3.7.89], and that this stance was agreed by the CAA. Conversely, OASL considered that the NPSA is a relevant material consideration [REP2-077]. Whilst acknowledging that the focus of the NPSA is to support increases in capacity, and specifically at Heathrow, it highlighted UK Government support for the growth of the sector in general, OASL identified that general aviation airports like LOA, play an important role in regionalising growth, access and innovation. OASL concluded that development which risks the operational capacity at LOA, not least of all impacting its role as a leading pilot training airfield, would run counter to the intent of the NPSA. The Secretary of State agrees with OASL that the NPSA is a relevant consideration. In addition, and in accordance with section 104 of the 2008 Act, the NPSA is considered important and relevant to the Secretary of State's decision.

Specific Aviation Effects

4.413. As set out by the ExA in its introductory section to this topic, with reference to specific submissions from OASL, LOA is the biggest pilot-training airport in England [ER 3.7.82], in addition to reporting over 12,500 passengers using the airport in 2024, with 320 different international destinations involved. Against this background, aviation risks particularly in relation to EFATO, heat induced thermal plumes and bird strike are more acute given the inexperience of trainee pilots.

4.414. A number of the responses to the first all IPs consultation [C2-001] raised concerns regarding aviation safety, with particular reference to the pilot training status of LOA and lack of consultation with training organisations operational at the airport. The Secretary of State notes, and considers of particular relevance, the responses from Captain Andy Mitchell, Head of Training at FTE Jerez [C2-210] and Andy McFarlane, Chief Executive Officer and

Founder of Leading Edge Aviation [C2-176], in relation to glint and glare and aviation safety as discussed above.

4.415. On the matter of EFATO, the current openness of the land within the 'green shaded area' identified by the LRST and the impact of the Proposed Development is a material consideration relating directly to safety and operational resilience of OASL. The Secretary of State cannot rely on an illustrative plan [C1-118] showing removal of solar panels from the green shaded area identified by LRST [PDA-002]. Therefore, in the absence of Works Plans showing the area of risk as free of development, the Secretary of State is unable to conclude that this matter has been resolved.

4.416. In relation to glint and glare, the Secretary of State welcomes OASLs comments that the development is not likely to have an unacceptable effect on LOA. Notwithstanding this, the Secretary of State notes the reserved position of OASL on residual risks of unforeseen effects, and the response from FTE Jerez [C2-210] and from Leading Edge Aviation [C2-176]. Notwithstanding the Applicant's comments regarding FTE Jerez's training programme for UK commercial pilots discussed in paragraph 4.438 of this Letter, the Secretary of State notes that there is no specific response to the concerns of FTE Jerez [REP7-187] in the Applicant's closing submission [REP8-001], or in response to the first all IPs consultation, in which specific aviation safety matters were raised by FTE Jerez in the context of the aviation training at LOA.

4.417. NPS EN-3 paragraph 2.10.159 affords limited weight to the matter of aviation interference because of glint and glare from solar farms unless a significant impairment can be demonstrated. Having considered the evidence from FTE Jerez and Leading Edge Aviation discussed at paragraphs 4.383 to 4.388 above, together with CAST Advice Note 5, the Secretary of State considers that significant impairment from glint and glare is demonstrated in this case. The particular intensity of pilot training at LOA increases the significance of that impairment. The Secretary of State has therefore given this matter greater than limited weight.

4.418. In relation to bird strike the Secretary of State notes that the ExA considered that the matter of bird strike could be suitably resolved subject to an agreement being in place, and the reasonable cost caveat removed/withdrawn by the Applicant. Whilst the Applicant [C1-087] states that the draft agreement remains with OASL for final consideration, the Secretary of State notes the most recent position from OASL [C3-180] that confirms that not all matters have been resolved, including that amendments proposed by OASL in June 2026 have not been incorporated into the latest draft legal agreement, as set out in paragraph 4.398 above. The Secretary of State therefore reasonably concludes that, in the absence of a signed agreement between OASL and the Applicant, and consequently a legally robust mechanism that can be relied upon to secure the WHMU, the risk of bird strike therefore remains which presents an unacceptable residual risk to public safety.

4.419. In relation to thermal turbulence, the Secretary of State notes that OASL has been unable to identify suitable expertise to independently peer review the reports on thermal plume impacts. OASL conclude that the Secretary of State will need to rely on the Applicant's own studies when reaching a conclusion on this issue. The Applicant's studies [REP6-066] and [REP6-067] are important and relevant. NPS EN-1 paragraph 5.5.41 specifically identifies thermal turbulence in respect of buildings and plumes and the potential effects on aviation safety.

4.420. The Secretary of State notes that the conclusions of the reports which are summarised at [ER 3.7.115]. Whilst the solar panels are proposed to be a fixed, not tilting array [C1-080] the Secretary of State considers that the application of the threshold applied to building induced turbulence, to the thermal effect of a solar array should be accepted with caution, given that the particular technical area of thermal turbulence and solar arrays is an emerging technical area of study and lacks established guidance. The Applicant's conclusion in respect of effects on radar [REP6-067] is premised on the thermal impact assessment [REP6-066], and in the absence of OASL being able to secure technical expertise to independently peer review the reports on thermal plume impacts, the Secretary of State is unable to conclude on this matter and must apply a precautionary approach.

4.421. In the context of the above aviation matters, the Secretary of State cannot be satisfied that the impacts of the Proposed Development do not present risks to physical safety, or that it has been demonstrated that appropriate mitigation can be achieved such that consent may be granted in line with EN-1 paragraph 5.5.60.

4.422. NPS EN-1 paragraph 4.1.7 is explicit that where there are residual impacts which represent an unacceptable risk to, or unacceptable interference with, human health and public safety, that it is likely that the need case will not outweigh the residual effects. The Secretary of State agrees with the conclusion of the ExA [ER 3.7.133] that the design of the Proposed Development, and the full effects arising therefore had not been wholly informed by detailed assessments and therefore the mitigation is undeveloped. In this case, the Secretary of State agrees with the ExA that there remain residual adverse impacts for transport most notably aviation, that pose a real, credible and significant risk to public safety [ER 5.5.5], and that matters remain unresolved relating to aviation safety, despite the responses from the Applicant and OASL, and other aviation interests, that are more acute to LOA, given its training status.

4.423. For the above reasons, the Secretary of State assigns the matter of traffic and transport substantial negative weight due to the harm arising from unresolved aviation matters noting that is the same weighting afforded by the ExA, albeit a difference in weighting terminology.

Socio-Economics

ExA's Considerations

4.424. The ExA considered seven separate, specific matters under socio-economics including the assessment methodology; the effect on employment and Gross Value Added; the effect on tourism and recreation economy; the outline Skills Supply Chain and Employment Plan ("oSSCEP"); community benefits; Siemens Healthcare Limited; and LOA [ER 3.8.46].

4.425. The Secretary of State notes that in overall conclusion of these matters that the ExA ascribed neutral weight to socio-economic matters with regard to the consideration of making the Development Consent Order [ER 3.8.173]. The Secretary of State agrees with the specific conclusions in respect of the socio-economic assessment methodology [ER 3.8.53], the effect on employment and gross value added [ER 3.8.60], the effect on tourism and the recreation economy [ER 3.8.82 and ER 3.8.83], the oSSCEP [ER 3.8.98] and Siemens Healthcare [ER 3.8.152] but has further comment regarding community food growing and LOA which are addressed in the section below, the latter being of particular concern in view of the Secretary of State's conclusions in respect of unresolved aviation safety issues.

Community Food Growing

4.426. The Secretary of State notes the ExA's comment that a reoccurring theme throughout the Examination was the perception of a lack of consultation regarding the proposed locations for the community growing food areas [ER 3.8.114]. The ExA stated that it was demonstrated to them throughout the Examination that community benefits were being proposed by the Applicant without much community backing [ER 3.8.127].

4.427. The ExA noted the concerns regarding the introduction of new structures such as storage sheds, polytunnels, machinery and other paraphernalia associated with food growing in the Church Hanborough Conservation Area raised by Dr. Michael Franklin [REP5-082] and causing conflict with the heritage objectives of that conservation area [ER 3.8.117].

4.428. On the matter of whether the food growing areas would support local communities, the Secretary of State notes that the Applicant confirmed that the Cherwell Collective (A community interest company ("CIC") working to reduce the carbon footprint of the community and build climate resilience) aimed to serve approximately 8,000 clients experiencing food poverty or mental health crisis across Oxfordshire and would be serving villages adjacent to the Proposed Development [ER 3.8.120].

4.429. The ExA had some concern regarding the apparent flexibility of the proposed community benefits, particularly in regard to the delivery of the community food growing areas, noting that if not delivered, the land would instead be managed as grassland [ER 3.8.125]. Further, the ExA expressed concern that proposals for community benefit were underdeveloped and recommended a backstop Requirement it felt was necessary to provide confidence that all the Applicant was promising regarding community benefits would be formally secured [ER 3.8.126]. This led to the ExA proposing a Requirement in the rDCO [PD-015, PC003] to secure the proposed community benefits [ER 3.8.127].

4.430. The Secretary of State notes that the ExA subsequently recognised that at the conclusion of the Examination, it appeared that some degree of consensus had been reached regarding the pursuit and execution of side agreements with the OHA. The ExA further noted after the Applicant's response [REP6-047] that community benefits are voluntary and that there are no measures of mitigation within the Order limits that require funding to any member of the OHA [ER 7.3.25] and agreed with the Applicant that a specific Requirement relating to planning obligations was not necessary [ER 7.3.26].

Information Request and Consultation Responses

4.431. The Secretary of State requested in paragraph 50 of the information request [C1-001], that the Applicant provide an update on the interest in the community food growing and to provide details of the location of these sites, and how they would be allocated, managed and maintained. In addition, the Applicant was requested to describe the mechanism for controlling any allotment infrastructure further to what will be provided within the Operational Management Plan.

4.432. The Applicant confirmed in response [C1-087] that they have signed a Memorandum of Understanding with the Cherwell Collective and with Plot 4, and that they are in discussions with Oxford Farm to Fork and with Roots. The Applicant stated they will work with local Parish Councils to encourage growers from local villages to use the areas. The Applicant stated that the areas set aside for food growing are all in the central section and are shown in REP7-

020 and that the areas will be accessed by growers through a licensing system that will prohibit the erection of any structures and associated paraphernalia.

4.433. Numerous responses to the first all IPs consultation expressed concern about issues relating to the proposed community food growing areas, ranging from the absence of need in the community, the lack of safe and secure access for users, parking for users, the proposed utilisation of community food growing sites by commercial food growers and the impact on designated HAs from the community food growing sites.

