



UK Government

3-8 Whitehall Place
London
SW1A 2AW
+44 020 7215 5000
energyinfrastructureplanning@energysecurity.gov.uk
www.gov.uk/desnz

Ref: EN010149

[REDACTED]
Springwell Energy Farm Limited
Alexander House
1 Mandarin Road
Rainton Bridge Business Park
Sunderland
DH4 5RA

8 April 2026

Dear [REDACTED]

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE SPRINGWELL SOLAR FARM

This decision was made by Minister Whitehead, on behalf of the Secretary of State for Energy Security and Net Zero

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 8 January 2026. The ExA consisted of two examining inspectors, Jonathan Manning (Lead Member) and Benjamin Northover. The ExA conducted an examination (“the Examination”) into the application submitted on 20 November 2024 (“the Application”) by Springwell Energy Farm Limited (“the Applicant”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”) for the Springwell Solar Farm (“the Proposed Development”). The Application was accepted for Examination on 18 December 2024. The Examination began on 7 May 2025 and closed on 8 October 2025. The Secretary of State received the Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”) on 8 January 2026.
- 1.2. On 5 February 2026, the Secretary of State issued a letter seeking information on several matters (“the information request”).
- 1.3. The Order, as applied for, would grant consent for the construction, operation and maintenance, and decommissioning of a solar photovoltaic (“PV”) onshore electricity generating facility with associated infrastructure, including a battery energy storage system (“BESS”) compound, green infrastructure, and export connection to the National Grid. The Proposed Development would allow for the generation and export of electricity exceeding 50 megawatts (“MW”) [ER 1.3.5]. The Proposed Development lies within the administrative boundaries of North Kesteven District Council (“NKDC”) and Lincolnshire County Council

- 1.4. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers [ER 17.1.1 et seq.] as set out in the draft Order submitted with the Application.
- 1.5. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Planning website is a copy of the ExA’s Report¹. The ExA’s findings and conclusions are set out in Chapters 4 to 14 of the ExA’s Report, and the ExA’s summary of conclusions and recommendation is at Chapter 19. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

2. Summary of the ExA’s Report and Recommendation

- 2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA’s Report under the following broad headings:
 - The Principle of Development, including Climate Change
 - Air Quality
 - Biodiversity
 - Cultural Heritage
 - Land Soil and Groundwater
 - Landscape and Visual Impact
 - Noise and Vibration
 - Population
 - Traffic and Transport
 - Water Environment
 - Other Matters
- 2.2. The ExA recommended that the Secretary of State should grant consent for this application [ER 19.3.1].
- 2.3. This letter is intended to be read alongside the ExA’s Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report and adopts the ExA’s reasoning in support of his conclusions and recommendations.

3. Summary of the Secretary of State’s Decision

- 3.1. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State’s decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”).
- 3.2. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

¹ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010149>

4. The Secretary of State's Consideration of the Application

- 4.1. The 2024 National Policy Statements (“NPS”) EN-1, EN-3 and EN-5 of the 2024 National Policy Statements (“NPS”), which came into effect on the 17 January 2024 to replace the 2011 version of NPSs, have effect for the ExA’s consideration of this Application and for the Secretary of State’s decision-making and consequently, it is to be determined under the provisions of section 104 of the 2008 Act. Section 104 of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant NPS [ER 2.2.4] which has effect in relation to the development to which the application relates, any local impact reports (“LIRs”), and any other matters important and relevant to the Secretary of State’s decision except to the extent that one or more of subsections (4) to (8) apply. On 24 April 2025, a consultation on draft revisions to NPS EN-1, EN-3 and EN-5 was launched, and the revised NPSs were laid in Parliament on 13 November 2025. On 6 January 2026, the 2025 versions of NPS EN-1, EN-3 and EN-5 came into force. Whilst these 2025 versions of the NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State’s decision-making process. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 4.2. A revised draft of the National Planning Policy Framework (“NPPF”) was published in February 2025, followed by a subsequent consultation which closed on 10 March 2026. Additionally, the Clean Power Action Plan (“CP2030”) was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State has had regard to these publications and finds that there is nothing contained within these publications which would lead him to reach a different decision on the Application.
- 4.3. The Secretary of State also recognises the 15 May 2024 Written Ministerial Statement (“WMS”) on the use of Best and Most Versatile (“BMV”) land as an important and relevant consideration in deciding this Application.
- 4.4. The Secretary of State agrees with the ExA’s conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- Air Quality – neutral [ER 5.5.6]
 - Traffic and Transport – neutral [ER 12.5.13]
 - Other Planning Matters: Waste Management, Mineral Safeguarding, Aviation and Defence, Major Accidents and Disasters – neutral [ER 14.1]
- 4.5. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set in the ExA’s Report including those matters on which further information has been sought.
- The Principle of Development, including Climate Change
 - Biodiversity
 - Cultural Heritage
 - Land, Soil and Groundwater
 - Landscape and Visual
 - Noise and Vibration
 - Population
 - Water Environment

The Principle of Development, including Climate Change

- 4.6. The ExA concluded that the Proposed Development satisfies the definition of low carbon infrastructure as set out in paragraph 4.2.5 of NPS EN-1, and maintained that there is an urgent need for the Proposed Development in order for the Government to meet its energy security and net zero targets in accordance with paragraphs 3.2.6 and 3.2.7 of NPS EN-1 [ER 4.5.1 and ER 4.5.2]. Paragraph 3.2.6 of NPS EN-1 provides that the Secretary of State should assess all applications on the basis that the government has demonstrated an urgent need for infrastructure of this type, while paragraph 3.2.7 of NPS EN-1 confirms that substantial weight should be given to this need in the consideration of development consent. This urgent need reflects the pressing national requirement for low carbon energy infrastructure to ensure reliable energy supply and to support the achievement of the Government's net zero commitments.
- 4.7. The ExA was satisfied that there would also be clear benefits in relation to climate change, as a result of the Proposed Development. LCC and NKDC [REP1-088] [REP1-102] also accepted that overall, there would be a positive impact in terms of Greenhouse gas ("GHG") emissions and to the national net zero targets and were generally content with the assessment methodology [ER 4.4.3]. The ExA recognised the Secretary of State's view in the Gate Burton Energy Park project,² that Combined Cycle Gas Turbine technology ("CCGT") is not an appropriate baseline for assessment comparisons but was also aware that CCGT has been used for comparison purposes in other more recent solar farm projects such as the East Yorkshire Solar Farm³. The ExA considered, in any event, that the Applicant had undertaken further work demonstrating that, against the current grid mix, there would still be significant savings of approximately 6 million tonnes of CO₂e, including emissions from manufacturing equipment in Asia [ER 4.4.13]. The ExA considered that, whether compared to CCGT or the current energy grid mix, that the Applicant has met the relevant GHG requirements as set out in section 5.3 of NPS EN-1 [ER 4.5.2]. The ExA concluded that the Applicant had appropriately assessed the effects of the Proposed Development on climate change in accordance with section 5.3 of NPS EN-1. Further, there would be clear benefits to climate change as a result of the Proposed Development, and that this carries positive weight in its favour [ER 4.4.20].
- 4.8. The ExA was content that the Applicant considered alternatives in a proportionate manner, including the consideration of alternative site locations, technologies and site layouts in accordance with NPS EN-1, EN-3 and the EIA Regulations [ER 4.5.3] and met the requirements of NPS EN-1 requirements in relation to grid connection (paragraph 4.11.8) [ER 4.5.4]. The signed Statement of Common Ground ("SoCG") between the Applicant and NKDC [REP5-022] stated that the parties agreed that the information provided on alternatives in relation to site selection was adequate and appropriately demonstrated compliance with NPS EN-1 and EN-3 [ER 4.4.28]. The ExA considered that with regards to the choice of site location near to available grid export capacity, the Applicant's approach maximises the existing grid infrastructure and minimises disruption in accordance with paragraph 2.10.25 of NPS EN-3 [ER 4.4.36].

² <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010131-001747-Gate%20Burton%20DCO%20as%20made%20by%20SoS.pdf>

³ [https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010143-001221-East%20Yorkshire%20Solar%20Farm%20-%20Signature%20Version%20\(09.05.2025\)%20\(002\)%20signed.pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010143-001221-East%20Yorkshire%20Solar%20Farm%20-%20Signature%20Version%20(09.05.2025)%20(002)%20signed.pdf)

- 4.9. However, in regard to the delivery of the proposed grid connection at National Grid Navenby Substation (“NGNS”), the ExA was concerned about the possibility for the Applicant to undertake site preparation works (such as hedgerow and tree removal) prior to planning permission being granted for the NGNS that would be of limited commercial cost, but which could result in adverse environmental effects, without the delivery of the associated benefits. The ExA therefore recommended that an additional requirement be imposed in the Order to restrict the commencement of development until the NGNS has been granted planning permission [ER 4.5.5].
- 4.10. Regarding cumulative impacts, there was still some disagreement at the end of the Examination with the SoCG with LCC [REP5-021] noting that whilst it was satisfied with the scope of the cumulative assessment, there were some points of disagreement remaining regarding conclusions made on the significance of inter-project cumulative effects. The SoCG with NKDC [REP5-022] also set out that it does not agree with the Applicant’s conclusions that cumulative effects would not be significant. [ER 4.4.68]. Overall, the ExA considered that the Applicant’s methodology for the assessment of cumulative effects was robust and in accordance with the Planning Inspectorate’s Guidance on Cumulative Effects Assessment [ER 4.4.69] and was content that the Applicant’s approach to cumulative assessment is adequate and meets the requirements of NPS EN 1 and NPS EN-3 [ER 4.4.71].
- 4.11. At the Issue Specific Hearing 3 (“ISH3”), numerous Interested Parties (“IPs”) and NKDC were of the view that funding for decommissioning was not suitably addressed and considered that the scheme does not provide sufficient security that decommissioning could be funded by the Applicant. NKDC set out it would support an additional requirement in the Development Consent Order (“DCO”) requiring provision for funding for decommissioning. NKDC also referred to two other projects in support of its position, Helios Renewable Energy Project⁴ and Oaklands Farm Solar Park⁵. LCC also supported NKDC’s position. Consequently, the Applicant provided a revised funding statement that included the costs of decommissioning.
- 4.12. The ExA was satisfied that the Applicant met the policy expectations set out in NPS EN-3 in relation to decommissioning, and that the revised funding statement suitably demonstrates that the Applicant is able to fund the decommissioning of the Proposed Development [ER 4.4.60] and given the position taken by the Secretary of State in the Oaklands Farm Solar Park decision letter⁶ [4.4.61], the ExA considered a decommissioning funding bond was not required [ER 4.5.6].
- 4.13. The ExA concluded, as a result of the combination of urgent need for the Proposed Development and beneficial climate change impacts, that these matters attract substantial weight in favour of making the Order and considered that the deliverability of the Proposed

