One Earth Solar Farm

Volume 9.0: Other Post-Submission Documents [EN010159]

Applicants Response to Deadline 3 Submissions

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Revision 01

Contents

1. Introduction

1.1 Purpose of the Report

1.1.1 The purpose of this document is to provide additional comments on submissions by Interested Parties submitted at Deadline 4.

1.1.2 To avoid repetition the Applicant has only provided a full response to comments that make points that have not been addressed by the Applicant previously in the Examination. Where the Applicant has not commented further on the responses of Interested Parties at Deadline 3, that should not be taken as being acceptance of the Interested Parties' position by the Applicant – the Applicant has sought to focus its responses in order to avoid unnecessarily creating additional written responses that only reiterate its position, as already set out. Therefore, where the submissions by Interested Parties do not raise new matters, or (2) raise matters which the Applicant considers it has already appropriately responded to, no further response to those submissions has been included in this response document. This document only includes matters the Applicant has new or further comments on which arise from the submissions of Interested Parties

1.1.3 To further minimise duplication, the Applicant has sought to cross-refer where appropriate to responses provided in other relevant submissions that have been entered into the Examination.

2. D3 Submissions

App Ref	Hearing Ref	Summary	Applicant Response
Sequential Test			
D3R1	**WLDC** Hydrology, flood risk, water resources and the sequential test (vi)	WLDC noted that paragraph 5.2.6 of REP2-080 says 10 sites were discounted because they were "primarily in Flood Zones 2 and 3". However, the assessment tables in Appendix A indicate whether sites are "partially" within flood zone 2 and 3, for example AP1. AP4 is presented as being partly in flood zone 1, but this is also discounted as a whole due to some elements being in flood zones 2 and 3. AP7 is presented as being partially within flood zones 2 and 3, but a visual review would appear to indicate all but the central north to south strip is outwith flood zones 2 and 3, which would appear to be similar or better than the current NSIP boundary. AP9, AP11 and AP12 are presented as being in an area of high probability of flooding but a visual review would indicate that a significant proportion of each site is in flood zone 1.	The Applicant considers that a robust assessment of each alternative site has been undertaken within the Sequential Test and Exception Test Assessment documents [REP2-080] and [REP3-069]. 12 alternative sites were originally identified and assessed in [REP2-080], with a further 5 being identified and assessed in [REP3-069]. Sites wholly, predominately or partially within Flood Zone 2 and 3 were discounted because they were not sequentially preferable to the Proposed Development site, but not for this reason alone. It is agreed that the policy is clear that the sequential test should steer development to lower risk areas of flood, but only where it is compatible with sustainable development objectives to do so, and the sequential test is not the only planning consideration which determines if a site is suitable or not. The PPG defines what a 'reasonably available' site comprises (in the context of the sequential test), and this has been updated since Deadline 3 on 17th September 2025. Sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal (Updated PPG Paragraph: 028 Reference ID: 7-028-20220825). This supports the approach taken by the Applicant when looking for reasonably available alternative sites. It is important to note
D3R2	**WLDC** Hydrology, flood risk, water resources and the sequential test (vi)	WLDC noted that there appears to be no comparator between the apportionment of the area of discounted sites to flood zones 2 and 3. This is relevant as the policy test in EN1, paragraph 5.8.6 confirms that "The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of	

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		flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding". Paragraph 5.8.7 indicates new energy development should only be exceptional in flood risk areas. Further Paragraph 5.8.10 states that "The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site". A review of the information provided in REP2-080 and its appendices does not provide WLDC with the confidence that the currently proposed NSIP boundary is "exceptional" within the flood zone 2 and 3 area and that the proposed development cannot be delivered on an acceptable site outwith flood zones 2 and 3.	that the alternative sites were also discounted because at the site selection stage, the landowners did not come forward to offer land to the project, and the majority of the sites alone would be too small to deliver a project with similar capacity, and the Sequential Test and Exception Test Assessment [REP2-080] outlines the challenges with compulsory acquisition if land owners are not willing. Other environmental challenges have also been identified for each of the alternative sites, and it is important to note that the Applicant has not undertaken detailed environmental assessments or design work which may also identify additional challenges with the sites, to deem them not reasonably available and appropriate or suitable for large scale solar. Similarly, it is an over simplification to make a direct comparison between the proportion of the flood zones within alternative sites as a whole located compared with the Order Limits, as no design work has been undertaken (and no further environmental impact assessment), meaning, and doing that further work could result in infrastructure other than panels being located wholly within Flood Zone 2 and 3 (whereas, with the Proposed Development the Applicant has avoided siting substations or the BESS in Flood Zones 2 and 3). Without developing each alternative site and undertaking detailed environmental assessments, and design development, a direct comparable of apportionment in each flood zone is not possible, and to do this additional work would not be reasonable or proportionate (nor required by the policy nor guidance). The approach taken to date is proportionate, and the Applicant must balance a wide range of considerations when selecting a site, which was done carefully and robustly both at site selection stage and during the back-check exercise. Further detailed assessments of the alternative sites are not considered necessary to confirm that the sequential test has been met. In relation to the Exception Test, which WLDC also question in the Deadline 3 responses, it is important to provide the full paragraph which has been quoted by WLDC (Paragraph 5.8.7):

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			"Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood." This confirms that energy infrastructure in flood risk areas is only necessary where it is exceptional, but an example of where this is the case is where there are no reasonably available sites in areas at lower risk, which the Applicant considers has been demonstrated in the Sequential Test and Exception Test Assessment [REP2-080]. It is therefore appropriate to apply the Exception Test in this instance. In terms of passing the Exception Test, as set out in detail in Section 6 of the Sequential Test and Exception Test Assessment [REP2-080], the Applicant considers that the exception test has been met and the Proposed Development will have a negligible impact on flood risk, and that the scheme would be designed and constructed to be safe for its lifetime
D3R3	**Heather Fox** Response to Sequential and Exception Test (1.1.5)	In what way, given that the site contains substantial amounts of BMV, similarly for flood zone 2 and 3, is in a Water Protected Area, with the risk of reservoir failure, did it `perform well`?	As set out in the Site Selection Report appended to the Planning Statement [APP-168] the Order Limits was chosen for the following reasons: 1. has a grid connection offer which will see energy; transported to the national transmission network by 2030 2. lies within an area of suitable irradiance and favourable topography; 3. includes a proportion of BMV land which is characteristic of the predominate mix in the general locality, and was predicted to be lower based on the mapping provided at the time of the site selection process;

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			4. has sufficient land to enable the grid connection offer to be maximised while maintaining sufficient offsets to sensitive residential receptors; 5. is located away from key environmental related designations; and 6. is accessible from the road network namely the A57 which provides direct access into the Site and has suitable access to land not immediately adjacent the strategic road network. In terms of the flood risk areas, the Applicant has demonstrated that there are no reasonably available alternative sites that have lower flood risk, and on balance the chosen site is preferable. In terms of the Water Protected Area, the Environmental Statement Volume 2: Chapter 7: Hydrology and Hydrogeology [REP2-024] confirms that the Order Limits are partially located within the Drinking Water Protected Area, but as confirmed at Deadline 3, the Environment Agency 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 relating to drinking water, they are satisfied.
D3R4	**Heather Fox** Response to Sequential and Exception Test (2.1.7 and 2.1.17)	NPS 5.8.7 and 5.8.36. Given the predicted increases of 2.4mm and 4.1mm due to submerged infrastructure, how is that not increasing flood risk on site and elsewhere?	The latest version of the FRA [REP2-043] indicates the following: *"The flood level changes of 2.3mm on the west and 4.1mm in the east set out within Table 3-10 above are within the 5mm tolerance that the EA indicated would be acceptable as this is within model tolerances. The impact on fluvial flood risk is therefore considered to be negligible"*

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			It is therefore not stated within the FRA that there is no increase in fluvial flood risk as a result of the development but that there is a negligible impact on flood risk. For clarity, discussions with the EA have been held since ISH2 and it is agreed that the 5mm tolerance is still considered acceptable for the flood storage assessment and depth increases less than this are considered to have a negligible impact on flood risk. The EA simply want this to be referred to as a "tolerance" rather than a "model tolerance". Given the impact on flood risk is within the EA tolerances and therefore negligible, it is considered acceptable by the EA and for the purposes of satisfying the policy requirements referenced. The Applicant has proposed a new DCO requirement 22 to ensure the Proposed Development does not impact flood risk to a greater extent than the 5mm tolerance set out by the EA.
D3R5	**Heather Fox** Response to Sequential and Exception Test (2.1.19)	If the flood risk could have been mitigated to a safe, acceptable level then surely it should have been. If the SoS is satisfied the `risk can be mitigated to a safe and acceptable level` why hasn`t it been. Can indicates the ability/ capacity to do something....it`s a verb. So the risk should be wholly mitigated. Does can have another meaning here?	The paragraph 2.1.19 referenced within the Sequential Test and Exception Test Assessment [REP2-080] is direct quote from NPS EN-1 which states in full at paragraph 5.8.42 *"Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies".*

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			The Applicant was setting the policy context for the sequential test and exception test, so this is not wording the Applicant has drafted.
D3R6	**Heather Fox** Response to Sequential and Exception Test (2.1.22)	The idea of run off from panels having the same impact as rain falling from the sky to the ground is contradicted elsewhere.	The statement in the Sequential Test [REP2-080] Para 2.1.22 "*It is also recognised, through Paragraph 2.10.84, that since Solar PV panels drain to existing ground, the impact of flooding impacts will not, in general, be significant."* Is consistent with the assessment made in Chapter 11 of the ES [REP2-024] Para 7.5.15 "*Solar farms (i.e. the modules themselves) are not considered to result in significant increases in runoff when compared to the existing greenfield situation. This is on the basis that runoff from the modules themselves will simply drop directly to the ground where the natural regime will be maintained"*
D3R7	South Clifton Parish Council	Historical floods omitted: The applicant fails to refer to 2007, 2013 and 2024 flood events.	Section 3.1.2 of the FRA [REP2-043] refers to historic flooding including the 2024 flood event. Figure 3-3 of the FRA illustrates historic flooding extents but does not represent just one event. This includes the maximum extents for a number of events however, for ease, these have been illustrated as one boundary as there a number of separate boundaries as they overlap in many situations. For clarity, the FRA will be updated for Deadline 5 to include a list of the events which contribute to the historic flooding extents. However, this will not have any material impact on the FRA and any mitigation set out.

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Landscape and Visual			
D3R8	**NSDC** Landscape and Visual Amenity (Para 23)	Finally, Paragraphs have been added to the LVIA at DL2: 11.3.35 to 11.3.38, clarifying that the author judges that no properties would reach the Residential Visual Amenity Threshold. While we agree with this statement in principle, we cannot locate the individual assessment of each of these properties for us to review and check the applicants' findings – i.e. which properties have significant effects and at what phases.	The Landscape and Visual Impact Assessment chapter [REP3-015] was updated at Deadline 3 to include Table 11.10. This table sets out the individual residential properties included within each visual receptor group, their location (by referencing the Land Plans [REP2-006]) and the corresponding viewpoint number, thereby signposting to the relevant part of the visual assessment to understand the impacts on residents of each individual property. NSDC and the Applicant have engaged in further discussion since Deadline 3 and are now in agreement regarding the scope of visual receptors and the level of effect on visual receptors. Agreement of the applicants findings in this respect is confirmed via the latest Statement of Common Ground with NSDC submitted at Deadline 4.
D3R9	**NSDC** Landscape and Visual Amenity (Para 28)	Regarding planting replacements due to failure to thrive or establish, or due to plants dying, the OLEMP has provision within the initial establishment period, however we still request a statement be added for unforeseen circumstances such as extensive plant dieback, or failure to establish. We suggest the following, to be reviewed and included within the OLEMP: "*In the unlikely event of external factors causing significant losses to the mitigation planting during the lifetime of the Project such that the purpose of screening the development is no longer achieved as a result of gaps in the planting, replacement planting will be undertaken to infill gaps that may*	The suggested wording has been added to the Outline Landscape and Ecology Management Plan (Rev. 5) [EN010159/APP/7.7.4] submitted at Deadline 4. The content of the OLEMP is now agreed with Newark and Sherwood District Council as reflected in the Statement of Common Ground.

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		arise. This approach will ensure commitments are fulfilled in respect of providing screening of the scheme and enhancing biodiversity"	
D3R10	**WLDC** Landscape and Visual Amenity (iii)	WLDC consider that the cumulative sequential view along the A1133 and the A156 should be considered in the assessment. People travelling on the road networks around Gainsborough and north and west of Lincoln are likely to encounter multiple solar NSIPs. As discussed later in the agenda, these could for the first decade or so of their existence be surrounded by 4 metre high wooden fencing to mask glint and glare.	The Applicant's approach to cumulative sequential views was set out and discussed during the Issue Specific Hearing 2. The summary of this discussion is recorded within the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 2 [REP3-065]. The sequential experience of driving along the A1133 is recorded via representative viewpoints 4 and 57. The sequential experience of driving along the A57 is recorded via representative viewpoints 8, 5, 3, 59 and 46. The extent of opaque screens proposed to mitigate potential glint and glare experienced by people travelling on the road network has been revised in line with the updated Glint and Glare Assessment submitted at Deadline 4. The updated Glint and Glare Assessment has adopted the same methodology as the previous iteration [APP-188] but takes into account a finer level of detail of built form, vegetation and terrain derived from the project's topographical survey, as well as a smaller spacing between the assessment receptor points – as a result, it reflects a more realistic worst case. The updated Glint and Glare Assessment concludes that the existing features will serve to screen the majority of the potential glint and glare effects resulting from the Proposed Development from along the A1133, with opaque screening only being required for a 240m length in contrast to the 1,511m reported in the previous iteration [APP-188]. The extent of the opaque screen will be reviewed again as part of detailed design.

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D3R11	**South Clifton Parish Council** Landscape and Residential Amenity	Omissions and errors: Several properties (e.g., Vicarage Farm Cottage, Station Cottages) were not properly identified or assessed. Clustered assessments: Properties have been grouped under 'representative viewpoints' rather than assessed individually. This risks underestimating the harm to specific homes. Despite requests from the ExA for detailed maps and details of each assessed property, this has still not been done. Inconsistent mitigation: The applicant has planned for woodland planting in some places but only hedges in others, with no justification or reasoning. SCPC feel that the effect this development will have on individual households as well as our broader community has been not been taken seriously by the applicant or considered a priority. How our countryside will look and the views from the affected homes is uppermost in the minds of our community.	The Landscape and Visual Impact Assessment chapter [REP3-015] was updated at Deadline 3 to include Table 11.10. This table sets out the individual residential properties included within each visual receptor group, their location (by referencing the Land Plans [REP2-006]) and the corresponding viewpoint number, thereby signposting to the relevant part of the visual assessment to understand the impacts on residents of each individual property. For instance, with reference to the examples provided in the question, Vicarage Farm Cottage is part of the visual receptor group titled: Residents between Ragnall and Woodcoates Road, the property's location is shown on Sheet 3 of the Land Plans, and effects are assessed via Viewpoint 45. The use of representative viewpoints accords with best practice as set out in Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013, published by the Landscape Institute and the Institute of Environmental Management and Assessment. The distribution of viewpoints was selected to provide a representation of the different visual impacts that would be experienced across the study area and were agreed with the host authorities during the pre-application phase. The scope of visual receptors, the scope of representative viewpoints, and the level of effect on visual receptors, has been agreed with Nottinghamshire County Council, Lincolnshire County Council, Newark and Sherwood District Council and Bassetlaw District Council. Alongside Table 11.10, referenced above, this approach was discussed during Issue Specific Hearing 1 and further clarification, complete with a plan recording key considerations regarding mitigation of visual impact for residential receptors, was submitted into the examination library as part of the Written

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			Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (Part 2) [REP1-077 and REP1-078]], Appendix F. The proposed mitigation planting was discussed with stakeholders during the pre-application phase, including individual residents, communities via public consultation events, and Parish Council meetings. The planting has been designed to provide visual screening to complement the existing green infrastructure network. The height of the screening (i.e. trees opposed to hedgerows) has also been informed by the surrounding vegetation within the view and the height of the elements proposed to be introduced by the Proposed Development), for instance taller screening is proposed around the western substation than proposed around solar panels. Consideration of the potential impact of the Proposed Development on individual households and the wider community has been a key consideration from the outset of the project. This is reflected in the project's vision, as recorded on page 32 of the Design Approach Document [REP2-021], and within the Design Principles, recorded on page 34 of the same document. This approach has resulted in extensive changes to the Proposed Development. These are summarised across page 36 – 57 of the Design Approach Document, and include (but not limited to) the removal of all proposed development between North Clifton and South Clifton to minimise the impact on the communities and the experience of the setting to the villages; the inclusion of bespoke offsets from individual dwellings discussed through residential visits and wider field work; and the removal of proposed solar panels close to Fledborough recognising the relationship between the viaduct and the settlement.

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Best, Most Versatile Land			
D3R12	**NSDC** Landscape and Visual Amenity (Para 35)	As noted at ISH2, NSDC consider that limited spatial information has thus far been made available by the Applicant within the ES and the Site Selection Report (Appended to the Planning Statement) which focuses upon the explanation of the constraints considered and the methodology followed to reduce the impact on higher value BMV land. There is no clear information on alternate areas considered and dismissed that may be on lower value 3a and 3b BMV land. Given the policy tests as referred to above, NSDC consider the Applicant has not provided sufficient evidence on minimising the impacts on BMV land, nor have they provided sufficient justification for the extent of higher value BMV loss. Further to this, NSDC consider the BMV land to be occupied by the proposed development would be permanently lost, for reasons already set out under landscape and visual matters, within this written summary.	The Applicant has carried out its site selection and considered alternatives in accordance with legal requirements and policy. This is documented in the Alternatives and Design Evolution chapter of the ES [APP-033] and the Planning Statement [APP-168] (see specifically chapter 11 on land and soils). The Applicant has made extensive oral submissions on the topic at Issue Specific Hearing 2, as documented in the Applicant's Oral Submissions from Issue Specific Hearing 2 [REP3-065] at agenda point 5 which are not repeated here. The Applicant has demonstrated that its approach to minimising BMV land has been appropriate and proportionate, and its consideration of alternatives has been reasonable.
D3R13	**WLDC** Agricultural land and best and most versatile agricultural land (BMV) (i)	Paragraph 5.11.34 states that the Secretary of State in their decision should "Where schemes are to be sited on best and most versatile agricultural land ... take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality".	The Applicant has carried out its site selection and considered alternatives in accordance with legal requirements and policy. This is documented in the Alternatives and Design Evolution chapter of the ES [APP-033] and the Planning Statement [APP-168] (see specifically chapter 11 on land and soils). The Applicant has made extensive oral submissions on the topic at Issue Specific Hearing 2, as documented in the Applicant's Oral Submissions from Issue Specific Hearing 2 [REP3-065] at agenda point 5 which are not repeated here. The Applicant has demonstrated that its approach to minimising BMV land has

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		WLDC does not consider that robust evidence has been provided on either of those points.	been appropriate and proportionate, and its consideration of alternatives has been reasonable.
Compulsory Acquisition			
D3R14	**South Clifton Parish Council** Compulsory Acquisition and Land Rights	Sparrow Lane will be subject to temporary interference from cable routes, reducing public benefit and failing the "no less advantageous" test. We feel the harm to the local community here is understated.	The Applicant recognises that, while not a public right of way, Sparrow Lane is common land. The Applicant provides details of this in The Statement of Reasons [REP2-011] and states: *"Rights to install, retain and maintain cables and imposition of restrictive covenants to protect them are sought over plots 08-06, 08-08, and 08-010. These rights are required to facilitate works to lay high voltage electrical cables and to facilitate the connection of the authorised development to the National Grid High Marnham Substation and access for the electrical cables.* *No works are proposed which will permanently affect the use of the common land or its physical appearance. No permanent above ground infrastructure for the Proposed Development will be constructed on the common land.* *Although there may be temporary interference with the use of the common land within the Order Limits during the construction period, the Proposed Development will look to ensure access throughout.* *Following completion of the construction of the Order Limits, there may be occasional future maintenance activities associated with the apparatus. Any interference with public access and use of the common land as a result of such maintenance activities would be temporary in nature.* *The Applicant's appointed agents have consulted the Commons Register held by Nottinghamshire County Council. The Commons Register does not list any registered commoners*

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			holding any rights of common over the parts of the Order Land that have been identified as Common Land." To summarise: • No permanent interference is proposed. • Temporary interference during construction will be minimised, and access will be maintained wherever possible. • No works are proposed within the residential section of Sparrow Lane . • There are no registered rights of common over the affected plots. As set out in paragraph 10.2.7 of the Statement of Reasons, the Applicant considers that the common land, when burdened with the rights sought in the Order, will be no less advantageous to the public than it was before. Accordingly, the test set out in section 132(3) of the Planning Act 2008 is satisfied, and the Order should not be subject to Special Parliamentary Procedure. This position is supported by precedent, including the SoS's recent decision on The Byers Gill Solar Order 2025, which concerned similar cable installation works under open space land. In that case: • The ExA concluded that the physical effect of the CA powers sought was marginal in extent and duration (paragraph 6.21 of the decision letter). • The land, when burdened with the rights, would be no less advantageous to the public (paragraph 6.21).