London Oxford Airport (LOA)

4.434. On the matter of the impact of the Proposed Development on LOA, the ExA accepted that the Proposed Development has the potential to affect the economic viability of the airport if the Applicant does not provide sufficient evidence to enable OASL to be satisfied that it could continue to operate safely [ER 3.8.168]. Aviation safety matters are discussed in the above section, and socio-economic impacts are an important cross-cutting issue.

4.435. The ExA was not satisfied that, as stated at paragraph 5.5.50 of NPS EN-1, the Proposed Development had been "*designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes*". The ExA considered that if such concerns remain, it is possible that flight training organisations may no longer wish to operate from LOA due to safety concerns. The ExA noted that this would be a '*significant economic blow for the region*' [ER 3.8.168]. As such, the ExA considered that due to uncertainty in respect of safety matter, the Proposed Development could significantly impact on the economic viability of LOA. Within the Applicant's closing submissions, a commitment was made by the Applicant to continue working with OASL with the aim of achieving an agreement [ER 3.8.169 and ER 3.8.170].

4.436. The ExA concluded that on socio-economic matters benefits would arise as a result of the Proposed Development, albeit at a modest level. Weighing against the economic gains of the proposal would be the potentially economic losses to LOA and the subsequent impacts on associated businesses [ER 3.8.172]. On balance, the ExA ascribed a neutral weight to socio-economic matters.

Information Request and Consultation Responses

4.437. The Secretary of State requested in paragraph 49 of the information request [C1-001] that the Applicant provide comments on the effects of the Proposed Development on the economic viability of LOA and the associated aviation operators. OASL were also requested to confirm that they had no objections to the Proposed Development, and, if any objections remained that these should be clearly set out in relation to the specific aviation matters, together with details of the reasons why the objection remained and what impacts the Proposed Development would have on overall operations and viability of LOA and aviation operators.

4.438. The Applicant responded [C1-087], stating that the concerns of LOA are understood and that they have significantly altered the proposed panel layout to mitigate the risk of EFATO from runway 19. The Applicant further states that they have agreed to fund extra bird-scaring resource and have commissioned reports on glint and glare and thermal plume. While the Applicant considers that LOA is clearly important to FTE Jerez's training programme for UK commercial pilots, they state that the bulk of its operations are at its base at Jerez in southern

Spain and referred to an agreement that FTE Jerez signed with LOA in June 2025 during the Examination, meaning that it was aware of the Applicant's plans for the solar farm at the time it agreed terms with OASL. The Applicant concludes that that they do not believe that the Proposed Development compromises the financial viability of LOA and associated aviation operators, and states that most of LOA's competitors operate near residential and commercial buildings, such as Cambridge airport and Southend airport.

4.439. OASL responded [C1-025] stating that LOA is home to numerous small and medium-sized aviation businesses. OASL commented that to properly assess the potential economic effects of the Proposed Development on the Airport, the Applicant should have engaged with those businesses during the DCO process, particularly the flying schools. They reiterate that LOA is one of the UK's leading pilot training centres, and that flying schools account for approximately 80% of total movements at the Airport. OASL conclude that if those operators consider the operational risk posed by the Proposed Development to be too great, they may seek to relocate, to the detriment of their businesses and the Airport. OASL stated that they do not seek to raise a new objection, and that the purpose is to draw the Secretary of State's attention to the fact that the Applicant should have undertaken an economic impact appraisal in consultation with those businesses. In the absence of that work, OASL concludes that the economic impact cannot be properly quantified.

4.440. In response to the second all IPs consultation, OASL stated that, in the main, its concerns have been heard, and amendments made to the draft Order to reduce the potential impact on operations at the aerodrome. However, it further noted that, in recent rounds of consultation, a number of airport tenants, independent of OASL, raised further objections, which were not raised earlier in the process. OASL considered that this is a cause of considerable concern, as if the tenants feel that the solar farm is not compatible with their safe operation then it will likely lead to relocation, having a damaging effect on OASL as a direct result of the Proposed Development.

Secretary of State's Conclusions

4.441. NPS EN-1 paragraph 5.13.4 sets out that the Applicant's assessment of socio-economic impacts may include effects (positive and negative) on tourism and other users of the area impacted. NPS EN-1 paragraph 5.13.6 identifies that socio-economic impacts may be linked to other impacts, for example visual impacts, but may also have an impact on tourism and local businesses.

4.442. In decision-making, NPS EN-1 paragraph 5.13.9 states that the Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the Applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision. In this case, the conclusion in respect of socio-economic impacts cannot be divorced from the conclusion in respect of aviation safety, given the acknowledged interdependencies at [ER 3.8.169] where the ExA state that due to uncertainty in respect of safety matters, the Proposed Development could significantly impact on the economic viability of LOA.

4.443. With regard to the planning weighting afforded to socio-economic impacts, NPS EN-1 paragraph 5.13.10 states that the Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in the NPS).

4.444. The Secretary of State, in giving consideration to the proposed community benefits in the form of community food growing areas, notes the numerous responses from statutory consultees, IPs and residents regarding this matter. The Secretary of State agrees that there is significant unease in the local communities regarding the demand for these areas. Additionally, if any use of these proposed facilities were to be used by commercial entities, they could not be considered as pure community benefits. Furthermore, the proposed locations of the community food growing areas would themselves have an impact on the proposed shared access routes.

4.445. Whilst the Secretary of State considers that there is some potential for the community to benefit from the Applicant's proposals regarding community food growing, nevertheless the further submissions received from the Applicant and IPs concerning this matter do not fully resolve the uncertainty around demand, take-up and delivery of these areas.

4.446. Whilst it is accepted that there are socio-economic benefits associated with the Proposed Development, given the outstanding, aviation related safety matters set out in paragraphs 4.421 to 4.423 above, and having regard to the responses from FTE Jerez [C2-210], Leading Edge Aviation [C2-176] and OASL (in respect of their concerns for their tenants) [C1-025] and [C3-180] the Secretary of State considers that the conclusion of the ExA at [ER 3.8.169] is further strengthened. As noted at paragraph 4.434 above, the ExA accepted that the Proposed Development has the potential to affect the economic viability of the airport if the Applicant does not provide sufficient evidence to enable OASL to be satisfied that it could continue to operate safely [ER 3.8.168], and the Secretary of State has concluded in respect of aviation safety at paragraph 4.423 above that there remain unresolved aviation matters that attract substantial negative weight. The Secretary of State considers that the response by the Applicant [C1-087] does not go far enough to allow the conclusion that the outstanding aviation safety issues would not have a consequential effect on LOA and the associated businesses. Further to this, the responses from aviation companies reinforce the case that there is a potential for some economic harm. The Secretary of State concludes that this harm would be distinct from the aviation safety harms mentioned above, but notes that the aviation safety issues could potentially flow through consequentially to cause some economic harm to LOA and associated businesses. As a result, it is possible that flight training organisations may no longer wish to operate from LOA due to safety concerns, as outlined by OASL [C1-025] and [C3-180], and the Secretary of State concludes that there is a credible risk of economic harm that has not yet been quantified by the responses received from the Applicant, OASL, FTE Jerez and Leading Edge Aviation.

4.447. The Secretary of State has given consideration to the positive socio-economic impacts from the Proposed Development, for example, the minor beneficial effects in respect of local employment opportunities. Additionally, the Secretary of State agrees with the ExA that provision of the oSSCEP and associated targets could provide a mechanism to maximise economic benefits for communities and businesses. However, the Secretary of State believes that the unresolved risk to LOA and associated businesses is sufficient to depart from the weighting ascribed to socio-economic effects by the ExA and to increase the weighting from a neutral weight to limited negative weight against the making of the Order. The potential economic harm resulting from the unresolved aviation safety issues could potentially affect LOA's desirability as a flight training centre (currently the biggest in England) and this would more than outweigh the minor beneficial socio-economic impacts of the Proposed Development. Having regard to NPS EN-1 paragraph 5.13.10, the Secretary of State considers that the uncertainty over whether and to what extent these economic

effects would materialise, restricts the adverse weighting ascribed by the Secretary of State to a limited negative weight.

Hydrology and Flood Risk

4.448. The ExA covered the topic of Hydrology and Flood Risk at ER 3.12. The ExA ascribed moderate negative weight against the Order being made in relation to this topic. Issues that were further explored post-Examination are set out below.

Sequential and Exception Test

4.449. The Secretary of State notes that the issue of whether the sequential and exception tests for part of the Proposed Development was left unresolved at the end of the Examination [ER 3.12.80]. The 2024 NPPF (paragraph 172) and NPS EN-1 require a sequential, risk-based approach is applied to steer new development to the lowest areas of flood risk. The Secretary of State notes that the Sequential and Exception Tests are presented differently within the 2026 NPPF (at Policy F5 and F6 respectively) but considers the requirements of both tests have been retained in the update. The Applicant stated within the Flood Risk Assessment ("FRA") [APP-116], that the Proposed Development is classified as 'Essential infrastructure' and as such is acceptable development within Flood Zones ("FZ") 1 and 2, with an exception test required for development within FZ 3. During the Examination, the Applicant reviewed the 2025 EA mapping for fluvial and surface water flooding, which confirmed their assessment that the footprint of the Proposed Development avoided the areas of highest flood risk in accordance with policy. As such the FRA was updated [REP6-024] to include the updated flood risk mapping.

4.450. The FRA identified that the cable corridor and temporary HDD compounds for construction will be placed partially within FZ 3. The EA confirmed that they believe the development had been sequentially steered towards areas of lowest flood risk [REP1-025] but that further detail relating to flood risk was required for the HDD crossings and their associated entry and exit pits at Filchampstead had not been included in the FRA, despite being in FZ3b of the River Thames.

4.451. As such the Applicant submitted a further technical note in relation to the HDD crossings which included additional mitigation measures to keep the infrastructure safe for its lifetime as well as further justification for the exception tests [REP6-054]. The Applicant argued within the technical note that the HDD are necessary to deliver the infrastructure, and due to engineering and environmental constraints, this method is required to route the cables across the river at this location. Further, the size of the flood plain prevented an alternative location for the crossing to take place in areas less prone to flood risk. By the end of the Examination, the EA had not provided comments on this document, however, the SoCG with the EA [REP7-036] did not have any areas of outstanding disagreement. The ExA [ER 3.12.79] explained that the Applicant had marked all matters as 'agreed' within the SoCG, when explicit agreement in writing from the EA had not been provided. Therefore, the ExA was not content to rely on assumption in relation to flood risk [ER3.12.80] and concluded that the Application did not meet paragraphs 5.8.15 of NPS EN-1.

