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Ref: EN010142

Ms Caroline Reeve  
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Birmingham  
B4 6AT

14 October 2025

Dear Ms Reeve,

## **PLANNING ACT 2008**

### **APPLICATION FOR DEVELOPMENT CONSENT FOR THE TILLBRIDGE SOLAR PROJECT**

*[This decision was made by Parliamentary Under Secretary of State, Martin McCluskey MP, 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 dated 14 July 2025. The ExA consisted of two examining inspectors, Nicholas Ely and Luke Simpson. The ExA conducted an examination (“the Examination”) into the application submitted on 10 April 2024, (“the Application”) by Tillbridge Solar Limited (“the Applicant”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”) for the Tillbridge Solar Project and associated development (“the Proposed Development”). The Application was accepted for Examination on 8 May 2024. The Examination began on 15 October 2024 and closed on 15 April 2025.
- 1.2. On 7 August 2025, the Secretary of State issued an information request seeking information on several matters (“the first information request”)¹. Responses were received on 14 August 2025². On 15 August 2025, all Interested Parties (“IPs”) were invited to comment on the information received³. On 10 September 2025 the Secretary of State requested an update from

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¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010142/EN010142-001322-Secretary%20of%20State%20Consultation%20Letter%201%20Tillbridge%20Solar%20Project.pdf>

² <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents?stage-6=Secretary%20of%20State%20Consultation%201&itemsPerPage=25>

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010142/EN010142-001332-Secretary%20of%20State%20Consultation%20Letter%202%20-%20Tillbridge%20Solar%20Farm.pdf>

the Applicant and the Crown Estate in relation to the matter of Crown consent<sup>4</sup>. Responses were submitted on 30 September 2025 confirming that Crown consent had been granted<sup>5</sup>.

- 1.3. The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of ground-mounted solar photovoltaic (“PV”) arrays and associated development to support the solar PV arrays [ER 1.3.8]. The Proposed Development lies within the administrative areas of Lincolnshire County Council (“LCC”), West Lindsey District Council (“WLDC”), Nottinghamshire County Council (“NCC”) and Bassetlaw District Council and is wholly in England [ER 1.3.1].
- 1.4. The Order, as applied for, would grant development consent for [ER 1.3.8]:
- Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts (“MW”) including—(a) solar panels fitted to mounting structures; and (b) solar stations;
  - Work No. 2 – battery energy storage systems (“BESS”);
  - Work No. 3 – development of two onsite substations (Work No. 3a and No. 3b);
  - Work No. 4 – works in connection with high voltage electrical cabling including access and construction compounds for the electrical cables (Work No. 4a to 4e);
  - Work No. 5 – works to the National Grid Cottam substation to facilitate connection of the development to the National Grid Cottam substation;
  - Work No. 6 –works including, but not limited to: electrical cables; permissive paths; hardstanding, parking areas; drainage; boundary treatments; security; improvement of private tracks; street and access road repairs; internal access tracks; internal pipes and cables; and other mitigation;
  - Work No. 7 – construction and decommissioning compounds;
  - Work No. 8 – works to develop a solar farm control centre and equipment storage;
  - Work No. 9 – areas of habitat management and protection;
  - Work No 10 – works to facilitate access to Work No. 1 to 9; and
  - Work No 11 – sensitive archaeological site protection and management.
- 1.5. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers [ER 6.1.1], as set out in the draft Order submitted with the Application.
- 1.6. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Planning website<sup>6</sup> is a copy of the ExA’s Report. The ExA’s findings and conclusions are set out in Chapters 3-7 of the ExA’s 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 \*.\*.”].

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<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010142/EN010142-001353-SoS%20Consultation%203%20Letter%20Crown%20Consent%20Update%20Request%20Tillbridge%20Solar%20Far m.pdf>

<sup>5</sup> <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents?stage-6=Secretary%20of%20State%20Consultation%203&itemsPerPage=25>

<sup>6</sup> <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142>

## **2. Summary of the ExA'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 [ER 3.1.6]:
- Principle of development and climate change;
  - Biodiversity and ecology;
  - Cumulative and in-combination effects;
  - Historic environment;
  - Human health, safety, accidents and major incidents;
  - Landscape and visual;
  - Noise and vibration;
  - Socio-economics;
  - Soils and agriculture;
  - Transport and access;
  - Water environment including flood risk; and
  - Other matters.
- 2.2. The ExA recommended that the Secretary of State should grant development consent [ER 8.3.2].
- 2.3. 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's Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of the Secretary of States conclusions and recommendations.

## **3. Summary of the Secretary of State's Decision**

- 3.1. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any National Policy Statement ("NPS") which has effect in relation to development of the description to which the application relates, along with local impact reports and other important and relevant matters. Subsection (3) requires that the Secretary of State must decide the application in accordance with any relevant NPS except to the extent that one or more of subsections (4) to (8) apply. The Secretary of State has determined this application in accordance with the relevant NPSs and has concluded that subsections (4) to (8) are not applicable in this case.
- 3.2. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.3. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in 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").

