

Tween Bridge Solar Farm

8.5 Written Summary of Oral Submissions at the Issue Specific Hearing 1

Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009

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Revision 1

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1 Introduction

1.1. Introduction

- 1.2. This document summarises the oral submissions made on behalf of RWE Renewables UK Solar and Storage Limited (the Applicant) at the Issue Specific Hearing 1 (ISH1) on 15 April 2026 in relation to the Applicant's application for development consent for the Tween Bridge Solar Farm (Scheme).
- 1.3. This document does not purport to summarise the oral submissions made by other parties at the ISH1 and references to submissions made by other parties are only included to give context to the Applicant's submissions in response.
- 1.4. Reflective of the Applicant's confirmation that a detailed response would be provided at Deadline 1, this document also includes post-hearing responses to some matters raised at the ISH1. Where the comment is a post-hearing comment submitted by the Applicant, this is indicated.
- 1.5. This document uses the headings for each item in the agenda published for ISH1 by the Examining Authority (ExA) on 7 April 2026 [EV3-001].

2 Agenda item 1 – Welcome, introductions and arrangements for the Hearing

- 2.1. The Applicant was represented at ISH1 by Tom McNamara (TM), TLT LLP, Legal Director.
- 2.2. The following persons who intended to make submissions on behalf of the Applicant during the ISH1 were introduced:
 - Hannah Baker (HB), Pegasus, Environmental Planner;
 - Rana Alidad (RA), Pegasus, Environmental Planner;
 - Gareth Roberts (GR), Pegasus, Senior Director;
 - Jonathan Millward (JM), Pegasus, Heritage Consultant; and
 - Julian Arthur (JA), Tyler Grange, Director.

2.3. The following parties who intended to make submissions during the ISH1 were introduced:

- [REDACTED] representing North Lincolnshire Council (NLC); and [REDACTED] [REDACTED] and [REDACTED] representing City of Doncaster Council (CDC), together the Councils;
- [REDACTED] and [REDACTED] of Tetra Tech Europe speaking on behalf of the Councils;
- [REDACTED] representing Lincolnshire Wildlife Trust (LWT);
- [REDACTED] [REDACTED] and [REDACTED] representing the Environment Agency (EA);
- Mr Michael Brooke, a person with an interest in the land affected by the Scheme; and
- Ms Samantha Brooke, a local resident.

3 Agenda item 2 – Purpose of the Issue Specific Hearing

3.1. The Applicant did not make submissions on this agenda item.

4 Agenda item 3 – Network Connection

Consideration of the grid connection, with particular regard to the prospect of consent being granted separately for elements not included as part of the proposed development.

4.1. The ExA sought clarification on whether the **Grid Connection Statement [Document Reference 5.8 Revision 3]** adequately explained responsibility for the design and construction of the Scheme's grid connection, having regard to the Relevant Representation from **National Grid Electricity Transmission (NGET) [RR-O21]**, which stated that there was currently no intention to construct a substation in the area.

- 4.2. TM confirmed that the Applicant's Grid Connection Statement explained that NGET would be responsible for the design and construction of the 400 kV off-site substation, but that the document identified that there was optionality in relation to the delivery of the 400kV export connection cable. TM drew attention to paragraph 4.3.1 of the Grid Connection Statement, which specified that the 400 kV export connection cable could be delivered either by NGET or by the Applicant, and to paragraph 5.1.5, which stated that responsibility for the design and construction of the 400kV export connection cable could rest with either party. TM further noted that paragraph 3.1.5 clearly set out the different mechanisms by which the 400kV export connection cable may be consented.
- 4.3. TM explained that, under the Electricity Act 1989, 400 kV electrical cables were classed as transmission level infrastructure and would therefore ordinarily fall within NGET's remit. The optionality retained within the Grid Connection Statement reflected that position. TM therefore confirmed that there was, in the Applicant's view, no inconsistency between the Grid Connection Statement and NGET's Relevant Representation, and that the Applicant's approach was compliant with Regulation 6(1)(a) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 because it confirmed that either the Applicant or NGET could be responsible for designing and building the connection to the electricity grid.
- 4.4. Post-hearing note: the Applicant confirms that the Grid Connection Statement [Document Reference 5.8 Revision 3] has been updated to state that the Applicant now expects to be responsible for consenting, designing, building and operating the 400kV export connection cable, thus ensuring full alignment with the NGET Relevant Representation. The revised Grid Connection Statement has been submitted at Deadline 1.**
- 4.5. The ExA requested clarification on NGET's process for constructing a new substation in the vicinity of the Scheme, having regard to NGET's Relevant Representation stating that it currently had no plans to construct a new substation in the area. TM responded to the ExA in two parts.
- 4.6. First, TM explained that the Grid Connection Statement was prepared based on the Applicant's understanding, at the time of its production, that a new substation was required to connect the Scheme into the national electricity transmission system (NETS). That position had since evolved, and there was now the possibility that the Scheme could be connected either via a new substation or

via an existing substation. TM stated that this change underlined the embryonic nature of NGET's optioneering process in respect of the point of connection, hence why the Applicant had excluded it from the present application for development consent.

- 4.7. Second, TM explained the significance of the Applicant's connection agreement from the National Electricity System Operator (NESO), as described in Section 2 of the Grid Connection Statement. Under that agreement, NGET was subject to regulatory obligations to deliver a point of connection for the Scheme. While the precise geographic location of that connection point was still to be determined, the agreement was legally binding and secured the future provision of a point of connection by NGET.
- 4.8. The ExA further queried whether any geographical parameters currently existed to inform NGET's siting process for the point of connection. TM confirmed that no such parameters have been identified at this stage and emphasised that the Applicant had no control over NGET's siting considerations, albeit the Applicant remained in dialogue with NGET. TM noted that the examination remained at an early stage and that the position could potentially evolve over the coming months, and updates would be provided to the ExA accordingly.
- 4.9. The ExA sought the Applicant's views on paragraph 4.11.8 of National Policy Statement (NPS) EN-1, querying whether, to demonstrate that there were "*no obvious reasons why other elements are likely to be refused*", the Applicant was required to demonstrate a realistic prospect of consent being granted.
- 4.10. TM confirmed that the Applicant did not agree that this was the test under paragraph 4.11.8. TM considered that the test was whether there were any obvious reasons why consent was likely to be refused. TM submitted that, while the point of connection remained unknown, there was no obvious reason why consent for the grid infrastructure would be refused. NGET controlled the siting process and was expected to follow its usual procedures to bring forward an appropriate proposal, having regard to relevant legal and policy considerations. TM submitted that this interpretation was consistent with paragraph 4.11.8 of NPS EN-1.
- 4.11. TM referred to the recently consented Springwell Solar Farm, where a requirement was proposed by some interested parties within the Development Consent Order (DCO), the effect of which would have been to prevent commencement of the

solar farm development until planning permission had been granted for the NGET off-site substation. In granting development consent, the Secretary of State declined to include such a requirement, noting the absence of substantive evidence that consent for the substation or overhead line would be refused, and placing weight on the grid connection agreement with NGET. TM explained that the Applicant was in a substantively similar position. Grid infrastructure was required and there was currently no basis to conclude that consent for that infrastructure would be refused.

- 4.12. TM explained that the Applicant's approach to grid connection delivery was common across the renewables sector and supported by extensive precedent across consenting regimes. While acknowledging the ExA's observation that this approach may be less common in solar DCO applications, TM maintained that it was consistent with national policy. In addition to paragraph 4.11.8 of NPS EN-1, TM referred to paragraph 2.7.2 of NPS EN-5, which recognised that a consolidated approach may not always be possible or the most efficient means of delivering new infrastructure.
- 4.13. TM explained that the Applicant was affected by wider constraints affecting the industry, including NESO's recent grid connection reforms and the re-ordering of the grid connection queue that was a critical part of those reforms. TM emphasised that, although no specific geographical location for the point of connection had been identified to date, the siting process was ongoing and NGET was under an obligation to provide the Scheme with a point of connection under the connection agreement which provided a high level of confidence that the Scheme would connect to the grid.
- 4.14. The ExA requested that the Applicant prepare and submit for Deadline 1 a written submission considering the similarities and differences between the Scheme and other identified precedents and providing detail on the contractual and regulatory obligations to which NGET was subject regarding the provision of a point of connection.
- 4.15. Action 1: produce written submission setting out similarities and differences between the Scheme and other DCO precedents where the grid connection was not included (including Springwell Solar Farm) and provide further detail on NGET's contractual and regulatory obligations to provide a point of connection for the Scheme.**

- 4.16. **Post-hearing note: the Applicant has prepared a written submission in respect of this action point and included it as Annex 1 to this written summary of oral submissions.**

Consideration of the grid connection, with particular regard to the grid connection date and any implications for the assessment contained within the Environmental Statement (ES).

- 4.17. The ExA sought clarification regarding the change to the Scheme's anticipated connection date to the NETS.
- 4.18. TM explained that, following the reorganisation of the grid connection queue by NESO as part of NESO's wider grid connection reforms, the Scheme received a 'Gate 2 Phase 2' grid connection notification in December 2025, which meant the Scheme was now expected to connect to the NETS between 2031 and 2035. This represented a delay from the previously assumed connection date of June 2029.
- 4.19. Therefore, as set out at the Preliminary Meeting, TM confirmed that the Applicant proposed to submit at Deadline 2 a sensitivity test report which would address the implications of the delay to the Scheme's grid connection on the assessment conclusions set out in the Environmental Statement (ES) submitted with the Application (the Sensitivity Test Report). TM explained that **Chapter 2 of the ES: Scheme Description [APP-039]** defined the temporal scope of the assessments, which included an assumption that the Scheme would be constructed over a 54-month period starting in 2028 and ending in 2032, with partial Scheme operation from 2029 and full Scheme operation from 2032. The Scheme would operate for 40 years (i.e., to 2072), with decommissioning taking place thereafter.
- 4.20. TM confirmed that the Sensitivity Test Report would review, on a topic-by-topic basis, the implications of the revised connection date and identify whether any materially new or materially different effects would arise as a result during the construction, operation and decommissioning of the Scheme. This required consideration to be given to the possibility of a later construction period, given that the Scheme could connect to the NETS up to 2035. It also required consideration to be given to the possibility of a shorter construction period (36 months), since it was conceivable that the Scheme would now be given a single connection date when the Scheme received its Gate 2 offer. If this was the case,

on the Applicant's analysis, it was reasonable to assume that the Scheme could be constructed in a shorter period of time (i.e., 36 months) than it could if the Scheme was to retain phased connection dates (54 month construction period, reflecting current ES assumptions). The Sensitivity Test Report would then consider the implications of the Scheme potentially being in operation until 2075 (i.e. 40 years from 2035 and therefore three years later than currently assumed in the ES), and of the Scheme being decommissioned up to three years later than currently assumed.

- 4.21. TM confirmed that the work to date on the Sensitivity Test Report currently indicated that there were no material implications associated with the grid connection delay and that the assessment conclusions remained within the scope of the ES before the examination. TM confirmed that the Sensitivity Test Report would be submitted at Deadline 2 setting out the full analysis and conclusions.
- 4.22. To provide context to the content of the Sensitivity Test Report, HB explained that its purpose was to stress-test the ES conclusions against the revised grid connection parameters. HB confirmed that reviews undertaken by the different environmental disciplines demonstrated that the revised connection date did not materially alter the ES conclusions, providing confidence that the ES remains fit for purpose. The Applicant was not proposing to amend or update the ES itself because this would not be necessary in circumstances where the Sensitivity Test Report provided comfort that the ES was fit for purpose and its conclusions remained robust. The Sensitivity Test Report would therefore be submitted as a standalone document, with no requirement for supporting updates to the ES itself.
- 4.23. TM noted that the submission of a standalone sensitivity assessment was well precedented in the DCO regime, citing the Lower Thames Crossing and A303 Stonehenge applications, where separate environmental assessment documents were accepted without the need to amend the ES itself.
- 4.24. In response to comments from the ExA and CDC that the Sensitivity Test Report may be difficult for local residents to understand, HB confirmed that the document would be concise, particularly as no changes to residual effects were anticipated. HB agreed that a summary table could be included to clearly present residual effects by topic and also confirmed that an executive summary could be included to facilitate understanding.

- 4.25. **Action 2: executive summary to be included within the Sensitivity Test Report to be submitted at Deadline 2, including a table summarising residual effects by ES chapter and noting any changes from the submitted ES.**
- 4.26. NLC made submissions regarding the implications of the absence of grid infrastructure within the Scheme application and how this affected the definition of the project for EIA purposes.
- 4.27. In response, TM acknowledged that the definition of a project for EIA purposes was not circumscribed by the strict parameters of the application for consent; rather the need for environmental impact assessment had to be considered in the context of the whole development (including any parts that may not form part of the same consent application). However, TM submitted that, in circumstances where no point of connection had been identified at the current time, as here, the effects attributable to those elements of the grid infrastructure not included in the present application could not be meaningfully assessed. Responding to NLC's reference to the Raeshaw Farms Limited¹ judgment, TM identified a key factual distinction: in Raeshaw, a point of connection was known, but was not assessed or considered in the submitted ES. By contrast, no point of connection has been identified for the Scheme. TM also confirmed that the grid connection would be the subject of a separate consenting process, at which point an EIA would be undertaken, if required. If the Scheme was consented, it would be considered as part of the EIA for the grid connection proposals at that stage.

5 Agenda item 4 – Environmental Matters

5.1. Item 4a – Landscape and Visual

Consideration of the landscape and visual effects of the proposed development.

- 5.2. The ExA sought clarification on the Applicant's approach to assessing localised landscape effects within the wider Landscape Character Area (LCA).

¹ Raeshaw Farms Ltd v Scottish Ministers & Energiekonto UK Ltd [2026] CSIH 10

- 5.3. KC referred to paragraphs 6.5.50–6.5.66 of **ES Chapter 6: Landscape and Visual [APP-043]**, which assessed the Thorne and Hatfield Peat Moorlands LCA, characterised by extensive flat farmland. KC explained that whilst significant effects were identified within areas inside the Order Limits, the LCA was geographically extensive, and the effects were highly localised. When considered across the LCA as a whole, those effects were therefore assessed as not significant. In response to comments from CDC, KC also reiterated that although some significant localised effects would arise, the Scheme affected only a small proportion of the wider LCA.
- 5.4. The ExA queried why Table 6.6 of ES Chapter 6 separated landscape character effects from landscape feature effects.
- 5.5. KC explained that landscape features were a key component of landscape character, but it was accepted industry practice and in line with the methodology to assess feature effects separately from overall character effects in order to clearly explain their respective contributions to landscape change.
- 5.6. In response to the ExA's query whether the introduction of additional hedgerows would be beneficial to landscape character, KC confirmed that hedgerows were an important component of the local landscape and would positively contribute to its layered character.
- 5.7. The ExA also sought clarification regarding the beneficial effect of changing arable land to grassland.
- 5.8. KC explained that while grassland represented a different landscape component to arable farmland, it was not inconsistent with the prevailing landscape character. Grassland offered soil protection and could contribute to a richer visual environment, reflecting a more pastoral landscape component.
- 5.9. In response to submissions from the Councils concerning impacts on landscape distinctiveness, KC explained that the land within the Order Limits was heavily engineered and managed, with multiple layers of historic intervention. These included the drainage of heaths and meads to enable large scale intensive farming, peat extraction, different types and extents of layered vegetation, transport infrastructure, open ditch maintenance devoid of

vegetation, farmsteads influenced by suburban development and large-scale sheds, and more recent features such as wind turbines and pylons.

- 5.10. In response to further queries from the Councils on whether the proposed grassland was achievable on the soils within the Order Limits, KC confirmed that it was considered achievable and would be secured through the Landscape Ecological Management Plan (LEMP) post-consent, as part of habitat establishment. KC also confirmed that the Applicant would respond in writing to the Councils on these matters as part of its response to the Local Impact Reports.
- 5.11. Action 3: explain to the Councils why the proposed grassland habitats were achievable given the soil conditions within the Order Limits, as part of the Applicant's response to the Local Impact Reports at Deadline 2.**
- 5.12. The ExA sought clarification on Table 6-6 of ES Chapter 6: Landscape and Visual [Document Reference 6.2.6 Revision 2], specifically in relation to the approach of grouping residential receptors and identifying the level of residual effect as a range from none to moderate.
- 5.13. KC explained that Table 6-6 was intended as a high-level summary, presenting the assessment outcomes in a concise format. TM added that **ES Appendix 6.2: Residential Visual Amenity Assessment [APP-062]** contained a detailed tabulated assessment of residential receptors at Table 2-2, and that Table 6-6 was designed to summarise that information for the purposes of Chapter 6.
- 5.14. The ExA requested that the receptors in respect of which significant effects were reported in ES Appendix 6.2 be extracted and clearly highlighted within an updated Table 6-6.
- 5.15. Action 4: extract receptors subject to significant effects from ES Appendix 6.2 and present them in a summary update to Table 6-6.**
- 5.16. Post-hearing note: the Applicant has identified the residential receptors in respect of which significant effects are reported in ES Appendix 6.2 and included this as part of the ES Chapter 6: Landscape and Visual [Document Reference 6.2.6 Revision 2] submitted at Deadline 1.**

Consideration of the effect of the proposed development on residential visual amenity.

