



EAST PARK ENERGY

East Park Energy

EN010141

Note on updated National Planning Policy Framework

Document Reference: EN010141/DR/8.78

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009: Regulation 5(2)(q)

September 2026

Version P01

EAST PARK ENERGY

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Note on updated National Planning Policy Framework

APFP Regulation Reference:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference:	EN010141
Application Document Number:	EN010141/DR/8.78
Author:	Axis PED Ltd

Version	Date	Status
P01	September 2026	Deadline 7

© AXIS P.E.D. Ltd 2026. All rights reserved.

This document and its accompanying documents contain information which is confidential and is intended only for the use of the client. If you are not one of the intended recipients any disclosure, copying, distribution or action taken in reliance on the contents of the information is strictly prohibited.

Unless expressly agreed, any reproduction of material from this document must be requested and authorised in writing from AXIS P.E.D. Ltd. Authorised reproduction of material must include all copyright and proprietary notices in the same form and manner as the original and must not be modified in any way. Acknowledgement of the source of the material must also be included in all references.

CONTENTS

1.0	Introduction	2
1.1	Background	2
2.0	Summary of NPPF Policy Updates	4
3.0	Changes in NPPF Policy Relevant to the Scheme.....	5
4.0	Conclusion.....	20

1.0 INTRODUCTION

1.1 Background

- 1.1.1 This Technical Note has been prepared by Axis on behalf of BSSL Cambsbed 1 Limited (the ‘Applicant’) as part of the examination into an application for a Development Consent Order (DCO) for the East Park Energy project (the ‘Scheme’). The Applicant submitted the application for the DCO on 3rd October 2025, and this was accepted for examination on 30th October 2025.
- 1.1.2 The Scheme is a nationally significant infrastructure project and falls to be determined under the Planning Act 2008. Section 104(2)(d) requires the Secretary of State to have regard to any other matters which the Secretary of State thinks are both important and relevant to the decision.
- 1.1.3 Paragraph 13 of the recently published (August 2026) National Planning Policy Framework (NPPF) confirms that the NPPF does not contain specific policies for nationally significant infrastructure projects. Such projects are determined in accordance with the Planning Act 2008 and the relevant National Policy Statements (NPS), together with any other relevant matters, which may include the NPPF.
- 1.1.4 At the time the application was accepted for examination, the December 2024 NPPF, as amended in February 2025, was in force. The Government subsequently consulted between December 2025 and March 2026 on a substantially restructured NPPF containing separate plan-making and national decision-making policies.
- 1.1.5 The new NPPF was published on 17 August 2026 and took effect for decision-making on that date. Annex A of the NPPF states that its policies are material considerations which must be taken into account in decision-making from the day of publication.
- 1.1.6 The August 2026 NPPF is therefore capable of being an important and relevant consideration for the purposes of section 104(2)(d) of the Planning

Act 2008. It does not, however, displace the statutory decision-making framework or the relevant designated energy National Policy Statements, principally EN-1 and EN-3, with EN-5 relevant to the electricity network elements of the Scheme.

- 1.1.7 This Technical Note compares the December 2024 NPPF, as amended in February 2025, with the August 2026 NPPF. It focuses on changes which are potentially material to the Scheme and does not seek to reproduce or respond to every policy in the new NPPF.
- 1.1.8 In particular, the plan-making policies are identified for completeness but are not applied as decision-making policies. The national decision-making policies are considered as potentially relevant matters.

2.0 SUMMARY OF NPPF POLICY UPDATES

- 2.1.1 The primary change to the August 2026 NPPF relates to its structure, with national policy now being separated into distinct plan-making versus decision-making policies. Paragraph 8 states that plan-making policies should not be used when making decisions on development proposals.
- 2.1.2 For the Scheme, the most supportive substantive changes are in Policy W3, which now requires substantial weight to be given to the benefits of improving energy security, supporting economic development and/or the transition to net zero, and Policy S5, which identifies energy infrastructure as a form of development supported outside settlements. These provisions reinforce the strong support already provided by NPS EN-1 and EN-3.
- 2.1.3 Other changes of potential relevance provide more explicit policy on climate resilience and wildfire risk, transport assessment and public rights of way, sustainable drainage systems, agricultural land quality, biodiversity, public safety and the assessment of effects on heritage significance.
- 2.1.4 Further detail on changes to individual policies of relevance to the Scheme are provided in **Table 1** in Section 3 of this Technical Note.

