RWE

Tween Bridge Solar Farm

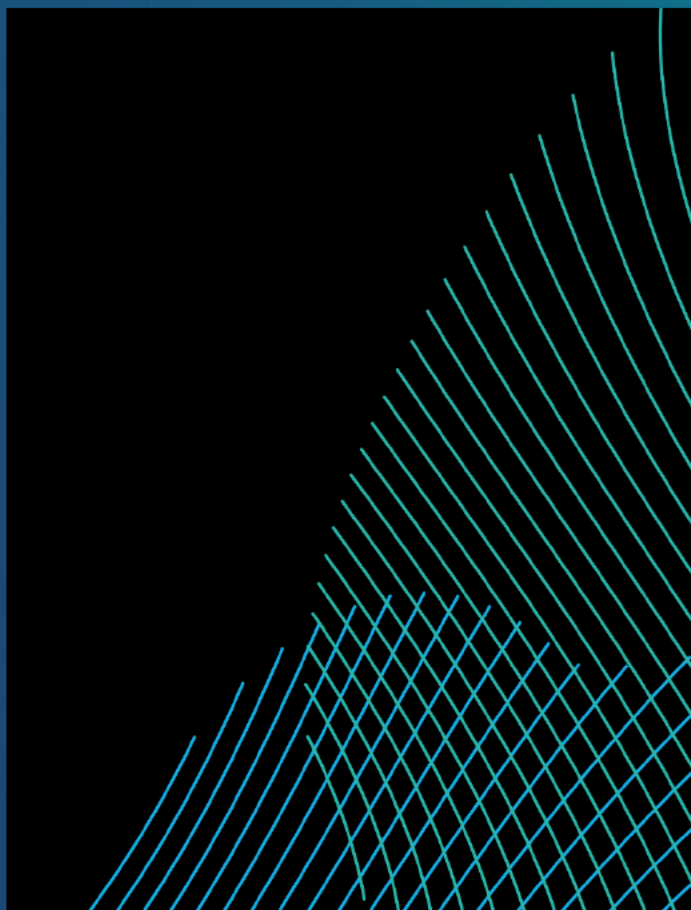
8.5 Annex to the Written Summary of Oral Submissions at the Issue Specific Hearing 1

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

Document Reference: 8.5

Deadline 6 September 2026

Revision 3



8 Annex 1 – response to Action 1 and Applicant's Position on Network Connection Infrastructure

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 [REP1-014]**.

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 [REP1-014]**, 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 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 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.

8.9. It further considers, at paragraph 8.55 onwards, the Environmental Impact Assessment (EIA) implications of adopting that staged approach, including whether the network connection components form part of the same "project" as the Scheme for EIA purposes and the extent to which their likely significant environmental effects are capable of meaningful assessment on the information currently available. The Applicant has included this section in response to written question 3.10.1 of the Examining Authority's Written Questions ExQ3. Taken together with the relevant precedent, this demonstrates that the approach proposed by the Applicant reflects established industry practice and is consistent with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), having regard to the way in which grid connection arrangements are planned, regulated and delivered currently within the UK.

8.10. 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).

8.11. Policy position

8.12. 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.

8.13. 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.

8.14. 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*".

8.15. 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".

8.16. Given that the Scheme's PoC was not known at the time the DCO application was submitted, and that this remains the position as reflected in the Statement of Common Ground between the Applicant and NGET **[Document Reference 9.5 Revision 2]**, 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.

8.17. 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.

8.18. Grid connection reforms: Context

8.19. 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.

8.20. 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":

8.20.1. 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.

8.20.2. 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.

8.21. 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.

8.22. 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.

8.23. 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.

8.24. 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.

8.25. 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.

8.26. Delivery of the PoC

8.27. 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.

8.28. 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).

8.29. This is further supported by submissions which NGET has made to the examination. In particular, in its responses to the first written questions **[REP2-107]**, NGET confirmed:

"Discussions between NGET and the Applicant in relation to the location and form of the point of connection are ongoing. NGET is exploring all options as part of these discussions but is currently unable to provide any further details. Although the process for identifying a point of connection is ongoing, the Project benefits from a contractually binding Grid Connection Agreement with the National Energy System Operator and is guaranteed to receive a Gate 2 offer in due course. This creates a legally binding obligation upon NGET to provide a point of connection to the electricity transmission network. NGET considers that the Examining Authority can proceed on the basis that a point of connection to the electricity transmission system will be delivered in due course in accordance with NGET's legal obligations. NGET also notes that such circumstances are not unusual, have arisen elsewhere (such as for Springwell Solar Farm), and have been resolved in the same way that the Applicant is proposing here".

8.30. Taken together, the Grid Connection Agreement and the Gate 2 Phase 2 notification therefore 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:

8.31. 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.

8.32. 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.

8.33. 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.

8.34. 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.

8.35. 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, a point reinforced by NGET's submissions at Deadline 2 **[REP2-107]**.

8.36. 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.

8.37. 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".

8.38. 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. NGET has confirmed that this is the position in its Deadline 2 submissions **[REP2-107].** 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.

8.39. 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 and this position has been confirmed in writing by NGET;
- 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 **[REP2-013]**); 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.

8.40. Delivery of the 400kV export connection cable

8.41. 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.

8.42. 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.

