

Springwell Solar Farm

Closing Statement

EN010149/APP/8.30
October 2025
Deadline 5
Springwell Energyfarm Ltd

Regulation 5(2)(q)
Planning Act 2008
Infrastructure Planning
(Applications: Prescribed Forms
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1. Introduction

Purpose of the Statement

- 1.1.1. This Closing Statement has been prepared by Springwell Energyfarm Limited (the Applicant) to set out the Applicant's position on matters that remain outstanding at the conclusion of the Examination of the application for a Development Consent Order (DCO) to construct, operate, maintain and decommission the Springwell Solar Farm (Proposed Development).
- 1.1.2. In summary, it demonstrates why there is a compelling case in favour of the Proposed Development and why the Application for the grant of a DCO should be supported. It then draws this information together and presents the overall planning balance and case for the Proposed Development.
- 1.1.3. This document provides a high-level summary of the Applicant's position on key technical matters, as presented during the Examination. The key matters are included because they are matters of disagreement between the Applicant and the local authorities and/or statutory bodies, or matters which have drawn attention from the Examining Authority and/or Interested Parties during the Examination. The document does not introduce new material but provides clarity on the Applicant's final position on matters, by reference to the previous submissions it has made. This document is not intended to set out in full the Applicant's final position on each of the matters addressed; the references provided are relied upon for this purpose
- 1.1.4. This document signposts to the Applicant's submissions which have been made over the course of the Examination to assist the Examining Authority and Interested Parties in accessing submissions the Applicant considers relevant to the technical matter(s) being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.

The Proposed Development and the Application

- 1.1.5. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP), being the installation of solar photovoltaic (PV) modules and associated development, including battery energy storage system (BESS) and associated infrastructure, which would allow for the generation and export of electricity (the Proposed Development). The **ES Volume 2, Figure 1.1 and 1.2: Location Plan and Order Limits** [EN010149/APP/6.2] [APP-058] shows the Order Limits for the Proposed Development, which is approximately 1280 hectares (Ha) of land, located within North Kesteven District Council (NKDC) and Lincolnshire County Council (LCC) (the Order Limits).

- 1.1.6. The Proposed Development has a grid connection agreement with National Grid allowing the export and import of 800 MW of electricity through a proposed new substation, owned and operated by National Grid (“National Grid Navenby Substation”).
- 1.1.7. The Proposed Development constitutes an NSIP under the Planning Act 2008 (PA 2008). An application for a DCO for the Proposed Development (the Application) was submitted by the Applicant on 20 November 2024. The Application was accepted for examination on 18 December 2024.
- 1.1.8. A full description of the Proposed Development is provided in **ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1.2]** [[REP1-022](#)].

The Examination Process

- 1.1.9. The Examination of the Proposed Development opened on 7 May 2025 and closes on 7 November 2025. Before and during the Examination, the Applicant has worked positively to address and resolve matters raised by statutory consultees, interested parties, and members of the public. At each Examination Deadline, the Applicant has provided comprehensive responses to submissions from Interested Parties.
- 1.1.10. The Applicant has agreed Statements of Common Ground with key stakeholders, with positions summarised in the Statement of Commonality **[EN010149/APP/7.26.5]**. At Deadline 5, the Applicant submitted final and signed versions of the following Statements of Common Ground:
- **Statement of Common Ground with Lincolnshire County Council (LCC) [EN010149/APP/8.1.3]**
 - **Statement of Common Ground with North Kesteven District Council (NKDC) [EN010149/APP/8.2.3]**
 - **Statement of Common Ground with Ministry of Defence (MOD) [EN010149/APP/8.7.3]**
 - **Statement of Common Ground with Network Rail [EN010149/APP/8.8.3]**
 - **Statement of Common Ground with Anglian Water [EN010149/APP/7.21.2]**
 - **Statement of Common Ground with Cadent Gas Ltd [EN010149/APP/7.22.2]**
 - **Statement of Common Ground with National Grid Electricity Transmission (NGET) [EN010149/APP/7.23.3]**
 - **Statement of Common Ground with Exolum Pipeline System Ltd [EN010149/APP/7.25.2]**

1.1.11. At Deadlines 3, 4, and 5, the Applicant submitted final and signed versions of the following Statements of Common Ground:

- **Statement of Common Ground - Historic England**
[EN010149/APP/8.3.3] [\[REP4-042\]](#)
- **Statement of Common Ground with Natural England**
[EN010149/APP/8.4.3] [\[REP4-043\]](#)
- **Statement of Common Ground with Environment Agency**
[EN010149/APP/8.5.2] [\[REP3-065\]](#)
- **Statement of Common Ground with UK Health Security Agency (UKHSA)** [EN010149/APP/8.6.2] [\[REP3-066\]](#)
- **Statement of Common Ground National Highways**
[EN010149/APP/8.9.2] [\[REP3-071\]](#)

1.1.12. The areas of agreement and disagreement between the Applicant and the various Interested Parties are set out in detail in the Statement of Common Ground. While the Applicant has been able to reach an agreement with many of the Interested Parties on the majority of issues raised, there remain some points of disagreement which have not been possible to resolve during the Examination. The Applicant's position on these matters, as well as that of the relevant Interested Party, is set out in more detail in their respective Statements of Common Ground, including those that have not been submitted as final and signed versions at Deadline 5.

2. Summary of Key Issues

2.1.1. This section summarises the key issue-specific topics that arose from the DCO Application and during the Examination. The section is structured so that, for each topic, a summary is provided, followed by, where applicable, a discussion of residual matters of disagreement at the end of the Examination. The Applicant's position on any such residual matter is then set out.

2.1.2. Issues covered in this section are set out below:

- Grid Connection
- Cumulative impact, including Waste, Landscape, and Best and Most Versatile (BMV)
- Biodiversity
- Cultural Heritage
- BMV Soils
- Landscape and Visual
- Sequential Test for flood risk

National Grid Navenby Substation Grid Connection

Summary of residual matters of disagreement at the end of the Examination

2.1.3. The Applicant has worked closely with National Grid to determine where a new substation may be located and to understand the programme for its delivery. The Applicant understands that a planning application for Navenby substation will be made in early 2026. National Grid confirmed that it still expects to be able to connect the project to the National Grid in late 2029, as outlined in the grid connection offer. This is supported by National Grid Electricity Transmission PLC's response to Q1.1.1 within the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [[REP1-071](#)].

