

This matter is being dealt with by:

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Sent via email to

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Dear Sir/Madam

ONE EARTH SOLAR FARM DEVELOPMENT CONSENT ORDER EN010159 – THE EXAMINING AUTHORITY’S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION ExQ2

I write in response to the Examining Authority’s (ExA’s) written questions and requests for information (ExQ2) issued on 30 September and to provide the response of Nottinghamshire County Council (NCC) (Interested Party FD2E7A44C) in relation to those questions which are addressed directly to NCC or the Councils, where deemed relevant to the responsibilities of the County Council.

ExQ1	Question to:	Question	NCC Response
10. The draft Development Consent Order (DCO)			
Q10.0.1	All local authorities	Management Plans At the current time the management plans do not appear to be fully agreed. The ExA are aware discussions on these topics are ongoing, however if the matters are not agreed, are the authorities content that the dDCO gives sufficient certainty through the requirements that these matters could be resolved in due course?	<p>At this time, NCC is still negotiating with the applicant over the content of the Management Plans, in particular the OLEMP and OCTMP. Whilst it is accepted that the dDCO would require the applicant to submit detailed management plans post consent, it is our view that that the outline management plans should be as detailed as reasonably possible at this stage and we not want to defer points of disagreement to post consent submissions.</p> <p>We have reviewed the updated OLEMP [Rev 2 REP1-054] submitted at DL1 and (Rev 3 REP2-056) submitted at DL2 to review if our concerns identified previously had been appropriately addressed. In previous comments and reviews, we stated that the OLEMP must be explicit in regard to the landscape mitigation scheme and maintenance post any approval and include: Provision of detailed planting proposals that must be approved by the</p>

			<p>relevant authority.</p> <p>Subsequently, a sentence has been added at 1.3.5 of the OLEMP (Rev 3) that <i>“The LEMP will detail the location and extent of proposed planting by inclusion of planting plans and species lists”</i>.</p> <p>We wanted to ensure that maintenance of all planting and ecological features be for the life of the project; Subsequently, the updated OLEMP includes the addition of paragraph 5.4.3, which clarifies that all existing and proposed habitats will be managed and maintained for the operational duration of the scheme. This is a key clarification: we expect that the planting and associated habitat be appropriately managed for the full duration of the scheme.</p> <p>Finally, regarding plant replacements due to failure to thrive or establish, or due to plants dying, the OLEMP has provision within the initial establishment period, however we have requested a statement be added for unforeseen circumstances such as extensive plant dieback, or failure to establish. We suggested the following, which the applicant has advised will be included in the next version of the OLEMP to be issued at DL4:</p> <p><i>“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 arise. This approach will ensure commitments are fulfilled in respect of providing screening of the scheme and enhancing biodiversity”</i></p>
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Q10.2.1	The applicant and NCC	<p>Discharge of Requirements and the payment of fees</p> <p>It is not clear from the comments made by NCC in item LIR 172 at D3 in respect of the payment of a fee for requirement 15 being aligned with requirement 11, whether there is a detailed justification for the fee to be increased. Please can both parties set out their reasoning in the event this remains outstanding.</p>	<p>NCC requests that the fee for discharge of Requirement 15 (Drainage and Surface Water Management Plan) should be £2,535 for parity with other similarly significant requirements included in the dDCO, such as Requirement 11 (Construction Traffic Management Plan). The level of work involved in appraising this application is likely to be similar to Requirement 11. It should be noted that the DCO relating to the Cottam Solar Project included a fee of £2,535 for the first application for the discharge of Requirement 11 (Surface Water Drainage Scheme) which is very similar in nature to Requirement 15 of the dDCO. The precedent therefore exists that the higher fee should apply to this type of requirement.</p>
11. Historic Environment			
Q11.0.1	The applicant. NCC and LCC	<p>Archaeology</p> <p>Can the applicant, NCC, and LCC please provide an update on their respective positions with regard to the investigations for archaeology, the written scheme of investigation, and if there are any matters which remain outstanding?</p>	<p>We are awaiting the latest draft outline Written Scheme of Investigation (oWSI) from the applicant which is being revised following several meetings and we expect to receive this in the next week. We anticipate that the oWSI will provide for an acceptable programme of archaeological work, or at least only require minimal revision for future examination deadlines.</p> <p>The oWSI will combine completion of the assessment work and integrate it with a phased programme of mitigation work in line with the proposed</p>