3.0 CHANGES IN NPPF POLICY RELEVANT TO THE SCHEME

3.1.1 Table 1 sets out potentially material policy changes in the updated August 2026 NPPF in relation to the Scheme, using the chapter headings and policy references in the updated NPPF.

Table 1: Changes to NPPF relevant to the Scheme.

Relevant NPPF Section	Policy Changes	Applicant Position
Procedural Policies		
Plan-making policies (PM1-17)	General Commentary The August 2026 NPPF distinguishes plan-making policies from national decision-making policies. Paragraph 8 states that plan-making policies should not be used when making decisions on development proposals.	Policies PM1-PM17 are not directly applicable to the determination of the DCO application and no separate response is required.
Decision-making policies (DM1-10)	General Commentary The new NPPF contains a consolidated set of procedural policies for decision-making. DM2, DM4-DM6 and DM8-DM10 concern validation, emerging plans, viability, planning conditions and obligations, enforcement and other planning routes and do not materially alter the assessment of the Scheme.	The relevant provisions are considered below as potentially important and relevant matters under section 104(2)(d). They do not replace the decision-making tests in the Planning Act 2008 or the designated National Policy Statements.
	DM1: Preparing development proposals DM1 expects proposals for major development to be informed by proportionate early engagement with communities, planning authorities, statutory consultees, infrastructure providers and other relevant bodies. It	The DCO application has been subject to the statutory pre-application consultation process and extensive engagement throughout examination, as recorded in the Consultation Report [APP-023] and appendices [APP-024 to APP-030] . The Planning Statement

	also expects a concise planning statement explaining policy compliance, consultation outcomes and any planning obligations.	[REP6-010] and Policy Compliance Document [REP6-012] address the policy case. DM1 does not give rise to an additional information requirement for the Scheme.
	DM3: Determining development proposals DM3 promotes timely, positive and proactive decision-making, including engagement to resolve issues and a direction not to refuse proposals which should clearly be approved having regard to the development plan, the NPPF and other material considerations.	This is principally a procedural policy for local planning decisions. The Applicant has engaged constructively with the Examining Authority, Host Authorities and consultees and has updated documents where appropriate. DM3 does not alter the statutory decision-making framework for the DCO.
	DM7: Relationship with other regulatory regimes DM7 states that planning should assess whether the proposed use of land is acceptable, should assume that separate regulatory regimes will operate effectively unless there is clear evidence to the contrary, and should not duplicate or extend controls imposed by those regimes.	The draft DCO secures the land use and environmental controls necessary to make the Scheme acceptable, including through the outline Battery Safety Management Plan [REP6-044] , outline Surface Water Management Plan [REP6-048] and emergency response arrangements.
Sustainable Development		
Achieving sustainable development (S1-6)	General Commentary The August 2026 NPPF replaces the former presumption in favour of sustainable development at paragraph 11 with separate policies for development within and outside settlements. S3 directs decision-makers to S4 or S5 according to location. The following policies are not considered to be of relevance to the Scheme or do not contain material policy changes: S1, S2, S4, and S6.	The new structure is relevant context but the Scheme remains to be determined under section 104 of the Planning Act 2008, with the designated energy NPSs carrying primary weight.
	S3: Presumption in favour of sustainable development	S3 provides supportive context, however the Applicant does not rely on it as a freestanding statutory