- 5.17. The ExA sought clarification on paragraph 1.2.7 of **ES Appendix 6.2: Residential Visual Amenity Assessment [APP-062]**, specifically in relation to the exclusion of certain properties from the Residential Visual Amenity Assessment (RVAA) on the basis of their financial involvement in the Scheme.
- 5.18. KC explained that this approach reflected standard industry practice. KC confirmed that the excluded properties were included within the residential baseline, as evidenced by their identification in **ES Figure 6.5: Residential Properties [APP-149]**. TM confirmed that the purpose of the RVAA was to assess private residential views, and that the properties in question have entered into agreements with the Applicant, thereby accepting in principle that their private views may be adversely affected by the Scheme.
- 5.19. Ms Brooke raised concerns regarding potential glint and glare impacts on her father's property and sought clarification on the images included in **ES Appendix 16.1: Glint and Glare Assessment (Fixed Design) [APP-123]** to illustrate proposed screening measures.
- 5.20. TM acknowledged Ms Brooke's submission and noted that, further to both her comments and those made by Mr Brooke at Open Floor Hearing 1, the Applicant would respond at Deadline 1 to explain how glint and glare impacts on Mr Brooke's property have been assessed within the application documents.
- 5.21. Action 4: write to Mr Brooke to confirm that his property was included within the glint and glare assessment, summarise the assessment conclusions, and clarify the proposed location of screening shown in the images in ES Appendix 16.1: Glint and Glare Assessment (Fixed Design) [Document Reference 6.3.16.2 Revision 2] and how this will provide sufficient mitigation.**
- 5.22. Post-hearing note: following the Open Floor Hearing 1 and ISH1, the Applicant contacted Mr Brooke directly to assist with his queries in relation to glint and glare impacts on his property. The Applicant confirmed with Mr Brooke that his property was dwelling reference no. 200 in both the Glint and Glare Assessment (Fixed and Tracker Design [APP-122] and the Glint and Glare Assessment (Fixed Design) [Document Reference 6.3.16.2 Revision 2]. The Applicant advised Mr Brooke that the image on page 272 of the Glint and Glare assessment [APP-122] represented the assessment results for road receptor A333, and so the results were not relevant to the dwelling receptors. The Applicant confirmed the correct results for dwelling reference**

no. 200 were shown on page 27 of the Glint and Glare Assessment [APP-122] and provided a direct link to where the document could be accessed. The Applicant also advised Mr Brooke in respect of what the different colours on the chart represented and the conclusions of the Glint and Glare Assessment on his residential property. The Applicant explained to Mr Brooke that there were no established criteria for categorising glint and glare effects on receptors such as farming fields, farmsteads or sheep and therefore his land, separate from his residential property, does not have a separate assessment. The nearest receptor to those fields is dwelling reference 257 of the Glint and Glare Assessment, and the reports of this were provided in the table on page 93 of the Glint and Glare Assessment [APP-122].

- 5.23. The ExA sought confirmation as to the basis on why no Stage 4 assessments were proposed within the RVAA.
- 5.24. KC confirmed that no Stage 4 assessments have been undertaken, as no properties were identified as experiencing a very high magnitude of effect that would trigger such an assessment. KC referred to the Landscape Institute Technical Guidance note O2/19, (TGN O2/19) which set out the “overly intrusive” test applicable to solar farm developments and explained that this terminology was relevant to the RVAA undertaken for the Scheme. KC explained that whether a solar farm resulted in an “overly intrusive” effect depended on a range of factors, including the nature of the installation, baseline conditions, proximity of receptors to the panels and the mitigation proposed.
- 5.25. Ms Brooke raised concerns regarding potential glint and glare impacts on her father’s property and queried how the level of significance had been determined in the RVAA.
- 5.26. KC confirmed that Mr Brooke’s property was included within the RVAA (receptor reference 32) but clarified that the RVAA assessed the impact of the Scheme on private residential views, which was separate from the assessment of glint and glare effects. TM added that the Applicant would write separately to Mr Brooke regarding glint and glare impacts on his property.
- 5.27. Post-hearing note: no further action was required as this replicated Action 4.**

- 5.28. NLC queried whether the properties excluded from the RVAA due to their financial involvement with the Scheme were all owner-occupied, or whether other occupiers may be affected.
- 5.29. TM acknowledged NLC's query and confirmed that the Applicant would respond in writing as part of the written summary of its oral submissions at ISH1. TM also confirmed, in response to the ExA's request, that the Applicant would confirm if TGN 02/19 addressed the exclusion of properties from the RVAA where the owners have a financial involvement with the Scheme.
- 5.30. Action 5: Confirm whether the properties excluded from the RVAA (as listed in Table 1-1 of ES Appendix 6.2: Residential Visual Amenity Assessment [APP-062]) are all owner-occupied and confirm whether TGN 02/19 addressed the exclusion of properties with a financial interest in the development.**
- 5.31. Post-hearing note: the properties excluded from the RVAA comprise some which are owner-occupied and some which are non-owner occupied. However, the Applicant does not consider that this is material to the exclusion of these properties from the scope of the RVAA. The Applicant has entered into agreements with the owners of these properties for the acquisition of land interests and rights in respect of the Scheme, which indicate that those parties (and by extension any other occupiers of the land who would, by virtue of the nature of their interest in the land, ultimately be bound by any agreement entered into by the owner) have accepted the principle of development and the inevitable impact on views from their properties that the Scheme will have. The Applicant notes that the Landscape Institute Technical Guidance Note (TGN) 2/19 (Ref 1-15)RVAA provides examples of factors which might contribute to the threshold being reached, including 'unavoidable', 'overwhelming', 'oppressive' and 'overly intrusive'. Based on the informed professional judgement that TGN 2/19 states is required to determine such conclusions, the Applicant does not consider that such impacts would arise in those circumstances.**
- 5.32. The TGN 02/19 is silent on the matter of financially involved properties in respect of RVAA. However, the Applicant's approach is preceded in the solar context - see for example the Byers Gill Solar Farm Project² - and, more generally,

² [ENO10139-001062-submissions received by Deadline 7 1.pdf](#) (see para 21).

across its portfolio. For completeness, this is not a unique approach to the Applicant. The Examining Authority on the Mynydd y Gwynt Wind Farm acknowledged that "There is an established principle that those with a financial stake in a wind farm can reasonably be expected to experience higher thresholds in change in outlook before the change would become unacceptable." (see paragraph 4.3.67 of the Recommendation Report), a finding which the Secretary of State did not disagree with. It is submitted that this principle, as is established in precedent, applies with equal force in the solar context and there is no reason to distinguish between a wind and solar development in this regard (noting that landscape impacts are often greater in the wind context).

- 5.33. The Councils queried an ambiguity in respect of the identification of the onsite 400kV substation on **ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 2], ES Figure 6.5 Residential Properties [APP-149] and Appendix 6.4 Photomontage Visualisations Part 1 [APP-O68] and Part 2 [APP-O67].**
- 5.34. KC noted that the Applicant would clarify in writing following the hearing the identification of the onsite substation within these documents.
- 5.35. **Action 6: Provide an explanation of why the substation identification appears differently on ES Figures 6.4 Landscape and Visual Mitigation Strategy and 6.5 Residential Properties [APP-149] and Appendix 6.4 Photomontage Visualisations Part 1 [APP-O68] and Part 2 [APP-O67] and update Figure 6.4 if there is an error.**
- 5.36. **Post-hearing note: ES Figure 6.4 Landscape and Visual Mitigation Strategy has been updated to include the 400kV Substation in field reference E16 and the revised version has been submitted at Deadline 1. The substation formed part of the assessment and was simply omitted in error from this drawing.**
- 5.37. **Item 4b – Flood risk, hydrology and water resources**
- Consideration of the effect of flood risk on the proposed development and the effect of the proposed development on flood risk, hydrology and water resources.***
- 5.38. The ExA requested a summary of the proportion of land within the Order Limits that fell within Flood Zones 3a, 3b, 2 and 1.

- 5.39. RA explained that, based on the EA flood maps and flood modelling data, the majority of land within the Order Limits was within Flood Zone 3. RA noted that ES Appendices 10.1 and 10.2: Flood Risk Assessment [Document reference 6.3.10.1 Revision 2] have been updated to reflect new modelling data published by the EA in February 2026, and that the updated documents will be submitted at Deadline 1.
- 5.40. The ExA requested that the Applicant confirm in writing the percentage of land within the Order Limits that fell within flood zone 3b.
- 5.41. Action 7: provide percentage of land in the Order Limits that falls within flood zone 3B.**
- 5.42. Post-hearing note: Following ISH1, the Applicant has reviewed the extent of the 2025 Torne 1 in 30 year flood extent covering the Order Limits. This flood event, in accordance with advice from the Environment Agency and the latest Strategic Flood Risk Assessment mapping for both City of Doncaster and North Lincolnshire, defines the extent of Flood Zone 3b within the Order Limits. Based on this modelled extent, just 6.3% of the Order Limits (approximately 116ha of the approximately 1,831ha Order Limits) is located within Flood Zone 3b. This information is included in Paragraph 5.24 of ES Appendices 10.1 and 10.2: Flood Risk Assessment [Document reference 6.3.10.1 Revision 2] submitted at Deadline 1.**
- 5.43. In response to the ExA's question relating to the impact of the updated EA modelling, RA explained that the new modelling indicated a reduced flood extent for the Order Limits.
- 5.44. The ExA referred to paragraphs 5.8.41 and 5.8.42 of NPS EN-1 and queried where the Applicant had demonstrated compliance with those provisions, particularly in relation to the operational justification for consenting infrastructure within Flood Zone 3b.
- 5.45. TM confirmed that the Applicant would address this matter in the written summary of its oral submissions to be submitted at Deadline 1.
- 5.46. Action 8: identify the document(s) that demonstrate the Applicant's compliance with paragraphs 5.8.41 and 5.8.42 of NPS EN-1 or provide separate written justification compliance with those paragraphs.**

- 5.47. **Post-hearing note: Appendix A: Policy Compliance Document [APP-031] to the Planning Statement assesses the Scheme's compliance with policy. Paragraphs 5.8.41 and 5.8.42 of NPS EN-1 are considered on pages 118 and 119. In relation to paragraph 5.8.41, this paragraph details that in relation to energy projects within Flood Zone 3b specifically, "where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows". Compliance with Paragraph 5.8.41 is assessed within paragraphs 5.28 to 5.32 of ES Appendices 10.1 and 10.2: Flood Risk Assessment [Document reference 6.3.10.1 Revision 2], concluding that the Scheme will have a negligible impact on floodplain storage and water flows. The Applicant will update Appendix A: Policy Compliance Document [APP-031] at Deadline 2 with an explanation of the Scheme's compliance with paragraphs 5.8.41 and 5.8.42 of NPS EN-1.**
- 5.48. The ExA referred to paragraph 7.8 of the **EA's Relevant Representation [RR-009]** and Table 10-2 of **ES Chapter 10: Water Resources [APP-047]** and queried the Applicant's approach to the critical flood level risk, as recommended by the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA). The ExA sought clarification on how the Scheme complied with NPS EN-1 requirements for development to be designed and constructed to remain operational during flood events.
- 5.49. RA explained that the Applicant had engaged extensively with the EA and the Councils in relation to flood risk matters. RA noted that the critical flood level scenario represented a catastrophic event, assuming failure of all pumping stations, flood defence infrastructure and mitigation measures. RA explained that the EA's and Councils engineering judgement indicated it would take approximately 9 years for floodwaters to reach the critical flood level, resulting in the Isle of Axholme forming a permanent floodplain. Following discussions with the EA, the Applicant has agreed to raise infrastructure above the modelled 1 in 1,000-year flood level, with an additional 100 mm allowance for freeboard, which RA confirmed was a precautionary approach.
- 5.50. RA further explained that the critical flood level modelling was intended to represent an extreme, hypothetical scenario involving prolonged failure of flood defence systems. RA confirmed that this approach derived from the SFRA and that,

in such circumstances, extensive flooding of surrounding residential areas and infrastructure across the wider Isle of Axholme area would also occur.

- 5.51. The ExA and representatives from the EA discussed the purpose of the critical flood level approach for the Isle of Axholme, with the ExA querying how developers were expected to respond to what appeared to be a scenario designed to represent catastrophic failure. TM responded that paragraph 5.8.36 of NPS EN-1 required development to remain operational during times of flood, and the Applicant's commitment to mitigation designed for a 1 in 1,000-year flood scenario was, emphatically, consistent with the NPS EN-1 on this issue and that critical flood level represent a catastrophic and highly unlikely scenario.
- 5.52. RA explained that further raising of the solar panels to meet the full SFRA recommendation would require the bottom edge of some panels to be elevated by almost 4 metres, which would be neither standard nor sustainable for a solar farm development. RA noted that this could give rise to significant landscape and visual impacts, engineering challenges and reduced operational efficiency. RA confirmed that infrastructure had already been raised to a maximum total height of 3.6 metres, with the lowest edge raised above the modelled 1 in 1,000 year flood level plus 100mm freeboard, and a minimum of 0.8m above the ground, which ensured operability during flood events, and that exceeding this height could adversely affect the Scheme's viability.
- 5.53. In response to Mr Brooke's submission, TM confirmed that any proposals relating to the decommissioning of flood pumps in the area were not connected to the Scheme.
- 5.54. RA added that the potential for pump removal has not arisen during consultations with the EA or the Councils. RA explained that publicly available information indicated that the Isle of Axholme and North Nottinghamshire Water Management Board was rationalising pumping stations in the area, with decommissioning proposed only for stations that have reached the end of their operational life.
- 5.55. [REDACTED] on behalf of the EA confirmed that the pump rationalisation strategy did not impact the Scheme and had no bearing on the critical flood level modelling, which represented a complete long-term breakdown of flood defence systems. [REDACTED] noted that the purpose of pump rationalisation was to address maintenance and efficiency and did not increase flood risk.

- 5.56. The ExA requested that all parties provide further information on the pump rationalisation proposals and any implications for the critical flood level assessment.
- 5.57. **Action 9: provide information within the written summary of oral submissions on the pump rationalisation proposals and any implications for the critical flood level modelling.**
- 5.58. **Post-hearing note: Based on the Isle of Axholme Flood Risk Management Strategy, the Isle of Axholme and North Nottinghamshire Water Level Management Board (IDB) is in the process of rationalising, rather than simply removing, several pumping stations to ensure long-term, cost-effective flood protection. The strategy emphasizes "rationalisation" of smaller stations to make the system more efficient rather than simply removing them, often looking to convert systems from "Main River" to "Ordinary Watercourse" status to manage them locally. Keadby Pumping Station is an example of a major project where a £35m investment was used to upgrade and refurbish the site rather than decommission. Pumping rationalisation does not impact the Scheme and this issue has not been raised during ongoing consultation with the Environment Agency, Lead Local Flood Authority or Internal Drainage Board. Any proposed rationalisation will also not impact the Critical Flood Level as this reflects the removal of all pumping stations and water management infrastructure in the Isle of Axholme.**
- 5.59. In response to Ms Brooke's submission regarding potential impacts of the Scheme on the existing agricultural drainage system within the Order Limits, RA explained that a number of post-consent surveys were proposed to be undertaken prior to the commencement of any cable trenching works. TM added that the **Outline Construction Environmental Management Plan (CEMP) [Document Reference 7.1 Revision 2]** set out specific mitigation measures to address potential impacts on drainage infrastructure and confirmed that compliance with the CEMP was secured through the **Draft DCO [Document Reference 3.1 Revision 3]**, making it a legally binding requirement.
- 5.60. The ExA requested that the Applicant confirm, within the written summary of oral submissions, which surveys were secured by the Outline CEMP.