- 3.4. 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 written representations ("WR"), relevant representations ("RR"), responses to questions and oral submissions made during the Examination and RRs received after the close of the Examination, all of which are dealt with as appropriate in the decision letter below. 332 RRs were made in respect of the Application by statutory authorities, businesses, local authorities, government agencies, parish councils, campaign groups and individuals.
- 4.2. The Secretary of State has had regard to the Local Impact Reports ("LIRs") submitted by LCC, WLDC and NCC, 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 NPSs EN-1, EN-3 and EN-5, as designated on 17 January 2024 ("the 2024 NPSs"), which are "relevant" NPSs in respect of the Application for the purposes of s104(2) of the 2008 Act.
- 4.3. The Secretary of State addresses the 2024 NPSs where relevant within this letter. On 24 April 2025, further revised drafts to NPS EN-1, EN-3 and EN-5 were published ("the 2025 draft NPSs"). The Secretary of State has considered the 2025 draft NPSs, which are relevant considerations in respect of the Application. There is nothing in these which alters the Secretary of State's findings in respect of this Application.
- 4.4. The Secretary of State has also had regard to the updated National Planning Policy Framework ("NPPF") from December 2024. The most relevant update from the 2024 NPPF is paragraph 168, which stipulates that significant weight must be given by Local Planning Authorities ("LPAs") to the benefits associated with renewable and low carbon energy generation when determining planning applications. The Secretary of State considers that the December update reinforces the government's commitment to low carbon energy and concludes that there are no new policies within the 2024 NPPF which alter his findings in respect of the Application. An updated NPPF was released on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 of the NPPF to make its intent clear. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead him to reach a different decision on the Application.
- 4.5. The Secretary of State has had regard to the Clean Power Action Plan published on 13 December 2024, which outlines the steps to accelerate the government's progress towards delivering clean power by 2030. The Secretary of State also recognises the 15 May 2024 written ministerial statement ("WMS") on the use of BMV land as a relevant consideration 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 in respect of the following issues:
- In-combination effects – little negative weight [ER 3.4.29, ER 5.2.4];
  - Historic environment – moderate negative weight [ER 5.3.12];
  - Human health, safety, accidents and major incidents – little negative weight [ER 3.6.68, ER 5.2.6];
  - Landscape and visual – great negative weight [ER 3.7.145, ER 5.2.7];

- Noise and vibration – little negative weight [ER 3.8.112, ER 5.2.8];
- Socio-economics – little positive weight [ER 3.9.68, ER 5.2.9];
- Transport and access – little negative weight [ER 3.11.82, ER 5.2.11];
- Air quality – neutral [ER 3.13.30, ER 5.2.13];
- Materials and waste – neutral [ER 3.13.89, ER 5.2.15];
- Ground conditions – neutral [ER 3.13.54, ER 5.2.16]; and,
- Telecommunications, television reception and utilities – neutral [ER 3.13.100, ER 5.2.17].

4.7. The paragraphs below address the matters where the Secretary of State has set out further commentary and analysis beyond that in the ExA's Report. This includes matters where the Secretary of State considers it is necessary to provide further detail on his rationale for agreeing or disagreeing with the conclusions of the ExA. The Secretary of State notes the proximity of the Proposed Development to three other solar Nationally Significant Infrastructure Projects ("NSIPs") (and other projects, where relevant to the specific planning issue) and acknowledges the strength of views expressed concerning cumulative impacts. He remarks further on this below.

#### Principle of Development and Climate Change

- 4.8. The ExA concludes that the Proposed Development would make a significant contribution to secure and reliable energy provision whilst also resulting in significant climate change benefits. The ExA considers that very great weight should be afforded to these benefits, given that they are fundamental to the objectives of NPS EN-1 and NPS EN-3 [ER 3.2.80].
- 4.9. The Secretary of State notes that the use of a combined cycle gas turbine ("CCGT") for the without-project baseline scenario by the Applicant was raised by various parties. The Secretary of State considers that the use of CCGT would not be the preferred option for a without-project baseline scenario and the preferred option would be based on the predicted grid average intensity. However, the Secretary of State notes that, if the Applicant utilised a grid average intensity, the Proposed Development would nonetheless represent an emissions saving. The Secretary of State is therefore satisfied that the Proposed Development would result in considerable carbon savings compared to the UK grid average and would support the trajectory to net zero.
- 4.10. The Secretary of State agrees that the need for the Proposed Development is established and notes the contribution the Proposed Development would make to the established need and targets for low carbon, renewable energy generation which are fundamental to the objectives of NPS EN-1 and NPS EN-3. The Secretary of State ascribes the need for the Proposed Development substantial positive weight in favour of making the Order. The ExA ascribed the need case very great positive weight. The difference in the terminology used by the Secretary of State is to ensure consistency to the policy set out in NPS EN-1 regarding substantial weight being ascribed to the need case, however the conclusions are different in terminology only and the weighting ascribed is the same in every other sense.

#### Biodiversity and Ecology

- 4.11. The Applicant set out that the Proposed Development would deliver a net gain of biodiversity over the life of the development. An assessment of this was undertaken and proposed gains calculated and presented in the submitted Biodiversity Net Gain ("BNG") report [ER 3.3.14]. Paragraph 4.1.1 of the Applicant's updated BNG report [AS-062] states that "the Scheme is

predicted to result in a net gain of 64.44% for area-based habitat units, 17.28% for hedgerow units, and 22.94% for watercourse units.”