⁴ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010140-001155-DCO%20as%20made%20by%20SoS.pdf>

⁵ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010122-000915-Development%20Consent%20Order%20-%20Oaklands%20Farm%20Solar%20Park.pdf>

⁶ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010122-000918-Secretary%20of%20State's%20Decision%20Letter%20-%20Oaklands%20Farm%20Solar%20Park%20-%2019.06.2025.pdf>

Development under the CP2030 Action Plan would have no impact on this weighting [ER 4.5.8]. The ExA also recommended that, should the Secretary of State disagree that a requirement should be imposed restricting the commencement of the Proposed Development until the NGNS has secured planning permission, that great weight should be afforded in favour of making the Order [ER 4.5.9].

The Secretary of State's Conclusion

- 4.14. The Secretary of State is satisfied that the need case for the Proposed Development is well established and that the Applicant's assessment sufficiently meets the policy requirements across NPS EN-1 and EN-3 in that there will be clear benefits to climate change, the alternatives have been considered appropriately, and the requirements in relation to grid connection had been met. The Secretary of State agrees with the ExA's weighting of substantial weight but does not agree that a restriction should be imposed restricting the commencement of the Proposed Development until NGNS has been granted planning permission, as the Applicant has not identified any issues that would result in refusal of the proposed NGNS or the required overhead powerlines, neither has there been any substantive evidence put forward by the local authorities or Interested Persons ("IPs") that demonstrate that there is an obvious reason as to why planning permission would be refused for either the proposed NGNS or overhead powerlines. He also notes that the Applicant has a grid connection agreement with National Grid Electricity Transmission ("NGET") to export power to the National Electricity Transmission System [ER 4.3.36] and that NGET, as a regulated business, has a legal obligation to meet any requests for new power connections from developers that make such requests. In accordance with the considerations in NPS EN-1 and EN-3, the Secretary of State has decided to allow all the works proposed by the Applicant to be carried out before the planning permission for the substation be granted. The Secretary of State has therefore removed Requirement 23 from the Order to allow the commencement of these works.
- 4.15. The Secretary of State acknowledges the ExA's observations regarding the use of CCGT in other recent solar farm projects, including the East Yorkshire Solar Farm; however, he is of the view that comparison to a CCGT baseline is not an appropriate reference point for the assessment of Springwell Solar. In East Yorkshire, the CCGT comparison was presented solely to illustrate the relative scale of potential carbon savings, rather than as a baseline required or mandated under NPS EN-1. By contrast, under NPS EN-1, any large-scale fossil fuel generating station of 300 MW or greater would be expected to be Carbon Capture Ready, such that unmitigated emissions from a counterfactual CCGT facility do not represent a policy-compliant baseline. Accordingly, the Secretary of State endorses the reasoning adopted in Gate Burton and maintains that a CCGT baseline is not appropriate for the purpose of assessing the climate benefits of the Proposed Development. Notwithstanding this, he is satisfied the Proposed Development would deliver substantial greenhouse gas savings when assessed against the current grid mix and thereby contributing significantly to the UK's net zero objectives.
- 4.16. The Secretary of State also notes the outstanding matter at the end of the Examination between the Applicant and Local Planning Authority's ("LPA"), in relation to the possibility of including a requirement to the Order restricting the replacement of solar panels to 5%, as assumed in the ES [ER 4.4.6]. In agreement with the ExA, the Secretary of State is satisfied that Article 5(3) and Schedule 16 of the Order would ensure that the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the ES would not be undertaken, and considers that this gives

the LPAs sufficient control, including in relation to any cumulative effects [ER 4.4.15], and therefore considers that a specific requirement restricting panel replacement is not required. The Secretary of State also agrees with the ExA that a decommissioning funding bond is not required.

- 4.17. In light of the conclusions above, the Secretary of State ascribes substantial weight to this matter in the planning balance. The Secretary of State also considers that the absence of a requirement restricting commencement of the Proposed Development until the proposed NGNS benefits from planning permission does not reduce the substantial positive weight afforded to the need argument.

Biodiversity and Ecology

- 4.18. The ExA considered that the Applicant approached and addressed effects from the Proposed Development in a manner consistent with NPS EN-1 and NPS EN-3 [ER 6.5.1] and other policy requirements referenced through the relevant LIRs as important and relevant matters. The ExA considered that there would be adverse effects on some habitats, such as hedgerows, hedgerow trees and local wildlife sites during the construction phase [ER6.4.25], and that due to this habitat loss and disturbance across both the construction and decommissioning phases, there would be impacts on species, such as ground nesting birds, barn owl, wintering birds and bats [ER 6.4.26]. However, the ExA was content the extent of proposed hedgerow and tree planting would result in permanent significant beneficial effects and once the habitats are established, that there would also be beneficial effects for ground nesting and wintering birds in the operational phase [ER 6.5.2]. The ExA therefore considered that these adverse effects would not be significant. The ExA considered the proposed delivery of Biodiversity Net Gain (“BNG”) to be a benefit, and reasonable mitigation, enhancement and monitoring measures have been taken to enhance biodiversity, all of which would be secured in the Order [ER 6.5.3 et seq.]. The ExA concluded that these significant beneficial effects on biodiversity receptors and the resultant proposed delivery of BNG well in excess of 10% led it to ascribe moderate weight in favour of making the Order in relation to biodiversity [ER 6.5.5].
- 4.19. At the close of the Examination, a draft agreement under section 106 of the Town and Country Planning Act 1990 between NKDC, LCC, the Applicant, Blankney Estates Ltd and HSBC UK Bank PLC had not been signed as there was a disagreement between the parties regarding a proposed Ecological Steering Group (“ESG”) relating to funding commitment for monitoring of BNG measures.

The Secretary of State’s Conclusion

- 4.20. In the information request, the Secretary of State requested an update from the Applicant, NKDC and LCC on the Section 106 Agreement because a signed version of this agreement was still outstanding at the close of the Examination. On 19 February 2026, the Applicant confirmed that all parties agreed to the terms of the Section 106 Agreement, and that completion of its execution was due by mid-March 2026. On 20 March 2026, the Applicant confirmed that the parties signed the Section 106 Agreement and were arranging a completion call.
- 4.21. Noting the Applicant’s response, the Secretary of State considers that funding for the ESG is secured and also notes that the beneficial measures with regard to biodiversity are secured in the Order. The Secretary of State therefore agrees with the ExA that the Proposed

Development is in line with relevant legislation, NPS EN-1 and NPS EN-3, and other policy requirements, and that the significant beneficial effects on biodiversity receptors accordingly attract moderate positive weight to the matter of biodiversity in the planning balance.

Cultural Heritage

- 4.22. The ExA noted the methodology and the extent of the study area for the assessment of cultural heritage matters as set out in section 9.4 of the ES [ER 7.3.1 et seq.]. There are 96 known non-designated heritage assets of archaeological interest recorded by the Historic Environment Records (“HER”) within the order limits, which included assets that date to the Prehistoric, Bronze Age, Romano-British, Medieval, Post-Medieval, and Modern periods. In addition to these recorded archaeological assets, there are four parish boundaries which have been identified from historic mapping, and a further nine potentially important hedgerows identified within the order limits [ER 7.3.5]. The ExA noted that in total, the Environmental Statement (“ES”) records 3 designated heritage assets within the Order limits: the Brauncewell Medieval Village Scheduled Monument, the Blankney Conservation Area, and the Grade II Listed Milepost 20 Metres South of Ashby Lodge Farm [ER 7.3.7].
- 4.23. Beyond the order limits but within 5km study area for designated heritage assets, there are 16 Scheduled Monuments and 11 Conservation Areas. There are also 263 Listed Buildings comprising 13 Grade I, 13 Grade II*, and 237 Grade II [ER 7.3.7]. There were also 315 non-designated assets identified within the order limits and study area [ER 7.3.8].
- 4.24. The Applicant’s Heritage Harm Statement (“HHS”) identified 24 designated heritage assets that would experience less than substantial harm. These include one scheduled monument (Brauncewell medieval village), 3 conservation areas, one grade II* listed building, and 19 grade II listed buildings. These 24 designated assets range from medium to high importance [REP1-038]. For the 24 designated heritage assets that the Applicant assessed would fall within the range of less than substantial harm, the harm would be at the lower end of the scale for all assets [ER 7.3.15]. The ExA agreed with the Applicant’s conclusion that, notwithstanding mitigation where possible, harm would occur to these 24 designated heritage assets due to effects on the settings of these assets as set out in the HHS [ER 7.5.11], and that the harm caused to these heritage assets would however be less than substantial [ER 7.5.12]. The ExA found the proposed development would result in less than substantial harm to a number of designated heritage asset. However, those harms are outweighed by the substantial public benefits from the provision of low carbon energy to meet the need identified in NPS EN-1 [ER 19.2.5].
- 4.25. Both LCC and NKDC raised concerns that the Applicant had scoped out from its ES a number of conservation areas and listed buildings within the 1km study area. In its SoCG,, NKDC confirmed that the Applicant had provided additional information on a selected number of above ground heritage assets and there was agreement that Temple Farmhouse (Grade II listed building), Home Farmhouse (Grade II listed building) and Farmyard to the north of The Firs (Grade II listed building) should be scoped out of the assessment [ER 7.4.9 and ER 7.4.10].
- 4.26. LCC however still considered it premature to exclude the conservation areas of Scopwick and Blankney from further assessment [ER 7.4.12]. NKDC also confirmed it was still of the view that Thompsons Bottom Farmhouse and outbuildings and Scopwick Mill should be scoped into the ES [ER 7.4.11]. An IP also submitted an independent report raising concerns regarding the impact of the Proposed Development on the Temple Bruer Preceptory Church

Tower / Remains of Preceptory Church Grade I listed building and Scheduled Monument [ER 7.4.13]. As a result of the views and concerns raised by NKDC, LCC and IP, the ExA considered these heritage assets further during the Examination [ER 7.4.14].

