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## Great North Road Solar and Biodiversity Park

Draft Statement of Common Ground with Newark and Sherwood District Council

Document reference – EN010162/APP/8.2A

Revision number 2

January 2026

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**Revision History**

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	6/08/25	ES	Head of Planning	1 <sup>st</sup> Draft for NSDC Review
Issue 2	25/11/25	ES	Head of Planning	2 <sup>nd</sup> Draft for NSDC Review
Issue 2	8/12/25	SB	Planning Officer	Comments on SoCG
Issue 3	9/12/25	ES	Head of Planning	D1 Draft for sign-off
<u>Issue 4</u>	<u>14/01/26</u>	<u>ES</u>	<u>Head of Planning</u>	<u>D2 updates</u>

## 1 INTRODUCTION

### 1.1 PURPOSE OF THIS DOCUMENT

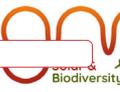
- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) for a Development Consent Order (DCO) from the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Great North Road Solar and Biodiversity Park (the Development). The Application has been submitted by Elements Green Trent Limited (the Applicant).
- 1.1.2 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the Parties, and where agreement has not (yet) been reached.
- 1.1.3 SoCGs are an established means in the planning process of allowing all Parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

### 1.2 PARTIES TO THIS STATEMENT OF COMMON GROUND

- 1.2.1 This SoCG has been prepared by (1) Elements Green Trent Limited as the Applicant and (2) Newark and Sherwood District Council (NSDC) (collectively, 'the Parties').
- 1.2.2 NSDC is the host Local Authority. The Development is wholly located within NSDC's administrative area. NSDC is listed as the local authority, in accordance with Section 42 of the PA 2008 and so has been consulted during the preparation of the Application and following its acceptance.

### 1.3 TERMINOLOGY

- 1.3.1 In the table in the Issues section of this SoCG:
- "Agreed" (Green) indicates where the issue has been resolved;
  - "Under discussion" (Amber) indicates where a matter is the subject of ongoing discussion; and
  - "Not Agreed" (Red) indicates a final position.



1.3.2 Where NSDC expresses agreement, it does so only in so far as it has considered the issue with regards to its statutory remit and on the basis of the information provided by the Applicant. Agreement is offered without prejudice to the submissions of other interested Parties who may have greater knowledge of technical or site-specific issues.

#### 1.4 RECORD OF RELEVANT CORRESPONDENCE

1.4.1 The Applicant has undertaken consultation and engagement with NSDC throughout the development of the Application. The Applicant consulted NSDC in accordance with Section 42 of the PA 2008, about the Development and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded NSDC the opportunity to provide responses to the information provided at various stages of the pre-application process.

1.4.2 Appendix 1 sets out the discussions and correspondence that has taken place between the Parties to date.

1.4.3 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.



## 2 CURRENT POSITION OF THE APPLICANT AND NSDC

### 2.1 PRINCIPLE OF THE DEVELOPMENT

Table 2-1 Principle of the Development

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.1.1	Section 42 Statutory Consultation in the Consultation Report	Principle of development	The Parties agree that the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Renewable Energy (NPS EN-3) form the relevant policy framework for the Development.	Noted.	Agreed
2.1.2	RR	Planning Policy	Section 3 of the <b>Planning Statement [EN010162/APP/5.4A] [REP1-018]</b> (submitted at Deadline 1) identifies relevant local policy including Policy DM4 of the ADMDPD, and AADMDPD as an emerging policy. Key amendment to Policy DM4 of the ADMDPD has been noted in relation to new wind energy schemes and considering BESS as the associated infrastructure. Therefore, the Applicant	We consider that the Newark and Sherwood Amended Allocations and Development Management DPD (AADMDPD) is at an advanced stage of preparation and will continue to advance during the examination of this project. Accordingly, we consider that it will become increasingly relevant during the later stages of the examination and will likely carry more weight in this regard.	Under Discussion



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			considered that the publication of the AADMDPD during the examination would not affect the policy assessment of the Development.	At paragraph 6.7.8, reference is made to the 'Draft' Solar Energy SPD. The SPD is no longer in draft form and was adopted on the 10th June 2025. The adopted version of the SPD can be found here: Solar-Energy-SPD.pdf	
2.1.3	RR	Other Matters – Planning Policy	<p><b><u>The Planning Statement [EN010162/APP/5.4A] [REP1-018]</u></b> (submitted at Deadline 1) sets out the relevant policy consideration in the Development Plan.</p> <p>While the primary basis for making decisions on applications for development consent is the relevant NPSs, the Planning Assessment identifies relevant local policy documents, including:</p> <ul style="list-style-type: none"> <li>• Newark and Sherwood Local Development Framework – Amended Core Strategy DPD ('the Amended Core Strategy') (2019)<sup>1</sup>;</li> <li>• Newark and Sherwood Local Development Framework – Allocations and Development</li> </ul>	NSDC notes that the Planning Statement does not contain an appraisal of NSDC local plan policies, with pages 177 – 188 of the Policy Compliance Document listing and considering in brief policies in the Development Plan. NSDC will identify all of the relevant local planning policy context at the point that it submits its LIR to the Examining Authority.	Under discussion