	S3 applies the presumption through S4 within settlements and S5 outside settlements. It also states that proposals which accord with an up-to-date development plan and the national decision-making policies should be approved without delay.	presumption and relies principally on the strong presumption in favour of Critical National Priority infrastructure under EN-1.
	S5: Principle of development outside settlements S5(1)(a) identifies engineering operations and infrastructure, including energy infrastructure, as a form of development which should be approved outside settlements unless the benefits would be substantially outweighed by adverse effects, assessed against the national decision-making policies. This is more explicit support than the previous NPPF provided for infrastructure outside settlements.	The Scheme is energy infrastructure which necessarily requires a rural location and falls within the category identified by S5(1)(a). S5 therefore reinforces the positive planning balance. The ES identifies the likely significant effects transparently and the Applicant maintains that the Scheme's urgent renewable energy, energy security and other benefits are not outweighed by its residual adverse effects. The final balance remains that required by section 104 and the NPSs.
Meeting the challenge of climate change (CC1-3)	General Commentary CC1 is a plan-making policy and is not relevant. CC2 and CC3 consolidate national decision-making policy on mitigation of and adaptation to climate change, with more explicit provisions on material reuse, carbon-storing habitats, sustainable drainage systems and wildfire risk.	ES Vol 1 Chapter 15: Climate Change [REP4-014] assesses the Scheme's greenhouse gas effects and resilience to future climate conditions. It concludes that the Scheme has a significant beneficial effect on climate change and is resilient to the assessed climate scenarios.
	CC2: Mitigation of climate change CC2 encourages the reuse of non-contaminated excavated soil and hardcore and the creation or restoration of habitats which can act as carbon stores. It also gives substantial weight to benefits where development improves energy efficiency or draws energy from renewable and low-carbon sources.	The outline Soil Management Plan [REP6-042] provides for the retention, segregation and appropriate reuse of soils and suitable excavated materials. The outline Landscape and Ecological Management Plan [REP6-038] provides for extensive grassland, hedgerow and woodland creation. These measures are consistent with CC2 and supplement the Scheme's principal contribution through low carbon electricity generation and storage.

	CC3: Adaptation to climate change CC3 requires current and potential climate impacts to be considered over the lifetime of a scheme. It introduces a requirement for proportionate wildfire measures where wildfires pose a particular risk, including measures to limit fuel loads and create defensible spaces or firebreaks.	Climate resilience, including increased temperatures, drought and extreme weather, is assessed in the ES. Vegetation will be actively managed through the approved LEMP and OEMP, including grazing or cutting, monitoring and remedial management. Construction and operational emergency arrangements, together with the outline Battery Safety Management Plan [REP6-044] , address fire prevention, access and response. The new wording does not identify an unassessed likely significant effect or require a separate assessment.
Delivering Homes and Supporting Growth		
Delivering a sufficient supply of homes (HO1-13)	General Commentary The housing policies have been substantially restructured but do not contain a change which is material to the Scheme.	No further response is required.
Building a strong, effective economy (E1-4)	General Commentary The chapter strengthens support for economic growth and key sectors but does not introduce a Scheme specific decision test.	The construction, supply-chain and employment benefits of the Scheme are assessed in ES Vol 1 Chapter 14: Socio-Economics, Development Land and Tourism [REP6-026] .
Ensuring the vitality of town centres (TC1-4)	General Commentary The town-centre policies are not relevant to the Scheme.	No further response is required.
Supporting high quality communications (CO1-2)	General Commentary The policies concern telecommunications infrastructure and supporting information for telecommunications proposals.	No further response is required.

Securing clean energy and water (W1-4)	General Commentary W1 and W2 are plan-making policies and are not relevant. W4 concerns water infrastructure. The material decision making provision for the Scheme is W3.	This chapter of the NPPF supports energy infrastructure aligned with clean power and net zero objectives, including delivery of clean power by 2030. This is strongly supportive of the Scheme.
	W3: Renewable and low carbon energy development and electricity network infrastructure The previous NPPF required <u>significant</u> weight to be given to the benefits of renewable and low carbon energy generation and its contribution to net zero. W3 now requires <u>substantial</u> weight to be given to benefits for improving energy security, supporting economic development and/or the transition to a net zero future. W3 also states that applicants should not be required to demonstrate need, that proposals outside areas identified as suitable in the development plan should be assessed against the national decision-making policies taken as a whole, and that time-limited development should be accompanied by proposals for decommissioning and restoration.	W3 is a material and positive change for the Scheme. The need for nationally significant solar generation and electricity storage is already established by EN-1 and EN-3, but W3 provides consistent additional support and identifies energy security and economic development benefits. The Scheme's need and benefits are set out in the Planning Statement [REP6-010]. Decommissioning and restoration are secured by Requirement 18 of the draft DCO [REP6-006] and the outline Decommissioning Environmental Management Plan [REP6-036]. The Scheme therefore accords with all three elements of W3.
Facilitating the sustainable use of minerals (M1-6)	General Commentary There is no material policy change of relevance to the Scheme.	No further response is required
Creating High Quality, Sustainable Places		
Making effective use of land (L1-3)	General Commentary The revised policies principally concern the efficient use and redevelopment of land for development. They	The Applicant's site selection exercise, including consideration of previously developed land and agricultural land quality, is addressed under Policy N2

