



One Earth Solar Farm

Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 2 (ISH2)

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Revision 1

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One Earth Solar Farm Ltd

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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1. Introduction

- 1.1.1. This note summarises the oral submissions made by One Earth Solar Farm Ltd (the **Applicant**) at Issue Specific Hearing 2 (**ISH2**) held on 3 and 4 September 2025 in relation to the application for development consent (**Application**) for the One Earth Solar Farm (the **Proposed Development**).
- 1.1.2. Where the Examining Authority (the **ExA**) requested further information from the Applicant on specified matters, or the Applicant undertook to provide further information during the course of ISH2, that further information is either set out in this document, provided as part of the Applicant's Deadline 3 submissions, or this document confirms when the information will be provided.
- 1.1.3. This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant's submissions, or where the Applicant agreed with the submission(s) made and so made no further submissions (this is noted within the document where relevant).
- 1.1.4. The structure of this note follows the order of the items listed in the detailed agenda published by the ExA on 27 August 2025 (the **Agenda**). Numbered agenda items referred to are references to the numbered items in the Agenda. The Applicant's substantive oral submissions commenced at Item 4 of the Agenda. Therefore, this note does not address Items 1, 2 and 3 on the Agenda as these were procedural and administrative in nature.
- 1.1.5. This summary note was prepared with assistance from Microsoft Copilot AI, which was used to generate a summary of the transcript. The summary was then reviewed and verified for accuracy (including, where necessary against the recording of the hearing) before being utilised to inform this note.



2. Written summary of the Applicant's oral submissions

#	Agenda item	Written summary of Applicant's oral submissions
4	Landscape and Visual Amenity	<p>(i) The ExA will seek views of the parties on the suitability of a 2km search area and a broader understanding of the effect on landscape character areas.</p> <p>The ExA invited views from the parties on the suitability of a 2km search area used in the landscape and visual assessment, and sought a broader understanding of the Proposed Development's effect on landscape character areas.</p> <p>Agreement on the 2km search area</p> <p>Mr. Richard Griffiths, Partner at Pinsent Masons LLP on behalf of the Applicant, confirmed that the 2km search area was agreed during the pre-application consultation phase. This agreement is documented in the Statements of Common Ground with:</p> <ul style="list-style-type: none"> Lincolnshire County Council (LCC) [REP2-061] Nottinghamshire County Council (NCC) [REP2-063] West Lindsey District Council (WLDC) [REP2-065] Bassetlaw District Council (BDC) [REP2-067] Newark and Sherwood District Council (NSDC) [REP2-069]. <p>Mr. Oliver Brown, at AHH Consultants on behalf of LCC, NCC, BDC and NSDC (Select Authorities), confirmed that the 2km search area was agreed and that no significant landscape effects resulting from the Proposed Development alone were anticipated beyond this boundary. Mr Brown noted that the Select Authorities remain concerned about the sequential cumulative landscape impacts of the Proposed Development with other solar NSIPs beyond the 2km study area, particularly in the Gainsborough area.</p> <p>Cumulative and sequential effects</p> <p>Mr. R Griffiths, on behalf of the Applicant, noted that cumulative impacts would be addressed in more detail later in the hearing but indicated that any sequential effects would be negligible.</p> <p>The Applicant expects cumulative visual impacts to be to be minimal or negligible for users moving through the landscape.</p> <p>Landscape character assessment</p> <p>Mr. Ben Gurney, Associate at Icen Projects on behalf of the Applicant, emphasised that landscape character is inherently dynamic and evolving, and that published assessments represent a snapshot in time. Therefore, whether a published landscape character assessment is outdated or needs updating is not an appropriate way of measuring landscape impact of a new development.</p>



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		<p>Mr. Gurney explained that agriculture is the dominant land use currently reported within the national and regional landscape character assessments and is expected to continue post-development. The existing influence of large-scale energy infrastructure (e.g. coal-fired power stations and the associated power lines and pylons) is also acknowledged in both national and regional assessments. The shift to solar infrastructure is not expected to exert the same visual presence as coal and gas-fired power stations, but is very much consistent with the established character of the area i.e. an agricultural landscape containing energy infrastructure.</p> <p>In response to submissions made by Mr. Walker and Mr. White, both Interested Parties, regarding the comparison between power stations and the Proposed Development, Mr. R Griffiths, on behalf of the Applicant, reiterated that the Applicant's assessment is grounded in an understanding of the landscape as both agricultural and energy-based. He noted that the landscape's energy history – including the presence of overhead power lines and former power stations – forms a critical backdrop to the assessment. The Applicant's position is that this dual character must be acknowledged in evaluating the development's impact. Mr. R Griffiths stressed that the existing energy infrastructure contributes to the established landscape character, and the Proposed Development should be viewed within that context.</p> <p>(ii) The applicant will be asked to explain and provide justification for the assessment being based on a temporary period.</p> <p>The ExA sought clarification from the Applicant on the rationale for assessment of the Proposed Development on the basis of a temporary 60-year consent, and whether a permanent assessment would have altered the conclusions on significance of effect.</p> <p><i>Applicant's justification for temporary assessment</i></p> <p>Mr. R Griffiths, on behalf of the Applicant, confirmed that the assessment conclusions would not differ had the scheme been assessed as permanent. The assessment reflects long-term impacts, and the classification of significance (e.g. major, moderate) has not been reduced due to the time-limited nature of the consent.</p> <p>NPS EN-3 paragraph 2.10.65 states that whilst 40-year consents for solar farms are typical, "applicants may seek consent without a time period or for differing time-periods of operation." In this case, Mr. R Griffiths explained that the Applicant is seeking a time period – 60 years. This time period is consistent with other similarly sized solar projects including consents granted for Cottam, West Burton, Gate Burton and Mallard Pass solar farms, which have all been granted 60-year consents.</p> <p>NPS EN-3 goes on to say at paragraph 2.10.66 that a "time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent..." This policy position is reflected in recent Secretary of State decisions where the Secretary of State has confirmed that the 60-year consent</p>



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		<p>lifespan is <i>'temporary and reversible for the majority of the land'</i> (paragraph 4.167 of the Gate Burton decision for example) and it is the case for this Proposed Development as is noted in paragraph 3.6.2 of the Planning Statement [APP-168] that at the time of decommissioning the land will be reverted to its original condition.</p> <p><i>Planning balance considerations</i> Mr. R Griffiths, on behalf of the Applicant, explained that the landscape and visual impact assessment identifies the level of effect over the 60-year operational period without discounting its significance due to reversibility. However, in the planning balance, the ExA and Secretary of State must consider:</p> <ul style="list-style-type: none"> • The duration of the impact (i.e. 60 years); • The reversibility of the impact post-decommissioning; and • The appropriate weight to assign to both the temporary nature and the long-term effect. <p><i>Future use and consent extension</i> In response to a submission by Mr White, an Interested Party, on the potential future use beyond 60 years, the ExA clarified that only the current application can be assessed, and future changes cannot be speculated on.</p> <p>Mr. R Griffiths agreed with the ExA, stating that:</p> <ul style="list-style-type: none"> • The DCO would include a 60-year operational limit. • Any extension beyond this period would require a formal variation through the planning process. • Lease arrangements are aligned with the 60-year term and do not extend beyond it. • An Outline Decommissioning Management Plan (ODEMP) [REP2-053] is in place to ensure removal of above-ground infrastructure at the end of the consent period. <p>(iii) The ExA will seek views from the applicant and IPs on the assessment of the landscape effects relative to static positions and sequential views, including an explanation of the routes where cumulative effects are considered to occur, and an understanding of how this may change any assessed effect.</p> <p>The ExA invited views from the Applicant and Interested Parties regarding the assessment of landscape effects, particularly in relation to static viewpoints and sequential visual experiences. The ExA sought clarification on the routes where cumulative effects are considered to occur and requested an explanation of how such cumulative considerations might alter the overall assessment of landscape impact.</p>



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		<p>Mr. R Griffiths, on behalf of the Applicant, noted that Mr Brown had confirmed in the hearing that “there is enough information in the assessment”, so the information contained within the submitted assessment is sufficient for the ExA to reach its conclusions. Mr. R Griffiths confirmed that the application materials provide the necessary detail and that no additional evidence is required to support the assessment further. Mr. R Griffiths observed that Mr Brown frequently referred to the concept of “potential” in his responses but did not present any substantive evidence to suggest that the assessment would change as a result of any cumulative effects.</p> <p>Mr Gurney, on behalf of the Applicant, explained that a precise approach to visual assessment is not specified anywhere in industry guidance, instead the onus is on the assessor to select the most appropriate approach and ensure the most important issues are reported (See Section 6.7 of the ‘Notes and Clarifications on aspects of GLVIA3’, also known as LITGN-2024-01).</p> <p>To further reiterate the Applicant’s responses to related matters in Deadline 2, Chapter 11 on Landscape and Visual [REP2-026] is focussed on visual receptors likely to be affected at a specific viewpoint as per GLVIA3 paragraph 6.31. As explained in Appendix 11.2 [APP-130] at paragraph A.11.3.9, representative viewpoints have been selected to represent the experience of different types of visual receptors, which accords with GLVIA3 paragraph 6.19.</p> <p>The local authorities have been consulted on these representative viewpoint locations during the pre-application stage and have since been formally agreed with nearly all local authorities within the respective draft Statements of Common Ground that were submitted at Deadline 2. Discussion on these remain on-going however with WLDC after an additional viewpoint was requested following Deadline 1.</p> <p>The Applicant acknowledges that there may be locations where the Site would be more or less visible so in recognition of the sequential and varying views that visual receptors may experience of the Proposed Development when travelling through the landscape, more than one representative viewpoint has been provided for some of the receptors.</p> <p>For example, as set out in Chapter 11 at Table 11.9, people travelling along Route 647 of the National Cycle Network are represented at different locations by Viewpoints 10, 12, 25, 26, 34, 61, and 62. Following this through to the detailed assessment provided in Appendix 11.4 [AS-046], one can gain an understanding of how the visual experience of the visual receptor varies across these specific views.</p> <p>Therefore, the Applicant has sought to be geographically specific when defining visual receptors e.g. people travelling along Route 647 of the National Cycle Network between North Clifton and Wigsley, so that the agreed viewpoints can be said to be representative of the experience of the people in those particular views. As such the visual assessment does not reach a single judgement on people travelling along Route 647 of the National Cycle Network but rather on the particular views experienced at different parts of the route. This approach is considered to provide greater transparency to the assessment.</p>



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		<p>Mr Gurney highlighted the different residual impacts at year 15 of these particular views to explain the sequential impacts on people travelling along Route 647 of the National Cycle Network, as detailed in Appendix 11.3, as follows:</p> <p>Travelling east to west:</p> <p>Viewpoint 12 – No Effects (approx. 1.4km from Order Limits)</p> <p>Viewpoint 10 – High Magnitude, Major Effects (within Order Limits)</p> <p>Viewpoint 25a – Very Low Magnitude, Negligible Effects (approx. 300m from Order Limits)</p> <p>Viewpoint 26a – Very Low Magnitude, Negligible Effects (approx. 300m from Order Limits)</p> <p>Viewpoint 34a – No Effects (approx. 200m from Order Limits)</p> <p>Travelling west to east:</p> <p>Viewpoint 62 – No Effects (approx. 2km from order limits)</p> <p>Viewpoint 61 – No Effects (approx. 2km from order limits))</p> <p>Viewpoint 34b – No Effects (approx. 300m from Order Limits)</p> <p>Viewpoint 26b – Very Low Magnitude, Negligible Effects (approx. 300m from Order Limits)</p> <p>Viewpoint 25b – Very Low Magnitude, Negligible Effects (approx. 300m from Order Limits)</p> <p>The Applicant has assessed sequential cumulative visual effects using the same approach. The Applicant has assessed the combined or simultaneous visibility of cumulative schemes within the defined Zone of Influence in particular views experienced at different locations by users of key routes, such as major roads and promoted recreational routes such as Route 647. No other relevant routes have been identified during the pre-application stage.</p> <p>The ExA asked whether, even with mitigation measures in place, the proposed solar infrastructure would result in visible installations from multiple directions, leading to a change in the character of the landscape. Mr Gurney confirmed that this was correct and noted that a wide range of receptors had been assessed. The extent of these changes to landscape and visual receptors is detailed within Appendix 11.3 [AS-044], and Appendix 11.4 [AS-046] respectively.</p>



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		<p>In response to a question from Mrs. Fox, an Interested Party, regarding the given example of people using Route 647 and at which point visual effects might be considered negligible or result in “no effect”, Mr. Gurney referred to Chapter 11 of the ES [REP2-026], explaining that the effects stated were generally the long-term, year 15 effects when the mitigation is expected to have fully established and matured.</p> <p>The ExA noted that in the shorter term – specifically at year one – there would be adverse visual effects from various viewpoints along Route 647. This was attributed to the fact that mitigation measures would not yet have matured or fully established, a point which Mr Gurney agreed with.</p> <p>Mr. R Griffiths, on behalf of the Applicant, referenced the NPS EN-1, noting that paragraph 5.15 acknowledges that virtually all nationally significant infrastructure projects will have adverse effects on the landscape. He further cited paragraph 5.1.13, which states that such projects are likely to have visual effects for many receptors around the proposed sites. Mr. R Griffiths emphasised that the Applicant had provided a sequential assessment covering both year one and year 15, enabling the ExA to make an informed judgment regarding the weight to be given to visual impacts and landscape change.</p> <p>The ExA responded by highlighting that NPS EN-1 and EN-3 also contain criteria relating to good design, particularly in respect of landscape and visual amenity. Paragraph 252 of EN-3 requires that good design be demonstrated, and the ExA expressed interest in understanding how the applicant had addressed this requirement. While acknowledging the conclusions of the Applicant's assessment, the ExA also recognised the concerns raised by local councils regarding the lived experience of individuals travelling through the affected landscape.</p> <p>Mr. R Griffiths confirmed that the Applicant had taken these considerations into account and referred to the Design Approach Document [REP2-021]. He explained that this document sets out the design principles adopted by the Applicant to meet the requirements of good design. Specific examples were provided, including the removal of land and the provision of offsets for sensitive receptors such as residential properties. These measures were intended to minimise landscape and visual impacts in accordance with the NPS. Mr Griffith's stressed the importance of reviewing the application documents in their entirety to understand the Applicant's design strategy, noting that page 54 of the Design Approach Document illustrates where land has been removed or offsets introduced.</p>



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		<p>In response to points raised by Mr. Walker, Mr. Fox, and Mr White, all Interested Parties, Mr. R Griffiths, on behalf of the Applicant, clarified that all viewpoints used in the assessment were agreed with the host authorities and were not selected unilaterally by the Applicant. He also noted that a 3D model of the proposed scheme was made available during the statutory consultation period. This model could be accessed from any location within the red line boundary and was intended to help consultees understand the potential visual impact of the Proposed Development. Mr. R Griffiths confirmed that the visualisations derived from the model had been reviewed and found to be accurate. However, he noted that the 3D model was not submitted into the examination and was used solely as a consultation tool. The proposed scheme has now changed, as is good practice, as the Applicant took into account the responses from statutory consultation.</p> <p>(iv) The ExA will seek a greater understanding of the assessment of effects on residential receptors and if IPs agree with the assessment and the conclusions reached.</p> <p>Mr Brown, on behalf of the Select Authorities, raised a concern that had been discussed in previous hearings, namely the identification of residential properties adjacent to the Proposed Development. He queried whether a complete list of these properties had been provided, indicating that he had not yet seen such a list.</p> <p>In response, Mr Sam Griffiths, Director at Iceni Projects, on behalf of the Applicant, referred to Appendix F of the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-077] and [REP1-078], which includes a plan identifying all relevant residential dwellings. These dwellings were marked using two different colours to distinguish between those that had been visited and those that had not. Mr Griffiths confirmed that this plan was intended to provide the locations of each dwelling and that it corresponds to Appendix F of the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-077] and [REP1-078], which contain subsequent plans identifying viewpoints from individual properties.</p> <p>The ExA sought clarity on whether all individual receptors had been properly identified, referencing sheet 15 of the plans included within Appendix F of the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-078]. The ExA then expanded the discussion to address the assessment methodology used for residential receptors. It was noted that the assessment appeared to group properties together rather than evaluate each one individually. The ExA questioned whether this approach was standard practice for solar farm developments.</p> <p>Mr S Griffiths responded by distinguishing between two related but separate issues: the assessment of visual impact on residential receptors and the mitigation strategy applied. He confirmed that, for the purposes of the assessment, residential properties were grouped based on proximity, and representative viewpoints were selected for each group. This approach was intended to reflect typical practice and to ensure that the assessment captured the general experience of receptors within each group.</p>



