

# One Earth Solar Farm

**Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 3 (ISH3)**

**Document Reference : EN010159/9.37**

Revision 1

November 2025

One Earth Solar Farm Ltd

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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## 1. Introduction

- 1.1.1. This note summarises the oral submissions made by One Earth Solar Farm Ltd (the “**Applicant**”) at Issue Specific Hearing 3 (“**ISH3**”) held on 6 November 2025 in relation to the application for development consent (“**Application**”) for the One Earth Solar Farm (the “**Proposed Development**”).
- 1.1.2. Where the Examining Authority (the “**ExA**”) requested further information from the Applicant on specified matters, or the Applicant undertook to provide further information during the course of ISH3, that further information is either set out in this document or provided as part of the Applicant’s Deadline 5 submissions.
- 1.1.3. This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant’s submissions, or where the Applicant agreed with the submission(s) made and so made no further submissions (this is noted within the document where relevant).
- 1.1.4. The structure of this note follows the order of the items listed in the detailed agenda published by the ExA on 4 November 2025 (the “**Agenda**”). Numbered agenda items referred to are references to the numbered items in the Agenda. The Applicant’s substantive oral submissions commenced at Item 4 of the Agenda. Therefore, this note does not address Items 1, 2 and 3 on the Agenda as these were procedural and administrative in nature.
- 1.1.5. This summary note was prepared with assistance from Microsoft Copilot AI, which was used to generate a summary based on notes taken during the hearing. The summary was then reviewed and verified for accuracy before being utilised to inform this note.

## 2. Written summary of the Applicant's oral submissions

#	Agenda item	Written summary of Applicant's oral submissions
4	<p><b>The draft Development Consent Order (dDCO)</b></p> <p>(i) The ExA will seek to understand progress on the development of protective provisions, and respective parties' views in the event they are not agreed by the time the examination closes.</p>	<p>The ExA asked the Applicant for an update on the progress being made with Protective Provisions (PP) with the Local Fire and Rescue Services (LFRS).</p> <p>Ms. Amy Stirling, Senior Associate at Pinsent Masons LLP on behalf of the Applicant, responded that the Statement of Common Grounds (SoCG) are being progressed with the LFRS which includes the requirement for PPs.</p> <p><b>Post-hearing note:</b> Following the hearing, the Applicant has agreed to provide PPs for the benefit of Lincolnshire County Council (LCC) FRS and Nottinghamshire County Council (NCC) FRS. These are included within the draft DCO at Deadline 5.</p> <p>The ExA asked the Applicant for an update on the progress of PPs with the Environment Agency (EA).</p> <p>Ms. Stirling, for the Applicant, confirmed that the Applicant has proposed a form of PPs with the EA and these are included at Part 5 of the draft Development Consent Order (dDCO) submitted at Deadline 4 [REP4-004]. The Applicant has yet to receive detailed comments on this proposed drafting. Mrs. Stirling noted that discussions with the EA have been ongoing on several matters, including on flood risk, and it is anticipated that the PPs may progress when these are resolved.</p> <p>Mr. James Cordell, on behalf of the EA, confirmed that they are prepared to provide a response to the proposed form of PPs by Deadline 5.</p> <p>The ExA asked the Applicant for an update on the progress of PPs with Anglian Water.</p> <p>Ms. Stirling, for the Applicant, confirmed that the Applicant and Anglian Water have agreed a form of PP and these are included in the dDCO submitted at Deadline 4 [REP4-004].</p> <p>The ExA asked the Applicant for an update on the progress of PPs with Trent Valley Internal Drainage Board (TVIDB).</p> <p>Ms. Stirling, for the Applicant, confirmed that the Applicant has proposed a form of PPs with the TVIDB and these are included at Part 6 of the dDCO submitted at Deadline 4 [REP4-004]. The Applicant has yet to receive detailed comments on this proposed drafting. The ExA asked for the Applicant to continue to pursue these negotiations.</p> <p>The ExA asked for an update on the other PPs that are being negotiated.</p> <p>Ms. Stirling, for the Applicant, confirmed that the Applicant is currently negotiating PPs with National Grid Electricity Transmission PLC, National Grid Electricity Distribution (East Midlands) PLC, Exolum Pipeline System Ltd, Northern Powergrid (Yorkshire) PLC, and Network Rail Infrastructure Limited.</p> <p>The Applicant is aware of the limited deadlines remaining in the examination and assured the ExA that it is working towards resolving the terms of these provisions as quickly as possible. <b>Post-hearing note:</b> The Applicant has provided an update in the Land and Rights Negotiations Tracker on an undertaker by undertaker basis at Deadline 5.</p>

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	(ii) The ExA will lead a discussion on Article 6 and seek views on the appropriateness of the disapplication of permits	<p>The ExA asked the representatives for NCC and LCC, both Lead Local Flood Authorities (LLFA), whether they had any comments on the appropriateness of the provisions of Article 6.</p> <p>Following submissions from Mr. Will Lawrence, on behalf of NCC, that they did not consider these provisions to apply to the LLFA and this has not been part of discussions between NCC and the Applicant, Ms. Stirling, for the Applicant, confirmed that the permitting authority would be the TVIDB in this area.</p> <p>The ExA asked for the Applicant to review the Explanatory Memorandum as this refers to the LLFA in this Article.</p> <p><b>Post-hearing note:</b> the Explanatory Memorandum has been updated to refer to the TVIDB only in respect of the powers of section 23 of the Land Drainage Act 1991. In the case of the Project, as the ordinary watercourses fall with an area managed by an Internal Drainage Board, TVIDB is considered the drainage board from which consent is necessary. Therefore, the disapplication provisions as set out in Article 6(1)(a) of the dDCO [REP4-004] require consent granted by TVIDB.</p> <p>The ExA noted that under section 150 of the Planning Act 2008 (PA2008), consent from the relevant body is required in order to disapply the consents noted in Article 6, and requested an update as to whether these consents have been secured.</p> <p>Ms. Stirling, for the Applicant, confirmed that the Applicant is aware of the necessity of these consents. As regards the consent required from the EA in relation to the provisions of Article 6, discussions are ongoing on various matters including PPs. It is envisioned that consent will be granted subject to the grant of the PPs, discussed above, as it is a common for the PPs to be included where there is a disapplication of permits to ensure the statutory body maintains a measure of protection.</p> <p>In relation to the TVIDB, the Applicant is continuing to seek comments on the proposed form of PPs and, as such, consent to the disapplication of provisions in Article 6.</p> <p>If consent is not obtained prior to DCO determination then the relevant disapplication provision(s) and the proposed form of PPs relating to TVIDB will not be included within the final made DCO, and the Applicant would seek the relevant permits post-consent as would be done on a Town and Country Planning Act 1990 scheme. Ms. Stirling, for the Applicant, noted that this situation arose on Gate Burton whereby the disapplication provisions were not included in relation to the Trent Valley IDB as the IDB did not agree the disapplication in time.</p> <p>The ExA asked at which stage the dDCO would be amended in the circumstances that agreement is not reached during the examination.</p> <p>Ms. Stirling, for the Applicant, confirmed that consent to PPs and the disapplication provisions in Article 6 would be sought up to the point of decision making by the Secretary of State (SoS). Therefore, the dDCO would be amended at that stage and submitted directly to the SoS.</p>