2.1.4. The Proposed Development has a formal grid connection agreement from National Grid, which is set out in the updated **Grid Connection Statement** [EN010149/APP/7.6.2] [[REP1-058](#)] submitted at Deadline 1. A revised Connection Offer was received and accepted by the Applicant in March 2025. This revised Connection Agreement changes the Stage 1 connection date from April 2028 to October 2029, and the Stage 2 connection date from April 2030 to October 2030.

2.1.5. The Applicant's ES has been based on worst-case assumptions at the time of undertaking the environmental assessments. There is also a mechanism in place via paragraph 2(4) of Schedule 16 of the **Draft DCO**

[EN010149/APP/3.1.4] [\[REP4-004\]](#) for when the Applicant is discharging requirements, it will need to confirm that the subject matter being approved would not be likely to give rise to any materially new or different environmental effects compared to those in the ES and that the requirements have been discharged in line with the ES. The Applicant is therefore bound by the effects contained in the ES.

2.1.6. NKDC and LCC agree with the matters in relation to the principle of development, the site selection analysis and the need for renewable energy, as set out in the **Statement of Common Ground with LCC [EN010149/APP/8.1.3]** and **Statement of Common Ground with NKDC [EN010149/APP/8.2.3]**.

2.1.7. The Applicant remains in disagreement with both NKDC and LCC about the certainty and timings of grid connection and deliverability of the Proposed Development and the potential risk of negative environmental impacts from the Proposed Development commencing without the benefit of secured generation. The Applicant has responded to this in the **Statement of Common Ground with LCC [EN010149/APP/8.1.3]**, within Table 4 – Grid Connection and **Statement of Common Ground with NKDC [EN010149/APP/8.2.3]** under Refs. 4-4, 9-1, 12-5, 24-1.

Summary of the Applicant's Position on residual matters

2.1.8. The Applicant's response to the Examining Authority's (ExA's) suggestion that no part of the authorised development, including any permitted preliminary works, shall commence until planning permission has been granted for the National Grid Navenby Substation, is stated in its Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order **[EN010149/APP/8.27]** [\[\[REP4-050\]](#).

2.1.9. The Applicant strongly opposes the imposition of the proposed requirement, and maintains its position as set out at multiple points during the Examination, including at Issue Specific Hearing 4 and recorded at **Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22]** [\[REP3-075\]](#), Agenda Item 3.4.

2.1.10. The Applicant's position has not changed, and the Applicant is not aware of any impediments as to why the Navenby Substation application would not be positively determined following its review of the National Grid Navenby Substation EIA Scoping Report. These points have been addressed within Table 1-1 of the Response to Action Points, Appendix 1 to the **Written Summary of Oral Submissions at Issue Specific Hearing 1 [EN010149/APP/8.16]** [\[REP1-073\]](#) and summarised its position in Agenda Item 4. This is also set out in the **Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22]** [\[REP3-075\]](#) due to being discussed at ISH 4, Agenda Item 3.

- 2.1.11. The Applicant's position is that paragraph 4.11.6 of NPS EN-1 is not applicable; however, paragraph 4.11.18 of NPS EN-1 states that "*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.*" This is the relevant policy position, and NGET should take a responsible approach to siting, design and mitigation, following the Horlock Rules. On this basis, there is no obvious reason why the planning application for the substation would be refused.
- 2.1.12. Finally, the Applicant's decision to commence construction of the Proposed Development would also be driven by commercial considerations, and it is highly unlikely that the Applicant would construct the Proposed Development without sufficient confidence that a grid connection would be in place for the export of the energy generated.

Cumulative impacts including Waste, Landscape and BMV

Summary of residual matters of disagreement at the end of the Examination

Cumulative waste

- 2.1.13. The Applicant has engaged closely with LCC on the assessment of cumulative waste and issued a cumulative waste technical note, which forms part of the **Response to Deadline 1 Submissions [EN010149/APP/8.20]** [\[REP2-023\]](#). This has been updated at Deadline 5, following further engagement with LCC.
- 2.1.14. LCC agree with the methodology, forecast waste arisings and assessment of cumulative waste that has been updated at Deadline 5 and forms Appendix 1 to the Response to Deadline 4 Submissions. However, the Applicant remains in disagreement with LCC on the impact of cumulative waste and concerns over the lack of current capacity for the recycling of solar panels. LCC maintains the position that there is currently a lack of recycling capacity, particularly during the operational phase due to operational failures and at decommissioning, alongside other proposed NSIP scale solar farms in the county.

Cumulative landscape and visual

- 2.1.15. The Councils both agree with the Applicant that, when considered on a solus basis and at a regional scale, the effects of Springwell Solar Farm on landscape character would not be significant. However, when assessed in conjunction with other proposed solar farm NSIPs, the Councils consider that large-scale solar battery and energy infrastructure will subsequently be a distinctive key characteristic across the region as a whole and that sequential visual effects would be experienced throughout the area. The Applicant disagrees.

Cumulative BMV Agricultural Land

- 2.1.16. The Applicant has agreed the methodology and approach to the cumulative assessment and the regional assessment of the temporary loss of BMV agricultural land from solar developments in Lincolnshire with LCC, which is detailed and agreed in the **Statement of Common Ground with LCC [EN010149/APP/8.1.3]**. However, LCC considers that the conclusions on the significance of inter-project cumulative effects related to the regional loss of BMV agricultural land are under-assessed within the Environmental Statement.

Summary of the Applicant's Position on residual matters

Cumulative Waste

- 2.1.17. The Applicant does not anticipate any significant cumulative effects on waste during construction, operation (including maintenance) or decommissioning, as it is anticipated that private sector waste companies will develop these facilities to respond to market demands. Current solar panel waste generation is low, so there is little demand for facilities, hence the limited available capacity presently. Therefore, it is expected that facilities which reuse, recycle, or recover end-of-life solar panels will be developed as the quantities of this waste stream increase. The Waste Electrical and Electronic Equipment (WEEE) Regulations impose obligations on those who place solar panels on the market to finance the costs of collection, treatment, recovery, and environmentally sound disposal. The landfill tax strongly incentivises reuse, recycling, and recovery. Prior to the operation (including maintenance) and decommissioning phases, further details on the types of waste and waste forecast, along with details on the amount of recycled / landfill waste that is anticipated, will be included in the final OEMP and DEMP.
- 2.1.18. The Applicant will also provide an annual maintenance schedule to LCC during the operational phase, which will detail the anticipated amount of waste that would be recycled/landfilled and the intended destination/fate of each stream in line with the details set out in Section 2.10. of the **Outline Operational Environmental Management Plan [EN010149/APP/7.10.5] [REP4-033]**. The Applicant's position on the suggested restriction on the level of Solar PV panel replacement is set out in further detail in

Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order [EN010149/APP/8.27] [REP4-050].