- 5.61. **Action 10: identify and signpost the relevant post-consent surveys within the Outline CEMP that will assess the effects of cable trenching work on the agricultural drainage system within the Order Limits.**
- 5.62. **Post-hearing note: the Applicant has supplemented Table 5-1 of the Outline CEMP [Document Reference 7.1 Revision 2] to explain how the Applicant will ensure that drainage within the Order Limits will continue to operate efficiently throughout the construction phase of the Scheme. This will include implementing good working practices during construction to avoid damage to existing land drains as far as reasonably practicable. Where interference with the existing land drainage network cannot be avoided, the Applicant will ensure that any damage is repaired as soon as reasonably practicable or will put in place no less effective drainage measures to avoid adversely affected drainage beyond the Order Limits following the completion of construction.**
- 5.63. In response to a query from CDC regarding the need for additional drainage, RA explained that no additional drainage infrastructure was proposed to manage runoff from the solar panels. Existing grassland would be retained, and runoff would be accommodated within the existing watercourse network. RA confirmed that the Scheme's outline surface water drainage strategy was set out in **ES Appendix 10.1: Flood Risk Assessment [Document Reference 6.3.10.1 Revision 2]**.
- 5.64. Returning to the Critical Flood Level issue, [REDACTED] on behalf of the Lead Local Flood Authority, commented that a key flood risk consideration was the potential impact on local properties should electricity supply from the Scheme be interrupted during a flood event. This in [REDACTED] view justified the Applicant incorporating mitigation that would ensure the Scheme was resilient to the Critical Flood Level. The ExA noted the need to consider flood risk impacts in the context of the Scheme's Critical National Priority (CNP) status under NPS EN-1 and NPS EN-3.
- 5.65. TM explained that the Applicant had designed the Scheme with panel heights raised to accommodate the 1 in 1,000-year flood event plus 100mm of freeboard, an approach that was agreed with the EA. TM stated that further increases in height could jeopardise the viability of the Scheme and in turn undermine its ability to contribute to the CNP for solar established by the NPS. TM confirmed

that the Scheme had been designed on a precautionary basis to be resilient to flood risk over its operational lifetime.

- 5.66. The ExA requested that the Applicant incorporate a balancing judgment within the written summary of oral submissions from ISH1, addressing flood risk considerations alongside the Scheme's CNP status.
- 5.67. **Action 11: prepare a balancing judgment assessing the flood risk impacts of the Scheme against its CNP status.**
- 5.68. **Post-hearing note: The precautionary measures which the Applicant has embedded into the design of the Scheme, to ensure the Scheme would remain safe and operational during its lifetime in accordance with the test in paragraph 5.8.36 of NPS EN-1, have been discussed and agreed with the EA. In these circumstances, the Applicant submits that the CNP underpinning the case for the Scheme manifestly outweighs any case made by Interested Parties for the incorporation of mitigation against the Critical Flood Level, which reflects an extreme, hypothetical flood event. As articulated by RA at ISH1, to seek to design the Scheme to protect against the Critical Flood Level would give rise to very significant technical, environmental and environmental challenges, with corresponding implications for the viability of the Scheme. This would be positively contrary to the CNP for renewable energy including solar and especially so in the case of the Scheme, which has the potential to make a substantial contribution to the UK's renewable energy needs.**
- 5.69. ***Consideration of application of the sequential and exception tests.***
- 5.70. The ExA referred to **Appendix 1 of the Flood Risk Sequential Test and Exception Test document [APP-186]** (Alternative Sites and Constraints Map) and queried how the Applicant could justify the defined search area for the sequential and exception tests given that the location of the off-site substation remained unknown.
- 5.71. GR explained that the search area for the tests was initially defined as land immediately to the east of the Order Limits, based on discussions with NGET at that point in the Site selection process. GR noted that, since those discussions, NGET has stated in its **Relevant Representation [RR-O21]** that it was not currently proposing to construct a new substation in this location.

- 5.72. TM added that the Sequential Test and Exception Test were necessarily based on assumptions reflecting the information available at the time they were carried out. In the absence of any confirmed point of connection, the Applicant had no evidence on which to redefine the search area, which the Applicant considered was a reasonable approach.
- 5.73. **Action 12: provide an explanation of the possible implications of the unknown point of connection location for the search area used in the Sequential Test and Exception Test [APP-186].**
- 5.74. **Post-hearing note: through the Flood Risk Sequential Test and Exception Test [APP-186], the Applicant has undertaken a robust assessment whereby all potential alternative sites have been considered. As set out in paragraph 5.1.3 of the Flood Risk Sequential Test and Expectation Test, the Applicant has applied an area of search based on a 10km radius from a site selection starting point, which was based on the Applicant's understanding of the potential point of connection in the vicinity of the Scheme at the time of undertaking the study. The 10km radius has in turn, allowed the Applicant to assess reasonable alternatives located within and overlapping a catchment area with a diameter in excess of 20km and which includes land within several local planning authority areas, namely, the two host authorities and East Riding of Yorkshire and West Lindsey. This is illustrated by Figure 4.1 of the Flood Risk Sequential Test and Exception Test. Accordingly, the robust approach adopted by the Applicant, in setting out its search area, has accommodated and duly accounted for a degree of flexibility in the final point of connection. The Flood Risk Sequential Test and Exception Test conforms that the site comprising land within the Order Limits was sequentially preferable to alternative sites and therefore passed the sequential test.**
- 5.75. The ExA queried whether the land within the Order Limits represented a typical surface water run-off scenario, given the presence of existing below-ground drainage infrastructure and the concentration of run-off within the area.
- 5.76. RA explained that areas of impermeable ground within the Order Limits were constructed over approximately 300 mm of permeable sub-base, meaning that, while surfaced, they did not function as fully impermeable land. RA added that below-ground storage was proposed in the BESS and on-site substation areas to manage surface water and prevent run-off risks to these

elements of critical infrastructure. RA confirmed that the Applicant would provide further written clarification on this point.

- 5.77. **Action 13: provide a written explanation setting out why land within the Order Limits did not give rise to a typical water run-off scenario.**
- 5.78. **Post-hearing note: below ground drainage infrastructure is very common on many proposed solar sites on agricultural land. The proposed solar PV modules are considered to have a negligible impact on existing surface water drainage patterns. Maintaining land below the solar PV modules as species rich grassland will ensure erosion between the solar PV modules is minimised. It is therefore considered that the solar PV module areas will continue to drain as per the existing situation. The proposed BESS, substation and inverters will each be managed with the proposed outline surface water drainage strategy included in ES Appendix 10.1: Flood Risk Assessment [Document Reference 6.3.10.1 Revision 2].**
- 5.79. **Item 4c – Cultural Heritage: the effect of the proposed development on cultural heritage, including above and below ground heritage assets.**
- 5.80. The ExA referred to the policy test in paragraph 5.9.32 of NPS EN-1, concerning the balance between less than substantial harm to the significance of designated heritage assets and the public benefits of a development. The ExA queried where the Applicant had demonstrated compliance with this test in the application documents.
- 5.81. TM drew attention to **Appendix A: Policy Compliance Document [APP-031]**, which assessed the Applicant's compliance with relevant national policy provisions. TM also confirmed that the Applicant would provide a fuller written response addressing this point.
- 5.82. **Action 14: explain how the Applicant has complied with the policy test set out in paragraph 5.9.32 of NPS EN-1.**
- 5.83. **Post-hearing note: the Applicant confirms that Appendix A: Policy Compliance Document [APP-031] will be updated at Deadline 2 and will include an explanation of the Scheme's compliance with the policy test in paragraph 5.9.32 of NPS EN-1.**

- 5.84. CDC and the ExA raised comments regarding the Applicant's approach to defining the setting of heritage assets within the cultural heritage assessments.
- 5.85. JM explained that the Applicant's approach to historic environment assessment was robust, proportionate, and consistent with Historic England Advice Note 12 on Statements of Heritage Significance, and compliant with paragraph 5.9.3 of NPS EN-1. JM outlined that the assessment followed a staged methodology, which identified no designated heritage assets within the Order Limits. As a result, it was not proportionate to proceed with the full three stage Historic Environment Good Practice Advice in Planning: 3 (GPA-3) process nor was it necessary to undertake detailed building surveys a. JM noted that the staged methodology was set out in **ES Appendix 8.1: Heritage Baseline Assessment [APP-085]**, covering Stages 1, 2 and 3, with the Stage 4 assessment presented in **ES Chapter 8: Cultural Heritage and Archaeology [APP-045]**.
- 5.86. JM further explained that the identification of setting was informed by professional judgment and principles of proportionality. It was neither reasonable nor necessary to assess the entire surrounding landscape; instead, the Applicant focused on areas where there was evidence of a relationship to heritage assets and addressed those relationships through appropriate mitigation.
- 5.87. In response to CDC's comments, TM referred to Table 8-2 of **ES Chapter 8 [APP-045]** (ID 3.7.3), which records the engagement during scoping on the approach to assessing setting. TM noted that the agreed approach was subsequently implemented in the ES.
- 5.88. In response to a comment from Mr Brooke, JM confirmed that his property, Stoupergate Farm, was included within the Applicant's longlist of heritage assets and was assessed as experiencing no harm to its heritage significance.
- 5.89. **Post-hearing note: Stoupergate Farm was assessed in ES Appendix 8.1: Heritage Baseline Assessment [APP-085] where it is recorded as unique identifier PEG065. The farm was assessed at paragraphs 6.135-6.141. The farmhouse is 19th century as it was not recorded on the 1841 tithe map (plate 44) unlike the 18th-century barns and it was concluded that 'The fact that a development might be visible from a heritage asset is not harmful in and of itself – rather the development would have to cause harm to a view which contributes to the significance of the asset. This is not the case here and as**

such, the Scheme would cause no harm to significance'. The asset is also considered in Appendices 8 and 9 of ES Appendix 8.1: Heritage Baseline Assessment [APP-085].

- 5.90. NLC made submissions regarding the Applicant's approach to assessing archaeological remains, suggesting that fieldwalking surveys would be the most appropriate technique to enable rapid categorisation of areas.
- 5.91. JM responded that the Applicant was currently discussing the potential for fieldwalking surveys but highlighted limitations with this technique, including the need for topsoil to be ploughed to ensure it is disturbed to maximise the potential for artefacts to be brought to the surface and the effects of modern agricultural practices such as direct drilling which limit this potential. JM explained that the Applicant was committed to undertaking post-consent evaluation works, as set out in **ES Appendix 8.6: Outline Archaeological Mitigation Strategy [APP-096]**, which was secured by Requirement 12 of the **Draft DCO [Document Reference 3.1 Revision 3]**. JM added that the pre-application assessment programme was robust, iterative, and employed multiple techniques, highlighting **ES Appendix 8.3: Geoarchaeological Assessment [APP-093]**, and geophysical survey **ES Appendix 8.2 Geophysical Survey Report [APP-086 – APP-092]** across the full Order Limits which was agreed in advance with South Yorkshire Archaeological Service and North Lincolnshire Archaeology. JM also indicated that three areas of targeted trial trenching **Environmental Statement Appendix 8.4 Trial Trenching Report [APP-094]** had been undertaken in areas of high potential with one of these now proposed for preservation in situ as detailed in **ES Appendix 8.6: Outline Archaeological Mitigation Strategy [APP-096]**. Shovel test-pitting was also identified as having been completed **Environmental Statement Appendix 8.5 Test Pitting Report [APP-095]**.
- 5.92. The ExA sought clarification on the scope of post-consent archaeological assessment proposed.
- 5.93. JM explained that post-consent works would include targeted investigations in high-impact areas, such as the on-site substation, BESS sites and cable routes, potentially comprising trial trenching and geoarchaeological investigations. JM confirmed that the scope and locations of these works would be determined in consultation with the local planning authorities and Historic England advisers.

- 5.94. In response to the Councils' submissions that insufficient geoarchaeological assessment had been undertaken pre-application, JM highlighted that the Applicant was committed to undertaking post-consent evaluation works, as set out in **ES Appendix 8.6: Outline Archaeological Mitigation Strategy [APP-096]**, which was secured by Requirement 12 of the **Draft DCO [AS-002]** and clarified that the reference made by CDC to 11 hectares related to only one element of a wider programme of testing, namely the shovel test-pitting which had been completed to target high potential areas for lithic artefacts **Environmental Statement Appendix 8.5 Test Pitting Report [APP-095]**. JM noted that trial trenching had been undertaken amounting to 121no. 50m x 1.8m trenches across an area of c. 107 hectares. JM acknowledged the ExA's request that the Applicant continue to engage with the Councils through the Statements of Common Ground (SoCGs) to narrow the remaining points of disagreement and confirmed that this would be actioned.
- 5.95. TM also referred the ExA to Section 2 of **ES Appendix 8.6: Outline Archaeological Mitigation Strategy [APP-096]**, which set out the applicable policy context for archaeological assessment, with particular reference to paragraph 5.9.11 of NPS EN-1. TM explained that this paragraph established the need for a proportionate level of evaluation in respect of below-ground heritage assets. TM confirmed that the desk-based assessments and trial trenching undertaken to date demonstrated compliance with NPS EN1. TM further noted that additional post-consent evaluation was proposed, as set out in the Outline Archaeological Mitigation Strategy, which was secured through the **Draft DCO [Document Reference 3.1 Revision 3]** and would be subject to further consultation at the post-consent stage with the Councils.
- 5.96. Ms Brooke referred to the provision of a decommissioning bond for the Scheme.
- 5.97. In response, TM explained that the decommissioning bond sat outside the scope of the examination process and was not strictly related to the topic of cultural heritage. However, TM confirmed that the Applicant would provide a written explanation following ISH1, summarising how the decommissioning bond would operate to secure restoration of the land, including from a cultural heritage and landscape perspective.
- 5.98. **Action 15: provide summary of how the proposed decommissioning bond would operate in practice.**

- 5.99. **Post-hearing note: the Applicant has provided information relating to the proposed decommissioning bond as part of the Comments on Relevant Representations [Document reference 8.3 Revision 1] submitted at Deadline 1.**
- 5.100. The ExA referred to the potential effects of decommissioning on heritage assets, in response to a comment from CDC regarding the Scheme's 40-year operational lifetime and whether it should be regarded as temporary.
- 5.101. JM responded that this matter could be addressed outside the hearing process as part of the Applicant's written response to the Council's Local Impact Report at Deadline 2.
- 5.102. Item 4d – Biodiversity and ecology: the effect of the proposed development on biodiversity and ecology, including its effect on designated sites and protected species.**
- 5.103. The ExA sought clarification on the proposed habitat mitigation and how the associated management plans were secured.
- 5.104. TM explained that habitat mitigation was secured through Requirement 8 of the Draft DCO [Document Reference 3.1 Revision 3], which required a Landscape Ecological Management Plan (LEMP) to be prepared for each phase of the development, in accordance with the Outline LEMP [Document Reference 7.6 Revision 2]. Requirement 8 also required approval of each phase-specific LEMP by the relevant local planning authority. TM noted that ES Figure 6.4: Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 2] would also inform the LEMP submitted for approval.
- 5.105. The ExA sought further clarification on the timing of mitigation delivery in relation to development phases, with reference to paragraph 7.1.2 of the Outline LEMP.
- 5.106. JA explained that the Applicant's proposed approach was to implement mitigation measures in advance of impacts arising for each phase of development. TM added that the Applicant would submit a revised version of the Outline LEMP [Document Reference 7.6 Revision 2] at Deadline 1 to amend paragraph 7.1.2 and clarify the timing of mitigation relative to the commencement of each phase of development.
- 5.107. Action 16: amend paragraph 7.1.2 of the Outline LEMP and submit the revised version at Deadline 1.**

- 5.108. **Post-hearing note: Further clarity regarding the timing of implementation of the mitigation measures is provided in the Outline LEMP submitted at Deadline 1.**
- 5.109. The ExA sought clarification on where within the application documents the assessment of the Scheme's operational effects on Thorne and Hatfield Moors Special Protection Area (SPA) and Ramsar, and the Humber Estuary SPA, was presented.
- 5.110. TM noted that the Applicant would consider this and respond in writing as part of the written summary of oral submissions.
- 5.111. **Action 17: review the relevant applications documents and explain where the effects of each phase of development on the SPAs are considered.**
- 5.112. **Post-hearing note: operational effects on the nearby SPAs are described in 7.5.131 of ES Chapter 7 [AS-012], with mitigation required at paragraph 7.6.88 of the same document. In light of the Examining Authority's comments, and those of the consultees in respect of species such as nightjar, additional detail of effects pre and post mitigation are provided in the Report to Inform Habitat Regulations Assessment [Document 5.3 Revision 3] that has been submitted at Deadline 1.**
- 5.113. In response to a submission from ██████████ on behalf of LWT noting that they were now proposing to enter into an SoCG with the Applicant, JA confirmed that the Applicant was grateful for LWT's engagement and welcomed working together on an SoCG.
- 5.114. ██████████ explained that the SoCG would focus on matters relating to Block B, including the extent and adequacy of transitional habitats surrounding the Crowle Moor ecological feature, hydrological connectivity between the Scheme and surrounding habitats, and potential impacts on birds, including distribution, displacement effects, and the provision of mitigation land in relation to Block B.
- 5.115. JA explained that Block B was located in the north-east of the Order Limits. JA noted that bird mitigation identified within the application documents reflected the outcomes of survey work undertaken and focused on bird features considered to be functionally linked to the Scheme. JA explained that survey data demonstrated that while important bird species were using Block B in

the first year of surveys, in the second year numbers were much lower indicating that birds move around the local area, not showing preference for any one area in particular. On this basis, the absence of mitigation land within Block B was assessed as not giving rise to significant effects – refer to ES Appendix 7.10: Non-Breeding Bird Mitigation Strategy [Document Reference 6.3.7.10 Revision 2].

