

From: [REDACTED]
To: [One Earth Solar](#)
Subject: Deadline 3 submissions.
Date: 09 September 2025 15:15:30
Attachments: [Critical Assessment of the One Earth Proposal.docx](#)
[Submission on Sequential and Exception Test Failures in One Earth Solar Farm NSIP.docx](#)
[WFD Compliance.docx](#)
[Flood risk including cumulative effects and resource deficit..docx](#)
[Cost of floodingExpanded Cost Analysis of the One Earth Solar Farm.docx](#)
[Public safety..docx](#)

Stephen Fox

Resident of North Clifton

Interested Party Reference number: FA3AE8AE5

9 September 2025

The Examining Authority

The Planning Inspectorate Temple Quay House Temple Quay Bristol BS1 6PN

By Email

Dear Sirs

I enclose 6 submissions

- 1) Critique of the One Earth Proposal's Flood Risk Assessment.
- 2) Report on Sequential and Exception Test Failures in One Earth Solar Farm NSIP.
- 3) Analysis of WFD Compliance for the One Earth Solar Farm.
- 4)The Cumulative effects of Flood risk from the One Earth Proposal and Implications of the deficit in Local Authority Resources.
- 5)One Earth Solar Farm: Hydrological and Flood Risk Cost Analysis for the Trent Valley and Considerations on Siting Near High Marnham Grid Connection
- 6) Public Safety implications Of the One Earth proposal.

These submissions serve 6 purposes:

- 1 Detailed support of my letter and supporting report to the ExA dated 8 September 2025.
 - 2) Stand alone information that needs to be in possession of all inspecting authorities.
 - 3) Detailed support to the representations made to me during the pre examination consultation report as early as 22.07.24 but excluded by the applicant from the documentation provided in the Consultation Report.
 - 4) Comments on responses to WR's.
 - 5)Responses to Comments to ExQ1.
- and) the Exa's invitation to me,made at Issue Specific Meeting 2,to make any necessary representations in writing tot Deadline 3.
- and

6) Comments on any additional submissions received by D2.

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Yours faithfully

Stephen Fox

Report on Sequential and Exception Test Failures in One Earth Solar Farm NSIP

Cover Note

This report has been prepared for submission to the Examining Authority under the Planning Act 2008 in relation to the One Earth Solar Farm Nationally Significant Infrastructure Project (NSIP). It offers a critical examination of the Applicant's application of the Sequential and Exception Tests as required by the National Planning Policy Framework (NPPF), the Overarching National Policy Statement for Energy (EN-1), and related guidance. The report integrates a technical review of the Flood Risk Assessment (FRA) as presented in the Environmental Statement (ES) and supporting technical studies. In drawing its conclusions, this critique references the Planning Act 2008, National Policy Statements, Planning Inspectorate Advice Notes, the latest case law, Environment Agency guidance, local policy, and procedural precedents. The document is presented in formal language and structured to support the Examining Authority in its consideration of whether the policy and legal requirements concerning flood risk have been met in full by the Applicant.

Summary Statement

This report identifies and analyses critical elements of the One Earth Solar Farm application's approach to flood risk management. It reviews the use of Sequential and Exception Tests in relation to NPPF and EN-1, scrutinizes the adequacy of the FRA methodology and interpretation, and addresses cumulative impacts, climate change allowances, and site-specific vulnerabilities. The report finds that, while the Applicant integrates appropriate datasets and references the correct policy framework, there are substantial deficiencies in both the sequential approach to site selection and the robustness of the Exception Test rationale—particularly regarding surface water risk, the thoroughness of alternative site evaluation, and the limited recognition of cumulative and future climate risks. These deficiencies are judged to undermine compliance with national and local policy and with recent judicial authority, casting doubt on whether development consent can properly be granted on the basis of current submissions.

Table of Key Policy and Technical Requirements

Requirement	Source	Summary
Sequential Test	NPPF §175; EN-1 5.8	Directs development to areas of lowest flood risk from all sources; all forms of flood risk must now be included (fluvial, surface water, groundwater, reservoir, etc.). Exemptions are strictly limited.
Exception Test	NPPF §176; EN-1 5.8.11	Permits development in higher-risk areas only if wider sustainability benefits demonstrably outweigh flood risk, and the development can be made safe for its lifetime without increased risk elsewhere, considering all sources.
FRA (Flood Risk Assessment)	NPPF §167; PPG	Must assess all sources of flood risk, baseline and future climate scenarios, demonstrate mitigation, include climate change allowances, and provide appropriate site-specific and strategic appraisal.