#	Agenda item	Written summary of Applicant's oral submissions
		<p>The ExA requested that proposed drafting be provided at Deadline 5 so that they can understand what drafting would be applied to the DCO, and have reference to in their recommendation report, in the event that consent is not reached.</p> <p><b>Post-hearing note:</b> The Applicant has also provided proposed drafting to Article 6 in the event that consent is not reached with TVIDB at Appendix A of this document.</p>
	(iii) The ExA will explore progress on the drafting of Requirement 22 and the interrelationship with the revised wording of the outline design parameter for the PV panels	<p>The ExA noted the typographical error in Requirement 22(2)(b) where the drafting should be corrected to “than” not “that”.</p> <p><b>Post-hearing note:</b> the Applicant, has confirmed that this has been corrected in the draft DCO at Deadline 5.</p> <p>The ExA noted the drafting for Requirement 22 and, in particular, the minimum and maximum heights proposed in the Outline Design Parameters [REP4-012]. The ExA queried how this would work “on the ground” to ensure that if this is agreed that the panels meet the requirement or stipulation in the DCO. Currently, the ExA noted that it is difficult to understand how a person may be able to verify that the Applicant has complied with these heights in relation to the flood zone area.</p> <p>Ms. Stirling, for the Applicant, confirmed that the purpose of Requirement 22 is to provide additional certainty that all of the outputs of the Flood Risk Assessment (FRA) will be delivered and the local planning authorities (LPA) will be responsible for discharging the requirements of Requirement 22. The Applicant further noted that the intention of the FRA is to inform the Secretary of State at the point of DCO decision that any detailed design would be acceptable from a flood risk perspective, as it would (as secured via the Outline Design Parameters) fall within the scheme parameters and assumptions. This requirement goes one step further and provides the LPA and EA with further certainty that the detailed design will ensure the FRA outcomes are met, via the submission of an updated FRA.</p> <p>The ExA noted that demonstration needs to be made at this consent stage that no harm will be caused via flood risk. The ExA noted that the panels can be installed and measured relatively easily but queried how the contractors would understand where they are in relation to the flood zone and where heights should be adjusted. The Applicant noted that it is constrained by the works areas where panels can be installed and that panels can not be installed in an area outside of the works area as this has not been assessed. The ExA noted that the FRA plans are sourced from google maps and therefore are not sufficiently detailed to understand the panel height relative to the flood plain.</p> <p>Mr. Jack Pianta, Principal Project Manager at Aecom on behalf of the Applicant, noted that the FRA requirements would form part of a detailed 3D digital platform that is used in the detailed design for schemes of this nature. Once the platform is created this is imported to then work with the solar frame manufacturers to ensure that these are compliant with the relevant measurements. Compliance can then be checked “on the ground” using this model.</p> <p>The ExA asked if this model is to be submitted to the LPAs or as part of the examination.</p> <p>Mr. Pianta noted that the submission of the model will occur during detailed design however the FRA, as submitted, sets the parameters and demonstrates that a workable design solution exists.</p>

#	Agenda item	Written summary of Applicant's oral submissions
		<p>Ms. Stirling, for the Applicant, noted that the modelling is not submitted as part of the FRA but confirmed that wording to this effect can be included in the FRA to assure the ExA that this method will be undertaken at detailed design.</p> <p><b>Post hearing note:</b> The FRA has been updated at Deadline 5 to provide detail of the modelling to ground truth the FRA during construction.</p> <p>The ExA noted that certainty is still required to understand whether Requirement 22 is sufficiently drafted to ensure compliance and referred to the various tables in the FRA that refer to the storage loss, which the Applicant is seeking to say are the maximum.</p> <p>Ms. Stirling, for the Applicant, confirmed that the detailed design stage will secure these measures and the Project will be constructed within these parameters as required by Requirement 22.</p> <p>The ExA confirmed therefore that at the detailed design stage the flood risk will be no worse than the parameters set out in the FRA as per Requirement 22. The Applicant confirmed that this is correct.</p> <p>The ExA noted that they would consider the proposed Requirement 22 in light of the updates to be made.</p> <p>In response to submissions from Ms. Sian Holland, for the EA, on its review of the drafting of Requirement 22 and its proposals to seek to secure additional, fundamental aspects of the FRA to be referred to in the requirement, Ms. Stirling, for the Applicant, welcomed receipt of suggested updates to the drafting from the EA.</p> <p>The ExA noted that the heart of the issue is that the drafting of Requirement 22 needs to provide comfort that it is securing all the necessary requirements of the FRA and demonstrate that there will be no harm caused by flood risk.</p> <p>Ms. Stirling, for the Applicant, confirmed that written submissions will seek to provide this clarity on Requirement 22 and its intentions. <b>Post-hearing note:</b> The Applicant has demonstrated in the FRA that the Proposed Development, as submitted at DCO application, would result in a negligible impact on fluvial flood risk and that flood risk from other sources would not increase at the Site or in the surrounding area. The Proposed Development would remain operational and safe during times of flood. The Applicant therefore considers the FRA submitted at Deadline 5 to be appropriate to support the DCO application determination and is in line with the approach taken on other schemes. Given the concerns raised on flooding however, the Applicant proposed Requirement 22 to provide further comfort and certainty that these conclusions of the FRA would hold true at detailed design. The updated FRA to be submitted pursuant to Requirement 22 is intended to be confirmatory only, and that is secured within the drafting of the requirement. The LPA, in consultation with the EA, must approve the updated FRA and in doing so must ensure that impacts on flood risk and flood plain storage are not worse than the outcomes currently before Examination. The outcomes in Examination (and DCO decision making) are therefore secured for detailed design.</p> <p>The ExA asked about the references to power conversion stations and whether these are inverter stations and the Applicant confirmed that this is correct.</p>

#	Agenda item	Written summary of Applicant's oral submissions
	(iv) The ExA will lead a discussion on the wording in respect of the payment of fees for the discharge of requirements and how the issue of inflation over the operational time of the project has been addressed	<p>The ExA asked for the LPAs to submit on whether they are happy with how the fees are secured.</p> <p>In response to submissions from Mr. Clarkson, on behalf of WLDC, that inflation will apply to the fee, Ms. Stirling, for the Applicant, confirmed that this is correct and the fee payable is index linked to the CPI noting the drafting in paragraph 5 of Schedule 15 of the dDCO [REP4-004].</p> <p>In response to submissions from Mr. Lawrence, on behalf of NCC, confirming that they are satisfied with the index linking but that this provision should be updated to include the new requirement 22 and the ExA on whether NCC should be consulted in the discharge of the requirement, Ms. Stirling for the Applicant confirmed that NCC is the relevant LLFA and would be included in the discharge of the requirement and that Schedule 15 of the dDCO will be updated to included Requirement 22.</p> <p><b>Post hearing note:</b> the Applicant confirms that paragraph 5 of Schedule 15 of the dDCO have been updated to refer to Requirement 22.</p>
	(v) The ExA will lead a discussion on the appropriateness of having a restriction on the extent of the operational land or restriction of permitted development rights by way of an additional requirement (23) a revised Article, or other alternative.	<p>The ExA asked for clarification as to how the without prejudice drafting that is proposed in the Applicant's response to the ExA Schedule of Changes to the dDCO [REP4-053] will be inserted into Article 6.</p> <p>Ms. Stirling, for the Applicant, re-iterated that this proposed drafting is on a without prejudice basis and that the Applicant's position remains that it strongly opposes a restriction on the extent of operational land or restriction of permitted development. Nonetheless, the Applicant confirmed that Article 6 is considered to be the most appropriate place for the without prejudice drafting as this is the provision that manages the disapplication of legislation, which is what is proposed by the ExA in restricting the powers of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>The Applicant confirmed that it would provide, on a without prejudice basis, as sub-paragraph (9) of Article 6 of the dDCO.</p> <p><b>Post hearing note:</b> the without prejudice location of the drafting of this restriction has been provided at Appendix A of this document.</p>
	(vi) The ExA will lead a discussion on the reference to acoustic fence or barriers as defined in the dDCO to seek to get a full understanding of the mitigation proposed	<p>The ExA noted the references to acoustic fencing or barriers defined in the dDCO and that Work No. 2 includes such fences and queried whether: (i) for consistency these fences should be referred to in list of associated development as well and (ii) whether Work No. 1 where it refers to power conversion stations should also refer to these fences.</p> <p>Ms. Stirling, for the Applicant, noted that the acoustic fencing is noted as part of the general associated development work and the Applicant will ensure that this is updated to refer to acoustic fencing or barrier to align with the wording in Work No. 2. Ms. Stirling confirmed that no updates are required to Work No. 1 as it would benefit from the list of associated development in Schedule 1.</p> <p><b>Post hearing note:</b> the Applicant has updated the list of associated development in Schedule 1 to refer to acoustic fencing or acoustic barriers.</p>