Scopwick Mill and Thompsons Bottom Farm

- 4.27. NKDC raised concerns on the landscape impact of solar arrays on the views from the south of Scopwick Mill [ER 7.4. 22], stating [REP1-103] that while there has been mitigation to move the solar array from Scopwick Mill, they considered there would still be a less than substantial harm on the site and it should be scoped into the ES. NKDC also raised concerns on landscape impacts with regards to Thompsons Bottom Farm, after identifying that the solar array would be located in close proximity to the eastern elevations of the farm complex with no proposed bespoke mitigation considered [ER 7.4.23]. NKDC reiterated its concerns at the Issue Specific Hearing 2 (“ISH2”) that the approach to Thompsons Bottom Farm from the A15 along Warren Lane is an important part of its setting and this approach would be changed significantly by the presence of the Proposed Development and it should therefore be scoped into the ES [ER 7.4.24]. LCC also shared these concerns [EV5-006] [EV5-007]. The Applicant updated their Archaeological Desk Based Assessment (“ADBA”) [REP4-019] to provide information on the assets, including a description of the significance, the contribution made by their setting to their significance, and the potential impact of the Proposed Development.
- 4.28. In relation to the eastern approach to Thompsons Bottom Farm along Warren Lane, the Applicant stated that solar array would be present either side of the road but would be screened by new proposed planting [ER 7.4.27]. The Applicant [REP4-019] concluded that following mitigation, the character of the eastern approach to the farmhouse will become more enclosed, and the alteration to the character of the wider surroundings around the farmhouse will slightly reduce the contribution that the setting makes to the significance of the listed building. The Applicant concluded that this would result in a minor (not significant) adverse effect that equates to less than substantial harm.
- 4.29. In relation to the Grade II listed Scopwick Mill, the Applicant [REP4-019] concluded that the design of the Proposed Development had sought to minimise the effect of the solar farm on the contribution that the landscape makes to the significance of the listed building, by “pulling back” the development over 400m from the southeast of the mill. The Applicant also pointed to the permissive path which would allow additional publicly accessible views of the mill. The Applicant concluded that the embedded mitigation would result in a minor (not significant) adverse effect in EIA terms through a reduction to the contribution that the setting makes to the significance, but that it equates to less than substantial harm.
- 4.30. With regard to Scopwick Mill, NKDC [REP5-022] and LCC [REP5-021] agreed with the conclusions of the Applicant regarding the magnitude of impact, level of less than substantial harm and significance of effect on the designated heritage asset. [ER 7.4.29]. The ExA agreed with the Applicant and the LPA’s that there would not be significant effects in EIA terms on this asset [ER.7.5.5].
- 4.31. However, with regards to Thompsons Bottom Farm, both NKDC [REP5-022] and LCC [REP5-021] disagreed with the Applicant’s view that there would be less than substantial harm to these assets (which should be weighed against the public benefits of the proposal), and considered that the level of harm to the significance of the buildings at Thompson’s Bottom Farm would result in a significant effect [ER 7.4.30].

4.32. The ExA viewed the setting of Thompsons Bottom Farm, including the approach from the A15 on Warren Lane, on an accompanied site inspection and considered that the Applicant's position is reasonable and therefore agreed that effects on the setting of this asset would not be significant in EIA terms but less than substantial harm would occur to this asset [ER 7.5.6]

Blankney and Scopwick Conservation Areas

4.33. LCC were concerned that the sense of place, and historical and cultural context that the Blankney and Scopwick conservation areas provide for the communities would be diminished by the Proposed Development [ER 7.4.15]. The Applicant maintained that there would be a minor effect on character and appearance as a result of impacts on the setting of the conservation areas from the Proposed Development which would not result in significant effects and can therefore be scoped out of the ES [ER 7.4.16]. LCC considered that the ES did not accord with regulation 14 of the EIA Regulations 2017 or NPS EN-1, insofar as it did not include an assessment of the significance of the conservation areas, the contribution made by their setting to their significance and the potential impact of the Proposed Development [ER 7.4.16 and ER 7.4.17].

4.34. The Applicant provided an update to its ADBA [REP3-023] to include further information of the impact of the Proposed Developments on the conservation areas. The assessment [REP3-023] concluded that the change to the agricultural landscape character around the Blankney and Scopwick Conservation Areas would result in non-significant adverse impacts to the assets, which would be a low level of less than substantial harm to these designated heritage assets. [ER 7.4.18].

4.35. NKDC [REP4-053] confirmed it was satisfied with the further scrutiny of the effects upon the conservation areas without further comment, and LCC and Historic England ("HE") agreed that the effects on the conservation areas had been greatly reduced by changes to the order limits and masterplan since the initial consultation, and the impacts would be slight and would not result in significant effects [ER 7.4.20].

4.36. The ExA recognised that whilst there would be less than substantial harm to Blankney and Scopwick conservation areas, it agreed with the Applicant and the LPAs that there would not be significant effects in EIA terms on these assets [ER 7.5.5].

Temple Bruer Preceptory Church Tower and Remains of Preceptory Church

4.37. An independent report [REP3-083] submitted by an IP at D3 stated that the former Knights Templar Estate boundary forms the setting of the Grade I Listed Building and Schedule Monument named 'Temple Bruer Preceptory Church Tower', and the 'Remains of Preceptory Church', and contributes to their significance. The Applicant [REP4-049] responded recognising that whilst the former estate of the Knights Templar Preceptory does contribute to the heritage assets' significance and forms part of the agricultural setting in which they are experienced, the impact on the significance of these heritage assets overall would be negligible, as there would be no physical impact on the designated heritage assets, and their setting has already been altered by modern development in their immediate surroundings [ER 7.4.33]. HE, NKDC and LCC maintained their view, that these assets could remain scoped out of the ES assessment [ER 7.3.34]. The Applicant concluded in its HHS that there would be less than substantial harm to these assets which should be weighed against the public benefits of the proposal [ER 7.3.35].

4.38. In agreement with the Applicant, the ExA concluded that there would be less than substantial harm to the Temple Bruer Preceptory Church Tower grade I listed building and scheduled monument [ER 7.5.7].

The ExA's Conclusion

4.39. The ExA was satisfied that the Applicant's assessment met the requirements of NPS EN-1, NPS EN-3, EIA regulations and relevant legislation. The ExA held that the Applicant provided an adequate description of the significance of the heritage assets that would be affected by the Proposed Development and the contribution of their setting to that significance [ER 7.5.9]. Additionally, that the harm to all the designated heritage assets identified would be less than substantial and was satisfied that the Proposed Development would not result in substantial harm to any designated or non-designated heritage assets [ER 7.5.12]. Nevertheless, where there is harm, the ExA noted that the Secretary of State must give great weight to the asset's conservation in accordance with paragraph 5.9.27 of NPS EN-1 [ER 7.5.13].

4.40. The ExA concluded that whilst it attributed great weight to the conservation of the identified designated heritage assets, that in application of the heritage balance, it considered the overall level of harm would be less than substantial and would be outweighed by the wider public benefits of the project [ER 16.2.8]. Consequently, the ExA considered that matters relating to cultural heritage should be ascribed moderate negative weight to the making of the Order [ER 16.2.9].

The Secretary of State's Conclusion

4.41. The Secretary of State has considered the ExA's conclusions and is satisfied that the Applicant has accorded with the relevant policy and legislative tests, that the Proposed Development would not result in substantial harm to any designated heritage assets, including those not originally considered in the ES as described above, and that any harm to the setting of these assets would be reversed once the Proposed Development is decommissioned. The Secretary of State has had regard to the test set out at Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 and concluded the preservation of listed buildings, or any features of special architectural or historic interest which they possess, and scheduled monuments or their settings and the preservation of the enhancement of the character or appearance any conservation areas have been adequately assessed.

4.42. In addition, the Secretary of State has also had regard to paragraphs 5.9.27 and 5.9.28 of the 2024 NPS EN-1 which state that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be and this is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Also, that the Secretary of State should give considerable importance and weight to the desirability of preserving heritage assets, and any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

4.43. Having applied the relevant NPS policies to the harm caused to each designated heritage asset, the Secretary of State concludes that cultural heritage overall attracts moderate negative weight in the planning balance. In reaching this conclusion, he has taken into

account that no inter project likely significant cumulative effects were predicted for these assets and that any minor impacts to their significance have been greatly reduced. He has also considered and weighed the relative importance of the assets and their conservation, the harm caused against the public benefits of the proposal, the mitigations proposed and the positive role that the Proposed Development would play in tackling climate change, as well as the delivery of energy security and the urgency of meeting the net zero target and has concluded that the public benefits of the Proposed Development outweigh the less than substantial harm to the assets.