Requirement	Source	Summary
Cumulative Effects Assessment	EIA Regs; EN-1 4.1.5	Must consider cumulative effects of current and foreseeable developments affecting flood risk, including large-scale NSIP clustering.
Climate Change Allowances	EA Guidance 2022	Requires use of higher central or upper end allowances for essential infrastructure in Flood Zones 2/3, and NSIPs must consider credible maximum (H++) scenarios for lifetimes exceeding 100 years.
Local Policy and Strategic Flood Risk Assessment	Local Plans, SFRAs	Site allocations and Local Plan must be evidenced by up-to-date SFRAs; any allocation or permission in areas of flood risk must transparently pass relevant policy tests and consider relocation if climate change risk increases.
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The table above summarizes the statutory and policy context within which the One Earth Solar Farm NSIP application must be determined. Each of these requirements is explored and critiqued in detail below.

1.0. Introduction

1.1. The NSIP Regime in Flood Risk Context

The One Earth Solar Farm proposal is subject to the legislative framework established by the Planning Act 2008, which requires development consent for electricity generation projects exceeding 50 MW. Within this regime, Section 104 of the Act directs the Secretary of State to decide applications in accordance with any relevant National Policy Statement (NPS), in this case, EN-1 for energy projects and EN-3 for renewable energy infrastructure. These NPSs, together with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), form the primary policy framework for assessing flood risk in NSIPs.

Section 10 of the Planning Act 2008 additionally imposes duties to promote sustainable development—including mitigation and adaptation to climate change, environmental protection, and prudent use of natural resources—all of which intersect with flood risk policy. The regime distinguishes itself from the Town and Country Planning Act process by centralizing decision-making, imposing procedural requirements (such as statutory consultation, Environmental Impact Assessment (EIA), and consideration of Local Impact Reports), and emphasizing national priorities for infrastructure.

1.2. National Policy Statement EN-1: Flood Risk Provisions

EN-1 addresses flood risk primarily in Part 5, Section 5.8, requiring that all sources of flooding be taken into account at all planning stages—both fluvial and non-fluvial (e.g., surface water, groundwater, reservoir, sewer). Paragraph 5.8.6 states the "aims of planning policy" are to ensure flood risk is "avoided" and that new development is "steered to areas with the lowest risk". Should development in higher-risk areas be necessary, a "robust Sequential Test" must be undertaken and justified, and only if this is passed may the

Exception Test be applied. EN-1 (2023) consolidates and reinforces these expectations in light of increasing climate risk, updating prior guidance in light of recent legal precedent and advances in flood risk science. It positions the Sequential Test as the "default filter" for all NSIP site selection and requires that applicants "explicitly demonstrate" compliance with the test in their application.

1.3. The National Planning Policy Framework and Planning Practice Guidance

The NPPF (2024, Section 14) and associated PPG (Flood Risk and Coastal Change, 2022) directly shape the application and interpretation of the Sequential and Exception Tests. The NPPF's recent (December 2024) update clarifies that:

- The Sequential Test must consider flood risk from any source, not just fluvial/tidal flooding.
- A robust assessment of "reasonably available sites" is required.
- Where a site includes parts at risk, the whole site may trigger the test unless all vulnerable components can be located in flood-free areas.
- The Exception Test is only to be applied where the Sequential Test has established the absence of lower-risk sites, and it must include a sustainability benefit and proof that development is safe for its lifetime without increasing flood risk elsewhere.

This contemporary policy interpretation is directly relevant to the One Earth Solar Farm application, which traverses multiple flood zones and incorporates both essential and more vulnerable infrastructure in areas at varying degrees of flood risk.