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<sup>1</sup> <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/local-development-framework/amended-core-strategy-dpd/amended-core-strategy-DPD.pdf>

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			<p>Management DPD (the 'ADMDPD') (2013)<sup>2</sup>;</p> <ul style="list-style-type: none"> <li>Identified the AADMPD as emerging development plan</li> </ul> <p><b>Planning Statement</b> <b>[EN010162/APP/5.4B]</b> considers the good design and the need for renewable energy principles as set out in the Development Plan.</p>		
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## 2.2 ALTERNATIVES AND DESIGN EVOLUTION

Table 2-2 Alternatives and Design Evolution

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.2.1	Section 42 Statutory Consultation in the Consultation Report	Site Selection and Alternatives	Whilst the Applicant notes that NSDC have questioned the approach to alternatives, NSDC have not provide specific feedback on this at any point during the pre-application process. Nor has NSDC suggested any alternative sites or	Noted.	Under Discussion

<sup>2</sup> <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/supplementary-planning-information/allocations-and-development-management-dpd/Allocations-and-Development-Management-Development-Plan-Document.pdf>

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			land that the Applicant should consider. Notwithstanding this, the Applicant considers that it has considered an appropriate number of potential alternatives and that the Development is located in a suitable location. Details of the overarching site selection process for the Development are provided in <b>ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]</b> .		
2.2.2	Section 42 Statutory Consultation in the Consultation Report	Design Evolution	The description of design evolution as set out in <b>ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]</b> has been carried out in a proportionate manner and is considered acceptable.  Further details of the design evolution are provided in <b>Design Approach Document [EN010162/APP/5.6A]</b> , which demonstrates how a number of changes were made to the layout of the Development in response to Statutory Consultation feedback.	Noted.	Agreed

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2.2.3	RR	Other Matters	<p>Alternatives of the Development has been considered and assessed in <b>ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]</b>. Section 4.3 of the ES Chapter identifies potentially developable land with the considerations of physical, environmental and economic factors. Section 4.4 then details the iterative design process used to optimise the Development layout, which was informed by consultation. The layout has been refined to avoid high value agricultural land and avoid any landscape designated area as per paragraph 43 of <b>ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]</b>. Details of the alternatives considered as part of the Project's design development process are set out in <b>Design Approach Document [EN010162/APP/5.6A]</b> .</p> <p>Site suitability has been considered and assessed in <b>ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]</b>.</p>	<p>The site selection and design evolution process should be clearly presented within Chapter 4, with more evidence of other sites considered. It would also be beneficial to the understanding of this topic area if the information were presented in plan form, which for example details alternative sites considered, within the context of environmental constraints and designations, in comparison to the proposed development.</p>	Under discussion
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			<p>with supporting <b>ES Volume 3, Figure 4.2: Site Selection – All Considerations</b> <a href="#">[AS-030]</a> showing a heat map to identify the most suitable and least suitable areas.</p> <p>The main reasons for its choice with regard to these influencing factors is described Section 4.3 of <b>ES Volume 2, Chapter 4: Alternatives</b> <a href="#">[EN010162/APP/6.2.4]</a> <a href="#">[APP-047]</a>]. The influencing factors are summarised below:</p> <ul style="list-style-type: none"><li>• The availability of a grid connection, approximately 15km radius of the Staythorpe substation;</li><li>• Suitable topography;</li><li>• Low quality agricultural land;</li><li>• Not subject to any international, national, landscape, ecological or geological designations, or to any housing allocations or heritage designations;</li><li>• Low flood risk;</li><li>• The ability to accommodate public rights of way crossing the Site;</li></ul>		
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			<ul style="list-style-type: none"><li>• Proximity to the main highway network;</li><li>• Availability of land</li></ul> <p>Specific, individual sites, as alluded to in the representation, were not identified in the process. The aim was not to identify a number of specific sites then compare them, but to select areas for inclusion in the Development for which effects would be no worse than areas excluded from the Development. This led to the identification of more land than was necessary and hence a reduction in the area of the Development prior to submission of the application, as shown for example in Figure 4.9B, within <b>Environmental Statement Volume 3, Figure 4.9b: Design Evolution Change from Preliminary Environmental Information Report to Environmental Statement [EN010162/APP/6.3.4A] [[AS-031]]</b></p>		
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## 2.3 LANDSCAPE AND VISUAL

Table 2-3 Landscape and Visual

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.3.1	Section 42 Statutory Consultation in the Consultation Report	Landscape Designations	The Parties agree that there are no nationally and local designated landscapes within the Study Area.  The Development is also not considered to be a "valued landscape" as defined by NPS EN-1 paragraph 5.10.12 and paragraph 187a of the NPPF.	Noted.	Agreed
2.3.2	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope and Methodology	With the exception of cumulative effects, the Parties agree that the scope and methodology used for assessment is acceptable, and is presented in the <b>ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7] [APP-050]</b> and <b>ES Volume 4, Appendix 7.6: Residential Visual Amenity Assessment (RVAA) [EN010162/APP/6.4.7.6] [APP-213]</b> .	Noted.	Agreed