Land, Soil, and Groundwater

- 4.44. The area of Best and Most Versatile (“BMV”) agricultural land within Lincolnshire is estimated to be over 410,000ha. The Applicant [REP1-014] assessed that the Proposed Development would occupy approximately 541.2 ha of BMV and calculated that this equated to 0.13% of the BMV land in Lincolnshire. The Applicant assessed that the Proposed Development included 77ha of green infrastructure which would be permanently lost, which it concluded would equate to 0.002% of the BMV in Lincolnshire [AS-018]. Many IPs, LCC and NKDC raised concerns about the scale of the project and amount of BMV land that would be used both by the Proposed Development itself and cumulatively with other solar farm projects at both district and county level [ER 8.4.2]. The ExA noted however, that the Applicant has sought to reduce impacts on BMV land and has selected land in areas of poorer quality where possible, except where this would be inconsistent with other sustainability considerations. The ExA was content the Applicant sought, as far as possible, to avoid the use of BMV land. This included measures such as retaining fields for arable production that comprise solely of Grade 1 or 2 BMV land and prioritising poorer quality non BMV land for habitat creation and green infrastructure of which NE, LCC and NKDC shared this view [ES 8.4.11].
- 4.45. The ExA considered it important to recognise that the majority of the approximately 0.13% of land that would be occupied by the Proposed Development would be affected only temporarily. Further, cumulatively with other solar farm projects located in Lincolnshire or on or close to the Nottinghamshire border, 2.02% of BMV land in Lincolnshire would be affected (including the proposed Leoda Solar Farm project), again with most of this land likely to be affected temporarily [ER 8.4.19]. The ExA considered that the Applicant has met the expectations of NPS EN-1 and EN-3 in respect of BMV land. However, the ExA noted that, taking into account the likely improvements to soil quality during the operation phase, the temporary, permanent, and cumulative effects on BMV land, as well as the loss of food production and its contribution to food security, attracts little negative weight against the Order [ER 8.5.1].
- 4.46. Although there was no specific contamination risks identified in the Applicant’s assessment, the ExA noted the Environment Agency’s (“EA”) concerns regarding the local area’s groundwater sensitivity, abstraction, and how unexpected contamination could impact drinking water and human health during the construction and operational phases of the Proposed Development. The Applicant proposed to include the additional measures outlined by the EA to cover the procedure if unexpected contamination is encountered, including the submission and approval of a remediation strategy and verification report in the outline Construction Environmental Management Plan (“oCEMP”) [ER 8.4.32 and ER 8.4.33] However, the EA considered that it should be set out in a requirement within the Order, rather than in the oCEMP [EV6-007]. The ExA agreed and considered the procedure should be a

requirement on the face of the Order to deal with unexpected contamination, instead of relying upon the oCEMP [ER 8.4.37 and ER 8.5.3].

- 4.47. The ExA was content that the Applicant's plans for battery safety, construction, operation, and decommissioning would ensure that other risks to land and soil arising from the Proposed Development would be appropriately managed. The ExA considered that these risks do not weigh against the Proposed Development [ER 8.5.2 and ER 8.5.4].
- 4.48. Overall, the ExA was content with the Applicant's approach and assessment on the matters in relation to soil, land and groundwater and its cumulative effects. The Applicant's assessment concluded there would be no significant effects for land, soil and groundwater when considered in combination with the proposed NGNS and other relevant developments. The ExA also concluded that the Applicant had met the expectations of NPS EN-1 and EN-3 in relation to the use of BMV agricultural land and the temporary and permanent effects on BMV land, including cumulative effects and the loss of food production and its contribution to food security weigh a little against the making of the order. [ER 8.5.1, ER 8.5.5, ER 8.3.34, ER 16.3.1 and ER 16.4.10].

The Secretary of State's Conclusion

- 4.49. In respect of BMV land, the Secretary of State notes that the ExA disagreed with the Applicant's assessment of BMV land and instead agreed with NKDC that sealed over hard standing areas of the Proposed Development should be treated on a precautionary basis as 'permanently lost' [ER 8.4.16]. The Secretary of State notes that this approach has been followed on other similar solar farm developments to provide a worst-case scenario where such areas cannot be returned to the same Agricultural Land Classification ("ALC") grade and considers it appropriate to use this approach in this case too.
- 4.50. The ExA's amended methodology concluded that 77ha of BMV land for green infrastructure and a further 21 ha (sealed over under satellite collector compounds, substation/main collector compound and BESS) should be considered as permanently lost when taking a precautionary approach to land under large areas of hardstanding and infrastructure, a total of 98 ha [ER 8.4.18]. This does not include the 31ha of 'Green Infrastructure' BMV land to be used for a bund and community growing area [REP3-080] which the ExA considered reasonably likely to be temporary [ER 8.3.19 and 8.4.17]. This 31ha area encompasses works in field Tb2 including strategic planting, grassland open fields, margins with wildflowers, and an earth bund, as well as the community growing area. There will be no hardstanding infrastructure in these areas and works on the earth bund will be carried out in line with the outline Soil Management Plan, outline Landscape and Ecology Management Plan ("oLEMP") and oCEMP. The Secretary of State therefore agrees with the ExA in considering that there is more certainty that the land in field Tb2 will be successfully converted back to its former ALC grade during the decommissioning phase, and it therefore is not considered as permanently lost. Although the Applicant concluded that 0.002% of BMV land in Lincolnshire would be permanently lost, the Secretary of State calculates that the BMV land permanently lost to the Proposed Development alone stands at 98ha, which represents 0.024% of Lincolnshire's 410 000 ha of BMV land. Including temporary effects, the Proposed Development would affect 541ha (0.132%) of BMV land in Lincolnshire. The Secretary of State notes that in combination with other solar Nationally Significant Infrastructure Projects ("NSIP") scoped into the Applicant's cumulative effects assessment, 2.02% of Lincolnshire's BMV would be affected either temporarily or permanently. However, the Secretary of State considers that the impact on BMV land caused by adopting the ExA's

worse-case scenario methodology does not significantly alter the Proposed Development's impacts on BMV land, either when considered alone or in combination with other solar farm developments. The Secretary of State therefore agrees with the ExA's decision to include the 21ha of land and is satisfied that this would not significantly alter the Proposed Development's impact on BMV land.

- 4.51. On the impact to food production and food security arising from siting the Proposed Development on BMV land, the Secretary of State agrees with the ExA's application of paragraph 5.11.34 of NPS EN-1 [ER 8.4.14]. This states that, where schemes are to be sited on BMV land, the Secretary of State should take into account the economic and other benefits of that land. The Secretary of State agrees that the Applicant should have included the impacts on food production within its ES, and he notes that LCC raised this in its response to the Applicant's Scoping Opinion Request [APP-076] in 2023: "*The ES should quantify whether and how there are socio-economic benefits or negative impacts stemming from a change from the predominantly arable agricultural use of the site to that of the solar development proposed and also any possible pastoral use post-development*". Given the 98ha of BMV land permanently lost, along with the temporary loss of food production land amounting to some 443ha over the 40 year lifetime of the Proposed Development, the Secretary of State agrees with the ExA that there will be an adverse impact on food production and that this carries little negative weight [ER 8.4.20 and ER 8.5.1]. The Secretary of State agrees with the ExA that the loss of the temporary and permanent land and its subsequent impact on not just food production but the contribution that land, due to being agricultural land and its contribution to food security carries little negative weight against the Order.
- 4.52. The Secretary of State notes and understands the EA's concerns that the area around the Proposed Development is subject to groundwater sensitivity and abstraction contributing to drinking water which, if affected by unexpected contamination, could pose severe impacts on human health. Nevertheless, the Secretary of State disagrees with the EA and the ExA that a requirement should be included on the face of the Order and instead agrees with the Applicant that the matter can be adequately considered through the Proposed Development's construction programme via the CEMP, particularly as the Applicant asserts that there is no specific contamination risk [ER 8.4.34]. The Secretary of State finds adequate assurance in section 2.11 of the oCEMP on Environmental Incidents and Emergencies, as well as Appendix 3 on the Horizontal Directional Drilling Fluid Breakout Plan, which provide a sufficiently precautionary approach. The Secretary of State notes that the former covers general ecological incidents, which he considers would include unexpected contamination, and that this section also requires consultation with the EA. The Secretary of State therefore disagrees with the ExA on this matter and has subsequently removed this requirement from the Order.
- 4.53. In summary, the Secretary of State agrees with the ExA that the temporary and permanent effects of the Proposed Development on an increased amount of BMV land, including impacts on food production and security, should be afforded negative weight. Secondly, the Secretary of State is satisfied that unexpected contamination is appropriately addressed in the oCEMP and does not require a requirement in the Order and therefore considers that this matter carries neutral weight. Thirdly, the Secretary of State agrees with the ExA that other risks to land and soil from the Proposed Development would be appropriately managed and concludes that this matter carries neutral weight.

- 4.54. Overall, the Secretary of State agrees with the ExA that the Proposed Development would be in general accordance with NPS EN-1 and NPS EN-3, but notes that the matter of land, soil, and groundwater nevertheless carries little negative weight in the planning balance.