1.4. Judicial and Procedural Precedents

Recent Court of Appeal judgments have provided important clarification on the legal principles underlying the Sequential and Exception Tests in NSIPs. Particularly pertinent are the rulings in *Substation Action Save East Suffolk Ltd v Secretary of State for Energy Security and Net Zero* (2024) EWCA Civ 12 and *R (Mead and Redrow) v Secretary of State for LUHC* (2024) EWHC 279 (Admin). These cases establish that:

- The Sequential Test must be "applied at the site selection stage" and not after design—even where mitigation can make a site "safe," this does not exempt it from the need for sequential justification.
- Surface water risk must be included in the Sequential Test, with flexibility for the planning judgment to consider mitigation at a later stage, but only if the initial Sequential Test is robust.
- Cumulative impacts may be lawfully deferred if insufficient information exists, but failure to properly consider them is a material legal flaw where active or approved NSIPs operate in parallel.

Procedural Advice Notes from the Planning Inspectorate reinforce these principles, emphasizing the importance of early, transparent, and evidence-based application of the Sequential and Exception Tests at both pre-application and examination stages.

2.0. Detailed Critique of the Sequential and Exception Test Application

2.1. Overview of Applicant's Sequential and Exception Test Method

The Applicant provided a Sequential and Exception Test Assessment intended to demonstrate compliance with NPPF, EN-1, and associated guidance. The assessment referenced a 10-15 km search radius for potential alternative sites, offered a "back-check" against identified alternatives, and asserted that no other "reasonably available" site performed better in terms of flood risk and deliverability. The Exception Test rationalized the sustainability of the project in terms of renewable energy generation, climate objectives, and economic benefits. However, a technical review reveals significant limitations in the scope, evidence-base, and robustness of both tests as applied.

2.2. Sequential Test: Scope, Execution, and Policy Compliance

2.2.1. Area of Search and the "Reasonable Availability" Standard

EN-1 Paragraph 5.8.12 and NPPF §175 require that the Sequential Test be defined by the type, scale, and requirements of the proposed development, and by a demonstrably appropriate catchment for alternative sites. The Applicant employs a 10-15 km search for alternatives yet provides only limited rationale to support the spatial constraint. While grid-connection, land availability, and scale are relevant, there is insufficient transparent evidence as to why a broader or different configuration of sites (such as a constellation of smaller, lower-risk sites) would not be "reasonably available," especially given the evolving technology and commercial models in large-scale solar.

Recent judicial guidance warns against an overly narrow search area absent clear, project-specific justification. The Mead and Redrow judgment in February 2024 notes that the definition of "reasonably available" is not fixed but must be objectively evidenced and defensible. The Applicant's assessment instead appears to reverse-engineer the outcome, focusing on the redline application land rather than starting with a comprehensive, unbiased audit of alternatives, and treats fragmented or discontinuous sites as inherently unacceptable without sufficient evidence of their infeasibility.

2.2.2. Assessment of Alternative Sites

Planning policy now requires a "rigorous" and "transparent" assessment of alternative sites, using up-to-date flood risk data, SFRA mapping, and the full spectrum of flood sources—surface water, groundwater, and others. The One Earth Solar Farm Sequential Test relies principally on fluvial flood zoning and assumes that the mitigation of surface water flood risk can be addressed at the detailed design phase, rather than as a primary consideration in site selection. This is inconsistent with current PPG and NPPF wording and with

Mead/Redrow and *Substation Action Save East Suffolk* case law, which require that all sources of flood risk be considered "at the point of initial assessment".

In the Applicant's Table of Alternatives, areas at surface water or groundwater risk are not consistently excluded or subject to the same scrutiny as those in Fluvial Flood Zone 2 or 3.

This undermines the robustness of the Sequential Test. Notably, the reliance on flood defences or design-led mitigation to justify retention of higher-risk locations contradicts explicit PPG guidance (Paragraph 7-022 and 7-023), which states that the presence of defences or mitigation does not obviate the need for sequential avoidance wherever possible.

2.2.3. Incomplete Consideration of Future Climate Risk and Long-Term Site Vulnerability

The NPPF and EA Guidance for climate change require applicants to use the "upper end" or "credible maximum" allowances for NSIPs expected to operate beyond 100 years, or where the effect of climate change may move current Flood Zone 1 land into higher-risk categories during operational lifetime. While the Applicant applies 39-62% increases in river flow for different design scenarios in its hydraulic modelling, there is an insufficiently granular assessment of whether areas currently in Flood Zone 1 or 2 would migrate into higher categories under future climate projections—crucial to robust Sequential Testing for such a long-life asset.