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		<p>Mr S Griffiths also indicated that the assessment followed a structured methodology, comprising four key steps in evaluating visual impact on residential receptors:</p> <ol style="list-style-type: none"> 1. The first was to identify residential properties that had potential to experience significant visual effects. As is best practice in LVIA, these visual receptors were then grouped into those that would be likely to experience similar visual impacts, and a viewpoint identified to represent that group. These receptor groups and corresponding viewpoints are listed in Table 11.9 of the LVIA, which is ES Chapter 11 [REP2-026]. Out of the 63 viewpoints considered in the visual assessment, 28 are representative of residential receptors. The list of visual receptors and the corresponding representative viewpoints were agreed with the host authorities through pre-application consultation. 2. The second stage in the process was to agree the threshold at which a Residential Visual Amenity Assessment (RVAA) would be required. The threshold was agreed with AAH Consultants, on behalf of the Select Authorities, via Technical Memorandum 1 (AAH TM01) that a RVAA would be provided if major effects were identified for residential receptors at year 15 within the LVIA. 3. The third step is to complete the assessment of impacts on residential receptors via the representative viewpoints agreed. As is detailed in the LVIA, no major adverse visual impacts were identified at year 15 and therefore no RVAA was undertaken. <p>Mr S Griffiths explained that where properties are located adjacent to one another, the design response is typically consistent due to the similarity in baseline views. Variations in landscape treatment – such as the presence of hedgerows, hedgerows with trees, or the absence of hedgerows – are informed by site-specific character and visual context.</p> <p>Mr S Griffiths emphasised that the design response has been tailored to reflect the existing character of the area, rather than applying a uniform approach. He noted that the Illustrative Masterplan [REP2-088], which has been referred to during site inspections, serves as an example of what could be delivered through the works plans. Importantly, he clarified that there is flexibility within the works plans to incorporate additional landscape features, such as hedgerows, if identified as beneficial during detailed design. Any such refinements would be subject to discharge through the relevant requirements.</p> <p>In response to a question from the ExA regarding the threshold for assessment and whether it has been met, Mr S Griffiths confirmed that the threshold is agreed and has been documented in writing for several months. He stated that the key test is whether the host authorities concur with the findings of the assessment. If agreement is reached, it would confirm that the threshold has not been exceeded. He noted that this matter is currently being explored in detail as part of ongoing discussions to inform the Statement of Common Ground.</p>



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		<p>Mr Brown, representing the host authorities, proposed that to aid understanding and facilitate agreement, it would be helpful for the Applicant to present the relevant assessment information in a simplified tabular format, listing each identified residential property alongside the Applicant's assessment of effects.</p> <p>Post hearing note: The Applicant has provided a table setting out each of the residential properties considered to be part of the receptor groups within the visual assessment, and the corresponding viewpoint, in the Landscape and Visual Impact Assessment submitted at Deadline 3. This list has been cross referenced with residential dwellings listed in the Book of Reference [REP1-013]. (ExA Action 3).</p> <p>(v) The ExA will explore the extent of mitigation offered, and how this is secured within the dDCO, and whether IPs agree this provides a sustainable solution, the ExA would expect this to cover, access provision, hedgerow and tree protection, cable routing, and maintenance and other matters which could affect landscape matters.</p> <p>The ExA explored the extent of mitigation offered, and how this is secured within the DCO.</p> <p>Mr S Griffiths, on behalf of the Applicant, explained that mitigation is secured through the Outline Landscape and Ecological Management Plan (OLEMP) [REP1-053], which references the Glint and Glare Assessment [APP-188]. This assessment specifies specific locations where temporary opaque screens are required to ensure highway safety. These screens are intended to remain in place only until vegetation matures sufficiently to provide effective screening.</p> <p>The longevity of these screens is dependent on planting growth rates. A conservative benchmark of 15 years has been used in the assessment, in line with industry standard, although it is expected that vegetation will become effective earlier. The screening must be not only tall but also dense enough to function in all conditions. Therefore, the year 15 assessment assumes that the screens are no longer required.</p> <p>The ExA queried the extent and height of fencing along the A1133, noting that the visualisation did not clearly indicate the length of fencing proposed. Mr S Griffiths confirmed that the fencing would consist of shorter sections, and that the maximum height assessed is up to 4 metres, based on the height of solar panels and safety requirements. This height is secured within the OLEMP and subject to final confirmation at detailed design stage. The fence height cannot exceed 4 metres but may be reduced depending on final design.</p> <p>Mr S Griffiths explained that flexibility exists regarding the location of the fence. In areas with sufficient existing screening, fencing may not be required. In fragmented areas, the fence could be set back to reduce visual impact. The photo montage presented reflects a reasonable worst-case scenario.</p>



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		<p>The ExA requested broader visualisations to understand the full extent of fencing along the A1133.</p> <p>Mr S Griffiths confirmed that the glint and glare assessment was based on an overly precautionary approach, assuming no existing planting. This approach ensures highway safety but may overstate the visual impact. The assessment will be rerun at detailed design stage to confirm the actual need and extent of screening.</p> <p>Post hearing note: The photomontage from Viewpoint 2 [REP2-031] shows a broader extent of the screen proposed along the eastern side of the A1133. Following the hearing the Applicant confirms that a supplementary Glint and Glare Assessment will be provided to take account of existing vegetation in order to present a more detailed plan of the extent of potential screens required. The supplementary Glint and Glare Assessment will be provided at the next deadline and will be submitted with an updated plan showing the extent of screens required and an updated photomontage. (ExA Action 4)</p> <p>In response to a submission by Mr. Barker, on behalf of WLDC, requesting that the Applicant provide parameter plans to narrow down the 13.5 height allowance to specific locations, rather than applying it across the entire site, Mr S Griffiths noted that the height parameter plan reflects the works areas and is controlled by the latest version of the outline design parameters [REP2-022]. Flexibility is necessary to accommodate the final arrangement of the substation and solar array, which will be determined during the detailed design. The ES has assessed a worst-case scenario to account for this flexibility.</p> <p>The siting of the substation is detailed in the design approach document and will be addressed under Requirement 5 of the DCO, which governs detailed design. Mr S Griffiths emphasised that this is a matter for detailed design stage rather than pre-determination. In response to submissions by Mr. White, an Interested Party, about the treatment of Trent Lane, Mr R Griffiths, on behalf of the Applicant, confirmed that there is no proposal to close Trent Lane, although works will be required to install cabling. Regarding fencing, he clarified that the relevant sections of the A1133 are OB05, OB06, OB07.</p> <p>Mr S Griffiths added that the post-and-wire fence shown in the image would be up to 2 metres high and would not include barbed wire or similar features.</p> <p>The ExA sought clarification from the Applicant regarding the accuracy of visualisations presented, specifically in relation to the height of fencing and solar panels depicted. Mr S Griffiths, on behalf of the Applicant, confirmed that the visualisations have been prepared in accordance with Technical Guidance Note 06/19 issued by the Landscape Institute, titled <i>Visual Representation of Development Proposals</i>. He explained that the images are not simple photographic overlays but are based on surveyed photography and LiDAR data collected on site. This ensures that the camera height and landscape features are accurately represented, allowing confidence in the depiction of elements such as fencing at 2 metres and solar panels at 3.5 to 3.8 metres in height.</p>



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		<p>Mr S Griffiths further noted that, following earlier queries from Mr Walker regarding the accuracy of the photomontages, the Applicant had consulted the team responsible for their preparation and the Applicant is satisfied that these are accurate and reliable.</p> <p>In response to a question from Mr White regarding whether fencing is proposed in at Trent Lane, Mr R Griffiths, on behalf of the Applicant, confirmed that there are no plans to install fencing in that area.</p> <p>Addressing broader concerns raised by Mr White and Mr Walker about the methodology used to generate the 3D images, Mr S Griffiths clarified that the Applicant had not relied on generic tools such as Google Earth. Instead, the visualisations were produced using site-specific LiDAR scans, which underpin the accuracy of the photomontages.</p> <p>Post hearing note: The Applicant has provided supplementary information to explain the process undertaken to prepare the photomontages. This information is provided in Appendix A and comprises: LiDAR scans for two viewpoints, a summary of the methodology utilised in the preparation of the images, and the addition of a person (measuring 1.5m) and measure stick in one photomontage. This information has been prepared to provide greater transparency and confidence in the reliability of the imagery presented. (ExA Action 4)</p> <p>The ExA sought clarification from the Applicant regarding the adequacy of proposed mitigation measures for tree and hedgerow protection, particularly in relation to cable routing, access track siting, and visibility splays. The ExA referenced previous submissions at Deadline 2 and requested further assurance that the detailed design would avoid adverse impacts on root systems and vegetation, and that visual impacts from new access points would be appropriately managed.</p> <p>Mr S Griffiths, on behalf of the Applicant, confirmed that a detailed arboricultural impact assessment will be undertaken at the detailed design stage. To date, assessments have been based on high-level information, but further refinement will follow once the final alignment is known.</p> <p>Mr. S Griffiths noted the mitigation of potential adverse impacts associated with proposed vehicular access points, the access locations have been located to utilise existing access points where possible. Where this has not been achievable, locations with little vegetation have been preferred. Wider vegetation within the visibility splay is proposed to be maintained at a height of 0.9m, rather than removed, during construction. This is secured through the Vegetation Removal Plan which is Appendix C of the Outline Landscape and Ecological Management Plan [REP2-056].</p> <p>Regarding tree and hedgerow protection, Mr S. Griffiths referred to these being secured within the Outline Design Parameters [REP2-022] as follows:</p> <ul style="list-style-type: none"> Hedgerows: 5m – measured from the centreline, as defined by the topographic survey commissioned by the Applicant.



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		<ul style="list-style-type: none"> Watercourses, drainage ditches, and waterbodies: 10m – measured from the water's edge, as defined by the topographic survey commissioned by the Applicant. Trees: 15m – measured from the edge of canopy, as defined by the topographic survey commissioned by the Applicant. Woodland: 25m – measured from the edge of canopy, as defined by the topographic survey commissioned by the Applicant. Veteran trees: no works within Root Protection Area (RPA). <p>These Outline Design Parameters are commitments that will inform the detailed design which will be submitted for approval by the local planning authorities under Requirement 5. The OLEMP [REP1-053] which states at para. 5.3.6 that RPAs for individual trees (including identified veteran trees) will be accounted for during construction and habitat creation to ensure tree retention and to avoid damage, in accordance with British Standard 5837:2021 'Trees in relation to design, demolition and construction'.</p> <p>Mr S. Griffiths identified the Outline Construction Environmental Management Plan (OCEMP) [REP2-049] as the key securing mechanism for embedded landscape mitigation associated with cable routing. It also sets out that the micro-siting of infrastructure to protect RPAs will be undertaken at detailed design (Table 3.14) and commits to <i>"the cable route will be positioned as far from the stem of retained trees as possible and all trenching will be outside of the RPA of retained trees"</i>. It goes on to state that <i>"Trenchless crossings such as horizontal directional drilling will be utilised as required to mitigate impact on tree belts or hedgerows."</i> A Construction Environmental Management Plan will be submitted for approval under Requirement 13.</p> <p>Installation of the Export Cable Route will be accompanied by the reinstatement of the working width which will include the re-planting of areas where they were previously vegetated. This also includes the backfilling of trenches with topsoil and seeding to restore land to its original condition. This is mentioned in the Outline Export Cable Route Construction Method Statement [APP-185].</p> <p>On the matter of Trent Lane, Mr R Griffiths confirmed that:</p> <ul style="list-style-type: none"> Trent Lane is identified on the Streets, Rights of Way and Access Plans, with the public right of way marked between PROW12/03 and PROW12/10. Powers sought under Schedule 6, Part 4 of the draft DCO [REP2-009] relate only to temporary management during construction for safety purposes. No powers are sought for closure or management during the operational phase. The only permanent infrastructure will be a below-ground jointing bay, covered by a manhole cover, with no above-ground structures.

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5	Agricultural land and best and most versatile agricultural land (BMV)	<p>(i) The ExA will seek an understanding of the extent of loss of BMV from the Proposed Development, and the quantity that could be regarded as permanently lost. The ExA will also seek clarification of views from parties regarding the cumulative effect on BMV across the local area and whether this should be regarded as significant.</p> <p>The ExA invited further clarification from the Applicant and local authorities regarding the extent and nature of agricultural land loss, particularly best and most versatile (BMV) land, arising from the Proposed Development.</p> <p>In response to concerns raised by the local authorities regarding how agricultural land loss figures were distributed geographically, the Applicant confirmed that a county-level breakdown had been completed for the cumulative assessment.</p> <p>Post hearing note: The Applicant has provided below a district-level breakdown, including the impact of other NSIPS in the relevant districts. The other NSIPs included are based on Figure 18.09 of the ES [REP2-030] and Appendix 18.3 Summary of Other Developments included within the Cumulative BMV Assessment [REP2 -041] (ExA Action 6).</p> <p>Table 5.1 Breakdown of Agricultural Loss at a District Level</p> <table><tr><th>District</th><th>West Lindsey (ha)</th><th>Bassetlaw (ha)</th><th>Newark and Sherwood (ha)</th></tr><tr><td>All Other NSIPS</td><td></td><td></td><td></td></tr><tr><td>Grade 1</td><td>0</td><td>0</td><td>0</td></tr><tr><td>Grade 2</td><td>9.2</td><td>23.2</td><td>0</td></tr><tr><td>Grade 3a</td><td>248.44</td><td>632.22</td><td>1536.8</td></tr><tr><td>Grade 3b</td><td>1420.3</td><td>2034.01</td><td>1667.38</td></tr><tr><td>Grade 4</td><td>137.8</td><td>8.4</td><td>51</td></tr><tr><td>Grade 5 / Non Agric</td><td>77</td><td>15.34</td><td>0</td></tr><tr><td>All Other NSIP BMV</td><td>257.64</td><td>655.42</td><td>1536.8</td></tr><tr><td>All Other NSIP Total</td><td>1892.74</td><td>2713.17</td><td>3255.18</td></tr><tr><td>Applicant Surveyed Land</td><td></td><td></td><td></td></tr><tr><td>Grade 2</td><td>45</td><td>139</td><td>65</td></tr><tr><td>Grade 3a</td><td>83</td><td>191</td><td>136</td></tr><tr><td>Grade 3b</td><td>66</td><td>329</td><td>184</td></tr><tr><td>Applicant Surveyed BMV</td><td>128</td><td>330</td><td>201</td></tr></table>	District	West Lindsey (ha)	Bassetlaw (ha)	Newark and Sherwood (ha)	All Other NSIPS				Grade 1	0	0	0	Grade 2	9.2	23.2	0	Grade 3a	248.44	632.22	1536.8	Grade 3b	1420.3	2034.01	1667.38	Grade 4	137.8	8.4	51	Grade 5 / Non Agric	77	15.34	0	All Other NSIP BMV	257.64	655.42	1536.8	All Other NSIP Total	1892.74	2713.17	3255.18	Applicant Surveyed Land				Grade 2	45	139	65	Grade 3a	83	191	136	Grade 3b	66	329	184	Applicant Surveyed BMV	128	330	201
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#	Agenda item	Written summary of Applicant's oral submissions			
		Applicant Surveyed Total	194	659	385
		Cumulative BMV	451.64	985.42	1737.8
		Cumulative Total Area	2086.74	3372.17	3640.18
		<p>Ms. Alexis Coleman, Legal Director at Pinsent Masons LLP for the Applicant, clarified that the 123 hectares identified as permanently removed for ecological enhancement includes both:</p> <ul style="list-style-type: none"> • 11.6 hectares of land that will be permanently lost due to hedgerows, woodlands, and trees—typically located at field edges; and • Additional areas designated as wildflower meadows, which are mitigation features for heritage or visual impacts and have also been ecologically enhanced. <p>Ms Coleman emphasised that the wildflower meadow areas are expected to be returned to landowners and could be readily farmed again. Therefore, the 11.6 hectares represents a more realistic figure for permanent loss.</p> <p>Ms Coleman clarified that the 11.6ha is not comprised of whole fields and the Applicant is in the process of confirming how much of the 11.6ha is actually located on BMV land; the actual BMV loss may therefore be lower than assumed. Ms Coleman explained that the Applicant was preparing a plan that identified the 11.6ha of hedgerows, woodlands and trees that would remain in place, with an overlay with BMV classification.</p> <p>Post hearing note: A plan identifying the location of these areas is provided at Appendix B to this note. The plan shows where established planting in the form of woodland, hedgerows and trees is expected to be retained and then shows whether this is on BMV land or not. As a result of this exercise, the permanent loss to this planting is 5.11 hectares. (ExA Action 8)</p> <p>The ExA sought clarification on the rationale behind local authorities' requests for district-level data concerning agricultural land classification (ALC) and BMV land. While acknowledging the desire for more granular data, the ExA noted that the Proposed Development is a nationally significant infrastructure project and must be assessed primarily against national policy.</p> <p>Ms Coleman, on behalf of the Applicant, agreed with the ExA's observation. She stated that while there is no reason such data cannot be provided, the absence of a clear policy requirement limits the justification for doing so. She reiterated that the Applicant's approach to cumulative assessment has evolved (based on the approach taken for other solar DCOs, particularly in Lincolnshire) to focus on county or regional scales, which better reflect the zone of influence for solar development and associated impacts. This broader approach is well-established and allows for the inclusion of a wider range of solar and energy infrastructure schemes than a more localised methodology would permit, and recognises that BMV is not specifically a district / county area resource.</p>			