			<p>construction, operation and decommissioning programmes.</p> <p>While we expect to agree on the overall approach, the point of disagreement will remain on certain elements of the assessment work to be undertaken post consent. We accept that some aspects of solar project design will only be fixed after consent and it may be sensible to undertake assessment work at that stage, however we maintain that areas of high potential should be investigated as part of the application process to provide a proper understanding of the archaeological resource, inform the impact assessment and influence future design.</p> <p>The current draft SoCG reflects our continuing concerns in this regard and is unlikely to change between NCC and the applicant. However, most of the other issues have now been agreed.</p>
12. Hydrology and Hydrogeology and the Water Environment			
Q12.0.4	The Councils, the EA	<p>Sequential Test</p> <p>In ISH2 the applicant stated if the Sequential Test is failed, then this would be weighted against the application, but CNP comes into play. Do the councils and the EA agree with this statement in policy terms, with reference to NPS EN-1 Paragraph 4.2.15?</p>	<p>Our interpretation of EN-1 is that Critical National Priority (CNP) only applies where the decision maker is satisfied that the applicant's environmental assessment is adequate and there are residual impacts identified that could not have been mitigated following application of the mitigation hierarchy. EN-1 indicates that, in such cases, those residual impacts would not outweigh the CNP for low carbon infrastructure.</p> <p>Therefore, if the sequential test has not been adequately implemented, CNP could not apply as this would represent an inadequacy in the environmental assessment itself, rather than a residual impact which would be weighed against the CNP. We would therefore disagree with this statement in policy terms.</p>

Q12.0.5	The Councils, the EA	<p>Sequential Test</p> <p>WLDC in their D3 submission following ISH2 maintain a lack of confidence that the current proposal has demonstrated that the sequential test has been followed in such a way that the exception test can also be shown to demonstrate an exception case.</p> <p>(1) Are the councils satisfied, that with applicant's Deadline 3 submissions relating to the approach taken for the Sequential Test?</p> <p>(2) Have all the issues raised on the Sequential Test/exception test been addressed satisfactorily?</p> <p>(3) If not, what additional work do you consider is required by the applicant?</p> <p>(4) Please explain should this be the case the policy basis for the council not being satisfied?</p>	<p>NCC shares the concerns raised by the other parties regarding the approach to the sequential test. Having reviewed the applicant's further submission on the application of the sequential test (EN010159/APP/9.26), it is apparent that the applicant undertook a retrospective exercise to consider alternative sites, which undermines confidence that a robust approach has been taken to identifying the least environmentally harmful option at the early stage of the project and directing development to areas of lowest flood risk during the site selection process.</p> <p>That said, the approach in the submitted document would appear to be satisfactory in principle, notwithstanding reservations about its authenticity. We would however defer to the EA to comment further on the application of the exception test, as the EA is the regulatory body responsible for managing flood risk from main rivers. The substantive role of the LLFA is to comment upon the adequacy of the drainage strategy and impact upon flood risk from surface water, which it has done through its submission at Deadline 3, and it is noted that the applicant has been asked to respond to our points.</p>
Q12.0.6	The applicant The councils The EA	<p>PPG on flood risk was updated 17/09/25 including changes to the Sequential Test, see para 27a. Paragraph 27a states:</p> <p><i>"For infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those</i></p>	<p>The revised PPG is a material consideration in the assessment of the application and whilst it is accepted that the applicant has considered two smaller sites (within 6km of each other) in their submission on the application of the sequential test (EN010159/APP/9.26), the applicant should be responsible for demonstrating specifically how this guidance has been satisfied and this should be considered by the ExA in conjunction with the EA. It is noted that the applicant does</p>