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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.3.3	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope (Study Area for the LVIA)	The Parties agree that the 2km study area for the assessment as agreed in correspondence on 9 April 2025 is acceptable.  The parties agree that all relevant landscape and visual receptors are identified within Table 7.2 of <b>ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7] [APP-050]</b> .	Noted.	Agreed
2.3.4	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope (Study Area for the RVAA)	The Parties agree that the 250m study area for the <b>ES Volume 4, Technical Appendix A7.6: RVAA [EN010162/APP/6.4.7.6] [APP-213]</b> is acceptable. The approach to the identification of the study area is presented in Section 7.6.2.1 of the <b>ES Volume 4, Technical Appendix A7.6: RVAA [EN010162/APP/6.4.7.6] [APP-213]</b> .	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.3.5	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope (LVIA Viewpoints)	The Parties agree that the viewpoints included in the <b>ES Volume 2, Chapter 7: LVIA [EN010162/APP/6.2.7]</b> [APP-050] are agreed.	Noted.	Agreed
2.3.6 / 8.1 (LIR)	RR / LIR	Assessment Significance Matrix	<p><u>NSDC accept that the threshold for significant landscape and visual effects has been clearly defined at paragraph 36 of ES Volume 4, Appendix 7.2: LVIA Methodology [EN010162/APP/6.4.7.2]</u> [APP-209], partly contradicting their position as set out at 2.3.6 of the <b>Statement of Common Ground (SoCG)</b> [REP1-051]. See also below in relation to paragraph 8.24 of the NSDC LIR.</p> <p>NSDC refer to their <b>Summary of Verbal Representations from ISH1</b> [REP1-076] in relation to this matter. Paragraphs 20-26 of that document relate to cumulative landscape and visual impacts. The Applicant has responded to the points raised in</p>	<p><u>The Landscape and Visual methodology are set out in Technical Appendix A7 – LVIA Methodology.</u></p> <p>The future baseline at A7.Paragraph 2.2.9 sets out that 'The future baseline consists of changes to the landscape which are considered certain or likely to happen – including consented proposals which are not yet present in the landscape but are expected to be constructed.'</p> <p>The level of Effect and Significance is set out at A7. Paragraph 2.6.36 which sets out that 'Where the effect has been classified as Major or Major/Moderate this is considered to equivalent to likely significant effects referred</p>	Under discussion

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Deleted: The Applicant and NSDC have been actively engaging on the project since 2023, with view to agree a number of matters. The Applicant notes that a full review of the LVIA is yet to be carried out.¶  
As noted by NSDC, the EIA methodology states that some chapters may use different methodologies to that set out in Chapter 2, and two chapters, including the LVIA chapter, do so.¶

Moderate landscape and visual effects are not considered to be significant as stated at paragraph 41 of **ES Volume 2, Chapter 7: Landscape and Visual [EN010162/APP/6.2.7]** [APP-050] and paragraph 36 of **ES Volume 4, Technical Appendix A7.2 – Landscape and Visual Methodology [EN010162/APP/6.4.7.2]** [APP-209], both of which explicitly identify that only Major and Major/moderate effects are considered to be significant, thereby meeting the guidance provided in GLVIA paragraph 3.33 and LITGN-2024-01-GLVIA-NC 3(5).¶

The detailed LVIA methodology is set out in full in **ES Volume 4, Technical Appendix A7.2 – Landscape and Visual Methodology [EN010162/APP/6.4.7.2]** [APP-209]. Paragraph 36 of that document, as queried by NSDC states that "Where Moderate effects are predicted, professional judgement is applied to ensure that the potential for significant effects arising has been thoroughly considered." This means that, recognising that Moderate effects are just below the threshold for being significant, careful consideration has been given to effects thus classified and a judgement has been made that they are not significant as part of the process of identifying them as Moderate.¶

NSDC suggest that "given the scale, size and nature of this application and its status as an NSIP, we would expect Moderate effects to be judged as Significant". The Applicant does not agree and considers that effects which have been assessed as not significant would not become significant simply due to the scale or status of the project. LI-TGN-2024-01 includes guidance relating to this point, albeit in a slightly different context, at page 7 where it notes that when assessing landscape and visual effects, the assessments "should be comparable between [EIA and non-EIA projects]. For example, a 'moderate effect' should be the same (... [1])