Indeed, Strategic Flood Risk Assessments (SFRAs) for Newark & Sherwood and Bassetlaw highlight that some currently low-risk areas may transition into higher risk over the NSIP design life, particularly given uncertainties in climate projections and maintenance of local flood defences. The One Earth Solar Farm application lacks a detailed, forward-looking Sequential Test that accounts for these changes and does not rigorously consider whether the development could be, now or in the future, relocated to a more sustainable, genuinely low-risk site.

2.2.4. Failure to Apply the Sequential Test Within the Site

A further deficiency is insufficient demonstration of a "sequential approach" within the site itself, as required by EN-1 and the NPPF. Where large sites straddle multiple flood zones, it is policy and best practice to minimize exposure by allocating the most vulnerable components to the areas of lowest risk and only retaining essential infrastructure in higher flood-risk panels if operationally unavoidable.

While some panel raising and equipment stowing are described, there is a lack of clear, evidence-based partitioning to keep the substation, battery storage, and other vulnerable components wholly out of the highest risk situation—contrary to the design requirement at site level. Most notably, the substations' proposed location, as detailed in the FRA, includes significant areas of Flood Zone 3, with no convincing demonstration that these installations cannot be relocated within the site's order limits to less hazardous ground.

2.2.5. Exemptions and “Pre-Mitigation” Arguments

The application at times argues that certain areas should be screened out of the Sequential Test due to the presence of robust mitigation or evidence that post-design flood risk is low. Recent case law (especially *Mead* and the *March 2025 Yatton appeal*) makes clear that evidence of "safe ultimate design" or site-engineering is not sufficient to avoid the test, and that only defined classes of minor or household development, or allocated sites tested robustly at plan stage, may benefit from such exemptions.

This logic is reinforced by the planning policy guidance, which is explicit that flood resistance and resilience measures are a secondary "backstop," not a first-line approach, and cannot "reverse-engineer" Sequential Test compliance for vulnerable developments (PPG Paragraph 7-022, 7-023, 7-048).

2.2.6. Site-Specific Critique Summary

In sum, the shortcomings in the One Earth Solar Farm Sequential Test can be summarized as:

- An inadequately justified and potentially under-inclusive area of alternative site search.
- Insufficient or inconsistent consideration of all forms of flood risk—especially surface and future climate-driven increases.
- Lack of robust partitioning and mitigated site-level design for vulnerable uses.
- Unacceptable reliance on mitigation to “pass” the test in lieu of strategic avoidance.

On this basis, the Sequential Test, as prepared and presented, is non-compliant with the explicit requirements of EN-1, the NPPF, and essential judicial principles now underpinning statutory decision-making.

2.3. Exception Test: Wider Sustainability Benefit and Lifetime Safety

Once the Sequential Test is failed (or passed only marginally), the Exception Test under EN-1 Paragraph 5.8.11 and NPPF §176 must be satisfied via two distinct criteria:

- The project must provide wider sustainability benefits that outweigh the flood risk.
- The project must be proven to be safe for its lifetime, taking account of vulnerability and management of residual risk, without increasing flood risk elsewhere, and where feasible, reducing risk overall.

2.3.1. Sustainability Benefit Assessment

The Applicant’s Exception Test relies on renewable generation, net zero objectives, biodiversity net gain, and some local amenity enhancements. While these benefits are potentially significant in a national policy context, an NSIP must still show why these benefits are unattainable in safer locations and must be directly weighed against the nature and magnitude of local flood risk. Local Plan SFRA flag the potential for development in these river catchment areas to catalyse cumulative, cross-boundary risk, with impacts on local property, infrastructure, and amenity well beyond the Order Limits.

Recent Inspectorate decisions and court judgments (most recently the *Yatton appeal*) highlight the need for detailed, transparent cost-benefit analysis specific to the site, with explicit recognition of residual and cumulative risk. The Applicant’s submission provides benefit statements at a high level, largely duplicating standard renewables policy tropes, rather than tailored evidence of local or site-specific sustainability enhancement relative to safer alternatives.