- 5.116. JA added that the Applicant has relied on available survey data discussed during consultation with Natural England and referred to the ES Appendix 7.10: Non-Breeding Bird Mitigation Strategy, including information relating to nightjar. JA explained that Natural England had agreed that the Order Limits, being largely agricultural in nature, did not comprise optimal nightjar habitat and was satisfied with the data relied upon. JA further noted that proposed woodland and hedgerow planting, and grassland creation and management within buffer zones at field margins within the Order Limits would enhance habitat suitability for nightjar.
- 5.117. The ExA queried the Applicant's use of third-party survey data and separately asked whether mitigation land shown to the north, identified as Mitigation Area M1a, encroached into the SPA.
- 5.118. TM confirmed that the area in question would not be used and so there would not be an encroachment into the SPA. TM explained that this was an oversight arising from the Order Limits being drawn to property boundaries. TM clarified that the area concerned represented a small part of a wider mitigation area (Mitigation Area M1a). TM referred to Figure 1 of the Non-breeding Bird Mitigation Strategy, explaining that the SPA boundary was shown by a horizontal dashed line and that only a small section of the north-east corner of mitigation area M1a overlapped with the Order Limits.
- 5.119. Post-hearing note: the Applicant provided notification of a proposed Scheme update to the ExA on 30 April 2026. This included a proposed update to the Land Plans to clarify that no Order powers would be exercised in relation to land forming part of the SPA.**
- 5.120. Ms Brooke raised a concern regarding construction noise impacts on sheep where they were located close to the Order Limits. TM noted that the Applicant would respond in writing to Ms Brooke in respect of this concern.
- 5.121. Action 18: follow up with Ms Brooke to explain how noise impacts during construction have been assessed within the application documents.**

- 5.122. **Post-hearing note: following the ISH1, the Applicant discussed with Ms Brooke and Mr Brooke in-person after the hearing to identify exactly where their fields in question are located in relation to the scheme. Subsequently, the Applicant has contacted Ms Brooke, via Mr Brooke, in respect of her concerns relating to construction noise impact on sheep. The Applicant acknowledges Ms Brooke's concerns and has confirmed their intention to engage further to further understand how the construction phase is considered to impact their farming practices and what appropriate mitigation can be put in place to minimise any potential impacts, if required.**
- 5.123. In relation to biodiversity, the ExA drew attention to paragraph 8.1.16 of the **Planning Statement [APP-030]** and queried whether the Applicant anticipated achieving a biodiversity net gain (BNG) of at least 10%. The ExA also sought clarification on the weight attributed to BNG within the planning balance and the mechanism by which BNG would be secured through the Draft DCO.
- 5.124. TM noted that the Applicant was relying on a 10% BNG and explained that the delivery of this was secured through Requirement 8(3)(a) of the **Draft DCO [Document Reference 3.2 Revision 2]**. This required the LEMP to specify how each relevant phase of development contributes towards achieving a minimum of 10% BNG. In relation to policy compliance, TM explained that BNG was not currently a legal requirement for Nationally Significant Infrastructure Projects (NSIPs), but that the Applicant has nevertheless committed to its delivery in recognition of its importance. TM noted that this commitment formed an important element of the design of the Scheme, demonstrating that the Applicant has gone beyond strict legal obligations.
- 5.125. In response to NLC's submission that the Applicant has applied the BNG aim to habitats, JA noted that the local nature recovery strategy would have a bearing on the Applicant's approach and was waiting for the Councils to publish it.
- 5.126. Both the Councils and the EA noted that any further submissions on BNG matters would be made in writing.
- 5.127. JA noted that the Scheme represented a strong biodiversity success story. The proposed grassland habitat creation presented a significant opportunity and the metric, as currently drafted, particularly in relation to strategic

significance, demonstrated the potential to deliver substantial BNG. Current modelling indicated gains of 79.82% for habitats, 10.84% for ditch habitats, and 178.5% for hedgerows.

- 5.128. The ExA requested that the Applicant seek to resolve outstanding issues with Natural England as a matter of priority. TM confirmed that this request was noted and would be actioned.

6 Agenda item 5 – Any other matters

- 6.1. The Applicant had no additional matters to make under this agenda item.
- 6.2. Ms Georgiou made a submission relating to local residents' concerns that some gardens were still within the Order Limits of the Scheme, but the respective impacted parties had not been contacted.
- 6.3. TM responded that the Applicant would respond to Ms Georgiou in writing in relation to this submission.
- 6.4. **Action 19: follow up with Ms Georgiou to clarify the position regarding local residents' gardens being within the Order Limits.**
- 6.5. **Post-hearing note: following the ISH1, the Applicant has contacted Ms Georgiou directly via email in respect of her concerns. The Applicant has reassured Ms Georgiou that the appropriate process for notification of all relevant parties has been undertaken by the Applicant. The Applicant confirmed that everyone with land interest within the Order Limits has been contacted regarding the Scheme. The Applicant has invited Ms Georgiou to identify any specific properties so the Applicant can provide more clarity regarding the relevant notification.**

7 Agenda item 6 – Closure of the hearing

- 7.1. The ExA noted that written oral submissions from the hearings were to be made at Deadline 1 on 5 May 2026.
- 7.2. The ExA closed the hearing.

8 Annex 1 – response to Action 1

8.1. Distinction between network connection components

8.2. In referring to the “network connection infrastructure” the Applicant draws a distinction between the two elements required to connect the electricity generated by the Scheme to the National Electricity Transmission System (NETS):

- (1) a point of connection (PoC) to the NETS, via a new or existing 400kV substation; and
- (2) a 400kV export connection cable to connect the solar farm generating asset to the 400kV substation.

8.3. This distinction is clearly set out in section 3 of the **Grid Connection Statement [Document Reference 5.8 Revision 3]**.

8.4. The first component, the PoC to the NETS, does not form part of the present development consent order (DCO) application, as it would ordinarily fall within

NGET's remit for the coordination, siting and delivery of transmission infrastructure, as a licensed transmission owner.

- 8.5. In relation to the second component, as explained in the **Grid Connection Statement [Document Reference 5.8 Revision 3]**, the Applicant has not included the 400kV export connection cable within the scope of the DCO application. This is because the location of the PoC to the NETS is not confirmed, and so it is not possible for the route of the 400kV export connection cable to the PoC to be defined.
- 8.6. The Applicant notes that the ExA has sought clarification regarding the deliverability of both components. The Applicant understands that this request for clarity arises in part because of **National Grid Electricity Transmission's (NGET) Relevant Representation [RR-021]**, in which NGET has stated that it is not currently proposing to construct a new substation in this location.
- 8.7. In response to Action 1 arising from the Issue Specific Hearing 1, the Applicant has prepared this Annex in order to provide clarity on the anticipated delivery of the two offsite grid network connection components and to explain how the Applicant's approach is consistent with national planning policy for energy projects.
- 8.8. This Annex also cites relevant precedent, identifying the approach of other energy generation infrastructure projects where the disaggregation of generating assets and network connection infrastructure has been adopted for consenting purposes. This demonstrates that the approach proposed by the Applicant reflects established industry practice, having regard to the way in which grid connection arrangements are planned, regulated and delivered currently within the UK.
- 8.9. The Applicant would stress that this principle and precedent underpin the practice of the wider renewables industry, and ensures that the Scheme, and the Government's net zero commitments and ambitions can be met. A finding to the contrary would risk undermining the delivery of low carbon infrastructure, for which there is a critical national priority (CNP).

8.10. Policy position

- 8.11. The Applicant's approach not to include the network connection components within the application for development consent in respect of the solar farm generating asset is entirely consistent with national energy policy; the National

Energy Policy Statements (NPS) for energy infrastructure explicitly endorse the consenting of electricity network infrastructure separately from the generating asset element of a project. Paragraph 4.11.8 of EN-1, after confirming that applications can include both generation and electricity networks elements, goes on to say (emphasis added):

On some occasions it may not be possible to coordinate applications. For example, different elements of a project may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within Ofgem controls) making it inefficient from a delivery perspective to submit one application. Applicants may therefore decide to submit separate applications for each element. Where this is the case, the applicant should include information on the other elements and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused.

8.12. In line with this policy test in NPS EN-1, within this Annex the Applicant has explained why there are “no obvious reasons” why consent for the two network connection components is likely to be refused.

8.13. Further support for the Applicant’s approach is provided in EN-3 and EN-5 which reiterate the position in paragraph 4.11.8 of EN-1 at paragraphs 3.8.38 and 2.12.18 respectively:

“As part of the transition to more co-ordinated transmission, it is anticipated that some proposals for transmission could be consented separately”.

8.14. Paragraphs 2.7.2 and 2.7.3 of NPS EN-5 also confirm:

“Accordingly, the government envisages that, wherever reasonably possible, applications for new generating stations and their related infrastructure should be contained in a single application to the SoS. However, a consolidated approach of this kind may not always be possible, nor represent the most efficient strategy for delivery of new infrastructure.

This could be, for example, due to the differing lengths of time needed to prepare the applications for submission to the SoS, or because a network application relates to multiple generation projects (which could be onshore or offshore), or

because the works involved are strategic reinforcements required for a number of reasons”.

8.15. Given that the Scheme’s PoC was not known at the time the DCO application was submitted, and that this remains the position, the Applicant has applied for development consent for the Scheme absent the grid network connection components. Further details of the regulatory context which necessitated this approach are set out in section 3 below.

8.16. Accordingly, the Applicant submits that its decision to progress the Scheme without the inclusion of the network connection components is recognised by and consistent with national energy policy and reflects the pragmatic, deliverable and policy compliant approach anticipated by NPS EN-1, EN-3 and EN-5.

8.17. Grid connection reforms: Context

8.18. The submission of the DCO application was made against the backdrop of grid connection reforms which are a critical part of the implementation plan for Clean Power 2030, a strategic initiative led by the National Electricity System Operator (NESO) to achieve a decarbonised electricity system by 2030. A brief summary of these reforms is set out below for context.

8.19. Approved by Ofgem in April 2025, the grid connection reforms seek to move away from a “first come first connected” grid connection model to a “first ready and needed, first connected” approach. One of the main purposes of these reforms was to clear the significant backlog of projects which held a place in the connection queue without being ready to be constructed. The system now categorises projects into two main “gates” based on “readiness” and “strategic alignment”:

8.19.1. **Gate 1: indicative offer.** This provides developers with a “Gate 1 offer” without a confirmed connection date. Projects may progress through future allocation windows where the requisite readiness criteria are subsequently met. This stage is for projects that have not yet met full readiness and strategic alignment criteria.

8.19.2. **Gate 2: confirmed offer** in respect of connection date, queue position and the PoC in principle. While a Gate 2 offer confirms the identity of the PoC (for example, the relevant substation or node), it does not necessarily provide certainty as to the precise geographical location of that PoC where new substations or extensions are required, as opposed to connection into an existing substation. Gate 2 offers are only offered to projects that meet the readiness and strategic alignment criteria. Readiness requires land rights to have been secured for the

project site. Strategic alignment requires projects to align with the targets set out in the Government's Clean Power Action Plan. Within the targets, projects that are most progressed through the planning system are prioritised. Projects receive a Gate 2 notification in advance of the formal Gate 2 offer. The notification confirms that NESO is satisfied that the project has met the Gate 2 assessment criteria therefore will receive a Gate 2 offer once detailed engineering studies are complete.

- 8.20. Gate 2 offers are also split into two phases: Phase 1 is prioritised for connections up to 2030 and Phase 2 is for projects which will connect to the NETS between 2031 and 2035. The connection date will be confirmed in the Gate 2 offer, following detailed engineering studies. NESO's published timelines show that Gate 2 Phase 2 offers for the current offer window are anticipated to be issued no later than mid-January 2027.
- 8.21. In 2025, the existing queue was re-ordered by NESO. This was underpinned by a Connections Reform evidence window for projects with an existing connection agreement to evidence their readiness and strategic alignment. This closed in August 2025.
- 8.22. Against that backdrop, the Applicant reasonably concluded that it should continue to progress the consenting process for the solar farm by submitting the DCO application, rather than delaying, pending the outcome of NESO's allocation process and any subsequent siting work by NGET. This decision was made weighing a number of factors as follows:
- The Scheme's original Grid Connection Agreement with NESO (as detailed in paragraph 4.1 below) was issued in 2021, well in advance of the introduction of the wider connections reform process and provides for connection via a new transmission substation. In normal circumstances, NGET would have progressed a siting process for that new substation at an earlier stage. However, as a result of the 2025 connections reforms and the associated re-ordering of the connections queue, NGET has not progressed siting studies at the pace that would ordinarily have been expected by the Applicant.
 - The Applicant was aware of the realistic possibility that, following the issue of formal Gate 2 offers, the Scheme's PoC could ultimately be accommodated within an existing substation as projects fall away or were re-sequenced within the queue. However, the PoC remains unconfirmed and uncertain at the current time

- The Applicant recognised that the consenting and construction programme for the solar farm could be longer than that for the associated network components, consistent with the multi-staged approach anticipated by NPS EN-5 (as noted above).
- The Applicant reasonably adopted the view that not to progress the consenting process for the solar farm by submitting the DCO application could potentially have significant adverse implications for the Scheme’s ability to receive notification of a Gate 2 allocation, given that more progressed projects were prioritised for strategic alignment.

8.23. The Applicant’s decision to proceed with submitting the application was subsequently validated by the fact that the Scheme received a Gate 2 Phase 2 notification in December 2025. Given that certainty as to PoC location does not form part of the Gate 2 criteria applied by NESO, it was therefore entirely logical for the Applicant to exclude the network connection components from the DCO application and to pursue “the most efficient consenting strategy”, as anticipated by EN-5.

8.24. This important context provides the backdrop to the Applicant’s approach of excluding the network connection components from the DCO application, as permitted by paragraph 4.11.8 of NPS EN-1.

8.25. Delivery of the PoC

8.26. In relation to delivery of the PoC to the NETS, the Applicant received a grid connection offer from NESO on 13 December 2021, offering connection to a new NGET 400kV Substation with an export capacity of 340MW. That offer was accepted by the Applicant on 27 July 2022. Two subsequent grid connection offers to vary the agreement were received by the Applicant on 27 January 2022 for an additional 250MW and 26 September 2024 for an additional 210MW and were accepted by the Applicant on 26 April 2023 and 25 November 2024, respectively. Together, these offers and acceptances constitute a contractually binding Grid Connection Agreement with NESO for a total export capacity of 800MW.

8.27. As noted, in December 2025, the Scheme received notification from NESO that it is included in Gate 2 Phase 2 and a subsequent formal Gate 2 offer is due to be issued no later than mid-January 2027. Once issued and accepted, that offer will

replace the existing Grid Connection Agreement as a legally binding bilateral agreement with NESO, giving rise to obligations on NESO, and through it, NGET, to plan for and deliver a PoC in accordance with their statutory, licence and code obligations. The fact that the Scheme is now guaranteed to receive a Gate 2 Phase 2 offer, therefore, places the Scheme in a materially stronger position than projects that will not receive a Gate 2 offer (i.e. will receive a Gate 1 offer).