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			<p><u>these paragraphs within Appendix 3 to the Applicant's <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points [EN010162/APP/8.19] [REP1-068]</b> and in the responses to LIR 8.27-8.30 and 8.34 below.</u></p> <p><u>Agreement noted.</u></p>	<p><u>to in the EIA Regulations. Where 'Moderate' effects are predicted, professional judgement is applied to ensure that the potential for significant effects arising has been thoroughly considered.'</u></p> <p><u>The approach to Cumulative Assessment is set out in A7 Paragraph 2.9 and although it set out a general approach to the assessment which is acceptable, it does not advance the assessment at the strategic level which we now consider is required. This is set out in our Written Summary of Verbal Representations at Issue Specific Hearing 1.</u></p>	
2.3.7	RR	Effects of the Permissive routes and the Circular Walk	<p>Permissive routes included in the design would be removed when the Proposed Development is decommissioned but these routes do not currently exist. Landscape and visual effects are assessed against the current and future baseline (i.e. without the proposed permissive routes). The removal of the permissive routes at</p>	<p>The Permissive routes will only contribute during the operational life of the development (Table 7.4) and will be removed during the decommissioning stage.</p> <p>As part of the Decommissioning stage the removal of the permissive routes will have a negative impact on the Amenity and Recreational Value.</p>	Under Discussion

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			<p>decommissioning reverts to the baseline and on this basis there would be positive effects from their presence during operation and no change after decommissioning.</p> <p>The Applicant understands that NSDC consider that the beneficial effects of the permissive routes cannot be considered as they are not permanent. The Applicant does not agree with this point, as it is clear that a beneficial effect lasting for 40 years is just as relevant as an adverse effect lasting for the same time period.</p>		
2.3.8	RR	Decommissioning	<p>Paragraph 16 states the assumption that second hedges would be removed where they are alongside permissive routes, not PRow. Given that decommissioning would remove the permissive routes, the separation between the route and the rest of the field it passes through would no longer be needed and the removal of hedges would enable the land to return to agriculture.</p>	<p>It is set out that locations where there is double sided hedgerow introduced on PRow, this will be removed at Decommissioning stage (7.1.4.16) which “seems counterproductive. The Applicant should clarify how such new hedgerow planting will be managed and retained in the long term.</p>	Under Discussion



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2.3.9	RR	Visual Impact on the surrounding environment during construction, operation and decommissioning	The visual effects after decommissioning are presented in Section 7.10.5 of the <b>ES Volume 2, Chapter 7: LVIA [EN010162/APP/6.2.7] [APP-050]</b> . The visual effects after decommissioning have considered the more established hedges and new woodlands throughout the area, the continued enclosure of some rights of way within double hedges where views are currently open and the diversion of some rights of way along less visually open routes.	All visual receptors (Table 7.6) on PRowS are judged as Large/medium, Major/Moderate and Adverse Effects at Operational and Decommissioning stage. All levels of effect reduce after Decommissioning. The LVIA sets out that the long-term changes from views which permanently change the view have been considered – for example where views of solar array are mitigated by hedgerow which results in the losses of long-distance views. In such a scenario this could result in no change to the effects identified at Operational and Decommissioning stage as the loss of the view remains. This will need careful review at the next stage.	Agreed
2.3.10	RR	Landscape Impact on the surrounding environment during construction, operation and decommissioning	NSDC noted that they were yet to review the LVIA in full at the stage of making this comment. As shown by Figure 7.3, the Proposed Development would be substantially contained within one LCT and this, along with screening by vegetation and terrain would mitigate the effects on other nearby LCTs. The effects on landscape character types have been assessed in Section 7.7.4 of the	Only Mid Nottinghamshire Farmlands/Village Farmlands with Ancient Woodlands LCT experience a Major/Moderate , Adverse effect, the others which are within the study area and likely to be effected, experience no more than Moderate Effects. A proposal of this scale is likely to have Significant effects across several character typologies and this will need careful review.	Under discussion

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			<p><b>ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA)</b> [EN010162/APP/6.2.7] [APP-050] and A7.5.2 of <b>ES Volume 4, Appendix A7.5: Non-Significant Effects</b> [EN010162/APP/6.4.7.2] [APP-212].</p>		
2.3.11	RR	Other Matters – Queries relating to LVIA figures and visuals	<p>As indicated on <b>ES Volume 3, Figure 7.3 Landscape Character</b> [EN010162/APP/6.3.7.3] [APP-100] and <b>ES Volume 3, Figure 7.3 Landscape Character and Visibility</b> [EN010162/APP/6.3.7.3] [APP-101], the figures show the character types in colour, and the regional character areas as black/grey outlines.</p> <p>In <b>ES Volume 2, Chapter 7: Landscape and Visual</b> [EN010162/APP/6.2.7] [APP-050], the assessment considers the character types as set out at paragraph 70. These are referred to (for example in Table 7.2) by the Regional Character Area (e.g. 'Mid-Nottinghamshire Farmlands'), followed by the</p>	<p>The Key on Figure 7.4 does not correspond with the names of the Character areas in the LVIA.</p> <p>The direction of the views is not labelled A, B, C &amp; D to correspond to viewpoint labelling</p>	<p>Agreed</p>