8.43. 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.

8.44. 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.

8.45. DCO and Town and Country Planning Act 1990 precedent

8.46. 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.

8.47. The Applicant draws attention in particular to a recent TCPA appeal decision granting consent for Potterne Park Farm Solar Farm[1], 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 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*."

8.48. 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 for departing from this approach. This appeal is included in the table below.

8.49. The Applicant also draws attention to a further example, Llanbrynmair Wind Farm, a 90MW onshore wind farm granted consent in 2021 under section 36 of the Electricity Act 1989, with deemed planning permission under the TCPA. The position on grid connection uncertainty, as set out by the Secretary of State in that decision letter, is consistent with the Applicant's position both in this Annex

[1] Appeal reference: APP/Y3940/W/25/3376878 Planning Reference: PL/2023/10332

[Document Reference 8.5 Revision 3] and as set out in the Applicant's **Grid Connection Statement [REP1-014]**.

8.50. At the time of determination, no application for a grid connection had been submitted, and the Secretary of State accepted that such infrastructure would come forward separately. The Secretary of State expressly referred to paragraph 4.9 of EN-1 (the equivalent of paragraph 4.11 in the current EN-1), concluding that there was no obvious reason why a grid connection would not be achievable. The decision also confirms that the statutory regime expressly contemplates separate consenting processes for generating stations and transmission infrastructure, noting that *"… an application for a generating station may lawfully be granted without there also being consent (or even an application) for grid connection*". The Secretary of State also recognised that it was *"unlikely that the Applicant will pursue the Development unless sufficiently confident that it will have a grid connection*". The determination decision is included in the table below and clearly supports the Applicant's approach in this case.

8.51. 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.

8.52. 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.

8.53. 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.[2] The Applicant notes

[2] 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.

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 14/01829/FULM), North Lincolnshire Council (e.g. Planning Reference PA/2024/129 and PA/2022/443) and North East Lincolnshire Council (e.g. DM/0108/24/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.

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
NSIP regime: The Hinkley Point C Nuclear Generating Station was consented under a DCO in 2013.	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.	The transmission line was consented separately in 2016 via the National Grid (Hinkley Point C Connection Project) Order 2016.	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.	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 obvious reasons presented, that the grid connection infrastructure will not follow.

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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
NSIP regime: The wind farm was granted consent under the Brechfa Forest West Wind Farm Order in 2013.	The transmission line connecting the wind farm to the national grid **was not included** within the scope of the application for the wind farm.	The network infrastructure was separately consented in 2016 under the Brechfa Forest Wind Farm Connection Order.	The applicant's grid connection statement sets out the responsibilities of separate parties for design and building the connection to the electricity grid.	Paragraph 22 of the Secretary of State's decision letter sets out that "*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 progressing separate applications of related assets notwithstanding the absence of specific details for a grid connection route at the time of consent.
NSIP regime: The Morgan Offshore Wind Project Generation Assets	The transmission line connecting the offshore wind farm to the national grid **was not included** within	The grid transmission line is being consented through a separate DCO for the Morgan and	The applicant took the decision to produce two separate grid connection	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

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
received consent in 2025.	the scope of the application for the wind farm.	Morecambe Offshore Wind Farms Transmission Assets Order which is currently in decision phase.	statements for the separate projects.	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 proposed a restriction within the **Draft DCO [Document Reference 3.1 Revision 5]** 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.
NSIP regime: The Triton Knoll Offshore Wind Farm Order was made in 2013.	The transmission line connecting the offshore wind farm to the national grid **was not included** within the scope of the	Triton Knoll Electrical System Order was separately made in 2016 providing consent for the	The applicant submitted a Grid Connection Statement noting their decision to remove the grid connection infrastructure from	Paragraph 3.5 of the Secretary of State's decision letter explains that "*the Application does not include subsea export cabling or onshore grid connection infrastructure, which would be subject to subsequent consenting applications*".

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
	application for the wind farm.	network connection infrastructure asset.	the scope of the application for the project. At paragraph 1.5, the Applicant explained that: *"The electrical connection works that are outwith the current application (the offshore and onshore export cables, cable 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*	The Applicant specifically notes that the Secretary of State explained that the Applicant's reason for this was that National Grid's prospective 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 Farm, notwithstanding uncertainties relating to its connection to the NETS, demonstrates that the Applicant's approach is neither unusual nor objectionable. It is therefore acceptable to proceed in the absence of

Project (energy generation infrastructure asset)	Scope of the application in respect of grid infrastructure	When was the related grid connection infrastru cture delivered?	Grid Connection Statement	Further commentary providing relevance to the Scheme
			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 that 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	detailed grid connection information, on the basis that such infrastructure can be brought forward separately in accordance with established industry practice.

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
			the onshore substation location, onshore cable route, cable landfall and offshore export cable route. Therefore the electrical connection works were removed from the current DCO application, with consent application for the offshore generating works proceeding separate to the electrical connection package which will now be brought forward at a later date."	
NSIP regime:	The transmission line connecting the offshore wind farm to	The grid connection was subsequently consented in the North	The Grid Connection Statement confirms that two options were	The Secretary of State's decision letter notes at paragraph 4.30 that "*The Secretary of state is aware that the Application contained no provision for connection to*

Project (energy generation infrastructure asset)	Scope of the application in respect of grid infrastructure	When was the related grid connection infrastru cture delivered?	Grid Connection Statement	Further commentary providing relevance to the Scheme
Clocaenog Forest Wind Farm Order was consented in 2014.	the national grid **was not included** within the scope of the application for the wind farm.	Wales Wind Farm Connections Order in 2015.	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.	*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 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."* 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.