Landscape and Visual

- 4.55. At the end of the Examination, the ExA noted that there was disagreement between the Applicant, and the LPAs and IPs regarding the cumulative impact of the Proposed Development with other solar infrastructure on landscape character [ER 9.4.4 et seq., ER 9.4.12]. In consideration of the Application, the LPAs clarified that they advocated for extracting common landscape attributes of the area from the multiple character area assessments that cover the Lincolnshire region, to enable an accurate consideration of the cumulative landscape effects from the distinctive land use change an energy infrastructure scheme would cause, and the distinctive key characteristic this would subsequently represent across the region as a whole [ER 9.4.9]. In other words, NKDC and LCC were concerned that the landscape character would be altered through the land use change from agricultural to the introduction of energy infrastructure. As such, they considered that any published landscape character assessment, including national character assessments (“NCA”) would need to be updated to include large scale solar as a defining land use characteristic alongside agriculture. And that this would be a clear and marked change to landscape character [ER 9.4.6] because over a short period of time large-scale solar would in their opinion undoubtedly become a widespread characteristic in the region [ER 9.4.8]. Conversely, the Applicant considered the cumulative effects would be tightly localised [ER 9.4.7] and solar farm development would likely be recorded as a new feature of the landscape rather than a key characteristic of the landscape character. The Applicant further stated that rather than it being a case of there being a significant effect on landscape characteristics such as openness or tranquillity across the Lincolnshire region as a whole as a result of land use change, it would be more appropriate to think of there being pockets or tracts of the region where effects would be significant. [ER 9.4.11].
- 4.56. The ExA considered that the NCA scale provided the appropriate regional scale unit of landscape character description to assess the cumulative impact of solar development, rather than LCC and NKDC’s promoted approach of defining a set of generalised characteristics for the region [ER 9.4.18]. Nevertheless, the ExA considered that the addition of cumulative solar and solar related development (including non-NSIPs) would likely (i) require the update of any published landscape character assessment including at the level of NCA47, so as to include large scale solar as a defining land use characteristic as well as agriculture [ER 9.4.19] and (ii) is a new defining land use characteristic which represents a clear and marked change to the landscape character of NCA47, specifically, which would result in a moderately adverse (significant) effect [ER 9.4.19 et seq. and ER 9.5.6].
- 4.57. The Applicant and the LPAs also maintained disagreement at the end of the Examination over the impact on landscape character from the Springwell East element of the Proposed Development in year 10 of operation [ER 9.4.13 et seq.]. The Applicant considered the effect would not be significant because by year 10 of operation there would be a considerable amount of new planting which would limit the visibility of solar arrays and soften the overall external appearance of the Proposed Development, whilst NKDC and LCC considered that the land use change of a key characteristic in Landscape Character Area (“LCA”) 11, should still be significant in year 10 of operation and stated that a change to the landscape does not have to be seen to have an effect [ER 9.4.14 et seq.]. The ExA agreed with the Applicant that, in year 10 of operation, the geographical extent of the landscape character effect within

LCA 11 would be much reduced due to the establishment of the proposed mitigation planting. The ExA considered that, whilst there would be a moderate adverse effect on landscape character from the Proposed Development alone within LCA 11, it would not be significant [ER 9.4.21].

- 4.58. The LPAs and IPs also raised concerns that extensive land use change from the Proposed Development and other solar developments would be an issue when experienced sequentially for visual receptors travelling through the wider landscape. They stated that repeated views and presence of large scale solar would increase the susceptibility of receptors to changes in views through visual fatigue in which viewers experience a diminishing capacity to absorb or tolerate repeated or similar visual stimuli along routes [ER 9.4.25 et seq.]. The LPAs considered this would be a problem both for receptors traveling long distances along road corridors and users of Public Right of Ways (“PRoW”) who would experience significant sequential adverse effects when travelling through the area of the Proposed Development. The LPAs explained that users of PRoW may subsequently travel on rights of way or other linear routes with views of other solar schemes, and therefore users could experience sequential visual effects across two or more schemes, even in year 10 of operation when mitigation should have matured [ER 9.4.26].
- 4.59. However, the Applicant stated that all of the main connections in the landscape run north to south along the central plateau and that none of the recognised linear routes pass through any other operational or proposed solar farms between at least Lincoln and Sleaford with the exception of the B1188 which would offer a glimpsed view of Branston Solar Farm in the winter months.
- 4.60. An IP [REP5-036] further commented that whilst the A-roads (A15 and A46) run on a linear north/south alignment, many residents do travel across the county along the non-linear minor roads in an east/west direction. The Applicant considered there are not continuous, recognised linear routes running east-west in the same way as routes (roads/footpaths/railways) running north-south in the area surrounding the Proposed Development [ER 9.4.27 et seq.]. Also, that linkages east to west are limited and there are no recognised walking or cycling routes which would encourage this. The Applicant also stated that there would be a considerable break in the journey between views of the different schemes. Therefore, the Applicant maintained its position that it did not consider there would be any significant sequential visual effects in association with the proposed development [ER 9.4.29]. The ExA agreed with the LPAs that sequential visual effects could be experienced across two or more solar developments but that there would be a considerable break in the journey for visual receptors between views of the different solar schemes. The ExA therefore considered that any adverse effect would not be significant [ER 9.4.36].
- 4.61. Overall, the ExA considered, notwithstanding the measures to minimise and mitigate the adverse impact of the Proposed Development, the extent of residual adverse effects from the Proposed Development on both the landscape character and the visual amenity of sensitive receptors attracted great weight against the making of the Order in relation to landscape and visual effects [ER 9.5.10].

The Secretary of State’s Conclusion

- 4.62. The Secretary of State notes the ExA’s agreement with the Applicant’s ES [APP-050] in relation to the residual effects of the Proposed Development alone [ER 9.5.5]. The Secretary of State recognises that the cumulative impacts of solar and related developments represent

a level of impact which will no doubt be reflected in any future landscape character assessment across the region surrounding the Proposed Development, and Lincolnshire more generally. As such, the Secretary of State agrees with the ExA's view that this cumulative effect constitutes a new defining land use characteristic, representing a clear and marked change to the landscape character of NCA47. The Secretary of State therefore agrees with the ExA that this would result in a moderate adverse impact which is significant.

- 4.63. The Secretary of State considers that the Applicant's ES and subsequent representation [REP3-028] demonstrate the effects of new planting which would have a permanent beneficial effect on the landscape fabric and likely to be successful in terms of mitigating some of the adverse effects on visual amenity and landscape character. The Secretary of State therefore agrees with the ExA that there would be a moderate adverse, but not significant, effect on Springwell East at year 10 of the Proposed Development's operation. The Secretary of State further agrees with the ExA that sequential and cumulative effects on visual receptors from the Proposed Development and other solar farms across the wider landscape would not be significant. This is not only due to the lack of continuous recognised linear east-west routes and the considerable breaks in the journey between views of the different schemes, but also because all of the main connections in the landscape run north to south along the central plateau and none of the recognised linear routes pass through any other operational or proposed solar farms (with the exception of B1188).
- 4.64. Overall, the Secretary of State agrees with the ExA that the Proposed Development would be in general accordance with NPS EN-1 and NPS EN-3 and considers that residual effects result in the matter of landscape and visual carrying great negative weight in the planning balance.

Noise and Vibration

Construction Noise

- 4.65. At the end of the Examination, the ExA noted that there was disagreement between the Applicant and NKDC regarding the Applicant's proposed construction working hours of 7am to 7pm from Monday to Friday, and 7am to 12 noon on Saturdays [ER 10.4.6]. NKDC wanted a change to the proposed working hours to 7am to 6pm Monday to Friday and 8am to 1pm Saturdays, to mitigate against noise outside hours considered sensitive under the World Health Organisation Night Noise Guidelines for Europe. NKDC acknowledged that other consented Lincolnshire solar schemes have not adopted the same hours but pointed out that these schemes were in other local authority areas. [ER 10.4.5].
- 4.66. The ExA concluded that it recognised the concerns of NKDC in connection with the proposed construction hours, however, taking account of all the relevant measures in the oCEMP, the ExA was content that the proposed construction hours strike a reasonable balance between the protection of amenity and the construction needs of the Proposed Development [ER 10.5.2].

Operational Noise

- 4.67. A number of IPs and the ExA raised concerns about operational noise, in particular from the BESS and cooling fans. The IPs were concerned that there was insufficient detail regarding the frequency, volume and duration of operational noise and disturbance to local residents from the constant low-frequency noise of the BESS [ER 10.4.7]. Consequently, the Applicant

updated the draft DCO ("dDCO") during the Examination so that Requirement 15 cross references the operational noise rating levels set out in the ES – 40dB in the daytime, and 35dB at night [ER 10.4.7 et seq.]. The ExA was content that appropriate measures to minimise and mitigate noise impacts for receptors are adequately detailed in the Design Commitments [REP3-030] and the relevant outline management plans. The ExA was satisfied that these measures are properly secured in requirements 5, 12, 13 and 19 of the dDCO [REP5-004] ER 10.5.6]

The Secretary of State's Conclusion

- 4.68. With regard to construction noise, the Secretary of State has considered the proposed working hours for both the Applicant and NKDC. He notes that the hours proposed by NKDC reflect the standard hours in its construction noise guidelines for weekdays and Saturdays⁷. The Secretary of State agrees with the ExA on the Applicant's preferred hours of 7am to 7pm, Monday to Friday. However, in respect of Saturdays, he agrees with NKDC's preferred hours. The Secretary of State considers that this strikes a reasonable balance between the protection of residential amenity and the construction requirements of the Proposed Development.
- 4.69. The Secretary of State otherwise agrees with the ExA's overall conclusion on both construction and operation noise and therefore ascribes neutral weighting for matters relating to noise and vibration in the planning balance.
- 4.70. The Secretary of State notes that Requirement 15, as currently drafted, refers to paragraph 12.4.43 of the ES which seems to only refer to the daytime operational noise rating levels, and does not make explicit reference to the night-time levels. The Secretary of State has therefore amended Requirement 15 of the Order to include specific reference to the operational level and character of noise during night-time hours. This matter has no impact on the weighting afforded to this chapter by the Secretary of State.

Population

- 4.71. At the end of the Examination, a draft Section 106 Agreement between NKDC and the Applicant to secure funding for a skills and education package had not been signed, as there was a separate, unrelated disagreement between the parties regarding an ESG funding commitment for the monitoring of BNG measures (referred to in paragraph 4.19 of this letter) [ER 6.4.46 and ER 11.4.40]. The ExA considered that the Secretary of State may wish to seek an update on discussions, noting that whilst the funding commitment would be beneficial, it would not change the neutral weighting it attributed to population matters [ER 11.5.8 and ER 11.5.9].
- 4.72. In the information request, the Secretary of State requested an update from the Applicant, NKDC and LCC on the matter. On 19 February 2026, the Applicant responded stating that all parties to the Section 106 Agreement, being: the Applicant, NKDC, LCC, Blankney Estate Ltd ("BEL") and HSBC as mortgagee have agreed to the terms of the Section 106

⁷ <https://www.n-kesteven.gov.uk/environment/environmental-protection/pollution-nuisance/noise-nuisance/construction-noise-nuisance/construction-noise-nuisance#:~:text=North%20Kesteven%20District%20Council%20has%20the%20following,construction%20work%20on%20Sundays%20or%20Public%20Holidays>

Agreement. On 20 March 2026, the Applicant confirmed that all parties had signed the Section 106 Agreement, and the parties were arranging a completion call.