2.3.2. Proving Lifetime Safety

The second limb—demonstrating that the project can be made "safe for its lifetime," considering "all credible future climate risk scenarios"—is particularly exacting for NSIPs of 60+ years' duration. A review of the FRA and technical appendices reveals that while hydraulic modelling is undertaken for both 1-in-100 design events with 39% allowance and for "maximum credible" 62% increases, the interpretation of these results focuses on the present day and early operational scenarios but provides only partial extrapolation to end-of-life and decommissioning. There is an insufficiently robust appraisal of long-term asset resilience, specifically:

- The residual risk posed by incremental raising of groundwater tables, sustained periods of soil saturation, and deterioration of local flood defences.
- The management, enforcement, and maintenance of operational mitigation over a 60-year span (including maintenance of SuDS, emergency access, and evacuation plans as climate hazards increase).
- The cumulative effect of upstream and downstream NSIPs potentially clustering to "lock in" higher risk for local settlements and farming land.

Moreover, the approach to SFRA-influenced site-specific safety planning does not provide evidence of robust and secured evacuation routes and does not adequately address how access to isolated substations or battery storage via flood-prone accesses would be managed in longer-term, higher magnitude events.

2.3.3. Net Loss of Floodplain Storage and Water Flow Displacement

EN-1 Para 5.8.12 and EN-3 require that development must not result in a "net loss of floodplain storage" and must not "impede water flows". The applicant's FRA claims the net floodplain storage loss to be "within EA tolerances" (depth changes of a few millimetres), but does so based on current topography, baseline land use, and with minimum projections for increased flow velocities and depths under climate maxima. The sensitivity of agricultural land up- and downstream, and the risk of livestock loss or severe land damage under a maximum credible event, are not fully accounted for. The use of slender solar farm structures and raised panel design can reduce, but not eliminate, hydraulic impact, especially as silt transport and vegetation change over time. Its use of tolerances is misleading as the EA still requires no net loss of storage.

2.4. Flood Risk Assessment (FRA) Technical Critique

2.4.1. Methodological Soundness and Dataset Selection

The FRA supporting the application is broadly consistent in utilizing the best available Environment Agency datasets, CIRIA SuDS Manual C753, DEFRA non-statutory standards, and recent climate change guidelines. The hydrological and hydraulic modelling, as reported, employs conservative event probabilities (e.g., 1 in 100 + 39% and +62%) and aligns with the technical requirements of planning policy.

Key waterbodies and potential sources of flood hazard (River Trent and ordinary watercourses, reservoir breaches, groundwater) are identified, and the interaction between surface water and fluvial risk is discussed. These are strengths of the assessment.

However, the FRA is notably conservative in its approach to surface water flood risk, treating it as of "low" significance and not subjecting it to a commensurately challenging test for solar farm infrastructure and associated substations or battery energy storage. In doing so, it undervalues the risk that modest changes in land management, local drainage (including "invisible" compaction), and cumulative effect with other local NSIPs pose, especially when climate change is fully accounted for.

2.4.2. Climate Change Allowances

The climate change allowances applied (rainfall +40%; peak river flow +39%/62%) are in line with EA policy for essential infrastructure, but the sensitivity testing is not fully extended to H++ or extreme projections, which is required by updated guidance for NSIPs, particularly projects proposing operation or environmental legacy beyond 100 years. The FRA also does not robustly account for combination events (e.g., extreme rainfall coinciding with a reservoir breach or failure of local drainage) or the effect of "non-structural" risks such as catastrophic infrastructure failure elsewhere on the Trent catchment. While the cumulative risk is flagged, the technical scenario modelling is incomplete.

2.4.3. Surface Water and Pluvial Risk Evaluation

The EA's own mapping indicates localized increases in future surface water flood depth and frequency, and the SFRA update for the district recognizes that in some areas, traditionally minor surface water catchments can produce severe flooding under intense rainfall exacerbated by the potential "shadow" effect of solar panels or intensive land management. While the FRA references meadow management and non-compacted soils as mitigation, there is limited evidence that ongoing management contracts, oversight, and monitoring will be secured for the full operational and decommissioning lifetime of the development.