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			• The SoS agreed that section 132(3) was satisfied and that replacement land was not required (paragraph 6.22). Although the Byers Gill decision concerned open space rather than common land, the statutory test under section 132(3) is the same. The Applicant considers that the same reasoning applies here: the rights sought are limited and have only temporary interactions with the common land and are necessary for the delivery of the Proposed Development. The land burdened with these rights will be no less advantageous to the public.
D3R15	**South Clifton Parish Council** Compulsory Acquisition and Land Rights	Land-take not justified: Parish residents face compulsory purchase without sufficient evidence of necessity. Is all the land required genuinely needed for the development? With specific regard to the BESS sites, the ExA has already queried the size and necessity of the two large sites. The applicant admitted that the land applied for was on a 'worse-case' scenario rather than on a firm design.	As noted in the Written Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 [Doc Ref. REP3-064], the Statement of Reasons [EN010159/APP/4.1.3 (rev 04)] sets out the Applicant's justification for the inclusion of compulsory acquisition powers in the draft Development Consent Order [EN010159/APP/3.1.4 (rev 05)]. The Applicant, in line with EN-1, has sought to minimise the need to use Compulsory Acquisition powers in order to eliminate potential delays to providing critical clean energy to the grid . As noted in the Land Rights Tracker [EN010159/APP/4.4.4 (rev 05)], the majority of land proposed for solar, BESS or substation development is subject to a voluntary agreement with landowners through signing of an option for lease. Where land is not yet subject to an option, negotiations are at an advanced stage and it is anticipated that agreements will be finalised shortly. The land subject to these option agreements is required to maximise the peak generating capacity, meeting the critical need for energy production. The same principles apply to land where permanent rights are required for laying of cables to enable the connection of parcels of land for solar and ultimately

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			to the National Grid Substation. Again, as noted in the Land rights Tracker [EN010159/APP/4.4.4 (rev 05)], negotiations in respect of these rights are ongoing with the affected persons. The Applicant would emphasise that the utilisation of compulsory acquisition powers would only be undertaken as a last resort, and the Applicant will seek to reach voluntary agreement where reasonably practicable.
Transport and Access			
D3R16	**South Clifton Parish Council** Transport and Access	Main construction access unresolved: Stage 1 safety audit for A57 junction is still pending. This road is often an 'escape route' when the nearby A1 is closed so gets very busy. SCPC note that the ExA feel that not much progress has been made on this vital issue. Unacceptable amenity and safety impact for our rural communities. SCPC have consistently highlighted the regular accidents that occur on the A1133 within the order limits. (The latest, reported by residents, only last week at the junction with Moor Lane N.C.). The traffic impacts of this development remain uncertain and inadequately assessed, posing risks of congestion, safety hazards and community disruption.	The Applicant has prepared a review document of the A57 junction (that will be submitted on or before Deadline 5) as agreed and this includes the Stage 1 Road Safety Audit (RSA). The RSA has not flagged any in principle concerns with the junction. The Transport Chapter [REP1-027] has reviewed the impact of the junction on the A57 users. No significant effects were noted and as such the comments relating to "unacceptable amenity and safety" are not justified. Official accident records have been used in the assessment, in line with national and local guidance. The removal of the A57 junction would push all construction traffic onto Main Street, resulting in a higher impact on residents and users of Main Street, noting that this is outside of the South Clifton Parish Council area boundary. The statutory consultees have agreed all transport matters, with the sole exception of NCC in relation to the A57 junction.

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Mental Health			
D3R17	**South Clifton Parish Council** Governance and Consultation Failings	Consultation misconduct: Evidence shows the applicant concealed records of community challenge and misrepresented engagement. Over 95% of our villagers' object to this development and the survey results were submitted to One Earth as part of the statutory consultation feedback. A mental Health survey conducted by a resident GP was also submitted. Neither have appeared in the applicants' submissions to the Planning Inspectorate	The Applicant has fully and accurately presented the consultation feedback and responses in the Consultation Report [APP-151] and associated appendices. During the first round of consultation, the Applicant received a petition that had been developed by the opposition group 'Save our Heritage Villages', and recently renamed to 'Say no to One Earth'. The statements of the petition and the Applicant's response to them are included in Tables 3.12 and 3.13 of the Consultation Report, and a copy of one of the petitions is included in Appendix A-3 [APP-152]. During the statutory consultation, the Applicant received a copy of the mental health survey from several individuals and organisations, and therefore the Applicant's response is present in several locations in the Consultation Report. 1. Where the survey was submitted by a member of the public, the Applicant's response is included in Appendix J-2 page 536 [REP1-018]. 2. The Applicant later held a meeting with South Clifton Parish Council and the opposition group, in which the mental health survey was again raised for discussion. The Applicant responded verbally at the meeting and followed up in writing to the parish councils. This written response is included in Appendix J-1 of the Consultation Report after Table J-1.1, page 217 [REP1-018], 3. The Parish Council also submitted their feedback on the issue, which is included in Appendix J-1, pages 91 and 93 [REP1-018]. The Applicant's response to this issue remains the same. While the Human Health Chapter [APP-045] was conducted according

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			the standards and requirements of the EIA assessment to consider the potential impacts of the Proposed Development during the construction, operation and decommissioning stages, the mental health survey is presenting health impacts during the pre-application stage. The Applicant is of course concerned and has taken steps to help reduce anxiety about the project through increased communication and project updates.
Cumulative Effects			
D3R18	**Heather Fox** Applicant Response to ExA Questions (12.0.9)	It is adequately disputed elsewhere that rain hitting panels before reaching the ground can have a different impact from rain falling naturally to the ground. There is mention of cumulative effects of the whole project with other solar farms along the Trent Valley. What about the synergistic response possibility too?	Rainfall on the panels is managed through design and mitigation measures outlined in the Surface Water Drainage Strategy submitted as part of each solar farm project, which ensures that runoff is controlled to greenfield rates and flood risk is avoided. Cumulative and synergistic effects with other solar farms in the Trent Valley have been considered. Due to the spatial separation of sites and the requirement for each to demonstrate no increase in flood risk through a site-specific Flood Risk Assessment and Surface Water Drainage Strategy, no significant combined or synergistic effects are anticipated. These measures follow national guidance and ensure local and wider impacts are controlled effectively.
D3R19	**South Clifton Parish Council** Flood Risk and Hydrology	Cumulative impacts ignored: At least six concurrent solar and housing projects in the Trent catchment are excluded from modelling. Despite the ExAs' requests to show how multiple effects combine – we still feel that this is under-explored.	The list of cumulative schemes has been agreed in consultation with the relevant host authorities. During Hearing 2 it was confirmed by the host authorities that the list of cumulative developments included in Chapter 18 - Cumulative Effects [REP2-029] was appropriate, and no further revisions were deemed necessary. With regard to cumulative effects on flood risk and drainage, it is important to note that each development will be subject to its

App Ref	Hearing Ref	Summary	Applicant Response
			own site-specific Flood Risk Assessment and Surface Water Drainage Strategy, as required by the planning process. These assessments must demonstrate that there will be no increase in flood risk as a result of the proposals, and as such, no cumulative effects relating to flood risk or drainage are anticipated. Given this, and in line with current guidance and the information agreed to date, no significant cumulative flood risk or drainage interactions are expected.
D3R20	**South Clifton Parish Council** Flood Risk and Hydrology	Unresolved matters: EA and Anglian Water raised concerns about drilling depth for cable crossings, pollution prevention and bentonite breakout plans. Pollutant risk: PFAS (forever chemicals), flame retardants, and microplastics – these are not monitored by the EA under old (1989) guidance, yet linked to panel degradation and contamination. Conclusion: SCPC feel that the applicant cannot demonstrate compliance with the WFD at this stage. Safety cannot be proven without baseline testing and enforceable safeguards. How can assurances of 'no deterioration' be reliable given that modern contaminants are excluded from monitoring.	The outline Construction Environmental Management Plan (oCEMP) [REP3-042] and the WFD [REP3-022] were updated at Deadline 3 to include detailed mitigation measures aimed at reducing risks of water pollution. Specific details on the provision of a bentonite fluid breakout plan, along with other measures, are included in Table 3.5: Flood Risk, Drainage and Surface Water of the oCEMP. The Environment Agency has confirmed in its responses to ExAQ1 [REP2-095] that is has no outstanding concerns with the updated WFD assessment.

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Consultation			
D3R21	**Heather Fox** Applicant Response to ExA Questions (13.0.1)	The original size put to the community was 3500 acres. It went to 4000 at the next meeting. So the removal of 245 acres still left the site larger than originally stated and perhaps left them with an opportunity to release more BMV land?	The final extent of the order limits at submission was 1414 hectares (3494 acres) as show in Chapter 5 of the ES [REP3-011]. This is a reduction from the 3950 acres extent as published during statutory consultation. The Applicant has sought to minimise BMV in the project where practicable as described on Page 65 of the Design Approach Document [REP2-021].
D3R22	**Rebecca Walker** WR40	Will the applicant be sending updated information out to communities/residents who received incorrect information during the statutory consultation about the distances of PCS units in relation to residential properties?	The Applicant has acknowledged that there was an ambiguous statement included in the consultation booklet that implied that the PCS units were 300m from houses, which is incorrect – the substations and BESS were identified to make noise that could travel 300m, therefore they were placed at least this far from homes. The Applicant has clarified this issue in the summary of the Open Floor Hearing 1 [REP1-041] with the following: *Where practicable, the PCS units will not be located within 100m of residential dwellings and not within 50m of existing public rights of way. In all cases, the PCS units will be designed so that they do not result in a nighttime noise level at residential receptors of greater than 35dB(A). This will be achieved through a combination of careful siting of the PCS units, and through the selection of the equipment we use, and where necessary, additional mitigation such as attenuators on ventilation inlets / outlets and / or localised noise screening in the form of a solid barrier around individual PCS units (we could use a combination of all these methods). The noise level is stated for the nighttime*

App Ref	Hearing Ref	Summary	Applicant Response
			given the very low nighttime noise levels in many parts of the Order limits. If the project is consented, the Applicant has committed to provide a Community Liaison Officer to help facilitate communications with the local community and provide project updates. The establishment of a community liaison group is secured via Requirement 6 of Schedule 2 of the draft DCO. This would include providing more information on the final detailed design once it is available, which would include the final locations of PCS units and other components of the masterplan.
Hydrology			
D3R23	**Heather Fox** Applicant Response to ExA Questions	As a resident of North Clifton I have witnessed visibly and audibly, from my home, the power of the River Trent in flood. I do not agree with the conclusion that a solar farm of this size would not increase flood risk onsite or elsewhere. The flood defences were built in the 1950`s with no anticipation of having any structures built close by, let alone the scale of structures proposed. Their integrity could be compromised over the 60yr period. The applicant although content to be benefitting from their existence has made no mention of contributing to their upkeep or improvement. As riparian owner, if the proposal is accepted, would they have responsibility for upkeep of the river banks?	As a riparian owner, the Applicant will be responsible for maintenance and upkeep of watercourses and flood defences that run through the Order Limits or directly adjacent to the boundaries. In response to RR.050 within the Applicant's Response to Relevant Representations [REP1-075], the following is stated with regards to existing flood defences *"Should the inspections indicate that repair works or remediation is required within the lifetime of the Proposed Development, this would be undertaken by the Applicant through consultation with the EA."*

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D3R24	**Heather Fox** Applicant Response to ExA Questions	The applicant initially gave an indication of <1mm increase in flood levels due to loss of floodplain storage. It has subsequently been given as 2.3mm on the west and 4.1mm on the east. That level could increase again when the final decision on panel size etc is taken and no agreement on tolerance level, if relevant, has been agreed with the EA.	The Environment Agency agreed in a meeting held on the 26th September 2024 that a depth increase within 5mm would be acceptable. The minutes from this meeting are included as Appendix A3 of the FRA [REP2-043]. Discussions with the EA have been held since ISH2 and it is agreed that the 5mm tolerance is still considered acceptable for the flood storage assessment and depth increases less than this are considered to have a negligible impact on flood risk. The EA simply want this to be referred to as a "tolerance" rather than a "model tolerance" It is now proposed that a Flood Mitigation Requirement is included within the dDCO. The requirement being proposed by the Applicant would operate so that the outcomes of the FRA would be secured, including the impact of the Proposed Development on flood risk. The proposed approach would require the Applicant to re-run the FRA based on the detailed design, in order to give confirmation and certainty that with the detailed design, the same outcomes in terms of flood risk are achieved. This approach provides certainty now that based on the assumptions for the Proposed Development that the impact on flood risk is negligible and within the EA's tolerances, and then it also secures re-confirmation of that conclusion ahead of commencement. This requirement therefore provides certainty as to the impact on flood risk.
D3R25	**South Clifton Parish Council** Flood Risk and Hydrology	Outdated FRA models: Ignores modern science. Baiamonte et al. (2015, 2023) show solar panels can increase peak discharge by up to 11.7 times on smaller plots. Whilst it doesn't automatically equate that this will	Responses detailing why solar panel development is not considered to result in significant increases in surface water runoff have already been provided. The Applicant's response to ExA question Q12.0.9 [RE2-084] provides the most rounded response with regards to this point.

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		happen on an NSIP sized site, it is a risk that needs disproving.	In addition, please refer to the Applicant's Response to WR71 under heading "Surface Water Drainage Strategy" of the Applicants Responses to Written Representations [REP2-082] which provided further clarity.
D3R27	**Response to Documents Submitted at Deadline 2** Environment Agency	**EAFR-001 Submerged Panels** **Issue:** Within the updated FRA the applicant has undertaken an assessment of the volume of floodplain capacity which may be removed due to panel legs and panels which become submerged. The applicant has taken a conservative approach in calculating this volume and the impacts this may have on flood depths. The results show an increase of 2.3mm to the west and a 4.1mm increase to the east. The applicant has not provided details as to the impact the submerged panels may have on flow routes and or impediment of flow. **Impact:** The displacement of flood water may affect offsite risk due to the impediment caused by solar panels. **Solution:** The applicant should undertake an assessment of the affect the submerged panels may have on flow routes or the applicant should remove panels which become submerged in the design event, this may be by remove of panels or adjustment of design to ensure all panels are above the design event.	Panels are no longer proposed to be submerged. The base of the panels will be raised as required to ensure that the panels do not become submerged. This is achieved by adjusting the panel angle (within the 10 – 25 degree as set out within the outline design parameters) or by removing the bottom row of panels. This is proposed to be secured through a new flood risk mitigation requirement (requirement 22) to the dDCO and an amendment to the relevant outline design parameter for the PV panels. The requirement provides that the FRA would need to be re-run to confirm the outcomes of the current FRA in terms of flood risk and flood plain storage (the current FRA is being updated to reflect no submerged panels) - therefore the detailed design would need to ensure it can deliver the same results as currently shown. It is anticipated that this would require panels with their lowest part to be higher than provided for in the outline design parameter (to avoid being submerged in the designed flood event), and the outline design parameter has been amended to allow for that. In short, the requirements of the re-run FRA and details approved under that requirement, overrule the outline design parameter in relation to the height of the lowest part of the panels. By taking the above approach, it is confirmed that during the design flood event, the panels will not be submerged at any location within the Proposed Development, thereby ensuring the panels themselves will not impact flood flows or storage capacity.

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			This has been agreed with the EA, subject to the exact wording of the flood risk mitigation requirement, which will be confirmed for Deadline 5.).
D3R28	**Volume 3 Appendix 7.2 Flood Risk Assessment and Outline Drainage Strategy Section 3.1.1** Environment Agency	**EAFR-002 – Voided Structures** **Issue:** It is proposed to use voids under inverter stations within the design flood event to mitigate for the increased footprint within the floodplain. Voids should be a last resort option for mitigation once all other options have been exhausted. This is due to the risk of blockages within voids not allowing the free flow of water and reducing floodplain storage capacity. **Impact:** This may cause increases in offsite flood risk. **Solution:** The applicant should assess other options of mitigation for the built footprint within the design event and provide commentary as to why it is necessary to use voids as floodplain compensation. Voided structures should be a last resort when designing floodplain mitigation.	Further justification has been added in to the updated FRA (which has been shared with the EA in draft form) in regard to voided structures and this topic has been added to the Flood Risk Requirement to be addressed further at detailed design. In the EAs review of the updated draft FRA, they have confirmed the additional commentary is acceptable however, they are likely to suggest further additions on this are added to Flood Risk Mitigation Requirement 22. The Applicant's proposed approach is that the requirement would operate so that the outcomes of the FRA would be secured, including the impact of the Proposed Development on flood risk and floodplain storage. The proposed approach would require the Applicant to re-run the FRA based on the detailed design, in order to give confirmation and certainty that with the detailed design, the same outcomes in terms of flood risk and floodplain storage are achieved. This approach provides certainty now that based on the assumptions for the Proposed Development that the impact on flood risk and storage is negligible and within the EA's tolerances, and then it also secures re-confirmation of that conclusion ahead of commencement. Alongside this, the outline design parameters have been amended at Deadline 4 [EN010159/APP/5.9.3 (rev04)] to ensure detailed design aligns with the details required and approved in order to confirm the FRA outcomes.