The Secretary of State's Conclusion

4.73. The Secretary of State notes the updates received from the Applicant regarding the Section 106 Agreement. The Secretary of State agrees with the ExA's conclusion that the funding commitment is beneficial but does not change the overall weighting attributed to population matters as both NKDC and LCC indicated they were satisfied with the proposed funding commitment for the skills and education package during the Examination, which as the ExA note, has no effect on the planning judgment [ER 11.4.41]. As a result, the Secretary of State ascribes matters relating to population neutral weighting in the planning balance.

Water Environment

4.74. The ExA noted that despite the need to meet the sequential and exception tests, paragraph 5.8.41 of NPS EN-1 also states that energy projects should not normally be consented within Flood Zone 3b and where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development would not result in a net loss of floodplain storage, and would not impede water flows [ER 13.5.8].

4.75. The Applicant set out that whilst locating solar PV panels in Flood Zone 3b is not critical to the operation of the plant, the panels can only be located where there is sufficient capacity to connect projects to the National Grid and so to this extent, there is an operational reason for them being in this location and in maximising renewable energy generation. The Applicant stated that it had considered other available land at lower risk of flooding and discounted it, taking into account wider sustainable development objectives, and so this renewable energy capacity could not be located elsewhere. Further, that NPS EN-1 only provided that projects should not normally be consented in Flood Zone 3b, rather than that they should never be [ER 13.4.12].

4.76. The ExA disagreed with the Applicant's interpretation of 'operational reason' during the Examination and the view that simply delivering renewable energy infrastructure or being in the vicinity of a grid connection represents an operational reason, on the basis that to take such an approach would mean that most, if not all, renewable energy projects covered by NPS EN-1 would automatically be considered an operational reason, which would make the need for paragraph 5.8.41 seemingly redundant [ER 13.5.9]. The ExA considered that the operational reason should instead have some relation to the development itself, such as its required layout for example. The ExA therefore concluded that the Proposed Development conflicts with paragraph 5.8.41 of NPS EN-1 [ER 13.5.10].

4.77. The ExA considered that whilst the Flood Risk Assessment ("FRA") [REP1-050] demonstrated that the Proposed Development would unlikely result in a net loss of floodplain storage and would not impede water flows, this did not overcome the conflict with paragraph 5.8.41 of NPS EN-1, as it considered that an operational reason must be demonstrated before these factors become of relevance [ER 13.5.11].

4.78. Consequently, the ExA recommended the following requirement in the Order to overcome this conflict [ER 13.5.13]:

'Flood Zone 3b

21. Notwithstanding the Work Plans and Illustrative Layout Plans and Sections, no development shall be located in areas of Flood Zone 3b, as identified in the Environmental Agency's flood maps.'

- 4.79. The ExA concluded that the Proposed Development meets both the sequential and exception tests for flood risk and that the Applicant had undertaken a robust FRA with the measures secured by the oCEMP and Outline Drainage Strategy ("oDS") [ER 13.5.22 and ER 13.5.24]. However, the ExA maintained that the Proposed Development runs contrary to paragraph 5.8.41 of NPS EN-1 as there is no demonstrable operational reason to locate solar PV panels in areas of Flood Zone 3b [ER 13.5.23]. Overall, and with the recommended additional requirement in the Order, the ExA concluded that the Proposed Development complies with relevant national and local policy, including the Water Framework Directive, and ascribed water environment neutral weight in the planning balance [ER 13.5.25]. However, the ExA considered that should the Secretary of State disagree with the need to restrict development in areas of Flood Zone 3b, that water environment would carry a little weight against the making of the Order [ER 13.5.26].

The Secretary of State's Conclusion

- 4.80. The Secretary of State has considered the conclusions of the ExA and disagrees with the ExA's conclusions that although the Proposed Development would be unlikely to result in a net loss of floodplain storage and would not impede water flows, the Applicant has not sufficiently demonstrated an 'operational reason' that would satisfy the requirement in paragraph 5.8.41 of NPS EN-1. The Secretary of State acknowledges Annex 3 of the NPPF which, as noted by the ExA, lists solar farms as essential infrastructure from a flood risk vulnerability classification perspective, for the purposes of the application of the exception test; and is a type of essential infrastructure that is suitable in Flood Zones 2 and 3 [ER 13.4.14]. The Secretary of State finds Annex 3 to be material on this basis. Additionally, the Secretary of State recognises the need for the solar panels to be located in proximity to the National Grid connection. The Applicant demonstrated that it had considered a range of search criteria in identifying suitable sites and concluded that siting some panels in Flood Zone 3b was operationally necessary, having discounted alternative land at lower flood risk as such sites were less suitable for delivering the wider sustainable development objectives of the project, including maximising renewable energy generation. Accordingly, the Secretary of State is satisfied that the panels cannot be located elsewhere, and that this operational necessity is directly linked to the delivery of the development, ensuring the intended renewable energy capacity is achieved.
- 4.81. The Secretary of State notes paragraph 2.10.47 of NPS EN-3, which recognises that the installed generating capacity of a solar farm will decline over time as panel array efficiency reduces and that developers may consider overplanting as a means of addressing such degradation when selecting panel technology and determining site layout. In response to questioning by the ExA, the Applicant [REP1-071] confirmed that the Order limits would not allow for significant overplanting, but that it would seek to optimise use of the grid connection capacity at the detailed design stage, including any overplanting as may be achievable [ER 4.4.29]. The Secretary of State recognises that panel replacement is not restricted and that the panels not located in Flood Zone 3b may require future replacement. Given the Applicant's statement that the Order limits would not allow for significant overplanting, these panels could therefore become essential to the operation of the Proposed Development in the future. For this reason, he holds that this reinforces the operational reason for the panels being sited in Flood Zone 3b.

- 4.82. The Secretary of State also notes that paragraph 5.8.41 of NPS EN-1 provides that projects should not *normally* be consented within Flood Zone 3b, rather than imposing an absolute prohibition. In this case, the Secretary of State has taken into account that the solar PV panels proposed to be located in the Flood Zone 3b are not solid built infrastructure and that water can flow freely beneath them [ER 13.4.14], and that the FRA demonstrates that the Proposed Development would not increase flood risk elsewhere, nor result in a net loss of floodplain storage or impedance of water flows [ER 13.5.6]. The Secretary of State also notes that LCC (as lead local flood authority) did not object to the presence of panels within Flood Zone 3b in their SoCG with the Applicant [REP3-065], nor did the EA. He notes that the EA is satisfied that the panels are to be raised above the flood level, including appropriated freeboard to mitigate the residual effect, and the Secretary of State also notes the Applicant's point that the areas affected are limited in extent and located on the periphery of fields proposed to be used for solar PV panels [ER 13.5.14].
- 4.83. The Secretary of State considers that, having regard to the nature of the development and the absence of material flood risk harm, that the substantial benefits of the Proposed Development, including the delivery of nationally significant low-carbon renewable energy, and its contribution to climate change mitigation, weigh in favour of granting development consent without the additional requirement recommended by the ExA. The Secretary of State also notes the Applicant's 'without-prejudice' proposal to restrict any requirement only to above-ground infrastructure but considers that there is operational reason for the panels being sited in Flood Zone 3b, and accordingly, does not consider it necessary or proportionate to impose a requirement prohibiting development within Flood Zone 3b. This conclusion is reached on the specific facts of this case and does not establish a general precedent; proposals involving development within Flood Zone 3b will continue to be assessed on their individual merits. The Secretary of State therefore ascribes little negative weight to water environment matters in the overall planning balance.

5. Habitats Regulation Assessment

- 5.1. The Secretary of State has undertaken a Habitats Regulations Assessment ("HRA") and has carefully considered the information presented during the Examination, including the No Significant Effects Report [APP-0150] as submitted by the Applicant, the ES [APP-040] to [APP-134], representations made by IPs including Natural England, and the ExA's Report.
- 5.2. The Applicant [APP-0150] assessed whether the Proposed Development had the potential to have a Likely Significant Effect ("LSE") from disturbance of functionally linked land, pollution, or recreational pressure on the following three protected sites when considered alone and in-combination with other plans or projects:
- The Wash and North Norfolk Coast Special Area of Conservation;
 - The Wash Special Protection Area;
 - The Wash Ramsar.
- 5.3. As set out in the HRA, and having reviewed all relevant information the Secretary of State considers that the potential for LSE alone or in-combination with other plans and projects to the identified protected sites can be ruled out. Based on the information available to him, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not impact the qualifying features of any protected sites. The full reasoning for the conclusions is set out in the HRA which has been published alongside this decision letter.

