

Rosefield Solar Farm

Applicant's Outstanding Responses to Actions from ISH1 and ISH2

EN010158/APP/8.24
Revision 01
Deadline 4
June 2026
Rosefield Energyfarm Limited

APFP Regulation 5(2)(q)
Planning Act 2008
Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations 2009



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1. Introduction

1.1. Purpose of the Report

- 1.1.1. This document provides the Applicant's further and outstanding responses to **ISH1 Action Points [EV7-018]** and **ISH2 Action Points [EV8-004]**.
- 1.1.2. The Applicant made submissions on some ISH1 and ISH2 Action Points at Deadline 3 (contained in its **Written Summary of Applicant's Oral Submissions at ISH1 [REP3-049]** and **Written Summary of Applicant's Oral Submissions at ISH2 [REP3-050]**). Tables 1 and 2 below provides responses to the Actions Points assigned to Deadline 4, and further information where the Applicant committed to do so in respect of some Action Points assigned to Deadline 3.

2. Outstanding Responses to Actions from ISH1 and ISH2

Table 1: Outstanding responses to actions from ISH1

#	Action Point	Directed to	DL	Applicant's Response
1	To review recent solar Development Consent Order (DCO) decisions which have applied the same assumptions and approach that the applicant has used in terms of efficiencies in land use to calculate the megawatt (MW) per acre.	Applicant	4	<p>The Applicant committed to providing a further response to this Action Point for Deadline 4.</p> <p>The Applicant confirms that its method of assessing land-use efficiency by dividing installed DC capacity by land area excluding mitigation and enhancement areas is in line with established precedent. In addition to Mallard Pass Solar Farm (EN010127), East Yorkshire Solar Farm (EN010143) and Springwell Solar Farm (EN010149), the approach undertaken for the Proposed Development is in line with that used in Fosse Green Energy (EN010154) and Beacon Fen Energy Park (EN010151).</p> <p>Paragraph 3.1.18 of a Technical Guide ([REP3-036]) submitted during Fosse Green Energy (EN010154) explains that DC capacity has been used to inform the assessment of that project, which is in line with the methodology used and agreed by the ExA and SoS in previous solar NSIPs.</p> <p>Pages 25 to 28 of the Written Summary of Oral Submissions from ISH1 and Responses to Action Points ([REP1-030]) submitted during Beacon Fen Energy Park (EN010151) confirms that the approach undertaken does not count environmental or technical buffers, and that the project falls within the 2-4 acre range as set out in NPS EN-3.</p>
5	To identify relevant Secretary of State decisions which support how an absence of a Gate 1 offer is not a barrier to consent, and to confirm that appropriate network connection arrangements are/ will be in place in accordance with paragraph 4.11.12 of NPS EN-1 (2023).	Applicant	4	<p>The Gate 1/Gate 2 status of grid connection offers for projects (and specific elements of them, e.g. solar PV, BESS) are not typically publicly available. There is currently no central repository (such as the Transmission Entry Capacity (TEC) register), which the Applicant is able to check against recent DCO decisions. Therefore it is not possible to identify from public information which projects hold a Gate 1 notification and how that aligns with their progress through the consenting framework.</p> <p>Notwithstanding, the Applicant considers it to be beyond doubt that a Gate 1 notification is not a barrier to consent being granted. The Applicant notes that section 4.11 "Network Connection" of NPS EN-1 (2023) should be read as a whole and specific paragraphs of the policy considered in context without excessive legalism. It is clear that the NPS EN-1 does not require any sort of grid connection agreement (let alone Gate 2) as a prerequisite for the submission or granting of a DCO application. For example, paragraph 4.11.6 (under Applicant assessment) states:</p> <p><i>"Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application. In this situation applicants should provide information as part of their application confirming that there is no obvious reason why a network connection would not be possible."</i></p> <p>This provides helpful context to paragraph 4.11.12 (Secretary of State decision making) where the Secretary of State must be satisfied that connection arrangements are/will be in place. In effect, there must be no obvious reason why a network connection would not be possible.</p> <p>The Applicant notes that the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [EN010158/APP/8.16] [REP3-049] refers to policy referring to a "realistic prospect", which is an error as both the 2023 and 2025 versions of NPS EN-1 refer to "no obvious reason" in paragraph 4.11.6. It is the case of <i>St Modwen Developments Ltd v Secretary of State for Communities and Local Government and other</i> [2017]</p>

EWCA Civ 1643 which considered deliverability was concerned with a “realistic prospect” of delivery. In any case, the Applicant considers there is no obvious reason why a Gate 2 network connection would not be possible for the BESS, and also a realistic prospect of delivery of a Gate 2 network connection.