#	Agenda item	Written summary of Applicant's oral submissions
	(ii) The ExA will seek views on the suitability of the search undertaken, and consideration of alternatives in seeking to minimise the loss of BMV	<p>The ExA invited views from the parties on the adequacy of the Applicant's consideration of alternatives in seeking to minimise the loss of BMV agricultural land.</p> <p>Mrs Sarah Price, Director at DWD for the Applicant, referenced the site selection methodology previously set out in written submissions and earlier hearings. She drew attention to paragraph 2.10.29 of the NPS EN-3, which states that land type should not be the predominant factor in determining site suitability. However, where possible, applicants should utilise previously developed, brownfield, contaminated, or industrial land, and poorer quality land should be preferred over higher quality land. Mrs Price confirmed that this principle had guided the Applicant's approach.</p> <p>She explained that the grid connection point was the starting basis for site selection, consistent with precedent across other solar NSIPs. The Applicant initially considered a 10km radius from the grid connection, later extended to 15km for the purposes of the sequential flood risk test. Within this study area, agricultural land mapping was undertaken using published data from Defra and Natural England.</p> <p>The mapping exercise revealed:</p> <ul style="list-style-type: none"> • A predominance of Grade 3 land across the study area • A significant area of Grade 2 land to the west, which was discounted • Some Grade 4 land near the River Trent, which was ruled out due to ecological and heritage designations and proximity to villages <p>Mrs Price confirmed that the Applicant sought to reduce BMV loss by favouring lower-grade land and subsequently undertook surveys on land where access was permitted by landowners. The surveys revealed a mix of Grade 3a and 3b soils, consistent with the broader characteristics of the area. She noted that the Applicant's soil experts had advised that similar proportions of Grade 3a and 3b would likely be found elsewhere within the study area, making further relocation unlikely to yield significantly lower BMV impact.</p>
	(iii) The ExA will seek further explanation to explore the evidence available to support the management of soil health through the lifetime of the project, and the obligations to secure returning the land to its current condition/status, and how these are secured through the dDCO	



#	Agenda item	Written summary of Applicant's oral submissions
		<p>The ExA sought clarification from the Applicant regarding the evidence supporting soil health management throughout the lifetime of the Proposed Development, and the mechanisms by which the land would be restored to its current agricultural condition following decommissioning.</p> <p>The ExA noted that Natural England, in its response [REP2-100], referenced guidance from the British Society of Soil Science, while the Applicant had relied on Defra guidance. The ExA requested clarification on the distinction between these two sources, and whether the British Society of Soil Science publication would introduce additional protections or measures not otherwise captured in the Applicant's current approach.</p> <p>Post hearing note: In terms of the differences between the two documents referenced by the ExA, the Defra guidance is the industry UK standard guidance which should be referenced by every soil management plan. The Guidance referred to by Natural England is the 2021 Institute of Quarry Good Practice Guide for Handling Soils in Mineral Workings. This guidance is more recent than the Defra Guidance and includes soil plasticity testing which is not in the Defra Guidance. The Applicant's outline Soil Management Plan has been updated at Deadline 3 to reference both sets of guidance as both are relevant and to be followed within the Soil Management Plan. (ExA Action 9)</p> <p>The ExA noted some discrepancies between documentation and requested clarification on:</p> <ul style="list-style-type: none"> • Whether piles would be removed • Whether cable removal is determined by voltage or depth • What proportion of land would be returned to agricultural use, and whether a minimum area or hectare figure could be specified to avoid ambiguity <p>Ms Coleman responded that the key determinant is depth, not voltage. Infrastructure installed at depths shallower than 0.9m would be removed at decommissioning, while deeper installations may remain in situ, as they would not impede agricultural use. This approach has been agreed with Natural England.</p> <p>Regarding piles, Ms Coleman confirmed that piles would be removed unless they are below 0.9m (post hearing clarification: piles would in fact be removed in their entirety with nothing remaining below 0.9m) and do not affect soil usability for agriculture.</p> <p>In response to comments by the ExA regarding the importance of securing a commitment to restoring the land to its current status or better, Ms Coleman confirmed that the Outline Soil Management Plan (OSMP) [REP1-058] includes detailed measures for restoration, including:</p> <ul style="list-style-type: none"> • Actions to be taken during decommissioning



#	Agenda item	Written summary of Applicant's oral submissions
		<ul style="list-style-type: none"> • Monitoring and aftercare procedures (Section 10) • Restoration of soil grades and properties to pre-development condition <p>Post hearing note: The ES and management plans have been updated for consistency and now reflect the latest details, confirming that all underground cabling up to a depth of 0.9m will be removed and cable ends sealed, and that it is assumed that all the below ground cables deeper than 0.9m will be left in situ. All concrete, hardstanding and foundations would be removed. (ExA Action 10)</p> <p>Ms Coleman for the Applicant reiterated that the current industry practice is to remove infrastructure installed at depths shallower than 0.9 metres, a threshold agreed with Natural England [REP2-099]. This approach is reflected in the Outline Decommissioning and Environmental Management Plan and (DEMP) was previously set out in the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-077] (page 32). Ms Coleman confirmed that the Outline DEMP (secured by the dDCO) includes a mechanism allowing for cables lower than 0.9m to be removed upon decommissioning, should industry standards evolve. The approach taken in the DEMP would require approval from the relevant planning authority in consultation with Natural England and the Environment Agency.</p> <p>In response to comments made by Mrs Fox, an Interested Party, in relation to The impact of solar photovoltaic (PV) sites on agricultural soils and land (2023) report commissioned by the Welsh Government regarding the impact of solar farms on soil health and the reversibility of those impacts, Mr Kirk Hill, Director at ADAS for the Applicant, confirmed familiarity with the Welsh Government report and noted his involvement in its preparation. He acknowledged that solar farm decommissioning remains a developing area, with uncertainties around pile types and extraction methods. However, he stated that:</p> <ul style="list-style-type: none"> • The scale of construction activities for a scheme such as the Proposed Development is relatively minor compared to other infrastructure projects; • Compaction is the most significant risk but is reversible if soil is handled correctly under appropriate moisture conditions; • The precautionary concerns around zinc contamination are noted, but actual impacts depend on materials used and can be managed. <p>Mr Hill emphasised that the OSMP is the key tool for mitigating these risks and ensuring restoration. He confirmed that the plan includes measures for construction, operation and decommissioning phases.</p> <p>Post hearing note: Mr Sam Franklin, on behalf of NSDC, requested further detail on how soil health is defined and measured within the OSMP, and the Applicant is further considering the points raised in order to respond to these at Deadline 4.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>A baseline of soil conditions has been determined across the site through the Agricultural Land Classification survey which includes information such as structure, texture and colour. Currently there is no soil monitoring requiring set out within the DCO requirements. If the soil management plan is followed the soil benefits are expected to be sustained post-decommissioning due to the improved soil organic matter, nutrient retention and soil biota.</p> <p>Mr Hill added that:</p> <ul style="list-style-type: none"> • Soil health benefits during operation are largely due to increased organic matter, nutrient content, and biodiversity. • These benefits are well-documented in agricultural practice, particularly when land is placed under grass. • Upon return to cultivation, organic matter levels may decline but will stabilise according to future land management practices.
6	Transport	<p>(i) The ExA will seek clarification from the Highway and Local Planning Authorities on their latest position in respect of:</p> <ul style="list-style-type: none"> a. Suitability of traffic route choice in the TA and the balance to be struck between residential amenity and transport matters in respect of Ragnall village b. Abnormal Indivisible Loads, routing and assessment c. Design and location of individual access points <p>(a) Route suitability</p> <p>Mr. Gordon Buchan, Sector Director - Energy at Pell Frischmann, for the Applicant, confirmed that officers at NCC have discussed the A57 access junction / bypass of Ragnall with the Applicant and this is not yet agreed. The Applicant is currently waiting for the results of an independent Stage 1 Safety Audit of the proposed A57 junction (Ragnall bypass) – when this is received it will be provided to Ms. Sarah Hancock at NCC as part of the wider A57 access review and then the ExA once NCC have confirmed their position.</p> <p>Mr Buchan noted that a briefing note with supplementary information to justify the access junction will also be provided to both Ms Hancock and the ExA. This note will take the form of a “mini” EIA transport assessment on impacts to the village, inhabitants, road users etc. of Ragnall. A Designer’s Response to the Safety Audit will also be included in the note.</p> <p>Post hearing note: The Applicant is in the process of finalising the note on the A57 to share with NCC, and expects to do so shortly. (ExA Action 11)</p> <p>(b) Abnormal Indivisible Loads, routing and assessment</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>The ExA sought an update on progress regarding the management of Abnormal Indivisible Loads (AILs).</p> <p>Mr Buchan, on behalf of the Applicant, confirmed that:</p> <ul style="list-style-type: none"> • The Applicant had signposted National Highways to the Abnormal Load Route Survey, contained within the Transport Assessment [REP2-114] • Consultation with National Highways had taken place and the outcomes are summarised at the rear of the route survey report • Further information on the number of loads and indicative timings can be provided <p>Mr Buchan noted that the proposed routes fall within the Heavy and High Load Route Map published by National Highways.</p> <p>Post hearing note: A letter to National Highways detailing the additional information was issued on 4 September 2025 and a copy is attached to this note as Appendix C. (ExA Action 12)</p> <p>(c) Design and location of individual access points</p> <p>The ExA invited updates and clarification regarding the design and location of individual access points.</p> <p>Mr Buchan, for the Applicant, confirmed that two safety audits are currently being undertaken for the junctions identified as most critical:</p> <ul style="list-style-type: none"> • The A57 junction; and • The easterly junction on Roadwood Lane, which lies on the boundary between Nottinghamshire and Lincolnshire <p>Mr Buchan stated that all junctions will be subject to Stage 1 and Stage 2 safety audits as part of the detailed design process secured through the outline Construction Traffic Management Plan which itself is secured by the draft DCO.</p> <p>In response to questions from the ExA, Ms Hancock of NCC confirmed that they would want a road safety audit for accesses on to classified roads as a minimum. It was confirmed on behalf of LCC that they had a different policy to NCC and at this stage were content that the proposed works were acceptable and that the detail and the road safety audit can follow later.</p> <p>Post hearing note: Details relating to the junction form and design will be provided in the A57 access briefing note being prepared (referenced above). (ExA Action 11)</p> <p>Post hearing note: Mr Barker from WLDC raised a query in relation to Gate G and whether there was a conflict with the visibility splay needed and proposed vegetation removal. The Vegetation Removal Plan in Appendix C Of the Outline Landscape and Ecology Management Plan [REP1-053] has been updated to show the removal of the corner of the hedgerow on the northern side of the access track in question. The works to be accessed via this track will take place outside of winter</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>months. As such, the existing track will be used in its current form and so no works are proposed to take place to the existing access track other than the placement of crushed aggregate where the track meets the A1133. (ExA Action 13)</p> <p>(ii) The ExA will seek clarification of the management of traffic during the operation of the Proposed Development, and what controls are in place to manage traffic during this period</p> <p>Ms Hancock, on behalf of NCC, confirmed that NCC is happy with the approach for traffic management at Crabtree Land and Moore Lane and the Applicant's identification of suitable design guidance.</p> <p>Ms Hancock also confirmed that despite it being stated in Deadline 2 that the study area and routing may result in a different distribution around construction vehicles, no new assessment is needed. NCC is content with the access routes and proposed barred routes.</p> <p>Construction Staff Travel Plan The ExA sought further clarity on how the Construction Staff Travel Plan would be secured and enforced, particularly in relation to local authority oversight and legal obligations.</p> <p>Mr Buchan confirmed that the Travel Plan will be a contractual obligation for the appointed contractor, forming part of their performance requirements, as compliance will be monitored by the Applicant and tied to key performance indicators within the contractor's agreement. The Travel Plan is embedded within the outline Construction Traffic Management Plan (oCTMP) [REP1-055], which is secured under the DCO and as such, adherence to the Travel Plan becomes a legal requirement under the DCO, enforceable through planning controls.</p> <p>The ExA requested further detail on how the Travel Plan is linked to the DCO and how the local authorities would know that it is being complied with.</p> <p>Ms. Coleman, for the Applicant, reiterated that the Travel Plan is secured within the CTMP and therefore the requirement to comply and carry out the Proposed Development in accordance with the approved CTMP includes the Construction Staff Travel Plan. In practice, there are monitoring and reporting mechanisms to ensure that the Applicant can track compliance and should the local planning authorities have any concerns they can ask for a demonstration of compliance or serve an information notice and the Applicant will comply with that request and can provide the records of compliance if needed. The CTMP also sets out various measures by which people can report concerns or complaints directly to the Applicant, for example via the complaints phone line.</p> <p>Impact of traffic on horse riders</p> <p>In response to comments made by Mr White, an Interested Party, regarding impact on local horse riders and the adequacy of consultation, Mr Buchan for the Applicant responded that:</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<ul style="list-style-type: none"> Responses to consultation on equestrian impacts are documented in Appendix J of the Consultation Report [APP-161]. The oCTMP includes specific provisions for non-motorised users, including pedestrians, cyclists and equestrians. <p>Mr Buchan elaborated that drivers will receive specific training on how to safely interact with horse riders, based on guidance from the British Horse Society. Training will cover safe passing distances, speed reduction, and appropriate behaviour when encountering equestrians. These measures will be reinforced through daily toolbox talks for HGV and LGV drivers. Relevant details are set out in section 4.11.5 of the oCTMP.</p> <p>Mr Buchan confirmed that these provisions will be carried forward into the final CTMP, which will be secured under the DCO.</p> <p>Ms Hancock confirmed that NCC has no specific concerns about the use of roads and arrangements in place for horse riders, pedestrians or cyclists and that NCC's PRoW team will have commented on this point previously. Mr Field, on behalf of LCC, confirmed the same for LCC.</p>
7	Hydrology, flood risk, water resources and the sequential test	<p>(i) The ExA will seek clarification on the water resource/availability and the implications this may have for the construction programme.</p> <p>The ExA outlined that as Anglian Water stated at Deadline 2, it is possible that NSIPs may be refused water supplies above 20m³ /day. The ExA queried whether the measures outlined in the Applicant's response to question 12.0.7 at Applicant's Response to ExA's 1st Written Questions [REP2-084] will ensure that delays to the construction programme will be avoided if Anglian Water are unable to meet demand for water.</p> <p>Ms. Coleman, for the Applicant, confirmed in the first instance that the assessment is overly conservative and that the Applicant would either apply to Anglian Water by submitting the Water Resources Assessment for supply by Anglian Water or utilising other measures for water supply.</p> <p>Mr. Craig Thwaites, Associate Director at Logika for the Applicant, noted that within paragraph 7.6.24 of ES Chapter 7: Hydrology and Hydrology [REP2-024], water demand during construction has been conservatively calculated to be 64.8m³ /day, though it is expected that there will be lower factors than what has been assessed currently as per paragraph 7.6.27 of ES Chapter 7. Wherever possible, water is to be sourced from non-potable sources (this could include using the existing abstraction licences from the River Trent) or private supplies to reduce the pressure on demand from the water company however, the feasibility of this is to be confirmed at detailed design.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Mr Thwaites clarified that Anglian Water in their responses have not stated that they will not be able to supply greater than 20m³/day, but have stated that if we go above that, then a Water Resources Assessment (WRA) would be required. Mr. Thwaites confirmed that the Applicant is completing the WRA and aiming to submit this to Anglian Water on the week commencing 1 September 2025 to gain an understanding of their capacity.</p> <p>Ms Carry Murphy, on behalf of Anglian Water confirmed that it will take a couple of weeks to respond once the WRA has been received. Anglian Water would need to look at the relevant water resource zone they would be supplying the water from, its capacity and if any upgrades are needed. Anglian Water would appreciate engagement with the Applicant as there are a number of NSIPs and planned developments in the area which could impact water supply.</p> <p>The ExA noted that desire for clarity on this point. The Applicant confirmed that for Deadline 4 (14 October) it will provide an update on discussions or confirm any agreed position between the Applicant and Anglian Water.</p> <p>Post hearing note: The WRA is currently being prepared by the Applicant's technical experts and will be submitted to Anglian Water as soon as possible for their review. The WRA was not able to be sent to the timescale indicated in the hearing due to specific technical input being needed and this was conveyed to Anglian Water in a call held shortly after the hearing. An update on Anglian Water's response is aimed to be provided for Deadline 4.</p> <p>The ExA queried whether the calculation on the use of tankered water has been included in the Applicant's Traffic Assessment. The Applicant confirmed that it would be around 2 trips /day and that was within the allowance for trips in the traffic assessment, and so no issues are anticipated in that respect.</p> <p>(ii) The ExA will seek clarification on the proposed construction programme and the effect on drainage in the event of a flood event</p> <p>Mr Thwaites for the Applicant referred to Table 3.5 of the oCEMP [REP2-049] which sets out flood risk, drainage and surface water mitigation and management procedures during construction. This includes:</p> <ul style="list-style-type: none"> • Pollution Plans • Storing machinery and spoil/materials outside of the identified flood extent wherever possible, minimising the potential for contaminant mobilisation should a flood event occur. • Containment measures • Mixing and handling of materials in designated areas and away from surface water drains • Locating plant and machinery away from surface water bodies wherever possible