#	Agenda item
	<p><b>Written summary of Applicant's oral submissions</b></p> <p>The ExA asked for clarification as to how these noise barriers have been assessed, for comfort that these will not affect the flood risk of the Project, where these barriers may be required and how many of the power conversion station units will required these barriers. In particular, the ExA asked how Requirement 16 works in terms of mitigating noise impacts noting that Requirement 16 does not define a noise limit but refers to the Environmental Statement (ES) Chapter 15.</p> <p>Ms. Stirling, for the Applicant, confirmed that the Applicant will review Requirement 16 to understand whether more specificity can be included in Requirement 16 in relation to the reference to Chapter 15 noise limits.</p> <p><b>Post hearing note:</b> the Applicant confirms that Requirement 16 has been amended to clarify the noise limits that will be applied by reference to the Outline Design Parameters.</p> <p>Ms. Stirling, the Applicant, noted that in terms of the power conversion stations units and the barriers that may be applied that these acoustic fences are a method of mitigation that can be used and may be raised to the height of the units as required.</p> <p><b>Post hearing note:</b> the Applicant confirms that the Outline Design Parameters have been updated to refer to the parameters of the acoustic mitigation that may be applied where required.</p> <p>The ExA asked whether the access to the units have been considered and whether the method of access also has impact implications which need to be fully assessed so all the consequential effects are considered in the DCO.</p> <p>Mr. Pianta, for the Applicant, confirmed that a pull down ladder for access to the units has been allowed for with the Outline Design Parameters [REP4-012] ensuring that this access will be accommodated for within the overall measurements of the units.</p> <p>In response to a submission from Mr. Fox, an Interested Party, in relation to the treatment of footpaths within the Order Limits (OL) and the treatment of the OL along Trent Lane, Ms. Stirling, for the Applicant, confirmed that there are no proposals to close any of the Public Rights of Way (PRoW) and the dDCO does not include the powers to do so. Only temporary closures are proposed for construction and are referred to in the Outline PRoW Management Plan [REP3-057].</p> <p>Mr. R. Griffiths, for the Applicant, confirmed that the treatment of Trent Lane has been responded to in the Written Summary of the Oral submissions from Issue Specific Hearing 2 [REP3-065] and noted that the only works in this area are for the laying of cabling and no closures are proposed.</p> <p>In response to a submission from Mr. Fox, an Interested Party, about the control of Trent Lane, Mr. R. Griffiths, on behalf of the Applicant, noted that no control is being taken over Trent Lane only the right to lay cabling. The Applicant confirmed that during construction there will be a temporary closure the length of which will be dependent on the works required. At detailed design stage, the length and timing of any proposed temporary closure will be communicated to the LPAs who will be responsible for informing the community. This is secured by way of the Outline PRoW Management Plan and Requirement 18 of the dDCO as well as the provision of a community liaison officer secured in Requirement 6 of the dDCO.</p>

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		The Applicant confirmed that during the operation of the Project there will be no closure of the PRowWs either temporarily or on a permanent basis.
	(vii) The ExA will invite discussion from IPs on whether there are any other outstanding matters in respect of the dDCO not already covered?	The Applicant did not make any further submissions on this agenda item.
5	<b>Hydrology, Flood Risk, Water Resources and the application of the sequential test</b>	The ExA sought clarification from the Applicant, EA and LCC and NCC as LLFA on the assessment of water run-off and the suitability of the proposed mitigation measures.
	Hydrology	Mr. Craig Thwaites, on behalf of the Applicant, confirmed that surface water discharge will be directed to identified watercourses within or adjacent to the site boundaries, with updates to be provided at Deadline 5.
	(i) The ExA will seek clarification from the applicant, Environment Agency and LCC and NCC as LLFA on the assessment of water run-off and the suitability of the proposed mitigation measures	<b>Post hearing note:</b> The Flood Risk Assessment and Outline Drainage Strategy and Table 3.5 of the Outline CEMP have been updated at Deadline 5 to confirm that surface water will discharge to watercourses.
		The ExA referred to paragraph 5.8.37 of EN-1 and requested confirmation that the proposed drainage system complies with relevant standards.
		The EA noted that Section 4 of the FRA strategy lists a number of drainage features and, as currently proposed, these should provide sufficient mitigation. NCC confirmed that it is generally satisfied with the proposed drainage arrangements, which minimise flood risk and ensure key infrastructure remains outside flood risk areas. With the planned mitigation measures, NCC considers the project will have a negligible to neutral impact on flood risk and drainage. LCC similarly confirmed that it is content with the outline design and that the proposals will not worsen surface water flood risk.
		The ExA queried whether the design accounts for seasonal variability. Mr. Thwaites, explained that mitigation measures, including species-rich grassland and additional features such as swales and scrapes, are based on research and are expected to perform consistently across seasonal variations.
		Mr. Fox raised concerns regarding reliance on Biamonte research, arguing that a proper hydrological model is required to assess soil impacts and regional implications. In response, Mr. Thwaites read out the following two paragraphs within the discussion and conclusions of the Biamonte research:
		<i>"These results, although predictable and based on simplified assumptions, quantify the effect of solar panels on runoff generation and suggest that erosion control methods should be used to mitigate soil detachment and transportation. Thus, a grass cover beneath the panels and in the interspace between panels (for aligned slope panels) is highly recommended,</i>