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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
NSIP regime: Springwell Solar Farm Order was consented in 2026.	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.	Onsite cabling from the generating asset to the edge of the Order Limits granted consent under the Springwell Solar Farm Order 2026 but the offsite substation is still to be granted planning permission.	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: *"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*	As is proposed by Requirement 20 of the **Draft DCO [Document Reference 3.1 Revision 5]**, 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: "*...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 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***

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
			National Grid Navenby Substation. Responsibility for construction of the generator bay works will depend on the National Grid Navenby Substation design chosen by NGET and the outcome of the current Modification Application process which is expected in November 2024. NGET will be responsible for obtaining consent for, designing and building the National Grid Navenby Substation." In respect of the offsite substation not	***requests for new power connections from developers, that make such requests***". 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.

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
			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.*"	
NSIP regime: A recent decision concerns a non-material change ("NMC") application to the Sunnica Energy Farm Order (granted in 2024). The NMC	At the time of the original DCO application and throughout examination, there was uncertainty regarding the project's grid	Despite the evolving position as to grid connection elements during examination, the Order was granted without certainty as to the precise nature of the	The Applicant's original Grid Connection Statement established a robust envelope of potential connection routes and substation	In determining the NMC application, the Secretary of State expressly addressed concerns regarding ongoing uncertainty in the grid connection. At paragraph 29 of the decision letter, the Secretary of State noted: "*A number of responses raised concerns about uncertainties with Sunnica's grid connection, including potential delay for connection until October 2030 and its implications for Sunnica's contribution to the Government's 2030 Net*

Project (energy generation infrastructure asset)	Scope of the application in respect of grid infrastructure	When was the related grid connection infrastru cture delivered?	Grid Connection Statement	Further commentary providing relevance to the Scheme
sought consent to extend the Order limits to facilitate works to an existing NGET substation, including an extension to that substation and a change to the cable access point.	connection, including the precise PoC and the works required to enable connection to the NETS. In particular, while the application included the grid connection, the detailed works required to the existing NGET substation were not yet defined. This uncertainty affected both the proposed connection route and the form of the substation extension. The applicant adopted a flexible approach by assessing multiple grid connection	substation extension works. The Secretary of State was nonetheless satisfied that a viable connection at the Burwell substation would be possible. The detailed design of the substation works was not finalised until 2026, at which point the NMC application was brought forward and subsequently granted.	extension configurations.	*Zero energy targets. It was argued that it would not be appropriate to approve a NMC where the grid connection is not yet secured, and the Secretary of State was requested to delay his decision until the Applicant has a fully consented grid connection. The Secretary of State notes these concerns but considers that these do not prevent him from determining the Application. A grid connection was not secured at the point of granting development consent. The Order would cease to have effect if it is not commenced within 5 years."* This decision demonstrates that, a lack of finalised grid connection details—both at the point of granting consent and at the time of subsequent amendments—does not necessarily preclude approval, provided that the Secretary of State is satisfied that feasible connection solutions will be delivered and can be secured through established processes.

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
	options. The application included two potential connection routes to the Burwell National Grid Substation via a proposed substation extension. During the examination, the Applicant submitted change requests to refine this approach: 1) the first change request removed one option and introduced an alternative; and 2) a subsequent change request			

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
	removed a further option.			
TCPA regime: The application for planning permission for Cutlers Solar Farm, Thaxted was for the solar generating asset elements only. The planning permission was granted, on appeal, in December 2023. Planning reference: UTT/21/1833/FUL Appeal reference: APP/C1570/W/23/3319421	The cable route to Thaxted Substation **did not form part** of the red-line application boundary.	The electrical cabling connecting Cutlers Solar Farm to the Thaxted substation is seeking separate consent under the TCPA. The application has been submitted but the decision has not yet been issued.	(Not required for TCPA applications).	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 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 "*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*". Furthermore, "*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…*". 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 relevant

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
				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.
TCPA regime: The generating asset for Myttons Solar Farm was granted full planning permission in March 2021. Planning reference: TWC/2020/0851	The application for planning permission for the solar farm **did not include** the grid connection infrastructure as part of the application.	The grid connection underground cabling was consented separately under the TCPA in 2022.	(Not required for TCPA applications).	In recommending approval of the solar farm, the Planning Committee expressly acknowledged that the electrical infrastructure "*will belong to the local distribution network operator and as such will need to comply with the terms of the wayleaves and other agreements*". 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 generating developer to rely on those separate legal and regulatory processes.
TCPA regime: Full planning permission was	Grid connection infrastructure was **explicitly**	The grid connection infrastructure was separately granted	(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 (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
granted in 2020 for the Corner Copse Solar Farm generating asset alone. Planning reference: S/19/1097	**excluded** from the scope of the planning application.	consented under the TCPA in 2024.		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.
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	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 *"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 later. The absence of a route at this stage does not constitute a strong reason to withhold planning permission".*