	do not materially alter the solar-specific site-selection considerations addressed in EN-3 and Policy N2.	below and in the Site Identification Report [APP-058] .
Protecting Green Belt land (GB1-8)	General Commentary The Green Belt and grey belt changes do not apply to the Scheme.	The Scheme is not located in the Green Belt and no further response is required.
Achieving well-designed places (DP1-4)	General Commentary DP1 and DP2 are plan-making policies and are not relevant. DP3 consolidates decision-making principles for design and DP4 addresses the design process throughout the evolution, assessment and delivery of proposals.	The Scheme has been developed through an iterative design process as set out within the Design Approach Document [APP-034] .
	DP3: Key principles for well-designed places DP3 requires proposals to respond to the history, character and features of their site and setting and, where relevant, to address climate, nature, movement, built form, public space and identity. The policy recognises that the relevance of these principles depends on the nature and location of the development.	The Design Approach Document [APP-034] explains how landscape, settlement pattern, heritage, ecology, hydrology, access and amenity informed the design. The Illustrative Environmental Masterplan [APP-121] and the oLEMP [REP6-038] demonstrate the proposed landscape framework and mitigation. ES Vol 1 Chapter 5 Landscape and Visual [REP4-008] identifies significant landscape and visual effects; compliance with DP3 does not depend on the absence of every significant effect. The Applicant maintains that the design avoids and reduces effects as far as practicable while meeting the Scheme's operational requirements.
	DP4: The design process DP4 is clear that design quality should be considered throughout the evolution, assessment and delivery of development, including for strategic sites and other significant projects.	The Scheme has been developed through an iterative design process as set out within the Design Approach Document [APP-034] . Detailed design will remain within the parameters and principles secured by the draft DCO [REP6-006] and certified documents. DP4

		does not require a change to the proposed control framework.
Promoting sustainable transport (TR1-8)	General Commentary The updated chapter adopts a vision-led approach, separates plan-making and decision-making policies, and confirms that the severe network impact and unacceptable highway safety tests apply during construction as well as following completion. TR1 and TR2 are plan-making policies and are not relevant. TR5 and TR7 are decision-making policies but are not materially relevant to the Scheme.	The Scheme's transport effects including for the construction phase, have been assessed in the Transport Assessment [REP4-019] and ES Vol 1 Chapter 9: Traffic and Transport [REP6-020] . The oCTMP [REP6-032] secures routing, access, timing, monitoring and workforce travel measures.
	TR3: Locating development in sustainable locations TR3 requires proposals generating significant movement to be in locations which are sustainable or can be made so, while recognising that the nature of a development may make a genuine choice of transport modes impractical. It also requires transport and safety impacts to be mitigated and rural opportunities for sustainable movement to be taken where they exist.	The conventional accessibility considerations in TR3 have limited application to the Scheme where the location is driven by grid connection, land requirements and environmental constraints. Those matters are addressed in ES Vol 1 Chapter 3: Alternatives and Design Evolution [APP-039] and the Site Identification Report [APP-058] . Construction worker travel will be managed through the Construction Workers Travel Plan, minibuss and collection arrangements, car sharing and controlled parking within the oCTMP [REP6-032] .
	TR4: Street design, access and parking TR4 consolidates principles on safe and inclusive routes, minimising conflict between users, efficient deliveries, emergency access and appropriate parking. Much of the policy is directed to place making and street design, but the access and safety principles are relevant.	The Transport Assessment [REP4-019] , oCTMP [REP6-032] and outline Public Rights of Way Management Plan [REP6-040] address access design, vehicle tracking, visibility, temporary traffic management, pedestrian, cyclist and equestrian safety, deliveries and parking. Emergency access to the BESS is also addressed by the oBSMP [REP6-044] .
	TR6: Assessing transport impacts	The Transport Assessment [REP4-019] and ES Vol 1 Chapter 9 Traffic and Transport [REP6-020]