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		<p><i>because the soil appears much more prone to erosion generated by the higher discharges produced when solar panel systems are adopted."</i></p> <p><i>and</i></p> <p><i>"The evidence provided by this research suggests that agricultural soils should preferentially not be left bare under solar panel structures, because of an increased risk of runoff and of the relative soil erosion process."</i></p> <p>On that basis, Mr. Thwaites maintained that the Applicant's approach aligns with and exceeds the recommendations of the cited research.</p> <p>On the question of whether water run-off would increase from rain falling on solar panels, the EA deferred to the LLFAs. Both NCC and LCC confirmed that the proposals do not increase site run-off and expressed satisfaction with the approach.</p>
	(ii) The ExA will seek guidance from the EA and Anglian Water on the Water Management Plan	<p>The ExA asked Anglian Water (AW) about the risks of deferring finalisation of the water management plan until the detailed design stage. AW confirmed that this approach is acceptable, noting that AW will be a consultee under the requirements. AW has reviewed the outline CEMP [REP4-027], which refers to the water management plan. AW stated that no risks have been identified to warrant earlier finalisation and that a SoCG is being finalised.</p> <p>Finally, the ExA referred to comments made by the EA at Deadline 4 regarding proposed surface water outfalls and inspection frequency. The Applicant confirmed that these matters will be addressed in updates to the Outline Operational Environmental Management Plan (OOEMP).</p> <p><b>Post hearing note:</b> Water quality monitoring is now secured for construction, operation and decommissioning via the Outline CEMP, OOEMP (as updated at Deadline 5) and Outline DEMP.</p>
	Flood Risk	<p>The ExA invited views from the LLFAs and the EA on the potential flood risk arising from the proposed development, the modelling undertaken within the FRA, and the conclusions reached.</p>
	(i) The ExA will seek views from the LLFAs and the EA on the overall potential flood risk from the proposed development, the modelling carried out within the FRA, and the conclusions that have been reached.	<p><b>Environment Agency position</b></p> <p>The EA agreed that the Applicant has followed the flood risk hierarchy by locating the most vulnerable elements of the scheme in areas of lowest flood risk. The EA acknowledged that the Applicant has undertaken a volumetric assessment of flood risk and presented calculations in the latest FRA regarding potential increases. Following earlier discussions, the EA and Applicant agreed a 5mm modelling tolerance as an acceptable threshold for assessment purposes, noting that this is not a prescribed allowance for increasing flood risk but a modelling parameter. The EA highlighted that it has requested further hydraulic modelling to provide spatial clarity and assess cumulative impacts. The EA does not anticipate significant increases in flood risk from the solar panels themselves but will review the updated modelling when submitted. If impacts are identified, mitigation measures can be considered and are not expected to be technically challenging.</p>

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		<p>The EA also explained why flood impacts on separate river sections should not be aggregated, as the two areas do not become inundated simultaneously.</p> <p>The EA indicated it had drafting suggestions for Requirement 22.</p> <p><b>Applicant position</b></p> <p>Ms. Stirling, for the Applicant, confirmed that updated hydraulic modelling is being undertaken in response to EA requests and will be submitted to the EA as soon as available, with the outcomes confirmed into Examination ahead of Deadline 6 if possible. Ms. Stirling stated that the updated FRA at Deadline 5 will include minor additions from the version reviewed by the EA but will not materially differ. She said the Applicant will engage proactively with the EA on Requirement 22.</p> <p>Mr. Craig Thwaites, on behalf of the Applicant, reiterated that the Applicant's approach remains conservative and that mitigation measures will ensure negligible impacts. Panels and PCS units will not be located in Flood Zone 3B, and the Applicant considers that policy requirements under EN-1 paragraph 5.8.41 are therefore met. Mr. Thwaites also confirmed that inverters will be raised and that land raising is not proposed, although earthworks are included within associated development. Detailed design will be subject to approval by the relevant authority in consultation with the EA.</p> <p>On the issue of freeboard, Mr. Thwaites explained that an initial 600mm allowance was reduced to 300mm following EA consultation, taking account of open structure design, maintenance commitments, and modelling results. The EA confirmed that this approach is consistent with its practice where additional design measures justify a reduced freeboard.</p> <p><b>Other matters raised</b></p> <p>Interested parties raised concerns regarding the adequacy of modelling, the reduction in freeboard, and the cumulative impact of infrastructure such as fencing and inverter bases. Mr. Thwaites responded that fencing impacts are negligible and that inverter bases would have only localised effects within the design flood event. The EA provided background on the modelling approach, noting that solar panels cannot be explicitly represented but that the Applicant has adopted a method to apportion blockage effects.</p> <p>In response to a question from the ExA regarding the description of development and where the issue of land raising is set out, Ms. Stirling explained that it is covered by paragraph (m) in the list of associated development at the end of Schedule 1.</p> <p>The ExA sought clarification regarding the parameters in which this could occur. Ms. Stirling explained that the Applicant cannot commit to identifying where it would be as that would be determined during detailed design.</p> <p>Mrs. Walker queried potential impacts of 2m deep concrete bases for PCU units within flood zones and asked whether these have been accounted for in modelling. Mr. Thwaites responded that impacts would be localised and negligible within the design flood event.</p>

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		<b>Policy compliance discussion</b>

The ExA sought clarity on how negligible impacts relate to policy tests in EN-1, including paragraph 5.8.12 (no increase in flood risk elsewhere) and paragraph 5.8.41 (restrictions on development in Flood Zone 3B). The EA stated that modelling results will provide the necessary detail to assess compliance and that mitigation may be required depending on findings. The EA confirmed that all development is outside Flood Zone 3B. The ExA requested that, once modelling is submitted, the EA provide an assessment of whether policy tests have been met.

Ms. Stirling explained that the Applicant agrees with the EA that there will be a negligible impact. She also noted that there are no solar panels or PCS units within Flood Zone 3B. Therefore, paragraph 5.8.41 of NPS EN-1 is not relevant to the scheme.

In response to a comment by Mr. Fox that there shouldn't be anything in the ground in a flood plain, Ms. Stirling explained that there is nothing in policy to support that assertion.

**Post hearing note:** The Applicant directs Mr Fox to section 4 (Surface Water Drainage Strategy) of the Flood Risk Assessment and Outline Drainage Strategy, which sets out how the Applicant proposes to manage surface water runoff, including how runoff rates were calculated.

The ExA asked the Applicant to expand on the Deadline 4 submission from the EA, which states the areas of flood plain to be lost due to inverters is difficult to compensate for. Mr. Thwaites said that this is a matter that needs to be confirmed at detailed design stage. It is likely to be along the fringes of flood risk extent.

Ms. Stirling confirmed on behalf of the Applicant that it has appropriately applied the Sequential Test in accordance with policy and has demonstrated that there are no other available sites which could deliver the scheme in areas of lower flood risk. This is evidenced in:

- The Planning Statement [**APP-169**];
- Sequential and Exception Test Assessment [**REP2-080**];
- Sequential and Exception Test Assessment Addendum [**REP3-069**];
- Applicant Summary of Issue Specific Hearing 2 [**REP3-065**];
- Applicant Response to Second Written Questions [**REP4-052**] relating to the PPG.

The Applicant factored flood risk into its site selection process for the scheme, although as explained in previous submissions, this cannot be the only factor in site selection. Grid connection capacity, technical and other environmental constraints also have to be accounted for. The Applicant also considered flood risk in its scheme design and applied the Sequential Test to sequentially locate sensitive infrastructure within areas of low flood risk. During this Examination process, the Applicant has

#	Agenda item	Written summary of Applicant's oral submissions
	<p>also submitted further Sequential Test documentation which demonstrates that there no other available sites which could deliver the scheme in areas of lower flood risk.</p> <p>The Applicant's position is therefore that it has complied with relevant policy including the updated PPG.</p> <p>Water Resources</p> <p>(i) The ExA will seek clarification from the applicant Environment Agency and Anglian Water on the progress and outcome of the WRA</p> <p><b>Anglian Water Position</b> AW confirmed that it had reviewed the WRA but deferred to the Applicant to explain the outcome, noting that the matter originated at pre-application stage and did not wish to comment further during the hearing.</p> <p><b>Applicant Position</b> Ms. Stirling stated a Water Resource Assessment was completed and shared with Anglian Water before Deadline 4. On 30 October Anglian Water provided a response stating:</p> <p><i>"We have assessed your site for domestic, welfare, and non-domestic supply, and can confirm that, at present, the water supply to the proposed development site can be provided from the existing mains."</i></p> <p>Anglian Water have confirmed this applies to both the construction and operational phases.</p> <p>Ms. Stirling confirmed that the Applicant would share the WRA with the EA to address these concerns.</p> <p><b>Post-hearing note:</b> The Applicant shared the Water Resources Assessment with the EA on 10 November 2025.</p>	
	<p>Sequential Test</p> <p>(i) The ExA will seek views from the applicant, councils and the EA on the approach taken to the sequential test and its compliance with national policy, including any implications from the recently updated PPG.</p> <p><b>Applicant position</b></p> <p>The Applicant responded to submissions from LCC regarding the policy test for Critical National Priority (CNP) Infrastructure and flood risk. Ms. Stirling clarified that the sequential test and flood risk are distinct considerations. The Scheme does not result in unacceptable flood risk, and therefore the presumptions relating to CNP Infrastructure in paragraph 4.2.15 of NPS EN-1 are unaffected.</p> <p>In response to WLDC's concerns regarding criteria to reject sites, Ms. Stirling referred to PPG guidance stating that the sequential test should be applied proportionately focusing on realistic alternatives that could meet the same development need. Ms. Stirling explained that the Applicant has not sought a single site to accommodate the entire development but has adopted a flexible approach, including consideration of smaller sites. The Applicant has submitted detailed evidence of its approach and compliance with the Sequential Test, see documents referred to in response to Item 5(i) above.</p>	