Information Request and Consultation Responses

4.452. In the information request at paragraphs 54, 55 and 56 [C1-001] the Secretary of State requested the EA to review the SoCG with the Applicant to confirm if all matters were

resolved, including a request to advise whether the EA were content the Exception Test had been met for the HDD crossing at Filchampstead. The EA responded [C1-019] on 4 June 2026, setting out that it was up to the Secretary of State as the decision maker to decide if the sequential and exception tests had been passed, but notwithstanding this, they were content that the Applicant had provided justification for infrastructure - including the solar PV panels and the HDD crossings - being FZs 1 and 3b respectively. Furthermore, the EA confirmed that they were content that the Proposed Development would be safe throughout its lifetime and would not increase flood risk elsewhere. The EA also agreed that the approach the Applicant took to mitigating flood risk in relation to the HDD was reasonable if the mitigation measures were complied with.

Conceptual Drainage Strategy

4.453. The Secretary of State notes that during the Examination, the robustness of the flood risk assessment and efficacy of the mitigation measures for the village of Cassington and Cumnor was a focus of debate [ER3.12.97]. A Conceptual Drainage Strategy ("CDS") [APP-167] has been developed by the Applicant, which considers existing and proposed surface water runoff rates and how Sustainable Urban Drainage Systems could be incorporated within the Proposed Development. The Applicant concluded that a minor benefit in regard to surface water flooding could be achieved from the CDS, which proposes to prioritise natural drainage methods such as seeding under the solar panels to reduce run off.

4.454. CaPC [ER 3.12.96] and the LIR [ER 3.12.98] considered that the CDS was inadequate given the existing risk the village experienced due to surface water flooding, and that the Applicant was relying on mitigation measures such as buffer strips, ponds and ditches that had not been tested with further surface water modelling for their efficacy. The SoCG with the Lead Local Flood Authority ("LLFA") [REP8-002] additionally set out that without ground investigation works, the council could not rely on the mitigation measures proposed.

4.455. The Applicant stood by their arguments throughout Examination that the CDS would be developed further post-consent, the CDS had been designed with a precautionary approach, and that further modelling taking place during the detailed design phase [ER 3.12.111]. Further, the Applicant [REP2-027] stated that it was not policy to improve flood risk problems off-site, and that the testing of mitigation measures at the detailed design stage is a standard approach. In REP6-047, the Applicant further explains that a worst-case scenario for attenuation rates had been used in the absence of infiltration data, and therefore a precautionary approach to the drainage strategy had been adopted.

4.456. The ExA [ER 3.12.127] expressed that they were disappointed that the Applicant had not made steps to resolve the localised flood risk issues in the village of Cassington or Cumnor during the Examination, such as by further developing the CDS by providing data on infiltration rates as was requested, for example [REP4-037]. Further, the ExA noted the risk to life in respect of flooding, and that without the efficacy of the mitigation known at the time of the Examination, it could only conclude that the Proposed Development would be likely to cause adverse effects on local land drainage across significant parts of the central and southern areas [ER 3.12.130]. It was concluded that the assessment does not accord with NPS EN-1 paragraph 5.8.36 [ER3.12.133].

4.457. The Examination also covered surface water issues within the southern site, with CuPC raising its concerns regarding the historic flooding on the site, and the associated flood risk policies within the Cumnor Neighbourhood Plan which the Applicant should adopt to ensure

that there is no unacceptable increase in surface water discharge off-site. CuPC's final position [REP7-076] was that the Applicant had engaged late in the Examination to address flood risk issues and that an unacceptable flood risk to residents and land in the parish remain. The Applicant's final position was that all matters had been agreed with the EA and that they were continuing to engage with the LLFA [REP8-001]. The ExA amended Requirement 9 of the dDCO to include the relevant parish council to be consulted on the conceptual drainage strategy before sign off from the local authority given the strong concern raised by both parish councils throughout Examination.

Information Request and Consultation Responses

4.458. In the information request [C1-001] at paragraph 57, the Secretary of State requested the Applicant to provide further data to evidence the efficacy of the mitigation measures suggested within the CDS [REP4-018]. The Applicant responded on 9 June 2026, with infiltration data presented in Appendix E, Soakway Design Report [C1-087]. The Applicant had undertaken infiltration testing at four locations, coinciding with areas that will have high levels of impermeability such as hard surfaces for the proposed substations. The results suggested that infiltration rates were low, supporting the Applicant's assumption within their drainage strategy that their proposed approach, which predominantly uses methods that do not rely on ground permeability, remains appropriate.

4.459. The Applicant maintained in their response that the CDS was aligned with national and local flood policy, and that given that the CDS will be designed to discharge surface water at a rate restricted to greenfield runoff rates, there will be no increase in flow to receiving watercourses. The Applicant updated the Outline Operational Management Plan ("oOMP'') [REP6-032] to include surface water drainage mitigation measures identified in the CDS and operational monitoring of the ground conditions beneath the solar panels, as well as final sign off by the EA of the oOMP. The Applicant also confirmed that the EA was content with their approach to undertake further modelling at the detailed design stage to ensure efficacy of the proposed drainage design. The ExA considered [ER 3.12.125] that the EA's absence of comments on surface water flooding does not necessarily mean the proposals are acceptable. As noted above, the ExA was not content with the SoCG between the Applicant and the EA and therefore in the information request the Secretary of State requested the EA to clarify its position on all issues in the SoCG, including those related to surface water flooding in Cumnor. The EA responded on 4 June 2026, confirming that the SoCG was correct, which included issues marked as resolved relating to the CDS.

4.460. Responses to the all IPs consultations raised flood risk concerns as a common theme, and CaPC [C3-112] in particular reiterated their concerns that the CDS was underdeveloped, that they disagreed with the Applicant on whether solar panels increase runoff rates, and that fields to the north of the village should be removed to mitigate flood risk.

The Secretary of State's Conclusions

4.461. The Secretary of State notes the ExA's conclusions from ER 3.12.131, which identified fundamental concerns regarding the sequential and exception tests in relation to surface water flood risk, as well as concerns with the approach to developing the CDS. In reaching a decision, the Secretary of State has considered the information submitted by the Applicant and IPs in relation to flood risk concern during both the information request and the first and second all IPs consultation, including those of the EA. The Secretary of State has also had

regard to the joint LIR submitted by the OHA together with the relevant policies and guidance set out in NPS EN-1 concerning flood risk.

4.462. Following the close of the Examination, the Secretary of State is satisfied that the Applicant has applied the Sequential Test for flood risk as part of the site selection as required by paragraph 5.8.36 of NPS EN-1, and the relevant policy on alternatives in section 4.3 accords with the provisions of 2024 NPSs, the NPPF and Local Plans. The Secretary of State concludes that the Exception Test, in line with paragraphs 5.8.11 and 5.8.12 of NPS EN-1, has been met to ensure that the Proposed Development will be designed and constructed to be safe for its lifetime.

4.463. As such, the Secretary of State has reduced the moderate negative weighting ascribed by the ExA to the topic of Hydrology and Flood Risk to limited negative weight against the Order being made. In relation to the CDS and associated mitigation measures, the Secretary of State concluded that, in the event that the Order had been granted, Requirement 9 of the dDCO would have provided reassurance that the final strategy would have been developed in consultation with the relevant parish councils and the EA, with sign off by the LLFA.

Other Planning Matters

Decommissioning

4.464. The Applicant's approach to decommissioning is set out in ES Chapter 6 [APP-043] and the outline Decommissioning Plan ("oDP") [APP-236]. The ExA noted that a significant number of IPs raised concern about the projected lifespan of the Proposed Development and what would happen at decommissioning stage (for example [RR-0205] [RR-0161] [RR-1007] [RR-1086]) [ER 3.13.20]. One of the principal concerns related to whether bonds to secure funding for decommissioning should be included in the dDCO [ER 3.13.20].

4.465. In relation to the issue on funding for decommissioning, the Applicant stated, during Issue-Specific Hearing 1, that assurances could not be given at this stage that there would be funding available in the future for decommissioning [ER 3.13.22]. Further to this, the Applicant stated at Deadline 3 [REP3-064, page 12] that a number of developers had sold solar farms prior to construction [ER 3.13.22] but at the request of the local authority, nevertheless the Applicant agreed to amend Requirement 14 to require notification of any decommissioning at least 12 months prior to any decommissioning taking place [ER 3.13.23].

4.466. IPs requested a decommissioning bond to secure future funding given the alleged vagueness in the Applicant's case [REP2-061] and the apparent intention of the Applicant to walk away from any grant of development consent [ER 3.13.26]. In response to the IPs concerns, the Applicant provided draft wording for an additional Requirement in the dDCO making provision for a bond or other form of financial guarantee for decommissioning purposes. This was offered on a without prejudice basis, to be included in the dDCO even though the Applicant did not consider it to be necessary. The Applicant cited that the Secretary of State has previously not seen the need for such a Requirement when making the Oaklands Solar Farm Order 2025 [REP2-025, Q1.1.16]. The Applicant also provided an extract of the Heads of Terms being agreed with landowners, confirming that land would be reinstated before being returned to such landowners from whom the land was acquired [REP4-037, Q2.5.6] [ER 3.13.27].

4.467. The ExA noted that whilst the burden of compliance with the Applicant's proposed Requirement 14 would be passed on to any other undertaker if the benefit of the Order was transferred, the Applicant had done little to inspire confidence during the Examination that decommissioning could be funded or undertaken fully and properly [ER 3.13.28]. As such, the ExA recommended that the Secretary of State impose an additional Requirement, written into the rDCO to ensure that adequate funding is secured to allow decommissioning at a future date in the form of a decommissioning fund Requirement [ER 3.13.29].

4.468. The ExA concluded that there is sufficient information in the oDP to inform and guide the preparation of a detailed decommissioning plan, but as above, further assurances should be incorporated into the dDCO [ER 3.13.30]. Subject to the imposition of a new Requirement in the rDCO to provide greater security on the future of the Proposed Development post operation, the ExA considered this matter does not weigh for or against the case for development consent [ER 3.13.30].

Secretary of State's Conclusion

4.469. The Secretary of State notes that in accordance with policy NPS EN-1 paragraphs 4.3.5 and 4.10.13, the Applicant provided information regarding the process of decommissioning of the Proposed Development and the lifespan of the infrastructure.

4.470. The Secretary of State notes that the Funding Statement [APP-022] does not refer to the decommissioning costs for the Proposed Development. As such, the Secretary of State agrees with the ExA that there is a general lack of detail around how the decommissioning of the Proposed Development would be funded. However, the Secretary of State does not consider that imposing a decommissioning fund Requirement is necessary in this case. The Secretary of State notes paragraph 2.10.68 of NPS EN-3 which states that solar panels can be decommissioned relatively easily and cheaply and paragraphs 2.10.146 to 2.10.151 of NPS EN-3 which do not establish any policy basis for a decommissioning fund Requirement to be imposed in order to achieve this. The Secretary of State is therefore satisfied that, for the purposes of paragraph 2.10.148 of NPS EN-3, the decommissioning and restoration of the site would already be secured by a separate, legally enforceable Requirement, being Requirement 14 (decommissioning and restoration). This approach is considered consistent with paragraph 4.1.16 of NPS EN-1 which stipulates that the Secretary of State should only impose Requirements that are, amongst other things, necessary and relevant to planning.