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		<p>Additionally, the oCEMP indicates the following which will further minimise the potential contaminants to be mobilised:</p> <p><i>“The Contractor(s) will be required to produce a Flood Risk Management Action Plan/Method Statement with the CEMP(s) which will provide details of the response to an impending flood and include the following:</i></p> <ul style="list-style-type: none"> <i>• 24-hour availability and ability to mobilise staff in the event of a flood warning.</i> <i>• All plant, machinery and material which is capable of being mobilised in a flood risk area will be moved by the Contractor(s) to safe locations, to mitigate flood risk elsewhere by blocking flood flow paths etc. during a flood event;</i> <i>• Details of the evacuation and site closedown procedures;</i> <i>• Arrangements for removing any potentially hazardous material and anything capable of becoming entrained in floodwaters, from the temporary works areas;</i> <i>• The Contractor(s) will sign up to EA flood warning alerts and describe in the ERP the actions it will take in the event of a flood event occurring. These actions will be hierarchical meaning that as the risk increases the contractor(s) will implement more stringent protection measures;</i> <i>• If water is encountered during below ground construction, suitable de-watering methods will be used. Any groundwater dewatering required in excess of the exemption thresholds will be undertaken in line with the requirements of a full or temporary water abstraction license(s) from the EA (under the Water Resources Act 1991 as amended) and the Environmental Permitting Regulations (England and Wales) 2016; and safe egress and exits are to be maintained at all times when working in excavations. When working in excavations a banksman is to be present at all times.” (Table 3.5 [REP2-049])</i> <p>Mr Ewan Sneddon, Associate Director at Aecom for the Applicant, re-iterated that construction is not expected to last the full duration of the 2-year period and that the Applicant is committing to ensuring that in the highest flood risk areas, construction will be undertaken in the drier months to reduce the risk of flood events.</p> <p>The ExA queried whether the Environment Agency (EA) is content with the Applicant's construction programme. Ms. Sian Holland, on behalf of the EA, stated the EA was content, and added that the EA understands that where possible construction compounds have been located outside of the floodplains, and where this is not possible, the an assessment will be undertaken at detailed design stage. The EA understand that the Applicant does not have a detailed plan of where all of their compounds are going and this might need to be an assessment undertaken at the detailed design stage and the EA welcomed further detail at the appropriate time in this respect.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>The ExA asked the EA to confirm whether they are content at this stage that there is nothing that could get in the way of the principle of the Applicant's construction plans, with the information available. The EA confirmed they are still having discussions about getting broader mitigation in place, but in general terms they are happy with the Applicant's plans.</p> <p>NCC and LCC, as local flood authorities, confirmed they also believe the plans sound acceptable in principle, but they want the opportunity to come back on this point in writing.</p> <p>(iii) The ExA will seek clarification on the Flood Risk Assessment and views of IPs on the conclusions reached, mitigation proposed, how these are secured through the dDCO.</p> <p>The ExA asked the Environment Agency for their consideration on the revised Flood Risk Assessment (FRA) [REP2-043] and whether, in their view, the mitigation secured is adequate and if their previously raised concerns have been satisfactorily addressed.</p> <p>Ms Holland confirmed the EA reviewed the FRA which was issued at Deadline 2 and are still reviewing the mitigation that has been put in place. The EA confirmed there were a number of points which needed to be discussed with the Applicant and further details of their concerns will be provided at the next deadline. She confirmed that there are ongoing discussions with the Applicant on these points, including around the use of voided structures for the inverters, which they feel should be a last resort measure, and the potential for a requirement to secure individual investigations and any interactions with embankments on the site. Ms Holland noted that discussions with the Applicant were moving in a positive direction.</p> <p>Ms Coleman confirmed that there have been positive discussions with the EA and agreed that there may be a need for a requirement and agreed to propose drafting securing a rerun of the FRA, if required, at the detailed design stage in order to confirm that the impact on flood risk and floodplain storage is in line with the FRA provided as part of this examination.</p> <p>Post hearing note: The Applicant met with the EA on the 11th September to further discuss the FRA and the various points raised by the EA during ISH2. The Applicant is in the process of updating the FRA to consider the following in further detail:</p> <ul style="list-style-type: none"> • Commentary on the use of voided structures for the inverters. • Consideration of impact on flood flows due to partially submerged panels. • Interactions between the proposed development and existing flood defences,



#	Agenda item	Written summary of Applicant's oral submissions
		<p>The Applicant plans to share the updated FRA with the EA in advance of Deadline 4 (to hopefully allow sufficient review time) and to submit it to the Examination at Deadline 4 (hopefully having had time to address any outstanding comments from the EA and/or to confirm the agreed position).</p> <p>At the same time the Applicant will submit a draft requirement for the dDCO. The draft requirement will essentially require that at detailed design the Applicant will re-run the FRA in order to demonstrate to the relevant planning authority and the EA that based on the detailed design, the impact on flood risk and flood plain storage is no worse than the outcomes included in the FRA. The Applicant wants to closely align the content of the FRA to the proposed requirement so that the FRA makes clear what the updated FRA at the time of detailed design is focussed on and what outcomes it needs to achieve. For this reason they will be provided side by side at Deadline 4. The Applicant will share the draft requirement with the EA alongside the FRA.</p> <p>Voided structures</p> <p>In response to the EA's concerns surrounding the use of voided structures underneath the inverter mounting, Mr Sneddon for the Applicant confirmed that this use is not unknown in solar infrastructure even on sites where there is no flood risk so this is not purely a flood mitigation measure. The ExA asked for an explanation about the relevance for the use of voided structures on this site and flood risk noting if these structures are used outside of the flood zone. Mr. Sneddon, noting that the EA view voided structures as the last resort for flood mitigation as these are usually concrete or built soil formations to prevent material in the flood water that should not be there. The Applicant notes the use of these structures elsewhere to highlight that these are not solely a flood mitigation measures.</p> <p>The EA confirmed that they acknowledge it is not uncommon to raise infrastructure in this way across solar sites, their concern is that the Applicant is indicating that the use of these voided structures is being used in place of floodplain compensation. The EA would ideally rather that the floodplain that is lost or could be lost even with the voids in place is mimicked on the edge of the flood plain to have capacity for free flowing flood water and not relying on free flowing through voids which can contains risks.</p> <p>Mr Thwaites, noted that conversations on this are ongoing and that updated commentary will be provided at later deadlines and further added that currently, there are only estimates of where the inverter stations may be and this makes it difficult to assess the flood compensation on a case by case basis. Mr Thwaites also noted that the voided structures being looked at would have significant clear spans in order to minimise the potential of obstructions. The Applicant re-iterated that further commentary will be provided on this.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Post hearing note: The use of voided structures was discussed in the meeting held with the EA on the 11th September and further commentary surrounding this point is to be provided within the updated FRA to submitted to the EA as soon as possible and to the examination for Deadline 4.</p> <p><i>Flood flow direction</i></p> <p>In response to a submission by Mrs Fox, an Interested Party, on why quantifiable numbers have been used for the volume for the assessment of structures on the flood plain and whether the EA have any outstanding concerns in respect of the flow channel and the flow direction, Ms. Holland on behalf of the EA noted that discussions are ongoing with the Applicant on this topic and they are reviewing the latest information about the displacement of water. The EA are looking to provide comments in writing over the coming weeks and will continue discussions on how the Applicant can provide further evidence on this topic, for example through modelling.</p> <p>Mr Thwaites, on behalf of the Applicant, agreed with the EA that discussions are ongoing and clarified that in a previous meeting modelling queries were an agenda item and the Applicant addressed these queries in that meeting held on the 26 September 2024. During this meeting, the Applicant discussed the increase in flood risk and how this has been addressed and potentially doing additional modelling but the EA suggested that other quantified methods could be undertaken to assess the flood risk. On the point about the flow directions, the Applicant will continue their discussions with the EA on this to try and gain an agreed approach, which will form part of the Statement of Common Ground between the parties.</p> <p>The Applicant also stated that the solar panel mounting structures will be clear span which would allow flood flows to continue as close as they would be able to in the natural scenario and allow debris to flow through or around the panels.</p> <p>The ExA raised the point that in some locations the solar panels would be submerged and could create a barrier that the Applicant would need to consider and that the Applicant must be sure that they carry out a full assessment of the consequential effects of the proposed work. If the Applicant's view is that flow directions would not be changed, then the ExA will need to understand how the Applicant comes to this conclusion. The Applicant noted this request.</p> <p>In response to the ExA's question on the number of panels which will be submerged, the Applicant stated that this will be 3% of the total panel areas in the design flood event.</p> <p>In response to a submission by Mr White, an Interested Party, requesting the Applicant not place panels in the area adjacent to the reservoir due to the impact that water coming into the village instead of soaking through the land could have on the village, the ExA stated that they would not expect the Applicant to respond on the location of panels adjacent to the reservoir at this hearing but it will be something the Applicant will take away and consider.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Post hearing note: the Applicant has responded in relation to the area adjacent to the reservoir in their response to RR.100 in Applicant's Responses to Relevant Representations [REP1-075]</p> <p>Ms Coleman for the Applicant, noted that the Applicant has indicated the areas that the Applicant is still working on with the EA and that work has been done since the last hearings in terms of looking at the structural design and being able to confirm the impact on flood risk and flood plain storage. The Applicant will continue their positive discussion with the EA.</p> <p>(iv) The ExA will seek clarification from the Environment Agency on the assessment of any potential effect on drinking water, drinking water protected areas, and suitability of mitigation offered and how this is secured through the dDCO.</p> <p><i>Drinking water</i></p> <p>The ExA requested the EA to confirm their position on the potential effects of the Proposed Development on drinking water supply, drinking water protected areas and the suitability of mitigation measures through the construction, operation and decommissioning of the Proposed Development. Ms. Houghton, for the EA, responded and noted that ultimately the relevant water companies ensure compliance with the drinking water directives. The EA noted that they are satisfied with the Water Framework Directive (WFD) assessment. The EA noted they have suggested changes to the management plans and on the basis these are actioned they are satisfied.</p> <p>Ms Murphy, on behalf of Anglian Water requested more detail be provided in the management plans in order to provide Anglian Water with comfort that there would not be potential risks and pollutions in the area of their abstraction location point and further requested the opportunity for Anglian Water to be consulted on those documents. Ms Coleman for the Applicant stated Anglian Water will be added as a consultee to these documents and can pick up any further revisions to the management plans as a result.</p> <p>Post hearing note: At Deadline 3 the Applicant has updated the draft DCO to include Anglian Water as a consultee as requested.</p> <p><i>Flood plain storage</i></p> <p>In response to a submission by Mr Fox, Interested Party, about the 2007 fluvial flooding event and the 2013 tidal events not being included in the FRA and the Applicant's use of the EA's tolerance as a way to negate the loss of flood plain storage, Mr Thwaites for the Applicant stated that the FRA has a figure illustrating where historic flooding has occurred. The Applicant will review the 2007 flood event and provide some further detail. The Applicant has responded to the pluvial / fluvial combined</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>events in the Applicant's response at WR-71 in Applicant Response to Written Representations [REP2-082]. Further, the Applicant stated that the Applicant believes the tolerance being referenced is the 5mm tolerance which has been agreed with the EA. This has been referred to as a relatively standard model tolerance. The EA, in discussions with the Applicant, have said that if the Applicant is within the model tolerance, then it will be considered a negligible change. Ms. Holland, on behalf of the EA, noted that this tolerance is not universal to be applied at all projects and sites and can provide further information on the nuances on this.</p> <p>ExA stated that they will require a clear, detailed response from the Applicant and the EA in order to have confidence that the FRA has been undertaken in line with best practice which explains the use of the tolerance and why there is a degree of flexibility. The suitability of this tolerance should also be detailed. The Applicant noted this request.</p> <p>Post hearing note: Discussions around the tolerance set out for the floodplain storage assessment was discussed in the meeting with the EA on the 11th September. Full details will be set out within the updated FRA however, the EA indicated that their concerns are that the tolerance was being referred to as a "model tolerance" which as set out in the hearing is not universal to all models. The EA have however, confirmed that the 5mm tolerance is still considered appropriate for the purposes of the floodplain storage assessment and that for level changes less than this, they are satisfied that it will be of negligible impact.</p> <p>Fire water</p> <p>In response to a submission by Mr White, an Interested Party, querying the fact that many items in the EA Works Package Tracker are not yet agreed with the Applicant, such as firewater containment, Ms Coleman for the Applicant, stated that positive discussions are ongoing with the EA to discuss the outstanding items. Mr Thwaites, for the Applicant, also stated that the discussions around firewater containment have been discussed in previous hearings and the Applicant has already provided responses to the written representations at Agenda Item 8.1 in the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-077]. Mr Thwaites clarified that the Applicant is proposing an impermeable lining to be provided beneath the BESS compound areas in order to prevent any infiltration of firewater to the aquifer and inclusion of an automatic penstock valve to prevent discharge to watercourses in this event. The Applicant also raised the point that the EA have made a note of incorporating a manual activation prior to the penstock valve as a backup.</p> <p>In response to a submission from Mr. White about whether a two hour firefighting window is suitable due to the firefighters needing to make a decision on either polluting the aquifer with chemical run off or possibly allowing the spread of a fire, Mr Sneddon for the Applicant stated that the two hour window comes from the National Fire Chiefs Council's "Grid Scale Battery Energy Storage System Planning - Guidance for FRS" (2022). Given this the guidance, this is the minimum that the Applicant would be providing. The Applicant is also in discussion with local fire services around battery safety and a fire safety</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>management plan. If requirements change in the future, then the Applicant will commit to providing that change at the detailed design stage.</p> <p>There are procedures outlined in NFCC Guidance around spacing requirements for batteries to ensure that fires do not spread and Ms Coleman, for the Applicant, stated that the outline battery safety management plan expressly says it will comply with the most up to date guidance at the time.</p> <p>(v) The ExA will seek clarification from the Environment Agency on the assessment of the Proposed Development in respect of duties to comply with the Water Framework Directive.</p> <p>ExA requested if the Applicant could advise if, in light of South Clifton Parish Council's and Anglian Water's Deadline 2 submissions, the Proposed Development could affect the WFD objectives, and if not, then why not.</p> <p>Mr Thwaites for the Applicant stated that, in terms of the Deadline 2 submissions and the already submitted WFD Screening Assessment, there is not anticipated reduction in deterioration of watercourses or waterbodies now or in the future. He further stated that the Applicant will need to discuss with Anglian Water on the abstraction point raised in their submissions as this feeds in closely with the WFD.</p> <p>Mr. Thwaites noted that the measures outlined in the oCEMP and the oOEMP will provide sufficient treatment to any runoff into any water courses or water bodies.</p> <p>The ExA asked whether the EA has any concerns in this respect and Ms Houghton, for the EA, responded that they have provided comments on this at the last deadline and providing their suggestions are updated in the management plans then the EA is reasonably satisfied. She noted that the EA is still reviewing some of the documents that were updated at the last deadline and will seek clarification on the depth of drilling underneath water courses for the cable crossing and the bentonite fluid breakout plan and water management plan to review to aim to sign these off.</p> <p>In a response to a submission from Ms Murphy, on behalf of Anglian Water, about:</p> <ul style="list-style-type: none"> • being added as a consultee on these documents; • being able to feed into the management plans in order to satisfy their concerns; and • requesting the Applicant pick up some of the areas of concerns submitted in Anglian Water's response at Deadline 2.