		<p><i>alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively."</i></p> <p>(1) Does this new guidance have any effect on the application for the proposed development or what the applicant has undertaken in the assessments provided?</p> <p>(2) Does the new guidance mean that any further work is required in respect of the Sequential Test?</p> <p>(3) If so what additional work do you consider would be required as a result of the changes?</p> <p>(4) Has the position of any party changed due to the amendments made to the PPG?</p>	<p>not believe that a project which would constitute more than two smaller sites would represent a realistic alternative, but the ExA may wish to examine this claim further considering the updated PPG which refers to splitting development across <i>a number of alternative sites</i> at lower risk of flooding.</p>
18. Transportation and Traffic			
Q18.0.1	NCC the applicant	<p>Safety audits for new access points</p> <p>At ISH2, NCC confirmed an RSA1 being undertaken on the proposed access points on classified roads within Nottinghamshire would be an acceptable fall-back position. Can both parties confirm whether they consider this to be an acceptable position? If so, can the applicant please provide an RSA1 for the proposed access points in Nottinghamshire on classified roads? If the applicant does not agree, please explain why not</p>	<p>NCC no longer believe this to be an acceptable position.</p> <p>Paragraph 1.2.3 of the Nottinghamshire Highway Design Guide (NHDG), states that new accesses or the increased use of existing accesses on classified or unclassified roads will normally be supported where there is not a road safety problem or where a road safety problem can be removed and it is considered that the appropriate way to determine the safety of an access is through the Road Safety Audit process. Whilst the NHDG does not discriminate between classified and unclassified roads, NCC initially only requested this information for accesses onto classified roads, as a reasonable approach.</p> <p>On subsequently checking the classified road network, this includes the A57 (RSA supplied) and it is noted that an RSA is also submitted for Roadwood Lane which is a C classified road. Other accesses are on the A1133 (but accesses are not proposed within Notts here),</p>

			<p>Main Street/Ragnall Road (C2), Moor Lane (C81), Polly Taylors Road (C77). The only accesses that would not come under this strategy would be Gate E. However, in considering the information for the LIR it was noted that the visibility splays for these junctions cross where solar panels are proposed, which would obstruct visibility and represent a highway safety issue.</p> <p>NCC therefore believe that Road Safety Audits should be carried out at all accesses so that such issues can be identified at the appropriate time as this has implications for either the accesses proposed or the extent of solar arrays.</p>
Q18.0.2	NCC	<p>Gate A access point The submission at Deadline 3 from NCC [REP3-085] includes comments on the applicant's previous response to the LIR. These comments include the following:</p> <p><i>“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.”</i></p> <p>(1) Is a ghost island an appropriate junction type for the operational and decommissioning phases of the proposed development?</p> <p>(2) Are there any potential risks to road safety of a ghost island junction with the likely number of vehicle movements that will occur</p>	<p>Please see our responses to each of the questions below.</p> <p>(1) A ghost island would only be appropriate during construction and potentially decommissioning, if decommissioning is the reverse of construction. It would not be necessary in the operational phase.</p> <p>(2) There are risks to road safety during the operational phase as, without vehicles using a ghost island on a regular</p>

		<p>during the operational and decommissioning phases of the proposed development?</p> <p>(3) If the applicant does not provide a ghost island, would NCC consider the access point to be safe?</p> <p>(4) Can the applicant confirm the duration that vehicle movements at this access point would be above the threshold for a simple priority junction? Alternatively provide evidence why the threshold would not be met</p> <p>(5) Would the provision of a ghost island in this location lead to any additional land take, over and above what is currently proposed in the dDCO?</p>	<p>basis, there is a risk that drivers would see as suitable for overtaking. A temporary amendment to accommodate a suitable layout would be acceptable, if required.</p> <p>(3) The applicant has not provided any further assessment of the operation of the junction during construction nor demonstrated that forward visibility to the junction is available over a distance of 1.5 times the required stopping sight distance. This means that the length of any potential queuing is unknown, and it is unclear if the back of any queue could be seen in sufficient time.</p> <p>(4) A report has been supplied to NCC - A57 Access Strategy Review dated September 2025. However, the report indicates that the peak construction traffic flow is 328 vehicles per day, occurring for one month only. However, the information provided in Table 4 of the Transport Assessment identifies that there are 92 light vehicles and 289 HGVs using the link to serve this access, a total of 381 which is an increase of 53 vehicles against that now suggested. If these vehicles were added to the construction traffic profile in Figure 2 of the A57 Access Strategy Review report, this would mean that there would be over 300 vehicles using the access over 8 months, 4 of which being concurrent. Notwithstanding the possible safety issues, which NCC consider have not yet been fully addressed, if it were just 1 month then this may be able to be managed with heavy Traffic Management, but it appears that the issue could be over a much longer period.</p> <p>(5) There is sufficient space within the land currently proposed within the DCO to provide amendments to the</p>
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NCC defers to Newark & Sherwood District Council and Bassetlaw District Council on any other questions to the Councils that have not been responded to within this letter, as appropriate.

I trust that our responses assist but please contact me should you have any queries.

Yours faithfully,

Will Lawrence MRTPI
Planning and Infrastructure Manager
Nottinghamshire County Council