4.471. In response to IP concerns regarding the Applicant's intentions for decommissioning following the grant of consent, the Secretary of State is also satisfied that should the Applicant sell the benefit of the Order then the transfer of benefit provisions included in the rDCO are capable of ensuring that Requirement 14 (decommissioning and restoration), would be transferred to any new undertaker, thereby ensuring compliance in perpetuity.

4.472. The Secretary of State's conclusion to depart from the ExA on the need for a decommissioning funding Requirement must, however, be read within the wider context of the decision to refuse consent (see paragraph 3.9 of this Letter). Whilst the need for a decommissioning fund Requirement is academic given that no Order has been made, it remains relevant to the wider question of the weighting for Decommissioning. The Secretary of State agrees with the ExA that this matter has a neutral weighting concerning the case for development consent.

Ground Conditions

4.473. The Applicant addressed ground conditions in ES Chapter 11 [REP5-018]. In consideration of the topic of ground conditions, the Joint LIR [REP1-072] confirmed that, as the majority of the Proposed Development comprised agricultural land, the OHA did not consider it would represent a potentially significant source of concern in relation to contaminants, however, the OHA considered the identified on-site potential infilled areas of ground and former landfill could represent sources of contaminants [ER 3.13.78]. Despite this, at paragraph 7.6.5 of [REP1-072] the OHA accepted that any such contaminants could be readily mitigated by best practice measures and construction drainage design [ER 3.13.79].

4.474. The EA raised concern regarding the Hensington Cutting Landfill, through which cables might be laid [REP4-039] and that the potential for leachate generation from this site had not been fully taken into account [REP4-039] and [REP6-042] [ER 3.13.81].

4.475. In response, the Applicant stated at [REP7-036] that should a potential source pathway-receptor linkage be identified on completion of the proposed ground investigation, HDD will be progressed below the landfill mass with its construction method supported by the findings of the ground investigation (and subsequent risk assessment) (Commitment 11.2 of the Commitments Schedule [APP-129]). The matter is not shown as being resolved in the SoCG with the EA [REP7-036, page 14], although the SoCG is signed and the Applicant's explanation is included [ER 3.13.81 and ER 3.13.82].

4.476. Having considered the requirements of NPS EN-1 on existing ground conditions and potential risks from land contamination, the ExA concluded that the Proposed Development would not increase ground contamination [ER 3.13.84]. The ExA ascribed a neutral weight with regard to the consideration of ground conditions in the making of the Order [ER 3.13.85].

Information Request and Consultation Responses

4.477. Noting the information within the SoCG between the EA and the Applicant [REP7-036] in regard to leachate generation from Hensington Cutting Landfill, the Secretary of State requested in the information request at paragraph 53 [C1-001], that the EA confirm if they are satisfied with the Applicant's position regarding this matter. The EA responded [C1-019] confirming that the Applicant has satisfactorily addressed the matter. The EA also noted for completeness that the RPS comment in the SoCG refers to Table 11.15 of Chapter 11 in error and should instead reference Table 11.16.

Secretary of State's Conclusions

4.478. The Secretary of State has had regard to NPS EN-1 and specifically paragraph 5.11.17 which requires the Applicant to ensure that a site is suitable for its proposed use, whilst taking into account ground conditions and any risks arising from land instability and contamination.

4.479. The Secretary of State notes the principal issue identified during Examination related to the potential for leachate generation from Hensington Cutting Landfill. Having considered the Applicant's proposed commitments, (Commitment 11.2 of the Commitments Schedule [APP-129]) including the further ground investigation, risk assessment and use of HDD beneath the landfill where appropriate, together with the EA's confirmation in response to the information request that it is satisfied with the Applicant's approach, the Secretary of State is satisfied that contamination risks can be appropriately managed and that the site is suitable for the Proposed Development. The Secretary of State therefore agrees with the ExA that

the matter of ground conditions carries a neutral weighting towards the Proposed Development.

Minerals

4.480. The ExA noted [ER 3.13.41] that the Applicant prepared a Mineral Resources Assessment ("MRA") [APP-195], which estimated that 270 ha of the project area falls within Mineral Safeguarding Areas and estimates a volume of 4,581,500 m^3 of sand and gravel resource would be sterilised for the duration of the development (35 to 42 years). The ExA noted that the conclusions of the MRA were that the temporary nature of the Proposed Development would not permanently sterilise safeguarded sharp sand and gravel reserves, and there would be a possibility that the minerals could be extracted in the future following decommissioning [APP-048, paragraph 11.6.29].

4.481. The ExA further noted [ER 3.13.57] that section 2 of the oDP [REP4-030] states that 33 kV and 275 kV cables laid using horizontal directional drilling would remain in the ground, including in the MSA, and any piles and pile foundations not practicable to remove without major disturbances would be cut to 1 m below ground level to enable ploughing. The ExA considered that these allowances in the oDP, without firm commitments to remove all of the Proposed Development within the MSA, would add to the complexity and difficulty of viably accessing the mineral resource [ER 3.13.70].

4.482. The ExA highlighted the OHA's representation that stated the Proposed Development presented a clear breach of NPS EN-1 paragraph 5.11.19, because the proposal would occupy an MSA, sterilising circa 6.8 million tonnes of primary aggregate, equivalent to 6.97 years of supply for Oxfordshire which would be almost equivalent to the 7-year landbank requirement set out in the NPPF [REP1-072] [ER 3.13.58]. The OHA maintained that for the Proposed Development to be compliant with paragraph 5.11.19 of NPS EN-1, all panels and other structures should be removed from MSAs within the Order limits, amounting to circa 270 ha [ER 3.13.63].

4.483. The Secretary of State notes that the ExA considered there was a failure to meet this policy on safeguarding and concluded that the Applicant made no attempt to safeguard the resource purely on the basis that the Proposed Development would be temporary [ER 3.13.67]. The ExA concluded that the sterilisation would be for a significant amount of resource and over a significant amount of time and through sterilisation, there would be an immediate adverse impact on the availability of mineral resources in Oxfordshire and further concluded that more could have been done to apply the mitigation hierarchy to mineral resources [ER 3.13.72].

4.484. The ExA considered the impacts on mineral resources would carry moderate negative weight against the case for making the development consent order [ER 3.13.73].

Information Request and Consultation Responses

4.485. Noting the consequential sterilisation of the sand and gravel resource, as referred to in paragraph 4.364 in relation to the mitigation hierarchy/alternatives, in the information request, the Secretary of State requested that the Applicant provide justification on their approach to avoid or minimise the effects of the Proposed Development upon mineral resources.

4.486. The Applicant responded [C1-087] stating that they can confirm that before the newly proposed 100 m to 250 m buffer areas (Proposed Buffer Requirement 15) around residential properties are applied, that the areas affected based on the actual panel/apparatus areas is an area of 130 ha (not 270 ha) and a calculated excavation area of 2,222,920 m^3 (with an average depth of 1.70 m - not 4,581,500 m^3) The Applicant concluded that as there are more areas now likely to be removed from the Proposed Development as a result of their Proposed Buffer Requirement 15, the area of minerals affected is likely to be significantly less than previously reported. The Applicant provided additional information on the design parameters of the PV mounting structures, in addition to further information on construction methods and their impacts compared to mineral extraction methods. In terms of alternatives and how mineral reserves were factored into the strategic equation in site selection, the Applicant stated that *'they did not use the location of mineral resource to rule out, in principle, development in this location because: UK planning policy does not prohibit development on mineral reserves, but seeks to prevent unnecessary sterilisation of such reserves. The Applicants considers that the mineral reserve affected by the Project is temporary and will not damage the resource. Mineral Safeguarding Areas (MSA's) were identified by the Applicant, and assessed, concluding the Project's acceptability in all of the circumstances, including urgent national need for renewable energy and security of energy supply.*'

4.487. The OHA responded in the first all IPs consultation [C2-200] to this new information provided by the Applicant stating that in correspondence between the Applicant and OCC, the Applicant quoted a new estimated excavation quantum of 1,974,040 m^3, following a 243,300 m^2 area reduction to reflect the new masterplan. The OHA noted that the Applicant provided the area of land estimated to be covered by PV panels/apparatus with an average depth of excavation of 1.70 m to calculate this figure. The OHA continued that the submitted MRA was not updated to reflect these changes and is therefore not an accurate representation of the impact on the mineral reserve and would therefore welcome further evidence to demonstrate the assumption of an average depth of excavation to be 1.70 m. OCC remained unconvinced that the revised figures accurately reflect the extent to which future mineral extraction would be prevented or hindered. In the OCC's view, a significant amount of mineral resource could be sterilised, more than the figures provided by the Applicant.

4.488. Furthermore, the Secretary of State notes that OCC disputed that the Proposed Development of approximately 40 years can be considered temporary rather than permanent given that it would cover several Mineral Plan Periods. OCC referenced the exceptions that the Applicant intends to apply to the removal of below-ground infrastructure in the MSA including the HDD cabling. The OCC believed the retention of such infrastructure has the potential to result in permanent constraints on future mineral extraction at those locations. OCC voiced further concern that the scale of the affected sand and gravel resource is significant and that the Applicant has not adequately justified why sterilisation of this resource should be accepted. OCC also stated that the amendments to the positioning of solar infrastructure affecting the MSA were principally introduced in response to other environmental and design considerations, including residential amenity, ecological mitigation and landscape requirements, rather than the result of a specific exercise to avoid sterilisation of safeguarded mineral resources. The OCC therefore remained of the view that mineral safeguarding was not a determining factor in the site selection or layout design process.

4.489. In the Applicant's late submission to the information request [C1-094] they stated that they believed the Proposed Development to be in compliance with Policy M8 of the Oxfordshire Minerals and Waste Local Plan ("OMWLP") 2017. Further to this they stated that they made a commitment to remove the infrastructure at decommissioning and that the pile depth of the

frames only affects the overburden and would not materially affect the resource beneath it. In addition, the Applicant mentioned that when they were trying to secure land in the vicinity of the grid connection point, they were able to avoid large parts of the MSA. They concluded that, in terms of the mitigation hierarchy, the Proposed Development has in part avoided the MSA and to the extent part of the Proposed Development still affects the MSA, it has mitigated against by committing to remove the infrastructure above it.

Secretary of State's Conclusions

4.490. The ExA relies on paragraph 226 (f) of the 2024 NPPF and the requirement to maintain a seven-year land bank for sand and gravel. This is consistent with the updated NPPF 2026. The Secretary of State however relies on the policy tests outlined in para 5.11.28 of the NPS EN-1 when ascribing weighting to consideration of matters relating to mineral resources affected by the Proposed Development.