App Ref	Hearing Ref	Summary	Applicant Response
D3R29	**Volume 3 Appendix 7.2 Flood Risk Assessment and Outline Drainage Strategy Section 3.1.1** Environment Agency	**EAFR-003 – Construction Phase** **Issue:** Within the OEMP the applicant has proposed where possible placing all construction compounds and material storage outside of the floodplain. However, due to the vast floodplain on site this may not be possible. The applicant has not provided detail of mitigation measures which may need to be put in place if construction compounds and/or materials need to be with in the floodplain onsite. **Impact:** This may lead to increased flood risk during the construction phase. **Solution:** The applicant needs to provide details of mitigation measures that will be implemented if storage in the floodplain through the construction phase is necessary. Additionally, the applicant needs to ensure sufficient distance is implemented between defences on site and any storage of materials to ensure no impact on onsite embankments.	The Environment Agency confirmed this response should refer to oCEMP, not OEMP. The oCEMP (REP3-041) already includes the following within Table 3.5: *"If temporary stockpiles are required within the floodplain, breaks in stockpiles will be provided at regular intervals to ensure impact on flood flows are minimised."* The oCEMP has been updated [EN010159/APP/7.4.4 (Rev05)] to include a statement setting out that material storage will be provided a minimum of 16m from the toe of any existing flood defences within the order limits
D3R30	**Volume 3 Appendix 7.2 Flood Risk Assessment and Outline Drainage Strategy Section 3.1.1** Environment Agency	**EAFR-004 – Proposed Crossings** **Issue:** The applicant has not provided evidence the development will not have adverse impacts on the stability of flood defences on site. Specifically, the applicant has not assessed the interaction between the cable crossing below the River Trent and the embankment foundations along the River Trent.	Further justification on the mitigation measures, assessments and monitoring has been added in to the draft update to the FRA which has been shared with the EA and will submitted in final form at deadline 5. Upon reviewing this draft, the EA have confirmed agreement on this point. The SOCG will be updated for Deadline 5 once the EA's written agreement has been received.

App Ref	Hearing Ref	Summary	Applicant Response
		Impact: This may lead to adverse impacts on watercourses and/or flood defences. **Solution:** The applicant needs to provide more detail of how the cable crossing may interact with the embankments and the mitigation measure which will be implemented to ensure embankments will not be adversely affected.	
D3R31	**Volume 3 Appendix 7.2 Flood Risk Assessment and Outline Drainage Strategy Section 3.1.1** Environment Agency	**EAFR-004 – Crossings** **Issue:** This section notes that bridging over watercourses to facilitate access may be required. Where this is the case openings will be sized accordingly to ensure there would be no constraint to flows. **Impact:** Crossings could be designed inaccurately if appropriate methods are not used to determine their size. **Solution:** Any proposed crossings should be designed so that the soffit level of any bridges sits above the design flood level. The design flood level for permanent crossings in this case would be the 1% (1 in 100) annual exceedance probability (AEP) plus higher central climate change scenario. For temporary crossings as part of the construction phase of the scheme the present day (without climate change) 1% (1 in 100) AEP scenario can be used. Careful consideration will need to be	For permanent bridging over watercourses, these would be designed so that the soffit level (underside) sits above the design flood level (i.e. 1 in 100 year plus 39% climate change event). The design flood level will be determined using the Tidal Trent Model where possible however, the need for localised hydraulic modelling to determine the flood level and associated soffit level for crossings over ordinary watercourse (such as ditches and field drains) will be reviewed when the crossing/bridge locations are confirmed at detailed design. The above text has been added in to the draft update to the FRA which has been shared with the EA and will submitted in final form at deadline 5. Upon reviewing the draft however, the EA have confirmed agreement on this point. The FRA will be updated for Deadline 5 to include the above text.

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		given to how the design flood level will be determined for any proposed crossings. Typically, this would be determined by undertaking localised hydraulic modelling or referring to existing detailed hydraulic modelling data (where available).	
D3R32	**Volume 3 Appendix 7.2 Flood Risk Assessment and Outline Drainage Strategy Table 3.9** Environment Agency	**EAFR-004 – Crossings** **Issue:** These sections present calculations regarding the loss of storage due to submerged solar panels and describe how this is considered acceptable. Solar PV panels could deflect flood flows and increase flood risk elsewhere. **Impact:** The impact of flood risk because of the development could be underestimated particularly in areas where the solar panels themselves are submerged. **Solution:** Please model the impact of submerged solar panels on flood risk and produce and include water level and extent difference mapping in the Flood Risk Assessment. If submerged solar panels result in an increase in flood risk this should be addressed following the principles of avoidance, mitigation, and compensation. **Additional Comments:** Table 3.9 shows the volume of storage lost due to partially submerged solar PV panels. Section 5 of the Flood Risk Assessment concludes that only a small number of panels are affected by flooding, which is stated as being considered acceptable.	Solar panels are no longer proposed to be submerged. Conservative assessments of the impact of the panel mounting structures and inverter voided structures on flood volumes in the design flood event have been undertaken and confirm that the potential increases in flood depth are below the 5mm tolerance agreed with the EA. Despite this, the EA have now stated they require hydraulic modelling to consider the impact the supports of the panel mounting structures would have on flood flows and this is being considered ahead of Deadline 5.

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		Following a meeting with the applicant on 11th September 2025, flood flow velocities near the submerged panels were reviewed using the Tidal Trent hydraulic model (Jacobs, 2023). While this provided useful insights, a full assessment of flood risk impact requires testing within the hydraulic model itself. The recommended approach is to represent the inundated panel areas using layered flow constriction polygons (2d_lfcsh layers) in the 2D TUFLOW model, applying a high blockage percentage to simulate flow obstruction. Justification should be provided for any chosen blockage values, and conservative assumptions are advised where uncertainties exist. Alternatively, a simpler but more conservative method involves modelling the panels as complete flow barriers using elevation (z) shapes in TUFLOW. This assumes no flow beneath the panels and may overstate their impact. Both methods offer objective ways to assess flood risk impacts from submerged panels, reducing reliance on subjective interpretation. Once modelling is complete, depth and extent difference mapping should be included in the Flood Risk Assessment, along with a description of the modelling approach, assumptions, and limitations. If the panels are found to increase flood risk, the avoid–mitigate–compensate hierarchy should be followed to ensure this is addressed. Further guidance is available in the Environment Agency's online resource: Using modelling for flood risk assessments - GOV.UK	

App Ref	Hearing Ref	Summary	Applicant Response
D3R33	**Volume 3 Appendix 7.5 Outline Operational Environmental Management Plan** Environment Agency	**EAGWCL oOEMP** Section 2.10 outlines water supply proposals for the operation and maintenance phase of the scheme. This does not reference the water supply for firefighting at BESS compounds (described in Section 4.4 of the Outline Battery Safety Management Plan as comprising four 120,000 litre static tanks at each of the two BESS sites). This should be referenced in the OCEMP.	This reference to water requirements has now been referenced into the updated oCEMP [EN010159/APP/7.4.4 (rev 05)] as submitted as part of Deadline 4.
D3R34	**Volume 3 Appendix 7.4 Water Framework Directive Screening Assessment** Environment Agency	**EAGWCL WFD Screening Assessment** Summary table 3-1 incorrectly states that the 2019 Quantitative Status Element of the Lower Trent Erewash – Secondary Combined Water Body (waterbody ID GB40402G990300) is Poor. This Status Element, and the overall Water Body Status, are Good. This should be corrected, however does not materially affect the assessment. Impacts to the WFD Groundwater Body from the construction and operation phases have been Screened Out of further assessment based on adherence to the mitigation measures which are to be set out in the OCEMP and OOEMP.	This has been updated within the WFD Screening Assessment [EN010159/APP/6.21.2 (Rev3)].
D3R35	**REP2-025 Chapter 7 & REP2-050 oCEMP** Environment Agency	**EAWR-001** **Issue:** The EA does not yet have confidence that there will be an available source of supply of water for the non-potable demands of the construction phase of the project.	A Water Resource Assessment has been completed and is with Anglian Water for review at time of writing. Anglian Water have communicated an expected response time to the applicant of ‘early November’. The conservative estimates for water demand during construction and operation are summarised in the table below

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		7.6.27 states that 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. Details of these abstractions as regards their current use and ownership is not specified. The oCEMP states only that if at detailed design, it is confirmed that potable water demand at the construction or operational stage is in excess of 20m3/day, then a Water Resource Assessment will be produced in consultation within Anglian Water. **Impact:** 7.6.30 and 31 state that the nature of effect to public water supply during construction is considered to be minor adverse and therefore is deemed not significant, and that based on the protective measures implemented by Anglian Water (i.e. declining requests in preference of protecting existing supply and the environment), the magnitude of impact is considered to be negligible. Whilst we agree with this in terms of the projects impact on receptors, the implications of water not being available to the construction phase of the scheme itself is not considered adequately. **Solution:** If the water company is unable to provide supply for non-potable construction water use, alternative sources of supply need to explored. This is the purpose of the Water resources assessment and	and have been shared within the WRA submitted to Anglian Water (AW): ***Construction*** / ***Operation*** ***Domestic*** | ***Non-Domestic*** | ***Domestic*** | ***Non-Domestic*** ***22.5*** *m^3/day* | *0.8 m^3/day for Wheel Washing 1.6 m^3/day for dust suppression 40 m^3/day for concrete* ***Total = 42.4*** *m^3/day* | ***0.45*** *m^3/day* | ***16.5*** *m^3/day for panel cleaning* ***TOTAL = 64.9 m^3/day*** | ***TOTAL = 16.95 m^3/day*** On the basis that the demand during operation is below the 20m^3/day limit that AW indicate dictates the need for a WRA, it is anticipated that they will be able to supply this water. During construction, the water demand requirements are above the limits set by AW and a response to the WRA is currently awaited. Should AW indicate that they are not able to meet the Applicant's water demand during construction, there are a number of existing abstractions within the Order limits or in close proximity which could be utilised. The details of these existing abstractions are summarised within Page 326 and 327 of the Preliminary Risk Assessment [REP3-023]and based on the maximum annual and daily abstraction volumes stated, it is anticipated that there would be sufficient excess water that could be abstracted from these to support construction. However,

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		should ideally have been considered at pre application. We recommend that this assessment is undertaken and appraises options for alternative sources of supply for non-potable water demands available to the project to include: • Clarifying the construction activities which require a water supply (dust suppression; HDD etc) • Further information on existing abstractions identified (are they owned by the landowner or developer or is a trade required? Do existing licences already have restrictive conditions?); • Likelihood of new abstraction being required if trades are not possible. • Appraisal of the catchment abstraction licensing strategy to evaluate potential licence restrictions and mitigation required (e.g. temporary winter storage for summer use). Exact volumes of water are not essential to this assessment. If existing licences are to be made use of, they will require formal changes to reflect their additional use. Evaluating this now can identify any future obstacles and mitigations which may influence detailed design.	discussions with current landowners to understand current and future usage within their abstraction limits are currently being undertaken to determine any impacts on existing abstraction permits and the potential need to amend them. Ideally the domestic demand would be provided by Anglian Water however, if necessary, on site water treatment could be provided to enable the use of abstracted water, or the option of domestic water being provided via tanker can be considered (as discussed briefly in ISH2 and in other submissions made to the examination).

App Ref	Hearing Ref	Summary	Applicant Response
Groundwater & Contaminated Land			
D3R36	**3.1 Draft DCO, Requirement 21 (2)** Environment Agency	**EAGWCL-001 & EAGWCL-007** **Issue:** Requirement 21 (2) of the Draft DCO states the following: • (2) If, during the carrying out of the authorised development in the area for site investigation [described as the area around the High Marnham power station as shown on the hatched blue on the land and soils constraints plan included in the preliminary risk assessment at appendix 8.2 to chapter 8 of the Environmental Statement], contamination not previously identified is found to be present within such area(s), no further development (unless otherwise agreed in writing with the relevant planning authority) must be carried out on the area(s) on which the contamination has been found until a remediation strategy detailing how such contamination must be dealt with has been submitted to and approved by the relevant planning authority. **Impact:** If contamination not previously identified is encountered in other areas of the Proposed Development outside the 'area for site investigation' this would not be subject to the same controls, which could result in detrimental impacts to controlled waters. **Solution:**	The Applicant has rephrased Requirement 21 (2) at Deadline 3, to address the EA's comment. Please see response D2R21 [REP3-066].

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		We recommend that Requirement 21 (2) is rephrased to incorporate all parts of the Proposed Development, not just that of the area for site investigation.	

D3R37	**Volume 2 Chapter 7: Section 7.4.11, Section 8.4.37**
	
	6.21 Appendix 8.2 Preliminary Risk Assessment – Part 1: Table 9
	
	Environment Agency
		EAGWCL-002
		Issue:
		The EIA report discusses designated superficial and bedrock aquifer designations, groundwater Source Protection Zones (SPZs) and known groundwater abstractions. No reference is made to any private groundwater abstractions (if present) within the study area although some abstractions not licensed by the Environment Agency are presented and discussed. Where groundwater abstractions are discussed, it is unclear what information sources have been used.
		
		Impact:
		Potential for private groundwater abstractions to be present which may not have been accounted for in the EIA. If these are known or presumed to be used for potable water abstraction these are assigned a presumptive 50m radius SPZ1.
		
		Solution:
		The Applicant should confirm the information sources used to determine the presence and details of groundwater abstractions, both private and public, within the Study Area.
			Subsequent to queries relating to groundwater abstraction points made by the Environment Agency after submission of Revision 1 of Chapter 8 [APP-37], the Applicant requested further information relating to this dataset from the following consultees, with information provided as indicated:
			• Environment Agency - a dataset of recorded groundwater abstraction locations was received (all of these relate to licensed groundwater abstractions, which are understood to include both private and public abstractions);
			• Newark and Sherwood District Council - a dataset of recorded unlicensed groundwater abstraction locations was provided, but there were no entries within the Order Limits or the study area for Land and Groundwater (up to 250m outside the Order Limits). Therefore, there were no relevant records of private or public water supplies provided by Newark and Sherwood District Council;
			• All other local authorities indicated that they did not keep records of either licensed or unlicensed, public or private groundwater abstraction locations, and referred the Applicant to the dataset maintained by the Environment Agency. These local authorities were:
			  ○ Bassetlaw District Council,
			  ○ Lincolnshire County Council,
			  ○ Nottinghamshire County Council, and

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			○ West Lindsey County Council. On receipt of this information, the Applicant has revised Chapter 8 of the ES [EN010159/APP/6.8.2 (rev 03)-] to include the updated information supplied by the Environment Agency. Appendix 8.2 of the ES (Preliminary Risk Assessment) [EN010159/APP/6.21.2 (rev 03)] has also been updated, and Appendix D of the Preliminary Risk Assessment should be referred to for the updated Environment Agency dataset, which includes a sheet for locations that are within the Order Limits, and a separate sheet listing locations that are outside the Order Limits but within the 250m study area. Although the Environment Agency dataset does not specifically assign the terms public or private to the abstraction locations, based on the details provided, all the listed supplies are taken to be private, with the exception of the locations assigned to Anglian Water Services, which are assumed to be public supplies. On the basis of the updated assessment, the Applicant confirms that the assessment presented within Chapter 8 of the ES [EN010159/APP/6.8.2 (Rev03)] considers datasets that include private and public groundwater abstraction locations, and that all locations reported to be present are licensed by the Environment Agency, with no known unlicensed locations.
D3R38	**Volume 2 Chapter 7: Section 7.4.11, Section 8.4.37** **6.21 Appendix 8.2 Preliminary Risk Assessment – Part 1: Table 9**	**EAGWCL-002** **Issue:** The EIA report identifies three groundwater SPZs within the study area near Dunham Bridge in Section 7.4.11; however, in Section 8.4.37 the report states that there are no groundwater SPZs within the study area. Furthermore, the appended Phase 1 Desk Study	The boundary for the Order Limits changed between submission of the PEIR and submission of the first revision of the ES. This resulted in SPZs that were considered in the PEIR no longer being within the Order Limits for the ES application. This update was not carried through to Chapter 7 of the ES at the first revision, but will be updated for revision 02 at Deadline 5.

App Ref	Hearing Ref	Summary	Applicant Response
	Environment Agency	states in Table 9 that there are five SPZs associated with groundwater abstraction close to the River Trent, with the closest of the Zone 1 Inner Zones being partly inside the site boundary, despite this using the same site boundary as the EIA report and the related Figure 2: Land and Constraints Plan showing these zones outside the Order Limits. **Impact:** Lack of consistency in baseline information for the Proposed Development. **Solution:** The Applicant should ensure all described SPZ and abstractions accurately reflect the study area and account for both Environment Agency licensed groundwater abstractions and private groundwater abstractions registered with the Local Authorities. **Additional Comments:** The Applicant identifies three groundwater SPZs within the northern part of the Order Limits, near Dunham Bridge. These were assumed by the Applicant to be associated with five Anglian Water groundwater abstractions, which our records confirm. As Section 8.4.37 states, the Order Limits boundary has been amended with the result that the identified SPZs no longer fall within the Order Limits or 250m study area search buffer. Chapter 7 does not appear to have been updated to reflect this.	With respect to the groundwater abstraction location within High Marnham Power Station, the dataset relating to these features has been updated, and this feature is no longer indicated to be active, therefore text and figures have been updated to reflect this, as in Appendix 8.2 (Preliminary Risk Assessment) [EN010159/APP/6.21.2 (rev 03] and Chapter 8 of the ES [EN010159/APP/6.8.2 (Rev03)]. Appendix 8.2 (Preliminary Risk Assessment) has been updated to reflect the updated dataset, as provided by the Environment Agency, and this includes updates to Appendix D of that document, which presents the Environment Agency dataset, and notes that data from other consultees did not include any data points within the Order Limits or study area. As this data has now been provided directly by the Environment Agency, providing more authoritative data, not via the Envirocheck report, there are no Envirocheck references quoted within the dataset. The Applicant considers the updated dataset and revised ES chapters provide a consistent and accurate baseline for groundwater receptors. With regard to the discrepancy noted relating to 14 or 16 groundwater abstractions, please note that there were two on-site groundwater abstractions in one table, and 14 off-site groundwater abstraction in the subsequent table, so totalling 16 groundwater abstractions within the study area. However, this dataset has now been superseded.

App Ref	Hearing Ref	Summary	Applicant Response
		The report also refers to an apparently active groundwater abstraction point within the Order Limits, located at High Marnham Power Station, used for industrial processing. Our records do not indicate the presence of an active abstraction license at this location. Table 9 of the Preliminary Risk Assessment states the following: "*There are 16 active licences for groundwater abstractions located on-site and within 1km of the site boundary. The majority of these are used in agricultural (for spray irrigation), with some associated with potable water supplies (operated by Anglian Water), several for private domestic use and one for industrial processing. A full list of abstractions is provided in Appendix D.*" No information source is provided for the listed abstractions either in Table 9 or Appendix D of the Preliminary Risk Assessment. These are assigned individual Envirocheck reference IDs, however no corresponding Envirocheck report appears to have been provided. Several of the groundwater abstractions listed in the Appendix are not shown in our records are not currently licensed by the Environment Agency. Furthermore, the list of abstractions in Appendix D includes 14 groundwater abstractions not 16 as stated in Table 9.	
D3R39	**Volume 2 Chapter 7: Section 7.4.36 Sensitive Receptors** Environment Agency	**EAGWCL** **Issue:** The chapter does not identify groundwater (aquifers, abstractions, Source Protection Zones and Groundwater Dependent Terrestrial	Section 7.4.36 of Chapter 7 will be updated for Deadline 5 to direct readers to Chapter 8 [EN010159/APP/6.8.2 (Rev03)].