- 4.12. In order to secure the commitment already made by the Applicant, which supports the conclusion on effects on biodiversity provided in the ES, on 7 August 2025, the Applicant was invited to comment on the proposed insertion of a new sub-paragraph in Requirement 8 of the Order; this inserted the figures set out in paragraph 4.1.1 of the updated BNG report [AS-062] into Requirement 8 of the Order. On 14 August 2025, the Applicant confirmed that it was willing to accept the insertion of the figures set out within its BNG report [AS-062] in Requirement 8 of the Order but requested an amendment as shown in underlined text below.

*“(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 64.44% biodiversity net gain in area-based habitat units, a minimum of 17.28% biodiversity net gain in hedgerow units, and 22.94% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs’ Statutory Metric (February 2024), or other biodiversity net gain metric agreed between the undertaker and the relevant planning authority in consultation with the relevant statutory nature conservation body.”*

- 4.13. The Applicant stated that its proposed amendment was to “ensure the metric used to calculate the percentages align with the metric used for the production of the BNG Report for the application.”
- 4.14. Natural England’s (“NE”) response stated that it welcomed the commitment added to Requirement 8 to secure the outlined units within the Strategy, using the approved biodiversity metric.
- 4.15. LCC responded to the first information request stating it welcomed “the inclusion of proposed additional section (2) prescribing specific percentage of BNG to be delivered”. LCC requested to be added as a consultee for the additional sub-paragraph 8 (2) of Requirement 8.
- 4.16. NE and the Applicant were invited to comment on the proposed amendments for NE to be added as a consultee for the following Requirements and the relevant plans: Requirement 7 – Landscape and Ecology Management Plan, Requirement 12 – Construction Environmental Management Plan, Requirement 13 – Operational Environmental Management Plan, and Requirement 21 – decommissioning and restoration. NE responded stating it was satisfied with it being added as a consultee to the Requirements. The Applicant responded stating it was not opposed to NE being added as a consultee to the Requirements in the case that NE requests to be added as consultee in response to the first information request by the Secretary of State.
- 4.17. The Secretary of State notes comments from LCC to be added as consultee to sub-paragraph 8 (2) of Requirement 8 and considers this is not necessary as it is already included as a consultee for the BNG strategy for Requirement 8.
- 4.18. Noting the response from the Applicant, the Secretary of State has decided to accept the Applicant’s proposed amendment to the BNG requirement with a minor amendment. The Secretary of State is satisfied that including such wording fulfils the requirement under NPS EN-1 paragraph 5.4.44. The Secretary of State ascribes biodiversity and ecology moderate positive weight in the overall planning balance.

## Historic Environment

- 4.19. There are no World Heritage Sites, Registered Battlefields, or Protected Wrecks within the Order limits or within 5 kilometres (“km”) of the application site. There are no designated heritage assets such as scheduled monuments, listed buildings, and conservation areas within the Order limits. Within 3km of the Order limits, there are 186 designated heritage assets [ER 3.5.19].
- 4.20. The ExA considered that the Proposed Development would cause less than substantial harm to the designated and non-designation heritage assets that it identified [ER 5.3.9]. The ExA states the significance and importance of the public benefits of the Proposed Development outweigh the less than substantial harm from the Proposed Development [ER 5.3.11]. The ExA concluded the Proposed Development would accord with NPS EN-1, NPS EN-3, the NPPF and the relevant development plan policies in relation to historic environment effects [ER 5.3.12].
- 4.21. The Secretary of State notes that LCC, the Applicant and the ExA agreed that the Viking Winter Camp should be treated as equivalent to a Scheduled Ancient Monument, despite not being a designated asset [ER. 3.5.60]. The Secretary of State notes that the issue of less than substantial harm to the Viking Winter Camp was not considered by the Secretary of State in his decisions on West Burton Solar Project, Gate Burton Energy Park and Cottam Solar Project [ER 3.5.57] given that in those cases, the respective applicants did not identify Viking Winter Camp as an asset of national importance [ER 3.5.57]. The Secretary of State is nonetheless content to consider the Viking Winter Camp as equivalent to a Scheduled Ancient Monument, and agrees with the ExA that there would be less than substantial harm to the asset [ER 3.5.64]. The Secretary of State ascribes the historic environment moderate negative weight in the overall planning balance.

## Soils and Agriculture

- 4.22. A Framework Soil Management Plan (“FSMP”) was prepared and this set out the planned measures to avoid, mitigate and compensate for impacts and effects to the soil of the application site from all phases of the Proposed Development [ER 3.10.48].
- 4.23. On 7 August 2025, the Applicant was asked to comment on the proposed insertion of a new sub-paragraph in Requirement 19 of the Order and to add NE as a consultee for the Requirement. The new subgraph stipulates that “The soil management plan must set out a programme of soil health monitoring to be undertaken throughout the operational phase of the project.”
- 4.24. The Applicant provided a response on 14 August 2025 and stated it did not consider the additions necessary for the following reasons:
- *“The Framework Soil Management Plan [REP6-020] already requires the final Soil Management Plan to “set out a programme of soil health monitoring to be undertaken throughout the operation of the Scheme to understand the full impact of solar development on soil health” at paragraph 5.6.6.*
  - *Requirement 19 already includes the requirement at sub-paragraph (2) that “The soil management plan must be substantially in accordance with the framework soil management plan”*