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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
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	Grid connection infrastructure was **explicitly excluded** from the scope of the planning application.	The related grid connection infrastructure is yet to be delivered but will be separately consented.	(Not required for TCPA applications).	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 infrastructure…the effect of any such proposal…would be for the appellant to consider, and the Council to determine acceptability through a future application."*
TCPA regime: Planning appeal in relation to the Potterne Park Solar Farm, the planning	Grid connection infrastructure was **explicitly excluded** from the scope of the planning application.	The related grid connection infrastructure is yet to be delivered but will be	(Not required for TCPA applications).	In this appeal the Inspector noted that NGED/NESO 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"*. The grid connection was therefore

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
application to the local authority was refused and an appeal granted. Appeal reference: APP/Y3940/W/25/3376878		separately consented.		excluded as its precise location could not be established at this stage. The Inspector concluded that "*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.*" 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.*

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
				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". 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.
TCPA and s36 Electricity Act 1989 regime: Consent for Llanbrynmair wind farm consisting of the generating station	The grid connection connecting the wind farm to the NETS **was not included** within the scope of the application for the wind farm.	The grid connection is yet to be granted as it is being progressed through a separate NSIP currently in pre-application.	(Not required for TCPA applications).	Paragraphs 5.76-78 of the Secretary of State's decision letter support the Applicant's position in respect of the approach to grid connection particularly in respect of there being insufficient detail available to assess an unknown grid connection. The Secretary of State's consideration of the EIA implications of a disaggregated grid connection consenting strategy is especially relevant to the Applicant's proposed multi-stage consenting

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
asset the wind turbines, was granted consent in 2021.				approach for the Scheme. In particular, the Secretary of State's analysis provides useful support for the Applicant's position on the EIA implications of that approach, as set out from paragraph 8.55 onwards below. The Secretary of State noted that "*In the present case, no application for a grid connection has been submitted, and the fact that there is no information about, for example, the precise route of any grid connection means that it would not at this stage be possible to conduct any meaningful assessment of the environmental impact of a grid connection. The precise nature of any grid connection will not materially affect the nature of the Development or its environmental effects, and the absence of an application for a grid connection has not prevented the Development itself being properly assessed*". The Secretary of State also confirmed that it is legitimate for connection elements to come forwards provided that there is no "salami-slicing" to avoid EIA, noting that "*The Secretary of State is satisfied that this is not the case here. As indicated above, any grid connection application made in due course (whether at 132kV or 400kV) will need to be considered on its merits and be acceptable in planning and environmental terms. This will include the need to comply with the requirements of the EIA*

Project (energy generation infrastructure asset)	Scope of the application in respect of grid infrastructure	When was the related grid connection infrastru cture delivered?	Grid Connection Statement	Further commentary providing relevance to the Scheme
				Regulations, if the connection requires assessment in accordance with those Regulations". This is fundamentally the Applicant's position in respect of the Scheme. Finally, the Secretary of State commented on cumulative assessment, accepting that "...*there is at present insufficient detail about the connection to enable its effects to be considered as part of the cumulative effects. The Secretary of State is aware that the individual and in-combination impacts of the grid connection will be fully assessed on the application for planning consent when it is clear which connection project will be applied for, if the connection requires assessment in accordance with the EIA Regulations. In that way, the EIA Regulations will be complied with.*"

8.54. 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.

8.55. Environmental Impact Assessment considerations of the Applicant's approach to network connection infrastructure

8.56. The judicial consideration of how grid connection infrastructure is dealt with in planning permission applications is fundamentally concerned with whether a scheme's EIA provides appropriate information to enable a "reasoned conclusion" and whether there has been correct analysis as to whether an energy generating scheme and its grid connection are a single "project" for EIA purposes.

8.57. The Applicant has updated this Annex in response to written question 3.10.1 and to demonstrate that the approach adopted by the Applicant is lawful and compliant with the EIA Regulations and to provide a clear basis upon which the Examining Authority and Secretary of State may be satisfied that all environmental effects capable of meaningful assessment have been properly addressed within the application.

8.58. As set out in paragraph 8.2 above, the Scheme's network connection infrastructure comprises two distinct network connection components:

(1) a 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.

8.59. In relation to these two network connection components, the Applicant has considered the following questions:

8.59.1. **Question 1: Does the proposed asset in question form part of the same "project" as the Scheme for EIA purposes?** This requires a fact-specific evaluation. This Annex therefore applies the factors to be considered when determining whether separate proposals constitute a single project for EIA purposes that are derived from *Wingfield*[3]*,* which include:

- Are the assets under common ownership? Where two assets over the same or multiple sites are owned or promoted by the same person, this may indicate that they constitute a single project.
- Are there simultaneous determinations in respect of the assets? Where two applications are considered and determined by the same decision-maker on the same day and subject to reports which cross refer to one another, this may indicate that they constitute a single project.
- Is there functional interdependence between the assets? Where one part of a development could not function without another, this may indicate that they constitute a single project.
- Is the asset a standalone project? Where a development is justified on its own merits and would be pursued independently of another development, this may indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme.

8.59.2. **Question 2: Is the proposed asset in question capable of meaningful assessment on the basis of the information presently available?**

8.60. These two questions are derived from established EIA case law (see Judicial precedent section below) concerning project definition and the scope of environmental assessment and reflect the approach anticipated by the EIA Regulations. The Applicant's position in relation to Questions 1 and 2 for the two network connection components is summarised in the following table and set out in detail below.