#	Agenda item	Written summary of Applicant's oral submissions
		<p>In response to comments from Interested Parties, the Applicant undertook to review the approach to AP16 in the Sequential Test assessment.</p> <p><b>Post-hearing note:</b> At the ISH3 WLDC queried why site AP16 as identified in the Sequential Test Addendum [REP3-069] was discounted for being predominately within Flood Zones 2 and 3 and not carried through to the full site assessment stage like the other 3 sites AP14, AP15 and AP17. The Applicant has reviewed AP16 again and can confirm that over half of the site is located within Flood Zone 2 and 3, which makes it not sequentially preferable in terms of flood risk to the Order Limits. Sites AP14, AP15 and AP17 are wholly located outside of the flood zones, which makes them sequentially preferable, and a full site assessment was undertaken as set out in detail in Appendix A of the Sequential and Exception Test Addendum [REP3-069]. However, to respond to WLDC comments at ISH3, the Applicant has reviewed AP16 and can confirm that the site is also in very close proximity to West Burton DCO which is almost abutting the AP16 boundary to the east and in proximity to the north, it is also only approximately 300m from the settlement of Saxilby to the east and 900m from the settlement of The Elms to the northwest, and there are approximately 20 residential properties abutting the boundary or surrounded by the site, which is quite a high number for the relatively small size of AP16. In order for AP16 to connect into the Point of Connection at High Marnham the cables would have to cross the River Trent, the A57, and the A156 over a distance of 7.5km. It is therefore concluded that AP16 is not sequentially preferable to the Order Limits, and is not suitable for solar development for the reasons set out above. It is also important to note that this one site alone could not deliver the same amount of capacity as the current Proposed Development, because it comprises only approximately 25% of the land required for a project of the same size (740MW), without any enhancement or mitigation land included, or an assessment to develop a realistic masterplan for the site. It is also unlikely that the same timescales could be met if AP16 was used, because as set out at paragraphs 5.2.11 – 5.2.17 in the Sequential and Exception Test Assessment [REP2-080] land that is not offered voluntarily would likely take longer to acquire through compulsory purchase powers, delaying the process, making it very challenging to meet the connection date of 2029.</p> <p>In terms of the request by WLDC in the ISH3 for a breakdown of the proportion of each flood zone within each alternative site, the Applicant has addressed this at Deadline 4 [REP4-051] ref: D3R1 and further within the Responses to Deadline 4 document [EN010159/APP/9.39] submitted at Deadline 5 in a direct response to WLDC at response D4R67 and the Applicant has nothing further to add to this position. This has also been set out to WLDC during a meeting between WLDC planning officers and the Applicant on 10<sup>th</sup> November 2025.</p>
	Exceptions Test	<p>The ExA invited views from the Applicant, councils, and the EA on the approach taken to the exception test and its compliance with national policy, including any implications arising from the recently updated PPG.</p> <p><b>Applicant Position</b></p> <p>The Applicant's position is that compliance with the Exceptions Test is documented in the Sequential and Exception Test and Addendum already submitted into Examination. In response to points made by Mr and Mrs Fox regarding increase in off-site flood risk, Ms. Stirling confirmed that the Applicant will respond to submissions raised by Mr. and Mrs. Fox at Deadline 4.</p>
	(i) The ExA will seek views from the applicant, councils and the EA on the approach taken to the exception test and its compliance with national policy including any	



#	Agenda item	Written summary of Applicant's oral submissions
	implications from the recently updated PPG.	<b>Post hearing note:</b> Please see response to Mr and Mrs Fox's Deadline 4 submissions in the Applicant's Response to Deadline 4 submissions submitted at Deadline 5.
6	<b>Transport</b>	
	(i) The ExA will seek views from the applicant and National Highways on the proposed AIL routes.	<p>The ExA sought an update from National Highways (NH) and the Applicant on progress regarding the proposed AIL routes.</p> <p>NH confirmed that a SoCG is in place and that NH is ready to engage on the preferred policy approach.</p> <p>The ExA asked about the timescale for completing agreement in principle on AIL routes. Mr. Richard Griffiths, partner at Pinsent Masons LLP on behalf of the Applicant, explained that the SoCG agreed with NH allows for this to be dealt with post-consent.</p> <p><b>Post hearing note:</b> The Applicant has updated the NH SoCG at Deadline 5.</p>
	(ii) The ExA will seek an update on the latest position in respect of the proposed access points from the applicant and Nottinghamshire County Council	<p>The ExA sought an update from the Applicant and NCC on the latest position regarding proposed access points.</p> <p>Mr. Gordon Buchan, on behalf of the Applicant, confirmed that discussions with NCC have progressed and that the Council is now in agreement that construction traffic will not pass through the village of Ragnall. A further call is scheduled to agree final elements relating to the A57 access study. Mr. Buchan indicated that agreement is close and expects a finalised position later this week. The Applicant will submit the A57 access study into examination, which includes:</p> <ul style="list-style-type: none"> <li>• Updated accident data for the area;</li> <li>• Results of the road safety audit and design response (no significant issues identified);</li> <li>• Additional traffic data and capacity review.</li> </ul> <p>Mr. Buchan expressed appreciation for NCC's assistance and confirmed that the remaining issue relates to the form of access.</p> <p>NCC confirmed that this summary is accurate and that only minor details remain to be addressed.</p> <p><b>Post hearing note:</b> The A57 access review is submitted at Deadline 5.</p> <p>In response to concerns raised by NCC, Mr. Buchan confirmed on behalf of the Applicant that:</p> <ul style="list-style-type: none"> <li>• Visibility splay maintenance commitments can be included in the Construction Traffic Management Plan (CTMP);</li> <li>• Regarding design of junctions, the CTMP provides allowance within the final design of the access points, including full design review. The Applicant would review the required visibility splays based upon measured speeds at detailed design. NCC would have control over the design of the visibility splays via Requirement 5 (detailed design) and Requirement 15 (construction traffic management plan);</li> </ul>