- 8.28. Taken together, the Grid Connection Agreement and the Gate 2 Phase 2 notification provide a high degree of confidence that the PoC to the NETS will be delivered by NGET. The statutory and regulatory framework governing delivery of transmission infrastructure further supports this position.

NESO and NGET's legal and regulatory obligations:

- 8.29. Part 5 of the Energy Act 2023 establishes NESO as the statutory body responsible for strategic electricity system planning and coordination, including “co-ordinating and directing the flow of electricity onto and over transmission systems” (section 161(3)(a)). NESO’s functions give operational effect to the Secretary of State’s duties under section 3A of the Electricity Act 1989, including securing compliance with net zero targets and maintaining security of electricity supply.
- 8.30. Under the Energy Act 2023, NESO’s strategic planning functions bind transmission operators. Decisions as to what transmission infrastructure is required, when it is needed, and how it is delivered are therefore taken within a statutory planning framework led by NESO, rather than being a matter of transmission operator discretion or policy preference.
- 8.31. Separately, section 9 of the Electricity Act 1989 places statutory duties on transmission licence holders, including NGET, to develop and maintain an efficient, co-ordinated and economical system of electricity transmission. These duties are given effect through licence conditions imposed under section 7 of the 1989 Act by Ofgem and must be exercised consistently with NESO’s system planning framework and relevant industry codes.
- 8.32. In practical terms, NESO, as system operator contracts with transmission operators to deliver the physical works and reinforcements required to facilitate grid connections. NGET will therefore cooperate with, and act under contract to, NESO in order to make its system

available and deliver works in accordance with approved connection arrangements.

- 8.33. In addition, NGET, as a licensed transmission owner, is subject to licence-based duties to engage with and respond to requests from energy developers seeking connection to the NETS, including requests made through the system operator. In this case, the Applicant's existing Grid Connection Agreement and Gate 2 Phase 2 notification places NESO under a corresponding obligation to progress the connection and to request that NGET undertakes the necessary connection works. Upon receipt of such a request, NGET's own statutory and licence obligations are engaged, and it is required to undertake an optioneering process to identify an appropriate PoC for the Scheme, whether via a new or existing substation. The fact that the precise PoC has not yet been defined is therefore neither unusual nor exceptional.
- 8.34. Under NESO's reformed grid connection process, queue position is driven by project readiness and strategic alignment. When determining whether a project meets the strategic alignment criteria, NESO's methodology prioritises projects that are further progressed in the planning system. Progress in securing planning consent for the generating station is therefore a key determinant of connection timing. Confirmation of the exact location of the PoC is the responsibility of NGET, and is determined through its optioneering process, on timescales that are distinct from NESO's grid connection process. Unless and until those processes are unified, separation between generating and network infrastructure will continue to arise as a practical necessity.
- 8.35. The Applicant notes, paragraph 4.11.6 of NPS EN-1 which confirms that:
- "Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application".*
- 8.36. Policy therefore envisages projects proceeding in circumstances of materially greater uncertainty than applies to the Scheme. The Applicant has already secured a binding Grid Connection Agreement with NESO and has received a Gate 2 Phase 2 notification under the reformed process. As noted above, the current accepted Grid Connection Agreement, which will be amended by the Gate 2 Phase 2 offer in due course, gives rise to legally enforceable obligations on NESO and NGET to deliver a suitable PoC. Where that PoC is a new substation, the location of the

substation will be subject to a separate optioneering process undertaken by NGET at the relevant time.

8.37. In view of the above, it is the Applicant's firm view that under the EN-1 policy test, there are "*no obvious reasons*" why consent for the PoC to the NETS would be refused. In summary:

- the Scheme benefits from a contractually binding Grid Connection Agreement with NESO and is guaranteed to receive a Gate 2 offer in due course. Taken together, this gives rise to legally binding obligations to provide a PoC to the NETS for the Scheme;
- NESO has statutory obligations to determine required transmission infrastructure within a system-wide planning framework;
- NGET has legal duties to act consistently within that framework and to contract with NESO to deliver approved works;
- NGET is obligated under licence conditions to meet requests for new grid connections;
- there are no external insurmountable constraints indicating that a suitable PoC could not be provided within a reasonable distance of the Order Limits. NGET is an experienced network company and will implement business as usual procedures for determining the PoC location and bringing forward an appropriate proposal;
- any subsequent application for the PoC would benefit from strong national policy support (for the same reasons that the Scheme benefits from strong and overriding planning policies in its favour, including the CNP designation, as set out in the Planning Statement [APP-030]); and
- there is established industry precedent (refer to section 6 of this Annex) demonstrating that the consenting of the energy generation asset ahead of the associated grid connection infrastructure (including the PoC) is an accepted approach and does not give rise to the risk of stranded assets.

8.38. Delivery of the 400kV export connection cable

- 8.39. In respect of the 400kV export connection cable, the Applicant reiterates that in circumstances where, as here, the location of the PoC is currently unknown, the export cable connection has logically not been included within the scope of the DCO application.
- 8.40. As with the PoC, the Applicant considers that the Examining Authority and Secretary of State are entitled to consider that there is a high level of confidence that the 400kV export connection cable would be delivered separately. The Applicant has not identified any obvious reasons that could result in a refusal of the proposed 400kV export connection cable and this stands to reason in circumstances where NGET's optioneering process for the PoC has yet to be completed. Once a PoC is confirmed, an appropriate optioneering and routing process for the 400kV export connection cable would follow, enabling informed decisions to be made at that stage regarding route alignment, avoidance of sensitive receptors, and the adoption of construction techniques designed to avoid or minimise impacts.
- 8.41. In light of this, the Applicant submits that, in line with the EN-1 policy test in paragraph 4.11.8, that there are "no obvious reasons" why the 400kV export connection cable is likely to be refused consent.
- 8.42. In addition, there is established industry precedent (please refer to section 6 of this Annex) demonstrating that the consenting of the energy generation asset ahead of the associated grid connection infrastructure is an accepted approach and does not give rise to the risk of stranded assets.
- 8.43. DCO and Town and Country Planning Act 1990 precedent**
- 8.44. Under the Planning Act 2008 and Town and Country Planning Act 1990 (TCPA) regimes, across both the onshore and offshore energy generating context, it is commonplace for electricity generating projects and grid connection infrastructure to be promoted and consented separately.
- 8.45. The Applicant draws attention in particular to a recent TCPA appeal decision granting consent for Potterne Park Farm Solar Farm³, a 49 MW solar scheme approved on appeal in April 2026 notwithstanding that the grid connection infrastructure was not included within the scope of the planning application. The

³ Appeal reference: APP/Y3940/W/25/3376878 Planning Reference: PL/2023/10332

Applicant has appended the Appeal Decision for this appeal at Annex 2 of this written summary of oral submissions. In that case, the grid connection was excluded due to uncertainty both as to the cable routing and the project's precise connection timing. In granting permission, the Inspector expressly accepted that connection to the NETS lay within NESO's control and observed that: *"There is little before me that demonstrates that the Appellant is not committed to delivering the scheme as sought, nor that once a connection to the wider grid is available all haste and speed will be used to ensure that the energy generated by the proposal is fed into the wider grid network ... it would be odd that all parties involved would not seek to implement such a connection as expeditiously as possible."* That approach was accepted in the TCPA context notwithstanding the absence of express national policy support for the disaggregation of grid infrastructure from the generating asset which exists in section 4.11 of EN-1 (and which applies in this case). The Inspector also concluded that no aspect of the benefits case should be diminished as a result of the lack of certainty around the grid infrastructure, and further that the grant of permission itself was relevant to expediting the grid connection itself. The Applicant considers there is therefore no reason from departing from this approach. This appeal is included in the table below.

- 8.46. As requested during ISH1 and as part of responding to Action 1, the Applicant has prepared a high-level comparative review of the Scheme against relevant Nationally Significant Infrastructure Projects (NSIPs) and TCPA solar development.
- 8.47. The Applicant would stress that, notwithstanding solar precedents are cited below, the principle and policy established with other technologies applies with equal force to the Scheme. The examples below are all of "generating stations" (i.e., the same form of development as the Scheme as per section 15 of the Planning Act 2008, and in respect of which EN-1 has effect). Other technologies, in the same way as the Scheme, are reliant on an export connection cable onto a wider transmission or distribution substation or system. Accordingly, there is no basis for relying upon precedents from a single technology.
- 8.48. The Applicant also stresses that the approach adopted in the cases below is ubiquitous, and accepted industry practice. In that context, the precedents below are not an exhaustive list but have been drawn out to show how the Applicant's

approach is consistent with that adopted across industry.⁴ The Applicant notes that a number of permissions for solar farms have been granted where no grid infrastructure was included in the scope of the planning application by the City of Doncaster (e.g. Planning Reference 14/O1829/FULM), North Lincolnshire Council (e.g. Planning Reference PA/2024/129 and PA/2022/443) and North East Lincolnshire Council (e.g. DM/O108/24/FUL). A decision, therefore, to establish a principle that a grid connection is necessary for renewable development would be a significant impediment to, and radically undermine, the delivery of new low carbon infrastructure and the government's carbon emissions reduction objectives.

⁴ By way of example, in the context of *Raeshaw Farms Ltd v Scottish Ministers & Energiekonto UK Ltd [2026]*, the applicant's expert identified no fewer than 28 schemes in which he had been involved where the disaggregation of generating stations and grid connection infrastructure had been accepted, illustrating the established and commonplace nature of this practice.

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Project (energy generation infrastructure asset)	Scope of the application in respect of grid infrastructure	When was the related grid connection infrastructure delivered?	Grid Connection Statement	Further commentary providing relevance to the Scheme
<p>NSIP regime: The Hinkley Point C Nuclear Generating Station was consented under a DCO in 2013.</p>	<p>The transmission line connecting the nuclear power station to the national grid was not included in within the scope of the application for the nuclear power plant.</p>	<p>The transmission line was consented separately in 2016 via the National Grid (Hinkley Point C Connection Project) Order 2016.</p>	<p>The applicant submitted a Grid Connection Statement with their application confirming the Applicant had concluded a connection agreement with National Grid to provide a connection to the grid. The agreement established the principle that National Grid would be responsible for design and construction of the connection including obtaining necessary consents.</p>	<p>Paragraph 4.400 of the Panels' Report to the Secretary of State demonstrates the application of the NPS test in respect of consenting related infrastructure elements separately. The Panel explained that despite the uncertainties of the grid connections, there's no obvious reason why the connection would not be possible and having regard to the advice in the NPS, that this should not adversely influence the decision to grant consent to the nuclear power station. This clearly indicates that uncertainties relating to grid connection infrastructure should not be a barrier to consenting the generating asset, in the knowledge that there are no</p>

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				obvious reasons presented, that the grid connection infrastructure will not follow.
<p>NSIP regime: The wind farm was granted consent under the Brechfa Forest West Wind Farm Order in 2013.</p>	<p>The transmission line connecting the wind farm to the national grid was not included within the scope of the application for the wind farm.</p>	<p>The network infrastructure was separately consented in 2016 under the Brechfa Forest Wind Farm Connection Order.</p>	<p>The applicant's grid connection statement sets out the responsibilities of separate parties for design and building the connection to the electricity grid.</p>	<p>Paragraph 22 of the Secretary of State's decision letter sets out that <i>"the Applicant contains no provision for connection to the electricity grid, a matter which was a concern to some interested parties during the examination and was raised in representations made after the close of the examination. The Secretary of State agrees with the Examining Authority that this matter should be considered in the light of policy set out in section 4.9 of NPS EN-1 and that there are no obvious reasons why an application for a grid connection is likely to be refused. Importantly, the Secretary of State and the Examining Authority agreed that "there is no requirement at this stage to go further in this matter and reach a definite conclusion on the adequacy of the route for a grid connection", demonstrating the validity of</i></p>

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				progressing separate applications of related assets notwithstanding the absence of specific details for a grid connection route at the time of consent.
<p>NSIP regime: The Morgan Offshore Wind Project Generation Assets received consent in 2025.</p>	<p>The transmission line connecting the offshore wind farm to the national grid was not included within the scope of the application for the wind farm.</p>	<p>The grid transmission line is being consented through a separate DCO for the Morgan and Morecambe Offshore Wind Farms Transmission Assets Order which is currently in decision phase.</p>	<p>The applicant took the decision to produce two separate grid connection statements for the separate projects.</p>	<p>Given there are no obvious reasons for the Applicant to assume that the offsite 400kV or the 400kV export connection cable would be refused consent, the Applicant asserts that there is no risk of the solar farm becoming a stranded asset. Such a position was explicitly stated by the Secretary of State at paragraph 4.23 of the Decision Letter: "the Secretary of State agrees with the ExA that the risk of the wind farm becoming a stranded asset due to the grid connection and the generating asset being separately consented is unrealistic and no Requirement or condition is necessary within the DCO" to secure the transmission infrastructure in advance. Notwithstanding this precedent, the Applicant has</p>

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				proposed a restriction within the Draft DCO [Document Reference 3.1 Revision 3] in Requirement 20 which states that no phase of the authorised development may commence until evidence that consent or authorisation (or evidence that consent or authorisation is not required) has been submitted to and approved by the relevant planning authority for development comprising the provision of electrical cables for the purposes of connecting to the NETS.
<p>NSIP regime: The Triton Knoll Offshore Wind Farm Order was made in 2013.</p>	<p>The transmission line connecting the offshore wind farm to the national grid was not included within the scope of the application for the wind farm.</p>	<p>Triton Knoll Electrical System Order was separately made in 2016 providing consent for the network connection infrastructure asset.</p>	<p>The applicant submitted a Grid Connection Statement noting their decision to remove the grid connection infrastructure from the scope of the application for the project. At paragraph 1.5, the Applicant explained that: <i>"The electrical connection works that are outwith the current application (the offshore and onshore export cables,</i></p>	<p>Paragraph 3.5 of the Secretary of State's decision letter explains that <i>"the Application does not include subsea export cabling or onshore grid connection infrastructure, which would be subject to subsequent consenting applications"</i>. The Applicant specifically notes that the Secretary of State explained that the Applicant's reason for this was that National Grid's prospective</p>

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			<p>jointing infrastructure and the onshore substation) are subsequently described in outline terms and as currently conceived. The history of these works is reviewed noting that the TKOWF application was amended from its originally anticipated form in December 2010 as a result of a decision by National Grid (NGET). At this point NGET indicated that they wished to undertake a strategic review of possible new and alternative options for the onshore connection location for TKOWF, a process was anticipated to take until autumn 2011 to complete. This decision meant that there was no longer any certainty on the grid connection point for TKOWF and as a result no certainty on the onshore substation location, onshore cable route, cable landfall and offshore</p> <p>grid connection points changed during pre-application stage, and it had to take the decision to proceed with the preparation of the application to avoid significant delay. At paragraph 3.9, the Secretary of State acknowledged that "Overarching NPS EN-1 also clearly envisages that an applicant can proceed with a proposal without a firm grid connection offer, whilst noting that the commercial risks associated with taking such a step rests with the applicant alone." At paragraph 3.11 the Secretary of State expressed satisfaction that "it was not necessary or indeed possible for TKOWFL to submit detailed information about the anticipated grid connection for the proposal as part of the Application...given in particular that any grid connection will have to be the subject of subsequent approval(s)". The Secretary of State's decision to grant development consent for the Triton Knoll Offshore Wind</p>
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			<p>export cable Farm, notwithstanding uncertain route. Therefore the ties relating to its connection to electrical connection works the NETS, demonstrates that the were removed from the Applicant's approach is neither current DCO application, unusual nor objectionable. It is with consent application for therefore acceptable the offshore generating to proceed in the absence of works proceeding separate detailed grid connection to the electrical connection information, on the basis that package which will now be such infrastructure can be brought forward at a later brought forward separately in date." accordance with established industry practice.</p>	
<p>NSIP regime: Clocaenog Forest Wind Farm Order was consented in 2014.</p>	<p>The transmission line connecting the offshore wind farm to the national grid was not included within the scope of the application for the wind farm.</p>	<p>The grid connection was subsequently consented in the North Wales Wind Farm Connections Order in 2015.</p>	<p>The Grid Connection Statement confirms that two options were being considered, including either approximately 18km of 132 kV heavy construction overhead line from St Asaph Substation to the Clocaenog Forest Wind Farm on site substation or approximately 36km of 132 kV heavy construction overhead line from Legacy Substation to the Clocaenog Forest Wind Farm on site substation.</p>	<p>The Secretary of State's decision letter notes at paragraph 4.30 that "<i>The Secretary of state is aware that the Application contained no provision for connection to the electricity grid... However, he notes that the ExA considers the issue in relation to the policy set out in section 4.9 of the Overarching National Policy Statement EN-1 [Applicant's note: this is now 4.11 of EN-1] which accepts that not all applications for grid connections will be submitted at the same time as the applications for the</i></p>