4.491. NPS EN-1 paragraph 5.11.19 states that Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.

4.492. NPS EN-1 paragraph 5.11.28 states that where a Proposed Development has an impact upon an MSA, the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.

4.493. The Secretary of State notes the considerations and views of the OHA and OCC as detailed at paragraphs 4.487 and 4.488 above and considers that in the absence of an updated MRA, including a worst-case scenario figure for the impact on minerals, that there is a lack of evidence to support the revised figures presented. The Applicant has not, therefore, provided an accurate or reliable representation of the impact of the Proposed Development on the mineral reserve.

4.494. Due to the lack of an updated MRA from the Applicant, or an updated oDP that could commit the Applicant to removing all infrastructure above and below ground, the Secretary of State cannot confidently rely on the Applicant's assertion in Annex 1 of their cover letter provided in their late submissions to the information request [C1-094], that they are committed to removing 'the infrastructure' at decommissioning as evidence of a lack of harm from the Proposed Development to mineral resources.

4.495. Furthermore, because the buffers outlined in Proposed Buffer Requirement 15 are not yet fixed and are subject to post-consent agreements with landowners, the Secretary of State cannot confidently rely on the Applicant's conclusion referred to in paragraph 4.486, that further reductions in panels from the Proposed Development would result in less harm to the mineral reserve from the Proposed Development.

4.496. The Secretary of State therefore agrees with the moderate negative weighting applied by the ExA against making the Order.

Waste

4.497. The Secretary of State notes the concerns raised by the ExA, particularly that OCC, as the Waste Planning Authority ("WPA"), requested a more detailed projection of waste arisings in the ES alongside a clear plan for the removal and management of the waste during both operational and decommissioning phases [ER 3.13.43]. The OHA stated that to be able to

fully assess the impact of this development on existing waste management facilities within Oxfordshire, not just landfill, and to plan for future waste management needs, the OHA continues to require more detailed projections of waste types [ER 3.13.50].

4.498. The Secretary of State notes the further concerns raised by the ExA during the Examination regarding the content and adequacy of the outline Operational Management Plan ("oOMP") [APP-234] and the oDP [ER 3.13.43]. In response to requests for a bill of quantities to help inform the OHA and the Examination, the Applicant declined [REP2-025, Q1.18.4] [REP4-037, Q2.17.2]. The Secretary of State further notes that IPs had expressed concern regarding the certainty of the Applicant's proposals for decommissioning the panels and the consequential impact on the management of waste. This was particularly the case for those who noted that no waste re-processors had been identified at any stage of the Examination [REP7-164] [ER 3.13.49].

4.499. The ExA stated that definitive detail is absent from the information provided by the Applicant and there was a distinct emphasis on the need to resolve matters post-consent [ER 3.13.53]. The ExA considered that deferring waste matters to the post-consent stage is not compliant with NPS EN-1 policies [ER 3.13.55].

4.500. The ExA concluded that there could be an impact on waste management facilities that has not yet been planned for. This could have adverse effects on the waste management network and there are no planned mitigations in place [APP-055, table 18.32].

4.501. The ExA concluded that this matter carried little negative weight against the case for development consent [ER 3.13.56].

Information Request and Consultation Responses

4.502. With reference to NPS EN-1 paragraph 5.15.9, in the information request, the Secretary of State requested that the Applicant provide an update on their proposed arrangements for the disposal of solar panels, including whether suitable waste-processing and recycling facilities have been identified. The Secretary of State also requested both the Applicant and the OHA to provide detail of any further consultation that has taken place since the end of Examination on this matter [C1-001].

4.503. The Applicant, in response to the information request [C1-087], confirmed that a meeting with OHA had taken place on 28 May 2026. The Applicant committed to provide the OHA with more detail relating to likely waste arisings and specific capacities of processing infrastructure likely to be used during the operational phase.

4.504. The OHA, in responding [C1-024] to the information request, also confirmed that at a meeting on 28 May 2026 between the Applicant and OCC, that the Applicant had agreed to provide information in relation to PV panel recycling infrastructure at a national and local level as well as an estimated timeline of waste arisings over the duration of the Proposed Development.

4.505. The OHA, in response [C2-200] to the first all IPs consultation, advised that discussions had continued between the Applicant and OCC. OCC stated that the Applicant estimates that over the 38 operational years of the development, a total of 1,854,096 PV modules will require recycling, including 30,096 modules which will require replacement during the operational period due to failure. The OHA also noted that in response to the information request, the Applicant had provided a list of 8 current operators who undertake PV recycling,

of which only 3 have indicated what their waste capacity is. The OHA stated that the information provided does not give sufficient certainty regarding the management of waste arisings from the development and whilst the Applicant maintains that sufficient capacity is available to accommodate the scale of waste estimated to arise from the Proposed Development, OCC is unable to agree with this conclusion as there is insufficient evidence to support this finding. The OHA stated that OCC remained of the view that insufficient information had been provided to demonstrate compliance with paragraph 5.15.9 of NPS EN-1, and that further evidence was required to demonstrate how waste arisings would be managed and whether suitable treatment and recycling capacity would be available when required.

4.506. In the Applicant's late response to the information request [C1-094], the Applicant provided information on their position and the OHA's position in relation to the outstanding matters relating to waste. The Applicant confirmed that the matter remains unresolved between the parties.

Secretary of State's Conclusions

4.507. NPS EN-1 paragraph 5.15.8 states the Applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste.

4.508. NPS EN-1 paragraph 5.15.9 states the Applicant should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation.

4.509. NPS EN-1 paragraph 5.15.15 states the Secretary of State should be satisfied that the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area.

4.510. NPS EN-1 paragraph 5.15.16 states that where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied.

4.511. With regard to NPS EN-1 paragraph 5.15.8, 5.15.9, 5.15.15 and 5.15.16, and with awareness of the Applicant and the OHA's submissions (and Applicant's late submissions) to the information request and first all IPs consultation, the Secretary of State agrees with the OHA's position that this matter is yet to be resolved, noting that the Applicant has not yet provided enough detail about how waste would be managed in the next five years.

4.512. Notwithstanding that NPS EN-1 paragraph 5.15.16 provides for requirements to be imposed to ensure appropriate measures for waste management are applied, the Secretary of State agrees with the ExA that deferring waste matters to the post-consent stage does not avoid non-compliance with the NPS EN-1 policies and that there could be an impact on waste management that has not yet been planned for.

4.513. The Secretary of State therefore agrees with the ExA's weighting and ascribes limited negative weight to the impacts of the Proposed Development regarding the topic of waste, noting that is the same weighting afforded by the ExA.

Responses to the Secretary of State's First and Second all IPs Consultations

4.514. The Secretary of State has considered the submissions received in response to both the first and second all IPs consultations. The Secretary of State notes that approximately 510 responses were received across the two consultations, comprising submissions both in support, and in opposition to, the Proposed Development. The responses raised a broad range of issues relating to the Proposed Development, including matters considered during the Examination, as well as issues arising from information submitted during the decision-making stage. Whilst this Decision Letter does not address each individual submission separately, the Secretary of State is satisfied that the principal issues raised have been considered and, where relevant, are reflected in the analysis set out in the preceding sections of this Letter. Accordingly, the Secretary of State has had regard to the submissions, alongside all other relevant and material considerations, in reaching this decision.

5. Habitats Regulations Assessment

5.1. The Secretary of State has undertaken a Habitats Regulations Assessment ("HRA") and carefully considered the information presented during the Examination in regard to the Habitats Regulations Assessment, including the HRA Report [REP6-022] as submitted by the Applicant, the Report on the Implications for European Sites [PD-016] as produced by the ExA ("the RIES"), the ES, representations made by IPs, and the ExA's Report. The Secretary of State notes that the RIES was completed prior to the submission of the Applicant's final HRA report, and is therefore not reflective of the final conclusions regarding all Likely Significant Effects ("LSE"). The paragraphs below should be read alongside the Secretary of State's HRA, published alongside this letter, which details in full the Secretary of State's reasoning for the conclusions set out within this section.

5.2. The Proposed Development has the potential to have a Likely Significant Effect on the following protected sites in regard to project alone effects, and effects in-combination with other plans or projects: Oxford Meadows Special Area of Conservation ("SAC'') and Cothill Fen SAC. Air quality impacts and changes in water quality during construction, and the spread of Invasive Non-Native Species during construction and operation, were taken forward to Appropriate Assessment for Oxford Meadows SAC. No impacts to Cothill Fen SAC were taken forward to Appropriate Assessment.

5.3. During Examination, air quality impacts during construction were the primary HRA topic discussed. Given the projected Average Annual Daily Traffic increases on roads adjacent to the Oxford Meadows SAC, and sensitivity of the SAC features to nitrogen deposition, the ExA proposed that additional air quality modelling was required to determine Adverse Effects on Integrity ("AEoI'') [PD-008]. NE agreed a more precautionary assessment was required [REP2-057]. The additional air quality modelling provided by the Applicant determined that cumulative nitrogen deposition from construction traffic emissions, in-combination with other plans and projects, was projected to exceed the lower critical load for the Oxford Meadows SAC [REP6-022, Annex E]. The modelling concluded that the points at which the exceedances were to occur were situated on hardstanding, concluding that the SAC features would therefore be unaffected by the increased nitrogen deposition. The completion of further modelling enabled the formation of revised conclusions within the HRA Report [REP6-022]. NE [REP7-040], and subsequently the ExA [ER C1.4.3], both confirmed that adverse effects on integrity could be excluded based on the revised conclusions.

5.4. In line with NE and the ExA, the Secretary of State sees no reason to disagree with the Applicant's position and is content to conclude that AEoI on Oxford Meadows SAC can be excluded. Therefore, based on the information available, and as the Competent Authority in this regard, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, would not cause an adverse effect on the integrity of any feature of any protected sites, and is satisfied that further tests set out in the Habitats Regulations are therefore not required.

6. Compulsory Acquisition, Land Rights and Related Matters

6.1. The ExA set out that the dDCO [APP-015] and all subsequent versions include provision for the Compulsory Acquisition ("CA") of freehold interests and private rights, the extinguishment of existing rights and the creation of new rights over land, and that they also contain provisions for the Temporary Possession ("TP") of land to facilitate the works [ER 6.3.1].

6.2. The ExA noted that none of the land proposed for CA or TP included in the CA request is National Trust Land, open space, common land, Special category land or replacement land [ER 6.3.5]. Further, the dDCO does not request access and rights over Crown land.

ExA's Recommendations

6.3. The ExA's primary recommendation is that the Secretary of State should not make an Order granting development consent for the Application [ER 8.3.2]. The ExA set out that if contrary to the ExA's primary recommendation, the Secretary of State disagrees with this recommendation, and is minded to grant an Order for Development Consent, then in relation to the Application for CA within the Order, the ExA recommends the grant of CA powers as set out in chapter 6 of the ER, save for amendments to the Protective Provisions ("PP") for Thames Water Utilities Limited ("TWUL") and Network Rail Infrastructure Limited ("NR"), and in that case consultation with TWUL and NR would be required before the DCO is finalised [ER 8.3.3].