6. Compulsory Acquisition and Related Matters

- 6.1. The ExA set out the legislative and guidance background [ER 17.2.1 et seq.] which it has considered.
- 6.2. The ExA noted the CA and TP powers sought by the Applicant [ER 17.3.4], and the purposes for which powers are sought which in summary, are required to secure the land and interests required to construct, operate, maintain, and decommission the Proposed Development. These are the work numbers in Schedule 1 of the dDCO [REP5-004] [ER 17.4.1].
- 6.3. The Applicant also identified that:
- It was having discussions with landowners with the intention of reaching voluntary agreements for the land rights. However, on a precautionary basis, CA powers were sought to ensure that the Proposed Development could still be delivered should voluntary agreements not be agreed.
 - It undertook a thorough land referencing exercise, but the possibility of unknown interests emerging in the land could not be fully excluded and it needs to be able to acquire such interests where they emerge.
 - TP powers were sought to temporarily occupy land required during the construction stage of the Proposed Development over which rights would not be required once the construction stage is completed [ER 17.4.2].
- 6.4. The ExA agreed with the Applicant's conclusions and subject to the further consideration of plots affected by outstanding objections and representations, was satisfied that the tests set out in s122(2) and s122(3) of the PA2008 were met [ER 17.5.13].
- 6.5. The ExA concluded the following [ER 17.10.1]:
- The application site was selected through an appropriate site selection process.
 - All reasonable alternatives to CA have been explored by the applicant.
 - The applicant would have the necessary funding, and the recommended Development Consent Order ("rDCO") provides a mechanism through which funding can be guaranteed.
 - There is a clear need for all the land included in the Book of Reference to be subject to CA or TP.
 - There is a clear need to secure the land and rights required to construct, operate and maintain the proposed development within a reasonable timeframe.
 - The proposed development would provide significant public benefits to weigh in the balance.
 - The private loss to those affected has been mitigated through the selection of the land; the minimisation of the extent of the rights and interests proposed to be acquired and the inclusion, where relevant, of Protective Provisions ("PPs") in favour of those affected.
 - That in all cases relating to individual objections and issues that CA and TP are justified to enable implementation of the proposed development.
 - The powers sought satisfy s122 and s123 of the PA2008 as well as the CA guidance.
 - The powers sought in relation to SUs meet the conditions set out in s127 and s138 of the PA2008 and the CA guidance.

- 6.6. At the close of the Examination, a number of parties had unsigned agreements on land rights matters, and the Secretary of State sought updates from the parties below in the information request.

Voluntary Agreement in respect of plot 11/1 – Charles & Georgina Hayward

- 6.7. The Applicant, and Charles & Georgina Hayward were requested to provide an update on the status of their negotiations in respect of the voluntary agreement, in relation to plot reference 11/1 in the Book of Reference.
- 6.8. On 18 February 2026, 360 Rural Limited, on behalf of Charles & Georgina Howard, confirmed that agreement had not yet been reached with the Applicant in respect of plot reference 11/1, in connection with the acquisition of rights over the area of land.
- 6.9. 360 Rural Limited explained that there were ongoing negotiations with NGET' and their agents, Messrs Fisher German, concerning the potential acquisition of part, or possibly, all of the land for the proposed Navenby Substation. 360 Rural Limited stated that whilst they were in discussions, NGET had not submitted their planning consent for the proposed Navenby Substation, and nothing had been confirmed. The landowners indicated that, in the absence of clarity from the Applicant as to the precise length and route of the proposed cable easement and the point of entry into the substation site, they are unable to enter into a voluntary agreement. They also referred to the need for a coordinated approach given that other developers are seeking similar rights. Notwithstanding these matters, the landowners expressed a willingness to continue negotiations with a view to reaching agreement.
- 6.10. On 19 February 2026, the Applicant confirmed that it continued to engage with Charles & Georgina Hayward, having last met with their agent on 12 January 2026 and 12 February 2026. The Applicant expressed that discussions are progressing to secure an option for easement for the grid connection infrastructure required to connect the Proposed Development into NGET's NGNS. The Applicant stated that it is aware of ongoing negotiations between the Haywards and NGET regarding the purchase of the same plot for the proposed Navenby Substation, which as noted, is required to facilitate the delivery of the Proposed Development. The Applicant confirmed that it is engaged with the Haywards and NGET with a view to conclude negotiations for the option for easement with the Haywards and/or NGET depending on the final form of agreement between those parties. The Applicant concluded that it had agreed protective provisions with NGET to ensure that both schemes can co-exist and was confident that a voluntary agreement will be reached, likely post-grant of the DCO if made.
- 6.11. The Secretary of State acknowledges the updates provided by both parties and is content that, given negotiations are ongoing and agreements are progressing, noting the agreed protective provisions with NGET which are shortly to be finalised, this will not hinder the making of the Order. The Secretary of State concludes that the Applicant has satisfactorily demonstrated the need for the rights and powers over the APs' land to undertake the works, that seeking rights over the entirety of plot 11/1 is reasonably required and proportionate and therefore satisfied that it meets the tests in s122(3) of the PA2008.

Option Agreement – Blankney Estates Limited ("BEL")

- 6.12. The Applicant and BEL were requested to provide an update on the status of their negotiations in respect of the variation to the signed option agreement. On 19 February 2026,

both the Applicant and BEL confirmed that the deed of variation was in legally agreed form and that completion was expected by the end of February 2026. On 20 March 2026, the Applicant confirmed the parties had signed the deed of variation to the existing option agreement.

- 6.13. The Secretary of State is satisfied that the deed of variation has been secured and considers this matter resolved.

Freehold Rights in respect of plots 10/1, 10/6 and 15/4 and permanent rights over plots 10/2, 15/2 and 15/8 – Ian and Pamela Leathley

- 6.14. The Applicant and Ian and Pamela Leathley were requested to provide an update on the status of their negotiations in respect of the heads of terms in relation to the freehold rights for plot references 10/1, 10/6 and 15/4 and permanent rights over plots 10/2, 15/2 and 15/8 in the Book of Reference.
- 6.15. On 20 February 2026, GSC Grays Limited, on behalf of Ian & Pamela Leathley, confirmed that ongoing negotiations had been maintained in relation to the final form of the option agreement. GSC Grays Limited noted that the option agreement was in legally agreed form and was confident that a voluntary agreement would be reached in due course, likely post-grant of the DCO (if made).
- 6.16. On 19 February 2026, the Applicant confirmed negotiations were well progressed with the form of option substantially agreed and considered that there were no impediments to the parties concluding voluntary negotiation in due course. The Applicant was also confident that a voluntary agreement would be reached, likely post-grant of the DCO (if made).
- 6.17. On the 20 March 2026, the Applicant confirmed the option agreement is in legally agreed form and completion is subject to the landowner's freehold title re-organisation.
- 6.18. Given this update, the Secretary of State agrees with the ExA and considers that the Applicant has satisfactorily demonstrated the need for the rights and powers over the APs land to undertake the works. He is therefore satisfied that it meets the tests in s122(3) of the PA2008.

Category 1 and 2 Affected Parties - Unknown Interests and Rights

- 6.19. The Applicant was requested to provide an update on the category 1 and 2 affected parties for which the land interests and/or rights for plots identified in the Book of reference were still unknown. The Applicant was requested to provide details of the unknown affected persons ("UAP") identified, those not identified, and the efforts made to identify them; and if the UAP's were not identified, the reasons why.
- 6.20. On 19 February 2026, the Applicant stated that the Book of Reference confirmed that there were no Category 1 unknown landowners. However, since the end of Examination, the Applicant had continued to undertake due diligence to ensure that the landownership information remained up to date. Despite those efforts, the Applicant had not identified any additional parties affected by the scheme. During the application process and throughout Examination, the Applicant issued Land Interest Questionnaire, to all parties identified as Category 1, 2 or 3 parties and, where interests were unknown, to adjoining landowners to seeking confirmation of ownership. This was then followed up by the display of site notices, asking landowners to come forward and door knocking exercises to speak to parties in an attempt to find unknown owners.

- 6.21. The Secretary of State is satisfied that the Applicant has taken reasonable and proportionate steps to identify all relevant parties.

Statutory Undertakers (“SUs”)

- 6.22. The Applicant and NGET were requested to provide an update on negotiations regarding PPs. On 19 February 2026, NGET confirmed that bespoke PPs with the Applicant were in a legally agreed form and the documents were being prepared for signature, with completion expected by the end of February 2026. NGET noted that this position as expressed was agreed by both parties. On 20 March 2026, the Applicant made a request to the Secretary of State to replace Part 7 of Schedule 15 in the final dDCO [REP5-004]. The Secretary of State has reflected this update in the Order accordingly, and considers this matter resolved.
- 6.23. The Applicant and OpenReach Limited (“OL”) were requested to provide an update on negotiations regarding PPs. On 19 February 2026, the Applicant confirmed that it had engaged continuously with OL and provided OL comments on its bespoke PPs in September 2025 but was yet to receive a substantive response. The Applicant stated that in its most recent communication from OL in December 2025, it was advised that the PPs were still being considered internally. The Applicant maintained, in the absence of a response, that OL would benefit from the protection of the PPs provided at Part 11 of Schedule 15 of the final dDCO [REP5-004] and its assets would be appropriately protected by those provisions. The Secretary of State notes that OL did not submit any representations to the Examination and did not provide a response to the information request. The Secretary of State considers the PPs in Part 11, Schedule 15 sufficient and appropriate, and would not cause OL any serious detriment. Accordingly, those PPs have been included in the final Order.
- 6.24. The Applicant was requested to provide an update on the Section 106 Agreement with NKDC and LCC. On 19 February 2026, the Applicant confirmed that all parties to the Section 106 Agreement i.e., NKDC, LCC, BEL, and HSBC as mortgagee, were agreed to the terms of the agreement. As noted in paragraph 4.20 of this letter, the Applicant confirmed on 20 March 2026 that all parties had signed the Section 106 Agreement, and the parties were arranging a completion call. The Secretary of State is satisfied with the update and considers this matter resolved.
- 6.25. On 19 February 2026, the Applicant confirmed that it had agreed PPs with National Rail Infrastructure Ltd and requested that the Secretary of State replace Part 5 of Schedule 15 in the final dDCO [REP5-004], with the agreed PPs set out in Schedule 1 of its letter. The Secretary of State has reflected this update in the Order accordingly, and considers this matter resolved.

The Secretary of State’s Conclusion

- 6.24. The Secretary of State agrees with the ExA on the conclusions drawn on CA and TP of land and rights over land, and that the case is in the public interest for the CA and TP powers that are being requested by the Applicant.
- 6.25. The Secretary of State has considered the analysis set out in the ExA’s Report and the conclusions set out therein, and agrees that there is a compelling case in the public interest for the powers sought by the Applicant to be acquired compulsorily and he considers that the Order secures land rights powers appropriately in relation to the relevant legislation and policy.