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			<p><i>development to which they will likely be linked. The Secretary of State also notes that there was some concern about the lack of detailed information about the impacts of the grid connection... However, he is aware that the grid connection will be subject to a separate consent application which will be subject to public scrutiny and the ExA considered there were no obvious reasons why the grid connection might not be approved. The Secretary of State agrees with the ExA's view."</i></p> <p>Whilst in this case and unlike other precedents cited in this table, some information was known about two potential routes, neither was included in the scope of the application. Moreover, the Secretary of State was clear that both applications need not include a grid connection, and also that reliance could be placed on a subsequent consenting process.</p>
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<p>NSIP regime: Springwell Solar Farm Order was consented in 2026.</p>	<p>An on-site substation and the cabling connecting it to the off-site substation were included within the scope of the application. However, the off-site substation itself does not have planning permission, which was the position both at the time the application for development consent was submitted and at the point the Order was made.</p>	<p>Onsite cabling from the generating asset to the edge of the Order Limits granted consent under the Springwell Solar Farm Order 2026 but the off-site substation is still to be granted planning permission.</p>	<p>The applicant's Grid Connection Statement explained that the Applicant has a grid connection agreement with NGET to export 800MW of clean power to the NETS. We note the optionality retained within paragraph 1.1.9: <i>"The Applicant will be responsible for designing and building the Springwell Substation and Grid Connection to the PoC. The Applicant may also be responsible for construction of the relevant generator bay within the National Grid Navenby Substation Responsibility for construction of the generator bay works will depend on the National Grid chosen by NGET and the Modification Application process which is expected in November 2024. NGET will be</i></p>	<p>As is proposed by Requirement 20 of the Draft DCO [Document Reference 3.1 Revision 3], in relation to Springwell Solar Farm, a requirement was proposed within the DCO, the effect of which would have been to prevent commencement of the solar farm development until planning permission had been granted for the NGET off-site substation. At paragraph 4.14 of the Decision Letter, the Secretary of State declined to include such a requirement, noting the absence of substantive evidence that consent for the substation or overhead line would be refused, and specifically placing weight on the grid connection agreement with NGET: <i>"...the Applicant has not identified any issues that would result in a refusal of the proposed [National Grid substation] or the required overhead powerlines, neither has there been any substantive evidence put forward by the local authorities or Interested Parties that demonstrate that there is an</i></p>
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			<p>for obtaining consent for, designing and building the National Grid Navenby Substation.”</p> <p>In respect of the offsite substation not benefitting from planning permission, the Applicant acknowledged, at paragraph 4.4.4, that “different levels of information may be available at different times and, as such, the Applicant has taken a proportionate approach to what information is available at the time of submission.”</p>	<p>obvious reason as to why planning permission would be refused for either the proposed [National Grid substation] or overhead powerlines. He also notes that the Applicant has a grid connection agreement with National Grid Electricity Transmission to export power to the National Electricity Transmission System and that NGET, as a regulated business, has a legal obligation to meet any requests for new power connections from developers, that make such requests”.</p> <p>The Applicant is a substantively similar position in respect of the Scheme; grid infrastructure is required and there are no obvious reasons why consent for that infrastructure would be refused.</p>
<p>TCPA regime: The application for planning permission for Cutlers Solar Farm, Thaxted was for the solar generating asset elements only. The planning</p>	<p>The cable route to Thaxted Substation did not form part of the red-line application boundary.</p>	<p>The electrical cabling connecting Cutlers Solar Farm to the Thaxted substation is seeking separate consent under the TCPA. The application has</p>	<p>(Not required for TCPA applications).</p>	<p>The Inspector expressly concluded in the appeal decision that there was no requirement for a solar farm developer to include the cable route corridor within the planning</p>

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<p>permission was granted, on appeal, in December 2023. Planning reference: UTT/21/1833/FUL Appeal reference: APP/C1570/W/23/3319421</p>		<p>been submitted but the decision has not yet been issued.</p>	<p>application. In particular, the Inspector explicitly stated that “nothing was drawn to my attention which would require a solar farm developer to include the cable route corridor in the planning application”. This was, in part, because “<i>separate statutory powers exist for electricity undertakers to deliver transmission and distribution works, and the eventual routing is determined by the undertaker having regard to technical and regulatory requirements</i>”. Furthermore, “<i>as all parties agree that the cable corridor was not part of the original application or appeal, it follows that no prejudice arises from me determining the appeal...</i>”. The Applicant relies on this reasoning to demonstrate that it is a normal and accepted approach for a generating asset to proceed on the basis that grid connection infrastructure will be brought forward independently, through the regulatory and consenting processes applicable to the</p>
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				relevant electricity undertaker. Like Potterne Solar Farm the approach here was accepted notwithstanding the absence of express national policy support for such disaggregation. By contrast – the Applicant’s approach is positively supported by national energy policy, which expressly recognise that grid connection details may be developed and consented separately.
<p>TCPA regime: The generating asset for Myttons Solar Farm was granted full planning permission in March 2021. Planning reference: TWC/2020/0851</p>	<p>The application for planning permission for the solar farm did not include the grid connection infrastructure as part of the application.</p>	<p>The grid connection underground cabling was consented separately under the TCPA in 2022.</p>	<p>(Not required for TCPA applications).</p>	<p>In recommending approval of the solar farm, the Planning Committee expressly acknowledged that the electrical infrastructure “<i>will belong to the local distribution network operator and as such will need to comply with the terms of the wayleaves and other agreements</i>”. Again, this reiterates a clear acceptance that the delivery, routing and control of grid infrastructure elements sits with the relevant electricity undertaker, and that it is therefore reasonable for a</p>

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				generating developer to rely on those separate legal and regulatory processes.
<p>TCPA regime: Full planning permission was granted in 2020 for the Corner Copse Solar Farm generating asset alone. Planning reference: S/19/1097</p>	Grid connection infrastructure was explicitly excluded from the scope of the planning application.	The grid connection infrastructure was separately granted consented under the TCPA in 2024.	(Not required for TCPA applications).	On granting planning permission for the solar farm, the local planning authority was content for grid infrastructure to come forward later and accepted that the project could viably proceed on the basis that connection details could be finalised and approved separately, without prejudicing the grant of consent for the generating station itself.
<p>TCPA regime: The application for planning permission for Ash Tree Solar Farm, was for the solar generating asset elements only. The planning permission was granted, on appeal, in December 2025. Planning reference: S23/2199 Appeal reference: APP/E2530/W/24/3357607</p>	The application for the solar farm did not include the export connection cables within the scope of the application.	The related grid connection infrastructure is yet to be delivered but will be separately consented.	(Not required for TCPA applications).	In approving the project, the Inspector noted in the appeal decision that <i>“The amendment to the application removed the connector, the route of which had been proposed to run through Londonthorpe...It is possible that permitted development rights might ultimately be exercised to install the cable, but even if that were not the case, there is no reason why the details of the route could not be satisfactorily resolved</i>

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				<p><i>later. The absence of a route at this stage does not constitute a strong reason to withhold planning permission”.</i></p>
<p>TCPA regime: Planning permission for Beech Tree Solar Farm was granted on appeal in 2025, having initially be refused due to insufficient detail in relation to the connection of the proposal to the national grid. Planning reference: PL/2023/10394 Appeal reference: APP/Y3940/W/25/3360237</p>	<p>Grid connection infrastructure was explicitly excluded from the scope of the planning application.</p>	<p>The related grid connection infrastructure is yet to be delivered but will be separately consented.</p>	<p>(Not required for TCPA applications).</p>	<p>The Inspector expressly concluded in the appeal decision that “no policy or other legislative requirement has been brought to my attention that requires the appellant to include connection infrastructure in the planning application”. While acknowledging that the TCPA regime operates under a different policy framework to that applicable to NSIPs, the Applicant maintains that the same principle applies to the Scheme. The Inspector went on to highlight that “separate powers exist for statutory undertakers to carry out work for the transmission and distribution of electricity which would not necessarily require the separate express grant of planning permission. Even if a further planning application is required for connection</p>

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				<p><i>infrastructure...the effect of any such proposal...would be for the appellant to consider, and the Council to determine acceptability through a future application."</i></p>
<p>TCPA regime:</p> <p>Planning appeal in relation to the Potterne Park Solar Farm, the planning application to the local authority was refused and an appeal granted.</p> <p>Appeal reference: APP/Y3940/W/25/3376878</p>	<p>Grid connection infrastructure was explicitly excluded from the scope of the planning application.</p>	<p>The related grid connection infrastructure is yet to be delivered but will be separately consented.</p>	<p>(Not required for TCPA applications).</p>	<p>In this appeal the Inspector noted that NGED/NESO were <i>"unable to confirm the detailed outcome of the Gate 2 to Whole Queue process for this project as the process remains ongoing" and that 'NESO is responsible for issuing the final outcomes"</i>. The grid connection was therefore excluded as its precise location could not be established at this stage.</p> <p>The Inspector concluded that <i>"it is clear that there is strong support in local and national policy terms for renewable and low carbon technologies – which are a key component in reducing carbon and other greenhouse gas emissions and moving toward a net zero future. There is little before me that demonstrates that the Appellant</i></p>

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			<p><i>is not committed to delivering the scheme as sought, nor that once a connection to the wider grid is available all haste and speed will be used to ensure that the energy generated by the proposal is fed into the wider grid network. Moreover, whilst the exact date for this connection is uncertain – being a matter for the NESO to issue that – it would be odd that all parties involved would not seek to implement such a connection as expeditiously as possible.”</i></p> <p><i>Moreover, the Inspector expressly noted that “it is entirely possible and plausible that with planning permission being granted efforts would be made to connect to the grid considerably earlier than the November 2037 date originally envisaged prior to the grid reforms in 2025. Accordingly, as a matter of planning judgement, I do not consider that diminished weight should be afforded to the</i></p>
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Written Summary of Oral Submissions at the Issue Specific Hearing 1

			<p><i>benefits arising from the proposal in this respect".</i></p> <p>This appeal decision therefore not only supports the principle of disaggregate consents (including outside of the context of section 4.11 of EN-1), but expressly underlines the point that permission itself will assist in bringing forward a grid connection, and that the benefits of solar development are not diminished by any uncertainty or lack of fixity on the grid connection infrastructure given the strong national policy support for renewables. This case also supports the reliance placed on Grid Connection Agreements, noting that the developer in question had a grid connection.</p>
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8.49. Although the individual precedents can be distinguished by reference to their factual circumstances and the type and scale of associated infrastructure, they all relate to energy generation development and illustrate the same underlying principle: the exclusion of grid connection infrastructure from the generating asset application is a normal and well-established approach. The consistent thread running through the DCO decisions is that, where the applicant can demonstrate compliance with the relevant NPS tests and there are no obvious reasons that consent for the separate network scheme is likely to be refused, there is no policy or principled basis on which consent for the energy generation asset should be withheld. The TCPA projects demonstrate that progressing consent for the generating asset in advance of finalised or consented grid infrastructure is a rational and often necessary commercial response to the operation of the electricity connections regime.

8.50. Judicial precedent

8.51. The Applicant's approach to separating the grid infrastructure elements is lawful and there is judicial precedent to support this. It is implicit from the case law that a phased approach to consenting schemes with multiple related infrastructure elements is entirely valid, albeit the ratio of those cases is strictly dealing with separate matters.

8.52. By way of example, in *R (Khan) v London Borough of Sutton* [2014] EWHC 3663 (Admin), the onward distribution pipelines were excluded from an application for planning permission for an energy from waste generating plant, because there were no confirmed end users and therefore no known pipeline routes. The court concluded that, in those circumstances, it was entirely lawful for the pipelines to be consented subsequently and separately at which stage, the environmental effects would be assessed as part of the subsequent application.

8.53. In *R (Together Against Sizewell C Ltd) v Secretary of State for Energy Security and Net Zero* [2023] EWCA Civ 1517; [2024] Env LR 22, drawing on authorities such as *R (Larkfleet Ltd) v South Kesteven DC* [2015] EWCA Civ 887; [2016] Env LR 4 and *R. (on the application of Forest of Dean (Friends of the Earth) v Forest of Dean District Council*, [2015] PTSR 1460, the court reaffirmed the well-established principle that two connected projects may proceed separately.

- 8.54. Notwithstanding the fact that paragraph 4.11 of EN-1 does not apply in those jurisdictions, there is relevant Irish and Scottish authority which, although not binding on English courts, is frequently treated as persuasive, reflecting the shared EU-derived obligations governing respective EIA requirements. A recent notable example is the Court of Session in *Raeshaw Farms Ltd v Scottish Ministers & Energiekontor UK Ltd* [2026] CSIH 10, (obiter) similarly acknowledged that grid arrangements can often lack sufficient specificity at the time of seeking consent for the generating station and that the planning system must therefore operate “realistically”, further noting that “it cannot be said in absolute terms that the only permissible way in which a planning application for a windfarm can be made is to apply for the whole project to include the grid connection.”
- 8.55. Similarly, *North Westmeath Turbine Action Group v An Bord Pleanála* 2025 IEHC 608 saw the court ruling that exclusion of the grid connection from the planning application was valid. The absence of a definitive route for the grid connection did not preclude the competent authority from being able to consent the generating asset element on its own merit, nor did it invalidate the EIA as the decision maker could still carry out a meaningful assessment on the basis of the information reasonably available at the time.
- 8.56. The case law supports the legitimacy of consenting interrelated project components separately, and to require otherwise (particularly in the current context of grid reform and constrained connection uncertainty) would be wholly unrealistic and would risk undermining the British renewable energy market and would run directly counter to the intention of national energy policy.

8.57. Conclusion

- 8.58. As requested by the ExA at ISH1, the Applicant has prepared this Annex to provide further detail on NESO’s and NGET’s respective legal and contractual obligations in relation to the provision of a PoC for the Scheme, and to demonstrate the relevance of established industry precedent where projects have progressed on the same basis as the Applicant’s approach to network connection infrastructure.
- 8.59. Section 6 of this Annex shows that decision-makers have consistently taken the view that the separate consenting of network connection infrastructure is not a determinative factor in the consenting of a generating asset, provided (in the DCO context at least) that the applicable policy test in NPS EN-1 is satisfied:

demonstration there are no obvious reasons that the network connection infrastructure would be refused consent.

- 8.60. For the reasons set out in this Annex, the Applicant's position is that the circumstances of the Scheme clearly meet and surpass this policy threshold that there are no obvious reasons why the PoC to the NETS and the 400kV export connection cable would be refused consent. It therefore follows that the Scheme, as a solar generating asset, can be consented independently, in the knowledge that the necessary network connection infrastructure can and will be delivered separately in due course reflecting the regulatory processes in place.
- 8.61. The Applicant's approach is reinforced by NESO's recent reforms to the grid connection process, including the move away from a "first come, first served" system towards a "first ready, and needed first connected" model. Those reforms are expressly intended to accelerate the delivery of nationally significant energy infrastructure, by prioritising in the grid queue projects that are most advanced in the planning system. This prioritisation encourages projects to process in the planning system in advance of firm grid connection details being finalised. Under that framework, NESO and NGET will, in accordance with their legal and regulatory obligations, connect such projects to the NETS at the relevant time. The Scheme benefits from an existing grid connection agreement with NESO and a Gate 2 Phase 2 notification, which together demonstrate a high degree of certainty that NESO and NGET will deliver a PoC for the Scheme.
- 8.62. As demonstrated by the precedents identified in section 6, the Applicant's approach has already been accepted in practice prior to the introduction of the grid connection reforms and is likely to become increasingly common for energy generating NSIPs in the future.

9 Annex 2 – Appeal Decision Notice for Potterne Park Farm Solar Farm



Appeal Decision

Site visit made on 13 April 2026

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/Y3940/W/25/3376878

**Land South of Potterne Park Farm, Nr Potterne, Devizes,
Wiltshire, SN10 5QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Brindle of Potterne Solar Project Limited against the decision of Wiltshire Council.
 - The application Ref is PL/2023/10332 made on 27 November 2023, and refused 3 July 2025.
 - The development proposed is described as '*Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.*'
-

Decision

1. The appeal is allowed and planning permission is granted for *Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years* at Land South of Potterne Park Farm, Devizes, SN105QT in accordance with the terms of the application, Ref PL/2023/10332, subject to the conditions in the attached schedule.