[3] *R (Wingfield) v Canterbury City Council* [2020] JPL 154

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Network connection component	Common Ownership?	Simultaneous determinations?	Functional interdependence?	Standalone?	Is it part of the project in EIA terms?	Is it capable of meaningful assessment?
PoC (via a new or existing 400kV substation)	No – the PoC would ordinarily fall within NGET's remit for coordination, siting and delivery.	No – if the PoC is to be a new substation this will be separately consented and determined, as would any application necessary to authorise modifying an existing substation to facilitate a PoC there.	No – the PoC (as a standalone substation asset) would likely function without the Scheme (see paragraph 8.61).	Yes – the PoC would be justified for its wider benefits in serving other energy generation schemes (see paragraph 8.61).	No (see consideration of *Wingfield* factors below at 8.61).	No – there is no information to enable a meaningful assessment as the PoC location is currently unknown (see paragraphs 8.65 to 8.68).
400kV export connection cable	Not conclusive (see paragraph 8.62).	No – it is proposed that consent would be sought separately (see paragraph 8.63).	Yes – the Scheme requires the export connection cable to distribute energy generated at the site.	Not conclusive (see paragraphs 8.62 and 8.63).	Potentially (see consideration of *Wingfield* factors at paragraphs 8.62 and 8.63).	No – there is no information to enable a meaningful assessment as the PoC location is currently unknown (see paragraphs 8.65 to 8.68).

Table key:

Question 1 analysis	
Question 2 analysis	

Question 1: Does the PoC (via a new or existing 400kV substation) form part of the Scheme for EIA purposes?

8.61. Applying the factors from *Wingfield,* the Scheme (as the solar generating asset) and the PoC are separate projects. The Applicant notes in particular the following:

- **Common ownership** – the Scheme would be developed by the Applicant; the PoC (if it was determined that a new substation was required) would be developed by NGET. This was confirmed by NGET in their submissions at Deadline 2 as set out above at paragraph 8.28. If it was decided that an existing substation could serve the Scheme, then this would already be under the ownership of NGET.

- **Simultaneous determinations** – there would not be simultaneous determinations in respect of the Scheme and the PoC. The Scheme (if consented) will be determined under the Planning Act 2008 as a DCO, whereas the PoC would be consented later under a separate application, which may be pursuant to different legislation, as set out above at section 8.2.

- **Functional interdependence** – whilst the Scheme would make use of the PoC for onward transmission purposes to the NETS, the PoC is unlikely to rely on the Scheme, given its wider ability and likely purpose of serving other energy generation projects.

- **Stand-alone projects** – the Scheme and the PoC are separate development projects, being brought forward independently, which has been confirmed as such by NGET. The Applicant and NGET have to justify their own developments, including their respective locations. The Applicant has been able to do this for the solar farm as part of its application for development consent but cannot do this for the PoC, for which it is not seeking consent and the location of which is unknown. There is also the likelihood that the PoC would serve more than one project[4].

Question 1: Does the 400kV export connection cable form part of the Scheme for EIA purposes?

[4] Following *R (On the application of Llandaff North Resident's Association) v Cardiff City Council North* [2023] this heavily lends to a conclusion of separate projects.

8.62. The Applicant considers that the case for the export connection cable forming part of the Scheme for EIA purposes is more finely balanced as compared to the PoC. In favour of the conclusion that the two components together do constitute a single EIA project are the following:

- **Common ownership** – the export connection cable is expected to be developed by the Applicant (in coordination with NGET and/or NESO), although this has not been conclusively determined at the current time.

- **Functional interdependence** – grid infrastructure like the export connection cable, which is specifically required for the Scheme, is integrally linked to the operation of the energy generating station. The solar farm requires a grid connection for its operation, and the grid connection will exist to serve the solar farm (albeit the potential for other generation projects to utilise the same grid connection is currently unknown)

- **Stand-alone projects** – it is anticipated that the export connection cable would not be pursued in the absence of the Scheme. Whilst it is possible that the export connection cable could serve other developments, there is currently no indication this would be the case.

8.63. However, there are factors which also indicate that the Scheme (as the solar farm generating asset) and the export connection cable are separate projects. These are:

- **Simultaneous determinations** – there will not be simultaneous determinations in respect of the Scheme and the 400kV export connection cable. The solar farm asset (if consented) will be determined under the Planning Act 2008 as a DCO, whereas the export connection cable will be consented later under a separate application, which may be pursuant to different legislation.

- **Stand-alone projects** – the solar farm and the 400kV export connection cable are being promoted as separate (though related) development projects, being brought forward independently. The solar farm can be designed, assessed and justified through the present DCO application without knowledge of the ultimate PoC. Conversely, the 400kV export connection cable cannot presently be designed, routed or assessed because the point of connection remains unknown. As a result, each project requires its own development process,

environmental assessment and consenting justification, which points towards them constituting separate projects for EIA purposes.