	TR6 requires a proportionate transport assessment and travel plan for development generating significant movement. It refers to fallback measures, reasonable future scenarios, cumulative effects, multi-modal trip generation, capacity, congestion and highway safety. Refusal is required only where there would be a severe adverse network impact or an unacceptable highway safety impact after mitigation, during construction or following completion.	assess peak HGV and workforce scenarios, highway safety and cumulative development. ES Chapter 9 concludes that residual and cumulative effects are not significant in EIA terms. The oCTMP [REP6-032] contains the construction routing and access strategy, monitoring, corrective measures and workforce-travel arrangements. The TA demonstrates that the Scheme would not result in a severe impact on the network or an unacceptable impact on highway safety.
	TR8: Public rights of way TR8 now contains a dedicated requirement to protect and enhance the public rights of way network, including through suitable diversions agreed with the highway authority, and to take suitable opportunities to extend, link or improve routes where this would improve access and connectivity.	The outline Public Rights of Way Management Plan [REP6-040] sets out route specific measures for construction, operation and decommissioning, including segregation, banksmen, priority for users and temporary diversions where required. Work No. 8 and the oLEMP [REP6-038] also provide new permissive paths during the operational phase. These measures accord with the relevant elements of TR8, while recognising that permissive paths do not alter the definitive public rights of way network.
Promoting healthy communities (HC1-8)	General Commentary The chapter increases the weight given to certain public health and community facility benefits. Most of the policies do not apply to the Scheme; HC4 has limited relevance to the recreational opportunities associated with permissive access.	ES Vol 1 Chapter 16: Other Environmental Topics [APP-052] considers pathways affecting physical and mental health, including access to public rights of way (PRoW) and construction disturbance. No significant health effects are anticipated.
	HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits HC4 requires substantial weight to benefits where new or improved community or public service facilities are provided, or where development makes a	The Scheme is not a community facility proposal, but the proposed permissive paths and associated green corridors will provide some additional recreational opportunities during operation. These may be afforded positive weight, although they are not relied upon as a principal benefit of the Scheme. Existing formal open space and recreation facilities are not lost.

	demonstrable contribution to health, reduced inequalities or social interaction.	
Pollution, public protection and security (P1-6)	General Commentary The updated NPPF consolidates policy on pollution, ground conditions, existing activities, hazards and public safety. P1 is plan-making policy and is not relevant; P2, P4 and P6 do not introduce a material change for the Scheme.	The ES assesses noise, air quality, ground conditions, hydrology, light and other relevant effects. The framework of environmental management plans secure the mitigation relied upon in those assessments.
	P3: Living conditions and pollution P3 requires the cumulative effects of pollution on health, living conditions and the natural environment to be considered and gives more explicit coverage to air, noise, artificial light, water and soil pollution. It also reflects DM7 by assuming that separate pollution control regimes will operate effectively unless there is clear evidence to the contrary.	ES Vol 1 Chapter 10: Noise and Vibration [REP6-022], ES Vol 1 Chapter 11: Air Quality [REP6-024], ES Vol 1 Chapter 12: Ground Conditions [REP3-029] and ES Vol 1 Chapter 8: Hydrology and Flood Risk [REP4-010] provide the relevant assessments, alongside ES Vol 1 Chapter 17 Cumulative Effects [APP-053] . The oCEMP [REP6-030], oCTMP [REP6-032], oOEMP [REP6-034], oDEMP [REP6-036], oSMP [REP6-042] and oSWMP [REP6-048] secure the applicable controls. The assessments do not identify likely significant residual adverse pollution effects following mitigation.
	P5: Maintaining public safety and security P5 gives more explicit policy for development involving or located within consultation zones around major accident hazard sites, major accident hazard pipelines and other safeguarded facilities. Development should be safe and should not constrain the operation of the relevant facility.	The principal relevance to the Scheme is the existing high pressure gas and other utility infrastructure crossing the Site. ES Vol 1 Chapter 2: The Scheme [REP6-018] identifies the utility corridors and design easements. The layout, construction controls and protective provisions have been developed in consultation with the relevant undertakers. The oBSMP [REP6-044] separately addresses BESS safety. The Scheme would not impose an unacceptable risk to the