Applications for costs

2. An applications for costs was made by the Appellant against the Local Planning Authority. This is the subject of a separate decision.

Preliminary Matters

3. Planning permission was refused for two reasons: insufficient information on archaeology and harm to the character, quality, and visual amenity of the local and wider landscape.
4. At the appeal stage, Wiltshire Council (as the Local Planning Authority), indicated that sufficient information had been submitted in order to address the first reason of refusal relating to archaeology¹. Having carefully considered

¹ Wiltshire Council's Statement of Case, pages 5 and 6 of 179, paragraph 4.2

this, I find no reason to disagree and have therefore focussed on the remaining contested areas between the main parties.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area; including on its landscape.

Reasons

Policy

6. The adopted development plan for the area comprises the *Wiltshire Core Strategy (Adopted 2015)* (herein CS) and the *Potterne Neighbourhood Plan (made January 2017)* (herein PNP).
7. Core Policy 42 of the CS identifies how standalone renewable energy installations, of all types, will be encouraged and supported. It sets out that proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on a number of factors have been satisfactorily assessed, including any cumulative effects, and taken into account. These factors include the landscape, particularly in and around AONBs (now National Landscapes), biodiversity, use of the local transport network, residential amenity and Best and Most Versatile Agricultural Land.
8. Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. It sets out that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.
9. Core Policy 57 sets out that a high standard of design is required in all new developments. This includes the retention and enhancement of existing important landscaping and natural features, (for example trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.
10. The PNP area, as shown in Plan 1, page 4 of 41 of the PNP only includes the access highway into and out of the site. The appeal site itself lies outside of the Neighbourhood Plan area. Nonetheless, the decision notice refers to Paragraph 2.1.2 of the PNP. However, this is not a policy as such -with the PNP Policies themselves set out in section 4 of the PNP. In this respect, none of the Policies; listed at PNP 1 to PNP6 respectively, refer to the need to safeguard countryside views nor protect the rural setting of the village.
11. Accordingly, the relevance of the PNP is limited; not only by its geographical scope and coverage, but also by its detail which does not appear to contain any policies relating to renewable energy development or to developments occurring outside of its defined area.
12. Furthermore, the scheme fails to safeguard key countryside views, does not adequately limit development in other parts of the Parish, and undermines the

distinctive character of the village and its rural setting by introducing inappropriate development in an unsuitable location.

13. The *National Planning Policy Framework* (the Framework) sets out the government's planning policies. At Paragraph 168, it sets out that local planning authorities should '*not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future*'.
14. This policy does not provide an automatic 'approval' of renewable or low carbon energy schemes, and the decision-maker continues to need to balance competing harms and benefits. However, the need for renewable and low carbon energy is clear and significant weight should be given to the benefits arising from such development by the decision-maker when determining the proposal.

Character, appearance and landscape

15. The Appellant, Local Planning Authority; Wiltshire Council², and the Potterne Solar Action Group (PSAG)³ have all submitted landscape and visual appraisal (LVA) reports, or assessments on the Appellant's LVA. I have taken these into account in consideration of this issue.
16. I also note that at the Planning Committee stage, Wiltshire Council's in-house Landscape, Conservation, Arboricultural, Public Rights of Way, Ecology, Land Drainage, Public Protection, Climate Change, Strategic Planning, and Highways Teams/Officers raised no objection to the proposal, subject to the use of appropriately worded conditions.
17. Nonetheless, at the appeal stage, Wiltshire Council's case remains focused on the significant adverse effects on landscape character and visual amenity, including:
 - the valley floor pastoral landscape and its recognised qualities of tranquillity and rural character,
 - the dense network of Public Rights of Way crossing and adjoining the site, where users would experience prolonged close-range views of industrial-scale development,
 - the large geographical extent of the scheme and its long operational duration (50 years),
 - the incongruous industrial character introduced into a sensitive rural valley context.
18. The Landscape expert for PSAG considers that the landscape and visual effects have been under-reported by the appellant. Specifically, their statement:
 - confirms that the absence of visualisations was a fundamental omission from the LVA, allowing it to underplay the predicted effects;
 - emphasizes the importance of the PRow network;

² See *Appendix 6: Report by Council's Landscape Consultant*, LPA's Statement of Case, pages 136 to 179

³ See PSAG Statement on Landscape and Visual Matters - Appendix B1 (Part 1 of 2) and Appendix B1 (Part 2 of 2)

- considers the LVA to have underestimated the sensitivity of the local landscape, which retains a distinctive sense of place, with valued attributes such as topography, tranquillity and dark skies;
 - disagrees with the assertion in the appellant's Statement of Case that the site comprises no more than an "ordinary" landscape;
 - highlights the inadequacy of the proposed landscape mitigation; and
 - considers the assumption that this development – and thereby the harm it causes - would necessarily be temporary to be disingenuous.
19. The appeal site covers some 79 of land. It is located within Wiltshire landscape character type 11: Rolling Clay Lowland and character area 11C; Trowbridge Rolling Clay Lowland, as set out in the Landscape Character Area (LCA) assessments. These various landscape assessments all reflect characteristics which are seen on the appeal site: comprising flat or gently-sloping terrain under a mix of pastoral and arable fields. These date mainly from 19th Century enclosure and are defined by established hedgerows, many visibly managed.
20. Against this context it can be noted that the appeal site does not fall within any designated landscape; either scenic or ecological. Nonetheless it is visually pleasant and relatively unspoilt. There is a railway line immediately to the south, which forms part of the southern boundary of the proposal. This inevitably impacts upon, and reduces, the sense of tranquillity which is otherwise experienced on the various nearby Public Rights Of Way (PROW) including EAST14, EAST12, EAST10, MLAV1C, POTT5, POTT7, POTT8, and URCH34.
21. As a landscape without formal designation, and without identified features, notable condition or other factors which lead to it being out of the ordinary, it cannot be said to be a 'valued landscape' as such. But that does not mean it has no value.
22. The expert analyses provided on behalf of the Appellant, Wiltshire Council and PSAG generally agree in part on the susceptibility of the landscape to change, and the value of the various elements of the landscape. Similar to the Appellants LVA, I consider that measures on and around the site to retain and incorporate existing key landscape features such as woodland, trees and hedgerows would help to integrate the proposed solar farm and ancillary structures into the landscape. Such features would also help minimise potential impacts on character.
23. Whilst I acknowledge that the appeal site would change from farmland, the characteristic flat, low-lying vale would appropriately accommodate the development and changes would be fully restored following decommissioning. These mitigation and restoration measures can be effectively secured by planning condition. Moreover, the visual effects of the proposal would be relatively contained due to the retained and surrounding trees, hedgerows and vegetation screening views towards the proposals.
24. With regard to PROWs, this is where the greatest level of potential harm could be experienced by users; as identified within the LVA work of the Council and PSAG. These PROW include EAST14, EAST12, EAST10, MLAV1C, POTT5, POTT7, POTT8, and URCH34. Some of these traverse the site, whilst others are in close proximity. For users of short stretches of these PROW, there is

likely to be a high impact. This is because where users of the footpaths are currently able to look across the fields from the PROW in order to see the wider landscape, many of these views would be impeded by the rows of solar arrays and/or fencing or hedging. This is shown on the submitted drawing labelled Landscape Masterplan L100 Rev E.

25. Indeed, in place of single use agricultural land, there would be pasture with rows of 3.2m high solar arrays (at their highest⁴) supported on frameworks sunk into the ground. The arrays would be surrounded by 2.4m high fencing (at its highest) with occasional CCTV installations somewhat higher at around 5 metres⁵. The proposed substation and connection point to the power grid would add further change.
26. Nonetheless, the visual impact and effect on landscape, although extensive, would be very localised in that its influence would not extend far beyond the site boundaries – with the greatest level of impact on users of the PROWs. It has been suggested that the site would be visible from higher land on the side of the valley. However, it would be barely discernible in a wide-vista which includes extensive hedges and trees. Moreover, in order to minimise the impact an extensive mitigation strategy has been drawn up. This includes native hedgerows and native trees.
27. The planting of native species would accord with the general aims of the local landscape character assessments noted above, albeit that the structure of the landscape would not be returned to its historic form in all areas. In my judgement the mitigation planting proposed would be appropriate to the locality (and would significantly improve biodiversity).
28. My overall assessment of the impact of the proposal on the character of the wider landscape is that it would not introduce any more than moderate and very localised harm. There would initially be significant adverse harm within the site itself, not least because of the extent of the development. But as mitigation matures the harm would reduce.
29. On this issue as a whole I find that there would be some harm to the character and appearance of the area, but the area in which the harm would be experienced would be very limited and very localised. Planting would, in time, help to improve local distinctiveness and any negative impacts on the character and appearance of the countryside would be mitigated as far as possible through sensitive design and landscape measures in line with CS Policies 42 and 51.
30. The proposal would also follow the objectives of CS Policy 57 in that it would take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development.

⁴ I note that there is a point raised about a discrepancy between 3.2m and 3m within the PSAG submission, Statement on Landscape and Visual Matters, Appendix B1 (Part 1 of 2) at page 44 of 102, in relation to the AOD. However, I do not consider that this unnecessarily prejudices the overall assessments contained within the LVAs or the assessment of this matter as it is clear from the submitted labelled drawings as to the height for the various elements of the scheme.

⁵ As shown on drawing General Details Figure 4 Revision C dated 24.11.2023

North Wessex Downs National Landscape

31. With regard to the North Wessex Downs National Landscape; this is located approximately 2km to the north east of the site at its closest point to the site. Section 245 of the *Levelling-Up and Regeneration Act 2023* (LURA23) amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of National Parks, AONBs (now known as National Landscapes) and the Broads. This sets out that decision-makers must 'seek to further' these statutory purposes rather than 'shall have regard' as in the earlier legislation.
32. The statutory purposes of National Landscapes (areas of outstanding natural beauty) are set out in DEFRA's Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes.
33. These are:

'conserving and enhancing the natural beauty of the area of outstanding natural beauty.'⁶
34. Being mindful of my duty to seek to further the statutory purposes of the North Wessex Downs National Landscape, I am satisfied that the application scheme leaves the natural beauty of the KDNL unharmed. This reflects a similar position of Wiltshire Council, who have assessed the findings of the LVA, and are in agreement that there is no significant or unacceptable level of effect due to the distance to the site, the small part of the view that it occupies, and the foil and screening provided by the intervening vegetation.
35. For the same reasons as the Council, I consider that the distance and limited visibility of the appeal site from the North Wessex Downs National Landscape, limits any degree of harm from the proposal on the setting of the North Wessex Downs National Landscape.
36. In this case, there are various mitigation measures which principally revolve around landscaping and planting schemes. These would go some way to helping reduce the impact of the application scheme on the setting of the North Wessex Downs National Landscape – an impact which is . Furthermore, I consider that in this instance, there are justified benefits – which are set out below – which outweigh this extremely limited harm to the setting of the North Wessex Downs National Landscape.

Other Matters

37. A number of concerns have been raised by interested parties; including local residents, Parish Councils and the Potterne Solar Action Group (PSAG). I now consider a number of these, before coming to an overall conclusion.

⁶ <https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes#statutory-purposes-of-protected-landscapes> Published 19 December 2024

Highway safety

38. Concerns have been raised over the poor access down a single track and that Potterne Park Lane is only about 2.7m wide at its widest point and includes an ancient bridge that forms a physical and historic constraint. Construction vehicles associated with the proposal are likely to be up to 3 metres wide. This is, therefore, considered by interested parties to demonstrate that the route is manifestly unsuitable.
39. I saw during my site inspection that there are two principal areas of concern highlighted. The first is the road off the A360 (including the junction with the A360) which runs along to Stroud Lane. The second is the narrow lane off this, which passes by the Wiltshire Scout Centre in a southerly direction down to the appeal site.
40. With regard to the former, I saw that there are a number of residential properties located along this highway. I also note that there appeared to be stables and/or liverys and barns situated along or nearby to this highway. A highway which narrows further in a number of places and without a footpath for most of its length. There are no obvious marked passing bays along this stretch of highway.
41. In the vehicle (car) I was driving in, I would anticipate that meeting a lorry or similar vehicle coming in the opposite direction would require some impressive manoeuvring and driving skills in order to pass even at low speed. Such situations would not be conducive for the safe operation of the highway – including for pedestrians, cyclists, and horse riders.
42. With regard to the latter road passing the Scout centre, this is a no through road which is even narrower than the road off the A360. Large parts of this lane are bounded by hedgerows. Moreover, there are very limited informal passing areas; which principally rely on non-hardstanding access points into fields. I saw that this lane not only provides access to the surrounding agricultural fields, but also to farms and residential dwellings.
43. It is clear, therefore, as raised by local residents, the Parish Council and the PSAG, that there are potential issues with the local highway network and how access during construction to the appeal site would be achieved safely.
44. To that end, the Appellant has provided revisions to the draft Construction Traffic Management Plan (CTMP), culminating in version P05 dated 27 March 2024, and the submission of a Technical Note 27643-HYD-XX-XX-RP-TP-1002-P02, dated 25 April 2025 (TN). These detail, through swept-path analysis, that vehicles can safely access the site for deliveries and how further mitigation to reduce the impact of construction can be achieved and how passing bays can be provided, again to assist with construction access. In addition, the TN confirms that a holding area is available off-site to manage the flow of HGVs and allows a convoy system, thereby allowing the management of delivery times.
45. The CTMP, (which can be secured via the imposition of a planning condition) sets out a six-week period of construction. This would include additional temporary safety measures, including an off-site holding area, marshals, temporary traffic lights, convoy system and temporary passing places for the

- route off the A360. In light of such measures, I am content that the proposal would not result in unacceptable or severe highway impacts.
46. I am reinforced in this view by the fact that the Local Highway Authority agree that the proposed measures will ensure a safe construction process and that no severe highway safety impacts will arise. Moreover, once operational, the site is unlikely to result in any significant traffic movements; with most journeys to and from the site likely to be undertaken by small vans or cars and be limited in duration and scope.
47. Therefore, I do not find that the proposal would result in an unacceptable impact on highway safety which points to the dismissal of the appeal scheme in this case.
48. Nonetheless, the Appellant should be aware and make any contractor and/or operator on the site aware of the existence of PROWs to and from the site, and across the site. This should also include that access to the PROWs and their use should be unfettered; with the necessary permissions sought from the relevant authority if required. The Appellant should also make the same aware of suggested legal covenant(s) protecting right(s) to free and uninterrupted access and for all purposes along and across Potterne Park Lane and Potterne Park Lane Public Right of Way (POTT4) as indicated in the written submissions of interested parties.
49. My attention has also been drawn, by CPRE Wiltshire, to appeal decisions reference T/APP/C/92/E3905/1626133 and T/APP/E3095/A/92/216523. Whilst I do not have the full detail of those schemes from circa 33 years ago, the salient parts are quoted by CPRE Wiltshire. The Inspector in those cases considered that the highway conditions fell 'well below' the nationally recommended standards. I also note the references to various caselaw; including in relation to where the factual nexus remains the same.
50. However, I have not been provided with any detailed information as to what the standards in 1992 were, nor how they concur or depart from any existing standards. Moreover, I do not know what the speed limit was on the A360 at the time of the 1992 appeals, nor what measures were suggested to address the highway safety matters at that time. To the contrary, I have considered the proposal before me in light of the context – both physical and in policy terms – and on the basis of the facts on the ground as they were at the time of my site inspection. In this respect, having carefully considered these in relation to the appeal scheme in 2026, I do not find that they provide justification for the dismissal of the appeal proposal here.

