



# One Earth Solar Farm

**Volume 9.0: Other Post-Submission Documents [EN010159]**

**Closing Statement**

**Document Ref: EN010159/APP/9.50**

January 2026

Revision 1

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## **1. Introduction**

### **1.1 Purpose of this document**

- 1.1.1 This Closing Statement has been prepared by One Earth Solar Farm Limited (the Applicant) to set out the Applicant's position on key matters at the conclusion of the Examination of the application for a Development Consent Order (DCO) to construct, operate, maintain and decommission the One Earth Solar Farm Project (the Proposed Development).
- 1.1.2 The document does not introduce new material but provides clarity on the Applicant's final position on matters, with reference to the previous submissions it has made. The Applicant has reviewed the submissions from Interested Parties at Deadline 7 and considers that all points raised have been addressed by the Applicant previously. Where relevant therefore, the Applicant's final position on key topics is as stated below. Please note that this document is not intended to set out in full the Applicant's final position on each of the matters addressed as that would cause repetition; rather the Applicant's full position can be found at the references provided which are relied upon for this purpose which draw attention to those the Applicant considers to be of most direct relevance, and for ease of reference for the Examining Authority and in due course the Secretary of State.

### **1.2 The Proposed Development and Application**

- 1.2.1 The Proposed Development is located on land to the west of Lincoln within the administrative boundaries of Newark and Sherwood District Council, Bassetlaw District Council, West Lindsey District Council, Lincolnshire County Council, and Nottinghamshire County Council. It comprises the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) array electricity generating facility. This includes solar PV panels, Battery Energy Storage Systems (BESS), onsite substations and associated grid connection infrastructure which will allow for the generation and export of electricity to the proposed National Grid High Marnham Substation.
- 1.2.2 The Proposed Development constitutes a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (PA 2008). An application for a DCO for the Proposed Development (the Application) was submitted by the Applicant on 27 February 2025. The Application was accepted for Examination on 27 March 2025.

### **1.3 The Examination**

- 1.3.1 The Examination of the Proposed Development opened following the Preliminary Meeting, which was held on 8 July 2025, and closes on 8 January 2026. Prior to and during the Examination, the Applicant has worked positively to address and resolve matters that have been raised by statutory consultees, Interested Parties and members of the public. At each Examination Deadline, the Applicant has

provided comprehensive responses to submissions from Interested Parties where appropriate and relevant to do so.

1.3.2 The Applicant has agreed Statements of Common Ground with key stakeholders, with positions summarised in the Statement of Commonality [EN010159/APP/8.1.7]. During Examination and most recently at Deadline 8, the Applicant submitted final and signed versions of the following Statements of Common Ground:

- Final Statement of Common Ground with Lincolnshire County Council (incl. Final Lincolnshire Fire and Rescue Service SoCG) [EN010159/APP/8.2.5]
- Final Statement of Common Ground with Nottinghamshire County Council [EN010159/APP/8.3.6]
- Final Statement of Common Ground with West Lindsey District Council [EN010159/APP/8.4.5]
- Final Statement of Common Ground with Newark and Sherwood District Council [EN010159/APP/8.6.5]
- Final Statement of Common Ground with Historic England [EN010159/APP/8.7.4]
- Final Statement of Common Ground with Nottinghamshire Fire and Rescue Service [EN010159/APP/8.8.2]
- Final Statement of Common Ground with Natural England [EN010159/APP/8.10.2]
- Final Statement of Common Ground with Environment Agency [EN010159/APP/8.11.5]
- Final Statement of Common Ground with National Highways [EN010159/APP/8.12.3]
- Final Statement of Common Ground with Anglian Water [EN010159/APP/8.13.2]

1.3.3 The following final Statements of Common Ground are also being submitted at Deadline 9:

- Bassetlaw District Council [EN010159/APP/8.5.4]. Please note this is the final SoCG agreed between the Parties, but the Applicant has been

unable to obtain a signed version from Bassetlaw most likely due to the festive break. If a signed version is obtained it will be provided to the ExA or the Secretary of State (as/when relevant).

- National Grid [EN010159/APP/8.9.2]. Please note this is the final draft SoCG agreed between the Parties. If a final signed version is obtained it will be provided to the ExA or the Secretary of State (as/when relevant).