8.64. Accordingly, applying a fact-specific evaluation as the factors are not all aligned, there are two possible conclusions in respect of the export connection cable:

- the 400kV export connection cable is part of the project for EIA purposes. Central to this view is that the 400kV export connection cable is functionally interdependent; or
- the 400kV export connection cable is a separate project for EIA purposes. Central to this view is that the 400kV export connection cable would be determined at a future date, reflecting the current absence of a defined PoC rom which its route can be identified and assessed.

Question 2: To what extent can the environmental effects of the PoC and the 400kV export connection cable presently be meaningfully assessed?

8.65. Whether each network connection component is treated as part of the same project as the Scheme or as separate development, its likely significant environmental effects must be assessed to the extent that a meaningful assessment is possible on the information reasonably available.

8.66. For the PoC, the Applicant's position is that it does not form part of the same project as the Scheme for EIA purposes, for the reasons given in paragraph 8.61 above. Its environmental effects would therefore fall to be considered, through cumulative assessment. However, because no PoC location has been identified, there is presently insufficient information to undertake any meaningful cumulative assessment without resorting to speculation as to the nature, form and location of the relevant infrastructure.

8.67. Similarly, in respect of the 400kV export connection cable, regardless of whether it forms part of the same project as the Scheme for EIA purposes, the absence of an identified PoC means that no route, corridor of search or affected land can presently be identified. There is therefore insufficient information available to undertake a meaningful assessment of its likely significant environmental effects.

8.68. The Applicant's analysis of the applicable EIA case law in respect of both Questions 1 and 2, as follows, consolidates this position and demonstrates that

the Applicant's approach is appropriate, in line with national policy and the precedents cited above, and correct as a matter of law.

8.69. Judicial precedent

8.70. Where a scheme proposes a multi-staged consent process for related but separate infrastructure elements, EIA authorities have distinguished between:

1. the identification of the relevant "project" for EIA purposes and therefore relatedly, whether all elements of that project should be included within the particular consent application under consideration; and

2. the extent to which the likely significant effects of connected or cumulative development can meaningfully be assessed on the information available.

The case law confirms that the Applicant's approach of separately consenting generating and network connection infrastructure elements is lawful and compatible with the requirements of the EIA regime.

Project definition and separate consenting of related infrastructure elements

8.71. EIA authorities demonstrate that connected infrastructure may form part of the same project for EIA purposes without necessarily being included in the same application for consent. Where projects with connected elements have proposed to proceed separately through the consenting process, courts have considered whether there have been attempts to circumvent EIA obligations by "salami-slicing" the development into smaller sections and disregarding EIA in relation to some sections[5].

8.72. ..

8.73. In *Wingfield*, the Court identified the factors discussed above being, common ownership, simultaneous determination, functional interdependence and stand-

[5] Paragraph 78 of the *R (Ashchurch Rural Parish Council) v Tewkesbury BC)* [2023] EWCA Civ 101; [2023] Env LR 25 judgment details this position. Please see the Applicant's response to North Lincolnshire Council's response to Q2.10.2 in Applicant Responses to Stakeholder Responses to ExQ2 [**REP5-041**] and the Applicant's response to North Lincolnshire Council's submissions at Table 13 Ref 4.1-4.11 of the Applicant Responses to Deadline 5 Submissions [**Document Reference 8.28 Revision 1**] for submissions as to why *Ashchurch* has no bearing on or relevance to the Scheme.

alone justification as factors that may assist in determining whether separate proposals form part of a single project. The evaluation must be fact-specific and the factors are non-exhaustive. The existence of overlapping or cumulative effects does not, without more, establish a single project because genuinely separate projects may themselves give rise to cumulative effects requiring assessment.

8.74. Notwithstanding the fact that paragraph 4.11 of EN-1 does not apply within the Irish jurisdiction, in the Irish authorities in particular, such as in *Ó Grianna*[6], a principle has emerged that where the project-specific network connection infrastructure (such as the export connection cable) forms an integral and identifiable component of the project, it must be considered as part of the overall development for EIA purposes. In that case, the decision turned on the fact that the export connection infrastructure from the wind farm to the offsite substation, was both necessary and sufficiently defined, such that a combined environmental assessment was feasible and required. For completeness, the Applicant's position is that undue weight should not be placed on Irish authorities, noting that Irish jurisprudence holds that solar development is not EIA development in any event (see, for example, *Cummins & Ors v An Coimisiun Pleanala* (Approved) [2025] IEHC 521 which highlights that "*there is a consistent body of law that a solar farm is not an EIA project*" in that jurisdiction).

8.75. The position is much the same in Scotland, which, like the Irish authorities, whilst not binding on English courts, reflects the shared EU-derived obligations governing respective EIA requirements. A recent notable example is the Court of Session in R*aeshaw Farms*[7], which (obiter) similarly acknowledged that grid connection infrastructure 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*." The case considered whether planning permission for a renewable energy wind farm was lawfully granted in circumstances where the grid connection infrastructure connecting the wind farm to an offsite connection point was excluded from the planning application. Further and more particularly, the case considered whether the wind farm generating asset and its associated export connection infrastructure

[6] *Ó Grianna v An Bord Pleanála* [2014] IEHC 632.

[7] *Raeshaw Farms Ltd v Scottish Ministers & Energiekontor UK Ltd* [2026] CSIH 10.

constituted a single project for the purposes of EIA, and whether the decision maker's evaluation of that was sufficiently reasoned and fact-specific.

