



EAST PARK ENERGY

East Park Energy

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Appendix 3-5: Review of Site Identification Report
following designation of National Policy Statement EN-3

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Appendix 3-5: Review of Site Identification Report following designation of National Policy Statement EN-3

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Review of Site Identification Report following designation of National Policy Statement EN-3

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1.0 INTRODUCTION

- 1.1.1 Axis was instructed by Brockwell Energy to prepare a Site Identification Report in January 2022, the purpose of which was to identify a preferred ‘Search Zone’ for a proposed solar farm with a generating capacity of 400 megawatts (MW), which is now referred to as ‘the Scheme’.
- 1.1.2 The Site Identification Report was prepared following the publication of the former draft National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) which was published in September 2021, and makes specific reference to that NPS. Since the selection of the Site in June 2022, the September 2021 NPS has been superseded by a March 2023 draft, and then subsequently by the November 2023 NPS EN-3 which was formally designated in January 2024.
- 1.1.3 The designated NPS introduced a number of changes that updated the September 2021 draft. As the Scheme will be determined in accordance with the designated NPS EN-3, the Applicant has instructed Axis to undertake this review and identify the differences between the former draft EN-3 and the designated EN-3, and determine whether those differences would have materially changed the decision-making process, resulting in an alternative site being selected.

2.0 APPROACH TAKEN IN SITE IDENTIFICATION REPORT

- 2.1.1 The Site Identification Report focused on the ‘Factors Influencing Site Selection’ (the ‘Factors’) which were set out in Section 2.48 of the September 2021 draft of EN-3. At the time, these factors were:
- **Irradiance and Site Topography** – irradiance of a site is influenced by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-round irradiance levels;

- **Proximity of a Site to Dwellings** – the two main impact issues that determine distances to sensitive receptors are likely to be visual amenity and glint and glare;
- **Capacity of a Site** – the scale of a site is influenced by its generation capacity, which should be measured based on AC installed capacity, and Applicant's may 'overplant' solar panel arrays to allow for light induced degradation;
- **Grid Connection** – the capacity of the local grid network is critical to the technical feasibility of a development, and the connection voltage, availability of network capacity, and distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal;
- **Agricultural Land Classification and Land Type** – where possible solar projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land which is not 'Best and Most Versatile'; and
- **Accessibility** – access during construction for the delivery of solar arrays and associated infrastructure can be a significant consideration for solar farm siting.

2.1.2 The Factors were used at Stage 4 of the Site Identification Report following the identification of three 'Search Zones'. The Factors were used as the basis of an appraisal of each Search Zone to qualitatively compare each area and determine the most appropriate Search Zone to take forward and identify a Site for the Scheme.

2.1.3 The Site Identification Report concluded that each of the three Search Zones was constrained in some way, and that a balanced consideration of the Factors needed to be taken in order to make a recommendation on the preferred Search Zone to take forward.

2.1.4 The recommendation made in the Site Identification Report was that Search Zone B should be taken forward, with the key determining factor being that

Zone B was likely to have the most straightforward grid connection, which would in turn avoid and reduce environmental impacts, affect less landowners, and ensure that the Scheme remained commercially viable.

- 2.1.5 The key matter for consideration in this technical note is therefore whether there are any changes to the Factors in the designated EN-3 that would have resulted in different weightings being applied such that the grid connection would not have been the key determining factor.

3.0 DIFFERENCES BETWEEN SEPTEMBER 2021 DRAFT NPS EN-3 AND JANUARY 2024 DESIGNATED NPS EN-3

3.1 Comparison of Factors influencing site selection

- 3.1.1 The designated NPS EN-3 retains a series of 'Factors influencing site selection' which are now set out between paragraphs 2.10.18 and 2.10.48. The differences in the Factors are summarised in Table 1.