App Ref	Hearing Ref	Summary	Applicant Response
		Ecosystems) as a potential receptor in Chapter 7 despite referencing potential sources of groundwater contamination and proposed groundwater mitigation measures including impermeable surfacing. These receptors are not considered within the impact assessment presented in Chapter 7 and are absent from Table 7.4: Summary of Significant Effects. **Impact:** Potential for readers of the EIA to conclude that impacts to groundwater quality could not occur from the development. **Solution:** Although groundwater is considered as a potential receptor in Chapter 8 this should also be identified and assessed as a receptor in Chapter 7, or if preferred the reader should be directed to discussion of groundwater quality impacts in Chapter 8. **Additional Comments:** Section 7.4.11 references Volume 2, Chapter 8: Land and Soils regarding groundwater baseline conditions but does not further direct the reader to this section regarding impacts to these receptors.	The Applicant considers the updated cross-referencing sufficient to ensure groundwater receptors are appropriately considered within the EIA.
D3R40	**6.2.1 Volume 3 Appendix 7.2 Flood Risk Assessment and Outline Drainage Strategy** **Table 4-1 Surface Water Drainage Hierarchy**	**EAGWCL-011 Firefighting Water** **Issue:** Table 4.1 of the report states the following, apparently regarding the substation and BESS areas: The provision of unlined features (i.e. permeable subbase and attenuation features) to encourage	SuDS features serving the BESS and Substation areas will include an impermeable lining to prevent infiltration to underlying groundwater. The FRA and Outline Drainage Strategy will be updated for Deadline 5.

App Ref	Hearing Ref	Summary	Applicant Response
	Appendix 5.9 Outline Design Parameters Environment Agency	some natural infiltration has been considered, however potential contamination from fire water runoff will need to be contained which could limit where this is possible. This would be assessed further at detailed design. It is unclear how firefighting water containment and unlined features could both be incorporated into the BESS and substation drainage design – notably commitment C41 in the Commitments register states: "*Furthermore, the proposed BESS facilities and SuDS features will be lined to prevent the potential for contaminated fire water to infiltrate to the ground*." Minimal information on proposed BESS drainage design is provided in the Work No. 2 section of the Outline Design Parameters appendix. **Impact:** Potential for uncontrolled release of firefighting water into Secondary aquifer in the event of a BESS fire if unlined features are adopted. **Solution:** The Applicant should clarify their statement on provision of unlined features. BESS drainage design commitments should also be captured in the Outline Design Parameters. **Additional Comments:**	The Outline Design Parameters Work No.02 item [EN010159/APP/5.9.3 (rev04)] has been updated to confirm impermeable linings will be included.

App Ref	Hearing Ref	Summary	Applicant Response
		Both the Eastern and Western BESS compounds are proposed to be established on Secondary aquifers: • Western BESS: Alluvium (Secondary A) and Mercia Mudstone Group (Secondary B) • Eastern BESS: Mercia Mudstone Group (Secondary B) Table 4-2 identifies that detention basins are proposed at each BESS compound and page 46 of the Flood Risk Assessment and Drainage Strategy outlines that these have been sized to provide sufficient storage to attenuate a 1 in 10-year event plus 228m3 of firewater without need for discharge, and that a penstock valve would be automatically triggered to prevent discharge of contaminated firefighting water.	
D3R41	**Volume 3 Appendix 7.4 Water Framework Directive Screening Assessment** Environment Agency	**EAGWCL – WFD Assessment** **Issue:** The WFD assessment does not state that a hydrogeological risk assessment would be produced for river/watercourse crossings prior to detailed design. **Impact:** Risks posed by trenchless crossings may not be adequately assessed. **Solution:** The River Trent trenchless crossing should be supported by a Hydrogeological Risk Assessment, which should include the site-specific hydraulic fracture risk assessment referenced in the same section.	The WFD Screening Assessment has been updated to reference this and a draft version of this has been shared with the EA. In reviewing this draft updated version, the EA provided some further minor amendments on the 8th October 2025. These have since been included in the WFD Screening Assessment which is to be submitted at Deadline 4.

App Ref	Hearing Ref	Summary	Applicant Response
		Additional Comments: Table 3.5 of the outline Construction Environmental Management Plan states "A hydrogeological risk assessment will be produced for river/watercourse crossings prior to detailed design and suggest this is secured through requirement." Section 5.1.7 of the WFD Assessment states that the launch and receiving pits for trenchless crossing at the River Trent will be a minimum 10m from the watercourse edge. This should be updated to 16m to be consistent with the updated CEMP.	
D3R42	**6.2.1 Volume 3 Appendix 7.6 Outline Construction Environmental Management Plan** Environment Agency	**EAGWCL – oCEMP** **Issue:** The Outline Construction Environmental Management Plan does not commit to the provision of a contamination watching brief in areas of potential soil and groundwater contamination. **Impact:** Potential for sources of existing contamination to be encountered during construction works without adequate measures in place to manage risks to controlled waters. **Solution:** The Applicant should include a clear commitment to a land and groundwater contamination watching brief during earthworks and confirm that works would be locally halted if unexpected	The response to D3R39 should be referred to in relation to the protection of ground and groundwater from contamination. The oCEMP [REP3-041] has been updated to incorporate details relating to unexpected contamination within Table 3.5, in addition to in Table 3.10.

App Ref	Hearing Ref	Summary	Applicant Response
		contamination sources are encountered, until the source is adequately investigated and remediation proposals agreed with the Local Authority and Environment Agency. **Additional Comments:** Table 3.10 outline proposed mitigation and enhancement measures for controlling risks from waste generation, land contamination, airborne contamination and groundwater contamination. The listed measures do not include a watching brief for sources of contamination in areas where the potential for historic contamination has been identified, such as the former High Marnham Power Station and associated infrastructure and landfilling areas, potentially infilled historic ponds and mineral extraction pits, former railway land, farm developments and historic oil wells. Although Table 3.10 includes a statement that development would be locally halted should unidentified contamination be encountered, for consistency and clarity this should also be stated in the relevant part of Table 3.5.	
D3R43	**6.2.1 Volume 3 Appendix 7.6 Outline Decommissioning Environmental Management Plan** Environment Agency	**EAGWCL – oDEMP** **Issue:** Proposal to retain underground cabling in-situ below ploughing depth. **Impact:** Potential for cables left in-situ to act as a source of groundwater contamination. **Solution:**	The applicant has previously provided information with regard to microplastic in REP3-067 ExQR53: The decommissioning approach will be reviewed before this phase of work begins and carried out in accordance with industry guidance, relevant legislation, and government policy in force at the time – see paragraph 1.1.7 of the outline Decommissioning Environmental Management Plan [REP2-053] which provides:

App Ref	Hearing Ref	Summary	Applicant Response
		The Applicant should demonstrate that cables left insitu indefinitely would not pose a potentially significant source of contamination to controlled waters.	The mode of cable decommissioning for the grid connection and other underground cables will be dependent upon government policy and best practice at that time. Currently, the most environmentally acceptable option is leaving the cables in situ, as this avoids disturbance to overlying land and habitats and to neighbouring communities. Alternatively, the cables can be removed by opening the ground at regular intervals and pulling the cable through to the extraction point, avoiding the need to open cut the entire length of the cable route. The current approach taken is the industry standard that is currently employed on most if not all solar NSIPs. The applicant is aware of some research that suggests the potential for contamination. In any event if industry standards recommend the removal of cables at the time of decommissioning this approach will be reconsidered. The current approach is adopted as it minimises soil damage and disturbance and is considered less impactful environmentally, as recorded in the oDEMP extract above. Since the cables are buried below the depth of agricultural activity, and in agreement with Natural England, it is currently considered best to leave them in situ to further reduce soil disturbance
D3R44	**6.2.1 Volume 3 Appendix 7.6 Outline Decommissioning Environmental Management Plan** Environment Agency	**EAGWCL – oDEMP** In Table 3-11: Ground Conditions, the measures for managing firewater at the BESS compound should reference to the preparation of a Battery Safety Management Plan. We encourage the Applicant employs 'sentinel' monitoring systems to enable early detection and management of spills and leaks entering surface water drainage system during normal operation.	The Applicant will consider the appropriate application of ground monitoring equipment as part of the detailed design, once the level of detail and surveys is at an appropriate point to consider the best approach to monitoring considering the local conditions.

App Ref	Hearing Ref	Summary	Applicant Response
Biodiversity			
D3R45	**Environmental Statement Chapter 6 Section 6.2** Environment Agency	**EAFBG-001 Fish Species** **Issue:** The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 have not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered. **Impact:** This infers that the impacts on fish from the construction, operation and decommissioning have not been fully considered. **Solution:** Both pieces of legislation should be listed as relevant in the biodiversity chapter of the ES and submitted as part of the DCO. **Additional Comments:** Parts of The Salmon and Freshwater Fisheries Act 1975 relevant to this type of development and that should be considered, are (but not exhaustive) Part 1, Sections 2 and 4. Parts of The Eels (England and Wales) Regulations 2009 relevant to this type of development and that should be considered, are (but not exhaustive) Part 4.	Chapter 6 Biodiversity [REP3-009] has been updated for Deadline 4 to reference the Salmon and Freshwater Fisheries Act 1975 (as amended) and The Eels (England and Wales) Regulations 2009. Chapter 6 Biodiversity [REP3-009] was updated at Deadline 1 to include data and an assessment of the impacts on fish (see Sections 6.6 and 6.9).

App Ref	Hearing Ref	Summary	Applicant Response
D3R46	**Environmental Statement Chapter 6 Section 6.10.4 – 6.1.10** Environment Agency	**EAFBG-001 Fish Species** **Issue:** The ES has only assessed river lamprey and sea lamprey. **Impact:** There are records in the River Trent of populations of Atlantic salmon (Salmo salar), brown/sea trout (Salmo trutta), European eel (Anguilla anguilla) and notable coarse fish, including barbel (Barbus barbus). By not including all fish in the baseline, impact-pathways may cause damage to fish or habitat **Solution:** Include all fish species present in the River Trent in the EIA **Additional Comments:** Atlantic salmon are an Annex II species of the Habitats Directive. Brown/sea trout are listed as a S41 Priority Species of the NERC (Natural Environment and Rural Communities) Act. European eel are listed as critically endangered on the IUCN Red List of Threatened Species, they are also listed as a species of principal importance under Section 41 of the Natural Environment and Rural communities (NERC) Act 2006. They are also protected under The Eels (England and Wales) Regulations 2009. Barbel are an Annex V species of the Habitats Directive. Note that EMF impacts on additional fish species	The Applicant updated Chapter 6 Biodiversity [REP3-009] at Deadline 1 to include information on other fish species present in the River Trent, including European eel, bullhead and spined loach. This included highlighting data from the EA Fish and Ecology Data Explorer and the publication of a new appendix (Appendix 6.11 Fish Habitat Baseline [REP1-042]. No significant effects on fish were identified for the project alone or cumulatively in Chapter 6 Biodiversity [REP3-009].

App Ref	Hearing Ref	Summary	Applicant Response
		is detailed in Appendix 2.4: Electromagnetic Fields Impact Report.	
General			
D3R47	**Rebecca Walker** WR40	Will the design principle be that PCS units are not within 100 m of residential properties "where practicable," or that PCS units will be at least 200 m from residential properties "in most cases"?	Design parameters are set out within the Outline Design Parameters [REP2-022]. This document states that "*Where practicable PCS units will not be located within 100m of residential dwellings and 50m of existing public rights of way and in all cases will be designed to ensure a night time noise rating level at residential receptors of no greater than 35dB(A).*"
D3R48	**Rebecca Walker** WR40	Why can more defined wording not be used in relation to the placement of the PCS units?	Please see the wording provided in response to D3R47 above. This wording confirms that where practicable the PCS units will be at least 100m from residential dwellings and that, even if this is not achieved, it will be ensured that the noise rating at residential receptors would be no greater than 35dB(A).
Noise			
D3R49	**Rebecca Walker** WR40	If noise cannot be adequately mitigated to comply with Requirement 16 of the draft DCO, what safeguards exist to prevent residents from being left to live with unacceptable noise levels for an extended period?	Requirement 16 of the DCO must be met, along with all of the other DCO Requirements, since the DCO is a legally binding document. Section 161 of the Planning Act 2008 makes it a criminal offence to carry out development in breach of the terms of a DCO without reasonable excuse. In the event that a particular design would result in Requirement 16 being breached, the design would be altered to avoid any such breach. This may include physical mitigation measures such as, for example, attenuation or screeningor, where

App Ref	Hearing Ref	Summary	Applicant Response
			necessary, design modifications such as the use of quieter equipment or revised layouts to increase separation from noise sensitive properties. Should noise levels exceed the limits set out in Requirement 16 during operation despite mitigation, this would constitute a breach of the DCO. In such circumstances, the Undertaker may be subject to enforcement action by the relevant planning authority, including potential criminal liability under section 161. The Applicant would be required to take immediate remedial steps to bring the development back into compliance, which may include further mitigation, operational adjustments, or cessation of specific activities until compliance is restored. Requirement 16 stipulates that an operational noise assessment is submitted to the relevant planning authority for approval. This assessment must demonstrate that noise mitigation measures are incorporated to ensure that operational noise levels meet the appropriate limits. Work cannot commence until the assessment has been approved for each of the relevant Works Nos [see REP3-003 and REP3-004]. After consent is granted, the host authorities are responsible for ensuring that the developer complies with Requirement 16 by monitoring and enforcing the approved details. This involves carrying out site inspections to check that works are being undertaken in line with the approved plans, reviewing compliance reports submitted by the developer to confirm ongoing adherence to the requirements, and liaising with statutory consultees where necessary to ensure that environmental and technical standards are maintained. As

App Ref	Hearing Ref	Summary	Applicant Response
			above, if breaches are identified, the authority can take enforcement action to secure compliance.
D3R50	**Rebecca Walker** WR40	Why can examples of acoustic mitigation measures not be provided to demonstrate how the Applicant intends to meet its obligations and to reassure affected residents? Would this mitigation have a visual or any other impacts on residents?	The specific noise mitigation required would be dependent on the amount of noise reduction required and the specific items of plant and equipment to which noise mitigation is being applied. Examples of typical noise mitigation include: • manufacturer-installed noise reduction equipment, such as attenuators fitted directly to the plant; • noise screening, which could take the form, for instance, of a close boarded fence adjacent to the noise source; • changes in layout and orientation of plant and equipment to reduce the number of items contributing to operational noise levels at a particular receptor. Any such mitigation would therefore be local to the noise source or sources being mitigated and would not be of a scale that significantly differs from the item or items of plant being mitigated. The Applicant is committed to ensuring noise impacts are appropriately mitigated through design and layout. Any noise mitigation measures would be designed sensitively, taking into account both acoustic performance and landscape character. The detailed design of the barrier, including its height, materials, and appearance, will be subject to approval by the host authorities under the DCO's requirements

3. LIR Discussion

App Ref	Document Ref	Summary	Applicant Response
Design			
LIR1	**Rebecca Walker** EN010159-000722	**Site Compound Location** During consultation and site visits to my property , I raised specific concerns about the proposed placement of a site compound in close proximity to my home. The Applicant indicated that the location would be reviewed; however, no such revision has been made. Below shows the site compound plan from [APP-016] 2.5 Site Layout Plans and my property and the site compound in question, within the green circle. Given the scheme covers nearly 4,000 acres, it is unclear why the Applicant considers it necessary to position a site compound so close to my family home. The chosen location will be highly visible every time we arrive at the property and when attempting to enjoy the visual amenity of our home and its immediate surroundings. This compound is also located adjacent to the Sustrans route, meaning its adverse effects will extend beyond residents to all users of this well-used public route. I respectfully request that the Applicant reconsider the placement of this site compound and identify a less intrusive location.	The provision of temporary construction compounds are secured by Work No. 6, with Work No. 6a relating to primary compounds and Work No. 6b relating to secondary compounds. In respect of Work No. 6b, up to 10 such compounds may be located within the area shown on the Works Plan [REP2-007] labelled “Works Area 6b”. The compound referenced in LRI1, as shown on drawing ‘OE-ACM-R0-GE-DR-02004 Typical Construction Compound and Hardstand Overview’ within the Site Layout Plans [APP-016] is a secondary compound, and therefore falls within Work Area 6b. The location shown on ‘OE-ACM-R0-GE-DR-02004 Typical Construction Compound and Hardstand Overview’ is illustrative. The final locations of these compounds will therefore be confirmed through detailed design and will be subject to approval through Requirement 13 (construction environmental management plan) as set out in the Draft DCO [APP-007]. The illustrative locations have been used to inform the Environmental Impact Assessment and have been selected to reflect a reasonable layout taking into account factors such as the spacing between primary and secondary compounds, proximity to sensitive receptors (including residential dwellings), and efficient construction processes.