6.4. The ExA stated that should the Secretary of State disagree with the ExA's recommendation for the Application, the ExA has considered the request for CA powers in chapter 6 and concludes that, in that eventuality there would be a compelling case in the public interest for the grant of the CA powers sought by the Applicant [ER 8.2.7]**.** However, the ExA concluded that, without agreed wording between the Applicant, TWUL and NR, before the Secretary of State's decision, the PPs did not fully safeguard their interests and granting the rDCO could cause serious detriment to their undertakings. It therefore considered that the Applicant had not met the tests in sections 127 and 138 of the 2008 Act, although it would be satisfied that those tests were met if the wording were agreed before the decision [ER 6.6.6]. Post exam engagement with those statutory undertakers is addressed in the following section.

Information Request and Consultation Responses

Statutory Undertakers (SU) and Protective Provisions (PP)

6.5. Notwithstanding the ExA's primary recommendation, the Secretary of State notes the unresolved matters set out by the ExA in respect of TWUL [ER 6.5.218 to ER 6.5.224], and NR [ER 6.5.226 to ER 6.5.231]. In conclusion, the ExA stated that the PPs for TWUL and NR had not been agreed at the close of the Examination [ER 6.5.235], and that they were not satisfied that the PPs fully safeguard the interests of those Statutory Undertakers ("SU(s)") [ER 6.5.236]. In view of this, the Secretary of State asked the Applicant, NR and

TWUL in the information request (paragraphs 58 and 59), to provide an update on whether any agreement had been reached regarding negotiations and the text of PPs. In addition, an update was sought from NGET in the information request (paragraph 60) on the status of execution formalities for an agreement between NGET and the Applicant.

Network Rail (NR)

6.6. NR responded to the information request [C1-030] confirming that an agreement had been reached between the Applicant and NR to secure an agreed form of PPs, compliance with clearance conditions, and the requirement to enter into a property agreement (currently being negotiated). NR stated they expect to withdraw their objection once execution formalities were completed and confirmed that there were no substantive issues outstanding between the parties. NR also confirmed that plots 6-05, 6-08 and 8-17 are no longer required. A further update was provided in response [C2-187] to the first All IPs consultation, confirming that NR had entered into a framework agreement on 1 July 2026 and relevant subsidiary documents, and that the Applicant has agreed to comply with NR's standard PPs and have agreed to settle into any asset protection agreements and property agreements as required by NR. NR confirmed the withdrawal of their objection and section 42 representation.

6.7. The Applicant confirmed in the late submission cover letter [C1-094] that there are no outstanding matters between the parties and that they understood that NR's objection is withdrawn.

Thames Water Utilities Limited (TWUL)

6.8. TWUL responded to the information request [C1-027] and confirmed that work to complete relevant property agreements, which include a Deed of Variation and an Easement to grant the Applicant the relevant interest in TWUL's operational land has been progressing but was unlikely to be completed by the deadline to the information request. TWUL later confirmed [C2-023] in response to the first All IP consultation that property agreements were still under negotiation and were nearly settled, the purpose of these documents being to grant the Applicant the relevant land interests in TWUL land such that the Applicant will not need to exercise its compulsory purchase powers. Regardless of the position as to the Property Agreements, TWUL confirm that they require a restriction on compulsory purchase powers in the DCO.

6.9. The Applicant confirmed [C1-087] in response to the information request that since the close of the Examination they have continued to work with TWUL, and that substantial progress has been made to the documentation, and that the parties are near to agreement although some points are outstanding. Despite the request of the Secretary of State to provide details of where areas of disagreement remain, this detail was not provided by the Applicant. No further update on negotiations with TWUL was given in the Applicant's late submission.

National Grid Energy Transmission (NGET)

6.10. In response to the information request, (paragraph 60), NGET confirmed [C1-028] that they supported the Applicant in preparing a joint response. The Applicant confirmed [C1-087] that both parties signed and completed a side agreement on 13 November 2025, and that there are no outstanding matters between the parties in respect of the protective provisions.

Secretary of State's Conclusions on Statutory Undertakers

6.11. *Network Rail* - Whilst confirmation of the withdrawal of NR's objection has been received, the Secretary of State has not received any updated PPs, as requested in the information request. However, the Secretary of State notes the Schedule of Negotiations ("SoN") [C1-084] confirms that Protective Provisions are agreed, and NR's response from the first all IPs also confirmed that the Applicant has agreed to comply with NR's standard PPs. Whilst the Secretary of State has not had sight of any standard NR PPs, considering the latest position of NR and the Applicant, the Secretary of State concludes that the matter is resolved.

6.12. *TWUL* - Whilst TWUL and the Applicant confirm that work is progressing, confirmation of the withdrawal of TWUL's objection and wording for the missing provisions regarding CA [ER 6.5.224], has not been provided. The Secretary of State also notes no change has been made to the status of negotiations in the SoN [C1-084], and no status is provided on PPs. This matter remains outstanding, and therefore the Secretary of State agrees with the ExA that Part 5 of Schedule 15 would have the potential to detrimentally impair TWUL's ability to exercise its statutory functions if the Order was being made [ER 6.5.231].

6.13. *NGET* – The Secretary of State notes that there are no outstanding matters.

6.14. The Secretary of State agrees with the ExA that, because the outstanding matters concerning TWUL remain unresolved, the Applicant has not satisfied the tests in sections 127 and 138 of the 2008 Act [ER 6.6.6].

Individual Representations and Objections

6.15. The ExA identified those individuals/organisations whose land was subject to CA or TP powers but had not finalised any agreements with the Applicant at the close of the Examination [ER 6.5.52 to ER 6.5.199]. In the information request (paragraph 61), the Secretary of State sought an update from the Applicant and a number of Affected Persons ("AP(s)") where negotiations were indicated as ongoing in the Negotiations Tracker [REP7-011]. The Applicant was also requested to make the necessary updates to the Book of Reference ("BoR") [REP7-013], SoR [CR2-015] and SoN [REP7-048] in respect of unregistered/unknown land ownership, (paragraphs 62 and 63 of the information request).

Outstanding Land Interests for which updates have been provided

6.16. In response to the information request the Applicant provided an update on each land interest requested in paragraph 61 of the information request [C1-087] setting out that updates were provided in the Land and Rights Negotiation tracker Rev 10 [C1-042]**.** The Applicant confirmed in this response that since the close of Examination, a number of Heads of Terms have been 'reached' and signed with the respective IPs and are progressing through the legal process. The Applicant stated they remain committed to completing voluntary agreements with all IPs where possible and has been actively engaging with parties post-Examination to conclude agreements.

6.17. The specific responses from APs to the information request, and the first and second consultations, relating to updates to land rights matters were received from the following:

- Ms Karen Squibb, on behalf of Mr Dustin Dryden [C1-012, C1-013, C1-014, C1-015, C1-020, C1-023, C1-031, C2-002, C2-017, C2-212, C3-004, C3-005 and C3-248]. The

responses confirm that objections are still outstanding and negotiations have not progressed further.

- Brown Jackson LLP on behalf of Siemens [C1-016]. This response stated that parties are in agreement for most parts of the Heads of Terms. However, it has been agreed that discussions are on pause and will not be finalised until a decision on the cable route, or consent is granted.
- Blenheim Trustee Company, the Sunderland Foundation, and Vanbrugh Trustees Limited [C1-032]. This response confirmed that there are no substantive matters outstanding.
- Gateley Legal on behalf of The Chancellor Masters and Scholars of the University of Oxford [C1-018]. This response confirmed that parties are 'very progressed' in agreeing Heads of Terms.

6.18. The Secretary of State has not received any further responses from the other APs from whom updates were sought in the information request. The Secretary of State has, however, noted the summary provided by the Applicant as set out in paragraph 6.16 above.

Secretary of State's Conclusions

6.19. In this case, for the reasons set out in section 4 of this decision letter, the Secretary of State has refused to grant this Application for a Development Consent Order. That being the case, there is no Order for which any CA, TP or other land powers can be authorised.

6.20. The Secretary of State notes and agrees with the conclusions of the ExA set out on matters regarding availability and adequacy of funding [ER 6.5.36 to ER 6.5.37] and Crown Land and Blenheim Palace [ER 6.5.46 to ER 6.5.48].

6.21. The Secretary of State has noted the responses received and objections raised by APs and the statutory undertakers. The Secretary of State notes the ExA's conclusions at [ER 6.6.2 to ER 6.6.8] on CA and related matters, to recommend CA and related powers in the event that the Secretary of State is minded to grant Development Consent [ER 6.6.9]. Whilst some negotiations are ongoing, the Secretary of State agrees with the ExA, that based on the Application before the ExA, and on which the ExA's recommendation was based, the powers sought would be necessary in the event the Order was being made.

6.22. However, the Applicant's post-Examination changes discussed in paragraph 4.14 of this Letter have resulted in a reduction in the generating capacity and the extent of the solar arrays. The Secretary of State notes comments in a number of responses to the second All IP consultation concerning at least 300 ha no longer being used for solar panels. These responses consider that an amendment to the red-line boundary is necessary to provide certainty that the land will not be used for panels, thereby allowing the land to remain in agricultural use. The responses consider that there appears to be no compelling planning justification for retaining powers over land that is no longer required for the Proposed Development. This matter was also raised by SBW [C3-114], CuPC [C3-179], CaPC [C3-112] and Hanborough Parish Council ("HaPC").

6.23. Section 122 of the 2008 Act provides that an order granting development consent may only include provision authorising the compulsory acquisition of land if the Secretary of State is satisfied that two conditions are met. Pursuant to subsection (2) of section 122 of the 2008 Act the first condition is that land subject to CA: must be required for the development to

which the development consent relates; must be required to facilitate or be incidental to the development; or is replacement land which is to be given in exchange for the order land under section 131 or 132 of the 2008 Act. Pursuant to subsection (3) of section 122 of the 2008 Act, the second condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.

6.24. The Secretary of State considers that the Applicant has proposed late reductions to the solar array areas in an attempt to mitigate residential visual amenity and other environmental impacts. However, the detailed implications of those reductions, including the extent of land ultimately required for compulsory acquisition, would not be established until the post-consent stage (as outlined in paragraphs 4.272 *et seq* of this Letter).

6.25. Therefore, notwithstanding that the Application for Development Consent has been refused and there is no Order to be made, the Secretary of State is not satisfied in any event that all of the land to be acquired is required for the purposes of the Proposed Development, or that it is required to facilitate or is incidental to the Proposed Development (or that it is replacement land), thereby failing to satisfy the condition in section 122(2) of the 2008 Act. Further, the Secretary of State is not satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily, as required under section 122(3) of the 2008 Act, as the planning balance does not lie with the granting of the Order.