Table 1: Comparison of Factors influencing site selection

Draft NPS EN-3 Heading (September 2021)	Designated NPS EN-3 Heading (January 2024)	Comparison
Irradiance and site topography	Irradiance and site topography	No difference.
Proximity of a site to dwellings	Proximity of a site to dwellings	No difference.
Capacity of a site	-	The designated NPS EN-3 does not include capacity of a site as a factor influencing site selection.
Grid Connection	Network connection	The designated NPS EN-3 now covers factors relating to the grid connection under the heading of 'Network Connection'. The wording and structure of the Network Connection section is different in the designated NPS

Draft NPS EN-3 Heading (September 2021)	Designated NPS EN-3 Heading (January 2024)	Comparison
		compared to the draft NPS and a more detailed comparison is set out below.
Agriculture Land Classification and Land Type	Agriculture land classification and land type	The wording of the Agricultural Land Classification section is different in the designated NPS compared to the draft NPS, and a more detailed comparison is set out below.
Accessibility	Accessibility	The wording of the Accessibility section is different in the designated NPS compared to the draft NPS, and a more detailed comparison is set out below.
-	Public rights of way	The draft NPS EN-3 did not include a section on Public Rights of Way, and this is therefore considered in more detail below.
-	Security and lighting	The draft NPS EN-3 did not include a section on Security and Lighting, and this is therefore considered in more detail below.

3.1.2 Where differences have been identified in Table 1, the relevant Factors are considered further below under separate headings.

3.2 Factor: Capacity of a Site

3.2.1 The designated NPS EN-3 does not include 'Capacity of a Site' as a factor influencing site selection, whereas the draft NPS EN-3 did.

3.2.2 The Site Identification Report gave equivalent weight to each identified Search Zone with regards to this Factor, and it was not determinative in the decision-making process that selected Search Zone B. Therefore, the designated NPS EN-3 not including it as a Factor does not materially affect the decision made in the Site Identification Report.

3.3 Factor: Network Connection

3.3.1 The designated NPS EN-3 now covers factors relating to the grid connection under the heading of 'Network Connection'. The wording and structure of the Network Connection section is different in the designated NPS, and a comparison of the text is set out below.

3.3.2 Extract from the draft NPS EN-3:

2.48.10 The connection of the proposed solar farm into the relevant electricity network will be an important consideration for applicants of solar. The grid connection text at Section 4.10 in EN-1 sets out the important issues.

2.48.11 Most solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical feasibility of a development and as such some larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure. The connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.

2.48.12 The applicant may choose a site based on nearby available grid export capacity. Locating solar farms at places with grid connection capacity enables the applicant to maximise existing grid infrastructure, minimise disruption to local community infrastructure or biodiversity and reduce overall costs. Where this is the case, consideration should be given to the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.

3.3.3 Extract from the designated NPS EN-3:

2.10.21 Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. In particular, and where appropriate, applicants should proceed in a manner consistent with the regulatory regime for offshore transmission networks established by Ofgem, details of which are set out in EN-5.

2.10.22 Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.

2.10.23 Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure.

2.10.24 In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network⁸⁴ can have a significant effect on the commercial feasibility of a development proposal.

2.10.25 To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity.

2.10.26 Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.

Footnote 84: The route and type of terrain traversed by the cabling linking the solar project to the grid connection may also have an impact on the project's viability.

3.3.4 The differences in wording between the draft NPS EN-3 and the designated NPS EN-3 are relatively minor. Of relevance are the following changes:

- The former paragraph 2.48.11 of the draft NPS has been split up into separate paragraphs within the designated NPS, which are now paragraphs 2.10.22 to 2.10.24.
- At paragraph 2.10.22 the designated NPS now recognises that “The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.” [changes emphasised]. This confirms that available grid capacity is not only critical for technical feasibility, but also for commercial feasibility.
- Paragraph 2.10.23 separates out the clarification on larger developments seeking connection to the transmission network, such that paragraph 2.10.22 (above) is read alone for any project, and not only for ‘larger developments’.
- Paragraph 2.10.24 is broadly the same as the comparable sentence within paragraph 2.48.11 of the draft NPS but now includes a reference to Footnote 84 which clarifies that not only the distance from the solar farm to the point of connection is relevant in decision making, but also that the route and type of terrain the cable crosses can impact on a project’s viability.
- The former paragraph 2.48.12 of the draft NPS has been split up into separate paragraphs within the designated NPS, which are now paragraphs 2.10.25 to 2.10.26. The principles of these paragraphs are broadly the same.

3.3.5 Considering the above points, the changes to the wording of the NPS are relatively minor but the implications of the changes are relevant to the decision making of the site selection of the Scheme. The amendments in the designated NPS EN-3 continue to emphasise that capacity within the local grid is critical to a project’s technical and commercial feasibility. The addition of Footnote 84 also acknowledges that the route and type of terrain crossed by a grid connection can impact on a project’s viability.