2.4.4. Sustainable Drainage and Long-Term Effectiveness

The FRA and Drainage Strategy commit to greenfield runoff rates, use of SuDS, and minimal hard surfacing, incorporating swales, filter drains, and basins. While these are compliant with best practice, their effectiveness is predicated on ongoing maintenance, prevention of siltation, and avoidance of vehicle rutting or informal compaction—all of which are recognized as persistent issues in large, dispersed solar arrays. There is little detail in the documentation about how permanence of biodiversity-led maintenance, which may conflict at times with flood management, will be reconciled under operational and eventual decommissioning conditions.

2.4.5. Emergency Planning, Safe Access and Egress

The FRA asserts that staff evacuation and safe access will be maintained via buffer distances and flood warning protocols. However, for both routine and emergency maintenance, the evidence for reliable, always-available escape or critical infrastructure access under peak flooding scenarios is weak; the absence of guaranteed dry access for strategic substations is a material deficiency in terms of compliance with NPPF §167 and EN-1 5.8.36/5.8.41. The physical reality of rural road flooding, particularly in the Trent catchment, means that "assurance by permit and plan" cannot substitute for engineered or physical reality over a 60-year plus horizon.

3.0. Cumulative Impacts and Procedural Precedents

3.1. Cumulative Effects of NSIP Clustering

The Environmental Impact Assessment Regulations and EN-1 4.1.5 require that not only the "project alone" but the likely significant effects "in combination with other existing or approved projects" must be assessed and weighed. In major river catchments such as the Trent, the risk of "clustering" of solar NSIPs, hydrogen projects, substations, and related infrastructure is high, with substantial cumulative impacts on floodplain capacity, run-off, and local management resources.

The One Earth Solar Farm submission references cumulative effects only in outline, referring to ventures "included within the cumulative BMV assessment" without transparent quantification of potential cumulative run-off, storage loss, or evacuation conflicts. This is a serious shortfall given both the local NSIP pipeline and the most recent precedents in offshore wind and grid projects where the Inspectorate has found cumulative or in-combination effects to be highly material to the legal adequacy of environmental information (see, e.g., *Larkfleet* and subsequent appeals).

Planning Inspectorate Advice Note Seven and technical guidance for solar farm NSIPs now expect applicants to provide explicit, itemized cumulative scenario modelling, with additive and multiplicative effects fully appraised, or to justify (with reference to available information) why such analysis is not feasible. The approach in the current submission fails this procedural expectation.

3.2. Local Policy and Strategic Assessment

Compliance with local SFRAs, risk management strategies, and policies (such as Core Policy 9/10 of Newark & Sherwood's Core Strategy, S20/S21 of Central Lincolnshire, and ST50/51 Bassetlaw Local Plan) is obligatory in so far as local evidence, and the national policy require it. These SFRAs typically identify wider floodplain areas, recommend further avoidance, warn of potential for relocation needs if climate risk increases, and require site-specific, climate-forward safety analysis. The current application only partially integrates these local perspectives and mostly at a high level; there is limited evidence that the site selection process made full use of Level 2 SFRA outputs, especially predictive future extents and high-risk surface water overlays.

4.0. Conclusions and Recommendations

4.1. Policy and Legal Non-Compliance

On a full review of the submitted materials, current policy, planning guidance, and recent legal precedent, it is concluded that the One Earth Solar Farm application fails to demonstrate full and transparent compliance with the Sequential and Exception Tests for development in areas of flood risk as now required. Key points of policy and legal deficiency include:

- Overly narrow and under-justified area of search for alternative sites.
- Incomplete assessment of all forms of flood risk (especially surface and future climate-driven increases).
- Insufficiently robust allocation of vulnerable elements to lowest-risk parts of the site.
- Unacceptable reliance on mitigation to displace the Sequential Test, contrary to policy and case law.
- Inadequate demonstration that sustainability benefits outweigh flood risk in the site-specific context.
- Lack of robust, enforceable, and future-proofed arrangements for lifetime safety, maintenance, and emergency management.
- Insufficient cumulative impact assessment in the context of expanding NSIP infrastructure within the river catchment.