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Mr Thwaites, for the Applicant, agreed that the Applicant can have these discussions and agree requirements as necessary with Anglian Water.</p> <p>Post hearing note: In a meeting held with Anglian Water on the 12th September, it was agreed that reference would be made to the abstraction point within the management plans, which has now been included. Additionally, the WFD Screening Assessment has been updated to include the additional measures requested by the EA and this is being submitted at Deadline 3. As set out previously, at Deadline 3 the Applicant has updated the draft DCO to include Anglian Water as a consultee as requested. In response to submissions by Mr White, an Interested Party, on the lack of routine testing by the EA for microplastics and PFAS chemicals and substances and the base levels for drinking water and surface water for monitoring the effect of the solar farm, the ExA asked for his submissions to be made in writing to ensure that the ExA and the Applicant can fully understand any references and respond accordingly. Ms. Coleman, for the Applicant, confirmed that the Applicant would respond in writing once the submission is received.</p> <p>(vi) The ExA will explore the application of the sequential test, consideration of search area, extent of site covered by flood zones 2 and 3. The viability of the Proposed Development without such areas, and if there should be any changes to the order as a consequence.</p> <p>ExA requested the Applicant explain the approach taken in the Sequential and Exception Test Assessment submitted at Deadline 2 [REP2-080] and explain which national policy requirements support this approach.</p> <p>Mrs Price, for the Applicant, stated the intent was to provide a robust, detailed assessment which carried out essentially a back check to show compliance with the Sequential Test. In preparing this document, the Applicant considered NPS EN-1, NPS EN-3 and guidance within the NPPG. This is set out in section 2 in the Sequential Test Assessment submitted at Deadline 2 [REP2-080].</p> <p>The Applicant considered alternative sites that could deliver the same capacity in the same time scale in line with paragraph 4.2.23 of NPS EN-1. Reasonably available sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged as set out in the NPPG.</p> <p>Paragraph 5.8.7 of NPS EN-1 is the relevant policy in terms of compliance with the sequential test and sets out that new energy infrastructure, can be exceptionally located in flood risk areas where there are no reasonably available sites in areas of lower risk. Therefore, the Applicant first assessed whether there are reasonably available sites and whether these are lower risk.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>To summarise, the Applicant identified 12 potential sites within a 15km study area, 10 of these sites were not at lower flood risk, primarily as much of the study area is in Flood Zones 2 and 3 due to the River Trent running through the middle. Two of these sites had some areas of Flood Zone 2 and 3, but much smaller areas.</p> <p>The Applicant has looked at all 12 sites but the 2 sites which were lower flood risk were not readily available and were unsuitable for solar for a number of reasons including proximity to a gliding club, open views from the A-roads, impact on heritage assets and impact on residential amenity. Therefore, there are not any reasonably available sites at a lower flood risk and therefore the sequential test is passed.</p> <p>Furthermore, the Applicant noted that in terms of compliance with policy and its consideration of the 'readily available' test it has also considered other NSIPs coming forward in the 15km study area. Mrs Price noted that especially between the 10km and 15km study areas, the further from High Marnham in these study areas the Proposed Development was closer to other NSIPs and thereby increasing the chance for cumulative effects. This was not the sole consideration.</p> <p>Site Selection Criteria</p> <p>The ExA referenced paragraph 4.2.1 of the Sequential Test Assessment and requested the Applicant explain how the site selection criteria are compliant with national policy and highlight which national policy requirements for each criterion have been used.</p> <p>Mrs Price for the Applicant stated that the criteria at 4.2.1 are the same criteria in the site selection criteria appended to the Planning Statement [APP-168], further detail can be provided in writing, but the following is a summary.</p> <p>The first Site Selection criterion was that the Proposed Development would contribute to meeting the UK's urgent need for low carbon energy generation. This is set out numerous times in NPS EN-1. The Critical National Priority (CNP) policy is set out at 4.2.14 of NPS EN-1 (post-hearing note: also note paragraph 4.1.7 which sets out the CNP presumption).</p> <p>The second Site Selection criterion was that that site should be as close as possible to an available grid connection in a part of the transmission network in which that capacity exists. NPS EN-3 sets out that one of the factors that should influence an Applicant's Site Selection is that larger developments may seek connection to the transmission network if there is available capacity (paragraph 2.10.23 of NPS EN-3). These projects need to be able to connect into the energy infrastructure to be able to transmit into the National Grid (paragraph 2.10.21 of NPS EN-3). Previous DCO and NSIP decisions to date have established the importance of having a grid connection.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>The Applicant has set out the reasons for seeking a site as close as possible to the point of connection which include:</p> <ul style="list-style-type: none"> • reducing the environmental impact of the cable corridor; • delivering the Proposed Development expediently – there is a greater time delay risk for longer cables; and • reducing the energy losses over a longer cable corridor. <p>The third criterion was avoiding impacts on sensitive landscapes and environments. NPS EN-1 has numerous references to minimise impacts to sensitive landscapes.</p> <p>The fourth criterion is being situated away from densely populated residential receptors. There is no direct policy requirement for this, but the Applicant believes it is good planning and is supported by EN-3 2.10.27 in the context of impacts on residents from visual and glint and glare. The Applicant also considered that the closer a development is to residential developments, the more need there is to consider the mitigation and offsetting for potential residual impacts.</p> <p>The fifth criterion is that the site would be located outside of BMV land as much as is possible. BMV land cannot always be avoided. The Applicant sought to avoid larger areas of Grade 2 land to the west of the study area. This was also covered at previous hearings. The Applicant also considered sites not wholly in flood zones to ensure that sensitive electrical infrastructure was located outside of flooding risk areas and so an appropriate level of safety could be reached. The Sequential Test Assessment shows how the Applicant sought to avoid locating in Flood Zones 2 and 3.</p> <p>The sixth criterion was that the sites would be accessible from the existing road network. The whole of the study area is reasonably well connected.</p> <p>The final criterion was that the site was on land that could be acquired voluntarily. The Applicant noted that they have answered a first written question on this previously (with the answer set out within the Sequential Test Assessment [REP2-080]) and that a DCO allows compulsory acquisition and therefore there is a question as to whether this type of criterion should be driving the identification of sites. Having willing landowners was not used as the sole consideration of discounting any site, however, this is considered important for the reasons set out in [REP2-080]. Including land within a solar NSIP where there is a completely unwilling landowner has a number of issues which increases risk of delivering the Proposed Development (and indeed any project) by the date of the grid connection agreement, thus delaying the delivery of CNP infrastructure. Primarily issues that arise are with site access and early survey issues, there is also a risk of significant objection at consultation stages and finally</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>any applicant would need to show that it had taken the necessary steps to acquire the land voluntarily first, which would also add to time and cost compared to a willing landowner.</p> <p>Post hearing note: Further justification for the approach taken with references to policy is provided in the Sequential Test Addendum (Document Reference 9.26) submitted at D3. (ExA Action 16)</p> <p>Technical constraints</p> <p>The ExA asked the Applicant to provide a better understanding of the technical constraints which would limit the distance of a solar farm of this scale being able to connect into High Marnham.</p> <p>Mrs Price, for the Applicant, stated that the greater the cable run, the greater the cost and environmental impact, therefore the Applicant has sought to take a balanced approach to defining a length of connection it considers suitable. In this instance, the Applicant considers a 10km search area as appropriate when having regard to the physical characteristics of the search area. The further away from a connection, the more existing infrastructure the Proposed Development will cross with increased cost, delay and complexity.</p> <p>The Applicant made reference to Page 88 of REP2-080 in order to show the cumulative developments within the study area. This plan shows the High Marnham Substation and the 10km and 15km study areas. Between the 10km and 15km study areas, many solar NSIPs are encountered such as Gate Burton, West Burton, Cottam Solar, Fosse Green Energy Park and the Great North Road Solar Park. In the East, there are projects close to the Lincoln urban area as well. Going further West would encounter a registered park and garden.</p> <p>Therefore, the study area is not a distance that can be applied generically across projects but is an area that the Applicant considers is appropriate having regard to the particular geography of the area. Whilst the Applicant considers 10km to be suitable in this area, the Applicant has also carried out a search across the 15km area to show that additional sites are not encountered for the purposes of the sequential test.</p> <p>Mr Sneddon, for the Applicant, reiterated that longer cables lose more energy and have a higher cost. There would be a significant cost in crossing the A1 and the East Coast Main Line on the West. There will also be a greater impact from construction if there is greater disruption caused by the cable route causes in the environment areas.</p> <p>Multiple sites</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>ExA asked the Applicant to explain why the site selection assessment identified the two site areas were chosen as opposed to a more dispersed site as this is a choice of the Applicant and not a policy starting point. The ExA noted that a significant part of the site is in a flood zone and queried whether, had different choices been made, a different outcome would have been reached.</p> <p>Mr Sneddon, on behalf of the Applicant, stated that where there is a larger area of solar, a higher voltage is needed to connect between the solar. Higher voltage cables require wider corridors and deeper cables, which are used to mitigate losses within the route. For example, in the Great North Road project, there are small, dispersed parcels, which can be interconnected at lower voltages but this results in more substations which has greater visual and other impacts. Therefore, there is a choice of either dispersed substations or condensing the site into one.</p> <p>As the Applicant knew there was going to be a need for crossing the River Trent, the Applicant wanted to cross the Trent in an efficient way at a high voltage. Multiple voltage levels were considered to achieve that crossing and it was determined that 400kV was the most efficient. When sites were assessed, a distance of around 400 ha was considered to be sufficient to put sufficient solar equipment in order to justify having a single voltage connection between 2 sites and the grid connection.</p> <p>Ms Coleman, for the Applicant, stated that there was a clear preference for one contiguous site which was the approach taken to looking for sites. However, the Applicant recognised the guidance in terms of whether a smaller series of sites may also be appropriate and the Applicant therefore considered if there is the potential for two smaller sites being within 6km of each other to ensure the approach was robust.</p> <p>Mrs Price, for the Applicant, stated that even if the Applicant looked at more than two sites, the Applicant would still be within the sites currently identified as there are not alternative sites within the 15km study area that would result in different choices than what may be available for the purpose of the Sequential Test.</p> <p>Reference was made to Page 90 of REP2-080 which shows the River Trent and the flood zone running though the study area. This shows the larger sites are not continuous but rather are spaced out. Once urban and conservation areas are discounted, and other characteristics such as other schemes, listed buildings, SSSIs are considered, there are not any further alternatives than what was set out in the Sequential Test.</p> <p>If this was set out slightly differently, the Applicant does not believe there would be a different outcome.</p> <p>In response to a question by the ExA about whether the Site Selection influenced the technical reasoning or whether it was the technical reasoning which influenced the Site Selection, Mr Sneddon, for the Applicant, confirmed that the Site Selection was undertaken prior to the engineering phase though there was some consultation around how an effective scheme is built</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>beforehand and as part of the Site Selection. He further noted that the detail around optioneering, connection method, and location of connections and voltage of substations was done once the site was agreed from the Site Selection.</p> <p>Compliance with sequential test</p> <p>The ExA asked that if the site selection was undertaken before the engineering phase, then how does the Sequential and Exception Test Assessment provided at Deadline 2 [REP2-080] with the site areas included within it feed into what has been done to comply with the sequential test in the first place.</p> <p>Mrs. Sarah Price, on behalf of the Applicant, confirmed that the report submitted as part of Deadline 2 was a back checking exercise and the report explains this. She noted that in carrying out the site selection, as set out in the Site Selection Report, Appendix 1 of the Planning Statement [APP-168], the Applicant applied those considerations to its select choice of site, so that included a balanced view across planning and environment disciplines. This meant that the site selection exercises did consider flood risk as a consideration and compliance with planning policy and looked at land as potential alternatives in going through the exercise of considering appropriate land for solar within proximity of High Marnham Substation.</p> <p>Mrs. Price noted that the Applicant did not go through the process of identifying these alternative sites on a plan as is presented in this report and that this has been done for added clarity.</p> <p>The ExA clarified that the two sites that have been referenced in the report was not part of the original approach.</p> <p>Mrs. Price, on behalf of the Applicant, confirmed that this was not part of the original approach, but the Applicant did consider appropriate land within the vicinity of High Marnham Substation within the 10 kilometre study area and inherent in that approach was considering a range of planning and environmental considerations, including flood risk.</p> <p>Ms. Coleman, on behalf of the Applicant, explained that the case law is clear that there is not one set approach to the process of identifying criteria for what will be an appropriate or suitable site for the purposes of the Sequential Test, and in each case this will be dependent upon the specific needs and characteristics of the site and therefore this approach may not always be the same across different sites, locations, developers or projects. Ms Coleman noted that it would be for the ExA and Secretary of State to consider whether the Applicant's approach to selecting its criteria in this respect was reasonable and justified. She further noted that the Applicant has clearly set out the factors it has considered make an appropriate site for the Proposed Development and this is set out comprehensively in the Sequential and Exception Test Assessment submitted at Deadline 2 [REP2-080].</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Ms. Coleman, on behalf of the Applicant, also re-iterated that site selection has considered all factors other than solely flood risk and that to have submitted a site selection that just focussed on the Sequential Test without being able to demonstrate how the mitigation hierarchy has been applied across the whole of the scheme in terms of all the impacts that are covered by policy in EN-1, would not be a robust or proportionate site selection process. The Site Selection exercise has therefore had to balance many different factors, including flood risk, compliance with policy and various other factors that Mrs Price has touched on, with the input from planning and environment specialists and presented a site selection process that has taken a proportionate approach to finding an appropriate site. The approach the Applicant has explained represents a realistic approach to site selection, and Ms Coleman further noted that undertaking the Sequential Test as a back check exercise was the same approach taken for Heckington Fen solar farm.</p> <p>Post hearing note: In response to submissions from Mr. Walker, an Interested Party, requesting a tabulated cost loss list showing the actual loss if cabling was extended to 10, 15, 20 and 30 km, the Applicant has provided this at the Sequential Test Addendum provided at Deadline 3. (ExA Action 17)</p> <p>Post hearing note: In response to submissions from Ms. Richards, on behalf of LCC, regarding the 6km distance between adjacent sites at 5.2.3 of the Sequential and Exception Test Assessment report at [REP2-080] and the assertions made in that paragraph of the report explaining why the Proposed Development did not split the sites into more than 2 parcels. The Applicant has provided an addendum to the Sequential Assessment in response at Deadline 3. (ExA Action 18)</p> <p>Post hearing note: The Applicant has also responded to points raised by various Interested parties, including WLDC in the Sequential Test Addendum provided at Deadline 3. (ExA Action 19)</p> <p>Exception test</p> <p>The ExA asked the Applicant what makes the circumstances of site selection for the Proposed Development exceptional.</p> <p>Ms Coleman on behalf of the Applicant confirmed that the two limbs of the Exception Test are set out in NPS EN-1 paragraph 5.8.11, and introduced Mrs Price to deal with the first limb. Mrs. Price, on behalf of the Applicant, noted that compliance the first limb of the Exception Test, being wider sustainable benefits, has been detailed in the Sequential and Exception Test Assessment report at [REP2-080]. Further the Applicant has referred to and articulated those wider sustainability benefits in both the Planning Statement [APP-168] and Statement of Need [REP2-047]. These wider sustainability benefits largely arise from the significant renewable energy generation, which would meet the legally binding commitment to net zero, which would make energy more affordable and reliable for all. There are also local community benefits such as:</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<ul style="list-style-type: none"> • Permissive paths; • The delivery of biodiversity net gain and further environmental enhancements such as proposed woodland and tree planting; and • The additional jobs and investment created by the Proposed Development, being approximately £1billion with around 4000 full time equivalent jobs across the value chain. <p>The benefits as a whole are considered to outweigh any potential flood risk.</p> <p>Ms. Coleman, on behalf of the Applicant, noted that the second limb of the exception test is the impact on flood risk which has been addressed by earlier submissions and which the Applicant will be addressing further in writing and discussions with the EA. The ExA confirmed that they were content with not exploring that point further.</p> <p>The ExA noted that they will be reflecting on the position set out by the Applicant in this hearing and asked what would happen in the event the Sequential Test is not considered by the Secretary of State to be met. Further, would this mean the removal of infrastructure in Flood Zone 3 and if so, would the scheme be viable.</p> <p>Ms. Coleman, on behalf of the Applicant, noted that in the hypothetical situation of deciding that neither the Sequential nor the Exception Tests have been met then this would result in a policy non-compliance. In such a scenario, the ExA or the Secretary of State would have to decide what weight is given to this policy non-compliance in the planning balance and this is not an automatic refusal situation but more a scenario covered by paragraph 5.8.42 of NPS EN-1. That paragraph states, that where an increase in flood risk cannot be avoided then there is a balance in terms of the degree of that risk against the benefits of the scheme.</p> <p>Ms Coleman continued that, as the Proposed Development is showing a negligible flood risk in the region of 2.3 to 4.1 millimetres in a 1 in 100 year, plus 39% for climate change, flood event, and noting that discussions with the EA are ongoing and that the Applicant hopes to achieve agreement from them on this risk, then there is a balance between the weight to be ascribed to this flood risk against the benefits of the scheme.</p> <p>Ms. Coleman further noted that the approach to the scheme has been landscape and design led from the beginning so it is not a modular design where whole areas can be simply removed. To remove these panels, effectively half of the Proposed Development, would result in a wholly different scheme bearing in mind the holistic and integrated approach to design and</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>mitigation. Therefore, in the Applicant's opinion removal of these panels would not be an alternative and is not a scenario that has been designed, assessed or placed before the ExA.</p> <p>In response to a submission from Mrs. Fox, an Interested Party, about the number of panels in Flood Zone 3 as requested by the ExA in ExQ5.0.1 [PD-010], and whether permissive paths are adequate recompense for flooding, Ms. Coleman noted that the Applicant, in their response to ExQ5.0.1 as set out in the Applicant Response to ExAs 1st Written Questions [REP2-084], provided the areas of panels and percentages of panels located in Flood Zone 3. She further noted that in addition to the permissive paths and other local benefits, the key benefit of the Proposed Development to be considered is the large contribution to renewable energy, alongside other benefits such as provision of permissive paths. Ms Coleman noted that the Applicant was proposing a commitment to re-run the FRA at detailed design to ensure that the flood risk is not in excess of the assumptions made at this stage.</p>
8	Biodiversity and Ecology	<p data-bbox="600 683 1989 742">(i) The applicant will be asked to explain the approach to animal movement across the site, how this is to be managed, and what elements of the DCO secure the planned approach.</p> <p data-bbox="600 778 2049 837">The ExA sought further clarification from the Applicant regarding the management of animal movement across the site, and how this is secured through the DCO.</p> <p data-bbox="600 874 2049 989">The ExA referred to the Applicant's response to ExA Q7..0.1(Applicant Response to ExAs 1st Written Questions [REP2-084]), which pointed to Appendix C of the Vegetation Removal Plans within the OLEMP [REP1-053]. While the individual sheets show proposed fence lines, the ExA requested a consolidated plan—similar to the illustrative masterplan—showing anticipated animal movement routes across the site to better understand landscape connectivity.</p> <p data-bbox="600 1026 2049 1085">Post hearing note: A consolidated plan showing areas clearly within and outside the fence line within the Order Limits has been created for submission at Deadline 3 and is provided at Appendix D to this note. (ExA Action 20)</p> <p data-bbox="600 1121 1137 1145">Dr Alan Kirby for the Applicant explained that:</p> <ul data-bbox="645 1153 2049 1340" style="list-style-type: none"> • The fencing will be standard deer fencing, as described in Chapter 5 of the ES; • To facilitate movement of medium-sized mammals (e.g. badgers, foxes, hares, muntjac deer), the fence will include framed openings every 150 metres; • These openings are based on Defra's Countryside Stewardship guidance, typically used for badger gates, but adapted here to omit gates and instead use open frames; • Where badger setts are located closer together, openings may be more frequent.