- *The Applicant considers that it is a matter of good drafting, in accordance with Advice Note 15: drafting Development Consent Orders at 16.2, that requirements in respect of management plans can be used to secure mitigation, with the mitigation and control measures themselves being located within the relevant management plans.*
- *This approach has been taken for all other requirements within Schedule 2 of the draft Development Consent Order – that is, details of what should be included within the final management plans have been captured within the framework version, and the framework version has been secured by the requirement.*
- *Should the new sub-paragraph (4) be added to Requirement 19, it would be inconsistent with the drafting of the other requirements in the Order, and open the question of what details in those management plans need to be pulled out into the requirements. The Applicant is concerned this would make the requirements overly detailed, and appear to prioritise some elements of the framework management plans over others.”*

- 4.25. The Applicant stated it is not opposed to soil health monitoring during the operation of the Proposed Development. The Applicant considered the Secretary of State can appropriately rely on the existing drafting of Requirement 19 to secure the framework management plan and its implementation post-consent.
- 4.26. On 8 August 2025, NE confirmed that it welcomed the opportunity to be consulted on the Soil Management Plan (“SMP”). With regards to how NE would expect the data resulting from the soil health monitoring to be made publicly available, including where it should be published, NE stated that it would depend on the consultant used and their data publishing protocols. NE stated its preference would be for this to be open data published on “.GOV for wider availability and complete transparency.” NE stated where this is not an option the Applicant could:
- *“publish it on the project website (assuming the website will remain a live domain throughout the lifetime of the project);*
  - *submit spatial data to UK Soil observatory (BGS);*
  - *or Publish annual Environmental Monitoring Reports (EMR) and publish them on the Planning Inspectorate portal / local authority monitoring portal.”*
- 4.27. On 12 August 2025, LCC wrote to the Secretary of State stating that “In respect of the SMP, LCC is defined as the relevant planning authority in the draft DCO for the discharge of this requirement. Any data that is to be made public pursuant to this Requirement should involve the relevant planning authority who would be best placed to make this information publicly available in the locality of this development.”
- 4.28. The Secretary of State notes LCC, NE and the Applicant’s response on soil monitoring and is satisfied that appropriate monitoring of soil health would be undertaken. The Secretary of State welcomes the preferences expressed by bodies to be consulted in the discharge of Requirement 19 in respect of making data publicly available and has therefore not included the proposed sub-paragraph in Requirement 19. The Secretary of State is satisfied with the addition of NE as a consultee for the SMP to Requirement 19. The Secretary of State ascribes neutral weight to the matter of soils and agriculture in the overall planning balance.



## Water Environment and Flood Risk

- 4.29. On 25 March 2025, the Environment Agency (“EA”) published new data following an updated National Flood Risk Assessment (“NaFRA”), which includes the Flood Map for Planning and flood zones. The ExA asked the Applicant and the EA to confirm if this new data had any implications for the Proposed Development. The ExA stated it was generally agreed that the new data did not indicate a significant greater risk to flooding for the Proposed Development site compared to the prior release of the new data [ER 3.12.23]. On 7 August 2025, the Applicant was invited to confirm whether the updated data from the EA had any implications for the Flood Risk Assessment (“FRA”) in the Environmental Statement (“ES”) for the Proposed Development, and to provide revised documents if necessary. The Applicant confirmed that it undertook a review of the NaFRA dataset released in 2025 and this was presented in Applicant's response to the ExA's Third Written Questions [REP6-054]. The results of this review were discussed and agreed with the EA and this is illustrated in the Statement of Common Ground with the EA [REP6-042]. The Applicant provided a table the summary findings of the NaFRA data review. The Applicant confirmed that the review of the NaFRA dataset released in March 2025 does not result in any changes to Appendix 10-3: Flood Risk Assessment of the ES [REP4-018] and its conclusions or the design of the Scheme.
- 4.30. The Secretary of State is content that the new data does not alter the conclusions of the ES and FRA, and no further information is required regarding flood risk.
- 4.31. Following the Secretary of State's consultation, an IP raised concerns regarding the adequacy of the FRA for the Proposed Development and in particular the consideration of the cumulative effect on flood risk resulting from other solar projects in proximity to the Proposed Development [C3-002]. The IP provided a report that concluded that “the FRAs for these projects are critically deficient”. The report made a recommendation to the ExA and the Secretary of State to mandate new hydrological modelling and require a unified cumulative effects study.
- 4.32. The Secretary of State notes that flood risk and cumulative effects resulting from flood risk were considered in the ExA report. The ExA stated that there is an assumption that all other development in proximity to the Proposed Development will have an appropriate drainage strategy to accommodate surface water run-off in accordance with either the NPS or the NPPF. The ExA stated that this should make flood risk no worse for any adjacent development. In addition, the ExA stated that the other developments will have to ensure that their sites will not exacerbate fluvial flood risk to other developments [ER 3.12.61].
- 4.33. The ExA concluded the Applicant had satisfied the sequential and exception tests within NPS EN-1 and is in accordance with the policies on the water environment and flood risk contained in NPS EN-1, NPS EN-3, the NPPF and the relevant development plan documents. The Secretary of State agrees with the ExA's findings and conclusions and finds that the assessment of water resources and flood risk of the Proposed Development including the cumulative impacts is adequate. The Secretary of State ascribes neutral weight to the matter of water environment and flood risk in the overall planning balance.