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			<p>character type (e.g. 'Village Farmlands'), as character types with the same name are identified in more than one regional character area by the Newark &amp; Sherwood Landscape Character Assessment SPD.</p> <p>The view direction letters (A, B, C, D) are for ease of reference when comparing the wireline views with photomontages and maintaining a left to right (or clockwise around the compass) sequence for those viewpoints where there are multiple views. Each visualisation identifies which direction it faces in the 'Viewpoint information' where it indicates 'Direction of Centre of View'. The viewpoint covers are not intended as a key to the A-D lettering and the blue arc symbols simply denote which directions visualisations are provided for.</p>		
8.27 - 30	LIR	Cumulative Effects	<p><u>Agreement that the assessment of cumulative landscape and visual effects provided within the ES is 'not wrong' is noted. Whilst NSDC may be concerned about landscape change at the regional level due to solar and</u></p>	<p>8.27. The ES Chapter sets out the consideration of cumulative effects in section 7.9 and these are further referenced within the associated Technical Appendix.</p>	Under discussion

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			<p><u>BESS developments, it is not the function of cumulative assessment for an individual project to provide an evaluation of such change. The purpose of cumulative assessment is to inform the decision to be made relating to the individual project, as set out within Appendix 3 to the Applicant's <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points [EN010162/APP/8.19]</b> [REP1-068].</u></p> <p><u>The assessment provided in <b>ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7]</b> [APP-050] fully considers the effects arising from the Proposed Development with all relevant short-listed cumulative projects on the local LCTs, regional landscape character area (Mid-Nottinghamshire Farmland) and national landscape character area (NCA 46 Trent and Belvoir Vales). Given that the latter two areas extend beyond the 2km</u></p>	<p><u>8.28. The Cumulative Assessment does not assess the wider impacts on Landscape Character and Visual Amenity, it focuses on the immediate landscape character of the scheme and the study area which is not a 'wrong' approach but given the extent of schemes now being consented and the increase in NSIPS in the examination stages, there is the requirement for the assessment to expand to regional level and consider the impacts of the proposals in combination with the identified schemes on the wider landscape area.</u></p> <p><u>8.29. Renewable Energy is identified in the LCAs as having the potential to change the landscape character and previously it has been relatively well controlled so that the region's rural character, and the historic settlement pattern of small red brick villages, is still intact. However, this is now at risk.</u></p> <p><u>8.30. Local NSIPS which have already tested, or are in the process of examining, the assessment of cumulative effects includes Tillbridge and One Earth, where it has been drawn to the attention of the ExA that multiple schemes collectively</u></p>	
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		<p><u>study area, the LVIA therefore already considers the effects of the Proposed Development on landscape character more widely than the 2km study area.</u></p> <p><u>At paragraph 8.30 NSDC reference Tillbridge solar farm as being potentially relevant to consider. As shown by EN010142-000307-6.3 Fig 1-1 Location of the Scheme and Other Solar NSIPs.pdf that development would be located among a group of NSIP solar farms including Cottam, West Burton and Gate Burton, approximately 20km to the northeast of the Proposed Development. As explained in Appendix 3 to the Applicant's <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points [EN010162/APP/8.19]</b> [REP1-068], an assessment of combined effects with all development within 20km would mostly describe effects arising from those other projects, not the effects of the Proposed Development, and as such is</u></p>	<p><u>influence the perceived character, openness, and rural qualities of the landscape.</u></p>	
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			not pertinent to the consideration of the merits of the Proposed Development.		
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## 2.4 ECOLOGY AND BIODIVERSITY

Table 2-4 Ecology and Biodiversity

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.4.1	Section 42 Statutory Consultation in the Consultation Report	Ongoing engagement and consultation	The Applicant has sought to refine the proposals through ongoing and meaningful engagement with a wide range of Interested Parties, as set out above, and described in detail within the application.	Noted and agreed.	Agreed
2.4.2	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope	The scope for the <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8]</b> [APP-051] was discussed with statutory consultees and the Planning Inspectorate. <b>ES Volume 4, Appendix 8.1: Ecology and Biodiversity Consultation [EN010162/APP/6.4.8.1]</b> [APP-214] provides a summary	Methodology is considered within section 8.4 of Chapter 8 of the ES and within the accompanying Technical Appendices. At this stage, because the detail of some elements is not fixed a worst-case scenario approach has been taken, and we agree with this approach.  Noted and agreed.	Agreed



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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			of the responses to the issues raised in relation to the scoping report.		
2.4.3	RR	Assessment Methodology – Operational Period	<p>Ecological mitigation during the operation of the Development is outlined in Table A5.5.2 of <b>ES Volume 4, Appendix 5.5: Outline Operation Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5A]</b> .</p> <p>Planned infrastructure upgrades will be incorporated into the final OEMP, along with more detailed information on any necessary remedial actions such as licensing requirements in relation to protected species.</p> <p>Requirement 13 in Schedule 2 to the <b>Draft DCO [EN010162/APP/3.1B]</b> secures that no phase of the authorised development may commence until a written operational environmental management plan has been submitted to and approved by</p>	<p>Risks to sensitive ecological features will be mitigated through measures outlined in the final OEMP, consistent with those in the Construction Ecological Management Plan (CEcMP). We request that any planned upgrades be incorporated into the final OEMP, along with more detailed information on any necessary remedial actions such as licensing requirements in relation to protected species.</p> <p>Noted and agreed.</p>	Agreed