App Ref	Document Ref	Summary	Applicant Response
Transport			
LIR 2	**REP1-055** Rebecca Walker	**Referencing of figures** Paragraph 4.2.9 (page 14) refers to the proposed barred routes being provided in Figure 2. However, no such Figure exists within the document. Instead, the relevant plan appears as Figure 4.1. This inconsistency makes cross-referencing difficult and should be corrected to avoid confusion.	Please refer to **[Volume 7: Outline Construction Traffic Management Plan EN010159/APP/7.9.3]** that references Figure 4.1 [**REP3-041**].
LIR 3	**REP1-055** Rebecca Walker	**Ambiguity in Road Identification** I have previously raised, including during an Issue Specific Hearing, concerns about the lack of clarity in the Applicant's documentation regarding local road names and villages. Many of the surrounding settlements share road names (e.g. both North Clifton and South Clifton contain a Mill Lane, a Moor Lane, and a Trent Lane). In Section 4.2.8, the barred routes list includes "Mill Lane (to the west and east of the A1133)" and "Moor Lane (to the west of the A1133)." Without identifying which village these roads are in; the references remain ambiguous. The accompanying barred routes plan (Figure 4.1) is very small and difficult to interpret. From what can be discerned, Mill Lane, South Clifton (to the west of the A1133) is shown. However, there is no clear marking of Mill Lane to the east of the A1133, despite its inclusion in the text	The plan provided as Figure 4.1 clearly illustrates the sections of barred road that were requested. This is provided in **[Volume 7: Outline Construction Traffic Management Plan EN010159/APP/7.9.3]**. An inset plan (Figure 4.2) has been included to further aid identification [**REP3-041**].
LIR 4	**REP1-055** Rebecca Walker	**Use of Unsuitable Lanes in North Clifton** During consultation, I specifically raised the issue of the narrow single-track lanes to the east of the A1133 in North Clifton (Mill Lane, Moor Lane, and Cottage Lane). The Applicant advised me that these would not be used for	Mill Lane is a barred route – please refer to Figures 4.1 and 4.2 of **Volume 7: Outline Construction Traffic Management Plan** [**REP3-041**]**.**

App Ref	Document Ref	Summary	Applicant Response
		construction or site traffic on the basis that they are unsuitable. From Figure 4.1, I hopefully understand correctly Moor Lane, North Clifton is on the barred route list, but cannot see Mill Lane (East), leading to Cottage Lane, is marked. These roads are in poor condition, regularly requiring repair by Nottinghamshire Highways, and have very limited passing opportunities, even for two cars. They have no suitable passing places for HGVs. The junctions of both Moor Lane and Mill Lane (East and West) are very challenging to enter and exit from/onto the A1133 (National speed limit), especially for HGVs as they are not able to turn/accelerate quickly, with limited visibility. There was an accident on the 10th of September 2025 involving a family car and HGV, which resulted in the car ending up in the hedge adjacent to the junction of Mill Lane East, having collided with the slow-moving HGV turning at this junction. The family within the car were lucky to walk away relatively unharmed. On that basis, I would expect Mill Lane and Moor Lane, North Clifton (east of the A1133) to be explicitly included within the barred routes.	
LIR 5	**REP1-055** Rebecca Walker	**Traffic Through North Clifton Village** Mill Lane to the west of the A1133, within North Clifton, leading to Church Lane and High Street, is also unsuitable for significant numbers of HGVs. I therefore seek clarification from the Applicant as to whether construction or site traffic is intended to pass through the village of North Clifton.	No construction traffic will pass through North Clifton as noted in **Volume 7: Outline Construction Traffic Management Plan [EN010159/APP/7.9.3].**
LIR 6	**REP1-055** Rebecca Walker	**Mapping**	Please see Figures 4.1 and 4.2 of **Volume 7: Outline Construction Traffic Management Plan**

App Ref	Document Ref	Summary	Applicant Response
		The size and legibility of Figure 4.1 (erroneously referred to as Figure 2) is inadequate for residents to properly understand the barred routes. A larger, clearer plan—showing village names and road labels—should be provided so that affected communities can verify the Applicant's commitments.	**[EN010159/APP/7.9.3].** Figure 4.2 is an inset plan providing further clarity.
LIR 7	**LIR126** Nottinghamshire County Council	**Transport** **3.4** Our only request is that at the western end of the NCR, where it leaves the disused railway line and joins the public highway, temporary signage should be installed by the developer to warn cyclists of the presence of construction traffic. This is the location annotated 07/22 and 07/23 on Sheet 7 of 16 of the Streets, rights of way and access plans. We would suggest that para. 3.1.3 of the oPROWMP is amended to include this specific provision.	In the update to the Outline Public Rights of Way Management Plan issued at Deadline 3 **[REP3-057]**, an updated paragraph was included as requested by Nottinghamshire County Council in paragraph 3.1.3 and makes provision for temporary signage at this location.
LIR8	**LIR127** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** NCC acknowledges that additional barred routes have been included in the updated oCTMP following discussion with NCC, however no response has yet been provided on the justification for barring Ragnall, resulting in need for new junction on A57.	The Applicant has carried out a detailed review of the A57 access which supports its approach that will be submitted on or before Deadline 5. The Applicant is continuing to discuss this matter with NCC.
LIR 9	**LIR131** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Paragraph A.12.4.27 of the Transport Assessment (TA) states that the data has been independently crosschecked against DfT traffic data and maintains that there are 792	The extents of the Wear & Tear Agreement would be agreed with each highway authority prior to works commencing and would be secured in the finalised Construction Traffic Management Plan, secured under the DCO (see section 4.7 of the Outline CTMP [REP3-049]).

App Ref	Document Ref	Summary	Applicant Response
		HGVs south of South Clifton. This is contrary to DfT information, which identifies there are 320 (annual average) HGVs to the south of South Clifton: Road traffic statistics - Manual count point: 76031 Road traffic statistics - Manual count point: 76032 Road traffic statistics - Manual count point: 56346 As per our previous responses, the increase in HGVs is therefore over 60% and the applicant should review the need for assessment on the route between Besthorpe Quarry and Sand Lane, Spalford on this basis. It is thought that addressing this is unlikely to require amendments to highway, but its exclusion means that this length of road would not be included in the Wear and Tear agreement (see response to LIR 150 and 151.)	
LIR 10	**LIR132** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** With regards to the additional barred routes, please note that the diagram of the barred routes is referred to in both the TA and oCTMP as being in Figure 2 but are in Figure 4.1. The figure is helpful to identify potential routes missing and it would be beneficial to include routes leading to South Scarle in these.	Please see Figures 4.1 and 4.2 of **Volume 7: Outline Construction Traffic Management Plan [EN010159/APP/7.9.3]** which include the requested routes**.**
LIR 11	**LIR133, 134, 135** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** As per response to LIR131, whilst HGVs will not impact the settlement of Collingham, the additional HGVs may impact the smaller settlements along this route. It is not thought likely that addressing this omission would result in any amendments to highway being necessary, but the route will need to be considered in terms of Wear and Tear.	The extents of the Wear & Tear Agreement would be agreed with each highway authority prior to works commencing and would be secured in the finalised Construction Traffic Management Plan, secured under the DCO (see section 4.7 of the Outline CTMP [REP3-049]).

App Ref	Document Ref	Summary	Applicant Response
LIR 12	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Paragraph A.12.3.26 of the TA states that the access drawings are included at Appendix B, but no information is included here. It is however understood that the drawings in APP-015 are the access drawings, and it is these on which the following preliminary comments are made instead. As per our previous comments, the drawings are numbered and do not correspond to the alphabetic convention referred to in the TA/oCTMP, neither do they always correspond to the sequential numbers (whilst A=1, none of the other junctions follow this convention) so it would be helpful if the applicant review and reconcile this.	At Deadline 2, the Applicant submitted an updated version of the Transport Assessment **[REP2-114]**. Within this updated version the access drawings prepared as part of the submission were included. These reflect the drawings contained in APP-015, with the addition of Access 18, which was prepared to provide additional detail of where access is to be taken off the Local Highways Network at Westmoor Lane, labelled Gate H in the Transport Assessment. The access drawings will be revised to include the naming convention detailed in the TA and will be submitted on or before Deadline 5.
LIR 13	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** The NHDG requires that the design and construction of works on classified roads and other roads (existing or proposed) not covered by the NHDG must normally comply with the 'Design Manual for Roads and Bridges'. However, DMRB requires that there are no relaxations or departures within 1.5 x stopping sight distance (SSD). The relevant standard would be SSD towards the junctions, but none of the drawings identify the SSD over 1.5 x SSD on approaches.	The Applicant has presented junction visibility splays on the access drawings contained within Appendix B of the Transport Assessment [REP2-114] in accordance with DMRB CD123 (Geometric Design of At-Grade Priority and Signal-Controlled Junctions). The Y distance utilised to dictate the visibility splay extents has been assessed utilising the posted speed limit for each respective road in accordance with Table 2.10 of DMRB CD109 (Highways Link Design).

App Ref	Document Ref	Summary	Applicant Response
LIR 14	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 1 (Gate A) – The need for a ghost island in accordance with DMRB is queried as the construction peak period daily traffic flow shown in Table 4 of the TA exceeds that indicated as acceptable for a simple priority junction in Figure 2.3.1 of DMRB CD123. The swept paths should identify corresponding opposing movements on the same viewport. There appear to be conflicts between opposing movements.	The Applicant has carried out a detailed review of the A57 access which supports its approach that will be submitted on or before Deadline 5. The Applicant is continuing to discuss this matter with NCC. The junction form is appropriate for the predicted traffic flows and is considered compliant with the DMRB. It is considered that there is no requirement for a ghost island.
LIR 15	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 3 (Gate H) – The referenced revised drawing is not available. The drawing included does not identify the point of access to the highway.	In the updated version of the Transport Assessment submitted at Deadline 3 (REP2-114), the Applicant provided the access drawings in Appendix B. Alongside this submission, Access 18 was provided which denotes the point of access to the west of Access 3 off the adopted highway, known as Gate H in the Transport Assessment.

App Ref	Document Ref	Summary	Applicant Response
LIR 16	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 6 (Gate B) – this identifies vegetation management but would likely require hedgerow removal as the splay falls behind the highway boundary (hedge lines mark the boundary). As this falls outside of the highway boundary, how will the splays be secured for the lifetime of the development and how will the highway boundary be demarcated? Swept paths are shown to and from a barred route but the ones that would be required would conflict if shown on the same viewport.	The area of land outside of the highway boundary falls within the Order limits, over which the Applicant will have development powers and land rights to ensure that the visibility splays can be secured for the lifetime of the development. Article 39 of the draft DCO permits the felling or lopping of trees and removal of hedgerows within or overhanging land within the Order limits. The associated development permitted at Schedule 1 (authorised development) of the draft DCO permits landscaping and other mitigation works to be carried out. The Applicant is also seeking powers of compulsory acquisition over the land outside of the highway boundary within the area of Access 6 (Gate B), as shown on the Land Plans. Therefore, the Applicant will be responsible for maintaining the hedgerow in this region to ensure that appropriate junction visibility is maintained and will have the necessary rights and powers to do so. There is no proposal to amend the highway boundary and so no proposal for demarcation. In any case, it should be noted that the visibility splay shown is the maximum splay distance. The design will be further refined at the detailed design stage. The detailed design of the junctions will include further swept path details as is standard for the technical approval process. This will be informed by further discussions with contractors on the vehicle types using each access point and will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR 17	**LIR140, 142, 143**	**Transport** **5.6.3 – 5.6.35**	Access 7 will form the eastern arm of Gate B and will therefore operate on a Staggered approach, the drawings for

App Ref	Document Ref	Summary	Applicant Response
	Nottinghamshire County Council	Access 7. It is unclear if this is the eastern arm of Gate B, but if so, it forms a stagger and should be shown on the same drawing to allow any interaction (including swept paths) to be considered. Accesses 11 and 12 are Gates I and J respectively. Both would have conflicting swept paths if opposing movements shown on same drawing.	Access 6 and 7 will therefore be revised in order to highlight the operation of this stagger at this location and will be submitted on or before Deadline 5. Access 11 and 12 have been designed to permit access and egress only from Moor Lane off the A1133, it is not proposed that construction vehicles will access between Access 11 and 12. In addition, the detailed design of the junctions will include further swept path details as is standard for the technical approval process to ensure that there is no conflict. This will be informed by further discussions with contractors on the vehicle types using each access point and will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR 18	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 13 (Gate D) – the swept paths are likely to conflict.	The visibility splay shown is the maximum splay distance. The crossing point design will be further refined at the detailed design stage and will include a further review of measured road speeds. This will ensure there is no conflict in the final design of the swept paths. The final design will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR 19	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 14 (Gate C) – swept paths conflict and should also be tested with the existing access to High Marnham. As the	The area of land outside of the highway boundary falls within the Order limits, over which the Applicant will have development powers and land rights to ensure that the visibility splays can be secured for the lifetime of the development. Article 39 of the draft DCO permits the felling

App Ref	Document Ref	Summary	Applicant Response
		visibility splay falls outside of the highway boundary, how will the splays be secured for the lifetime of the development and how will the highway boundary be demarcated?	or lopping of trees and removal of hedgerows within or overhanging land within the Order limits. The associated development permitted at Schedule 1 (authorised development) of the draft DCO permits landscaping and other mitigation works to be carried out. The Applicant is also seeking powers of compulsory acquisition over the land outside of the highway boundary within the area of Access 14 (Gate C), as shown on the Land Plans. Therefore, the Applicant will be responsible for maintaining the hedgerow in this region to ensure that appropriate junction visibility is maintained and will have the necessary rights and powers to do so. There is no proposal to amend the highway boundary and so no proposal for demarcation. In any case, it should be noted that the visibility splay shown is the maximum splay distance. The design will be further refined at the detailed design stage. The detailed design of the junctions will include further swept path details as is standard for the technical approval process. This will be informed by further discussions with contractors on the vehicle types using each access point and will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR 20	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 15 and 16 (Gate E) – The visibility splays conflict with 3.5m high solar panels which will obstruct that visibility.	The detailed design of the junctions will include further swept path details as is standard for the technical approval process to ensure that there is no conflict. This will be informed by further discussions with contractors on the vehicle types using each access point and will be subject to the approval of the relevant local highway authority via the DCO

App Ref	Document Ref	Summary	Applicant Response
		Crossroads are also an issue as there is a risk of failure to give way. How will this be managed?	requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR21	**LIR140, 142, 143** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** A common theme throughout the drawings appears to be an issue with the swept paths. Right turning exiting vehicles commence the turn prior to reaching the give way which means that this manoeuvre is being started prior to visibility being available. At the point that visibility is available, the cab of the vehicle would be at an oblique angle to the major road meaning that the driver may not be able to see vehicles approaching from the left. If the vehicle was at 90° to the give way at the point where visibility would be available, it would be in the path of an entering vehicle. It also appears that a right turning exiting vehicle would not be able to make the turn from the give way at a number of the accesses due to the narrowness of the road on to which it is turning. This suggests that the proposed accesses are not wide enough to accommodate all turning manoeuvres and/or that the roads onto which they turn do not accommodate the required manoeuvres and may need localised widening.	The detailed design of the junctions will include further swept path details as is standard for the technical approval process. This will be informed by further discussions with contractors on the vehicle types using each access point. The detailed design stage will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO [EN010159/APP/3.1.4 (rev 05)].
LIR22	**LIR141** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Paragraph A.12.3.38 refers to details being submitted for works within the limits of road adoption. However, whilst unadopted, public rights of way are highway, and the same approval process should apply.	No permanent works to public rights of way are proposed, however, regarding any temporary management or diversion works that are required to facilitate the safe construction of the Scheme, there are mechanisms in place to ensure oversight of public rights of way, namely approval of the Public Rights of Way Management Plan pursuant to DCO requirement 18, and approval of detailed design pursuant to DCO requirement 5 of the draft DCO [EN010159/APP/3.1.4 (rev 05)].

App Ref	Document Ref	Summary	Applicant Response
LIR23	**LIR141** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** How is the use of Access 8, 9 and 17 to be managed as all are accessible from the public road network. Is it intended that these are to be a permanent feature similar to the accesses?	These access / crossing points would be permanent and controlled by gates.
LIR24	**LIR141** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** The revised drawing for Gate H is not in Appendix B.	Gate H is included at Page 123 of the Transport Assessment.
LIR25	**LIR141** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 9 identifies a visibility splay that crosses land outside of the DCO boundary. It is unclear therefore how this will be achieved. The drawing itself notes that speed surveys should be carried out to determine the required visibility splay therefore this should be carried out or the location of the crossing may not be appropriate.	The Applicant is not proposing to carry out works outside of the Order limits. The visibility splay shown is the maximum splay distance. The design will be further refined at the detailed design stage. The final splay design will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR26	**LIR141** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** Access 17 shows hedgerow removal to accommodate the visibility splay. How will the visibility splay be secured for the lifetime of the development and how will the highway boundary be demarcated?	The area of land outside of the highway boundary falls within the Order limits, over which the Applicant will have development powers and land rights to ensure that the visibility splays can be secured for the lifetime of the development. Article 39 of the draft DCO permits the felling or lopping of trees and removal of hedgerows within or overhanging land within the Order limits. The associated development permitted at Schedule 1 (authorised development) of the draft DCO permits landscaping and other mitigation works to be carried out. The Applicant is also

App Ref	Document Ref	Summary	Applicant Response
			seeking powers of compulsory acquisition over the land outside of the highway boundary within the area of Access 17, as shown on the Land Plans. Therefore the Applicant will be responsible for maintaining the hedgerow in this region to ensure that appropriate junction visibility is maintained and will have the necessary rights and powers to do so. There is no proposal to amend the highway boundary and so no proposal for demarcation. In any case, it should be noted that the visibility splay shown is the maximum splay distance using the posted speed limit. The design will be further refined at the detailed design stage. The detailed design of the junctions will include further swept path details as is standard for the technical approval process. This will be informed by further discussions with contractors on the vehicle types using each access point and will be subject to the approval of the relevant local highway authority via the DCO requirements as secured via Requirement 5 (detailed design approval) and Requirement 15 (construction traffic management plan) of the draft DCO.
LIR27	**LIR145** Nottinghamshire County Council	**Transport** **5.6.3 – 5.6.35** NCC notes that all access points are designed to be permanent to allow for servicing in the operational phase. This would confirm the requirement for RSA1s to be carried out. If the 3 crossing points that cross public highway are also to be permanent, these should also be subject to RSA1.	A Stage 1 RSA is committed to in **Volume 7: Outline Construction Traffic Management Plan [EN010159/APP/7.9.3]**, following determination of the application.
LIR28	**LIR150 & 151**	**Transport** **5.6.3 – 5.6.35**	The extents of the Wear & Tear Agreement would be agreed with each highway authority prior to works commencing and

App Ref	Document Ref	Summary	Applicant Response
	Nottinghamshire County Council	NCC notes the inclusion of a Wear & Tear Agreement in Section 4.7 of the oCTMP [REP1-055]. The Wear and Tear proposals appear to be acceptable, on the basis that the DCO secures them. However, the extents are not acceptable as 4.7.1 of the oCTMP states that this will be carried out on the study area road network. As identified in our response to LIR131, the A1133 to the south of South Clifton will see a significant increase in HGV traffic and should be included.	would be secured in the finalised Construction Traffic Management Plan, secured under the DCO (see section 4.7 of the Outline CTMP [REP3-049).
Draft Development Consent Order			
LIR29	**LIR169** Nottinghamshire County Council	**DCO** **6.3** It is noted that access junction works, and associated mitigation works on the public road network will be subject to a technical approval process under the terms of the oCTMP, which sets out the approval process and confirms that the cost of this process will be covered. This is welcomed by NCC and ensures that the LHA retains oversight. However, 3.2.6 of the oCTMP refers to details being submitted for works within the limits of road adoption. However, whilst unadopted, public rights of way are highway, and the same approval process should apply where public rights of way are affected.	No permanent works to public rights of way are proposed, however, regarding any temporary management or diversion works that are required to facilitate the safe construction of the Scheme, however, there are mechanisms in place to ensure oversight of public rights of way, namely approval of the Public Rights of Way Management Plan pursuant to DCO requirement 18, and approval of detailed design pursuant to DCO requirement 5.
LIR30	**LIR170** Nottinghamshire County Council	**DCO** **6.4** NCC acknowledges that the power to undertake traffic regulation measures is not an unusual power to secure within a DCO and agrees that the undertaker should obtain the written consent of the traffic authority. However, NCC would	Article 16 of the draft DCO provides general powers in relation to temporary traffic regulation measures. Sub-paragraphs (4) and (5) requires that before exercising those powers, the Applicant must – (1) Consult with the chief officer of police; (2) Obtain the consent of the traffic authority;