Cumulative Landscape and Visual

- 2.1.19. The Applicant acknowledges in the **Statement of Common Ground with LCC [EN010149/APP/8.1.3]** and in the **Statement of Common Ground with NKDC [EN010149/APP/8.2.3]**, as has been suggested by the Councils, that in any update to the published landscape character descriptions at both local and national levels, solar farm development would likely be recorded as a new feature. However, it does not agree that large-scale battery and solar will become a distinctive key characteristic across the region as a whole. The Applicant is of the opinion that, rather than it being a case of there being a significant effect on landscape character across the Lincolnshire region as a whole, it is more appropriate to think of there being pockets or tracts of the region where effects would be significant.
- 2.1.20. The Applicant does not consider there would be any significant sequential cumulative visual effects in association with the Springwell Solar Farm.
- 2.1.21. The only A-road from which the Proposed Development would be visible is the A15. It is acknowledged in **ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050]** that there would be a significant visual effect on views from a length of this route as it passes through Springwell West. However, the A15 does not pass through any other operational or proposed solar farms between at least Lincoln and Sleaford or indeed for some distance on either side. Consequently, the Applicant does not consider there to be any significant cumulative effect with other solar farms on this route.
- 2.1.22. The parallel B1188, which passes close to Springwell East, would experience a very brief view of Springwell Solar Farm, but again, no other solar farms between Lincoln and Sleaford are particularly noticeable (the scheme at Branston is just glimpsed when passing in the winter months). The Applicant does not consider that this would constitute a significant cumulative effect on views.
- 2.1.23. There would be no view of the Proposed Development from the A607; therefore, even in the event that there was any glimpse of other solar farms west of the Lincoln Cliff from this road, there could be no cumulative effect with Springwell Solar Farm.
- 2.1.24. None of the recognised long-distance footpaths pass both Springwell Solar Farm and another solar farm or would have views of both. The Viking Way, which runs along the top of the Lincoln Cliff, may have views across the vales to the west and see multiple solar farms if they were

constructed, but there would be no view of Springwell Solar Farm from this route. Therefore, the Springwell Solar Farm would not contribute to any cumulative visual effects on footpaths across the Lincoln Cliff.

- 2.1.25. Whilst in theory, it would be possible to undertake a journey by car or along a series of interconnected footpaths from east to west passing first Springwell Solar Farm and then eventually passing over the Lincoln Cliff where there may be views of Leoda or Fosse Green DCO solar farms, linkages east to west across the Central Plateau are limited and there are no recognised walking or cycling routes which would encourage this. All of the main connections in the landscape run north to south along the Central Plateau, and in the event that a visual receptor were to travel past Springwell Solar Farm and then another solar farm in the wider landscape, there would be a considerable break in the journey between views of the different schemes.

Cumulative BMV Agricultural Land

- 2.1.26. The Applicant has sought to reduce impacts on BMV land and preferably use land in areas of poorer quality except where this would be inconsistent with other sustainability considerations.
- 2.1.27. This has influenced both the initial site selection process and the subsequent design evolution of the Proposed Development. This includes retaining fields for arable production that comprise solely of Grade 1 or 2 land. It would not be possible to advance with this project without the use of some BMV land. The Applicant has provided further justification for this, as referenced in Section 11.9 of **ES Volume 1, Chapter 11: Land, Soil and Groundwater [EN010149/APP/6.1.2]** [\[REP1-014\]](#) and within the **Planning Statement [EN010149/APP/7.2.2]** [\[AS-018\]](#).
- 2.1.28. A regional assessment of the temporary loss of BMV agricultural land from solar developments in Lincolnshire and within 1km of the Nottinghamshire boundary has been undertaken, as detailed in **ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.5]** [\[REP4-013\]](#).
- 2.1.29. It has been estimated by Natural England that around 42% of agricultural land is of BMV quality; however, within Lincolnshire, the proportion of BMV rises to approximately 71.2%, which is significantly above the national average. The area of BMV agricultural land within Lincolnshire is estimated to be over 410,000 hectares. In this context, the Proposed Development alone would temporarily occupy approximately 0.13% of BMV land in Lincolnshire. In addition to the proposed other large-scale solar farms identified in Table 16.12 of **ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.5]** [\[REP4-013\]](#), it is anticipated that approximately 2% of the county BMV land resource will be temporarily used.

- 2.1.30. It should be noted that this is a precautionary figure, based on assumptions around BMV for those solar developments which do not have any ALC data to date, and noting that One Earth Solar Farm straddles the Nottinghamshire border, and the Great North Road Solar Park is entirely in Nottinghamshire.
- 2.1.31. Within the **Planning Statement [EN010149/APP/7.2.2]** [\[AS-018\]](#) paragraphs 8.8.27 – 8.8.35, the Applicant considers the impact on BMV Land both at a local and national level. Also, sets out other DCO solar developments which have been granted, including where the Secretary of State (SoS) in their decision letter ascribe the loss of this resource/impact on BMV a moderate negative weight in the planning balance while acknowledging the applicant had sufficiently justified the use of the BMV within the proposed development.
- 2.1.32. The majority of the land for these projects across the county is considered temporary, with the majority of the land to be returned to agricultural use at the end of the operational phase, and with land within the grid connection cable corridors to be returned to agricultural land following the construction phase. The Applicant has committed to measures to restore the soil to the original ALC grade as detailed and secured in the **Outline Soil Management Plan [EN010149/APP/7.11.3]** [\[REP3-042\]](#).
- 2.1.33. Therefore, the Applicant considers that the inter-project cumulative effects are minimal in the context of the remaining BMV available resources that are available at the regional level.