#	Agenda item	Written summary of Applicant's oral submissions
		<ul style="list-style-type: none"> <li>The location of visibility splay with regards to the Order limits and solar PV array were addressed in detail in the Applicant's Response to Deadline 3 submissions [REP4-051], specifically responses to LIR13, LIR16, LIR19, LIR20, LIR25 and LIR26. The ExA asked whether any other access points are in a similar situation to the A57 access point which is on a straight road, meaning vehicle speeds are likely to be higher. Mr. Buchan confirmed that no other access points are in a similar situation. All access points have maximum visibility. As a result, where there are bends nearby, it is expected that vehicle speeds will be far lower than the worst-case scenario.</li> </ul> <p>Ms. Stirling confirmed that visibility splay commitments are already included in paragraph 3.1.3 of the CTMP [REP4-026], which secures vegetation clearance within splays, including areas outside the highway.</p> <p><b>Post hearing note:</b> The OLEMP has been updated at Deadline 5 to secure vegetation management for visibility splays during operation.</p>
7	<p><b>Landscape and Visual Amenity</b></p> <p>(i) The ExA will seek views from the applicant and the councils upon the approach to minimising the visual effect of the proposed development and the suitability of the assessment and the application of the mitigation hierarchy as expected from NPS EN-1 paragraph 4.1.5.</p> <p>(ii) The ExA will explore the suitability of the siting of the eastern substation and the drafting of current parameters</p> <p>(iii) The ExA will explore the mitigation proposed along the A1133 and A57 and how this achieves a sustainable development</p>	<p>The ExA sought views from the Applicant and LPAs on the approach taken to minimise the visual effects of the proposed development, the suitability of the assessment, and the application of the mitigation hierarchy as required by NPS EN-1 paragraph 4.1.5.</p> <p>Mr. Sam Griffiths confirmed on behalf of the Applicant that significant progress has been made in resolving matters, as reflected in the most recent SoCG with LCC, NSDC, BDC, and NCC. The majority of items are now agreed, with only two points remaining where definitive positions have not yet been reached. More issues remain outstanding with WLDC, but following further meetings, the Applicant anticipates reaching a firm conclusion shortly.</p> <p>Mr. S. Griffiths stated that impacts on landscape and visual receptors have been agreed with all councils except WLDC.</p> <p>The ExA sought an update on whether WLDC had addressed its outstanding concerns regarding the siting of the eastern substation and the drafting of design parameters.</p> <p>WLDC confirmed that discussions with the Applicant are ongoing. The Applicant has provided further information, which WLDC is reviewing, and progress is being made through the SoCG.</p> <p>The Applicant made no submissions on this agenda item.</p> <p>Mr. S. Griffiths presented information during the hearing, referencing the Eastern Substation Siting Constraints Plan (to be submitted at Deadline 5). Key points included:</p>

#	Agenda item	Written summary of Applicant's oral submissions
	through construction, subsequent operation and decommissioning.	<ul style="list-style-type: none"> <li>The substation is sited outside the flood event extent and complies with project-specific distances: at least 300m from residential dwellings and 100m from PRow.</li> <li>The Outline Design Parameters [REP4-012] secure the substation footprint within Work No. 3, as shown by the green box on the plan. Diagonal blue lines indicate flood event extent, and blue circles represent 300m residential offsets.</li> <li>The discussion with WLDC concerns the precise location within the defined black box. Alternative positions were considered but would introduce other issues, such as proximity to dwellings.</li> <li>Eastern Substation Cross Section: This document shows that land levels gradually fall away from the A1133. The Applicant seeks flexibility in siting and has assessed visual impacts, concluding that moving the substation further downhill would have negligible effect on thresholds for visual impact in LVIA terms.</li> <li>The BESS is also proposed in this area. Restricting flexibility would constrain detailed design, which will be addressed at the detailed design stage with input from relevant authorities.</li> </ul>

The Applicant confirmed that supporting documents will be provided at Deadline 5.

**Post hearing note:** The following supporting documents have been provided at **Appendix B** to this Written Summary for Deadline 5:

- The Eastern Substation Siting Constraints Plan
- The Eastern Substation Cross Section

(iii) The ExA will explore the findings of the Glint and Glare assessment.

The ExA explored the findings of the Glint and Glare assessment and recent updates submitted at Deadline 4.

#### **Applicant position**

Mr. S. Griffiths confirmed that the appendix submitted at Deadline 4 [REP4-054] provided greater clarity on shielding measures for road users and that a 10m setback from highways for solar panels is now proposed for all roads. Mitigation will include screening up to 4m high, installed within the highway boundary, and retained until planting has matured sufficiently to provide effective screening, typically around 15 years. Mr. S. Griffiths noted that the revised approach significantly reduces the extent of screening required—from 5585m previously to approximately 1,037m, comprising:

- 240m along the A1133;
- 315m along the A57;
- The remainder along a disused railway line occasionally used for training.

#	Agenda item	Written summary of Applicant's oral submissions
	<p>Mr. Ian Foley on behalf of the Applicant confirmed that the Glint and Glare assessment was based on a 15-degree panel tilt. The ExA highlighted that the dDCO allows for variation and requested that the Applicant assess the implications of a 25-degree tilt, including whether existing mitigation measures remain suitable. The Applicant agreed to undertake this work and submit findings as soon as practicable following Deadline 5.</p> <p>The Applicant also confirmed that removal of screening will be secured through the OOEMP, which requires removal once planting provides effective screening. Locations of screening are shown in the supplementary Glint and Glare assessment [REP4-054].</p> <p><b>Post hearing note:</b> The OLEMP has been updated at Deadline 5 to secure removal of opaque screening once vegetation is established.</p> <p>(iv) The ExA will seek to understand the apparent conflict with the design for the access adjacent to the reservoir and the effect on existing vegetation.</p> <p>The ExA sought clarification on concerns raised by WLDC regarding access at Gate G adjacent to the reservoir and apparent inconsistencies between SoCG with Anglian Water and WLDC. The ExA noted that the SoCG with Anglian Water refers to widening the access to accommodate construction and ensure safe access/egress, which appears to contradict previous indications that only visibility improvements would be made. The ExA asked whether the access track will be widened and whether existing foliage will remain.</p> <p>Mr. S. Griffiths confirmed that the Applicant will review the SoCGs to ensure consistency. Following recent discussions with WLDC, the Applicant has proposed adding a commitment to the OOEMP to retain the hedgerow in question. This commitment will be reflected across both SoCGs.</p> <p><b>Post-hearing note:</b> An updated SoCG with WLDC is submitted for Deadline 5. An updated SoCG has been issued to Anglian Water and will be submitted to Examination as soon as practicable.</p> <p>The ExA also referred to a previous response to Mrs. Walker's written representation regarding PCS units being partly obscured and coloured green. Mr. S. Griffiths explained that PCS units will be finished in a neutral colour sympathetic to the surroundings, as secured through the Design Approach Document [REP2-021] and Outline Design Parameters [REP4-012]. While green was referenced in some documents, Mr. R. Griffiths clarified that the commitment is to a muted colour palette, which may include green or other neutral tones, to blend with the background.</p> <p>Mr. S. Griffiths clarified that the access track will remain in its existing condition, except at the A1133 access point, and will ensure consistency between SoCGs.</p>	
8	<p><b>Cumulative effects</b></p> <p>(i) The ExA will explore parties positions in respect of the list of the projects that are now included within</p>	<p>The ExA sought confirmation on whether an agreed list of projects for cumulative assessment exists and whether the approach taken is suitable for informing the overall Environmental Statement cumulative assessment.</p> <p><b>Applicant Position</b></p> <p>Mr. Guido Pellizzaro, on behalf of the Applicant, confirmed that a comprehensive list of projects has been agreed and incorporated into the cumulative assessment. Mr. Pellizzaro noted that the reservoir project referenced by Mr. White is</p>