## **5. Habitats Regulation Assessment**

- 5.1. The Secretary of State has undertaken a Habitats Regulations Assessment (“HRA”) and has carefully considered the information presented during the Examination, including the HRA Report [REP3-006] as submitted by the Applicant, the Report on the Implications for European

Sites (“RIES”) as produced by the ExA, the ES, representations made by IPs, and the ExA’s Report.

5.2. The Proposed Development had the potential to have a Likely Significant Effect (“LSE”) from Noise And Visual Disturbances, Disturbance of Functionally Linked Land (“FLL”), Water Quality Impacts and Barriers to Movement pathways on the following two protected sites which considered alone and in-combination with other plans or projects:

- Humber Estuary SAC
- Humber Estuary Ramsar Site

5.3. As set out in the HRA, and having reviewed all relevant information the Secretary of State considers that the potential for LSE alone or in-combination with other plans and projects to the identified protected sites can be ruled out. Based on the information available to him, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not impact the qualifying features of any protected sites. The full reasoning for the conclusions is set out in the HRA which has been published alongside this decision letter.

## **6. Consideration of Land Rights and Related Matters**

6.1. The ExA was satisfied that [ER 6.7.67]:

- The application site has been appropriately selected;
- All reasonable alternatives to CA have been explored;
- The Applicant would have access to the necessary funds and the Order provides a clear mechanism whereby the necessary funding can be guaranteed;
- There is a clear need for all the land included in the Book of Reference (“BoR”) to be subject to CA or TP;
- There is a need to secure the land and rights required to construct, operate and maintain the Proposed Development within a reasonable timeframe, and the Proposed Development represents a significant public benefit to weigh in the balance;
- The private loss to those affected has been mitigated through the selection of the land; the minimisation of the extent of the rights and interests proposed to be acquired and the inclusion, where relevant, of Protective Provisions in favour of those affected;
- That in all cases relating to individual objections and issues that CA and TP are justified to enable implementation of the Proposed Development;
- The powers sought satisfy the conditions set out in s122 and s123 of the PA2008 as well as the CA Guidance; and,
- The powers sought in relation to statutory undertakers (“SUs”) meet the conditions set out in s127 and s138 of the PA2008 and the CA Guidance.

### *Crown Land*

6.2. The Crown Estate is the landowner of the riverbed and banks of the River Trent, and the Applicant has been liaising with the Crown Estate for an easement and consent under section 135(1) of the PA2008 to install power cables under the riverbed [ER 6.7.53]. The ExA stated the Applicant has been pursuing the Crown Estate for its consent and that in its view this would be in place by the end of the Examination or shortly thereafter [ER 6.7.55].

- 6.3. On 10 September 2025 the Secretary of State asked the Applicant and the Crown Estate to provide an update confirming whether or not Crown consent had been obtained. The Applicant responded on 30 September 2025 confirming that the Crown Estate had provided a letter confirming that Crown consent had been granted.
- 6.4. The Crown Estate provided a letter on 30 September 2025 confirming that it reached a separate agreement with the Applicant and confirmed its consent to the CA of the third party interest in Plot 20-11 for the purpose of section 135(1) of the Act. The Crown Estate stated consent was subject to inclusion of its proposed wording to Article 49 of the Order and that it would be consulted on any variation to the Order that is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act. The Crown Estate confirmed its consent to Articles 3, 4, 5, 18, 20, 30, 39, and 49 of the Order to the extent that they are included in the Order, applying in relation to Plot 20-11 for the purpose of section 135(2) of the Act.
- 6.5. The Secretary of State notes the proposed wording provided by the Crown Consent and has decided to include this in the Order.

*Protective Provisions (“PPs”) for EDF Energy (Thermal Generation) Limited (“EDF”)*

- 6.6. The ExA noted that EDF was still in negotiations with the Applicant at the time the ExA wrote its report. The ExA was content that the land and rights requested can be acquired without serious detriment to the continued function operation of EDF Energy’s undertakings in line with s 127 of the PA2008, and saw no reason not to permit the CA and rights requested over land that EDF has an interest in. The ExA considers that EDF Energy’s position and assets have been protected [ER 6.7.52].
- 6.7. On 7 August 2025, the Applicant and EDF were requested to confirm if any agreement had been reached. EDF responded confirming that it had agreed all matters with the Applicant before the close of the Examination and that the version of the Development Consent Order submitted by the Applicant at the close of the Examination (REP7-004) contained the agreed protective PPs for the benefit of EDF. EDF further stated that this was confirmed by the Applicant at Deadline 6 in its response to the ExA’s Third Written Questions. The Applicant confirmed that PPs were agreed with EDF during the Examination, as confirmed in its response to the ExA’s Third Written Questions [REP6-054], and that the PPs in the final draft Order submitted at Deadline 7 [REP7-003] therefore reflects the agreed position between the parties. The Applicant stated that it understood that this was further confirmed by EDF Energy to the Secretary of State on 7 August 2025. The Secretary has noted the responses received from the Applicant and EDF and is content that agreed PPs are sufficient and adequately secured in the Order.