#	Agenda item	Written summary of Applicant's oral submissions
		<p>These measures are secured through Environmental Measure C9 in Table 6.6 of Chapter 6 (Biodiversity) of the ES and within the Outline Construction Environmental Management Plan [p. 27 REP2-049].</p> <p>Ms Amy Rhodes, on behalf of NCC, raised a concern regarding fence placement adjacent to hedgerows. She requested that gaps be maintained at the edges of fences near hedgerows, as these linear features are commonly used by wildlife for movement across the landscape. Dr Kirby confirmed that this approach is supported and the final alignment and location of fence gaps will be determined through the detailed design phase and documented in the final Landscape and Ecology Management Plan. Dr Kirby confirmed that the Applicant has committed to working in partnership with local authorities, Natural England, and other stakeholders via a steering group to inform these decisions as provided by the updates to section 7 the OLEMP at Deadline 2 [REP2-055].</p> <p>(ii) The ExA will seek clarification on the surveys undertaken, their suitability and whether any further work needs to be undertaken to ensure an appropriate level of understanding is in place at this stage of the process to ensure the SoS can be fully informed to meet their obligations in respect of HRA and protected sites and species.</p> <p><i>Survey adequacy and protected species</i></p> <p>The ExA sought confirmation from local authorities and the Applicant regarding the adequacy of ecological surveys undertaken to date, particularly in relation to the Habitats Regulations Assessment and protected species.</p> <p>Ms Rhodes, on behalf of NCC, confirmed general satisfaction with the survey effort, particularly for breeding birds, though noted a preference for additional bat activity surveys. However, NCC accepted that further surveys would not materially alter the outcome of the assessment nor the proposed mitigation, and therefore the current level of survey effort is considered acceptable.</p> <p>Ms. Hayley Hurst, on behalf of NSDC, echoed this position, stating that the mitigation proposed is proportionate and further surveys would not change the outcome.</p> <p>Mr. Darren Clarke, on behalf of LCC, agreed with the overall adequacy of survey effort but raised two residual concerns regarding quail and great crested newt surveys. Mr Clarke confirmed that discussions with the Applicant had been positive and that these issues could be addressed through pre-commencement surveys and precautionary working method statements secured via the Construction Environmental Management Plan (CEMP).</p> <p>Post hearing note: The Applicant has updated Table 6.6 in Chapter 6 Biodiversity and the OCEMP to address the points raised around great crested newts and quail raised by Mr Clarke for submission at Deadline 3.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p><i>Buffer zones to Local Wildlife Sites</i></p> <p>The ExA sought clarification on buffer distances to Local Wildlife Sites and the River Trent. NCC confirmed that concerns had been resolved through the SoCG, with the River Trent buffer confirmed as 16 metres. The Applicant confirmed that:</p> <ul style="list-style-type: none"> • Buffers to Local Wildlife Sites were increased from 5m to 10m at Deadline 1. • The River Trent buffer was made consistent at 16m, in line with Environment Agency guidance. • An exception applies to an existing access track adjacent to Westwood Local Wildlife Site. <p>No further concerns were raised by other parties.</p> <p><i>Biodiversity Net Gain (BNG)</i></p> <p>The ExA confirmed that Requirement 9 of the draft DCO had been revised to secure:</p> <ul style="list-style-type: none"> • Minimum 50% BNG in area-based habitat units • Minimum 50% BNG in hedgerow units • Minimum 10% BNG in watercourse units <p>All local authorities indicated their agreement with the revised wording.</p> <p><i>Habitat Management and Monitoring Plan (HMMP)</i></p> <p>The ExA requested clarification on the status and hierarchy of the Habitat Management and Monitoring Plan (HMMP), referenced in the Applicant's response to relevant representations [REP1-075]. Dr Kirby, for the Applicant, explained that:</p> <ul style="list-style-type: none"> • The HMMP is based on a Natural England template and is intended to guide day-to-day management of BNG; <p>1.1.7. It is a subordinate document to the OLEMP [REP2-055], which sets out the overarching strategy;</p> <ul style="list-style-type: none"> • The HMMP provides detailed management actions and is a live document, subject to updates over time; • It supports adaptive management and is overseen by a steering group involving local authorities and Natural England; • The HMMP is secured through the OLEMP, which explicitly references it at paragraph 7.1.14. <p>In response to concerns raised by Ms Hurst on behalf of NSDC, about the Natural England HMMP template, Dr Kirby confirmed that:</p> <ul style="list-style-type: none"> • The Applicant is open to working with the steering group (as described in Section 7 of the OLEMP) to develop a version of the HMMP that is practical and effective. • The current reference to the Natural England template was included at the request of a stakeholder, but the Applicant remains flexible.



#	Agenda item	Written summary of Applicant's oral submissions
		<ul style="list-style-type: none"> The HMMP is secured through the OLEMP and referenced at paragraph 7.1.14. <p><i>Environmental stewardship and BNG</i></p> <p>The ExA sought clarification on how land under environmental stewardship has been accounted for in the Applicant's BNG calculations, following the response to ExA Q13.0.3 in Applicant Response to ExAs 1st Written Questions [REP2-084].</p> <p>Dr Kirby, on behalf of the Applicant, explained that:</p> <ul style="list-style-type: none"> The statutory biodiversity metric, as per Defra guidance, does not directly recognise Countryside Stewardship prescriptions. Instead, the habitat survey captures the ecological condition and management of land (e.g. field margins, grassland types), which are then fed into the metric. For example, a margin managed for winter bird cover would be recorded as a higher-value habitat than unmanaged grass, and this is reflected in the BNG calculation. There is no separate audit of stewardship prescriptions; their ecological value is captured through habitat classification. <p>The ExA confirmed this explanation was helpful, and no further concerns were raised by other parties.</p> <p><i>Mitigation land vs BNG land</i></p> <p>Ms Coleman, on behalf of the Applicant, noted that in the Compulsory Acquisition Hearing the ExA has asked to understand the amount of land taken for mitigation vs land purely for BNG, and invited Dr Kirby to expand upon this.</p> <p>Dr Kirby for the Applicant clarified that:</p> <ul style="list-style-type: none"> No land within the Order Limits is designated solely for BNG. Areas used for mitigation and compensation (e.g. for displaced skylarks) also deliver BNG, adding additional ecological value. This integrated approach avoids duplication and ensures multifunctional use of land for both mitigation and enhancement. <p>The ExA queried whether greater weight should be given to benefits for sensitive species. Dr Kirby responded that:</p> <ul style="list-style-type: none"> The Ecological Impact Assessment identifies significant beneficial effects for a range of species. The scheme has been designed to support local conservation priorities from the outset, including: <ul style="list-style-type: none"> Beetle banks, hedgerow management, and temporary scrapes Habitats for red-listed birds such as turtle dove, grey partridge, and corn bunting Enhanced conditions for water vole through ditch management and mink control



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		<p>Dr Kirby confirmed that while some species (e.g. skylark) may be displaced, targeted mitigation ensures continued breeding opportunities nearby, with an overall positive effect for Biodiversity</p> <p><i>Mink control and securing financial commitments</i> The ExA queried how the Applicant's commitment in relation to mink control in the oLEMP [REP2-055] is secured, given the absence of a Section 106 agreement or defined financial mechanism.</p> <p>Ms Coleman, on behalf of the Applicant, clarified that:</p> <ul style="list-style-type: none"> • The commitment is embedded within the oLEMP, and does not involve a specific monetary contribution. • It reflects a cost-covering provision, rather than a standalone financial obligation. • Similar approaches have been accepted in other DCOs, where environmental management plans include cost-bearing commitments without requiring separate legal agreements. <p>Post hearing note: This note expands upon the response given in the hearing in relation to funding the mink control project. At paragraph 7.1.13 the oLEMP [REP2-055] provides:</p> <p><i>The Proposed Development will seek to partner with the Greater Lincolnshire Nature Partnership, Waterlife Recovery Trust or other relevant stakeholder organisation to set up and deliver an American mink control project within the ditch network of the Site and the wider landscape. This will be led by the stakeholder group, with funding (part or full) by the Applicant, with the aim of reducing predation pressures on water vole populations present.</i></p> <p>The obligation included in the oLEMP is distinct from a positive requirement for payment of money to another party. In this case, the Applicant will "seek" to partner with the stakeholders mentioned in order to set up and deliver the project. The oLEMP paragraph records that there will be funding by the Applicant. This records the intention for the Applicant to partner, set up and cover part of all of the costs of the project. That obligation would be enforceable, as per any other obligation contained within the oLEMP. The Applicant would be required to comply with the approved LEMP and that would include any commitment in the LEMP to establish the project. If the relevant planning authority has concerns about the Applicant's compliance with the approved LEMP it can ask it for further information or to demonstrate its compliance, and in this case the Applicant would need to demonstrate the efforts to establish, set up and support the project. If the relevant planning authority considered the Applicant had failed to comply with this commitment, it could take action under the Planning Act 2008 in relation to the breach of the DCO.</p> <p>The approach taken is not dissimilar to that adopted in other DCOs. For example, the outline operational environmental management plans for Cottam, Gate Burton and West Burton (and the equivalent document for Tillbridge, as yet not consented) include an obligation to undertake monitoring and research in collaboration with the Environment Agency with</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>respect to the impact of EMF on fish due to export cables crossing beneath the River Trent (it is agreed by the parties that the risk is likely to be low, however, the EA has requested monitoring as there is a lack of research in this area). The commitment to undertake or facilitate the research sits with the Applicant, although the management plans note that it may be appropriate to alternatively fund research being undertaken by an academic body to expand existing research projects.</p> <p>Another example is in the outline landscape and ecology management plan for the Sunnica Energy Farm, which includes a commitment for the Applicant to “meet all reasonable costs of attendees [of the ecological steering group] related to the attendance of meetings and reviewing supplied material”.</p> <p>(ExA Action 21)</p>
9	Waste Management planning and resource efficiency	<p>(i) The ExA will seek clarification on the system for managing waste during construction, operation and decommissioning.</p> <p>The ExA sought clarification on the system that is proposed for managing waste during construction, operation and decommissioning. The ExA noted the Outline Operational Environmental Management Plan [REP2-051] and paragraph 2.9.5, which was noted by both NCC and LCC in their Local Impact Reports and asked whether NCC and LCC were content with the responses and the commitment made in the Outline Decommissioning Environmental Management Plan [REP2-053] and additional commitment to provide an annual planning maintenance schedule.</p> <p>Ms. Alison Richards, on behalf of LCC, confirmed that they were happy with the response and the additional commitment to provide an annual planning maintenance schedule.</p> <p>Mr. Will Lawrence, on behalf of NCC, confirmed that they were happy with response and the additional commitment provided by the Applicant.</p> <p>The ExA noted that in their response to the local waste authorities the Applicant had made reference to other solar farms and asked if the Applicant had any further comment on that.</p> <p>Mr. R Griffiths, on behalf of the Applicant, noted that the mitigation that has been proposed is in line with that proposed and agreed to as part of the West Burton Solar Farm development consent order (DCO). He further noted that the utility scale solar industry is largely in its infancy and therefore the waste that is considered as part of these projects is a few years in the future and that there are emerging technologies to tackle this waste. This is a situation that has been accepted by the Secretary of State in both the West Burton and East Yorkshire Solar Farm DCOs. The Applicant has provided the</p>