App Ref	Document Ref	Summary	Applicant Response
		seek clarity on the proposed procedure for consultation and approval of any TTRO and recommend that this is described within the oCTMP.	(3) Give 4 weeks' notice in writing of its intention to exercise the powers to the police and the traffic authority; and (4) At least 7 days before the provision takes effect, publish the intention to exercise the powers in one or more newspapers in the area. The Applicant considers there is sufficient information contained within the Article to ensure approval and appropriate consultation are undertaken, whilst not being overly prescriptive.
LIR31	**LIR172** Nottinghamshire County Council	**DCO** **6.7** NCC welcomes the application of the higher fee in relation to the discharge of Requirement 15 (CTMP) but maintains that this higher fee should also apply to the discharge of the Drainage and Surface Water Management Plan (Requirement 11) to ensure appropriate scrutiny and additional resource if necessary.	The Applicant has drafted this provision in relation to fees having regard to the likely complexity of the documents in question and how onerous discharge of the requirement is expected to be. Taking on board the comments from NCC, the Applicant has amended paragraph 5(2)(a) of Schedule 15 in the draft DCO submitted at Deadline 4 to include requirement 11.
Flood Risk			
LIR32	**Addendum to Local Impact Report** Nottinghamshire County Council	**Flood Risk** The document provides only a general overview of site drainage and lacks detailed information on existing infrastructure; inclusion of a plan clearly marking existing drainage features such as ditches, watercourses or crossing points would offer clarity.	Figure 7.2 of the ES Volume 3 [APP-052] and Figure 3-1 of the FRA [REP2-043] illustrates the locations of existing main rivers, ordinary watercourses and field drains.
LIR33	**Addendum to Local Impact Report**	**Flood Risk**	Access tracks across the majority of the Site will be constructed of an unbound stone (or equivalent) that will

App Ref	Document Ref	Summary	Applicant Response
	Nottinghamshire County Council	The applicant needs to confirm that the access track catchment has been explicitly included in the hydraulic modelling and pollution mitigation strategy; if necessary, the applicant should also assess the need for additional SuDS features or ditch capacity to accommodate runoff.	allow water to percolate and discharge to ground naturally. The grading of the unbound stone, or equivalent, however, is not confirmed at this stage and the parameters secured for Works No. 5 in the Outline Design Parameters [REP2-022] therefore sets out that access tracks will include appropriate SuDS which will manage runoff if required. Access tracks within the vicinity of and serving the BESS and Substation Compound have been included within the surface water drainage modelling [REP2-043], at the request of Lincolnshire County Council's LLFA.
LIR34	**Addendum to Local Impact Report** Nottinghamshire County Council	**Flood Risk** The attenuation modelling is based on FEH 2022 rainfall data and a 40% climate change uplift. Basin depths, freeboard and flow control arrangements appear suitable for the planning stage but the design does not achieve half drain within 24 hours. For the attenuation calculations, runoff coefficients of 0.75 (summer) and 0.84 (winter) for impervious areas are used. The drained areas are stated to be 100% impermeable and therefore a higher value closer to 1.0 would give a more accurate estimate in line with actual site conditions	With regards to the half drain time, the FRA [REP2-043] indicates the following: *"The modelling results have indicated that it is not possible to achieve half drain times from the basins within 24 hours due to the restricted rates and associated catchments. An assessment of the capacity of the basins to accommodate consecutive events has therefore been undertaken. An assessment of the 1 in 30 year plus 40% climate change event and a subsequent 1 in 10 year event has therefore been undertaken and confirms there would be sufficient volume within the basin to accommodate this scenario, as set out in Table 4-6"* Given the requirement to restrict runoff to Qbar greenfield runoff rates, it will not be possible to achieve half drain times. The use of consecutive storms is therefore considered appropriate in this instance and in line with industry guidance. This point was outlined within the meeting with NCC's LLFA team and agreed to (refer to meeting minutes dated 10th February 2025 with NCC, Appendix A3 of the FRA).

App Ref	Document Ref	Summary	Applicant Response
			With regards to the runoff coefficients, the total impermeable area that could contribute to positive runoff has been considered, however, the use of standard runoff coefficients (i.e. 0.75 and 0.84 for summer and winter respectively) is considered appropriate. If we were to use a value of 1.0, this would assume that all rainfall that lands on site ultimately ends up in the attenuation basin and directly influences the volume of storage required. Given the inclusion of permeable sub-bases across the majority of the BESS and Substation areas and the fact that additional SuDS (such as filter drains, swales and detention basins) are included which promote evapotranspiration and water retention, it is not considered appropriate to use a value of 1.0.
LIR35	**Addendum to Local Impact Report** Nottinghamshire County Council	**Flood Risk** Greenfield runoff rates have been calculated using the ICP SuDS method. FEH methods are typically preferred however this method is commonly used. However, it is unclear whether the LLFA's request to account for the hydraulic contribution of the access track (7m indicative width) has been incorporated into the catchment modelling.	The areas included in the greenfield rate calculations are in line with the drainage catchment drawings included within Appendix A7 of the FRA [REP2-043]. These include for the hydraulic contribution of the BESS and Substation Compound Access tracks within the vicinity as requested by Lincolnshire County Council's LLFA.
LIR36	**Addendum to Local Impact Report** Nottinghamshire County Council	**Flood Risk** Exceedance flow routes are described in principle but are not presented via a drawing or diagram. A site wide exceedance route plan is recommended to show how flows will be directed away from sensitive infrastructure using swale corridors and low points towards discharge points, especially where surcharging may occur.	Exceedance flow routes are shown in the surface water drainage plans for the BESS and Substation compounds within Appendix A7 of the FRA [REP2-043]. The layouts included within these drawings are indicative only and the exceedance flow routing would be confirmed at detailed design.

App Ref	Document Ref	Summary	Applicant Response
			It is not considered appropriate to provide a site wide exceedance plan as for the solar PV areas, there are no proposed changes to ground level and flow directions are therefore not anticipated to be altered from the natural regime. The inclusion of any SuDS features within the solar PV areas will only provide a benefit in terms of the drainage regime and will be designed in accordance with the outline Drainage Strategy [REP2-043].
LIR37	**Addendum to Local Impact Report** Nottinghamshire County Council	**Flood Risk** Maintenance requirements are mentioned but not set out in detail. A plan should be provided, specifically covering inspections and clearance of flow controls (hydrobrakes or underdrains), pipework, penstock valves and SuDS features, as well as frequency and the who is responsible for the ongoing maintenance for the lifetime of the development.	An indicative SuDS Maintenance schedule is provided within the FRA at Table 4-10 [REP2-043]. This includes all SuDS features proposed within the Site and is in line with the recommendations of the CIRIA SuDS Manual. This table already provides an indication on the frequency of the maintenance tasks and also sets out that *"Post construction, the Applicant would be responsible for the SuDS included within the Proposed Development."*. However, additional items to cover the flow controls, chambers and pipework and penstock valves will be added to an updated version of the FRA which will be submitted at Deadline 5.

4. ExA Q Discussion

App Ref	ExQ1 Ref	Summary	Applicant Response
General			
ExQR1	**Q3.0.2** Say No to One Earth Solar Farm	Replacement of components is dependent on the design life recommended by the manufacturer … The applicant should confirm if this is the case for this scheme. As such, any replacement of components would be above ground only (panels, BESS containers, etc.), with minimal impact on the subsurface environment, and no more likely to cause harm than the initial construction period. Our Answer: This whole answer doesn't allow for increased capacity of solar panels, and other above ground equipment, with all the important XLPE combiner to inverter cables buried, it could eventually become much more difficult to take advantage of new developments which might possibly involve a change to the cable specifications – without necessitating new cable trenches and yet more buried plastics and heavy metals	The maintenance and replacement activity that the Applicant is permitted to undertake is strictly controlled by Development Consent Order (DCO), including Requirement 14 which secures the Operation Environmental Management Plan (OEMP) (typically including the repair or replacement of solar panels, inverter, racking, above ground cabling, transformers, monitoring and control systems, sensors, substation equipment and communication equipment). This is further reinforced by Article 3(3) of the DCO, which provides that the Order does not authorise any works likely to give rise to materially new or materially difference environmental effects compared to those assessed in the Environmental Statement. The Applicant has assessed standard above ground replacements and upgrades including but not limited to: solar panels, PCS etc) The extent to which the applicant can replace equipment is dependent on the likely environmental harm. The Applicant is not allowed to exceed that assessed in the DCO. The replacement of cables mid-life has not been assessed. As such, any mid-life replacement/upgrade would likely require new trenching and separate environmental assessment. Additionally, the Applicant has committed to provide a schedule of replacement to the LPAs annually to allow them to monitor the replacement programme [Section 2.15 of EN010159/APP/7.5.3] so they can ensure the Applicant is meeting the requirements.

App Ref	ExQ1 Ref	Summary	Applicant Response
ExQR2	**Q12.0.5** Say No to One Earth Solar Farm	We would expect all the normal pollution prevention protocols in the CEMP, OEMP and DEMP, and fluid breakout plan for HDD. This is discussed in the WFD report (sections 4 and 5). BESS drainage design is also mentioned; the relevant documents are not referenced but we know they exist and have seen them. Assuming all these are in place, sufficiently robust, and adhered to, I would anticipate any risks to WFD Groundwater bodies are not significant and the WFD can be complied with. Our Answer: Assuming all these are in place, sufficiently robust, and adhered to (unclear, wishy-washy, who is going to police this, and how – so many questions on this?)	All of the management plans referenced within the EAs response (including the CEMP, OEMP, DEMP, and the HDD fluid breakout plan) are secured though the draft Development Consent Order (dDCO) [REP3-003] which, if granted, will have statutory effect. These plans incorporate standard pollution prevention protocols and drainage design measures, as outlined in the Water Framework Directive report. As stated in Schedule 2, Paragraph 1 of the dDCO, the Local Planning Authorities (LPAs) are responsible for enforcing compliance with the DCO through the discharge of requirements and planning enforcement powers. This is supported by section 161 of the Planning Act 2008, which makes it a criminal offence to carry out development in breach of the terms of a DCO without reasonable excuse. Prior to the commencement of each stage, the relevant management plans must be submitted to and approved by the relevant planning authority, and must be substantially in accordance with the certified outline versions.
ExQR3	**Q13.0.1** Heather Fox	Please could the applicant justify again taking the order limits to the south side of Trent Lane in North Clifton instead of the north and encompassing the small area at the end. Prior to realising the applicant had claimed this too, it was an area that still felt familiar and safe. Claiming this area has intensified the feelings of the deleterious effects this proposal will have on village life and alienation from an environment known for decades.	The Applicant has engaged with the local community throughout the development process to understand concerns and acknowledges the resident's longstanding connection to the area and the concern expressed regarding the inclusion of land to the south side of Trent Lane. The Applicant has made significant adjustments to the masterplan post non-statutory consultation in response to local residents concern around the character and setting of North and South Clifton, removing almost all solar PV area from the west of the A1133. Details the adjustments that have been made can be found in the Design Approach Document (DAD) [REP2-021].

App Ref	ExQ1 Ref	Summary	Applicant Response
			The Applicant can also confirm that the areas noted (south of Trent Lane directly adjacent to the River Trent) fall within Work Area 5 (ancillary works) and Work Area 8 (mitigation) [REP2-007] so there will be no above ground infrastructure once the project has been constructed.
Noise			
ExQR4	**EN010159-000694** Craig Walker	As requested by the Examining Authority, please find below additional information in relation to the comments I made at Open Floor Hearing 1 concerning the unusual sound transmission phenomenon we experience at our property. We are not alone in this – other nearby residents have also reported similar experiences. Specifically, we regularly hear sounds within our home that appear far louder or closer than expected. The most common instance is vehicle activity at the neighbouring poultry farm during the night. These sounds, such as vehicles arriving, engines idling, or grain being pumped into silos, appear to be occurring just outside our home. However, when a window is opened, the sound vanishes entirely, only to return once the window is closed. After researching and conducting basic tests ourselves, we believe this to be a case of ground-borne sound transmission. This is where sound is carried not through the air but via the ground, and then transmitted into the building through its foundations. The external walls may then act as resonators, amplifying the sound internally, much like a speaker. It is relevant to note that after approximately 30–50 cm, our subsoil consists of pure compacted sand, which, according to our research, facilitates longer-distance sound propagation through the ground compared to other soil types. I have raised this issue with the applicant's consultation team and technical engineers on several occasions. To date, I am not aware of any investigation being undertaken, nor have I received any follow-up questions or information requests.	The Applicant acknowledges the resident's experience and the concern raised regarding unusual sound transmission phenomena, including the possibility of ground-borne noise. The assessment of operational noise from the Proposed Development has been carried out in accordance with relevant standards and guidance for environmental noise, as set out in Chapter 15 of the ES [APP-044] and Appendix 15.4 of the ES [APP-142]. This assessment focussed on airborne noise sources associated with the Proposed Development, since ground-borne noise and vibration were scoped out of the assessmnt (see 3.10.4 in section 3.10 of the Scoping Opinion [App-150]). As such ground-borne noise from operational plant and equipment will be imperceptible at residential property locations. Airborne noise levels will be controlled by Requirement 16 of the draft DCO [REP3-003 and REP3-004]. While the Applicant cannot comment on noise sources unrelated to the Proposed Development, the concern raised has been noted and will be considered through ongoing engagement mechanisms. In particular, the Applicant will ensure that such matters are kept under review via the community liaison group, which is secured under Article 6 of the DCO. The Applicant remains committed to engaging with residents and ensuring that any potential impacts are appropriately assessed and mitigated.

App Ref	ExQ1 Ref	Summary	Applicant Response
		Given our existing experience with this issue, we have significant concerns that certain types of equipment proposed as part of the NSIP solar farm may exacerbate the problem. This concern is compounded by the fact that the specific locations and nature of the equipment to be installed remain unclear at this stage. We respectfully request that this issue be taken seriously and properly assessed before development proceeds.	
ExQR5	**EN010159-000723** Rebecca Walker	I have not seen any visualisation of PCS units within the Applicant's 3D model or photomontages. The Applicant provided limited visualisations of solar panels, both with and without mitigation, but PCS units appear to have been omitted. This omission prevents residents and the Examining Authority from understanding the true visual impact of key infrastructure. I therefore remain seriously concerned about the size, placement, and noise associated with PCS units, and the resulting effects on the visual amenity of the area and the residential properties located within the Order limits. Number of PCS units/Inverters In the Applicant's Preliminary Environmental Information Report (PEIR, May 2024, Volume 1, Chapters 1–6), the design parameters table confirmed: "Power Conversion Stations (PCS) – Number: up to 170 across the Site." However, in the later Environmental Statement (ES) and Outline Design Parameters, no fixed number of PCS units is given. Instead, the Applicant sets only size and siting parameters, leaving the total number flexible to be determined at detailed design. This raises several concerns: - Assessment validity – Without a fixed number of PCS units, it is unclear whether the noise, visual, and cumulative assessments have been based on a realistic worst-case scenario of 170 units, or on a smaller indicative number. - Public understanding – Residents cannot properly gauge the scale of development if the number of PCS units is not transparently fixed in the submitted documents. -	The Applicant developed a number of visualisations tools through pre-application phase to help the local community understand the impact of the development. PCS units have been included in the photomontages. For example, they are visible in the photomontage from Viewpoint 2 [REP2-031], viewpoint 43 [REP2-033], viewpoint 47B [REP2-034], and viewpoint 49 [REP2-034]. In each of these images the PCS units are partly obscured by intervening proposed PV panels and are coloured green in accordance with the parameters secured by the Outline Design Parameters [REP2-023. PCS units were also included in the 3D model (available to consultees during Statutory Consultation), where residents were able to view any part of the development. As has been stated in previous responses any locations of PCS units show during the pre-application stage were illustrative. Exact positioning of PCS units will be determined at the detailed design stage. However, there are secured parameters that restrict the position of PCS to minimise impact (both noise and visual). These parameters are detailed in the Outline Design Parameters [REP2-022] further restrictions on their position based on noise levels PCSs are secured in Requirement 16 of the draft DCO [REP3-003].

App Ref	ExQ1 Ref	Summary	Applicant Response
		Mitigation – The difference between 80, 120, or 170 PCS units is material to both noise and visual impacts, especially as some units may reach 6 m in height.	With regards to the number of PCS, as has been stated in previous responses the DCO operates on a parameter basis and specifications for the PCS units have yet to be decided. As such, the number cannot be determined. However, all assessments within the Environments Statement are based on a reasonable worst case scenario, including up to 170 PCS units, to ensure that potential impacts are robustly evaluated. In addition, PCS placement is controlled by the Outline Design Parameters [REP2-022], which set minimum separation distances from residential properties and public rights of way to protect visual amenity. Operational noise limits are separately secured via Requirement 16 of the draft DCO [REP3-003].
Landscape and Visual			
ExQR6	**EN010159-000732** Rosalind Pickwell	Due to the proposed height of these panels, you can see they will be taller than the horizon when standing in the garden and our view of the open fields will be replaced by a sea of black panels. We will be thoroughly enclosed and intimidated by these structures, and this will result in our property being worthless should we choose to move in the future. I can guarantee that neither you or any of the party who visited me would want to be in this situation.	Whilst the planning process does not deal with property prices, consideration of the potential impact on visual amenity from the dwelling has been an important consideration from the outset of design development. As shown on page 54 of the Design Approach Document [REP2-021] the land west of the dwelling was excluded from the area considered for potential above ground infrastructure in the earliest iteration of the masterplan in recognition of the primary views from the dwelling being orientated west. All proposed development west of the dwelling was subsequently removed. Through consultation, it was explained that, despite the extent of trees on the garden boundary, the filtered views of the land north and east of the garden were important to the visual amenity experienced from within the property and garden.

App Ref	ExQ1 Ref	Summary	Applicant Response
			In response, offsets were proposed from the dwelling to the north and east, as shown on page 54 of the Design Approach Document. These are also annotated with measurements on page 8 of 9 in Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) (Rev 1) (Part 2) [REP1-078]. Whilst heavily filtered visibility of the Proposed Development would remain to the north and east in winter, these offsets were incorporated to minimise the visual impact of proposed PV panels within the Order limits, beyond the intervening trees.
Flood Risk and Drainage			
ExQR7	**REP2-084** Canal and River Trust	We note that text in Table 3.5: Flood Risk, Drainage and Surface Water in the most recent iteration of the Outline Construction Environmental Management Plan (REP2-049 confirms, in relation to the cable route crossing of the River Trent, that "trenchless compounds will be located a minimum of 16m from the bank top". The applicant confirmed in their response to Q8.0.9 that they "will ensure all documents are consistent by Deadline 2". Therefore, we assume that the next iteration of Table 2.1, in the Outline Design Parameters (REP2-022), will refer to the 16m from the bank top rather than the water's edge to ensure consistency.	The Applicant can confirm this update has been made for Deadline 4.
ExQR8	**EN010159-000726** Sheila Pumfrey	I am writing to follow up on my earlier submission regarding the increased risk of flooding posed by the proposed One Earth Solar development. Having considered both the developer's and the Environment Agency's responses, our community remains unconvinced that these concerns have been given adequate consideration. We believe the risks are being understated and insufficiently addressed. For this reason, I am submitting this further representation, including	Responses detailing why solar panel development is not considered to result in significant increases in surface water runoff have been provided. The Applicant response to ExA question Q12.0.9 [RE2-084] provides the most rounded response with regards to this point.