1.3.4 The areas of agreement and disagreement between the Applicant and the various interested parties are set out in detail in the SoCGs, and the Statement of Commonality [EN010159/APP/8.1.7]. While the Applicant has been able to reach agreement with many of the Interested Parties on the majority of issues raised, there remain some points of disagreement which have not been possible to resolve during the Examination. The Applicant's position on these matters, as well as that of the relevant Interested Party, is set out in more detail in their respective SoCGs. Key topics are expanded upon below.

1.3.5 In this document, the Applicant sets out its position on the key outstanding matters that have been raised by the Examining Authority and/or Interested Parties during the Examination, summarising and cross-referring to previous submissions made during the course of the Examination where appropriate.

## 2. Summary of Key Issues

Topic/Issue	Applicant's Position	Examination Library References
Policy context, need and benefit		
Need	<p>Paragraphs 3.2.6 to 3.2.8 of National Policy Statement (NPS) EN-1 confirm that the Secretary of State (SoS) should assess all applications for development consent for the types of infrastructure covered by the NPS (including solar) on the basis that: 1. Need is established; 2. That the need is urgent; and 3. Substantial weight should be given to this need when considering applications for development consent. The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS (paragraph 3.2.8 NPS EN-1).</p> <p>Some of the submissions made by Interested Parties in the Examination in effect go to the merits of the NPS, and to have regard to them would be directly in contradiction of NPS EN-1 (in particular the paragraphs cited above that make clear that the need is established and that there is no requirement to consider the contribution of individual projects). The determination of this Application is not the means by which to challenge the provisions of the NPS, and it is for this reason that the ExA and SoS are able to disregard such submissions pursuant to sections 87, 94 and 106 of the Planning Act 2008 during the examination of the Application and when determining the Application.</p> <p>Paragraph 4.2.6 EN-1 makes clear that the overarching need case and the substantial weight to be given to the need, is the starting point for all assessments of energy infrastructure applications. One of the key benefits of the Proposed Development is its contribution to the demonstrated urgent need for renewable energy generation. The Proposed Development will comprise a large-scale solar PV array and battery energy storage system, capable of generating and exporting up to 740 MW of renewable electricity to the National Grid—making it one of the largest solar and storage projects in the UK, with</p>	Planning Statement [APP-168]

Topic/Issue	Applicant's Position	Examination Library References
	<p>the potential to deliver significant contributions to national decarbonisation targets, energy security, and affordability. The substantial weight to be given to the need for the Proposed Development forms part of the overall planning balance, and the contribution to the urgent need should be afforded substantial positive weight in favour of the Proposed Development.</p>	
<p>Application of the Critical National Priority (CNP) Infrastructure Policy and planning balance</p>	<p>The Applicant's position is that the benefits of the Proposed Development outweigh its adverse effects.</p> <p>The CNP presumption and its application are found in NPS EN-1. Paragraph 4.2.7 confirms the CNP policy will be applied following normal consideration of the need case and impacts of the scheme and the application of the mitigation hierarchy. The Applicant has applied the mitigation hierarchy from site selection through to design of the Proposed Development and additional measures included in management plans. The design development of the Proposed Development has followed the mitigation hierarchy, and all residual effects have been reduced as far as practicable.</p> <p>The CNP presumptions in NPS EN-1 for non-HRA and non-MCZ residual impacts (HRA/MCZ are not relevant) apply to the Proposed Development. This means that residual impacts are unlikely to outweigh the urgent need for the development, and that there is a "presumption of consent" as per paragraph 4.2.15 of EN-1.</p> <p>The Applicant has addressed submissions from Interested Parties questioning the application of the CNP Infrastructure, given concerns raised about the application of the Sequential Test. The Applicant's position on this matter is clear, as explained orally at ISH3 and in writing in REP5-071. The Proposed Development does not result in an unacceptable flood risk and therefore the presumption of consent for CNP Infrastructure remains intact.</p>	<p>Planning Statement [APP-168]</p> <p>Written summary of Applicant's submissions at ISH3 [REP5-071]</p> <p>Signed statement of Common Ground with the Environment Agency [REP7-038]</p>