6.26. As the Secretary of State has not granted the Order (and therefore no powers of compulsory purchase have been granted) there is no interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance and Conclusions

Green Belt and Very Special Circumstances

ExA's Consideration and Conclusion on Very Special Circumstances (VSCs)

7.1. The ExA considered the Applicant's case which asserts that the Proposed Development in the Green Belt is justified by VSCs [ER 5.4.4]. It assessed the principal benefits relied upon by the Applicant before reaching an overall conclusion on whether those factors clearly outweighed the Green Belt harm and any other harm identified [ER 5.4.10 to 5.4.15].

7.2. The ExA discussed the Green Belt, other harms and VSCs in the planning balance section [ER 5.4.2 to 5.4.14]. The ExA stated that it is necessary to weigh other harms arising from the Proposed Development, alongside the substantial harm to the Green Belt, and the considerations in favour of the proposal to determine whether VSCs exist [ER 5.4.3].

7.3. The ExA concluded that there would be substantial harm to the Green Belt and its openness through significant loss and urbanisation conflicting with all purposes of the Green Belt. In the ExA's view this necessitated the need to consider whether other considerations exist that would amount to VSCs to outweigh the harm to the Green Belt [ER 5.4.12].

7.4. The ExA noted the Applicant's principal stated position [REP2-027] that the Secretary of State will take as a starting point that CNP infrastructure has met the VSC test [ER 5.4.4]. The ExA further noted that the Applicant's VSC is predicated on the need for the Proposed Development being established by national policy, described as being a critical national priority [ER 5.4.5].

7.5. The Applicant also set out other factors which it considered contributed towards VSC, summarised by the ExA [ER 5.4.6] as set out below:

- VSC2 – Overall compliance with relevant NPS and relevant parts of approved and emerging plans;
- VSC3 – Renewable energy to power the equivalent of 330,000 homes;
- VSC4 - Biodiversity net gain;
- VSC5 - Economic, education and sustainability benefits; and
- VSC6 – Landscape and access legacy.

7.6. The Secretary of State also notes VSC1 (meeting the urgent need for secure, clean, renewable energy) as set out in the PSS which is, for unknown reasons, omitted from the ExA's summary of VSCs in the ExA Report listed above.

7.7. In concluding on the matter of Green Belt, VSCs and other harms, the ExA firstly acknowledged that paragraph 4.2.17 of NPS EN-1 states that the Secretary of State will take as a starting point that CNP infrastructure will meet the tests that, for the Green Belt, VSCs would justify the development. In light of this, the ExA accepted that the need for the Proposed Development is established by national policy and that alone affords very substantial weight in the planning balance [ER 5.4.11]. The Secretary of State presumes this conclusion is linked to VSC1. However, that is not clear from the ExA's reasoning.

7.8. The ExA then moved on to consideration of the remaining VSCs and found that only VSC3 and VSC4 carried weight in favour of the Proposed Development. The ExA did not consider the other VSC's listed as substantive in their own right for the reasons given at [ER 5.4.10].

7.9. The ExA further concluded that collectively these other considerations were not considered substantive enough to amount to VSCs to outweigh the substantial harm to the Green Belt, substantial harm to Green Belt openness and all the other harms identified in the overall planning balance [ER table 6] [ER 5.4.14]. The ExA therefore concluded that the Proposed Development conflicted with NPS EN-1 paragraphs 5.11.36 and 5.11.37, NPS EN-3, NPS EN-5 and the relevant policies of the NPPF, and that this conflict added weight to the case against the grant of development consent [ER 5.4.15].

Secretary of State's Conclusions

7.10. As noted at paragraphs 4.123 to 4.127 of this Letter, the Secretary of State concludes that in addition to the harm by reason of inappropriateness, the Proposed Development would cause substantial harm to the openness of the Green Belt, significant harm to all five purposes of the Green Belt, and that the Applicant has failed to properly apply the mitigation hierarchy in respect of Green Belt harm. The Secretary of State therefore ascribes substantial negative weight to such harm.

7.11. As set out throughout this decision letter, the Applicant has failed to properly apply the mitigation hierarchy, resulting in a number of unmitigated residual adverse effects. The Secretary of State agrees with the ExA at [ER 5.5.2] that the Applicant has promoted the Proposed Development as CNP infrastructure and has determined, in doing so, that impacts are inevitable and acceptable, and so has not appropriately applied the mitigation hierarchy. The Secretary of State also agrees with the ExA that this approach has been systemic from the outset and that it has resulted in a number of significant residual adverse effects

remaining at the time a decision on consent must be made [ER 5.5.2 and ER 5.5.3] including in respect of Green Belt harm as set out at paragraph 4.126 of this Letter. The Secretary of State is therefore not satisfied that the Applicant's assessment demonstrates that the requirements set out in NPS EN-1 paragraphs 4.2.10 to 4.2.12 have been met. In light of these findings, the Secretary of State does not consider, for the purposes of NPS EN-1 paragraph 4.2.14, the CNP policy presumptions in paragraphs 4.2.15 and 4.2.16 of NPS EN-1 apply. As a consequence, the Secretary of State considers that the subsequent weighing exercise should not therefore proceed on the basis of the starting point in favour of CNP infrastructure set out in paragraph 4.2.17 of NPS EN-1.

7.12. The Secretary of State has considered whether there are VSCs to be weighed against the harm to the Green Belt and other harms arising from the Proposed Development. The Secretary of State notes the ExA's conclusions and agrees that VSC3 and VSC4 carry weight in favour of the Proposed Development. The Secretary of State also considers that VSC1 carries weight in accordance with paragraph 5.11.37 of NPS EN-1 and Policy W3:1(a) of the 2026 NPPF.

7.13. The Secretary of State further agrees with the ExA for the reasons set out at ER 5.4.10 that the other VSCs (VSC2, VSC5 and VSC6) are not substantive in their own right.

7.14. Taking these matters into account, the Secretary of State notes the identified harm to the Green Belt, its openness and all other harms identified in the planning balance section of this Letter for the purposes of NPS EN-1 paragraph 5.11.36, most notably the substantial landscape and visual harm, aviation safety at LOA and the resultant public safety risks, as set out in paragraphs 4.413 to 4.423 above, and harm to designated HAs (including Blenheim Palace WHS).

7.15. In considering whether VSC exist to justify the Proposed Development in the Green Belt, the Secretary of State has applied NPS EN-1 paragraph 5.11.36 and Policy GB6:2 of NPPF 2026. These policies provide that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the Proposed Development, are clearly outweighed by other considerations. In applying that test, and having regard NPS EN-1 paragraph 5.11.37, the Secretary of State gives substantial weight to the harm to the Green Belt. The Secretary of State therefore concludes that the potential harm to the Green Belt by reason of inappropriateness, together with the other harm resulting from the Proposed Development, is not clearly outweighed by other considerations. VSC therefore do not exist, and the Green Belt conflict weighs substantially against making the Order.

Secretary of State's Conclusions and Planning Balance

7.16. The Secretary of State accepts the ExA's recommendation to refuse development consent.

7.17. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Alternatives and Site Selection – No ascribed weight;
- Principle of the Development – Substantial positive weight;
- Cultural Heritage – Substantial negative weight;
- Landscape and Visual – Substantial negative weight;
- Geology and Land Use – Substantial negative weight;

- Traffic and Transport (including Aviation) - Substantial negative weight;
- Air Quality – Neutral weight;
- Climate Change – Neutral weight;
- Noise and Vibration – Limited negative weight;
- Other Planning Matters – Decommissioning – Neutral weight;
- Other Planning Matters – National Security – Neutral weight;
- Other Planning Matters – Ground Conditions – Neutral weight;
- Other Planning Matters – Human Health – Neutral weight;
- Other Planning Matters – Cumulative Effects – Neutral weight;
- Other Planning Matters - Minerals – Moderate negative weight; and
- Other Planning Matters – Waste – Limited negative weight.

7.18. The Secretary of State disagrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Ecology and Biodiversity - ascribed neutral weighting by the ExA. The Secretary of State notes the ExA's conclusion that the residual adverse impacts weighed alongside the substantive BNG proposals would be of equal consequence and therefore the ExA attributed neutral weight to biodiversity matters. However, in response to the information request, the Applicant provided further information which improved its approach to mitigation, monitoring and BNG proposals. Taking these improvements and the significant BNG contribution into account, the Secretary of State has decided to depart from the ExA and considers that Ecology and Biodiversity matters should attract limited positive weight in the planning balance, despite the residual impacts.
- Socio-Economics - ascribed neutral weighting by the ExA. The Secretary of State acknowledges the positive socio-economic benefits of the Proposed Development, including local employment opportunities, potential community benefits and measures to maximise benefits for local communities and businesses. However, the unresolved aviation safety issues give rise to a credible risk of consequential economic harm to LOA (as the biggest flight training centre in England) and associated businesses. The Secretary of State considers that this potential harm outweighs the identified socio-economic benefits and therefore has departed from the ExA's ascribed neutral weight. Given the uncertainty over whether and to what extent those economic effects would materialise, the Secretary of State has attributed limited negative weight to Socio-Economic matters in the planning balance.
- Hydrology and Flood Risk – ascribed moderate negative weighting by the ExA. The Secretary of State notes that the weight attributed by the ExA reflected concerns regarding the application of the Sequential and Exception Tests, in addition to the Applicant's approach to the CDS. As a result of further clarification provided by the EA, the Secretary of State is satisfied that the Sequential and Exception Tests have been met in accordance with NPS EN-1. As a result, whilst some concerns remain regarding the CDS, the Secretary of State considers that the weighting should be reduced to limited negative weight in the planning balance.

7.19. The ExA did not ascribe a separate weighting for Green Belt. The Secretary of State agrees with the ExA that the Proposed Development constitutes inappropriate development and would cause substantial harm to the openness of the Green Belt and significant harm to

Green Belt purposes [ER 3.2.52]. Further information provided by the Applicant during the decision-making stage has led the Secretary of State to conclude that Green Belt harm was not adequately avoided, reduced or mitigated by the design process, and the Proposed Buffer Requirement 15 put forward by the Applicant does not alter the Secretary of State's conclusions on the impact on the Green Belt. The Secretary of State therefore considers it appropriate to assign Green Belt harm a separate weighting and having regard to NPS EN-1 paragraph 5.11.37 attributes substantial negative weight in the planning balance.