		public or constrain the operation of the existing pipelines.
Conserving and Enhancing the Environment		
Managing flood risk and coastal change (F1-9)	General Commentary The chapter reorganises the sequential and exception tests, site-specific flood-risk assessment requirements and Sustainable Drainage Systems policy. Annex F continues to classify solar farms and essential utility infrastructure for electricity generation, storage and networks as Essential Infrastructure. F1-F3 are plan-making policies and are not relevant, and F9 concerns coastal change and so is not relevant. The material provisions are F4, F7 and F8, read with F5 and F6 where applicable.	ES Vol 1 Chapter 8: Hydrology and Flood Risk [REP4-010], the Flood Risk Assessment [REP4-017] and the oSWMP [REP6-048] provide the relevant evidence and control framework.
	F4: Assessing flood risk for decision-making F4 specifies when a site-specific flood-risk assessment is required and states that it must be proportionate to the scale, nature and location of the development and, where relevant, support the sequential and exception tests.	The submitted Flood Risk Assessment [REP4-017] assesses all relevant sources of flooding, climate-change allowances, access, watercourse crossings and drainage. It is proportionate to the scale and nature of the Scheme and supports the conclusions in ES Vol 1 Chapter 8 Hydrology and Flood Risk [REP4-010] . The sequential and exception tests would continue to be met by the Scheme.
	F7: Ensuring development is safe from flooding F7 sets out express criteria requiring development to be safe throughout its lifetime, to place more vulnerable elements in areas of lower risk unless justified, to manage residual risk and safe access where appropriate, to be flood resistant and resilient, and not to increase flood risk elsewhere.	The Scheme layout and drainage design apply these principles, with sensitive infrastructure located and designed having regard to flood risk. ES Vol 1 Chapter 8 Hydrology and Flood Risk [REP4-010] concludes that the designed drainage system reduces flood risks to negligible and identifies no significant residual effects during construction, operation or

		decommissioning. The Scheme would be safe for its lifetime and would not increase flood risk elsewhere.
	F8: Sustainable drainage systems and watercourses F8 requires proportionate SuDS to control flow rates and runoff volumes, provide multifunctional benefits where possible, comply with the National Standards for Sustainable Drainage Systems, have lifetime maintenance arrangements and take account of Lead Local Flood Authority advice for major development. Annex C identifies a statement explaining compliance with the national standards as supporting information.	The oSWMP [REP6-048] establishes the surface water strategy, attenuation and pollution control measures, including the BESS containment arrangements, and includes inspection and maintenance requirements for drainage features. The final SWMP will be approved before construction under the draft DCO and can demonstrate detailed compliance with the national standards applicable at that stage. The new policy does not alter the environmental conclusions or require a change to the DCO mechanism.
Conserving and enhancing the natural environment (N1-6)	General Commentary The updated chapter places nature recovery, ecological networks, natural capital and a hierarchy of international, national and local sites within a clearer structure. N1, and N3-N5 are either plan-making policies or not materially relevant. N2 and N6 are considered below. Annex A lists the May 2024 Written Ministerial Statement on solar, food security and BMV land among policy material incorporated into or superseded by the new NPPF. N2 now provides the relevant NPPF decision-making policies in relation to development on agricultural land.	ES Vol 1 Chapter 7: Ecology and Nature Conservation [APP-043] and the supporting surveys assess effects on habitats, species and designated sites. The chapter concludes that there would be no significant residual adverse ecological effects and identifies significant beneficial operational effects for a number of ecological receptors. The oLEMP [REP6-038] secures habitat creation, management, monitoring and remedial action.
	N2: Improving the natural environment N2 requires proposals to consider the environmental qualities of the land, agricultural land quality and grade, ecological networks, existing natural features, multifunctional green infrastructure and long-term management. Where significant development of	The Agricultural Land Classification survey identifies no Grade 1 land. Approximately 74% of the surveyed Site is BMV land, comprising Grade 2 and Grade 3a, with approximately 25% Grade 3b. The Applicant acknowledges the scale of temporary agricultural land