- 3.3.6 The Site Identification Report gave weight to the benefits of selecting Search Zone B primarily because of its proximity to the point of connection, and that the route and terrain likely to be crossed by the grid connection would have fewer technical constraints. The amendments within the designated NPS EN-3 reinforce this point and strengthen the justification for selecting Zone B.

3.4 Factor: Agriculture Land Classification and Land Type

- 3.4.1 The wording and structure of the Agriculture Land Classification and Land Type section is different in the designated NPS EN-3, and a comparison of the text is set out below.

- 3.4.2 Extract from the draft NPS EN-3:

2.48.13 Solar is a highly flexible technology and as such can be deployed on a wide variety of land types. Where possible, ground mounted Solar PV projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5 (avoiding the use of “Best and Most Versatile” cropland where possible)⁴⁴. However, land type should not be a predominating factor in determining the suitability of the site location.

2.48.14 The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and should be used to establish the ALC and identify the soil types to inform soil management at the construction, operation and decommissioning phases. This should be extended to the underground cabling and access routes. The soil survey may also inform the suitable beneficial use of the land during the operational phase. Criteria for grading the quality of agricultural land using the Agricultural Land Classification (ALC) of England and Wales is decided by Natural England⁴⁵ and considerations relating to land

classification are expected to be made with reference to this guidance, or any successor to it.

2.48.15 Whilst the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2 and 3a, or designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.50 and 2.53. It is recognised that at this scale, it is likely that applicants' developments may use some agricultural land, however applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.

3.4.3 Extract from the designated NPS EN-3:

2.10.28 Solar is a highly flexible technology and as such can be deployed on a wide variety of land types.

2.10.29 While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile' agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

2.10.30 Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 – 92 and 2.10.107 – 2.10.126.

2.10.31 It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land.

2.10.32 Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, storage, hydrogen electrolyzers) to maximise the efficiency of land use.

2.10.33 The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.

2.10.34 Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030.

3.4.4 The differences in wording between the draft NPS and the designated NPS are relatively minor. Of relevance are the following changes:

- The former paragraph 2.48.13 of the draft NPS has been split up into separate paragraphs within the designated NPS, which are now paragraphs 2.10.28 to 2.10.29.

- The wording of paragraph 2.10.29 is amended from the comparable text within 2.48.13 to align more closely with the wording in Planning Practice Guidance. This now states that where possible, applicants should utilise previously developed land, brownfield land, contaminated land or industrial land in the first instance and as part of demonstrating that agricultural land is necessary.
- Paragraph 2.10.29 continues to state that ‘land type should not be a predominating factor in determining the suitability of the site location’.
- The former paragraph 2.48.14 of the draft NPS has been revised within the designated NPS, with the intention of paragraph 2.48.14 not reflected within paragraphs 2.10.33 to 2.10.34. The intention of these amended paragraphs is to continue to support the use of agricultural land classification to establish grading of land, and for the applicant to develop a Soil Resources and Management Plan to manage soils during construction and operation.
- The former paragraph 2.10.15 of the draft NPS has been split up into separate paragraphs within the designated NPS, which are now paragraphs 2.10.30 to 2.10.31. The principles of these paragraphs are broadly the same.
- The designated NPS introduces new text at paragraph 2.10.32 about considering additional functions such as storage or hydrogen electrolyzers to maximise the efficiency of land use.

3.4.5 Considering the above points, the changes to the wording of the NPS are relatively minor do not change the decision-making with regards the consideration of agricultural land classification and its associated weighting within the site selection process.

3.4.6 The Site Identification Report noted that because the draft NPS EN-3 stated land type “*should not be a predominating factor in determining the suitability of a site location*” it was given less weight than the grid connection in decision-making. The designated NPS continues to state land type should not be a

predominating factor, and therefore the conclusions of the Site Identification Report remain valid following designation of the NPS.

- 3.4.7 The additional requirement in the designated NPS to firstly consider previously developed land or brownfield land has already been addressed within Stage 2 of the Site Identification Report.

3.5 Factor: Accessibility

- 3.5.1 The wording and structure of the Accessibility section is different in the designated NPS, and a comparison of the text is set out below.