6.26. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998. The Secretary of State considers that the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest. As such, he concludes that the CA and TP powers sought are compatible with the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance, Conclusion and Decision

7.1. The Secretary of State acknowledges the ExA's recommendation that there are no adverse impacts of sufficient weight, either on their own or collectively, that would mean that the DCO should not be made and therefore consider the case for development consent to be granted [ER 16.4.14].

7.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- The Principle of the Development, including Climate Change - Substantial Positive Weight [ER 4.5.8]
- Biodiversity – Moderate Positive Weight [ER 6.5.5]
- Landscape and Visual – Great Negative Weight [ER 9.5.10]
- Cultural Heritage – Moderate Negative Weight [ER 16.2.9]
- Land, Soil and Groundwater – Little Negative Weight [ER 8.5.5]
- Air Quality – Neutral Weight [ER 5.5.6]
- Noise and Vibration – Neutral Weight [ER 10.5.7]
- Population – Neutral Weight [ER 11.5.9]
- Traffic and Transport, inc. PROW – Neutral Weight [ER 12.5.13]
- Other Planning Matters (Waste, Minerals, Aviation, MA&D) – Neutral Weight [ER 14.2.22] [ER 14.3.11] [ER 14.4.19] [ER 14.5.11]

7.3. With regards to Water Environment, the Secretary of State disagrees with the ExA and concludes that little negative weight should be ascribed to this matter in the planning balance, for the reasons set out in paragraphs 4.77 to 4.80 above. It is recognised that all NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached NPS EN-1, NPS EN-3 and NPS EN-5, subject, in some cases, to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.

7.4. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development, namely the substantial positive weight ascribed to its need and the moderate positive weight ascribed to biodiversity benefits, outweigh the totality of its adverse impacts.

7.5. The Secretary of State concludes that development consent should be granted for the Springwell Solar Farm. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.

- 7.6. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIRs submitted by NKDC and LCC, the NPSs, NPPF and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 7.7. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age;; gender reassignment; disability; marriage and civil partnerships⁸; pregnancy and maternity; religion and belief; race; sex and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.
- 8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the "general biodiversity objective" to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the Application consistent with furthering that objective, having also

⁸ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.

- 8.6. The Secretary of State is of the view that the ExA's Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

9. Modifications to the draft Order

- 9.1. Following consideration of the draft Order provided by the ExA, the Secretary of State has made the following modifications to the draft Order:

9.1.1. Amendment to Article 2(1) (Interpretation) to include the definition of "holding company" and to specify that "holding company" has the same meaning as in section 1159 of the Companies Act 2006. A new definition of "Navenby Substation area plan" also included as per the Applicant's request in its letter of 20 March 2026.

9.1.2. Amendment to Part 2 (Principal Powers)

9.1.2.1. Amendment to Article 5(1) to include the words 'except to the extent that this Order or an agreement made under this Order provides otherwise.'

9.1.2.2. Amendment to Article 5(5) to enable only planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order provided that it does not prevent the undertaker from complying with this Order.

9.1.2.3. Removal of Articles 6(6)–(8) in order to ensure compliance with the Supreme Court's judgment in *Hillside Parks Ltd v Snowdonia National Park*.

9.1.3 Amendments to Part 3 (Streets)

9.1.3.1 Amendment to Article 8 to include a new paragraph 4.

9.1.3.2 Amendment to Article 12(1)(a) to refer to "the highway or street authority (as relevant)" in place of "the highway authority", to ensure the provision applies where the street authority is not the highway authority in the context of Part 3 Article 10.

9.1.3.3 Amendment to Article 16(1)(b) to include the word "closure" to align with Part 3 Article 13(2).

9.1.3.4 Amendment to Article 17(6) to include Article 17(6)(c) which requires the undertaker to display a site notice with the information required by Article 17(6)(a)–(b). This is consistent with the position taken in previous DCOs.

9.1.4 Amendment to Part 4 (Supplemental Powers)

9.1.4.1 Removal of Article 21 (Removal of human remains) from the recommended DCO for consistency with previous DCOs as this provision

is to be used only for, and limited to, known and named burial grounds and which contain human remains that are identifiable.

9.1.5 Amendment to Part 5 (Powers of Acquisition)

9.1.5.1 Amendment to Article 21(1) to make Article 21 (Compulsory acquisition of land) subject additionally to Articles 25, 26 and 33.

9.1.5.2 Amendment to Article 27(4) to include the words 'or any contractors, servants or agents of the undertaker'.

9.1.5.3 Amendment to Article 40 to include a new paragraph 5.

9.1.6 Amendment to Schedule 1 (Authorised Development)

9.1.6.1 Amended the defined term from "solar PV panel" to "solar PV module".

9.1.6.2 Amended the definition of "transformer" to refer to transforming electricity to a "different" voltage.

9.1.6.3 Amended Article 2 (further associated development) to expressly include decommissioning within the purposes of the associated works, to confine such works to within the Order limits, and to make clear that they are permitted only insofar as they are unlikely to give rise to any materially new or materially different environmental effects, with minor editorial corrections to avoid duplication.

9.1.7 Amendment to Schedule 2 (Requirements)

9.1.7.1 Requirement 15 has been amended to include specific reference to the operational level and character of noise during night-time hours.

9.1.7.2 Amended Requirement 17 (public right of way and permissive path management plan) to require approval by the relevant planning authority in consultation with North Kesteven District Council.

9.1.7.3 Removal of Requirements 21- 23 for the reasons given in this decision letter

9.1.8 Amendment to Schedule 13 (Documents and plans to be certified)

9.1.8.1 A new row inserted into the table at Schedule 13 below "works plans" to include the "Navenby Substation area plan" as a certified document as per the Applicant's request in its letter dated 20 March 2026.

9.1.9 Amendment to Schedule 14 (Arbitration Rules).

9.1.9.1 Amendment to Article 7 so that the default position is that arbitration hearings and documentation are open to and accessible by the public (para 7(1)), with the arbitrator empowered to direct privacy or

confidentiality to protect commercially sensitive information (para 7(2)) and an express carve-out for disclosures required by court order or enactment (para 7(3)).

9.1.10 Amendment to Schedule 15 (Protective Provisions).

9.1.10.1 Protective provisions in Part 7 (For the protection of National Grid Electricity Transmission Plc as Electricity Undertaker) updated with the protective provisions received on 20 March 2026

9.1.10.2 Protective provisions in Part 8 (For the protection of National Grid Electricity Distribution (East Midlands)) updated with the protective provisions received on 20 March 2026.

9.1.10.3 Protective provisions in Part 10 (For the protection of Exolum Pipeline System Ltd) updated with the protective provisions received on 3 November 2025.

9.1.10.4 Amendment to the heading of Part 11 to change the wording to “For the Protection of Operators of Electronic Communications Code Networks” for consistency with previous DCOs.

9.1.10. Amendment to Schedule 15 (Procedure for Discharge of Requirements).

9.1.10.1. Amendment to paragraph 6 to update the working days to 5 working days in accordance with the ExA’s recommendation.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency.

10. Challenge to decision

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

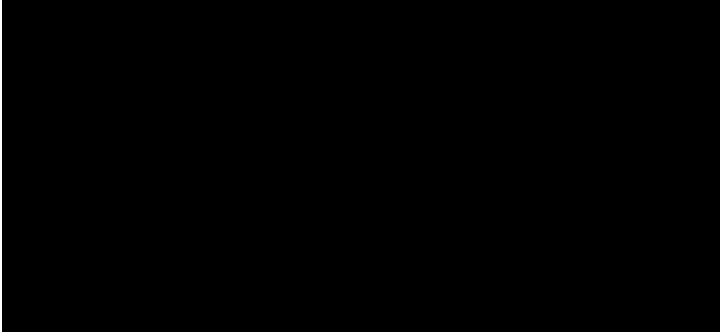
11. Publicity for decision

11.1 The Secretary of State’s decision on this Application is being publicised as required by section 116 of the 2008 Act and regulation 31 of the EIA Regulations.

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

required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



Head of Energy Infrastructure Development

On behalf of the Secretary of State for Energy Security and Net Zero

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

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010149>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
ADBA	Archaeological Desk Based Assessment
ALC	Agricultural Land Classification
BEL	Blankney Estate Limited
BESS	Battery Energy Storage System
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
CA	Compulsory Acquisition
CCGT	Combined Cycle Gas Turbine
CEMP	Construction Environmental Management Plan
CP2030	Clean Power Action Plan
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EA	The Environment Agency
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
ES	Environmental Statement
ESG	Ecological Steering Group
ExA	The Examining Authority
FRA	Flood Risk Assessment
GHG	Greenhouse Gas
HE	Historic England
HER	Historic Environment Records
HHS	Heritage Harm Statement
HRA	Habitats Regulations Assessment
IP	Interested Party
ISH	Issue Specific Hearing
LCC	Lincolnshire County Council
LIR	Local Impact Report
LCA	Landscape Character Area
LPA	Local Planning Authority
LSE	Likely Significant Effect
MW	Megawatt
NCA	National Character Assessment
NE	Natural England
NGET	National Grid Electricity Transmission
NGNS	National Grid Navenby Substation
NKDC	North Kesteven District Council
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NSN	National Site Network

oCEMP	Outline Construction Environmental Management Plan
oDS	Outline Drainage Strategy
OL	OpenReach Limited
oLEMP	Outline Landscape and Ecology Management Plan
PP	Protective Provisions
PRoW	Public Right of Way
PSED	Public Sector Equality Duty
PV	Photovoltaic
rDCO	Recommended Development Consent Order
RR	Relevant Representation
SoCG	Statement of Common Ground
SU	Statutory Undertakers
The 2008 Act	The Planning Act 2008
TP	Temporary Possession
UAP	Unknown Affected Persons
WMS	Written Ministerial Statement