7.20. However, the various changes to weightings do not alter the Secretary of State's overall assessment of the planning balance. The Secretary of State has ascribed substantial positive weight regarding the need for the Proposed Development. As noted in paragraph 4.7 of this Letter, the ExA ascribed this matter very great positive weight and confirmed that this weight is equivalent to the substantial weight identified in NPS EN-1. As stated above, for the avoidance of any doubt, and for consistency with the policy set out in paragraph 3.2.7 of NPS EN-1, the Secretary of State also ascribes the need case substantial positive weight. While the ExA's conclusions are different in terminology, the weighting ascribed is the same in every other sense.

7.21. It is recognised that all NSIPs will have some potential adverse impacts. In relation to section 104(3) of the 2008 Act the residual adverse impacts have not been assessed as breaching NPS EN-1 and NPS EN-3, however there are some policy conflicts.

7.22. The Secretary of State gives substantial positive weight to the urgent need for the Proposed Development and its contribution to renewable electricity generation, energy security and the mitigation of climate change. Limited positive weight is also given to ecology and biodiversity benefits.

7.23. Weighing against those benefits, the Secretary of State gives substantial negative weight to harm to the Green Belt, substantial negative weight to cultural heritage matters, landscape and visual amenity, geology and land use, and traffic and transport, including unresolved aviation-safety matters. Moderate negative weight is given to impacts on mineral resources, and limited negative weight is given to socio-economic impacts, hydrology and flood risk, noise and vibration, and waste.

7.24. Specifically in relation to aviation impacts, the Secretary of State recognises that NPS EN-1 paragraph 4.1.7 identifies unacceptable levels of risk to public safety as an exception to the CNP presumption. While the Secretary of State does not consider the identified aviation safety risk, taken in isolation to be sufficiently significant to justify refusal, it nonetheless constitutes an adverse residual impact which is given weight in the overall planning balance.

7.25. In terms of the ExA's secondary recommendation (covered in paragraph 2.3 of this Letter), the Secretary of State considers that there are matters still unresolved relating to aviation impacts, landscape and visual harm (including impacts on residential visual amenity), mineral resources and Protective Provisions for Statutory Undertakers.

7.26. Having considered the overall planning balance, and for the reasons set out in this letter, the Secretary of State has concluded that the adverse impact of the Proposed Development would outweigh its benefits. The Secretary of State therefore concludes that development consent should not be granted for the Botley West Solar Farm.

7.27. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by CDC [REP1-052] and OCC [REP1-070], and the Joint LIR submitted by the OHA [REP1-072], the NPSs, the 2024 and 2026 NPPF, PPG, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act. The Secretary of State confirms for the purposes of Regulation 4(2) of the EIA Regulations that the environmental information as defined in Regulation 3(1) of those Regulations has been taken into consideration.

7.28. The Secretary of State has therefore decided to accept the ExA's recommendation and refuse development consent.

8. Other Matters

Equality Act 2010

8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender reassignment; disability; marriage and civil partnerships[20]; pregnancy and maternity; religion and belief; race; sex and sexual orientation.

8.2. In considering this matter, the Secretary of State (as decision maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to refuse consent to the Proposed Development.

8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that refusing consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

8.5. The Secretary of State notes the "general biodiversity objective" to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities

[20] In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

Act 2006 and considers the Application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.

8.6. The Secretary of State is of the view that the ExA's Report, together with the Applicant's ES, considers biodiversity sufficiently to inform the Secretary of State in this respect. If there was an Order to be made, in reaching that decision, the Secretary of State would have had due regard to conserving biodiversity.

Countryside and Rights of Way Act 2000 as amended by section 245 of the Levelling Up and Regeneration Act 2023 ("LURA Act")

8.7. The Secretary of State notes the general duty of public bodies to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty ("AONB") (now National Landscapes), in accordance with section 85(A1) of the Countryside and Rights of Way Act 2000 ("CRoW Act") (which was amended by section 245 of the Levelling Up and Regeneration Act 2023 ("LURA Act")).

8.8. Further detail on the consideration of National Landscapes relevant to the Proposed Development is covered in the Landscape section of this Letter. Accordingly, the Secretary of State has had due regard to the duty in section 85(A1) of the CRoW Act as amended by section 245 of the LURA Act and NPS EN-1 paragraphs 5.10.8 and 5.10.34 in reaching its decision to refuse consent of the Proposed Development.

9. Challenge to Decision

9.1. The circumstances in which the Secretary of State's decision may be challenged are set out in Annex A of this Letter.

10. Publicity for Decision

10.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the 2008 Act and Regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Yours sincerely,

[redacted]

[redacted]

Head of Energy Infrastructure Planning Delivery

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the 2008 Act, a decision to refuse development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010147

Any correspondence with the Department in relation to a claim for judicial review, or proposed claim for judicial review, should be sent by email to the following addresses:

energyinfrastructureplanning@energysecurity.gov.uk and

newproceedings@governmentlegal.gov.uk

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to refuse consent referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
2024 NPSs	the 2024 National Policy Statements EN-1: Overarching National Policy Statement for Energy, EN-3: National Policy Statement for Renewable Energy Infrastructure and EN-5: National Policy Statement for Electricity Networks Infrastructure designated on 17 January 2024
2024 NPPF	2024 National Planning Policy Framework
2026 NPPF	2026 National Planning Policy Framework
AEoI	Adverse Effects on Integrity
ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
APFP Regs	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
AP(s)	Affected Person(s)
BBOWT	Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
BoR	Book of Reference
BSR	Bird Strike Risk
CA	Compulsory Acquisition
CAA	Civil Aviation Authority
CaPC	Cassington Parish Council
CAST	Combined Aerodrome Safeguarding Team
CDC	Cherwell District Council
CDS	Conceptual Drainage Strategy
CIC	Community Interest Company
CNL	Cotswold National Landscape
CNP	Critical National Priority
CPRE	Campaign to Protect Rural England
CR	Change Request(s)
CR1	Change Request 1
CR2	Change Request 2
CRoW Act	Countryside and Rights of Way Act
CuPC	Cumnor Parish Council
DC	Direct Current
dDCO	draft Development Consent Order
DCO	Development Consent Order
DEFRA	Department for Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
EA	Environment Agency
EFATO	Engine Failure After Take off
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	The Examining Authority

Examination	examination
FRA	Flood Risk Assessment
FZ	Flood Zones
GCS	Grid Connection Statement
GHG	Greenhouse Gas
GLVIA3	Guidelines for Landscape and Visual Impact Assessment Third Edition
GPA3	Good Practice Advice in Planning Note 3
ha	Hectare(s)
HA(s)	Heritage Asset(s)
HaPC	Hanborough Parish Council
HDD	Horizontal Directional Drilling
HE	Historic England
HIA	Heritage Impact Assessment
HRA	Habitats Regulations Assessment
ICOMOS	International Council of Monuments and Sites
ICOMOS-UK	International Council of Monuments and Sites UK
ILS	Instrument Landing System
IP(s)	Interested Parties
km	Kilometres
kV	Kilovolt
late submission	late submission to the information request
LBs	Listed Building(s)
LCA	Landscape Character Assessment
LCOE	Levelised Cost of Energy
LEMP	Landscape and Ecology Management Plan
LI TGN 2/19	Landscape Institute Technical Guidance Note 2/19 Residential Visual Amenity Assessment
LIR(s)	Local Impact Report(s)
LLFA	Lead Local Flood Authority
LOA	London Oxford Airport
LRN	Local Road Network
LRST	Local Runway Safety Team
LSE	Likely Significant Effect
LURA Act	Levelling Up and Regeneration Act 2023
LVIA	Landscape and Visual Impact Assessment
m	Metres
MRA	Mineral Resources Assessment
MSA	Mineral Safeguarding Areas
MW	Megawatt
MWp	Megawatt-peak
NE	Natural England
NESO	National Energy Systems Operator
NGET	National Grid Energy Transmission
NPPF	National Planning Policy Framework
NPS	National Policy Statement

NPS EN-1	Overarching National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NPS EN-5	National Policy Statement for Electricity Networks Infrastructure
NPSA	National Policy Statement for Airports
NR	Network Rail Infrastructure Limited
NSIP	Nationally Significant Infrastructure Project
OASL	Oxford Aviation Services Limited
OCAS	Oxfordshire County Archaeological Services
OCC	Oxfordshire County Council
oCoCP	outline Code of Construction Practice
oDP	outline Decommissioning Plan
OHA	Oxfordshire Host Authorities
oLEMP	outline Landscape and Ecology Management Plan
oLEMP Supplement	oLEMP Supplement – Design Response to Local Landscape Character
oLPD	outline Layout and Principles Document
OMWLP	Oxfordshire Minerals and Waste Local Plan
oOMP	outline Operational Management Plan
oRVAP	outline Residential Visual Amenity Plan
oSCS	outline Skylark Compensation Strategy
oSSCEP	outline Skills Supply Chain and Employment Plan
OUV	Outstanding Universal Value
PCS units	Power Converter Stations
PD	Procedural Decision
PP	Protective Provisions
PPG	Planning Practice Guidance
PRoW	Public Right(s) of Way
PSED	Public Sector Equality Duty
PSS	Planning Supporting Statement
PV	Photovoltaic
rDCO	Recommended Development Consent Order
RPG	Registered Park and Garden
RR	Relevant Representation
RRs	Relevant Representations
RVAA	Residential Visual Amenity Assessment
RVAP	Residential Visual Amenity Plan
SAC	Special Area of Conservation
SBW	Stop Botley West
Section 37	Section 37 of the Electricity Act 1989
SM(s)	Scheduled Monument(s)
SoCG	Statement of Common Ground
SoN	Statement of Negotiations
SoR	Statement of Reasons
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest

SU(s)	Statutory Undertaker(s)
TCPA 1990	The Town and Country Planning Act 1990
TEC	Transmission Entry Capacity
the 2008 Act	The Planning Act 2008
the Applicant	Photovolt Development Partners GmbH (PVDP) on behalf of SolarFive Ltd
the Application	the application submitted on 14 November 2024
the EIA Regulations	the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
the ExA's Report	the Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State
the first all IPs consultation	the representations received in response to the information request
the Habitats Regulations	the Conservation of Habitats and Species Regulations 2017
the information request	a letter seeking information on several matters
the Order	a Development Consent Order
the Proposed Development	the Botley West Solar Farm Project
the RIES	the Report on the Implications for European Sites
the second all IPs consultation	the Applicant's late submission to the information request
the Secretary of State	the Secretary of State for Energy Security and Net Zero
TP	Temporary Possession
TR	Technical Review
TWUL	Thames Water Utilities Limited
UNESCO	United Nations Educational Scientific and Cultural Organisation
VFR	Visual Flight Rules
VoWHDC	Vale of White Horse District Council
VSC(s)	Very Special Circumstances
WHMU	Wildlife Hazard Management Unit
WHS	World Heritage Site
WMS	Written Ministerial Statement
WODC	West Oxfordshire District Council
WPA	Waste Planning Authority
WPO	Without Prejudice Offer
ZTV	Zone of Theoretical Visibility