Topic/Issue	Applicant's Position	Examination Library References
	<p>The final position on flood risk is set out below, noting that the Environment Agency has agreed all matters in the completed Statement of Common Ground submitted at Deadline 7.</p> <p>While naturally Examination focusses on the resolution of issues raised by parties, in addition to providing critical contribution to renewable energy generation, the Proposed Development proposes a range of other significant benefits that must be kept in mind in weighing the planning balance:</p> <ul style="list-style-type: none"> <li>• Thoughtful and sensitive design to retain existing features, including existing hedgerows, woodland, ditches, ponds and field margins will be retained within the Order Limits, with the exception of small breaks and/or crossings required for new access tracks, security fencing, cable routes and new access junctions.</li> <li>• Significant new planting for habitat creation and landscape and visual screening, including: <ul style="list-style-type: none"> <li>○ 1240ha of new native grassland planting.</li> <li>○ 5.5ha of woodland planting.</li> <li>○ 15km of new hedgerow planting, and infilling of existing hedgerows.</li> </ul> </li> <li>• New permissive paths have been designed to supplement the existing Public Right of Way (PRoW) network, linking existing routes and creating new connections for the local community to enjoy.</li> </ul>	





Topic/Issue	Applicant's Position	Examination Library References
	<ul style="list-style-type: none"> <li>• A minimum of 10% Biodiversity Net Gain, including for example the creation of new habitat and enhancement of existing habitat, contributing to higher quality and better functioning ecosystems.</li> <li>• Improvements to soil health due to temporary changes in land use, changing soil composition to improve organic matter, and reduction of herbicide use that agricultural practices will benefit from in the long term.</li> <li>• Creation of approximately 554 full time jobs over the construction phase, with up to 75- workers at any one time and at least 15 full-time operational staff.</li> </ul> <p>The Applicant is also proposing a Community Fund, the details of which will be informed by the local community and local authorities. This is in addition to a smaller Community Fund that was launched in advance of submission to provide immediate benefits. The Applicant recognises such funds cannot be taken into account in the planning balance.</p> <p>The Applicant has clearly demonstrated that it has applied the mitigation hierarchy, therefore the need for the Proposed Development is established and the presumption in favour of consent for CNP Infrastructure applies. Substantial positive weight in support of consenting the Proposed Development should be afforded in the planning balance.</p>	
<b>Flood Risk and Hydrology</b>		
The Applicant's final position on Flood Risk	Flood risk and hydrology have been a key topic of Examination. The Applicant has done a great deal of work to refine its position on this topic as a result of the helpful comments during the Examination, to reach agreement with the Environment Agency (which is now confirmed) and to seek to provide further comfort to the ExA and Interested Parties that such effects are	Planning Statement paras 10.1.14-10.1.52 [APP-168].

Topic/Issue	Applicant's Position	Examination Library References
and the application of the Sequential and Exception Tests	<p>being appropriately managed. To assist the ExA, the Applicant has summarised the refinement of its position on this topic from submission to date.</p> <p>At submission, the Applicant provided an explanation of the Sequential and Exception tests in its Planning Statement [APP-168], and the site selection process in Appendix 1 of the Planning Statement.</p> <p>The Applicant started by identifying potential sites around the Point of Connection. A 10km search area around the Point of Connection was used to identify potentially suitable land for the Proposed Development. This exercise confirmed that most of the land to the North, South, and East of the Point of Connection are located within Flood Zone 3, apart from a few small pockets. To the West of the Point of Connection, there were larger areas outside of Flood Zones 2 and 3, but these were not suitable for the Proposed Development and engaged paragraph 5.8.9 of NPS EN-1 because they:</p> <ul style="list-style-type: none"> <li>• contained large areas of Ancient Woodland that was protected;</li> <li>• contained higher grade BMV land;</li> <li>• had greater adverse effects on sensitive receptors, with the land sloping upwards, being more visible and also being closer to a denser pattern of settlement; and</li> <li>• could not be secured through voluntary agreements due to a lack of willing landowners.</li> </ul> <p>In light of these constraints, the Sequential Test alone was unable to deliver an acceptable site for the Proposed Development at site selection within the time period for the delivery of the Proposed Development (to meet its 2029 grid connection date).</p>	<p>Appendix 1 to Planning Statement [APP-168]</p> <p>Flood Risk Assessment and Outline Drainage Strategy [REP7-010]</p> <p>Sequential and Exception Test Assessment [REP2-080]</p> <p>Sequential and Exception Test Assessment Addendum [REP3-069]</p> <p>Response to Second Written Question Q12.0.6 relating to the updated PPG [REP4-025]</p> <p>Written summary of Applicant's submissions at ISH3 [REP5-071]</p>