8.76. Importantly, *Raeshaw* does not establish a fixed rule that a generating station and its associated project-specific grid connection component must always constitute a single project for EIA purposes. In fact, the contrary was stated by the Court of Session. The judgment is therefore not an authority requiring the mandatory inclusion of network connection infrastructure in all cases. Instead, the Court of Session identified a series of material errors in the manner in which the issue had been addressed on the facts before it, including a failure to conduct the necessary fact-specific evaluation of the proposal, using the factors from *Wingfield*, before reaching a conclusion on whether the wind farm and export connection infrastructure constituted a single project.

8.77. It is also worth noting that the factual context in *Raeshaw* was materially different to the present Scheme. In that case, there was evidence of a known connection point and the Court of Session considered that assessment work of the export connection infrastructure could therefore have progressed at an earlier stage. Further, a significant aspect of the reliance placed on excluding the export connection infrastructure related to potential financial implications and abortive costs under a connection agreement. Those factors materially contributed to the Court of Session's concern regarding the legitimacy of the approach adopted.

8.78. In contrast, the location of the Scheme's PoC has not been identified and no defined or even indicative routing options are currently available from NGET or NESO. That absence of information does not of itself determine whether the 400kV export connection cable forms part of the EIA project, but it is central to determining whether its likely significant environmental effects are presently capable of meaningful assessment. It is for that reason, rather than any intention to defer or avoid environmental assessment, that the 400kV export connection cable was excluded from the application for the Scheme.

Meaningful assessment on the information reasonably available

8.79. The EIA Regulations require an Environmental Statement to provide the information "*reasonably required to reach a reasoned conclusion on the significant effects of the development, taking into account current knowledge and methods of*

assessment" (regulation 14(3)(b)). Schedule 4, paragraph 3 further provides that an Environmental Statement must describe the current environmental baseline and outline how that baseline is likely to evolve in the absence of the development. This forward projection is only required insofar as natural changes can be assessed with reasonable effort, based on information presently available. The obligation is therefore to provide a proportionate and legally sufficient assessment of likely significant effects, not to supply every conceivable item of environmental information or to assess effects that cannot presently be identified without conjecture. The case law confirms this principle.

8.80. EIA authorities make clear that where uncertainty exists, the scope of assessment may lawfully be correspondingly limited. In the Irish context, in *North Westmeath Turbine Action Group*[8], the export connection cable from the wind farm substation to the National Grid substation was excluded from the planning application, albeit with an indicative route identified. The court held that this was sufficient to allow a lawful EIA of the integrated project. The absence of a definitive route did not invalidate the EIA, did not preclude the competent authority from being able to consent the generating asset element on its own merit, and did not 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. This is distinguishable from the Scheme where no PoC or indicative cable route has yet been identified.

8.81. In *Khan*[9], 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 circumstances where genuinely insufficient meaningful information exists, it is neither possible nor appropriate to require environmental assessment of related but separate development. It was found 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.

8.82. That approach accords with the broader principle that EIA requires a meaningful assessment, not absolute certainty. In *Caffyn v Shropshire Council*[10] , the Court

[8] North Westmeath Turbine Action Group v An Bord Pleanála 2025 IEHC 367
[9] R (Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin)
[10] *R (Caffyn) v Shropshire Council* [2025] EWHC 1497 (Admin).

stressed that an effect does not need to be assessed with detailed precision in order to be lawful. The judge was "*quite unable to say*" that the environmental effects in question were incapable of meaningful assessment and confirmed that, where information is limited, assessment at a higher level of generality may be entirely legitimate. The Applicant has therefore considered whether a higher-level, qualitative assessment of either network connection component is possible. In this case, however, the absence of any defined PoC means that even high level geographical and environmental parameters to assess either network connection component, either cumulatively or directly, is not possible.

8.83. This approach is reinforced by the Supreme Court's judgment in *Finch*[11], confirming that "*conjecture and speculation have no place in the EIA process*" and that, where insufficient evidence is available to determine a reasoned conclusion that a possible environmental effect is likely, there is no requirement to identify, describe and attempt to assess that putative effect[12]. In the present case, the absence of an identified PoC, means that any purported site-specific assessment of the export connection cable, or a cumulative impact assessment of the PoC would necessarily depend upon conjectural infrastructure and speculative environmental pathways, rather than information capable of supporting a reasoned conclusion.

Application of Question 2 to cumulative effects

8.84. The project precedents identified in the table at paragraph 8.53 above demonstrate that, where onward transmission network connection infrastructure, such as a PoC, is promoted separately, it is typically treated as cumulative development for the purposes of EIA, rather than as an intrinsic component of the generating project itself. Potential environmental effects are still required to be considered, but only to that extent that sufficient information is reasonably available at the time, through cumulative impact assessment.

8.85. The English courts confirm this position and provide clear guidance on the lawful assessment of cumulative effects where related project components progress sequentially. In *R (Together Against Sizewell C Ltd) v Secretary of State for Energy*

[11] Paragraph 77 of the *R (Finch v Surrey County Council)* [2024] UKSC 20; [2024] 4 All ER 717 judgment.
[12] This is also confirmed in *R v Cornwall County Council ex p Hardy* [2001] Env LR 26 where the Court stated that an EIA does not need to include "every conceivable scrap of environmental information about a particular project.