The Applicant refers to its responses in **Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [EN010158/APP/8.16] [REP3-049]** and at Action Point 5, which set out the existing and proposed connection arrangements for the solar PV and the BESS elements of the Proposed Development. As set out on page 11 of that document, *“The Applicant's position is that the Government's current policy position confirms that the need, which is established by the National Policy Statements, for renewable and flexible energy infrastructure, continues to apply to any scheme or component of a scheme which currently has a Gate 1 connection agreement.”* The Applicant is able to reapply for Gate 2 status for the BESS in a future application round and there is no obvious reason why a network connection would not be secured through re-application particularly as the grant of the DCO (if made) would further demonstrate “readiness”.

Finally, the Applicant would note that there are multiple examples of generating stations being granted a DCO where the consent for the network connection is progressing separately and on a later timeline. Whilst a different point from Gate status, the Applicant considers these to be instructive, given the policy under “Network Connection” of NPS EN-1 deals with both – see recent examples of Morgan Offshore Wind Project Generation Assets Order 2025, Morecambe Offshore Wind Project Generation Assets Order 2025, Five Estuaries Offshore Wind Farm Order 2026, North Falls Offshore Wind Farm Order 2026, and Springwell Solar Farm Order 2026.

12 To submit a comparative note identifying where the principles in Natural Capital Committee's ‘How to Do it: Natural Capital workbook’ and the government's guidance on Enabling a Natural Capital Approach’ are addressed within the application documents to evidence compliance with NPS EN-1 paragraph 4.6.16.

Applicant 4

The Applicant has submitted for Deadline 4 a standalone note in response to this Action Point entitled the **Applicant's Response to Action Point 12 from ISH1 [EN010158/APP/8.31]**.

14 To submit an updated outline landscape and ecological management plan to provide more detail in relation to its bat monitoring strategy. Updates are to be informed by engagement with Natural England and Buckinghamshire Council.

Applicant 4

The Applicant has submitted an updated **Outline Landscape and Ecological Management Plan (Outline LEMP) [EN010158/APP/7.6.5]** at Deadline 4 which provides further detail in relation to the bat monitoring strategy, which has been informed by ongoing engagement with Natural England and Buckinghamshire Council.

18 To provide updated statement of common grounds with each of Buckinghamshire Council and Claydon Solar Action Group (CSAG) (as informed by engagement), to clarify each party's position on the application of Guidelines for Landscape and Visual

Applicant 4

The Applicant has held further engagement with Buckinghamshire Council and Claydons Solar Action Group to discuss each party's position on the application of Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3) methodology and how significance has been categorised/assigned. The Applicant has submitted an updated version of the **Draft Statement of Common Ground with Claydons Solar Action Group [EN010158/APP/5.23.2]** at Deadline 4 to clarify the Applicant's position on this matter.

Impact Assessment 3rd edition (GLVIA3) methodology and how significance has been categorised/ assigned.

19	To update statement of common ground with CSAG to clarify position on 'double counting' mitigation vs. enhancements.	Applicant	4	The Applicant has submitted an updated Draft Statement of Common Ground with Claydons Solar Action Group [EN010158/APP/5.23.2] at Deadline 4 to clarify the Applicant's position on this matter.
27	Following further engagement with Buckinghamshire Council, applicant to submit an updated outline CTMP.	Applicant	4	The Applicant has submitted an updated Outline Construction Traffic Management Plan (Outline CTMP) [EN010158/APP/7.5.4] at Deadline 4 following agreement with Buckinghamshire Council.
28	To provide submissions on the Preston Farms Ltd's tenancy position and its relevance to the Secretary of State's decision making.	Applicant	4	The Applicant has submitted a response to this Action Point at Section 2 of the Tenancy Position of Preston Farms Ltd [EN010158/APP/8.30] at Deadline 4.
33	To provide a comparative note on the compensation provisions under the Agricultural Holdings Act, a Farm Business Tenancy and the commitments made to the Preston Farms in the context of the offer of replacement land.	Applicant	4	The Applicant has submitted a response to this Action Point at Section 3 of the Tenancy Position of Preston Farms Ltd [EN010158/APP/8.30] at Deadline 4.
39	To provide a technical note on its position on noise and vibration with respect to piling and substantiate why it would not exceed the relevant threshold criteria.	Applicant	4	The Applicant has submitted for Deadline 4 a standalone note in response to this Action Point entitled the Applicant's Response to Action Point 39 from ISH1 [EN010158/APP/8.27] .
45	To provide a technical note explaining the further analysis it has done in respect of its plume assessment and model to respond to Preston Farms/ TCS Biosciences.	Applicant	4	The Applicant has submitted for Deadline 4 a standalone note in response to this Action Point entitled the Applicants Response to Action Point 45 from ISH1 [EN010158/APP/8.26] .
47	To update ES Chapter 6 to provide clear references to the site of special scientific interests (SSSIs) and to include a clear statement on critical levels.	Applicant	4	The Applicant has updated ES Volume 2, Chapter 6: Air Quality [EN010158/APP/6.2.2] at Deadline 4 to include reference to the Sites of Special Scientific Interest (SSSIs) and clarify the critical levels. It is considered likely that construction phase traffic emissions would not cause a significant adverse effect on the Ham Home-cum-Hamgreen Woods SSSI or the Long Herdon Meadow SSSI which are within 200m of proposed traffic routes. As such, no significant increase in air pollution which may contribute towards exceeding the relevant critical loads or levels for these habitats above current baseline is expected.