Topic/Issue	Applicant's Position	Examination Library References
	<p>NPS EN-1 then requires the Sequential Test to be applied when locating development within the chosen site (paragraph 5.8.23). In accordance with this, the Applicant applied a sequential approach to the layout and design of the Proposed Development within the site chosen and this was set out in the Planning Statement (10.1.19-10.1.29). This process ensured that the Proposed Development was able to avoid higher risk areas of Flood Zone 3b, with electrical infrastructure such as the substations and BESS located outside of Flood Zones 2 and 3 entirely.</p> <p>Due to the scale of the Proposed Development as a Nationally Significant Infrastructure Project, it was not possible to entirely avoid Flood Zones 2 and 3, and some components, such as solar PV arrays and inverters are proposed to be included in these areas. A higher freeboard was proposed for components in these areas to manage risks, while also balancing this against other considerations such as visual impacts, engineering feasibility, and archaeology. With these additional design protections in place, it was considered that all but a small portion of solar panels in the far east of the Proposed Development, on the west bank of the River Trent, would maintain a freeboard of 300mm or more during a flood event. Those components with less than 300m freeboard had been agreed with the Environment Agency as appropriate, and were acceptable from an operational perspective for the Proposed Development.</p> <p>This means it was not possible to locate all of the Proposed Development outside of areas of flood risk, even after applying the Sequential Test to site selection and in designing the layout within the site chosen. The Exception Test was therefore engaged under paragraph 5.8.9 of NPS EN-1 and considered in detail by the Applicant. Satisfying the Exception Test allows development in Flood Zones 2 and 3 where suitable sites in Flood Zone 1 are not available.</p> <p>The Applicant's Planning Statement set out its approach in applying the Exception Test, demonstrating that both the wider sustainability benefits of the Proposed Development</p>	<p>Signed statement of Common Ground with the Environment Agency [REP7-038]</p> <p>Requirement 11 and Requirement 22 of Schedule 2 of the Draft Development Consent Order [REP7-004]</p> <p>Explanatory Memorandum (paragraph 5.2.29) [REP6-006]</p> <p>Statement of Common Ground with Nottinghamshire County Council [REP8-006] (Table 08 Flood and Drainage)</p> <p>Statement of Common Ground with Lincolnshire County Council [REP7-026]</p>



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	<p>outweigh flood risk, and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (10.1.30-10.1.52). The Flood Risk Assessment and Outline Drainage Strategy [APP-095] concluded that while there would be limited flooding at the base of a small portion of solar panels, this would be an acceptable operational impact.</p> <p>In response to matters raised at Issue Specific Hearing 1 (ISH1), in First Written Questions (ExQ1) and in the Local Impact Reports (LIR), the Applicant provided a standalone Sequential and Exception Test Assessment [REP2-080] that explained the site selection process within the 10km search area in further detail. The Sequential and Exception Test Assessment explains why the 10km search area was justified as set out below:</p> <ul style="list-style-type: none"> <li>• To be as close to the point of connection as possible, to minimise the length of the export cable corridor, minimising the financial cost (in terms of cable materials, construction, and transmission).</li> <li>• To limit the environmental impacts that a longer cable corridor can generate, such as vegetation removal, additional traffic and potential unnecessary archaeological disturbance.</li> <li>• Minimise the number of crossings for National Highways crossings, such as A1, A57 and A46. Crossing these roads potentially causes disruption to National Highways, members of the public and businesses which could be avoided and, particularly if HDD solutions are required (which would be most likely for these routes) would add further cost and delay to the delivery of CNP infrastructure due to additional negotiations and construction work which could impact the delivery programme.</li> </ul>	<p>(Table 11 Flood and Drainage)</p> <p>Flood Risk Assessment and Outline Drainage Strategy [REP6-020]</p> <p>Signed statement of Common Ground with the Environment Agency [REP7-038]</p>