App Ref	ExQ1 Ref	Summary	Applicant Response
		images from the January 2024 flood event, which severely affected our villages and clearly demonstrates the existing vulnerability of our communities. As noted previously, one particular concern relates to the plan to install approximately 10 hectares of solar panels on land between North Clifton and the North Clifton reservoir. This area lies at an elevation of 20–24 metres above sea level, while the lowest point of North Clifton village is at 9 metres. It is well established that solar panels create impervious surfaces, preventing natural ground infiltration. On sloping terrain, this results in concentrated overland flow and accelerated runoff. The gradient therefore creates a clear pathway for any additional runoff to flow into Croft's farmyard and the village itself. In this case, the development would almost certainly increase flood risk to the community. Our community does not believe that sufficient consideration has been given to these specific risks, either by the developer or by the Environment Agency. The scale and pace of solar development across the county and nationally should not come at the expense of community safety, particularly where alternative sites are available that would avoid exacerbating local flood hazards	
ExQR11	**EN010159-000739** Stephen Fox	The Cumulative effects of Flood risk from the One Earth Proposal and Implications of the deficit in Local Authority Resources.	The referenced studies (e.g. Baiamonte et al., 2015 & 2023) investigate worst-case scenarios under conditions that differ significantly from those within the Order Limits. These studies are often based on bare-soil conditions, steep topography, and minimal surface water management — lacking features such as vegetation, infiltration, or attenuation systems. In contrast, the Proposed Development includes a detailed Outline Drainage Strategy [REP2-043] designed to maintain greenfield runoff rates, with integrated Sustainable Drainage

App Ref	ExQ1 Ref	Summary	Applicant Response
			Systems (SuDS). Additionally, the scheme incorporates habitat creation, including the use of shade-tolerant seed mixes under the solar panels, which help reduce runoff and support biodiversity. Cumulative impacts have been assessed and are presented in Chapter 18 – Cumulative Effects [REP2-028]. Responsibility for regional-scale hydrological modelling lies with strategic planning authorities or catchment-wide bodies, such as the Environment Agency. As part of the Examination, the Applicant has engaged with all relevant statutory water consultees. A Statement of Common Ground is being progressed to confirm agreement on key matters. Based on current assessments and consultation, no significant cumulative water-related effects are anticipated. Regarding the local authority capacity, drainage measures will be secured and enforced through DCO Requirements, with oversight from statutory consultees. As above, long-term maintenance will be governed by an approved management plan, ensuring effectiveness over the project's lifetime.
ExQR24	**Q13.0.1** Heather Fox	I have been trying to have the question of floodplain delineation answered for weeks now. I understand that a tidal river has different regulations. I have been passed from authority to authority. The functional floodplain can alter with time and with climate change and more frequent and severe inundations, some areas previously not considered functional floodplains will have to be included. Panels will already be submerged to a depth of 300 to 600mms in parts even though they are on stilts. It surely speaks volumes as to the unsuitability of the site. The EA as of March 2025 aims to refresh their flood risk data every 3 months. What happens to all the calculations re flood risk if this season the water level	The base of the panels will be raised as required to ensure that the panels do not become submerged. This is achieved by adjusting the panel angle (within the 10 – 25 degree as set out within the outline design parameters) or by removing the bottom row of panels. This is proposed to be secured through a new flood risk mitigation requirement (requirement 22) to the dDCO and an amendment to the relevant outline design parameter for the PV panels. The requirement provides that the FRA would need to be re-run to confirm the outcomes of the current FRA in terms of flood risk and flood plain storage (the current FRA

App Ref	ExQ1 Ref	Summary	Applicant Response
		exceeds all expectations? At what point for physical or financial reasons would the proposal have to be looked at again?	is being updated to reflect no submerged panels) - therefore the detailed design would need to ensure it can deliver the same results as currently shown. It is anticipated that this would require panels with their lowest part to be higher than provided for in the outline design parameter (to avoid being submerged in the designed flood event), and the outline design parameter has been amended to allow for that. In short, the requirements of the re-run FRA and details approved under that requirement, overrule the outline design parameter in relation to the height of the lowest part of the panels. By taking the above approach, it is confirmed that during the design flood event, the panels will not be submerged at any location within the Proposed Development, thereby ensuring the panels themselves will not impact flood flows or storage capacity. The EA do review the Flood Map for planning on a quarterly basis, however, the Flood Zone mapping would only change if the modelling that underpins the Flood Mapping (in this case the Tidal Trent flood modelling) is updated. The FRA [REP2-043] appraised the risk of flooding during extreme events with allowances for climate change based on the Tidal Trent modelling to unsure that flooding associated with extreme water levels is mitigated against.
ExQR25	**Q13.0.1** Heather Fox	I have asked the applicant if there has been land secured /set aside for future flood risk management. Their reply was `the applicant has not been made aware of any present or future flood risk management measures that are to be implemented within the order limits`. Is the EA or whoever is responsible for this able confirm that please and whether or not due to the 60 yr time frame combined with climate change there should be some land secured for this purpose?`	This question is aimed at the EA. It has been demonstrated within the FRA [REP2-043] and through agreement with the EA that the development would have negligible impact on flood risk throughout the lifetime of the development. Future flood risk management outside of the embedded mitigation measures is therefore not considered necessary.

App Ref	ExQ1 Ref	Summary	Applicant Response
			The Applicant would be responsible for maintenance as riparian owner where the watercourse is adjacent to land under their ownership.
Biodiversity			
ExQR26	**REP2-050** Lincolnshire County Council	LCC has previously provided comments (REP2-085) on the need for pre-commencement bird surveys to be designed to ensure that Schedule 1 bird species whose breeding activity may not necessarily be encompassed within the scope of a standard breeding bird survey (e.g. due to the timing of their breeding activity) are accurately recorded. Relevant species will include but may not be restricted to quail and barn owl. This requirement should be included in the OCEMP.	The Applicant added an environmental measure (C88) to Table 6.6 of Chapter 6 Biodiversity [REP3-009], the Outline Construction Environment Management Plan (OCEMP) (Table 3.4) [REP3-041] and the Commitments Register [REP3-059] at Deadline 3 to address this issue. The OCEMP is secured by Requirement 13 of the DCO. The provision of this environmental measure ensures that Schedule 1 birds can be accounted for appropriately during construction and ensure legal compliance with the Wildlife and Countryside Act 1981 (as amended) is achieved.
ExQR27	**REP2-056** Lincolnshire County Council	LCC welcomes the Applicant's intention to establish an Ecology Steering Group (7.16-7.17). LCC requests that additional clarification on the nature and role of the group is provided as well as how any funding associated with the group will be secured.	The Applicant has initiated discussions with LCC (and other relevant Local Planning Authorities) to explore the formation of an ecological steering group that could engage in the delivery of biodiversity enhancement. The oLEMP [REP3-047] notes at paragraphs 7.1.16/7.1.17 the setup of a Steering Group with relevant Local Planning Authority ecologists, Natural England and the Environment Agency to implement opportunities for delivering biodiversity enhancements strategically, sharing lessons learnt regarding habitat establishment and management and adding to the overall knowledge base associated with the effect of solar farms on biodiversity. The Steering Group will have Terms of Reference agreed prior to convening for the first meeting. An example of Terms

App Ref	ExQ1 Ref	Summary	Applicant Response
			of Reference provided by Lincolnshire County Council is provided at Appendix D of the oLEMP [REP3-047].
Battery Storage and Substation			
ExQR28	**Q1.0.19** Say No to One Earth Solar Farm	Water will be contained within the BESS Sites as part of the BESS Site drainage design to prevent the release of polluted water. Our Answer: Real world findings and recommendations go way beyond the capacity proposed, we have already presented these findings, but will do so again.	The detention basins which will collect the firewater runoff has been sized to provide sufficient storage to attenuate a 1 in 10 year event plus the proposed 228 m3 of fire water. We expect a controlled burn approach to be used in the event of a fire. This means the affected unit is left to burn in a managed way while water is applied to nearby units to provide cooling and stop the fire spreading. Because of this, very little water will be applied directly to the burning unit, minimising the amount of polluted water. The UK Health Security Agency has also undertaken a review of the Outline Battery Safety Management Plan and concluded that as it is; a rural site, there are a limited number of residential receptors nearby and within the modelled hydrogen fluoride (HF) plume area, it is anticipated that the public health impacts from a controlled burn approach would probably be low
ExQR29	**Q1.0.19** Say No to One Earth Solar Farm	Activation of the fire suppression system will automatically trigger a penstock valve located downstream of the attenuation basins to isolate any potentially contaminated runoff and preventing its discharge to surrounding watercourses. Answer: Has this additional water from the suppression systems been accounted for in the 2 hour fire-fighting water capacity.	Yes, the additional water from the suppression system has been accounted for in the design of the detention basins and shall be able to accommodate the 2 hour fire water capacity of 228 m3 and the water from the fire suppression system. The detention basins have been sized to provide sufficient storage to attenuate a 1-in-10 year rainfall event plus the 228 m3 of fire water. Should it be required in detailed design, there is the potential for further storage, but based on current standards the Applicant does not believe this is currently required to mitigate the risk of storage overflow.

App Ref	ExQ1 Ref	Summary	Applicant Response
ExQR30	**Q1.0.19** Say No to One Earth Solar Farm	Firewater cooling adjacent (this is on top of the water used to fire fight, has this additional water from the suppression systems been accounted for in the 2 hour fire-fighting water capacity. What is the nature of these tests, who will perform the tests and under what regulatory framework.	We expect a controlled burn approach to be used in the event of a fire. This means the affected unit is left to burn in a managed way while water is applied to nearby units to provide cooling and stop the fire spreading. Because of this, very little water will be applied directly to the burning unit, minimising the amount of polluted water. The detention basins shall be suitably sized to accommodate the water used to cool surrounding units and more. Modelling for volumes will be done desktop based, with outcomes and design approach reviewed and approved by the FRS, and inline with NFPA guidance where applicable.
ExQR31	**Q1.0.19** Say No to One Earth Solar Farm	We are concerned about this answer. Typically a single fire appliance would deliver a steady 2,000 L/min, therefore it would use 228 cubic metres of water in 1.9 hours. Firstly, this does not take into consideration real life situations, or new recommendations – but instead is based on bare-minimum and out of date advice. Also, this leaves no room for items 2 or 3, i.e. suppression water and water to cool adjacent units. In short, firefighters fight fires, with so little room for water run-off, it would be ridiculous to expect a man with a clip board to stand over them and tell them to turn everything off because it could break environmental laws. They will of course keep fighting the fire, cooling adjacent units and doing their job.	The detention basins are designed to hold more than the 228 m3. The 228 m3 figure is the minimum volume that is required on site as stated in the current NFCC guidance, and the water tanks shall provide this amount to give firefighters the required flow rate and time to establish further supply if needed. In practice, a controlled burn approach is expected, meaning this water would mainly be used for cooling surrounding units rather than directly fighting the fire. The detention basins have been sized to contain both a 1-in-10-year rainfall event and the 228 m3 of firefighting water. If more water is required (e.g. further cooling/suppression water), the basins are designed to hold this additional boundary cooling water as well, ensuring runoff is contained within the site, inline with the agreed design scenario. There is also space on the Proposed Development for further water storage, should this be required as part of detailed design on the request of the FRS.

App Ref	ExQ1 Ref	Summary	Applicant Response
ExQR32	**Q1.0.19** Say No to One Earth Solar Farm	It would provide us greater surety of design if there is a backup manual operation of the penstock valve, in case the automatic activation fails. The maintenance schedule should also include periodic inspection and testing of the automatic penstock closure to minimise the risk of the mechanism seizing. Our Answer: This shouldn't be a question or suggestion	We will be providing a manual override on the penstock valve if the automatic activation fails. Typical maintenance schedules will cover regular inspection and testing to ensure good working order, with the FRS also being able to provide safety audits to check on maintenance as part of the protective provisions.
ExQR33	**Q1.0.19** Say No to One Earth Solar Farm	Section 4.8 on Post-incident Recovery and End of Life Management could have reference to after a fire event it should be made clear that both the lined detention basin and SuDS system would ideally need to be thoroughly drained and cleaned, prior to the penstock re-opening and allow flow of drainage water. Therefore, we would advise against gravel substrates used in the BESS and Substation compounds and surrounding drainage system as contaminants can more easily bind to their surfaces. Our Answer: would ideally need to be thoroughly drained and cleaned (not acceptable language), advise against gravel substrates (also unacceptable). The EA are there to ensure our environment is protected, not make quiet suggestions on incredibly important potential issues.	The penstock valve shall isolate any contaminated water and will be fully removed off Site, we will ensure that the contaminants will be properly disposed of in line with the relevant environmental regulations, including any that may be left in the detention basin. Additionally, as a controlled burn approach is expected to be used by the fire service in the event of a fire, the amount of contamination is expected to be lower than if the water was used directly on the fire.

5. Reponse to Water Environment Related Representations

5.1 Introduction

Purpose to this Technical Note

5.1.1 Mr Fox, an interested party, has submitted eleven papers at Deadline 3. The papers are overlapping in the subject areas covered and contain a large amount of detail. In seeking to address all the points covered the Applicant has developed this specific section of the D3 response document to cover all the items raised.

5.1.2 Furthermore, the responses in this section will address the questions raised by Mrs Fox in REP3-098.

Points to be Covered

5.1.3 A number representations (REP3-100 – REP3-110 and REP3-098) have been made that cover a number of areas in detail (Table 1).

Table 1 – Summary of Representations

Rep Ref	Submission Name/Subject Area
REP3-098	Response to site selection criteria and sequential test
REP3-100	Critique of the One Earth Proposal's Flood Risk Assessment
REP3-101	Sequential and Exception Test Failures in One Earth Solar Farm
REP3-102	Analysis of WFD Compliance for the One Earth Solar Farm
REP3-103	The Cumulative effects of Flood risk from the One Earth Proposal and Implications of the deficit in Local Authority Resources
REP3-104	Hydrological and Flood Risk Cost Analysis for the Trent Valley and Considerations on Siting Near High Marnham Grid Connection
REP3-105	Public Safety implications Of the One Earth proposal.
REP3-106	A Synthesis of Regulatory, Hydrological, and Governance Critiques

Rep Ref	Submission Name/Subject Area
REP3-107	A Critical Assessment of the One Earth Solar Farm Consultation and Examination Process
REP3-108	An Assessment of Economic Viability in the Context of Cumulative and Catastrophic Flood Risk
REP3-109	A Comprehensive Analysis of the Hydrological and Environmental Implications of a Large-Scale Photovoltaic Array on a Floodplain
REP3 - 110	Requirement for Catastrophic Flood Risk Modelling regarding the One Earth Solar Farm Project Development Consent Order Application

5.1.4 There are themes throughout the representations. As such, the Applicant's response has been grouped by theme:

- Regulatory Compliance
- Sequential Test
- Exception Test
- WFD
- Flood Risk Assessment
- Hydrological model
- FRA Impact
- Robust Mitigation
- EA Tolerance
- Additional Flood Modelling
- Cumulative Impact
- Regional Hydrological Alteration
- Hydrology and Contamination
- Consultation Critique
- Pre-Application Consultation
- Other Concerns
- Biodiversity Net Gain
- Best and Most Versatile Land

5.2 Regulatory Compliance

5.2.1 This section responds to the following representations REP3 – 098, REP3-100; REP3-101; REP3-102, REP3-105, REP3-106.

Sequential Test

5.2.2 As set out in the Site Selection Report appended to the Planning Statement [APP-168] the Order Limits was chosen for the following reasons at site selection stage:

- has a grid connection offer which will see energy; transported to the national transmission network by 2030
- lies within an area of suitable irradiance and favourable topography;
- includes a proportion of BMV land which is characteristic of the predominating mix in the general locality, and was predicted to be lower based on the mapping provided at the time of the site selection process;
- has sufficient land to enable the grid connection offer to be maximised while maintaining sufficient offsets to sensitive residential receptors;
- is located away from key environmental related designations; and
- is accessible from the road network namely the A57 which provides direct access into the Site and has suitable access to land not immediately adjacent the strategic road network.

5.2.3 In terms of the flood risk areas, the Applicant has demonstrated that there are no reasonably available alternative sites that have lower flood risk, and on balance the chosen site is preferable.

5.2.4 It is therefore not the case that the grid connection and available capacity at High Marnham was the sole reason for choosing the site, as suggested by Mr Fox, but it was the starting point for discussions and the reason for identifying the general area as a location for the Proposed Development.

5.2.5 In terms of the search area for the Site used within proximity to High Marnham as the Point of Connection (POC), as laid out in response ExQR56 [REP3-067] in terms of the area of search identified within the Site Selection Report, Appendix 1 of the Planning Statement [APP-168], further work has been undertaken to justify the original 10km distance, and an additional search area of 15km has now been assessed in the Sequential Test and Exception Test Assessment submitted at Deadline 2 [REP2-080]. The Applicant has also provided further justification on the search areas used within the Sequential Test Addendum submitted at Deadline 3 [REP3-069]].

5.2.6 With regard to landowner willingness, as set out in the Sequential and Exception Test Assessment [REP2-080], sites were not discounted solely because of landowner willingness or negotiations, however landowner willingness does become a factor in NSIPs as although the Applicant has the power to compulsory

acquire there is significant impact on people and programme. National Policy Statement EN-1 emphasises the importance of deliverability and timely development of nationally significant infrastructure.

5.2.7 Furthermore EN-1 Paragraph 2.4.5 states "The Government expects promoters to engage with local communities and landowners at an early stage and to seek to agree terms for the acquisition of land and rights voluntarily, using compulsory purchase powers only as a last resort" which the Applicant had a strong preference to avoid as set out in detail in the Sequential Test and Exceptions Test Assessment [REP2-080].

5.2.8 In terms of assessing potential alternative sites, the PPG defines what a 'reasonably available' site comprises (in the context of the sequential test), and this has been updated since Deadline 3 on 17th September 2025. Sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal (Updated PPG Paragraph: 028 Reference ID: 7-028-20220825).

5.2.9 The Applicant has previously set out in the Sequential Test and Exception Test Assessment [REP2-080] how its approach to the search area and the criteria for what would constitute an appropriate site for solar has been reasonable, realistic, flexible and proportionate, and the added references in the PPG to the appropriateness of the catchment area and the proportionality of the approach are supportive of those previous submissions.

5.2.10 In terms of the applying a sequential approach within the Order Limits, whilst the Proposed Development has a significant proportion of solar panels located in Flood Zones 2 and 3, the BESS and substations have been sited such that their associated sensitive equipment can be located within Flood Zone 1 and no built development is included in Flood Zone 3b. There are some inverters located in Flood Zones 2 and 3 due to the size of the scheme. Where this is the case the inverters will be designed to provide freeboard of 300mm.

5.2.11 In addition, those areas within the Order Limits within Flood Zone 1 that are not proposed for solar development were discounted for other planning and environmental reasons that meant that they were not appropriate for solar development. This is set out in further detail in the Design Approach Document [APP-171]. This includes areas outside of Flood Zones 2 and 3 to the north and south of North Clifton and South Clifton which was removed from the areas which were being considered for solar panels on the basis of impact on local communities and also potential effects on designated heritage assets (including Church of St George the Martyr, Grade II*) and the experience of moving between the settlements along Church Lane.

5.2.12 For the full assessment of how the Applicant has applied and passed the sequential test, please refer to the Sequential Test and Exception Test Assessment [REP2-080] and the Sequential Test Assessment Addendum [REP3-069].

Exception Test

5.2.13 The project delivers overwhelming national sustainability benefits (740MW of low-carbon energy, significant contribution to net-zero, enhanced energy security) and in is described in the EN-1 as Critical National Priority (CNP). Not withstanding the weight given to the need for infrastructure of this nature the Applicant has shown that the development does not increase flood risk.