Biodiversity

Summary of residual matters of disagreement at the end of the Examination

- 2.1.34. The Applicant has had a proactive and positive dialogue with both LCC and NKDC regarding biodiversity and, in particular, Biodiversity Net Gain (BNG). The scope and methodology of the ecological baseline surveys, as outlined in **ES Volume 1, Chapter 7: Biodiversity [EN010149/APP/6.1.3]** [\[REP3-012\]](#), have been agreed as have the mitigation proposals designed to offset the impacts of the Proposed Development whilst delivering a gain in biodiversity as set out in the **oLEMP [EN010149/APP/7.9.5]**.
- 2.1.35. Within the **Statement of Common Ground with NKDC [EN010149/APP/8.2.3]**, the only item not agreed upon (Table 7) is the requirement that grazing should be secured as part of the package of mitigation measures. The Applicant will work proactively to confirm the feasibility of grazing as part of the operational management practices as outlined in the **oLEMP [EN010149/APP/7.9.5]**. In their response to the Deadline 4 submission, NKDC felt that, in particular, a specific requirement should be in the ToR for the Councils to undertake their own monitoring of how BNG is being delivered, over and above the monitoring

that the Applicant has committed to, outlined in the **oLEMP [EN10149/APP/7.9.5]**. Also in dispute is the funding requirement for the Ecological Steering Group (ESG), should the local authorities undertake their own specific BNG compliance monitoring. In addition, AECOM, working on behalf of NKDC, has provided very detailed comments in relation to the methodology underpinning the BNG assessment, and the Applicant has resolved the majority of these, including comments received as part of their response to the Examining Authorities' second written questions [\[REP4-053\]](#). The Applicant disagrees that some of the requested detail is required at this stage of the development, as these details would form part of the final LEMP and BNG assessment.

- 2.1.36. The Applicant understands that the Councils are satisfied in principle that the amendments to the **oLEMP [EN10149/APP/7.9.5]**, which have been submitted as part of Deadline 5, enable BNG monitoring to be accommodated within the remit of the ESG. The Councils have also confirmed their support for the Applicant's inclusion of a contribution in the section 106 agreement in the amount of £130,500 (index-linked) to fund the commitment for the Councils' involvement in the ESG. The residual point of disagreement relates to BNG monitoring, and the Applicant does not agree that a further financial contribution towards BNG monitoring is required.

Summary of the Applicant's Position on residual matters

- 2.1.37. The Applicant has agreed and indeed welcomes the setting up of the proposed ESG and has agreed to all the amendments to the ToR requested by both LCC and NKDC as part of their response to Deadline 4 submissions and the Examining Authorities' second written questions [\[REP4-053\]](#), other than NKDC's requirement to undertake their own monitoring over and above that of the Applicant's (which would have oversight from the ESG). The Applicant does not accept that NKDC needs to conduct their own additional BNG compliance monitoring for the following reasons (which are set out in its Deadline 5 response at **Response to Deadline 4 Submissions and ExQ2 Responses [EN010149/APP/8.28]** and **Appendix 2: Response to NKDC Responses to ExQ2**):
- The Applicant has agreed to the funding proposed by NKDC for the Council officers' involvement in the operation of the ESG and has amended the section 106 agreement to include an obligation on the Applicant to pay the suggested amount. The Applicant does not agree that additional funding is required to enable NKDC to undertake its own specific BNG monitoring over and above what the Applicant (with oversight and involvement from the ESG would undertake for the following reasons:

- The Applicant already has monitoring obligations (see **Paragraph 7.3.3 to 7.3.8** of the **oLEMP [EN10149/APP/7.9.5]** including oversight from the ESG (see Section 7.2.1 of the **oLEMP [EN10149/APP/7.9.5]** of which both Councils will be members. These monitoring obligations are considered appropriate and sufficient in order to ensure the delivery, management and monitoring of the BNG.
- The Applicant is required to comply with the terms of the approved LEMP under the DCO requirement, and failure to do so would constitute a criminal offence.
- The Applicant has committed to the delivery of the BNG as a DCO requirement, breach of which would also be an offence.
- As noted above, the Applicant has committed to funding the involvement of Council officers in the ESG (as requested in NKDC's submission, and which is now included in the s106 agreement) to support the ESG in its role generally in terms of compliance with the LEMP and more specifically with respect to oversight of the BNG monitoring that will occur.
- If the Council have any concerns about the Applicant's compliance in terms of the delivery of the BNG or more specifically the terms of the approved LEMP, the Council can ask the Applicant for further information in order to be satisfied that there is no breach of a DCO requirement (the Council could do this using powers under the Planning Act 2008 or informally). The Applicant would need to provide the relevant information to satisfy the Council of its compliance, and it would cooperate with the Council in this respect, not least in order to avoid the possibility of enforcement action.
- The Applicant does not agree with the detailed proposals submitted by NKDC for additional BNG monitoring for the above reasons. In particular, the Applicant has concerns over the use of AI and the Land App software for monitoring BNG delivery, in particular, should AI be used to infer condition assessment remotely without recourse to a botanical survey.

2.1.38. The approach taken by the Applicant is in line with (and in respect to the provision of and financial support for the ESG, goes beyond) what has been required elsewhere for other solar DCOs. The Applicant believes the requirement of NKDC to undertake their own BNG monitoring would be a duplication of what the Applicant has already committed to. The Applicant has its own measures contained within the oLEMP, and the ESG would have sufficient oversight of the Applicant's monitoring to satisfy itself (including the Council officers who are part of the ESG) that it is sufficiently robust. The Applicant has agreed to make financial contributions to fund the Council's involvement as members of the ESG. The Applicant believes the approach requested by NKDC goes above and

beyond what has been required for similar schemes elsewhere, and the Applicant has provided examples of the approach on recently consented solar DCOs in its response within **Response to Deadline 4 Submissions and ExQ2 Responses [EN010149/APP/8.28]**.

Cultural Heritage

Summary of residual matters of disagreement at the end of the Examination

- 2.1.39. The scope, methodology and the study area of the Applicant's Cultural Heritage assessment, as set out within **ES Volume 1, Chapter 9: Cultural Heritage [EN010149/APP/6.1.2]** [\[AS-012\]](#) are agreed with LCC as stated in Table 5 of the **Statement of Common Ground – Lincolnshire County Council [EN010149/APP/8.1.3]** and NKDC as stated in Table 11 of the **Statement of Common Ground - North Kesteven District Council [EN010149/APP/8.2.3]**. For the majority of heritage assets, the level of harm to their significance which would be caused by the Proposed Development is agreed with LCC as stated in Table 5 of the **Statement of Common Ground – Lincolnshire County Council [EN010149/APP/8.1.3]** and NKDC as stated in Table 11 of the **Statement of Common Ground - North Kesteven District Council [EN010149/APP/8.2.3]**. However, the only residual matter of disagreement relates to the level of harm to the significance of Thompson's Bottom Farm (which comprises Thompson's Bottom Farmhouse (Grade II listed building), Stables and Coach House at Thompson's Bottom Farmhouse (Grade II listed building), and the curtilage listed barns to the east and north of the farmhouse).
- 2.1.40. LCC and NKDC consider that the level of harm to the significance of Thompson's Bottom Farm as a result of changes within its setting would be at the 'medium to medium-high range of harm' of less than substantial harm and would represent a significant effect in EIA terms
- 2.1.41. The level of harm to Grade I and II* listed buildings and scheduled monuments is agreed with Historic England as set out in the **Statement of Common Ground - Historic England [EN010149/APP/8.3.4]**. Historic England defers to the NKDC and LCC on matters relating to Grade II listed buildings and conservation areas.
- 2.1.42. The assessment contained within Annex 14 of **ES Volume 3, Appendix 9.1: Archaeological Desk-Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.5]** [\[REP4-017\]](#) and [\[REP4-019\]](#) concludes that the Proposed Development will result in harm to the significance of the designated assets at Thompson's Bottom Farm assets through changes to their setting. Specifically, the enclosure of currently open views of farmland from Warren Lane to the east of the listed buildings will alter the way in which the farmstead is appreciated. The assessment concludes that the harm to the buildings' significance as a result of changes in their setting brought about by the Proposed