Grid connection

51. Concerns have been raised in terms of the connection date; with the National Energy System Operator (NESO) Existing Agreement Register indicating a connection date of 15 November 2037. It is suggested by PSAG in particular, that this should reduce the weight afforded to the public benefits arising from the proposal.
52. In Appendix 10 of their Final Comments, the Appellant provides a *Grid Connection and Energy Statement*, which sets out the reasons why the third-party claims that the Proposed Development will not be able to connect to the grid until 2037, are incorrect. This points out that the Existing Agreement

- Register connection date of 15 November 2037 was based on a connection date prior to the significant grid reforms implemented in 2025 by the NESO. It is confirmed that this project has passed the grid reform methodology checks and will receive a Gate 2 connection offer, which means that the 2037 date has been superseded.
53. This is also confirmed in the National Grid Energy Distribution (“NGED”) letter dated 16 January 2026 and included in Potterne Solar Action Group Appendix A, which confirms that the process to connect projects sooner is currently ongoing and that NGED were: ‘unable to confirm the detailed outcome of the Gate 2 to Whole Queue process for this project as the process remains ongoing’ and that ‘NESO is responsible for issuing the final outcomes.’
54. Within this situation, it is clear that there is strong support in local and national policy terms for renewable and low carbon technologies – which are a key component in reducing carbon and other greenhouse gas emissions and moving toward a net zero future. There is little before me that demonstrates that the Appellant is not committed to delivering the scheme as sought, nor that once a connection to the wider grid is available all haste and speed will be used to ensure that the energy generated by the proposal is fed into the wider grid network. Moreover, whilst the exact date for this connection is uncertain – being a matter for the NESO to issue that – it would be odd that all parties involved would not seek to implement such a connection as expeditiously as possible.
55. Within this context, whilst noting the concerns raised on this matter, it does not provide justification in this instance for the dismissal of the appeal. Furthermore, it is entirely possible and plausible that with planning permission being granted efforts would be made to connect to the grid considerably earlier than the November 2037 date originally envisaged prior to the grid reforms in 2025. Accordingly, as a matter of planning judgement, I do not consider that diminished weight should be afforded to the benefits arising from the proposal in this respect.
56. I also note that concerns have been raised in terms of there being an over-concentration of renewables in Wiltshire: Wiltshire leads UK counties with over 820 MW of solar capacity operational or committed, exceeding its 2030 target by 39%. This is a commendable achievement; helping England and the UK in achieving its net zero aspirations and ensuring the supply of renewable energy generated electricity for the wider public good. There is not a ‘cap’ on what provision of renewable energy specific geographical areas need to provide; but rather that a site by site assessment is undertaken – as has occurred here. Accordingly, this does not constitute a reason for dismissing the appeal scheme.

Agricultural land

57. The agricultural land classification (ALC) was considered within the report submitted by the Appellant. This identified that the appeal site comprises mainly Grade 3b agricultural land; with small areas not proposed to be developed as Grade 3a. Accordingly, the developed area of the appeal site does not comprise Best and Most Versatile Agricultural Land (BMVAL) as defined by the Framework.

58. As such, through avoiding BMV land, the development clearly recognises the benefits of agricultural land and is in accordance with Paragraphs 187, 188, and Footnote 65 of the Framework, which states: *'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'*. Through the avoidance of using BMVAL, the proposal would also comply with Policy 42 of the CS.
59. I note that PSAG have submitted, at Appendix C of its representation, an Agricultural Land Quality report. This acknowledges that the ALC for Potterne Park Farm has been carried out following the guidelines and as such classified most of the land as 3b and hence not BMVAL. It goes on to take issue with the ALC system being dated (1988) and not fit for purpose.
60. However, it is a well-recognised system that is consistently used across England to assess the grade of agricultural land and subsequently whether or not it falls within the category of BMVAL. The Appendix C review also raises concerns that the land was especially wet at the time of the ALC survey in 2022, and that this means that land which has been classified as subgrade 3b could have been, in drier conditions, subgrade 3a.
61. However, there is little within the evidence before me that indicates that the survey work undertaken in the original ALC is flawed or followed an inappropriate methodology. Indeed, as set out in Appendix 8 of the Appellant's Final Comments, *'in Agricultural Land Classification prevailing field conditions at the time of survey are expressly not considered. The conditions at the time of survey have not influenced the grading of the land.'*
62. In light of the totality of the evidence before me on this matter, I consider that the evidence points strongly to the agricultural land classification in this instance being subgrade 3b. As such the proposal would not result in the 'loss' of BMVAL. Moreover, in general terms, it is entirely feasible and reasonable that the site would be used for grazing; and therefore continuing agricultural activity on the site during its operation as a solar farm.

Ecology and Biodiversity

63. PSAG have raised concerns in terms of the adequacy of the ecology and biodiversity evidence submitted by the Appellant. This includes their view that the baseline ecological information is inadequate to assess impacts on protected species; which includes bats. However, it should be noted that this critique of the ecological information appears to be a desk-based assessment rather than the undertaking of specific on-site survey work.
64. I note that following the submission of updated documents by the Appellant, the Ecology Team at Wiltshire Council raised no objections to the proposal on ecological grounds, subject to the use of planning conditions.
65. I also note that the Appellant have submitted an Ecological Technical Note (Appendix 4) which addresses the allegations regarding the adequacy of the ecological reporting submitted with the original application. It explains the extent of the ecological work undertaken, confirms that the assessment was proportionate to the scale and ecological context of the Proposed Development, and demonstrates compliance with British Standard BS 42020:2013 and the

Bat Conservation Trust Bat Survey Guidelines (2023), including in relation to bat surveys.

66. On the basis of the entirety of the ecological information submitted, I am content that a proportionate approach to onsite and desk based assessments have been undertaken. This information includes not only in respect of bats, but included survey work and/or consideration in respect of protected species such as Great Crested Newts (GCN), Badgers, and Dormice, and in terms of farmland birds. This survey work established the presence or not of various species on or near to the site; including their habitats. It has also informed the Landscape and Ecological Management Plan (LEMP), which can be secured by condition.
67. Moreover, although Biodiversity Net Gain (BNG) is not a legal requirement for this scheme (given it was submitted prior to February 2024), significant net gain would nevertheless be achieved. The assessment shows that 40% habitat units and 48% hedgerow units could be achieved. These are benefits which weigh in favour of the proposal and which would positively contribute to addressing the biodiversity crisis in England.
68. Taken in the round, whilst noting the concerns raised in respect of protected species and animal life more generally, I do not find that the ecological information submitted by the Appellant provides justification for the dismissal of the appeal proposal. Moreover, I find that the proposal would broadly accord with the duty to conserve (and enhance) biodiversity as required under the *Natural Environment and Rural Communities Act 2006*, as amended.

Summary on Other Matters

69. In taking into account the matters set out above, and all other matters raised by interested parties, I do not find that these provide justification for the dismissal of the appeal scheme.

Conditions

70. Paragraph 57 of the Framework sets out that '*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects...*'
71. The Council have suggested a number of conditions that they consider should be imposed, if permission were to be granted. I consider these suggested conditions in light of Paragraph 57 of the Framework.
72. Conditions relating to time limit for implementation (1) and to be carried out with the submitted drawings (2) are reasonable to provide certainty.
73. A condition granting permission for a temporary period of 50 years, and no more than 54 years from the date of the decision, and thereafter requiring a scheme of work for decommissioning (3), is reasonable and necessary to ensure that at the end of the permitted life (or earlier, if no electricity generation occurs for a continuous period of 6 months) the infrastructure and development on the site is removed in accordance with an agreed scheme.
74. Conditions (4, 5, 6, 7) requiring compliance with the submitted landscaping schemes, Arboricultural Impact Assessment, a to be submitted and approved

- Construction Environmental Management Plan (CEMP), and a to be submitted and approved Landscape and Ecological Management Plan (LEMP) are necessary and reasonable in order to protect and enhance habitats, biodiversity, and enhance the local landscape.
75. Similarly a condition relating to the submission and approval of soft landscaping scheme (11) is necessary in order to ensure that landscape enhancements are secured and retained.
76. A condition relating to drainage is necessary in order to minimise the risk of local flooding (8).
77. Conditions relating to the submission and approval of a Construction Traffic Management Plan (CTMP) (9) and a pre-condition survey (10) are reasonable and necessary to ensure local highway safety for all highway users, and that any damage to the nearby highway network arising from the development is suitably repaired.
78. A condition (12) controlling illumination on the site, in order to protect bats that may use the site for foraging or flight is reasonable and necessary in order to minimise any effects on such species. However, I have tweaked the wording so that it covers other nocturnal and dawn/dusk foraging animals in order to minimise the impacts from site illumination on other such species.
79. A condition requiring further details of CCTV cameras is necessary in order to ensure that their specific appearance is acceptable within their rural setting (13).
80. Lastly, a condition (14) requiring the within 12 months completion of archaeological evaluation, a report being submitted is reasonable, necessary and directly related to the proposal in order to record finds of interest on the appeal site.

Planning balance

81. I note the weight attribution table provided by PSAG in their *Appeal Summary Submission*. Respectfully, I do not agree entirely with the weights suggested to be attributed to the factors considered below. Instead, in considering the issues and matters raised in this case and this decision as a whole, I find the following:
82. The proposal would result in a number of benefits. These include the generation of renewable energy which I afford significant weight to, the potential to derive positive biodiversity gains which I afford moderate weight to, the economic benefits (such as job creation during construction and ongoing operations) which I afford moderate weight to, and the fact that the proposal would utilise land not classified as BMVAL which I afford limited weight to.
83. Against this, are negative weight in the form of adverse effects on the character and appearance of the area; including for the users of PROWs. However, this would be limited and localised in nature and can be mitigated through landscaping and planting. I also note that there would be some extremely limited harm to the setting of the North Wessex Downs National Landscape. I afford these harms moderate weight against the scheme.

84. In terms of undertaking a planning balance, I find that the benefits arising in this case would significantly and demonstrably outweigh the harms identified.

Planning Policy consideration

85. The starting point for determining planning proposals is the adopted development plan. This is expressed at s38(6) of the Planning and Compulsory Purchase Act 2004 sets out that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

86. In this case, as considered above, the proposed development would accord with Policies 42, 51 and 57 of the CS. As such the proposal would accord with the adopted development plan for the area. Furthermore, in terms of material considerations it is clear that the proposal accords with the Policies set out in the Framework. Accordingly, the proposal should be approved without delay.

Conclusion

87. For the reasons given above, the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – Schedule of conditions imposed 3376878

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, for the avoidance of doubt and in the interests of proper planning:
 - Site Location Plan - Figure 1 Revision D
 - Site Block Plan - Figure 2 Revision E
 - Proposed Substation Layout and Details - Figure 3 Revision C
 - General Details - Figure 4 Revision C

3. The permission hereby granted shall be for a temporary period and shall expire 50 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 54 years from the date of this decision, whichever is the sooner.

Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date.

Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the substations, DNO substation, customer cabin, spare parts container, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority.

The scheme of work, including a restoration plan and a decommissioning scheme that takes account of necessary up-to-date ecological surveys, shall be submitted to the Local Planning Authority not less than twelve months before the removal of the installation.

The scheme must include the management and timing of any works; a traffic management plan; and, an environmental management plan including measures to protect wildlife and to retain biodiversity and ecological features on the site.

4. The development shall be carried out in accordance with the following documents, for the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity:
 - General Details. Figure 4 LH22—67 DW03 – Fig 3c Substation & Details.
 - (Lighthouse Development Consulting, 24.11.2023).
 - Potterne Solar Development. Detailed Planting sheets 1 – 2. (TIR Collective Landscape Architects, 01 May 2024).

5. The development shall be carried out in accordance with the Arboricultural Impact Assessment, including the Tree Protection Plan, prepared by Barton Hyett Associates and dated February 2024.
6. No development hereby permitted shall commence (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a. Risk assessment of potentially damaging construction activities;
 - b. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - d. Working method statements for protected/priority species, such as nesting birds and reptiles.
 - e. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - f. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - g. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.
 - h. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements);
 - i. The location and timing of sensitive works to avoid harm to biodiversity features;
 - j. The times during construction when specialist ecologists need to be present on site to oversee works;
 - k. Responsible persons and lines of communication;
 - l. The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
 - m. Use of protective fences, exclusion barriers and warning signs, and;
 - n. Details of the monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, to that ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant, where applicable.

7. No development hereby permitted shall commence (including any ground works and vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed;
 - b. Ecological trends and constraints on site that might influence management;
 - c. Aims and objectives of management;
 - d. Appropriate management options for achieving aims and objectives;
 - e. Details of appropriate species specific biodiversity enhancement features;
 - f. Prescriptions for management actions;
 - g. Preparation of a work/implementation schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
 - h. Details of the body or organization responsible for implementation of the LEMP;
 - i. Ongoing monitoring and remedial measures; and,
 - j. An Ecology Mitigation and Enhancement Plan (EMEP).

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall be for the lifetime of the development. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP shall be implemented in accordance with the approved details in order to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

8. No development shall commence on site, including site clearance, until a drainage plan including exceedance routes has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include a robust soil, grass, and/or land management plan maintaining vegetative areas to help interrupt and slow the channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity of the scheme.

Soakaways, attenuation ponds, septic tanks, as a means of storm/surface water disposal must not be constructed near/within five metres of Network Rail's boundary or at any point which could adversely affect the stability of

Network Rail's property/infrastructure. Network Rail's drainage system(s) are not to be compromised by any work(s). Development shall be carried out in accordance with the approved details.

9. No development hereby permitted shall commence, including any deliveries associated with the development, until a further detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP must include:
- a. construction operating hours, including staff working hours;
 - b. construction vehicle details (number, size, type and frequency of movement);
 - c. a programme of construction works and anticipated deliveries;
 - d. timings of deliveries so as to avoid, where possible, peak traffic periods;
 - e. a framework for managing abnormal loads;
 - f. the location of the construction site access;
 - g. the location and form of the compound, storage areas, construction and visitor parking, turning, on-site holding area for Heavy Goods Vehicles, surfacing and drainage details;
 - h. wheel wash and vehicle cleaning facilities, including details of the design, specification, position of facilities and measures for the disposal of resultant dirty water, oils/chemicals and materials;
 - i. a vehicle routing plan for all contractors and suppliers to adhere to;
 - j. a scheme of appropriate signing of vehicle routes to the site (including the access track);
 - k. general signage details, including signage for highway and public rights of way;
 - l. temporary traffic management measures where necessary (for example, lollipop stop/go traffic management);
 - m. banksmen/ Marshalls to oversee larger vehicle arrivals and departures, and to warn any users of the lane. The details shall include the location, numbers and roles/ responsibilities of the banksmen/ Marshalls, and measures for consideration of horse riders using the access track;
 - n. a point of contact for the users of the lane and the local highway authority;
 - o. noise restrictions if appropriate;
 - p. a Construction Staff Travel Plan to include details of personnel car/van sharing initiative(s) during construction to minimise vehicle movements; and

The construction phase of the development must thereafter be carried out in accordance with the approved CTMP.

Furthermore, in the interests of highway safety, no development shall commence on site until a scheme for Chapter 8 (advance warning signage) in positions as approved in writing by the Local Planning Authority have been erected on approach to the junctions identified within the submitted highway and safety information.

No development shall commence on site until the holding areas are implemented as per the approved details.

- 10.No development hereby permitted shall commence until a highway pre-condition survey detailing the condition of the roads along the construction traffic route shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highways Authority.

Details shall include a full photographic dilapidation survey of the bridge (R07/52) and the access route from the A360 to the site.

A post-construction survey shall be undertaken, and any damage shall be repaired within three months to industry or local highway standards.

For the avoidance of doubt, the applicant, or their agents or successors in title, will be required to monitor the condition of the roads for the duration of the works and to rectify and repair any damage caused.

Development shall be carried out in accordance with the approved details.

- 11.No development shall take place on site until there has been submitted to and approved by the Local Planning Authority a revised scheme of soft landscaping. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.

The scheme shall incorporate disease resistant elm; avoid silver birch and beech as hedgerow trees; include species lists, specifications, densities and planting sections; show hedgerow gapping up and replacement; and identify planting along PROWs.

The landscaping scheme shall be implemented as approved and shall be carried out in the first planting and seeding season following the commencement of development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the and Local Planning Authority.

- 12.To avoid illumination of habitat(s) used by bats and other nocturnal/dawn/dusk foraging or active animals, in the interests of the general amenities of the area in order to minimise unnecessary light spillage above and outside the development site, no external light fixture or fitting shall be installed within the application site (either during the constructional and operational phases) unless details of any proposed new lighting have been submitted to and approved by the Local Planning Authority in writing.

The submitted details will demonstrate how the proposed lighting will protect and enhance bat habitat(s) and other nocturnal/dawn/dusk foraging or active animal habitats.

Development shall be carried out in accordance with the approved details.

The details and plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals, or any subsequent replacement or updated guidance.

13. No CCTV cameras shall be installed within the application site until details of any proposed CCTV cameras have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

14. Within 12 months of the completion of archaeological evaluation, a final report and archive of the trial trenching shall be deposited with the Local Planning Authority and the appropriate local Historic Environment Record (HER).

***** END OF CONDITIONS IMPOSED *****