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, with cumulative effects assessed either in stages or entirely at a later stage, provided that those effects are assessed as soon as meaningful assessment is possible. In *Together Against Sizewell C,* the Courts accepted that an unidentified permanent water supply could be treated as a separate project and that there was no obligation to assess a hypothetical scheme. The cumulative effects of the eventual supply solution remained to be assessed through the later process once the proposal was defined. The Court acknowledged that this approach is often the most realistic and proportionate course, allowing necessary development to proceed without undermining the integrity of cumulative environmental assessment.

8.86. Applying that principle here, neither network connection component is presently defined sufficiently to permit meaningful cumulative assessment:

- **PoC**: no location has been identified, including whether the Scheme will connect through a new or existing substation;
- **export connection cable:** without an identified PoC, no endpoint, route, corridor, length, affected land or environmental baseline can be identified for the export connection cable; and
- **both network connection components:** the absence of those defining characteristics prevents the identification of site-specific receptors, impact pathways or likely significant effects to be able to assess cumulative effects.

8.87. This does not mean that those effects will escape assessment. When the PoC and export connection cable are brought forward for consent, the Scheme (if consented) could form part of the cumulative baseline for those applications. The combined effects can then be assessed using defined proposals and an appropriate, more complete environmental evidence baseline. The Applicant's position is that because there is insufficient information on the PoC, neither the PoC nor the export connection cable are yet capable of assessment in the context of cumulative impacts.

8.88. **Summary on EIA Implications**

8.89. The authorities discussed above require consideration of two questions. The first is whether a network connection component forms part of the same project as the Scheme for EIA purposes. This requires a fact-specific evaluation in each case applying the factors derived from *Wingfield*. The second is whether sufficient information exists to permit a meaningful assessment of its likely significant environmental effects. This requires consideration of what is required under the EIA Regulations and the relevant EIA authorities set out above. The Applicant has considered both questions in relation to the PoC and the 400kV export connection cable.

8.90. The Applicant has undertaken the evaluation required under Question 1 in relation to both network connection components for the Scheme. Applying the relevant *Wingfield* factors, the Applicant's position is that the PoC does not form part of the same project as the Scheme for EIA purposes. In contrast, the position in relation to the 400kV export connection cable is more finely balanced and reasonably supports either conclusion, depending upon the weight attributed to the relevant factors.

8.91. Importantly, however, the outcome of the Applicant's analysis under Question 2 is the same irrespective of the conclusion reached on Question 1. Neither the PoC nor the 400kV export connection cable is presently defined to an extent that permits a meaningful assessment of likely significant environmental effects. Any attempt to undertake a site-specific assessment in those circumstances would necessarily depend entirely upon speculation and conjecture rather than information capable of supporting a reasoned conclusion. Such an assessment would be entirely inappropriate under the EIA Regulations and is not anticipated by the cited authorities. For the purposes of the application for the Scheme, the Environmental Statement has included the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on

the environment, taking into account current knowledge and methods of assessment[13].

8.91.1. Accordingly, the Applicant's approach of excluding the 400kV export connection cable from the scope of the immediate assessment undertaken within the Environmental Statement, and concluding that a meaningful cumulative assessment of the PoC cannot presently be undertaken, is lawful, proportionate and consistent with the authorities discussed above and the EIA Regulations.

8.92. The precedent and case law set out in this Annex, 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.

8.93. Conclusion

8.94. 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. In response to the ExA's written question, Q3.10.1, this Annex also considers the EIA implications of that staged approach, including established case law governing EIA project definition and meaningful assessment and the consequences of that jurisprudence for the Scheme on the extent to which related infrastructure must be assessed on the basis of information reasonably available.

8.95. 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.

[13] See Chapter 4 Approach to Environmental Impact Assessment [**APP-041**] paragraph 4.6.5 for an explanation of the approach of the EIA in relation to the network connection infrastructure.

8.96. 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.

8.97. Paragraph 8.55 onwards of this Annex demonstrates that the EIA implications of a staged consenting approach require a fact-specific evaluation of both the scope of the relevant "project" and whether sufficient information is available to permit meaningful assessment of associated infrastructure. The Applicant has undertaken that evaluation and considers its approach to be consistent with the EIA Regulations.

8.98. It therefore follows that the Scheme, as a solar generating asset, can be consented independently, in the knowledge that the necessary, associated network connection infrastructure can and will be delivered separately in due course reflecting the regulatory processes in place. Any required environmental assessment can therefore be undertaken at that subsequent point, once the relevant infrastructure is sufficiently defined. NGET has also confirmed in writing that it is subject to a legally binding obligation to provide a PoC to the electricity transmission network in this case. This approach reflects the realistic operation of the planning system that has been referred to in recent case law and the pragmatic arrangements anticipated by national policy specifically for when grid arrangements lack sufficient definition at the time of seeking consent for the generating station.

8.99. 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. As noted, NGET has now

expressly confirmed that it is subject to a legally binding obligation to provide a PoC to the electricity transmission network in this case.

8.100. As demonstrated by the precedents identified in section 6 and the EIA authorities in section 8.69, the Applicant's approach has already been accepted in practice, policy and law prior to the introduction of the grid connection reforms and is likely to become increasingly common for energy generating NSIPs in the future.