Table 2: Outstanding responses to actions from ISH2

#	Action Point	Directed to	DL	Applicant's Response
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6	To update streets, access and rights of way plans to show existing private roads.	Applicant	4	The Streets Rights of Way and Access Plans [EN010158/APP/2.4.5] submitted at Deadline 4 have been updated to identify existing private roads which are marked with a yellow line on the plans.
7	To provide updated oCTMP regarding s278 and financial security.	Applicant	4	The Applicant has submitted an updated Outline CTMP [EN010158/APP/7.5.4] following agreement with Buckinghamshire Council.
8	To consider whether extension of compulsory acquisition powers in event of judicial review is required in light of recent DCO changes.	Applicant	4	<p>As explained by the Applicant during ISH2 (see Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) [REP3-050]), article 23(3) extends the time limit for exercise of certain powers of compulsory acquisition (under article 31) in the event that the made Order is subject to a challenge under section 118 of the Planning Act 2008. This is considered warranted on the basis that the Proposed Development constitutes critical national priority infrastructure, the delivery of which should not be frustrated by unsuccessful legal challenges. This drafting also has precedent in the recently made Springwell Solar Farm Order 2026, so has been shown to be considered acceptable and appropriate by the Secretary of State.</p> <p>During ISH2, reference was made by Buckinghamshire Council to the reforms introduced under the Planning and Infrastructure Act 2025, with the suggestion that the effect of article 23(3) may now be achieved through that legislation. The Applicant understands this to have been a reference to section 56 of the PIA 2025, which amends sections 91 and 92 of the Town and Country Planning Act 1990 to provide for an extension to the implementation period of TCPA planning permissions subject to legal challenge in certain circumstances. Section 56 does not apply to NSIPs granted development consent under the Planning Act 2008.</p> <p>In light of the above the Applicant maintains its position that article 23(3) is appropriate and justified in the circumstances.</p>
11	To consider any updates to the outline landscape and ecological management plan which means if any tree subject to a tree preservation order is removed it can be replaced.	Applicant	4	The Outline LEMP [EN010158/APP/7.6.5] has been updated at Deadline 4 to add reference to replacement of TPO trees during the operation (including maintenance) phase, in addition to the existing reference in relation to the construction phase.
14	To discuss and seek to agree schedule 16 wording on discharge of requirements.	Applicant	4	The Applicant has made various updates to Schedule 16 of the Draft DCO [EN010158/APP/3.1.7] at Deadline 4, broadly adopting the approach taken in the Springwell Solar Farm Order 2026 in order to introduce greater flexibility in timescales and clarifications around process, and to ensure the independence of any person appointed on appeal. The Applicant shared these amendments with Buckinghamshire Council prior to Deadline 4 and the parties have agreed the updated text as submitted at Deadline 4.
15	To consider what would occur for the purposes of the decommissioning article 18 if the undertaker was dissolved/no longer existed.	Applicant	4	The Proposed Development, both as an operational project and the physical elements comprising it, would constitute valuable assets to the undertaker. As such, were the undertaker to enter into financial difficulties, it is likely that the undertaker would seek to dispose of the Proposed Development before the point of dissolution (any such transfer being subject to the requirements of article 37). Notwithstanding this, should the undertaker become insolvent whilst still in ownership of the Proposed Development, the insolvency practitioner would seek to dispose of these valuable assets in order to realise maximum value for the company / its creditors, and to assist with the decommissioning of the Proposed Development.

As outlined in the **Applicant's Response to Buckinghamshire Council's Local Impact Report [EN010158/APP/8.11] [REP2-085]**, Requirement 18 specifies the timeframe within which decommissioning of the Proposed Development must take place and secures the implementation of a detailed Decommissioning Environmental Management Plan. Any decommissioning of (or failure to decommission) the Proposed Development not in accordance with the provisions of Requirement 18 would constitute a breach of the DCO. Under the Planning Act 2008 it is a criminal offence not to comply with the requirements of a DCO. As such, any insolvency practitioner facilitating decommissioning of the Proposed Development would be required to do so in accordance with Requirement 18.

In a worst-case scenario, Buckinghamshire Council as local planning authority has the benefit of enforcement powers under sections 163 to 171 of the Planning Act 2008, in particular the ability to obtain an injunction to restrict prohibited activities (section 171) and to enter onto land to execute works required under a notice of unauthorised development but not completed (section 170), which would allow it to secure proper decommissioning of the Proposed Development in the unlikely event that decommissioning did not take place in accordance with Requirement 18.



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