- 3.5.2 Extract from the draft NPS EN-3:

2.48.16 Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues. Section 5.14 of EN-1 advises on generic traffic and transport impacts while those which are specific to solar farms are considered under Section 2.54 of this NPS. Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.

- 3.5.3 Extract from the designated NPS EN-3:

2.10.35 Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.

2.10.36 Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.

2.10.37 Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.

2.10.38 In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network.

2.10.39 Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.

3.5.4 The key differences in wording between the draft NPS and the designated NPS are as follows:

- The former paragraph 2.48.16 of the draft NPS has been split up into separate paragraphs within the designated NPS, which are now paragraphs 2.10.35 to 2.10.36. The intent and wording of these paragraphs is broadly the same.
- The designated NPS introduces paragraphs 2.10.37 to 2.10.39 which relate to the approach to delivery of on-site access, and the extent of assessment requirements for access routes.

3.5.5 Considering the above points, the changes are very minor and do not change the decision-making that selected Zone B in the Site Identification Report.

3.6 Factor: Public Rights of Way

3.6.1 The draft NPS EN-3 did not include a section on Public Rights of Way. The extracted text from the designated NPS EN-3 is as follows:

2.10.40 Proposed developments may affect the provision of public rights of way networks.⁸⁸

2.10.41 Public rights of way may need to be temporarily closed or diverted to enable construction, however, applicants should keep, as far as is practicable and safe, all public rights of way that cross the

proposed development site open during construction and protect users where a public right of way borders or crosses the site.

2.10.42 Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation of the site.

2.10.43 Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.⁸⁹

2.10.44 Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths), taking into account, where appropriate, the views of landowners.

2.10.45 Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan.

Footnote 88: Public rights of way can include footpaths, bridleways, byways, restricted byways, Nature Trails and other rights of access to land. Further information is provided by the Land Registry at: <https://www.landregistry-titled deeds.co.uk/frequently-asked-questions/information/public-rights-ofway.asp>

Footnote 89: For example, screening along public right-of-way networks to minimise the outlook into the Solar Park may, impact on the ability of users to appreciate the surrounding landscapes.

3.6.2 The above paragraphs relate to how public rights of way should be incorporated within site masterplanning, protected from closure as far as

practicable, and the impact on users of public rights of way minimised where possible.

- 3.6.3 Each of the Search Zones identified in the Site Identification Report include multiple public rights of way as defined in the NPS. The presence or otherwise of public rights of way within a Search Zone would not have been a differentiating factor in making the recommendation of which Search Zone to take forward, as addressing impacts to public rights of way is a consideration at the site masterplanning stage. The above paragraphs do not state that the presence or otherwise of public rights of way should be a determining factor in selecting a site. Therefore, the inclusion of Public Rights of Way as a 'Factor' in the designated NPS does not change the decision-making process and recommendation in the Site Identification Report to take forward Search Zone B.

3.7 Factor: Security and Lighting

- 3.7.1 The draft NPS EN-3 did not include a section on Security and Lighting. The extracted text from the designated NPS EN-3 is as follows:

2.10.46 Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences such as steep gradients, hedging and rivers but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis.

2.10.47 Applicants should assess the visual impact of these security measures, as well as the impacts on local residents, including for example issues relating to intrusion from CCTV and light pollution in the vicinity of the site.

2.10.48 Applicants should consider the need to minimise the impact on the landscape and the visual impact of security measures.

- 3.7.2 The above paragraphs relate to how security and lighting should be incorporated and assessed as part of site masterplanning. The requirement for security and lighting at a site within a Search Zone would not have been a differentiating factor in making the recommendation of which Search Zone to take forward, as addressing impacts these impacts is a consideration at the site masterplanning stage. The above paragraphs do not state that the requirement for security and lighting should be a determining factor in selecting a site. The inclusion of Security and Lighting as a 'Factor' in the designated NPS does not change the decision-making process and recommendation in the Site Identification Report to take forward Search Zone B.

4.0 CONCLUSION

- 4.1.1 A review has been undertaken of the changes to the 'Factors influencing site selection' section of the designated NPS EN-3. The conclusion is that there are no differences between the draft NPS and the designated NPS that would have materially changed the decision-making process, or resulted in an alternative Search Zone being selected.
- 4.1.2 The recommendation of the Site Identification Report to proceed with Search Zone B would have been made had the now designated NPS EN-3 been designated at the time the Site Identification Report was written.