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		<p>commitment to produce annual planning maintenance schedules to remain in dialogue with the local waste authorities to assist with their waste management planning provisions and help plan for future waste facilities as the industry evolves.</p> <p>(ii) The ExA will seek clarification on resource efficiency and waste reduction, and the processes in place to ensure that the approach taken is secured.</p> <p>Not addressed.</p> <p>(iii) The ExA will seek clarification on the outline Site Waste Management Plan, and whether it should be referred to in the dDCO.</p> <p>Mr. Lawrence, on behalf of NCC, asked for clarification on whether the Outline Site Waste Management Plan is referred to in the dDCO or whether it falls outside the scope of requirements noting that the Applicant has previously indicated that that the Site Waste Management Plan would stay within the management plan structure.</p> <p>Mr. R Griffiths, on behalf of the Applicant, confirmed that the position is that there is a commitment in each of the following management plans for the production of a Site Waste Management Plan at sections 2.8, 2.9 and 2.8 of the OCEMP [REP-049], OOEMP [REP2-051] and ODEMP [REP2-053] respectively.</p> <p>As these management plans are secured by requirement in the dDCO, the trigger for production of the Site Waste Management Plan is the same as the main management plan and both must be submitted for approval by the relevant local authority prior to commencement of construction, operation or decommissioning as relevant.</p> <p>The production of a Site Waste Management Plan is therefore secured and the consent envelope diagram provided in response to the first written questions at Appendix A of the Applicant Response to ExAs 1st Written Questions [REP2-084] demonstrates how the Site Waste Management Plan sits in the wider management plans.</p> <p>(iv) The ExA will seek clarification from the applicant and the waste authorities in respect of future waste management and waste planning to accommodate for the Proposed Development.</p> <p>The ExA asked about how the waste planning authorities are responding to the increase in solar provision across Nottinghamshire and Lincolnshire and how this is addressed in their waste management plans going forward.</p> <p>Mr. Lawrence, on behalf of NCC, confirmed that they are about to adopt a new Waste Local Plan but that this does not refer to recycling of solar PV but it does have enabling policies to support expansion and new recycling facilities.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Ms. Richards, on behalf of LCC, confirmed that they are currently updating their Minerals and Waste Local Plan and updating the Waste Needs Assessment and will be including information on solar in the plan to ensure that there is no capacity gap. It was noted that this is a more criteria based policy to respond to changes in the market and provide for sufficient space in recycling facilities.</p> <p>The ExA asked about the timeframes for renewal of these plans.</p> <p>Ms. Richards, on behalf of LCC, noted that the plan covers a 15 year period with a 5 year review period. She noted the proposed provisions in the Planning and Infrastructure Bill will allow for plans to be updated, which will be a 5 year update. It was further noted that a Waste Needs Assessment can be undertaken at any time, and the Council may decide to update the plan at an earlier point as a result of this assessment. The performance of the local plan can also trigger an update thereby demonstrating the various mechanisms to respond and update the plan as needed.</p> <p>The ExA asked whether the plan that is being prepared will give confidence that any possible gap will resolve itself or whether, despite the update to the plan, the issue of waste management may continue to arise.</p> <p>Ms. Richards, on behalf of LCC, noted that the Council does not create the market and the Waste Needs Assessment helps to identify where there are gaps in the markets that operators may wish to capitalise on but ultimately the Council is not the entity building the waste management facilities. She noted that the ongoing failure rates of the solar panels is of concern across the schemes in Lincolnshire and it is currently unknown what waste provision will be needed for these panels.</p> <p>The ExA asked LCC for the evidence of the breakdown figures of solar panels and how this has arisen and the schemes involved.</p> <p>Mr. Lawrence, on behalf of NCC, agreed with the submissions of LCC on this topic and reiterated that the Waste Planning Authority is not the delivery agent of waste management in this sphere and only has so much influence over the industry. He suggested that the solar development industry might have greater influence in championing technology for recycling and waste management in the industry.</p> <p>Mr. R Griffiths, on behalf of the Applicant, noted that this is a nationwide point on technology that is supported in national policy and introduced Mr. Mike Bains, Technical Director at AECOM on behalf of the Applicant, to provide a technical perspective.</p> <p>Mr. Bains noted that the Applicant recognises the concerns of the local waste authorities and the need to stimulate the market and drew attention to the commitment that the Applicant has made to reuse or recycle 100% of panels in the Outline</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>Construction Environmental Management Plan [REP2-049] ; Outline Operational Environmental Management Plan [REP2-051]; Outline Decommissioning Environmental Management Plan [REP2-053]; and Outline Site Waste Management Plan [APP-184]) and that this will clearly signal a demand to the market stimulating investment in recycling facilities. Further there is ongoing work from industry bodies such as Solar Energy UK helping develop and stimulate the recycling market and it is recognised in the government's solar roadmap that there is need for facilities of this type.</p> <p>The ExA asked whether the annual planning maintenance schedule would be made publicly available.</p> <p>Mr. Griffiths, on behalf of the Applicant, responded that this will be provided to the Local Authorities who may publish this on their respective websites as part of the discharge of requirement process.</p> <p>The ExA asked about whether there is anything in particular that the Councils are looking for that is not currently identified or secured.</p> <p>Ms. Richards, on behalf of LCC, noted that figures on potential fail rates would be helpful to assist them in building this into LCC's Waste Needs Assessment.</p> <p>Mr. Lawrence, on behalf of NCC, did not have anything further to add on this point.</p> <p>Post-hearing Note: The Applicant has provided information at Deadline 3 about potential failure rates in its comments on the responses from NCC and LCC to ExQ1 Q1.0.24 (Applicant Response to ExA ExQ1 Responses).</p>
10	Cumulative assessment and timing of the project	<p>(i) The ExA will seek views of parties on whether the list of projects included within the assessment is agreed.</p> <p>The ExA asked whether the long list of projects has now been agreed by the parties.</p> <p>The following local authorities, Mr Simon Betts of NSDC and Ms. Alison Richards of LCC, noted that the long list is now agreed but that the triage process of progressing projects from the long list to the short list is not agreed. These local authorities have requested further clarification and discussion on this process and a greater understanding as to why certain schemes have not progressed past stage 1.</p> <p>Mr. Russell Clarkson of WLDC noted that WLDC have not raised a specific concern on this matter.</p>



#	Agenda item	Written summary of Applicant's oral submissions
		<p>The ExA asked for a joint meeting to be held to ensure that clarity is reached on these lists with the aim of confirming that the cumulative assessment covers all of the topics required and that the overall picture of the ES is as set out or what is required to be updated.</p> <p>Mr. R Griffiths on behalf of the Applicant, confirmed that the Applicant would be happy to have these discussions with the local authorities and that any updates can be provided in the Statement of Common Ground.</p> <p>(ii) The ExA will seek views of parties over the timing of the project and the inter relationship with other projects, and if the proposed mitigation is considered appropriate during construction, operation and decommissioning.</p> <p>The ExA asked for an update on view of parties over the timing of Proposed Development relative to other projects and whether the mitigation or consequential effects of those schemes overlapping with each other has been fully understood and addressed.</p> <p>Ms. Richards on behalf of LCC noted that there was one further issue with the timings presented regarding the Cottam and West Burton projects' construction timeframes. As these proposed timeframes had slipped due to delays in those respective projects, LCC consider that this potential 12 month shift should be reflected in the cumulative effects assessment.</p> <p>Mr. R Griffiths on behalf of the Applicant, noted that the cumulative effects assessment has been conducted based on the publicly available information, which does not necessarily reflect any changes in timescales in other projects post consent as this may not be publicly available. In any case, the Transport Assessment [REP2-114] does include a sensitivity analysis that assumes there is an overlap between our Proposed Development and Cottam and West Burton. Appendix E of the Transport Assessment sets out details on where there is the potential for other developments to be located within the study area.</p> <p>Post hearing note: Discussions with NSDC and WLDC regarding the approach to the cumulative impact assessment for the One Earth Solar Farm and other relevant DCO projects took place on 9 September. This was followed by an email to all host authorities on 11 September, setting out the proposed approach to the cumulative assessment. It has been agreed that the cumulative assessment will be presented in a standalone report, which will also take into account the delay to the planned commencement dates of other NSIPs. A draft of this report will be circulated to the host authorities for review and discussion, with the aim of reaching consensus and enabling submission of an agreed final version at Deadline 4. (ExA Action 22) (ExA Action 23)</p>



Appendix A: ExA Action Point 4 – technical photomontage methodology

TECHNICAL METHODOLOGY

PHOTOGRAPHY, MODELLING
AND TYPE 3 VISUALISATIONS

ONE EARTH SOLAR FARM

Introduction

The methodology within this document outlines the principle methods used for the production of Type 3 visualisations in line with the Landscape Institute Technical Guidance Note 06/19 (17 September 2019).

Site Visit and Viewpoint Locations

Snapshot Visuals carried out the site photography on the dates specified on each viewpoint sheet. The viewpoints were agreed prior to the site visit with the Landscape Architect. Viewpoints may have been micro sited due to environmental constraints once on site. For example, if the boundary treatment were blocking all views, or if access was not possible, then subtle positional adjustments would have been made to maximise the potential visibility of the site in the photomontage.

Photography

For each agreed viewpoint location, high resolution photography was taken with a full frame digital SLR camera. The make and model of camera used is noted on each viewpoint sheet. The camera was set up on a calibrated tripod at a height of 1.5m to replicate a typical eye level. The camera was levelled horizontally and vertically using a tripod mounted levelling base and a spirit level. The location of the camera was then recorded and photographed using RTK Rover & Iphone 13 Pro with HxGN SmartNet Real-Time Kinematic (RTK) Corrections to provide a tolerance of +/- 20mm.

Photographs were taken in full Manual mode with a fixed focal length, exposure and aperture setting. A photo was taken at 20 degree increments in landscape format to provide an approximate 50% overlap between each image. A full 360 degree field of view was taken for each viewpoint location.

Lens Selection

In line with the benchmark standards for landscape technical photography, a 50mm prime lens was used in landscape format. The use of a prime lens ensures consistency in the image parameters across all photographs and minimises optical distortion.

Photography Post Processing

The relevant images for each viewpoint were stitched using PTGui to create a cylindrical panorama up to 90°. The stitched panoramas were then edited in Adobe Photoshop to adjust the levels and exposure as necessary to better match what was perceived by the naked eye during the site visits.

The Development Proposals

Snapshot Visuals were provided PDF and DWG files of the proposals which were then modelled by the visualisation team. The model was positioned onto the topographic survey provided by the Landscape Architect.

The 3D model along with the viewpoint locations, topographic survey and National LIDAR Programme Point Cloud were imported into AutoCAD and geo-referenced. All data sets were then imported into 3ds Max.

Photographic Alignment within the 3D Environment

A virtual camera was created within 3ds Max using the surveyed camera location, recorded direction of view and field of view (FOV) based on the camera and lens combination selected for the shot.

The baseline photograph was attached as a background to this view, to assist the Visualiser in aligning the National LIDAR Programme Point Cloud into position. See pages 4, 6 and 9 for Lidar overlay examples.

A 2nd member of the visualisation team cross-checked the camera alignment to verify the view was correctly set. Using this virtual camera, a render was created of the aligned model at a resolution to match the baseline photograph.

Final Rendering and Post-Production

The final renders were exported at the same resolution as the baseline photography. Multi-pass renders (output elements like shadows, lighting, reflections, and textures as separate layers) are exported to give the visualiser more control in enhancements of the final image. Elements such as Shadows, Lighting, Ambient Occlusion, Reflections, Refractions, and Textures were used.

The multi-pass renders are layered within Adobe Photoshop and blended together to produce the correct level of detail and photo-realistic feel. Finally, masking is applied to the image. Endless aesthetic effects can be applied to the rendered image to enhance the realism of the final image and/or make adjustments as a result of proposed material changes. However, the visualiser always attempts to be faithful to the proposed design within the local environment.

The final image was verified by a second visualiser to check the appearance, masking and form of the development.

The final photomontages were then saved in an appropriate format for inclusion within the InDesign document. The renders were set out in accordance with the LI TGN 06/19 with the relevant data on each sheet.

As part of the methodology, a separate image has been created (page 7) to compare the height of the site to an everyday object. Although not common practice, 3.5m rulers and 1.5m person has been superimposed along the fence line within Viewpoint 9 (Part B) to provide a greater understanding of the sense of scale.

Software Used

- AutoCAD
- 3ds Max
- V-Ray for 3ds Max
- Adobe Photoshop
- Adobe InDesign
- PTGui
- PIX4D Cloud
- PIX4D Catch

Data Reference

Lidar Programme Point Cloud | 2018 | 1m Resolution

Tiles used in Lidar alignment - SK77se, SK87sw and SK87se

<https://environment.data.gov.uk/survey>



ONE EARTH - METHODOLOGY IMAGES

VIEWPOINT 9 (PART A) - EXISTING

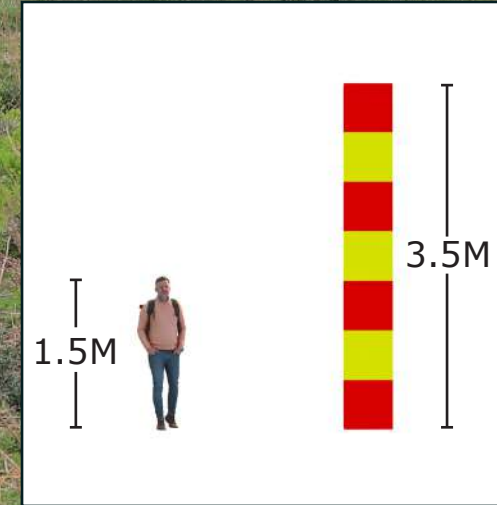




ONE EARTH - METHODOLOGY IMAGES

VIEWPOINT 9 (PART B) - EXISTING





Note
Person and 3.5m ruler are positioned along fence line

ONE EARTH - METHODOLOGY IMAGES
VIEWPOINT 9 (PART B) - HEIGHT COMPARISON



ONE EARTH - METHODOLOGY IMAGES

VIEWPOINT 49 - EXISTING

DOC REF - ICE_003_01
DATE - 15/09/2025

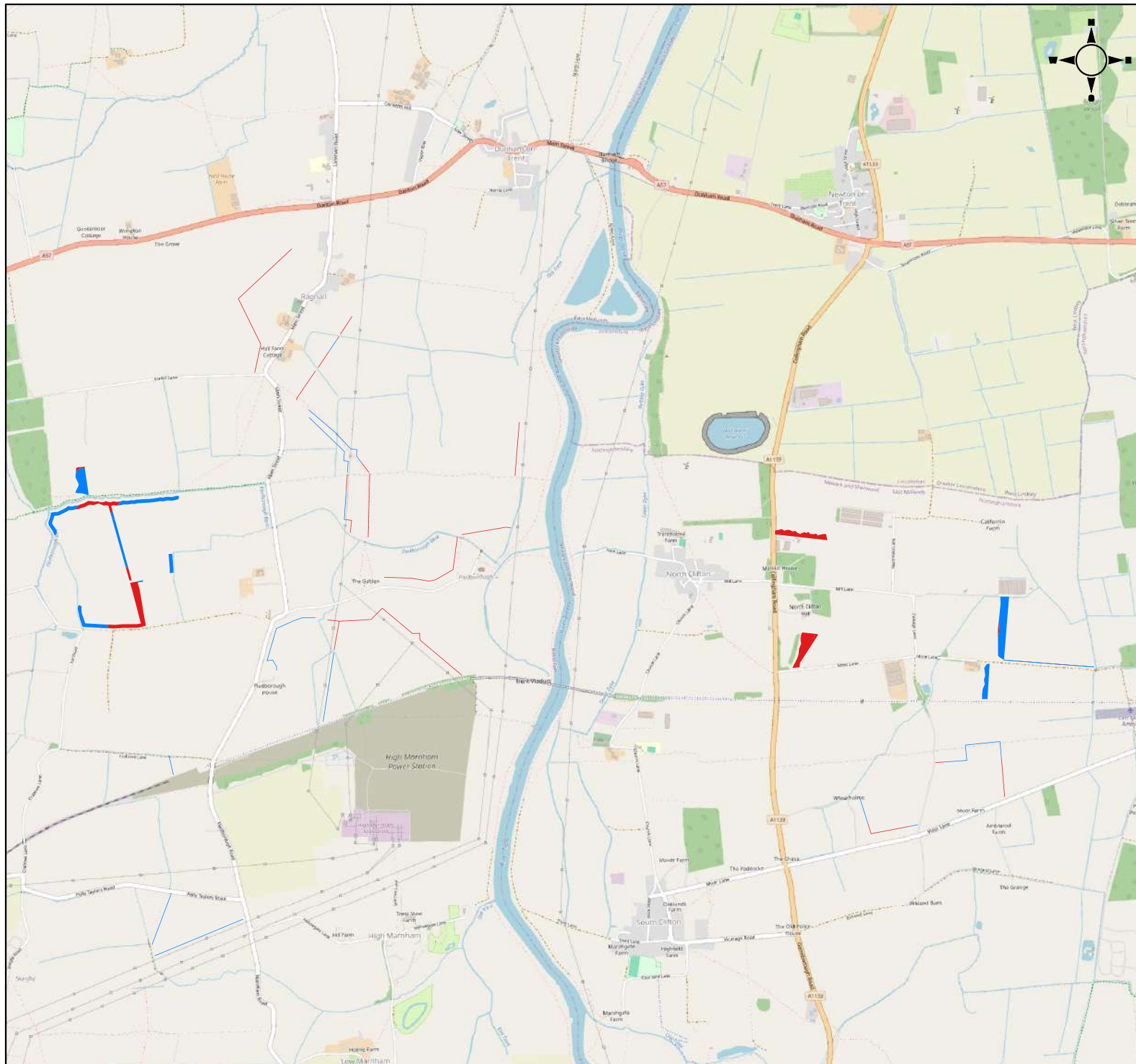




Snapshot Visualisations Ltd
114 St Marys Road,
Market Harborough, Leicestershire,
England, LE16 7DX



Appendix B: ExA Action Point 8 – plan showing permanent loss of BMV to planting





Title

Best and Most Versatile Areas of
Permanent Loss

Client



Key:

-  Non BMV land
-  BMV land

Date Drawn: 12 / 09 / 2025

Drawn by: Sarah Lee

Scale: 1 : 30000 at A4

© Imagery taken from Microsoft Virtual Earth (Bing). September 2025





Appendix C: ExA Action Point 12 – letter to National Highways

Our ref: 250904 OESF NH

National Highways
The Cube
199 Wharfside Street
Birmingham
B1 1RN

For the attention of Sunil Gogna (Sunil.Gogna@aecom.com)

4th September 2025

Dear Mr Gogna

ONE EARTH SOLAR FARM EN010159: ISH 2 ABNORMAL INDIVISIBLE LOAD QUERIES

Dear Mr Gogna

The queries from National Highways dated 21st August stated the following:

"We need to understand if the proposed development will require abnormal loads for specific equipment and materials (elements such as transformers) to the site on the SRN. We encourage the Applicant to engage with National Highways as soon as possible to establish an effective movement strategy.