Development would be at the lower end of less than substantial. This harm would not result in a significant effect but, as a Grade II Listed Building, any harm to its significance should be weighed against the benefits of the Proposed Development. This asset is included in the **Planning Statement Appendix 5: Heritage Harm Statement [EN010149/APP/6.2.3] [REP4-023]** submitted at Deadline 4.

Summary of the Applicant's Position on residual matters

- 2.1.43. The Applicant considers that the change to the setting of Thompson's Bottom Farmhouse and associated buildings would slightly reduce the contribution that the setting makes to the significance of the listed buildings and (in the terms used in the ES) its significance would be slightly compromised. As this would be a minor magnitude of impact (using the EIA methodology), the effect on the Grade II listed buildings would be slight adverse and not significant in EIA terms. The Applicant considers that this minor/slight loss of significance to the listed and non-listed farm buildings would represent harm at the lower end of less than substantial.
- 2.1.44. It is for the decision maker to weigh the level of harm against the benefits of the Proposed Development in accordance with NPS EN-1 paragraphs 5.9.27-32 and NPPF paragraphs 212-215. The Applicant notes that National Planning Practice Guidance Paragraph: 018 Reference ID: 18a-018-20190723 is clear that substantial harm is a high test and may not arise in many cases. It is the Applicant's view that this test has not been met in the case of the effects on Thompson's Bottom Farm.

BMV Soils

Summary of residual matters of disagreement at the end of the Examination

- 2.1.45. NKDC and LCC disagree that the Applicant places weight on the effects being temporary and that an assessment on the permanent sealing over of land is limited. LCC considers that the impact magnitude should be based on the permanent loss of one or more soil functions or soil volumes, as this does not account for the loss of agricultural/ food production over the lifetime of the Proposed Development.
- 2.1.46. NKDC and LCC consider that the use of BMV land has not been adequately assessed in relation to the loss of land for fixed equipment, including the Satellite Collector Compounds, Springwell Substation and BESS.
- 2.1.47. It should be noted that Natural England has agreed to the survey methodology and approach to the assessment of BMV agricultural land, including the permanent loss of BMV land, as detailed in **Statement of Common Ground – Natural England [EN010149/APP/8.4.3] [REP4-043]**.

Summary of the Applicant's Position on residual matters

- 2.1.48. The Applicant has undertaken an assessment of BMV agricultural land as detailed in **ES Volume 1, Chapter 11: Land, Soil and Groundwater [EN010149/APP/6.1.2] [REP1-014]** and these have been assessed in line with legislation and industry guidance, specifically, Institute of Environmental Management & Assessment (IEMA) Guide 'A New Perspective on Land and Soil in Environmental Impact Assessment' (2022), as set out in Section 11.2 of **ES Volume 1, Chapter 11: Land, Soil and Groundwater [EN010149/APP/6.1.2] [REP1-014]**. It should be noted that Natural England has agreed to the survey methodology and approach to the assessment of BMV agricultural land, including the permanent loss of BMV land, as detailed in **Statement of Common Ground – Natural England [EN010149/APP/8.4.3] [REP4-043]**.
- 2.1.49. The assessment is based on the commitment that all above-ground infrastructure, including the Solar PV development, Satellite Collector Compounds, Springwell Substation and BESS (excluding permanent green infrastructure), are temporary and will be removed and returned to the original ALC grade at decommissioning as outlined and secured in the **oSMP [EN010149/APP/7.11.3] [REP3-042]**.
- 2.1.50. Therefore, as the land is being returned back to the pre-construction condition in line with EN-1 paragraphs 2.10.66 and 2.10.77, the development has been classed as temporary for all areas except for areas of green infrastructure, which are considered permanent. During the operation phase, soil quality is able to be improved due to reduced agricultural pressure through heavy machinery, ploughing, fertilisers, herbicides and pesticides. During decommissioning, the impact on soils would be mitigated through industry standard practice, such as using track matting, avoiding wet weather conditions and using pile screws. These measures are detailed and secured in the **oSMP [EN010149/APP/7.11.3] [REP3-042]**. The measures set out in the **oSMP [EN010149/APP/7.11.3] [REP3-042]** would ensure that the soil is being handled correctly and is able to be returned back to agricultural use following the construction phase (after the interconnecting cables and grid connection have been installed) and decommissioning phase of the Proposed Development.
- 2.1.51. Additionally, while a 40-year solar farm may seem like a long-term land use from a human perspective, it represents only a brief moment in the lifespan of soils, which develop and change over geological timescales spanning hundreds of thousands to millions of years. Therefore, its impact on soil processes is relatively short-term in the context of soil evolution. The **Final Draft DCO [EN010149/APP/3.1.5]** requires full decommissioning after 40 years, with all above-ground infrastructure removed, as secured in the **oDEMP [EN010149/APP/7.13.5] [REP4-035]**.
- 2.1.52. The Applicant notes that solar farms being classed as temporary land was agreed by the Examining Authority on the Heckington Fen Solar Farm

Decision Letter [EN010123-001129]; “ExA considers the Proposed Development would result in long-term but not irreversible or permanent loss of agricultural land”.

- 2.1.53. The Proposed Development includes siting green infrastructure on 77 ha of BMV land. The Applicant has considered that all this green infrastructure would be permanent to assess a worst-case scenario within the Environmental Statement. The assessment detailed in **ES Volume 1, Chapter 11: Land, Soil and Groundwater [EN010149/APP/6.1.2]** [REP1-014] concluded that there would be a permanent significant adverse effect on BMV land used for green infrastructure on the basis that more than 20 ha of land would be permanently impacted.