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	<ul style="list-style-type: none"> <li>• To avoid crossing railway lines, including the East Coast Main line and local line into Lincoln. Whilst agreement can be reached with Network Rail on cable crossings of their railway assets, this adds further complexity to the design and longer, often protracted negotiations with Network Rail, which adds further cost and delay.</li> <li>• To locate the Proposed Development away from densely populated areas to mitigate against visual and amenity impact, and noise disturbance. Increasing the search area beyond 10km to the east would include Lincoln city limits which would not be an acceptable location for a utility scale solar farm. Similarly, to the north and west the landscape becomes more urban with the towns of Retford and Allerton abutting the 10km boundary, and the larger town of Worksop just beyond.</li> <li>• Cumulative effects, including from other solar DCOs was considered. The 10km search area was considered wide enough to undertake a robust site selection process, but at the time of site selection, only included one other DCO application (West Burton). If the search area is extended to 15km, it would then include seven additional DCO applications (West Burton, Cottam Solar Project, Tillbridge Solar, Gate Burton Energy Park, Great North Road, Fosse Green and Steeples Renewables Project). As such 10km was considered an appropriate distance to ensure the Proposed Development was not developed too close to the other projects to limit cumulative impacts.</li> </ul> <p>The Sequential and Exception Test Assessment noted that there is no minimum search area that needs to be adopted and search areas across solar DCOs vary considerably, with some (including Longfield and Gate Burton) having less than 10km search areas. Irrespective of this the Applicant considered a wider 15km search area as a sensitivity test. A number of sites were identified and listed, with one 985ha site and two 490ha sites considered reasonably available. These sites were assessed in further detail at Appendix A and B of The Sequential and Exception Test Assessment. These sites were discounted on the basis of a</p>	



Topic/Issue	Applicant's Position	Examination Library References
	<p>range of environmental constraints, and are not deliverable in the time available in order for the Applicant to meet its grid connection date, even with the use of compulsory acquisition powers.</p> <p>Following further discussion of flood risk and hydrology at Issue Specific Hearing 2 (ISH2), the Applicant prepared a Sequential Test Assessment Addendum [REP3-069], which sets out in further detail on the application of the Sequential Test, and how the Applicant's site selection criterion comply with NPS EN-1 and NPS EN-3. The Addendum also provided analysis of recent case law, which confirms that a realistic approach needs to be taken when looking at smaller, fragmented sites as alternatives. The Addendum concluded that no smaller reasonably alternative sites could be combined to form an alternative development site.</p> <p>Following Second Written Questions (ExQ2) and engagement with the Environment Agency, a number of other further refinements were made to the Flood Risk Assessment and Drainage Strategy. In summary these included:</p> <ul style="list-style-type: none"> <li>• Further justification for the mitigation measures, assessment and monitoring.</li> <li>• To reflect that solar panels were no longer proposed to be submerged in the designed flood event.</li> </ul> <p>Despite alignment on these points, the Environment Agency requested the Applicant undertake hydraulic modelling in relation to the impact the supports of the panel mounting structures would have on flood flows. The Applicant agreed to undertake the further modelling.</p>	



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	<p>At Deadline 4, the Applicant offered to include a new Requirement 22 within the draft DCO [REP4-005], and subsequently refined this Requirement at Deadline 6 in agreement with the Environment Agency [REP6-005].</p> <p>The purpose of this requirement was explained in the Explanatory Memorandum [REP6-006] (5.2.29). This requirement provides further comfort to the ExA that detailed design for the Proposed Development will not give rise to any additional flood risk in comparison to those reported in the Flood Risk Assessment and Outline Drainage Strategy unless evidence of a flood risk betterment can be provided.</p> <p>As requested by the Environment Agency, the Applicant provided its updated hydraulic modelling in an updated version of the Flood Risk Assessment and Drainage Strategy [REP6-020] at Deadline 6. In summary, that modelling confirmed a negligible increase in flood levels and flood extent outside of the Order Limits, which does not constitute an increase in flood risk.</p> <p>On further engagement with the Environment Agency following Deadline 6, the Applicant has also agreed to add the Environment Agency as a consultee to Requirement 11 of the draft DCO. This will ensure that the Environment Agency must approve the drainage management plan for the Proposed Development, in addition to Anglian Water.</p> <p>The Applicant has sought to listen to the concerns raised by the ExA and interested parties and accommodate such matters as much as it can, with the DCO providing flexibility in a way that does not increase flood risk. The Applicant considers what has been provided goes further than what has been considered acceptable for other made DCOs that include development in Flood Zones 2 and 3 within their Order Limits.</p>	