It should be noted that Special Orders will be required for loads exceeding 150 tonnes pursuant to section 44 of the Road Traffic Act 1988. This falls outside of the DCO process. A feasibility study should be completed assessing the suitability of the network for the proposed route of the Special Orders. Feasibility studies are high-level assessments designed to determine whether the SRN is structurally capable, at this stage, of accommodating the proposed heavy loads.

Separate to this, the Applicant must submit a formal applications closer to the actual movement date (normally 5 days before) once a haulier has been appointed. At that time, route suitability will be re-checked with all relevant structure and road owners, and a permit for all movements will be issued."

In response, we advised that a full detailed Abnormal Indivisible Load (AIL) survey report is attached in the Transport Assessment report (<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010159-000656-6.21.2%20Appendix%2012.2%20Transport%20Assessment%20-%20Clean.pdf>)

This appears to answer the queries raised in your letter.

In addition, the access routes using the Strategic Road Network (SRN) are already approved AIL traffic routes. This is illustrated in the National Highways Heavy and High Load Route Map

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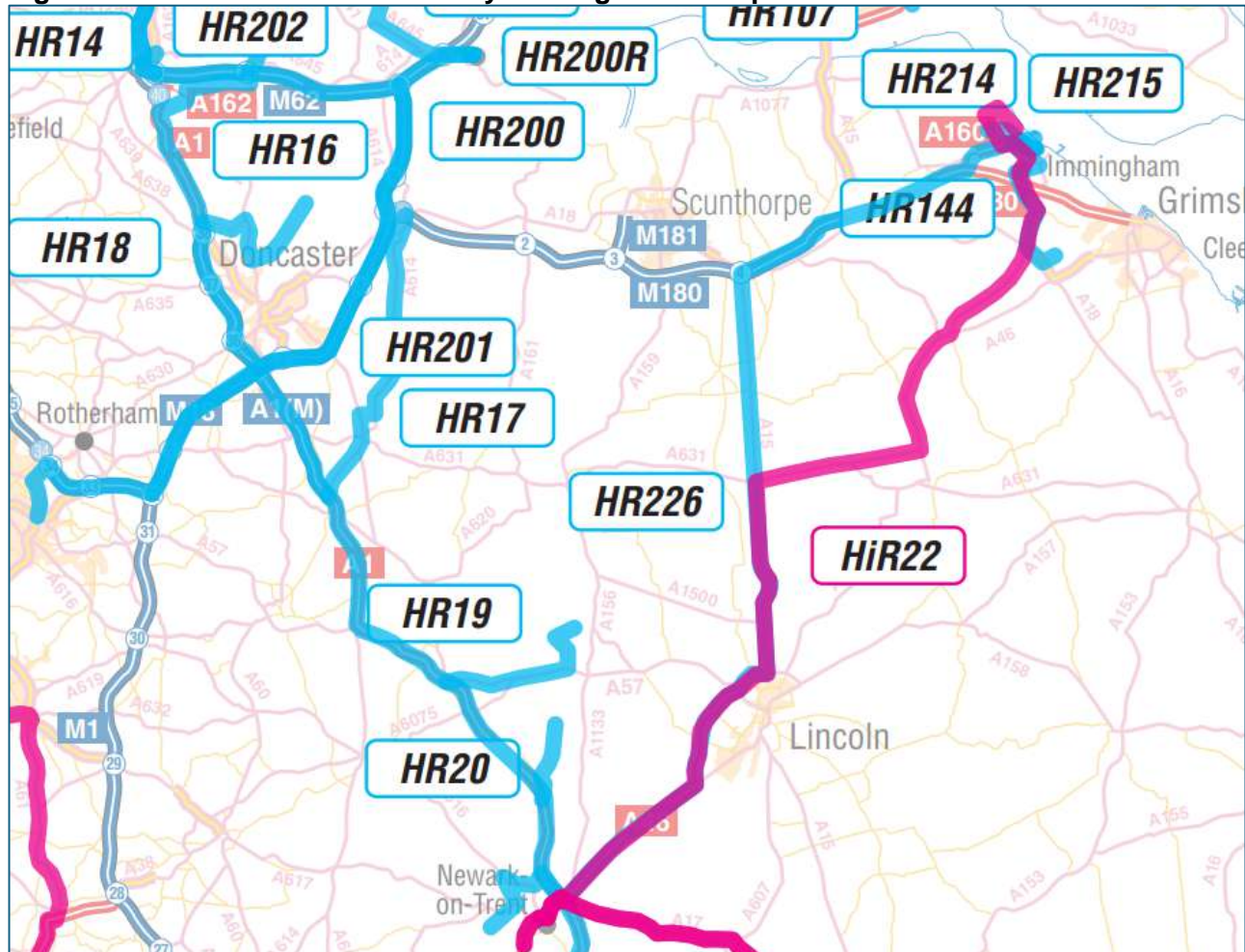
Registered Office:
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London W1U 8EW
PF Consulting Group Ltd
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Form ref: BF166/G

(<https://nationalhighways.co.uk/media/rd1xmfj/high-and-heavy-load-grids-map-for-abnormal-loads.pdf>). An extract is provided below in Figure 1:

Figure 1: Extract from the NH Heavy and High Load Map



The AIL details provided clearly illustrate that a feasibility study has been undertaken and that AIL access to the site is feasible with regards to access on the SRN.

I noted your new request this morning at the hearing that you require the further following information:

- The number of AIL loads anticipated; and
- The timing of these loads.

This information was not in your original letter or raised during our previous discussions.

The number of AIL deliveries from the Port of Goole to the western portion of the site is 2 transformer components. The number from the Port of Immingham to the eastern portion is 2 transformer components.

The deliveries are expected to occur in May 2028, although this would need to be confirmed once a more detailed construction plan has been developed, post determination.

The proposed loads constitute Special Order loads and an application will be made by the selected haulier at the appropriate time, should the development be consented, as required by law.

I trust that this information completes your review of AIL matters. I note that no further matters have been raised by National Highways and would ask that the Statement of Common Ground (SoCG) be reviewed and signed.

I remain happy to answer any further queries you may have.

Yours sincerely

On behalf of **Pell Frischmann**



Gordon Buchan

Sector Director - Energy

cc. oneearthsolar@planninginspectorate.gov.uk
Abnormal.Loads@nationalhighways.co.uk

Our ref: 250409 OESF AIL Map

The Square, Temple Quay
Room 3 O/P
Temple Quay House, 2
Bristol
BS1 6PN

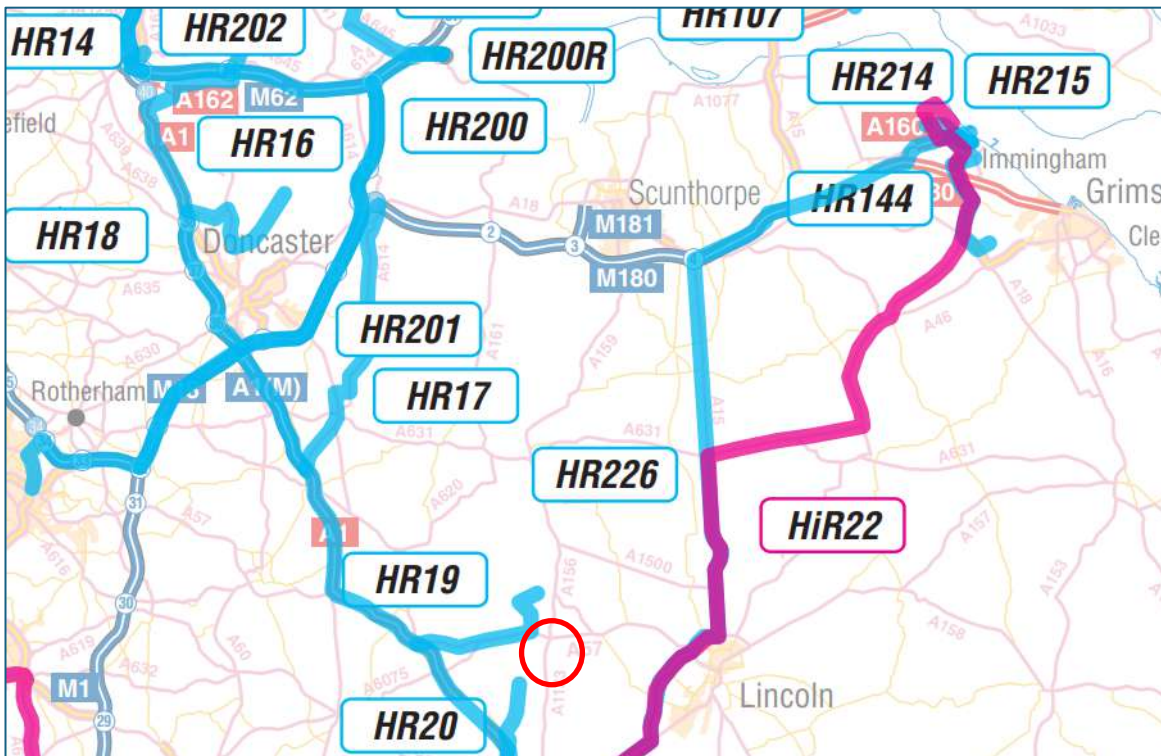
For the attention of Mr Alex Jack & Mr Edwin Maund

Dear Mr Jack & Mr Maund

ONE EARTH SOLAR FARM: ABNORMAL INDIVISIBLE LOAD MAP

During the Transport Hearing Session today, I referred to the National Highways Heavy and High Load Map. As promised, please find attached a link to the map, published by National Highways: <https://nationalhighways.co.uk/media/rd11xmfi/high-and-heavy-load-grids-map-for-abnormal-loads.pdf>

An extract of the map for the relevant roads proposed to be used for the One Earth Solar Farm is provided below. The blue routes are heavy load routes whereas the red routes are high load routes. I have circled the approximate location of the proposed solar farm for ease of reference.



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Form ref: BF166/G

The proposed routes to the west and east portions of the site use routes that National Highways have started are suitable for Abnormal Indivisible Load (AIL) access. Further details of the proposed loads on these routes can be found in **EN010159/APP/6.21**, Revision 03, Transport Assessment report (<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010159-000656-6.21.2%20Appendix%2012.2%20Transport%20Assessment%20-%20Clean.pdf>).

I hope that these details of assistance.

Yours sincerely

On behalf of **Pell Frischmann**

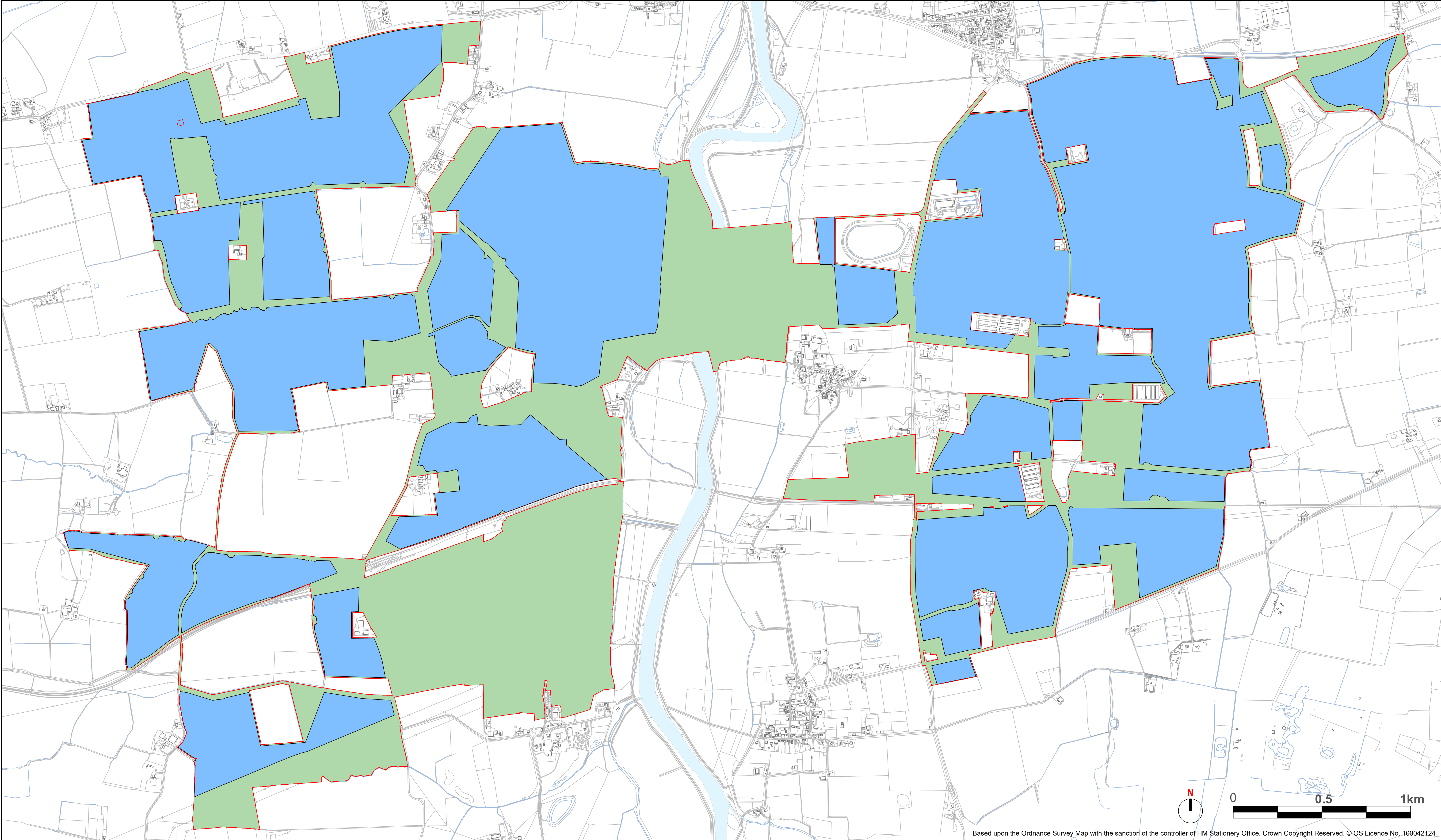
A handwritten signature in blue ink, appearing to read 'Gordon Buchan', with a stylized flourish at the end.

Gordon Buchan

Sector Director - Energy



Appendix D: ExA Action Point 20 – plan showing fence lines



Based upon the Ordnance Survey Map with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. © OS Licence No. 100042124.



Client:
One Earth Solar Farm Ltd

Project:
One Earth Solar Farm

Planning Inspectorate Scheme Ref:EN010159
Volume 7: Outline Landscape and Ecology Management Plan

Drawing Title:
Fencing Plan

Document Reference Number:
EN010159/APP/7.7

Drawn: JG Designed: JG Approved: SG

Drawing Date:
2025-08-21

Scale:
1:10000 @ A1

Legend



Order Limits



Land outside of fencing,
within Order Limits



Land within fencing



one earth
solar farm