	agricultural land is necessary, areas of poorer quality land should be used where possible. N2 does not prohibit development on best and most versatile agricultural land and does not impose a freestanding sequential test. It also limits the weight to be given to local policies requiring biodiversity gains above the statutory framework unless they relate to specific site allocations.	use and has assessed it in ES Vol 1 Chapter 13: Land and Soils [APP-049]. The Site Identification Report [APP-058] first established that sufficient suitable brownfield or previously developed land was not available and that agricultural land was necessary. It then targeted areas more likely to contain lower quality land and where BMV land was less likely, before balancing agricultural quality with grid connection, landscape, heritage, ecology, flood risk, topography, PRoW, utilities, access, mitigation and deliverability. The Land Identification Report [APP-059] then informed the detailed site boundary. The Applicant therefore considers that the Scheme satisfies the qualified requirement to use poorer-quality land where possible. Most of the agricultural land will remain unsealed, be managed under grass and be capable of restoration after the 40-year operational period. The permanent adverse footprint is limited to built elements. The outline Soil Management Plan [REP6-042] secures soil protection, restoration and the objective of avoiding degradation of pre-construction ALC grade. The Scheme also commits to substantial on-site biodiversity net gain through the oLEMP [REP6-038], although biodiversity net gain is not mandatory for the Scheme.
	N6: Areas of particular importance for biodiversity and geodiversity N6 sets distinct tests for sites of international, national and local importance and maintains the avoid, mitigate, compensate hierarchy. It provides more explicit policy for locally designated sites and retains stringent	The effects on statutory and non-statutory designated sites are assessed in ES Vol 1 Chapter 7 Ecology and Nature Conservation [APP-043]. The ES concludes that there would be no significant residual adverse effect on any ecological receptor. The mitigation hierarchy has informed the design, buffers and working methods, and the oLEMP [REP6-038], secures the relevant mitigation and enhancement.

	protection for habitats sites and Sites of Special Scientific Interest.	
Conserving and enhancing the historic environment (HE1-10)	General Commentary The historic environment chapter is substantially reorganised. The principal changes are clearer separation between assessment and decision tests, express identification of the effect on significance rather than the scale of development, use of the term substantial weight for designated asset conservation, and a preference for in-situ preservation of archaeological assets where feasible. HE1-HE3 are plan-making policies and are not relevant; HE8 and HE9 do not contain a material Scheme-specific change and are not relevant.	ES Vol 1 Chapter 6: Cultural Heritage and Archaeology [APP-042] , the Settings Impact Assessment [REP1-022] , the archaeological surveys and evaluations, and the outline Archaeological Mitigation Strategy [REP4-028] provide the relevant assessment and mitigation framework.
	HE4: Securing the conservation of heritage assets HE4 consolidates the principle that heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance. Proposals should avoid, or where that is not possible minimise, harm to significance, and any harm or loss to a designated asset should have a clear and convincing justification.	ES Vol 1 Chapter 6: Cultural Heritage and Archaeology [APP-042] identifies the significance of affected assets, including the contribution made by setting, and records harm where it arises. The design has sought to avoid and minimise effects through layout, offsets, retained vegetation and landscape mitigation. The oAMS [REP4-028] provides for Areas of Archaeological Constraint and bespoke mitigation. Any residual harm is considered in accordance with the applicable statutory duties, EN-1 and the planning balance.
	HE5: Assessing effects on heritage assets HE5 requires a proportionate assessment of significance and potential effects, including setting, and distinguishes positive effects, no effect, harm and total loss. It states that the effect on significance, not the scale of development, is the relevant consideration and	ES Vol 1 Chapter 6: Cultural Heritage and Archaeology [APP-042] adopts a significance-led methodology and is supported by field evaluation. The evidence is sufficient to understand the likely effects and has directly informed design and mitigation. The assessment establishes the effects of the Scheme on