Landscape and Visual Amenities

Summary of residual matters of disagreement at the end of the Examination

- 2.1.54. The Applicant has liaised closely with both LCC and NKDC in relation to the assessment and mitigation of landscape and visual effects throughout the application and examination process. As recorded in the respective Statements of Common Ground, there are relatively few areas of disagreement remaining between the Applicant and these two local authorities.
- 2.1.55. Two principal areas of disagreement remain. The first relates to the purported cumulative effect of the Springwell Solar Farm, in combination with other NSIP projects, on landscape character at a regional/county scale and the consequential sequential visual effects. This matter is addressed above in the discussion of cumulative effects.
- 2.1.56. The second relates to the solus effects of the Proposed Development on Landscape Character Area (LCA) 11 at year 10 of operation. Whilst the Councils both agree with the Applicant's assessment of a moderate (significant) effect at year 1 on LCA 11 (in which Springwell East is located), they consider the effect at year 10 would remain moderate (significant).

Summary of the Applicant's Position on residual matters

- 2.1.57. The Applicant's assessment presented in **ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1]** [APP-050] is that at Year 10, effects in LCA 11 would be moderate adverse but that this would not be significant. The Applicant considers that by Year 10, when mitigation planting has achieved a height of 3m, although there would remain some views of the Proposed Development, the geographical extent of the effect within LCA 11 would be much reduced and the effect would be not significant.

Sequential Test for Flood Risk

Summary of residual matters of disagreement at the end of the Examination

- 2.1.58. The Sequential Test is set out in the **Planning Statement [EN010149/APP/7.2.2] [AS-018]** at paragraphs 8.5.6 to 8.5.13. As explained in these paragraphs, all five sites considered by the Applicant that met the search criteria shared similar characteristics in terms of flood risk, i.e., they were mainly located in Flood Zone 1, with small areas in Flood Zones 2 and 3. The **Planning Statement Addendum, Appendix 2 Solar Panel Siting Statement [EN010149/APP/8.12] [REP1-069]**, responding to Action Point 10 from ISH1 explaining why it is beneficial and necessary for solar panels to be located in Flood Zone 3B for operational reasons. .
- 2.1.59. In response to the discussion about the Sequential Test and the use of Flood Zones 2 and 3 at Issue Specific Hearings 1 and 2, the Applicant's oral submissions are recorded in its **Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) Agenda item 8 Water Environment [EN010149/APP/8.16] [REP1-073]** and **Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22] [REP3-075]**.
- 2.1.60. The Applicant's response to the ExA's suggested changes regarding the restriction of solar PV panels in Flood Zone 3B is stated in **Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order [EN010149/APP/8.27] [REP4-050]**.
- 2.1.61. The ExA has recorded in its Schedule of Changes to draft Development Consent Order **[PD-009]**] that it remains unconvinced that there are operational reasons to locate solar PV panels in areas of Flood Zone 3B, contrary to Paragraph 5.8.41 of National Policy Statement EN-1.

Summary of the Applicant's Position on residual matters

- 2.1.62. As recorded in **Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order [EN010149/APP/8.27] [REP4-050]** the Applicant does not agree with the restriction of the ability of the Proposed Development to maximise generation, and therefore the benefits from the scheme. This is in the context of there being a demonstrated, urgent need for renewable energy generation and there being a Critical National Priority for this type of infrastructure.
- 2.1.63. The Applicant maintains its position that the need to maximise electricity generation and the grid connection from the Site is an operational reason justifying the siting of solar panels within Flood Zone 3B. This justification relates to that part of the Proposed Development that is the Nationally Significant Infrastructure Project, that is, the generating station itself (Work No. 1). In response to the point from the ExA that the test in paragraph 5.8.41 of EN-1 could (on the Applicant's approach) be met by any development caught by NPS EN-1, the Applicant considers there is a

distinction, so that the operational reason of maximising energy generation would not necessarily apply to say, siting welfare facilities or buildings in Flood Zone 3B (accepting there may be other operational reasons for doing so). There are various aspects of associated development, likely to be consented alongside a solar NSIP, that conceivably could not be said to have to be in Flood Zone 3B for reasons that are based on the integral contribution of that development to maximising the generation of the scheme – for example, ancillary buildings for storage, workshops or a control room. Such infrastructure is integral and crucial to supporting the generation of energy by the NSIP, but not necessarily to “maximising” that energy generation. In contrast, firstly, the solar NSIP is directly responsible for energy generation, and secondly, maximising such generation is (in this case) dependent in part on using the site as efficiently as possible by utilising the available land for energy generation. In this case, this includes siting panels in Flood Zone 3B.

- 2.1.64. The Applicant notes that the National Planning Practice Guidance (NPPG) was updated on 17 September 2025 in relation to the application of the Sequential Test for flood risk. Important changes relevant to the Proposed Development include:
- Paragraph: 027a (Reference ID: 7-027a-20220825) has been updated to further emphasise that the Sequential Test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need. For infrastructure proposals of regional or national importance, the NPPG continues to recognise that this could be split across a number of alternative sites at lower risk of flooding, but has been updated to include clarification that this is only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively.
 - Paragraph: 027 (Reference ID: 7-027-20220825) has been updated in relation to the application of Paragraph 175 of the NPPF, which applies to the use of the Sequential Test for areas known to be at risk now or in the future from any form of flooding. The update confirms that, in applying Paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by the Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the Sequential Test need not be applied.
- 2.1.65. This endorses the approach already taken by the Applicant in applying the Sequential Test to the Order Limits stated within the **Planning Statement [EN010149/APP/7.2.2] [AS-018]** and **Planning Statement Addendum,**

Appendix 2 Solar Panel Siting Statement [EN010149/APP/8.12] [REP1-069], and as follows:

- The Sequential Test only needs to be applied in relation to those areas of fluvial flood risk (Flood Zones 2 and 3), and areas of surface water flood risk have been satisfied through the **Flood Risk Assessment [EN010149/APP/7.16.3] [REP1-050]**.
- The **Flood Risk Assessment [EN010149/APP/7.16.3] [REP1-050]** ensures that the Proposed Development would not cause or increase the risk of surface water flood risk elsewhere; therefore, the Sequential Test need not be applied.
- A proportionate approach should be taken in applying the Sequential Test, which should only focus on realistic alternatives that could meet the same development need and which would be capable of serving its intended markets as effectively. In this case, the intended market is the electricity consumer, with the route to market being through the proposed new National Grid Navenby Substation. Alternatives that did not utilise this available capacity along the OHLs would not meet the same market need.

2.1.66. The Sequential Test carried out by the Applicant identified that there were no reasonably available sites at a lower risk of flooding on the basis that other potentially available sites all had small areas of Flood Zones 2 and 3, or in the case of land available to the Applicant within and adjoining the Order Limits were all not suitable for solar for other planning and environmental reasons.