*PPs for National Grid Electricity Distribution (“NGED”)*

- 6.8. NGED objected to the acquisition of rights over its land due to concerns over the protection and access to their existing apparatus [ER 6.7.6]. On 7 August 2025, the Applicant and NGED were asked to provide updates in respect of their negotiations. The Applicant responded on 14 August 2025 confirming that it and NGED had continued discussions in respect of their PPs and that the two parties had agreed a final set of PPs for inclusion in the Order. The Applicant confirmed that while the parties were agreed as to the drafting of the PPs and an associated side agreement, these were going through the legal completion process. The Applicant

understood that following completion of that process, NGED would be in a position to withdraw all outstanding representations to the project.

- 6.9. On 14 August 2025 NGED reaffirmed its position that it had two requirements to be satisfied before it would be in a position to confirm that the granting of the Order has no potential to cause serious detriment (for the purpose of Section 127 of the Planning Act 2008) to NGED's assets and interests which form part of its undertaking. NGED set out its requirements as:

*“1) – An acceptable form of side agreement has been agreed between the parties and is currently in the process of being signed and completed. It is NGED's hope that the agreement will be completed shortly. Until such time that the agreement has been completed, NGED does not consider this requirement to be satisfied.*

*2) – An acceptable form of protective provisions for the benefit of NGED to be included in the Order have now been agreed between the parties. The form of these protective provisions is included at Annex I of this letter. We understand that representatives of the Applicant will be writing to the Secretary of State to request that the agreed form of protective provisions at Annex I should be included within the final Order.*

*Until the agreed form protective provisions are included within the Order, NGED does not consider this requirement to be satisfied. NGED confirmed that once its requirements have both been satisfied, it will be in a position to confirm that its outstanding representations to the Order have been fully satisfied and it remains hopeful that both requirements will be satisfied shortly.”*

- 6.10. On 19 September 2025 NGED confirmed that NGED and the Applicant had agreed and completed a suitable form of PPs along with a supplemental commercial side agreement on 18 September 2025. NGED stated it withdrew its objection.
- 6.11. Noting the responses from NGED and the Applicant, the Secretary of State has decided to include the PPs within the Order in line with those confirmed as agreed in NGED's letter of 14 August 2025.

#### *PPs for Network Rail*

- 6.12. On 30 September 2025 the Applicant confirmed that it had completed a Framework Agreement with Network Rail. On 30 September 2025 Network Rail confirmed withdrawal of its objection following completion of the Framework Agreement with the Applicant. Network Rail considered its concerns were satisfactorily addressed and the agreement provided the required PPs for railway land and interests.

#### *Outstanding Land Interests*

- 6.13. On 7 August 2025, the Secretary of State asked the Applicant to provide any updates on outstanding agreement(s) and negotiation(s) with respect to compulsory acquisition or temporary possession matters relating to Mr Nicholas Hill and Mrs Emma Ruth Hill, Mrs Nicola Jane Hulme and Mr Stephen Patrick Harness, and Mr Melville Roy Wilkinson. The Applicant responded stating in respect to Mr Nicholas Hill and Mrs Emma Ruth Hill, there were “site specific issues and differences between the parties as to what constitutes acceptable commercial terms mean that no agreement has been reached.” The Applicant stated that Mrs Nicola Jane Hulme and Mr Stephen Patrick had indicated “a willingness to enter into a constructive dialogue” however no agreement had been reached. The Applicant stated that Mr

Melville Roy Wilkinson remained opposed to the Proposed Development and did not wish to enter into a voluntary agreement. The Applicant stated that it would continue to progress voluntary agreements where possible.

- 6.14. The Secretary of State is satisfied with the update from the Applicant on outstanding land agreements and notes that the Applicant has made efforts to secure agreements where possible.

#### *BoR*

- 6.15. The ownership of several plots of land in BoR [REP6-010] was queried in a post-examination submission from Mr Tony Cort. On 7 August 2025, the Applicant was asked to provide details of the plots and other plots if ownership had changed in the first information request. The Applicant responded that it had reviewed land ownership details of the plots. The Applicant confirmed that the Land Registry office copies align with the description of these plots within the BoR [REP7-008]. The Applicant also noted that there had been transactions of land from the Settlement to 'Clifford Graham Rowles Nicholson' ('Mr Nicholson') and then again to Tillside. The Applicant confirmed that these were not yet reflected in the current registered titles as of 14 August 2025, but confirmed that it would continue to monitor the Land Registry in respect of these titles and would provide an update to the Secretary of State if changes occur prior to the decision, should that be requested. The Applicant confirmed that it was not aware of other plots that had changed ownership since the most recent version of the BoR [REP7-008] was submitted on 8 April 2025.
- 6.16. The Secretary of State is satisfied that the Applicant's response has ensured that the queries from Mr Tony Cort have been adequately addressed. The Secretary of State notes the intention of the Applicant to continue to monitor the data held by the Land Registry in respect of ownership of the parcels of land, and should there be any changes to the registered titles the Secretary of State invites the Applicant to resubmit any revised pages to the Book of Reference it prior to it being certified as a document under Article 41 of the Order.