5.2.14 For a full assessment of the Exception Test, see REP2-080 Sequential Test and Exception Test Assessment.

WFD

5.2.15 The Environment Agency has confirmed in its responses to ExAQ1 [REP2-095] that is has no outstanding concerns with the updated WFD screening assessment.

5.2.16 The purpose of the WFD Screening Assessment is to identify the extent to which the Proposed Development is likely to affect water bodies, taking into account mitigation measures that have been embedded into the Proposed Development.

5.2.17 Taking into account the embedded measures and construction/decommissioning mitigation, it is concluded that the operational, construction or decommissioning stages of the development will not cause or contribute to deterioration of the existing watercourses or groundwater bodies or jeopardise their potential to achieve good status under the WFD.

5.2.18 The embedded mitigation measures have been built into the design of the development, and therefore any failure to implement the mitigation if consent is achieved would constitute a breach of the DCO. As such, the implementation of the mitigation will, if consent is granted, be required by law.

5.3 Flood Risk Assessment

5.3.1 This section responds to the follow representations: REP3-100; REP3-101; REP3-103, REP3-104, REP3-105, REP3-106, REP3-108, REP3-109, REP3 - 110

Hydrological model

5.3.2 It is assumed, given the context, that where Mr Fox refers to ‘outdated modelling’, he is referring to surface water rainfall / hydrological modelling used to inform the assessment of surface water flood risk and surface water drainage design, as opposed to fluvial hydraulic modelling.

5.3.3 With regard to the application of the research done by Baiamonte; the field of flood risk management is an ever evolving body of knowledge informed by research from across the academic community. Specifically, the Baiamonte

research (believed to be Baiamonte, G., et al. (2021)[1]) is not directly applicable to this site. The research paper referred to is based in a Mediterranean/semi-arid context, characterised by short bursts of heavy rain and dry compacted soil. Whereas the One Earth site is characterised by generally more frequent lower-intensity rainfall events with a soil with higher infiltration capacity. Furthermore, the Applicant's proposals include specific mitigations, such as re-establishing disturbed vegetation and regular inspections of that vegetation combined with Sustainable Drainage Systems (SuDS) where appropriate. Mitigation absent from the study area of Baiamonte.

5.3.4 Mr Fox states that "the applicant relies on outdated theoretical models (e.g., Cook and McCuen, Wallingford Hydro Systems/IH124) that were not designed for or validated on industrial-scale solar farms". Cook and McCuen is not a theoretical model that has been applied, but is rather scientific research that has been used to support the drainage strategy. The Institute of Hydrology 124 (IoH124) research has been applied to the surface water drainage strategy. However, this forms industry best practice and has incorporated the most recent FEH22 rainfall data.

5.3.5 In Mr Fox's submission [REP3-101] Section 2.3.1 it is acknowledged that the Applicant is using the best available data sets and conservative event possibilities. It also recognised that the Applicant has identified all relevant water sources.

5.3.6 Mr Fox also suggests that in REP3-100 sensitivity testing should extend to H++; however as recognised in that same response at section 2.4.2 this is for projects with a greater than 100 year lifetime (note, policy does not make reference to "environmental legacy" as section 2.4.2 suggests). The Applicant is applying for a time limited DCO of 60 years so is not required to do this level of sensitivity testing.

5.3.7 Further, Mr Fox suggests in REP3-104 that the Flood Risk Assessment undertaken for Longhedge Solar Farm states that post construction conditions rarely match pre-construction models. Upon review of the document referenced it was not possible to corroborate that statement. In fact, the Longhedge FRA comes to the same conclusion as the Applicant. Part of managing flows on a solar farm is well maintained planting and ground cover, which is what the Applicant has committed to.

5.3.8 It is claimed that the Applicant has not shown the project can be safe for its lifetime. The Applicant has provided a suite of documents that form a robust and evidence-based case that the project is safe for its lifetime; Hydrology Chapter [REP2-0240], FRA [REP2-043]. These have been developed in full consultation with the Environment Agency and Lead Local Flood Authority.

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[1] Baiamonte, G., et al. (2021). "Runoff and erosion in a Mediterranean solar farm." Land Degradation & Development, 32(4), pp. 1617-1633.

5.3.9 The Applicant has been in on-going dialogue with the Environment Agency and other stakeholders (namely the LLFA) as detailed in Table 7.3 of the Hydrology Chapter [REP2-024]. Through these engagements the Applicant gained agreement on the approach to the FRA and Drainage Strategy.

Underestimated FRA impact (Dripline Effect)

5.3.10 The Applicant has provided details on the "dripline effect" throughout its documentation. The statement in the Sequential Test [REP2-080] Para 2.1.22 "*It is also recognised, through Paragraph 2.10.84, that since Solar PV panels drain to existing ground, the impact of flooding impacts will not, in general, be significant."* Is consistent with the assessment made in Chapter 11 of the ES [REP2-024] Para 7.5.15 "*Solar farms (i.e. the modules themselves) are not considered to result in significant increases in runoff when compared to the existing greenfield situation. This is on the basis that runoff from the modules themselves will simply drop directly to the ground where the natural regime will be maintained"*

5.3.11 The Flood Risk Assessment [REP2-043] provides further information on this point: "In line with research undertaken by Wallingford HydroSolutions[2], solar farms are not considered to result in significant increases in runoff when compared to the existing greenfield situation. This is on the basis that runoff from the panels themselves will simply drop directly to the ground where the natural regime will be maintained. In line with the advice set out by Wallingford HydroSolutions, it is proposed that the following measures will be implemented to ensure that any impacts of the solar panels are minimised:

- Disturbance to existing vegetation during construction will be minimised;
- Any disturbed vegetation will be re-established to maintain good ground cover across the Site;
- Regular inspection and maintenance will be undertaken to ensure that vegetation cover is adequate; and
- Fencing will be provided where required to avoid any disturbance to the vegetation by livestock or similar.

5.3.12 In addition to the above, it is proposed that strategic SuDS features such as filter drains, swales and basins/scrapes are incorporated within the solar array areas to encourage infiltration to the ground and also provide ecological and biodiversity benefits. This approach has been agreed with the LLFA.

Robust Mitigation

5.3.13 Mr Fox suggests that the Applicant should revise the project's drainage and flood mitigation strategy to reflect a "whole system" or "catchment-based" approach,

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[2] Wallingford HydroSolutions, December 2017. [Here comes the sun - WHS (hydrosolutions.co.uk), accessed September 2023]

which would include “significant on-site and potentially off-site compensatory flood storage to ensure no net increase in flood risk elsewhere”.

5.3.14 As outlined within the FRA and as agreed with the EA, flood compensation measures are not deemed to be necessary as the Proposed Development results in a negligible impact on flood risk.

5.3.15 Mr Fox also states that the mitigation provided is largely superficial. The Applicant rebuts this; the mitigation measures proposed have been developed in line with best practice guidance and have been agreed with the relevant risk management authority (Environment Agency and Lead Local Flood Authority).

EA tolerance

5.3.16 The Applicant recognises that there is no blanket tolerance for change in flood level as this must be based on a site specific assessment. In the case of the Proposed Development a tolerance of 5mm has been agreed by the Environment Agency.

Additional Flood Modelling

5.3.17 In this case and given the context, it is assumed that where Mr Fox refers to ‘catastrophic flood risk modelling’, he is referring to fluvial hydraulic modelling, rather than surface water modelling / runoff.

5.3.18 Mr Fox recommends that a catastrophic model is required to simulate “extreme events over thousands of years” in order to provide “a quantifiable view of risk”. There is no requirement to complete an assessment of this in line with current policy and guidance. Instead, the modelled design flood event (the 1 in 100 year plus 39% climate change fluvial event) has been used to assess fluvial risk and to inform the design of mitigation. In addition, modelling flood events over a period of thousands of years would largely be irrelevant, as this would surpass the design life of the Proposed Development.

5.3.19 The Applicant has applied relevant EA guidance within its Flood Risk Assessment [EN010159/APP/6.21]. The FRA and relevant calculations included within it have demonstrated that the Proposed Development will have a negligible impact on third party flood risk. The mitigation measures that help to achieve this are secured through the DCO and are agreed with the Environment Agency and Lead Local Flood Authority.

5.4 Cumulative Impact

5.4.1 This section responds to the follow representations: REP3-100; REP3-101. REP3-108

Regional Hydrological Alteration

5.4.2 It is a requirement under the NPS and National Planning Policy Framework (NPPF) for each infrastructure project sited within Flood Zones 2 and 3 to undergo its own robust Flood Risk Assessment as the Applicant has done and is described in FRA [REP2-043] and the Hydrology ES Chapter [REP2-024]. There is no requirement to create a single, catchment-wide hydrological model, which is a strategic planning function typically led by the Environment Agency and Lead Local Flood Authorities.

5.4.3 ES Chapter 18: Cumulative Effects [REP2-029] Potential Inter-project Effects considers the likely significant effects of the Proposed Development on the environment resulting from cumulation of effects with other existing and, or approved projects. Table 18.2 of Chapter 18 sets out the Zone of Influence, which includes schemes within the same existing hydrological catchments and topographical areas. Each scheme will include a site-specific Construction Environmental Management Plan (CEMP) that will ensure that potential construction impacts on flood risk, water quantity and quality are managed and minimised as far as practicable. These measures would be agreed with the Environment Agency and Lead Local Flood Authorities. In addition, a site-specific FRA along with supporting Surface Water Drainage Strategy detailing operational mitigation measures will also be required for each scheme and agreed with the Environment Agency and Lead Local Flood Authority. This will demonstrate no significant impact on flood risk or water quality because of the proposals. As such no significant cumulative effect interaction is anticipated.

Hydrology and Contamination

5.4.4 Mr Fox suggests that the Tollerton Airfield development introduces a compounding factor. However, this is a housing development nearly 40km away from the Proposed Development. Given the distance between the sites and the justification set out in paragraph 4.2.2, there is considered to be no meaningful interaction between the two proposed developments.

5.5 Oversight

5.5.1 This includes information than responds to REP3-103.

Local Authority Capacity

5.5.2 The full paragraph from NCC's LIR [REP1-096] is at paragraph 5.4.3 and states:

> *"NCC does not have the expertise or resource to provide comprehensive comments on the technical aspects of the submitted drainage strategy and flood risk assessment and therefore cannot currently offer a view on the impact on local flood risk relating to surface water and ordinary water courses. NCC has appointed a specialist to review the application documents and is proposing to submit its comments as an addendum to this LIR at Deadline 2."*

5.5.3 NCC makes clear that at the time of writing the LIR it could not "currently" offer a view and had appointed a specialist to review the materials. NCC has responded

to a first written question on drainage [REP2-088] and the SOCG between the Applicant and NCC [EN010159/APP/ 8.3.2 (rev 03)] includes a section on flood and drainage, with various comments on the issues. During ISH2, NCC and LCC were able to confirm their positions in relation to the drainage proposals in their capacity as local flood authorities. No concern of the type put forward by Mr Fox has been raised by NCC nor is it supported by anything NCC has submitted to the examination.

5.5.4 The DCO requirement 11 (drainage) requires the Applicant to implement and maintain the development in line with the approved drainage strategy. Failure to do so has the potential to be a criminal offence and enforceable by the local authorities. In practice, if NCC has concerns about compliance with the measures in the drainage strategy (including if members of the public raised concerns with it), it could either informally, or utilising powers under the Planning Act 2008, ask the Applicant to demonstrate its compliance with approved drainage strategy. It would be open to NCC to take enforcement action if it was not satisfied that the approved drainage strategy was being complied with. If it needed additional assistance in that respect, it could utilise external specialists, as it seems to have done in its review of application documents, and could also liaise with bodies such as the Environment Agency if it required additional expertise. There are also provisions in the Planning Act 2008 which allow officers to enter onto land where steps in an enforcement notice have not been complied with in order to carry out those steps itself and recover the reasonably incurred expenses of so doing.

Lack of Independent Monitoring

5.5.5 The mitigations and related monitoring regime is described in Table 3-4 in the outline Operation Environmental Management Plan [EN010159/APP/7.5.3]

5.5.6 The DCO requirement 11 requires the Applicant to implement and maintain the development in line with the approved drainage strategy. Failure to do so has the potential to be a criminal offence and enforceable by the local authorities. In practice, if the local authorities have concerns about compliance with the measures in the approved plans, they could either informally, or utilising powers under the Planning Act 2008, ask the Applicant to demonstrate its compliance. It would be open to the local authorities to take enforcement action if they were not satisfied that the approved plans were being complied with.

5.5.7 With the above measures in place, there is an appropriate level of oversight in place, consistent with what has been proposed and secured on similar schemes.

5.6 Cost Benefit

5.6.1 This includes information than responds to REP3-108.

Cost Benefit Argument

5.6.2 Section 104 of the Planning Act 2008 requires the SoS to have regard to:

- Relevant National Policy
- Local Impact Reports
- Any other matter the SoS considers important and relevant
- Any other matters prescribed in relation to the development to which the application relates.

5.6.3 Section 104(3) provides that the SoS must decide the application in accordance with any relevant NPS, except to the extent that one of the exceptions in sub-paragraphs (4) to (8) applies.

5.6.4 The primary policy consideration for the Secretary of State is the National Policy Statement for Energy (EN-1). Paragraph 3.2.6 of EN-1 states that the SoS should assess all applications for infrastructure covered by the NPS on the basis that the government has demonstrated that there is an urgent need for that infrastructure and in line with paragraph 3.2.7 substantial weight should be given to this need when considering applications for consent. Paragraph 4.1.3 states that given the level and urgency of need for infrastructure covered by the energy NPSs, the SoS will start with a presumption in favour of granting consent. Added to this, the Proposed Development is also Critical National Priority infrastructure, in which case paragraph 4.1.7 confirms "For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases".

5.6.5 –With regard to decommissioning costs and the proposal of a bond, a bond is not required by policy and is not considered to be reasonable or necessary. In the event of liquidation, the administrators would sell the valuable solar assets to assist with decommissioning of the Proposed Development.

5.6.6 In concluding the Cost Benefit analysis an attempt is made to create a ledger of perceived costs and benefits of the project. It should be noted that there is no requirement to do a Cost Benefit analysis. Section 104 and EN-1 are clear on the balancing exercise that must be undertaken and there is no requirement for regard to be given to an analysis of the type put forward. Given the short falls with it, this is not analysis that could be considered important and relevant to the SoS's decision. The "ledger" assigns costs (without reference to how they have been calculated) to the "cost" side of the ledger but fails to provide monetised benefits. As such, it is not possible to come to any conclusion about the cost vs benefit. Furthermore, the submissions suggests that a cost weighting should be applied for "catastrophic flood". This is speculative and is not based on the Proposed Development's actual, mitigated risk profile. It ignores that the Applicant has worked with the Environment Agency in developing the FRA and Outline Drainage Strategy satisfying the core requirement of the NPPF and EN-1. The ledger itself is subjective and has no basis in Planning Act; financial matters, beyond evidence of funding availability is not a planning matter.

5.6.7 Given this misrepresentations of Section 104 and cost vs benefits the Applicant does not accept that it fails the test under Section 104.

5.7 Consultation Critique

5.7.1 This section responds to the follow representations: REP3-100; REP3-107.

Pre Application Consultation

5.7.2 The Applicant has met the statutory requirements for consultation as required by sections 42, 46, 47 and 48 of the Planning Act 2008. In addition. the ExA has made clear in the issue specific hearings, adequacy of consultation is a matter for acceptance of the Application. The Applicant does not consider this to be an important and relevant matter for the SoS's determination of the Application. However, in order to assist and direct Mr Fox, it sets out the following overview.

5.7.3 Beyond these requirements, the Applicant has followed best practices and guidance to ensure that stakeholders could engage in meaningful consultation, early and often throughout the project's development.

5.7.4 The Applicant consulted on the Statement of Community Consultation (SOCC) with host local authorities, which sets out the approach to community consultation. Their feedback led to changes to this approach, which are all detailed in the Consultation Report [APP-151].

5.7.5 The Applicant then published the required notices to both notify the publication of the SOCC and the consultation in the local papers on two consecutive weeks, as well as a national paper and the London Gazette. Then, after the Government announced upcoming general elections, the Applicant consulted with the local authorities and determined that the consultation period should be extended. The Applicant then published another round of the notices to provide the updated deadlines.

5.7.6 During the statutory consultation, the Applicant provided a variety of mechanisms that individuals could learn more about the updated proposals, including public information events, meetings with parish councils, meetings with residents, as well as a suite of consultation materials with more information that were available online at the project website, in printed copy at the public information events, and in multiple community access locations across the broader area. There were multiple options to provide feedback on the proposals. All feedback was then all reviewed, considered and included in Appendix J of the Consultation Report [REP1-018].

5.7.7 After the consultation period concluded, all five of the host local authorities confirmed the Adequacy of Consultation Milestone, which confirms that the Applicant met the legal requirements for the consultation.

5.7.8 In addition to the community feedback, the Applicant notified all of the statutory consultees of the consultation as required by S42 of the Planning Act. Their feedback is included in Appendix J of the Consultation Report [REP1-018]. Ongoing engagement with these bodies has included further information, which is included in the Examination Library.

5.7.9 The Applicant's Consultation Report complied with PINS Note 14 (Compiling the Consultation Report (2019)) in those consultations. As per the advice note, the Consultation Report includes summaries of meetings with interest groups and parish councils. The Say No To One Earth group highlighted that the minutes from a meeting between that group, the Applicant, North Clifton Parish Meeting and South Clifton Parish Council should be included. At the subsequent deadline the Applicant's response to the group's question was included verbatim at pages 192 – 230 of [REP1-018] pursuant to their request. There is no statutory requirement to provide those minutes and the fact they were not included in the Consultation Report does not call into question adequacy of consultation.

5.7.10 Mr Fox also states that the mental health survey that was submitted by a local GP was not considered, however, this feedback was considered and is documented in several locations within the Consultation Report and appendices.

- Where the survey was submitted by a member of the public, the Applicant's response is included in Appendix J-2 page 536 [REP1-018].

- The Applicant later held a meeting with South Clifton Parish Council and the opposition group, in which the mental health survey was again raised for discussion. The Applicant responded verbally at the meeting and followed up in writing to the parish councils. This written response is included in Appendix J-1 of the Consultation Report after Table J-1.1, page 217 [REP1-018],

- The Parish Council also submitted their feedback on the issue, which is included in Appendix J-1, pages 91 and 93 [REP1-018].

5.8 Other Concerns

5.8.1 This section responds to the follow representations: REP3-101, REP3-107, REP3-108

Biodiversity Net Gain

5.8.2 The Applicant provides detailed information around biodiversity in LIR57 to LIR 102 in REP2-083 in response to Local Impact Report findings. In REP3-109 Mr Fox recognises the potential and significant (suggest they can increase plant diversity by up to 90% and overall biodiversity by up to 95% compared to traditional agricultural land) benefit that Solar Farm development could bring to biodiversity.

Best and Most Versatile Land

5.8.3 The Applicant has provided a number of detailed responses on ALC and BMV. The most relevant is Q13.0.1 in [REP2-084]. In REP3-109 Mr Fox recognises the potential benefit that Solar Farm development could bring to soil health.

one earth

solar farm