Topic/Issue	Applicant's Position	Examination Library References
	<p>The position at the end of the Examination is that the Applicant has agreed all matters relating to flood risk and surface water drainage with the Environment Agency and the two Lead Local Flood Authorities (as confirmed in the Statements of Common Ground with the Environment Agency, Nottinghamshire County Council and Lincolnshire County Council in third column). The Applicant's Planning Statement, Flood Risk Assessment, Sequential and Exception Test and Addendum evidence that the Applicant complies with the Sequential Test and the Exception Test. The Flood Risk Assessment and Outline Drainage Strategy has been updated to reflect feedback from stakeholders and Interested Parties during Examination and is secured by Requirement 22, which is now in a form agreed by the Environment Agency.</p>	
<p>Disapplication of legislation and other consents required</p>	<p>The Environment Agency has also confirmed in its Deadline 7 submission that it is satisfied with the disapplication provisions in Article 6 for which its consent is required. This constitutes the required consent to disapplication (pursuant to s150 of the Planning Act 2008) for Article 6(1)(d) and (e). The protective provisions for the benefit of the Environment Agency at Part 5 of Schedule 14 of the draft DCO are also agreed (as noted in that same submission).</p> <p>Despite repeated efforts, the Applicant has been unable to engage Trent Valley IDB on its proposed protective provisions at Part 6 of Schedule 14 of the draft DCO, or consent to disapplication. If consent is obtained prior to the determination of the DCO application the Applicant will write to the Secretary of State directly. If consent is not obtained prior to the determination of the DCO application then the Applicant has provided the relevant drafting implications at Appendix A of its Written Summary of ISH3 at REP5-071.</p> <p>The Applicant continues to strongly oppose a restriction on the extent of operational land or restriction of permitted development proposed by the ExA as unnecessary and unjustified. Nonetheless, the Applicant confirmed that if such a restriction were to be imposed then</p>	<p>Written summary of Applicant's submissions at ISH3 [REP5-071]</p> <p>Signed statement of Common Ground with the Environment Agency [REP7-038]</p> <p>Environment Agency's Response to Deadline 6 submissions [REP7-052]</p>





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	<p>Article 6 is considered to be the most appropriate place for it and provided the relevant drafting implications at Appendix A of its Written Summary of ISH3 at REP5-071.</p> <p>The submissions from the Marine Management Organisation (MMO) regarding the potential requirement for a marine licence are responded to below.</p>	
<b>Transport</b>		
<p>Agreement with relevant highways authorities</p>	<p>The Applicant has agreed all matters relating to the trunk road network with National Highways, as detailed in the Statement of Common Ground. The Applicant has also agreed all matters relating to the local highways network with Lincolnshire County Council, as detailed in the Statement of Common Ground.</p> <p>The Applicant has agreed the majority of highways related matters with Nottinghamshire County Council except relating to the timing of provision of Road Safety Audits, and the design of visibility splays at certain locations. The Applicant's position on these topics is set out in its Response to Deadline 6 submissions (see response to D6R24 and D6R25) and the Applicant's Response to ExQ3 Q18.0.1. In summary, the provision of Road Safety Audits is secured via the Outline Construction Traffic Management Plan (paragraph 3.2.7) and Requirement 15 of Schedule 2 of the draft DCO. Where necessary additional speed survey data will be collected (paragraph 3.2.7 of the Outline CTMP) to inform the final access design. If the measured road speeds indicate that a visibility splay is required outside of the Order limits at Access 9 (the only access location where the maximum visibility splay distance extends outside of the Order limits), the undertaker would rely on Article 16 to temporarily limit the road speeds to ensure the access point can be utilised safely. No works are proposed outside of the red line boundary. Additional measures including the use of temporary traffic signals and banksman monitoring may also be provided. The final highway design will be</p>	<p>Signed Statement of Common Ground with National Highways [REP5-065]</p> <p>Final Statement of Common Ground with Lincolnshire County Council [REP7-026] (Table 05 Traffic and Transport)</p> <p>Final Statement of Common Ground with Nottinghamshire County Council [REP8-006] (Table 06 Traffic and Transport)</p>



Topic/Issue	Applicant's Position	Examination Library References
	<p>subject to the consultation and approval of the local highway authorities via Requirement 5 and Requirement 15 of Schedule 2 of the draft DCO.</p>	<p>The Applicant's Response to Deadline 6 submissions [REP7-042]</p> <p>The Applicant's Response to the Examining Authority's Third Written Questions [REP6-057]</p> <p>Outline Construction Traffic Management Plan [REP7-020]</p> <p>Requirement 5 and Requirement 15 of the Draft Development Consent Order [REP7-004]</p>
<b>Marine Management Organisation</b>		
Requirement for a marine licence	<p>At Deadline 6, the MMO reiterated its position that, should the Proposed Development require any authorisations within its jurisdiction, appropriate approvals (a marine licence) will be required.</p>	<p>Applicant's Response to Written Representations (Clean) (Rev 01) [REP2-082]</p>

