

Deadline 6 Submission

Planning Inspectorate Reference – EN010159 – One Earth Solar Farm

Date – 03/12/25

Response to ExQ3 – Mitigation Hierarchy

Question:

“Application of the Mitigation Hierarchy... In light of the ongoing debate with regard to the suitability of the sequential test. Can all parties present the evidence they would wish the ExA to consider in deciding how the mitigation hierarchy has been applied to avoid, reduce, mitigate or compensate for any adverse impacts.”

Dear Sir

South Clifton Parish Council (“SCPC”) welcomes the opportunity to respond to the Examining Authority’s question regarding the application of the Mitigation Hierarchy in the context of the One Earth Solar Farm proposal.

Having reviewed the Applicant’s updated material, together with recent submissions by statutory parties and Interested Parties, SCPC submits that the Mitigation Hierarchy has not been properly applied, especially in relation to:

1. Flood risk and the Sequential Test
2. Impacts on the Drinking Water Protected Area and BESS fire contamination pathways
3. Construction traffic routing and settlement risk
4. Cumulative effects
5. Loss of Best and Most Versatile (BMV) agricultural land
6. Health, amenity and community impacts

Across these themes, the Applicant has frequently begun with mitigation or compensation, rather than undertaking the first and essential step of avoidance.

1. Flood Risk & Sequential Test – Failure to Apply Avoidance

The Mitigation Hierarchy requires that harmful effects are avoided before they are mitigated. However, the Applicant has adopted an approach where:

- Development remains within Flood Zones 2 and 3,
- Mitigation is presented as a substitute for avoidance, and
- The Sequential Test relies on post-hoc reasoning, with no substantiated assessment of alternative lower-risk locations or configurations.

SCPC wishes the ExA to consider in particular:

- The Applicant has not demonstrated that siting solar infrastructure outside FZ2/3 was reasonably explored, despite alternative land parcels being referenced in consultation material.
- The Environment Agency has requested further conveyance modelling, which remains incomplete.
- Frozen-ground runoff behaviour and turbulence effects from panel arrays remain unassessed, despite credible evidence from local residents and recent winters.

Applying the Mitigation Hierarchy correctly would require avoiding development within flood zones altogether, not relying on untested mitigations to justify continued development in high-risk areas.

SCPC therefore strongly supports the ExA's Rule 17 request that the Applicant consider removal of solar development from Flood Zones 2 and 3, which represents a clear application of "avoid" in the hierarchy.

2. Drinking Water Protected Area & BESS Fire Risk – Avoidance Not Considered

The site lies in a Drinking Water Protected Area, and yet the Applicant has:

- Not undertaken complete plume modelling prior to Examination;
- Deferred critical information—including toxic plume spread during a lithium-ion thermal runaway—to a post-consent stage;
- Been unable to secure final written assurances from Nottinghamshire or Lincolnshire Fire & Rescue confirming operational capability.

For a sensitive receptor such as a Drinking Water Protected Area, avoidance should be the first and overriding step of the hierarchy.

Instead:

- BESS locations have been fixed at high-risk points,
- Mitigation relies on untested assumptions about containment and fire suppression, and
- Compensatory measures are offered without addressing whether the risk can be avoided entirely.

SCPC submits that siting the BESS away from sensitive receptors—or reducing BESS scale—has not been genuinely considered.

3. Construction Traffic – Avoidance Not Attempted Before Mitigation

Despite repeated concerns raised since early consultation, the Applicant has:

- Retained construction traffic routes that pass in proximity to the constrained road network serving South Clifton;
- Provided mitigation through signage and banksmen, rather than pursuing avoidance measures such as selecting alternative access points, rerouting traffic, or using haul roads.

The Applicant's CTMP versions indicate that mitigation (signage, time-of-day restrictions) has been prioritised over avoidance (selecting safer routes).

This is inconsistent with the Mitigation Hierarchy.

4. Cumulative Effects – Avoidance Not Applied

The Applicant's cumulative effects chapters continue to:

- Exclude several significant NSIPs within the Trent Valley;
- Assess cumulative hydrology at a superficial level;
- Rely on compensatory measures such as planting and post-construction land "restoration" rather than avoidance through site selection or layout design.

Avoidance would require:

- Considering the combined pressures of multiple NSIPs on floodwater conveyance, agricultural land, drainage pathways and emergency-service capacity;
- Reconfiguring or downsizing the proposal to avoid adding to cumulative basin risk.

This has not been done.

5. Best & Most Versatile (BMV) Soils – Avoidance Not Demonstrated

The Mitigation Hierarchy requires BMV soils to be protected first through avoidance, not assumed to be “temporary” and thus mitigated through restoration plans.

However:

- The Applicant proposes extensive piling and compaction across a large BMV area.
- The Soil Management Plan focuses solely on mitigation (handling, storage, reinstatement), not avoidance.
- No alternative lower-grade land parcels have been evidenced as having been evaluated.

Given national food-security policy and NPS EN-3 requirements, avoidance should have been the primary approach.

6. Health, Amenity & Community Impact – Missing Evidence Prevents Mitigation Hierarchy from Being Applied

Consultation deficiencies—including missing surveys (mental health, equestrian) and missing meeting records—mean:

- The Applicant has not properly identified all receptors
- Therefore, cannot credibly demonstrate how adverse impacts have been avoided or reduced.

The hierarchy cannot be applied to impacts that have not been fully understood.

7. Summary of Requested Findings

SCPC asks that the ExA consider the following principles:

1. “Avoid” has not been properly undertaken in key impact areas.

Across flood risk, BESS safety, traffic, soils, cumulative effects, and health impacts, the Applicant’s approach begins at “mitigate” or “compensate”, contrary to the EIA Regulations and NPS guidance.

2. The Sequential Test has been used to justify the site rather than assess alternatives.

This reverses the logic of the hierarchy.

3. The Rule 17 request for FZ2/3 removal is the first genuine application of the “avoid” step.

SCPC strongly supports this.

4. Site selection and layout redesign remain underexplored.

These steps are fundamental to proper application of the hierarchy.

5. Critical information gaps (fire modelling, missing surveys) prevent the hierarchy from being meaningfully demonstrated.

6. Without adequate application of the hierarchy, the ExA cannot safely conclude that the proposal minimises harm.

SCPC Position

South Clifton Parish Council respectfully submits that the Mitigation Hierarchy has not been properly or proportionately applied.

The Parish Council asks the ExA to:

- Give substantial weight to the absence of avoidance measures;

- Require completion of missing evidence;
- Give strong consideration to the removal of development from Flood Zones 2/3;
- Consider whether the Application meets the requirements of NPS EN-1 and EN-3 relating to alternative sites, avoidance, and minimisation of harm.

Yours faithfully

Gill Cobham – on behalf of
South Clifton Parish Council