2.1.67. In addition, it is not reasonable to impose the removal of panels given the fallback position of an implementable planning permission for solar on this land, as stated in agenda item 8 of the **Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) Agenda item 8 Water Environment [EN010149/APP/8.16] [REP1-073]** and **Planning Statement Addendum, Appendix 2 Solar Panel Siting Statement [EN010149/APP/8.12] [REP1-069]**.

3. Draft Development Consent Order

Applicant's Position on ExA's Suggested Drafting Changes

- 3.1.1. The ExA published its proposed changes to the dDCO on 2 September 2025, and the Applicant set out its detailed response at Deadline 4 in its **Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order [EN010149/APP/8.27]** [\[REP4-050\]](#). The Applicant refers to this document for the latest position on the changes.
- 3.1.2. LCC and NKDC also responded to the ExA's proposed changes to the DCO in their respective Deadline 4 submissions, including that:
 - Both NKDC and LCC agree that there should be a requirement restricting the commencement of the solar farm until planning permission for National Grid's Navenby Substation has been granted. LCC note that this would ensure that preparation works, including hedgerow and tree removal, cannot occur until planning permission has been granted.
 - The Applicant strongly opposes the imposition of the proposed requirement and has responded in detail to this point in its **Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order [EN010149/APP/8.27]** [\[REP4-050\]](#), which sets out the Applicant's latest position on why a requirement is not justified in either law or policy (the Applicant has also further responded on the specific point relating to vegetation removal at Deadline 5 in its **Response to Deadline 4 Submissions and ExQ2 Responses (EN010149/APP/8.28)**). Should the ExA and the Secretary of State disagree with the Applicant on this point, the Applicant has proposed a requirement on a without prejudice basis for consideration, whilst strongly maintaining its objection to any such requirement; and
- 3.1.3. Both NKDC and LCC also agree that a requirement limiting the replacement of PV panels over the lifetime of the development to 5% should be included, on the basis that it would limit the potential waste associated with PV panels throughout the operational lifetime of the Proposed Development. This is a concern for LCC in particular, in relation to the cumulative effects of waste for nationally significant solar infrastructure projects projected in Lincolnshire.
 - The Applicant strongly opposes the imposition of the proposed requirement and has responded in detail to this point in its **Response to Examining Authority's Schedule of Proposed Changes to the Draft Development Consent Order [EN010149/APP/8.27]** [\[REP4-050\]](#), including that the 5% restriction doesn't bear a direct relationship to the impact of panel replacement. The Applicant maintains its position that any form of requirement further controlling the Applicant's

capacity to maintain the Proposed Development would be wholly unreasonable, as there is no justification for a further restriction; the Applicant has proposed appropriate checks and balances to ensure that the environmental impacts of the Proposed Development, including maintaining it during the operational phase, have been assessed and secured appropriately. Those measures are enforceable by the relevant planning authority.

- 3.1.4. In addition, at Deadline 4, the Local Authorities made the following submissions in relation to the Draft DCO [EN010149/APP/3.1.4] [REP4-004]:
- NKDC maintains its concerns that funding for decommissioning has not been sufficiently covered within the draft DCO.
 - The Applicant has responded in detail in its **Response to Second Written Questions (ExQ2)** [EN010149/APP/8.26] [REP4-049] Question 2.15.1, including to confirm that it has updated its **Funding Statement** [EN010149/APP/4.2.3] [REP4-006] at Deadline 4 to confirm that the total cost estimate for the Proposed Development includes funding for decommissioning, even though there is no legal requirement for the Funding Statement to include costs for decommissioning. In addition, the recent Secretary of State decision for the Oaklands Farm Solar Park Order 2025 confirms that there is no requirement for securing a decommissioning fund as sufficient information had been provided elsewhere to demonstrate how decommissioning would be secured. The Applicant confirms that those same assurances have been provided, and so the position that no requirement is needed is the same for the Proposed Development.
- 3.1.5. NKDC and LCC responded to Question 2.8.1 of the ExA's Second Written Questions on articles 40 and 41 of the **Draft DCO** [EN010149/APP/3.1.4] [REP4-004]. NKDC welcomes the additional provisions in paragraph 5.3.20 of the **oLEMP** [EN010149/APP/7.9.5] for replacement tree planting and the provision of a maintenance schedule in section 2.10 of the **oOEMP** [EN010149/APP/7.10.5] [REP4-032], and requested that further detail on replacement tree size be added into paragraph 5.3.20 of the oLEMP. LCC welcomes the update made at Section 2.10 of the oOEMP, but requests that further wording be included regarding the timing of the maintenance schedule and additional notice provisions for planned vegetation removal. LCC has also queried how the proposed maintenance schedule would interface with the Applicant's BNG obligations.
- 3.1.6. The Applicant welcomes NKDC's submission on the additional provisions included in the oLEMP and oOEMP, and it has updated paragraph 5.3.20 of the oOEMP [EN010149/APP/7.10.5] [REP4-032] at Deadline 5 to provide the requested detail on replacement trees. The Applicant has responded in detail to LCC's proposed additional wording and queries in its Response to Deadline 4 Submissions and ExQ2 Responses (EN010149/APP/8.28), including confirming the date when the

maintenance schedule will be provided and why additional notice provisions are not required or justified. The Applicant has also confirmed how vegetation removal under articles 40 and 41 will interface with the Applicant's ongoing BNG obligation under Requirement 8(2) of the Draft DCO [EN010149/APP/3.1.4] [REP4-004] and the ongoing monitoring obligations under section 7.3 of the oLEMP [EN10149/APP/7.9.5].