#### *The Secretary of State's Conclusion*

- 6.17. The Secretary of State has noted the responses received to his information request, along with the objections and representations outstanding as summarised in the ExA report [ER 6.7.8 et seq.]. The Secretary of State agrees with the ExA's conclusions at ER 6.7.67, and agrees that there is a compelling case in the public interest for the CA and TP powers that are being requested [ER 6.7.68], and that these powers should therefore be granted.
- 6.18. The Secretary of State is satisfied that the inclusion of land rights powers within the Order meets the requirements of s122 and s123 of the 2008 Act and relevant guidance [ER 6.7.67] that it would be appropriate and proportionate to include them in the Order.
- 6.19. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified 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, Conclusion and Decision**

- 7.1. The Secretary of State acknowledges that all NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed as being in accordance with NPS policy, subject in some cases to suitable mitigation measures

being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.

- 7.2. 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:
- In-combination effects – (little negative weight);
  - Historic environment – (moderate negative weight);
  - Human health, safety, accidents and major incidents – (little negative weight);
  - Landscape and visual – (great negative weight);
  - Noise and vibration – (little negative weight);
  - Socio-economics – (little positive weight);
  - Transport and access – (little negative weight);
  - Air quality – (neutral weight);
  - Materials and waste – (neutral weight);
  - Ground conditions – (neutral weight); and,
  - Telecommunications, television reception and utilities – (neutral weight).
- 7.3. The Secretary of State has ascribed substantial positive weight to the need case. The ExA ascribed the need case very great positive weight. The difference in the terminology used by the Secretary of State is to ensure consistency to the policy set out in NPS EN-1 regarding substantial weight being ascribed to the need case, however the conclusions are different in terminology only and the weighting ascribed is the same in every other sense.
- 7.4. The Secretary of State considers the amendments to the BNG strategy would contribute to the biodiversity of the application site of the Proposed Development. The Secretary of State ascribes biodiversity and ecology moderate positive weight.
- 7.5. The Secretary of State notes there would be less than substantial harm from the Proposed Development on designated and non-designated heritage assets, however the Proposed Development would be in accordance with the NPSs. The Secretary of State therefore ascribes the historic environment moderate negative weight.
- 7.6. The Secretary of State ascribes neutral weight to soils and agriculture. The Secretary of State has also ascribed neutral weight to the water environment including flood risk.
- 7.7. The Secretary of State notes in particular the proximity of the Proposed Development to three other solar NSIP projects (and other projects, where relevant to the specific planning issue). He notes that cumulative effects were raised by various IPs in respect of a range of planning issues during the Examination [ER 3.4.18]. The Secretary of State acknowledges the strength of views expressed concerning cumulative impacts, in particular, but not limited to, landscape and visual impacts [ER 3.7.119] and soils and agriculture impacts [ER 3.10.50]. The Secretary of State agrees with the ExA that the Applicant has undertaken an assessment of cumulative effects in accordance with the requirements of NPS EN-1 and NPS EN-3 [ER 3.4.29] and notes that the ExA considered cumulative effects on a topic-by-topic basis under each of the relevant planning issues [ER 3.4.2]. The Secretary of State has taken all cumulative effects into account in consideration of the relevant topics and, where agreeing with the conclusions of the ExA, is satisfied that the ExA has done so too when reaching those conclusions.
- 7.8. The Secretary of State concludes that development consent should be granted for the Proposed Development. The Secretary of State does not believe that the national need for the

Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.

- 7.9. 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 LCC, WLDC and NCC, the NPSs, draft NPSs, 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 Planning Act 2008. 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.
- 7.10. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

## **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; disability; gender reassignment; marriage and civil partnerships<sup>7</sup>; pregnancy and maternity; race; religion or belief; 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 notes in response to the consultation letter of 15 August 2025, a response was received from an IP reiterating concerns regarding the impact of the Proposed Development on an individual with protected characteristics. The Secretary of State considers the ExA addressed the issues regarding the equalities impacts of the Proposed Development, including on individuals with protected characteristics [ER 3.8.103, ER 8.2.9]. The Secretary of State considers the requirements within the DCO would enable the relevant plans and information to be submitted to the relevant authorities for consultation and approval to mitigate the remaining impacts to the local population including those with protected characteristics from the Proposed Development.
- 8.4. 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 grant consent to the Proposed Development.

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<sup>7</sup> In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

- 8.5. 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 granting 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

- 8.6. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, under section 40(A1) of the Natural Environment and Rural Communities 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.
- 8.7. The Secretary of State is of the view that the ExA’s Report, together with the ES considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving and enhancing biodiversity.

### **9. Modifications to the draft Order**

- 9.1. Following consideration of the draft Order provided by the ExA, the Secretary of State has made the following modifications to the draft Order:
- a. Amendments to the definitions in Article 2(1) (Interpretation):
    - I. Amendment to the definition of authorised development to align with the Secretary of State’s preferred defined term;
    - II. Amendment to the definition of “land and Crown land plans” to align with the certified name used in Schedule 13;
    - III. Amendment to the definition of “maintain” to include a reference to the extent that those elements were assessed in the Environmental Statement;
    - IV. Amendment to the definition of “Order land” to define the land used by reference to the land and Crown lands plan and the book of reference; and
    - V. Updated references to the West Burton, Cottam and Burton Gate Solar Development Consent Orders.
  - b. Article 6 (application and modification of statutory provisions): deletion of provisions relating to planning permissions because they are not considered necessary and create potential confusion.
  - c. Article 7 (defence to proceedings in respect of statutory nuisance): amendments to clarify the circumstances in which a notice or consent under the Control of Pollution Act 1947 acts as a defence to proceedings.