#	Agenda item	Written summary of Applicant's oral submissions
	the cumulative assessment, and the relative positions in respect of the suitability in informing the overall ES on cumulative assessment?	outside the zone of influence (ZOI) and therefore not included in the long list. The reservoir remains at consultation stage and is located approximately 35km south of the site, beyond the 10km ZOI applied in the assessment. Existing watercourses have been considered in technical assessments.
	(ii) The ExA will explore with parties their respective positions with regard to the cumulative assessment of effects on BMV and landscape.	<p>The ExA sought clarity on whether parties have sufficient information to confirm their final positions on BMV land and landscape impacts, and whether further information is required.</p> <p><b>Applicant Position</b>  Mr. R. Griffiths confirmed that a cumulative BMV table was submitted at Deadline 3 [REP3-065, Table 15]. The Applicant addressed concerns as follows:</p> <ul style="list-style-type: none"> <li>• <b>Pollution and reservoir:</b> Mr. Pellizzaro explained that no hydrological pathway exists. Management plans (BSMP, Outline CEMP, Outline OEMP) include measures to prevent contamination of watercourses. No likely significant cumulative effects on watercourses.</li> <li>• <b>Landscape:</b> Mr. S. Griffiths outlined that sequential impacts were considered proportionately. The Applicant does not propose further analysis, noting that intervening distances mean sequential views would not alter findings. The Applicant maintains that cumulative landscape impacts have been assessed appropriately and that residual effects are minor.</li> </ul> <p>Mr. R. Griffiths explained that loss of BMV land is temporary. He referenced the Tillbridge Solar Farm decision, where the ExA (at page 170 of its Recommendation Report) and Secretary of State (at paragraph 7.7 of their Decision Letter) concluded on landscape that:</p> <ul style="list-style-type: none"> <li>• Although there would be residual adverse effects, there was no conflict with NPS EN-1 or EN-3 because EN-1 recognises that virtually all NSIPs will have adverse effects on landscape (paragraph 5.10.5); and</li> <li>• Despite effects on locally valued landscape, paragraph 5.10.12 of EN-1 says that residual effects on such a landscape should not be used to refuse consent, as this may unduly restrict acceptable development.</li> </ul> <p>Regarding BMV, Mr. R. Griffiths referred to paragraph 3.10.68 of the Tillbridge ExA Recommendation Report, whereby the ExA concluded that even taking other schemes into account (including One Earth Solar Farm), the loss of BMV would not be significant. At the final bullet point of paragraph 3.10.69 of the Recommendation Report, the ExA concluded that over the lifetime of the scheme, there is likely to be a moderate beneficial effect on soil resource but a slight loss of BMV land, and ascribed neutral weight in the planning balance for temporary loss of BMV. The Secretary of State similarly ascribed neutral weight to the matter of soils and agriculture in the overall planning balance (paragraphs 4.28 and 7.6 of their Decision Letter).</p>

#	Agenda item	Written summary of Applicant's oral submissions
		<p>In terms of transport, Mr. R. Griffiths stated that the CTMP addresses cumulative transport impacts as each development would be required to comply with its mitigation commitments. Regarding waste, Mr. R Griffiths said there was nothing further to add that to what has been set out in previous submissions. With respect to the Tillbridge decision, he noted that in paragraph 3.13.87 the ExA noted concerns regarding existing capacity, but accepted Tillbridge's rationale that such facilities are highly likely to be developed as the market for such recycling increases over the operational lifetime of the proposed development. The ExA concluded at paragraph 3.13.89 of its Recommendation Report, and the SoS agreed at 4.6 and at 7.2 of their Decision Letter, that the proposed development would not result in significant residual materials and waste effects during construction, operation or decommissioning, in isolation or when considered cumulatively with other developments and that waste effects are neutral in planning terms. The Scheme therefore complied with relevant provisions of the NPSs.</p> <p>In response to a concern raised by Mrs. Fox that the substation application is being deferred until 2031, Ms. Stirling confirmed that the leaflet Mrs. Fox received related to a different scheme and that the Applicant's connection date remains 2029.</p> <p><b>Post-hearing note:</b> Based on our communication with National Grid the project referenced with an operations date of 2031 is the North Humber to High Marnham overhead line project. The operational date for the High Marnham 400Kv substation remains 2029</p>

## Appendix A Article 6 drafting

### Disapplication and modification of statutory provisions

6.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation, maintenance or decommissioning of any part of the authorised development—

~~(a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991<sup>(1)</sup>;~~

**DN: This limb would be deleted if Trent Valley IDB consent was not obtained prior to DCO being made.**

(b) section 32 (variation of awards)<sup>(2)</sup> of the Land Drainage Act 1991;

(c) the provisions of any byelaws made under section 66<sup>(3)</sup> (powers to make byelaws) of the Land Drainage Act 1991;

~~(d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the authority) to the Water Resources Act 1991<sup>(4)</sup>;~~

**DN: This limb would be deleted if Environment Agency consent was not obtained prior to DCO being made.**

(e) section 118 (consent request for discharge of trade effluent into public sewer) of the Water Industry Act 1991;

~~(f) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(5)</sup> in respect of a flood risk activity only;~~

**DN: This limb would be deleted if Environment Agency consent was not obtained prior to DCO being made.**

(g) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order and do not impact on the operation or maintenance of the River Trent as a navigable river; and

(h) the provisions of the Neighbourhood Planning Act 2017<sup>(6)</sup> insofar as they relate to the temporary possession of land under articles 30 (temporary use of land for constructing the authorised development) and 31 (temporary use of land for maintaining the authorised development) of this Order.

(2) For the purposes of section 9 (requirement of licence for felling) of the Forestry Act 1967<sup>(7)</sup> any felling comprised in the carrying out of any work or operation required for the purposes of, or in connection with, the construction of the authorised development is deemed to be immediately required for the purpose of carrying out development authorised by planning permission granted under the 1990 Act.

(3) Regulation 6(1) of the Hedgerows Regulations 1997 has effect as though after sub-paragraph (e) there were added—

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<sup>(1)</sup> 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.

<sup>(2)</sup> Section 32 was amended by S.I. 2013/755.

<sup>(3)</sup> Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 (c. 21).

<sup>(4)</sup> 1991 c. 57. Paragraph 5 was amended by section 100 of the Natural Environment and Rural Communities Act 2006 (c. 16), and S.I. 2013/755. Paragraph 6 was amended by section 105 of, and paragraph 26 of Schedule 15 to, the Environment Act 1995, and S.I. 2013/755. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.

<sup>(5)</sup> S.I. 2016/1154. Regulation 12 was amended by S.I. 2018/110.

<sup>(6)</sup> 2017 c. 20.

<sup>(7)</sup> Section 9 was amended by section 4 of, and paragraph 141 of, Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2013/755. There are other amendments to section 9 that are not relevant to this Order.

“(ea) for carrying out any development or in the exercise of any functions that are authorised by the One Earth Solar Farm Order 202[ ];”

(4) Notwithstanding the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 (meaning of “development”) of the Community Infrastructure Levy Regulations 2010<sup>(8)</sup> any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

(5) If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a development for which development consent is required under the 2008 Act or part of such a development; or
- (b) not for development authorised by Schedule 1 of this Order; or
- (c) required to complete or enable the maintenance, use or operation of any part of the development authorised by this Order,

then the construction, maintenance, use or operation of that development under the terms of the planning permission does not constitute a breach of the terms of this Order.