Protective Provisions

- 3.1.7. The Applicant has been engaged with all affected Statutory Undertakers at pre-application stages and throughout Examination to resolve representations made in relation to the Draft DCO. As at Deadline 5 of the Examination the position with Statutory Undertakers is that agreement on protective provisions has been reached with: Exolum, National Grid Electricity Distribution plc (NGED), Cadent Gas Limited, Anglian Water Services Limited, Network Rail Infrastructure Ltd and the agreed form of protective provisions is included in Schedule 15 of the **Final dDCO [EN010149/APP/3.1.5]** submitted at Deadline 5. Confidential side agreements are in the process of being engrossed and signed with Network Rail, Cadent and NGED.
- 3.1.8. The Applicant is continuing negotiations with the following parties, and whilst it anticipates reaching agreement, this may not be until after the close of the Examination:
- National Grid Electricity Transmission plc (NGET)– discussions are ongoing, and points of disagreement relate largely to addressing the interaction between the Proposed Development and the proposed National Grid Navenby Substation. The Applicant has included provisions that it considers are appropriate to ensure appropriate cooperation and collaboration between the two projects, and these are not agreed by NGET and are the subject of further discussion. The Applicant considers that the protective provisions for the protection of NGED included in Schedule 15 of the **Final dDCO [EN010149/APP/3.1.5]** submitted at Deadline 5 provide appropriate protection for the undertaking of NGET; and
 - Openreach Limited – discussions are ongoing, and points of disagreement relate largely to whether additions are needed to the standard telecommunications protective provisions. The Applicant considers that some amendments sought by Openreach Limited are unnecessary, as what they seek is already provided for. The Applicant considers that the protective provisions for the protection of Openreach Limited included in Schedule 15 of the **Final dDCO [EN010149/APP/3.1.5]** submitted at Deadline 5 provide appropriate protection for the apparatus of Openreach Limited.

4. Overall Planning Balance

- 4.1.1. Recent Government policy has been increasingly clear that mitigating the effects of climate change and ensuring UK energy security, resilience and affordability is a top priority, including through affording relevant infrastructure a Critical National Priority status. Since the submission of the DCO Application for the Proposed Development in November 2024, policy and Government support have grown even stronger regarding the steps necessary to reach Net Zero and improve the energy security, resilience, and self-sufficiency of the UK energy market.
- 4.1.2. Section 104(7) of the Planning Act 2008 applies if the adverse impact of a proposed development would outweigh its benefits. Section 8 of this Planning Statement outlines how the Scheme complies with EN-1, EN-3, and EN-5, as well as relevant local policy. The overall planning balance of the Proposed Development is considered below. The limited adverse impacts of the Proposed Development are not considered to outweigh its substantial benefits.
- 4.1.3. The NPSs EN1, EN3 and EN5, the recently published NPPF, and the Government's Clean Power 2030 Action Plan [\[Ref 1-1\]](#) all further highlight the importance of the urgent delivery of new low-carbon and renewable energy infrastructure. Solar is identified as being at the heart of the Government's Clean Power 2030 mission and is a key player in delivering low-cost, effective energy solutions. Coupled with strategic planning and enhanced grid infrastructure, the changes proposed in the 2025 draft NPSs EN1, EN3, and EN5 signal continued strong governmental support for scaling up renewable energy, aligning with net-zero commitments.
- 4.1.4. The **Planning Statement [EN010149/APP/7.2.2]** [\[AS-018\]](#) and **Planning Statement Addendum [EN010149/APP/8.12]** [\[REP1-069\]](#) sets out the key points for consideration by the SoS, with regard to the matters within NPS EN-1, NPS EN-3 and NPS EN-5.
- 4.1.5. In summary, the Proposed Development will provide Critical National Priority (CNP) infrastructure where the urgent need is already established and for which the presumption in favour of granting development consent is engaged. The Secretary of State must have regard to the NPS EN1, EN3 and EN5, as the relevant NPSs that have effect, when deciding the application (except to the extent any of the exceptions in section 104(4) – (8) of the Planning Act 2008 apply). EN-1 is clear that (paragraph 3.2.6) *“The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent”* and further *“the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008”*. The substantial weight that should be given to the urgent need for

the Proposed Development in accordance with NPS EN-1, and its status as CNP infrastructure, weighs heavily in favour of consent being granted.

- 4.1.6. The Proposed Development complies with the relevant planning policy and other matters that the Applicant considers may be both important and relevant to the Secretary of State's decision on whether to grant development consent. The Proposed Development is a well-considered and efficiently designed proposal that responds to the urgent and unprecedented need for low-carbon infrastructure development and is sensitive to the local environment. There are no material changes to the planning balance as set out in the **Planning Statement [EN010149/APP/7.2.2] [AS-018]**, following consideration of the draft NPSs for Energy and the adopted NPPF (December 2024). It is therefore concluded that Development Consent should be granted. The **Planning Statement [EN010149/APP/7.2.2] [AS-018]** recognises that the Proposed Development will deliver benefits, including those set out within the **Outline Employment, Skills and Supply Chain Plan [EN01049/APP/7.20] [APP-0153]**. The Applicant is in the process of finalising a Section 106 agreement with both NKDC and LCC, which will secure delivery of a £2.1m contribution to skills and education over the lifetime of the scheme (as well as support for the ESG, as noted above). This is not covered by the Planning Statement, but the Applicant considers this to be an added benefit of the Proposed Development. The draft Section 106 agreement has been submitted as part of Deadline 5 **[EN01049/APP/8.29]**, and the Applicant and Councils are in the final stages of reaching an agreement on the negotiations.
- 4.1.7. In addition, there are a significant number of additional benefits outlined in sections 3 and 9 of the **Planning Statement [EN010149/APP/7.2.2] [AS-018]** that would be achieved by the Proposed Development..
- 4.1.8. As a CNP project, the Proposed Development benefits from the strongest policy position set out in national planning policy. EN-1 sets out a presumption in favour of energy-related development. The Planning Statement confirms that the Proposed Development complies with EN-1, EN-3, EN-5, the NPPF and relevant Local Plans. Where significant adverse effects have been identified, the Applicant has demonstrated its application of the mitigation hierarchy and careful consideration of design. However, some residual impacts on landscape and visual receptors, soils, and agricultural land that cannot be avoided, reduced, or mitigated, as per paragraph 4.2.11 of EN-1, remain. Cumulative impacts are also considered, as per the requirements of paragraph 4.2.12 of EN-1, and, in some cases, identify a likely significant effect that cannot be avoided, reduced or mitigated in relation to landscape and visual receptors. Given the temporary and limited nature of the potential effect, the Applicant considers that the substantial benefits of the Proposed Development in the context of its CNP designation and the policy support in EN-11 outweigh the impact in this regard.

- 4.1.9. Section 8 of the **Planning Statement [EN010149/APP/7.2.2]** [\[AS-018\]](#) sets out how the Scheme is in accordance with EN-1, EN-3 and EN-5 and relevant local policy. The overall planning balance of the Proposed Development is considered below. The limited adverse impacts of the Proposed Development are not considered to outweigh its substantial benefits. Even without a CNP policy, the planning balance comes down firmly in favour of granting consent. However, in any event, the CNP policy provides further policy support for the Proposed Development.
- 4.1.10. The Proposed Development is a well-considered and effectively designed proposal that responds to the locality and is sensitive to the local environment. It is therefore concluded that Development Consent should be granted.



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