Topic/Issue	Applicant's Position	Examination Library References
	<p>The Applicant confirms that should a marine licence be required, it will seek and obtain these prior to commencement of the relevant works. However, the Applicant maintains its position, consistent with previous submissions and the approach taken for comparable NSIP projects, that any works in the marine area below the River Trent (bored tunnels) would be an exempt activity under Article 35 of the Marine Licensing (Exempted Activities) Order 2011. As such, these works do not require a marine licence.</p> <p>This position is supported by the MMO's own submissions in relation to other solar NSIPs involving trenchless crossings beneath the River Trent, including Cottam, Gate Burton, West Burton, and Tillbridge, where the MMO has confirmed that such activities are exempt and do not require a deemed marine licence. The Applicant has adopted the same methodology for One Earth Solar Farm, with all trenchless crossing works to be carried out wholly beneath the riverbed and in accordance with the relevant exemption conditions.</p>	<p>Applicant Response to Examining Authority's First Written Questions [REP2-084]</p>
<b>Compulsory Acquisition</b>		
<p>Satisfaction of CA tests</p>	<p>The Applicant has demonstrated that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the draft DCO, as set out in its Statement of Reasons (latest version submitted at Deadline 9) and as traversed at Compulsory Acquisition Hearing 1 (CAH1) (see the Applicant's written summary of the Applicant's oral submissions at CAH1 [REP3-064]). The public benefits from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired.</p> <p>Irrespective of this, the Applicant has sought to reach voluntary agreement on all land required for the Proposed Development, as set out in the Land Rights and Negotiations Tracker. Should compulsory acquisition powers need to be exercised to provide for delivery of the</p>	<p>Statement of Reasons [see Deadline 9 version]</p> <p>Land Rights and Negotiations Tracker [see Deadline 9 version]</p>

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	<p>Proposed Development, any matters relating to compensation will be dealt with appropriately through a separate process outside the scope of this Examination.</p> <p>The extent of CA powers which the Applicant is seeking at the National Grid High Marnham substation has been the subject of ongoing discussion during Examination. At Deadline 5, the Applicant confirmed that it had reduced the scope of compulsory acquisition and temporary possession powers sought in that area. The Applicant has adopted this approach as a compromise, acknowledging that there is increased confidence in the location of the proposed connection point at High Marnham, but that the planning process for the National Grid substation (including final location) is ongoing. At Deadline 7, the Applicant provided a plan of the red line boundary planning application for the National Grid substation overlaid with the Land Plans for the Proposed Development in this area, which demonstrates the powers sought are proportionate. The Applicant notes the outstanding objection from JG Pears in respect of these powers and its position is as set out in response to ExQ3 Q9.0.1. The Applicant continues to engage constructively with JG Pears in good faith to seek a voluntary agreement. However, despite continued work to reach a voluntary agreement, JG Pears has sought commercial terms that are not commercially reasonable. The commercial proposal put forward by JG Pears bears no relation to standard valuation principles and would amount, in effect, to a ransom position. As the Applicant is currently unable to agree terms on this basis, compulsory acquisition remains necessary to ensure the authorised development can proceed.</p>	<p>Applicant's written summary of the Applicant's oral submissions at CAH1 [REP3-064]</p> <p>Deadline 5 Cover Letter [REP5-001]</p> <p>The Applicant's Response to the Examining Authority's Third Written Questions [REP6-057]</p> <p>Deadline 7 Covering Letter [REP7—01] – Appendix 1 Plan</p>
<b>Crown Land</b>		
The Secretary of State for	The Applicant has received the signed section 135 consent letter from the Secretary of State for Transport, confirming Crown consent for the inclusion of relevant Crown land within the One Earth Solar Farm Development Consent Order. The letter confirms that the Secretary of	Crown Land Plan [see Deadline 9 version]