- d. Article 10 (power to alter layout, etc., of streets) to align the power to alter street layouts to the purposes of the authorised development.
- e. Article 22 (time limit for exercise of authority to acquire land compulsorily): deletion of extensions to time limits in the event of a legal challenge to the DCO. The Secretary of State considers that the normal 5 year period is an adequate timeframe, regardless of any legal challenge, in which to serve the notice to treat in respect of compulsory purchase.
- f. Article 23 (compulsory acquisition of rights): deletion of paragraph (8) as unnecessary, with reference to Article 2(9) of the Order.
- g. Article 24 (private rights): deletion of the reference to a grant of a lease of the land by agreement in Article 24(1)(a). It is implicit that a lease is created by agreement, so this already covered by Article 24(1)(a).
- h. Schedule 2 (requirements):
  - i. As set out above, the Secretary of State has added Natural England as an appropriate consultee in the following requirements:
    - 7 (landscape and ecological management plan);
    - 8 (biodiversity net gain);
    - 12 (construction environmental management plan);
    - 13 (operational environmental management plan);
    - 19 (soil management); and
    - 21 (decommissioning and restoration).
  - i. As set out above, the Secretary of State has also added a new sub-paragraph 2 to requirement 8 (biodiversity net gain) to ensure that biodiversity net gain in area-based habitat units will be delivered.
  - j. In requirement 14 (waste management plan) the drafting has been clarified to ensure the operational waste management plan as approved must be maintained throughout the operation of the relevant part of the authorised development.
  - k. In requirement 21 (decommissioning and restoration), the long stop date for decommissioning has been linked to the date of final decommissioning for that part of the authorised development. This is because the definition of the “date of final decommissioning” provides that the date is for each part of the authorised development.
  - l. In Schedule 13 (documents and plans to be certified) the outline drainage strategy has been added as a plan to be certified under Article 41.
  - m. In Schedule 14 (arbitration rules), paragraph 7 has been amended to reflect the Secretary of State’s preference that the default position should be that any arbitration hearing and documentation is publicly accessible, rather than private as previously

provided, subject to confidentiality or disclosure exceptions in sub-paragraphs (2) and (3).

- n. In Schedule 16 (procedure for discharge of requirements), the definition of a discharge has been added from recent DCOs, for clarity.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments, changes in the interests of clarity and consistency, changes made for the purposes of standardised grammar and spelling, and changes to ensure that the Order has its intended effect. The Order, including the modifications referred to above is being published with this letter.

## **10. Challenge to decision**

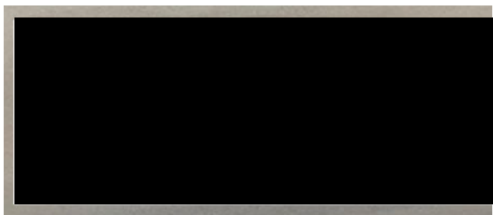
10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

## **11. Publicity for decision**

11.0. 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 EIA Regulations.

11.1. Section 134(6A) of the 2008 Act provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



David Wagstaff OBE

Head of Energy Infrastructure Development

*[This decision was made by Parliamentary Under Secretary of State, Martin McCluskey MP, on behalf of the Secretary of State for Energy Security and Net Zero]*

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

Under section 118 of the Planning Act 2008, an Order granting 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/EN010142>

**These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order 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
AA	Appropriate Assessment
AEoI	Adverse Effect on Integrity
BESS	Battery Energy Storage System
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
BoR	Book of Reference
CA	Compulsory Acquisition
CCGT	Combined Cycle Gas Turbine
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EDF	EDF Energy (Thermal Generation) Limited
EA	The Environment Agency
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
ES	Environmental Statement
ExA	The Examining Authority
FRA	Flood Risk Assessment
FSMP	Framework Soil Management Plan
FZ	Flood Zone
HRA	Habitats Regulations Assessment
IP	Interested Party
IROPI	Imperative Reasons of Overriding Public Interest
ISH	Issue Specific Hearing
LDP	Local Development Plan
LEMP	Landscape and Ecological Management Plan
LCC	Lincolnshire County Council
LIR	Local Impact Report
LLCA	Local Landscape Character Area
LSE	Likely Significant Effect
LVIA	Landscape and Visual Impact Assessment
MW	Megawatt
MWh	Megawatt hour
NE	Natural England
NaFRA	National Flood Risk Assessment
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NSN	National Site Network
NCC	Nottinghamshire County Council

NGED	National Grid Electricity Distribution
OCEMP	Outline Construction Environmental Mitigation Plan
ODP	Outline Design Plans
OLEMP	Outline Landscape and Ecological Management Plan
OSSCEP	Outline Skills, Supply Chain and Employment Plan
PP	Protective Provisions
PPG	Planning Policy Guidance
PSED	Public Sector Equality Duty
PV	Photovoltaic
rDCO	Recommended Development Consent Order
RIES	Report on the Implications for European Sites
RR	Relevant Representation
SMP	Soil Management Plan
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area
SUs	Statutory Undertakers
The 2008 Act	The Planning Act 2008
The TCPA 1990	The Town and Country Planning Act 1990
TP	Temporary Possession
UKHSA	United Kingdom Health Security Agency
WLDC	West Lindsey District Council
WMS	Written Ministerial Statement
WR	Written Representations
WSI	Written Scheme of Investigation