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			Newark and Sherwood District Council. This must be in accordance with <b>ES Volume 4, Appendix 5.5: Outline Operation Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5A]</b> .		
2.4.4	RR	Assessment Methodology – Arboricultural Survey	<p>The Arboricultural Impact Assessment is provided in <b>ES Volume 4, Appendix 8.12: Arboricultural Impact Assessment (AIA) [EN010162/APP/6.4.8.12] [APP-225]</b>.</p> <p>The results of the further targeted surveys, which will be undertaken post-consent, specified in section 8.12.1.3 of the AIA will be presented in a revised AIA which in turn is a key requirement specified in section A5.3.11.3.2.1 of <b>ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]</b> .</p> <p>The CEMP and AIA will be available for review by Newark</p>	<p>Section 8.12.1.3 of Technical Appendix (TA) A8.12 refers to the need for further targeted surveys to inform the final detailed design. However, it remains unclear how the findings from these additional surveys will be made available for further review.</p> <p>Noted and agreed that updated CEMP &amp; AIA document will be submitted to the LPA for review.</p>	Agreed

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			and Sherwood District Council through Requirement 12 in Schedule 2 of the <b>Draft DCO [EN010162/APP/3.1B]</b> , which secures that no phase of the authorised development may commence until a construction environmental management plan for that phase has been submitted to and approved by Newark and Sherwood District Council. This must be prepared in accordance with the <b>ES Volume 4, Appendix 5.3: Outline CEMP [EN010162/APP/6.4.5.3A]</b> .		
2.4.5	RR	Assessment Methodology – Habitats and Vegetation	Section A8.13.2.2 and Table A8.13.1 in <b>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13]</b> [APP-226] presents a summary of the habitat sampling approach.  The sampling approach was a proportionate approach to providing the necessary data to inform the BNG	We remain concerned about the overall level of survey effort, particularly in relation to habitat Condition Assessments (CA) used to inform the BNG evaluation.  It is unclear as to which habitat parcels have been subject to detailed assessment. However, it is also noted within TA A8.1 that additional habitat surveys and condition assessments will be	Under Discussion

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			<p>Assessment. Habitat surveys were initiated across much of the study area before UKHab methods became accepted good practice and before the prevailing Defra biodiversity metric (to calculate BNG), including its condition assessments and reliance on the UKHab method, was released. Consequently, due to the long duration of the Development's pre-submission phase, the habitat surveys were undertaken against a backdrop of changing methods and guidance, and it should be noted that there is not yet any guidance for BNG in relation to Nationally Significant Infrastructure Projects, which remain exempt from mandatory BNG.</p> <p>The approach taken to the habitat surveys and BNG has attempted to address changing guidance and provides a robust baseline. <u>This approach is consistent with a number of</u></p>	<p>undertaken post-consent to provide an up-to-date baseline for the updated BNG assessment following confirmation of the final design. We request that we continue to discuss the approach to further habitat baseline surveys.</p> <p>Should remain under discussion until further correspondence and/or assessment are provided.</p>	

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			<p><u>recently made DCOs, and the Applicant would be keen to discuss this matter further with NSDC.</u></p> <p><u>Further information about the sampling approach has been provided in the revised Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13A] and in the 'Uder Comments' in accompanying statutory metric.</u></p> <p>The BNG Assessment is based on an illustrative design which, following consent, will be developed into a final design. Consequently, the BNG calculation will be updated to reflect the final design. Additional habitat surveys and condition assessments will also be undertaken post-consent to provide reliable and up-to-date baseline data. The survey methods will be informed by emerging NSIP BNG guidance and in consultation with</p>		

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			<p>Newark and Sherwood District Council.</p> <p>Requirement 8 in Schedule 2 to the <b>Draft DCO [EN010162/APP/3.1B]</b> secures that no phase of the authorised development may commence until a written landscape and ecological management plan for that phase has been submitted to and approved by Newark and Sherwood District Council.</p> <p>This must be in accordance with <b>ES Volume 4, Appendix 5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A]</b> and must be implemented as approved. The LEMP must include details of the extent to which the relevant phase contributes to ensuring that the authorised development overall achieves a minimum biodiversity net gain.</p>		