	requires appropriate desk-based and field evaluation for archaeological interest.	each heritage asset within the study area and determines the level of harm, where harm may occur.
	HE6: Proposals affecting designated heritage assets The previous NPPF referred to great weight being given to conservation. HE6 now uses substantial weight and states expressly that any harm to a designated heritage asset is a matter of considerable importance and weight. Harm must be weighed against public benefits; substantial harm or total loss is subject to the higher tests in HE6(5) and (6).	The Applicant acknowledges the weight required by HE6, but notes that this differs from that set out in NPS EN-1. ES Vol 1 Chapter 6: Cultural Heritage and Archaeology [APP-042] identifies less than substantial harm to a number of designated assets, including temporary significant effects in EIA terms, but does not identify substantial harm or total loss. That harm must be weighed against the Scheme's substantial public benefits, including the urgent need for and benefits of Critical National Priority renewable energy infrastructure. The change in terminology does not alter the assessment findings, but it reinforces the need to carry the identified harm into the planning balance, which the Applicant has done. The Applicant has previously addressed this within Section 8 of the Planning Statement [REP6-010] .
	HE7: Decisions on non-designated heritage assets HE7 retains a balanced judgement for harm to non-designated heritage assets, having regard to the scale of harm or loss and the significance of the asset. It separately addresses substantial harm or total loss.	Potential effects on non-designated archaeological and built heritage assets are assessed in ES Vol 1 Chapter 6: Cultural Heritage and Archaeology [APP-042] . The oAMS [REP4-028] provides a proportionate framework for preservation, investigation, recording and dissemination. The policy does not materially change the Applicant's position.
	HE10: Loss or removal of heritage assets HE10 maintains requirements to secure implementation of development before heritage loss occurs and to record and advance understanding of assets to be lost. It adds an express statement that heritage assets with archaeological interest should be preserved in situ where feasible, with investigation,	The oAMS [REP4-028] already adopts preservation in situ as the preferred response where possible for potentially extensive or significant archaeological remains. Where preservation is not feasible, the strategy provides for excavation, monitoring, recording, reporting, archiving and public engagement.

	recording, dissemination and archiving where they cannot be preserved on site.	
--	--	--

4.0 CONCLUSION

- 4.1.1 The August 2026 NPPF is capable of being an important and relevant consideration under section 104(2)(d) of the Planning Act 2008. Paragraph 13 confirms, however, that the NPPF does not contain specific policies for NSIPs and that the Scheme remains to be determined principally in accordance with the Planning Act 2008 and the designated energy NPSs.
- 4.1.2 The most material changes in the updated NPPF are supportive; Policy W3 requires substantial weight to the benefits of improving energy security, supporting economic development and/or transition to net zero, while Policy S5 expressly supports energy infrastructure outside settlements. These provisions reinforce, rather than replace, the urgent need and Critical National Priority policies in EN-1 and EN-3.
- 4.1.3 The more explicit wording on agricultural land in N2 and designated heritage assets in HE6 has been considered carefully. N2 does not prohibit the use of BMV land and continues to require poorer quality land to be used where possible. The Applicant's site selection evidence demonstrates that lower-quality land was preferred while balancing the other constraints relevant to a project of this scale. HE6 does not alter the assessed degree of heritage harm, which remains to be afforded considerable importance and weight and balanced against the Scheme's public benefits.
- 4.1.4 The remaining changes relevant to climate resilience, wildfire risk, transport, PRow, pollution, public safety, flood risk, drainage, biodiversity and archaeology are already addressed by the ES and the control documents secured through the draft DCO.
- 4.1.5 The Applicant has not identified any change in national planning policy which would require additional environmental assessment, or which would result in new likely significant environmental effects. Furthermore, the review has not identified the need to make any amendments to the draft DCO.

-
- 4.1.6 Overall, the updated August 2026 NPPF does not change the Applicant's opinion on the planning balance that should be applied to the Scheme, which is set out in Section 8 of the **Planning Statement [REP6-010]**, nor alter the Applicant's conclusion that development consent should be granted.