4.2. Procedural and Technical Recommendations

Given the above, the Examining Authority is recommended to seek, as a minimum, further information and evidence relating to the following areas before any approval is contemplated:

- A revised Sequential Test with an appropriately wide area of alternative site search, published search criteria, and explicit evidence for discounting broader options, including "constellations" of smaller sites.
- Comprehensive, forward-looking mapping of all sources of flood risk (including pluvial and groundwater), based on the latest climate projections and Environment Agency guidance.
- Robust site-level partitioning, with clear avoidance of vulnerable uses in high-risk land and detailed justification with any retention of essential infrastructure in high hazard areas.
- Binding, enforceable plans and operational regimes for SuDS and drainage, with evidence of long-term enforceability, maintenance, and succession arrangements, up to and including the decommissioning phase.
- Full, transparent and scenario-based cumulative impacts assessment, including all foreseeable NSIPs and infrastructure projects in the catchment.
- Enhanced local consultation, including with specialist risk authorities and community stakeholders, specifically addressing local SFRA forward mapping and historic events.
- Evidence that the responsible authorities will be funded to ensure their capability to approve detailed design and monitor compliance of the project as a whole and maintenance of mitigation in particular, over the life of the project.

If the Applicant is unable to suitably address these deficiencies, the Authority should consider whether the legal and policy framework requires refusal of the application as it currently stands, to ensure the vital policy imperative—to direct development away from areas of highest risk, and to make new infrastructure resilient in the face of accelerating climate change—is properly met.

Footnotes

1. Planning Act 2008, sections 10, 14, 15, 104, and 120.

2. Overarching National Policy Statement for Energy (EN-1).
3. National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
4. One Earth Solar Farm Flood Risk Assessment.
5. Overarching National Policy Statement for Energy (EN-1) Paragraph 5.8.6.
6. Overarching National Policy Statement for Energy (EN-1) Paragraph 5.8.6.
7. Planning Practice Guidance: Flood Risk and Coastal Change.
8. NPPF (2024), Section 14.
9. One Earth Solar Farm Sequential and Exception Test Assessment.
10. Substation Action Save East Suffolk Ltd, R (On the Application Of) v Secretary of State for Energy Security and Net Zero & Ors EWCA Civ 12.
11. R (Mead and Redrow) v Secretary of State for LUHC EWHC 279 (Admin).
12. Substation Action Save East Suffolk Ltd v Secretary of State for Energy Security and Net Zero 2024.
13. R (Mead and Redrow) v Secretary of State for LUHC 2024.
14. EN-1 4.1.5 and EIA Regulations.
15. Planning Inspectorate Advice Notes.
16. One Earth Solar Farm Sequential and Exception Test Assessment document.
17. One Earth Solar Farm Sequential and Exception Test Assessment document.
18. NPPF (2024), Section 14.
19. Strategic Flood Risk Assessment (SFRA).
20. One Earth Solar Farm Environmental Statement.
21. Environment Agency, Flood Risk Assessment: Climate Change Allowances and National Guidance (2022).
22. Environment Agency, Flood Risk Assessment: Climate Change Allowances and National Guidance (2022).
23. Strategic Flood Risk Assessments: Newark & Sherwood SFRA (2016).
24. Planning Appeal Decision: Yatton (March 2025).
25. Overarching National Policy Statement for Energy (EN-1) Paragraph 5.8.11.
26. Faversham Appeal Decision (July 2025).
27. Solar Farm Development Flood Guidance.

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- Planning Act 2008.
- National Planning Policy Framework (NPPF), December 2024.
- Overarching National Policy Statement for Energy (EN-1), January 2024.
- National Policy Statement for Renewable Energy Infrastructure (EN-3), January 2024.
- Planning Practice Guidance: Flood Risk and Coastal Change (updated 25 August 2022 and subsequent DLUHC notes).
- One Earth Solar Farm, Sequential and Exception Test Assessment [EN010159/APP/9.15].
- One Earth Solar Farm, Environmental Statement Chapter 7: Hydrology and Hydrogeology [EN010159/APP/6.7.2].
- Substation Action Save East Suffolk Ltd v Secretary of State for Energy Security and Net Zero & Ors EWCA Civ 12.
- R (Mead and Redrow) v Secretary of State for LUHC EWHC 279 (Admin).
- Planning Appeal Decision: Yatton (2025) and Faversham (2025).
- Environment Agency, Flood Risk Assessments: Climate Change Allowances (2022).

- Strategic Flood Risk Assessments: Newark & Sherwood District Council SFRA (2016).
- CIRIA Report C753 The SuDS Manual (2015).
- DEFRA non-statutory technical standards for sustainable drainage systems (2015).