Topic/Issue	Applicant's Position	Examination Library References
Transport and The Crown Estate	<p>State for Transport consents, pursuant to sections 135(1) and 135(2) of the Planning Act 2008 and Article 48 of the DCO as drafted, to the inclusion of provisions within the DCO relating to the specified plots of Crown land.</p> <p>A copy of the signed consent letter has been submitted at Deadline 9.</p> <p>The Applicant is engaged in discussions with the Crown Estate's solicitors regarding obtaining the necessary consents for the works required for the Proposed Development on The Crown Estate plot 04-009 (being the riverbed of the River Trent). The Applicant is confident that consent will be obtained and will update the ExA or Secretary of State (as relevant based on timing) to provide a copy once received. The Applicant notes that it has agreed protective provisions with The Canal and River Trust and the Environment Agency who hold the known third party interests in this plot.</p>	
<b>Protective Provisions</b>		
	<p>As of Deadline 9, the following protective provisions have been agreed with the relevant bodies and the versions in the draft DCO submitted at Deadline 9 represent the final form of bespoke protective provisions:</p> <ul style="list-style-type: none"> <li>• Anglian Water;</li> <li>• The Canal and River Trust;</li> <li>• The Environment Agency.</li> <li>• Lincolnshire Fire and Rescue Service;</li> </ul>	<p>Draft DCO [see Deadline 9 version]</p> <p>Final Statement of Common Ground with Anglian Water [REP7-040]</p> <p>Signed statement of Common Ground with</p>

Topic/Issue	Applicant's Position	Examination Library References
	<ul style="list-style-type: none"> <li>Nottinghamshire Fire and Rescue Service.</li> </ul> <p>The remaining protective provisions included within the draft DCO represent the latest point that negotiations have reached with each party, and therefore are not agreed. These therefore reflect the preferred drafting at this time of the Applicant rather than the relevant statutory undertaker. However, it is noted that negotiations on these remaining parts are in final stages and the large majority of the drafting within the parts are agreed. Specific comments on the status of negotiations for protective provisions with the remaining statutory undertakers is as follows:</p> <ul style="list-style-type: none"> <li>Trent Valley IDB. Despite repeated efforts, the Applicant has been unable to engage Trent Valley IDB on its proposed protective provisions at Part 6 of Schedule 14 of the draft DCO. The Applicant will provide an update directly to the Examining Authority or Secretary of State (as relevant) if a response is received.</li> <li>Exolum. The Applicant and Exolum have agreed a final form of protective provisions, subject to the signing of a commercial agreement between the parties. That document is being prepared for signature and an update will be provided directly to the Examining Authority or Secretary of State (as relevant).</li> <li>National Grid Electricity Distribution (East Midlands) Plc. The Applicant and National Grid Electricity Distribution (East Midlands) Plc have substantively agreed the form of protective provisions, subject to finalising a commercial agreement between the parties. The document is being finalised but we hope that this will be completed in January. Once signed the Applicant will provide an update directly to the Examining Authority or Secretary of State (as relevant).</li> </ul>	<p>the Environment Agency [REP7-038]</p> <p>Final Statement of Common Ground with Lincolnshire County Council [REP7-026]</p> <p>Signed Statement of Common Ground with Nottinghamshire Fire and Rescue [REP7-034]</p> <p>Canal and River Trust Deadline 3 submission [REP3-090]</p>



Topic/Issue	Applicant's Position	Examination Library References
	<ul style="list-style-type: none"> <li>• National Grid Electricity Transmission Plc. The Applicant and NGET are continuing to negotiate the protective provisions, specifically the provisions seeking reciprocity on cooperation provisions. These discussions are active and the Applicant expects agreement will be reached. The Applicant will provide an update directly to the Examining Authority or Secretary of State (as relevant).</li> <li>• Network Rail. The Applicant and Network Rail continue to discuss protective provisions and a side agreement (as noted in Network Rail's Deadline 7 response). The Applicant will provide an update directly to the Examining Authority or Secretary of State (as relevant). The Applicant has included a form of protective provisions for the benefit of Network Rail in the draft DCO at Deadline 9.</li> <li>• Northern Powergrid (Yorkshire) Plc. The Applicant and Northern Powergrid (Yorkshire) Plc continue to discuss protective provisions and a side agreement. The Applicant will provide an update directly to the Examining Authority or Secretary of State (as relevant). The Applicant has included a form of protective provisions for the benefit of Northern Powergrid (Yorkshire) Plc in the draft DCO at Deadline 9.</li> </ul> <p>It is not anticipated that there will be any other bespoke protective provisions required other than those listed above. The Applicant notes that the draft DCO contains protective provisions for all electricity, gas, water and sewerage undertakers (Part 1 of Schedule 14), operators of electronic communications code networks (Part 2 of Schedule 14) and drainage authorities (Part 3 of Schedule 14).</p>	



**one earth**  
solar farm