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2.4.6	RR	Assessment Methodology – Hedgerow Assessment	<p>All hedgerows were surveyed and classified to a habitat-type based on either Phase 1 habitat survey methods or, latterly, UKHab methods. Species-rich hedgerows were defined as those containing five or more native woody species. Only a sample of hedgerows were subject to Condition Assessment (to inform BNG), the results of which were extrapolated to the total habitat resource.</p> <p>Part 2, clause 8 (3) of the <b>Draft DCO [EN010162/APP/3.1B]</b> modifies Regulation 6 of the Hedgerows Regulations 1997(h) so as to read for the purposes of the Order only as if there were inserted after paragraph (1)(j) the following— “or (k) for carrying out development which has been authorised by an order granting development consent pursuant to the Planning Act 2008.” Consequently, the Hedgerow Regulations do not</p>	<p>If it was not possible to survey every hedgerow, a clearer justification should be provided outlining the methodology used to identify which hedgerows were considered species-rich.</p> <p>Position noted and agreed.</p>	Agreed

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			apply to the consented Development.		
2.4.7	RR	Baseline Conditions	<p><b>The Habitats and Protected Species Plan [EN010162/APP/2.7]</b> [APP-023] provides an overview of the potentially most important habitats.</p> <p>The locations of statutory and non-statutory designated sites are provided <b>ES Volume 4, Appendix A8.2: Ecology and Biodiversity Designated Sites Baseline [EN010162/APP/6.4.8.2]</b> [APP-215].</p> <p>The locations of habitats are provided in <b>ES Volume 4, Appendix 8.3: Habitats and Vegetation Baseline [EN010162/APP/6.4.8.3]</b> [APP-216].</p> <p>The locations of notable and protected species are then provided in <b>ES Volume 4, Appendix 8.4 to 8.11 [EN010162/APP/6.4.8.4–11]</b>.</p>	<p><b>Baseline Conditions</b> Drawing number EN01062-APP-2.7 is titled 'Habitats and Protected Species Plan'. While it effectively illustrates all Priority Habitats identified within the Order Limits (OL) through the desk study, the title is misleading as it does not show the locations of any protected species.</p> <p>Above comment considered still to be valid as Drawing EN01062 does not illustrate the locations of protected species. However agree that this data is available within species-specific appendices so position agreed.</p>	Agreed

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			This approach is consistent with how the matter is addressed in other DCO applications and the Applicant considers that this is an appropriate response. The Applicant therefore considers that the necessary information has been provided and no change is proposed.		
2.4.8	RR	Baseline Conditions – Habitats and Vegetation	Figure A8.3.1 <u>has been updated to show watercourses</u> in <b>ES Volume 4, Appendix 8.3: Habitats and Vegetation Baseline</b> [EN010162/APP/6.4.8.3A]. This <u>update</u> does not change the conclusions of <b>ES Volume 2, Chapter 8: Ecology and Biodiversity</b> [EN010162/APP/6.2.8] [APP-051]. Watercourses may also be viewed in the following: <b>Water Bodies in a River Basin Management Plan</b> [EN010162/APP/2.6A] [AS-006]	Figure A8.3.1 (UKHab Classification) includes field parcel references though it is still unclear where the watercourses, comprising stand-alone ditches and those classified as other rivers and streams are as they are missing from the key.  The transient nature of arable field margins is noted and TA A8.3 that they were likely to be present throughout the OL. However, we consider that there is still limited evaluation of their value, and it is uncertain as to whether the field surveys confirmed the presence of any of	Under Discussion

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Deleted: 3] [APP-216]. Watercourses were unintentionally omitted from Figure A8.3.1 and will be presented in a revised version of this figure.

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			<p><b>ES Volume 3, Figure 9.4: Watercourses within CSA</b> [EN010162/APP/6.3.9A] <a href="#">[AS-041]</a></p> <p><b>ES Volume 3, Figure 9.5: WFD Classifications</b> [EN010162/APP/6.3.9A] <a href="#">[AS-041]</a></p> <p><b>ES Volume 3, Figure 9.6: IDB Maintained Watercourses</b> [EN010162/APP/6.3.9A] <a href="#">[AS-041]</a></p> <p>Arable field margins are addressed in Table 8.8 in <b>ES Volume 2, Chapter 8: Ecology and Biodiversity</b> [EN010162/APP/6.2.8] <a href="#">[APP-051]</a>. <u>Further clarification about field margins and rare arable plants has been added to <b>ES Volume 4, Appendix 8.3: Habitats and Vegetation Baseline</b> [EN010162/APP/6.4.8.3A] and <b>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment</b> [EN010162/APP/6.4.8.13A].</u></p>	<p>the ten notable plant species identified through the desk study.</p> <p>Still under discussion. Point regarding arable field margins to date has not been addressed.</p>	