(6) To the extent that any development carried out or used—

- (a) pursuant to a planning permission granted under section 57 (requirement of planning permission) or section 73 (determination of applications to develop land without compliance with conditions previously attached) of the 1990 Act, including if changed by a determination by the local planning authority under section 96A (power to make non-material changes to planning permission or permission in principles) of the 1990 Act, or compliance with any conditions of that permission; or
- (b) pursuant to any development consent order granted under section 114 (grant or refusal of development consent) of the 2008 Act, including any corrections or amendments to that development order made under section 119 (correction of errors in development consent decisions) or section 153 (changes to, and revocation of, orders granting development consent) of the 2008 Act, or compliance with the terms of that development consent order; or
- (c) pursuant to a consent granted by the Secretary of State pursuant to section 36 (consent required for construction of etc. generating stations) of the 1989 Act, including any variation to that consent made under section 36C (variation of consents under section 36) of that Act,

is inconsistent with the exercise of any power, right or obligation under this Order or the authorised development—

- (d) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission or development consent order is capable of physical implementation; and
- (e) in respect of that inconsistency, no enforcement action under the 1989 Act, 1990 Act or the 2008 Act may be taken, whether that inconsistency relates to land inside or outside the Order limits.

(7) Any development or any part of a development within the Order limits which is constructed or used under the authority of any permission falling under paragraphs (5) or (6) is deemed not to be a breach of, or inconsistent with, this Order and does not prevent the authorised development being carried out or used or any other power or right under this Order being exercised.

(8) In paragraph (3), “enforcement action” means any enforcing action under Part 7 (enforcement) of the 1990 Act or Part 8 of the 2008 Act, as relevant.

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<sup>(8)</sup> S.I. 2010/948, amended by S.I. 2011/987; there are other amending instruments but none are relevant to this Order.

(9) The undertaker must not exercise the permitted development rights in Schedule 2, Part 15, Class B sub-paragraphs (d) or (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for above ground development on the areas labelled on the works plans as:

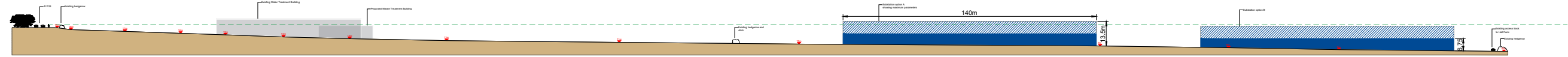
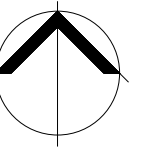
(a) Work No. 8 only; or

(b) Work No. 5 and Work No. 8 only.

**DN: This additional sub-paragraph is provided without prejudice to the Applicant's position that any restriction on permitted development rights is unnecessary and unprecedented.**



## **Appendix B    Eastern Substation Siting Constraints Plan and Eastern Substation Cross Section**



Section A-AA  
1:2,500 scale



Plan view  
1:3,000 scale

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CLIENT  
One Earth Solar Farm Ltd

PROJECT  
One Earth Solar Farm

TITLE  
Works area 3 indicative section

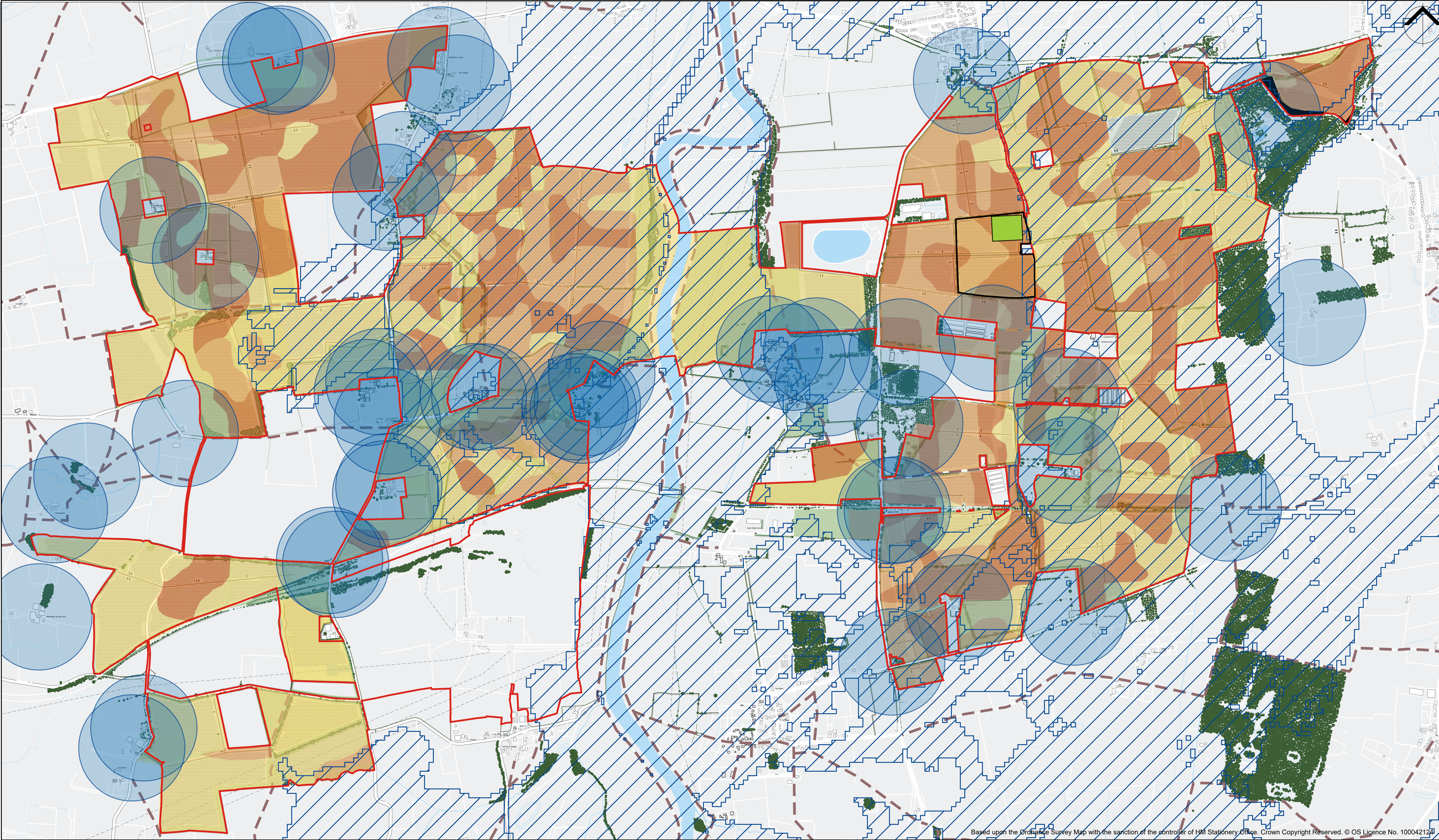
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SCALE @ A3 VARIES	DATE 08/10/2025
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PROJECT NO. 23_218	DRAWING NO. -	REV. -
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Client:  
One Earth Solar Farm Ltd

Project:  
One Earth Solar Farm

Planning Inspectorate Scheme Ref:EN010159

Drawing Title:  
Eastern substation siting constraints plan

Document Reference Number:  
EN010159/APP/9.37

Drawn: JG

Designed: SG

Approved: SG



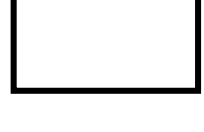

Drawing Date:  
2025-11-11

Scale:  
NTS @ A1

Rev.  
01

Legend

-  Extent of designed flood event
-  300m Residential offset
-  ALC Grade 2
-  ALC Grade 3A

-  ALC Grade 3B
-  Non Agri Land
-  Substation and BESS areas
-  Substation footprint





**one earth**  
solar farm