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2.4.9	RR	Baseline Conditions - Habitat Condition Assessment	<p>Wet woodland was not recorded during baseline surveys and therefore is not reported in <b>ES Volume 4, Appendix 8.3: Habitats and Vegetation Baseline [EN010162/APP/6.4.8.3]</b> [APP-216].</p> <p>Hedgerow lengths are reported in <b>ES Volume 4, Appendix 8.3: Habitats and Vegetation Baseline [EN010162/APP/6.4.8.3]</b> [APP-216] and <b>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13]</b> [APP-226]. The BNG Assessment and the associated Defra metric also include details of hedgerow conditions. There are minor discrepancies between the values cited in the two appendices, attributable to the complexities of extracting data for use in the Defra metric for a very large area and complex Development design. Over the</p>	<p>There are several inconsistencies in respect of habitat areas and lengths quoted within TA A8.3 and A8.13 and those inputted into the SBM.</p> <p>A proportion of Habitat Condition Assessments have been undertaken and it is requested that the results of these are provided as an Appendix to TA A8.3 or A8.13 to allow a transparent review of the baseline data.</p> <p>All areas of ONG have been inputted into the Statutory Biodiversity Metric (SBM) in 'poor' condition so it is assumed that Criteria A of these road verges are failed, however it is request that this is clarified and that further justification is provided.</p> <p>Still under discussion. To date no baseline condition assessments have been provided for review.</p>	Under Discussion

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			<p>large extent of the Order Limits, these discrepancies are extremely unlikely to result in substantive changes to the metric outputs. <b>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13A]</b> and the accompanying 'User Comments' in the statutory metric provide clarifications about condition assessments and assumptions.</p> <p>Requirement 8 in Schedule 2 to the <b>Draft DCO [EN010162/APP/3.1B]</b> secures that no phase of the authorised development may commence until a written landscape and ecological management plan for that phase has been submitted to and approved by Newark and Sherwood District Council. This must be in accordance with <b>ES Volume 4, Appendix 5.1: Outline LEMP [EN010162/APP/6.4.5.1A]</b> and must be implemented as</p>		

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			approved. The LEMP must include details of the extent to which the relevant phase contributes to ensuring that the authorised development overall achieves a minimum biodiversity net gain.		
2.4.10	RR	Assessment of Likely Effects	<p><b>ES Volume 2, Chapter 2: Environmental Impact Assessment (EIA)</b> [EN010162/APP/6.2.2] [APP-045]</p> <p>states that some chapters may use different methodologies from those set out in Chapter 2. The assessment methods in</p> <p><b>ES Volume 2, Chapter 8: Ecology and Biodiversity</b> [EN010162/APP/6.2.8] [APP-051] follow the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment. This method is consistent with EIA methods but does not include the use of a matrix.</p>	<p>It is noted that Chapter 8 diverges from the methodology set out in Chapter 2 regarding the determination of effect significance. Specifically, the assessment does not apply the generic matrix presented in Table 2.1.</p> <p>Agree that following CIEEM guidelines and not following the matrix is appropriate for the EclA. However point in relation to the transparency of how 'no significant effect' is reach for all important ecological receptors has not been sufficiently justified.</p>	Under discussion

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			<a href="#">A detailed response on this matter is provided in the Responses to Deadline 1 Submissions [EN010162/APP/8.21], Table 3-2, items 9.1–9.2.</a>		
2.4.11	RR	Biodiversity Net Gain	<p>Temporary impacts are implicitly addressed in <b>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13] [APP-226]</b>. A habitat is not recorded in the Defra metric as lost when there are temporary impacts to it and it can be restored to baseline habitat type and conditions within two years of the initial impact. Such habitats are recorded in the metric as 'enhanced' if there is action to enhance the habitat above its baseline type and condition, which is the case for the habitats subject to temporary impacts from the Development.</p>	<p>It is unclear as to whether any encroachment associated with proposed infrastructure, such as the proposed clear span bridges and/or culverts, has been factored into the BNG assessment. It is requested that this is confirmed and if omitted should be included within the finalised BNG assessment.</p> <p>NSDC consider that TA A8.13 provides insufficient information in regard to how temporary impacts, such as construction compound areas have been accounted for within the BNG assessment</p> <p>Still under discussion. Several technical points in relation to the BNG assessment raised in our</p>	Under Discussion

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			<p>The construction compound areas are wholly within Work No. 1 Solar PV and so will be converted to new (enhanced) habitats. Other habitats subject to temporary impacts, such as some areas of Work No. 2 Cables, are entered into the metric as either retained (i.e., reinstated to their baseline habitat) or created habitats (if they are converted to a new habitat).</p> <p><b><u>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment</u></b> <b><u>[EN010162/APP/6.4.8.13A]</u></b> <b><u>and the accompanying 'User Comments' in the statutory metric provide clarifications about encroachment.</u></b></p>	Relevant Representations which are still to be addressed.	
2.4.12	Section 42 Statutory Consultation in the Consultation Report	Habitat buffers	A buffer distance of 5 m from non-IDB (Internal Drainage Board) ditches is specified in <b>ES Volume 4, Technical Appendix A5.3: Outline CEMP</b> [EN010162/APP/6.4.5.3A].	The inclusion of embedded buffers to hedgerows, trees, woodlands, and watercourse is appreciated. It should be clarified if 10m bank top buffer to watercourses is extended to ditches. NSDC suggest a 5m	Agreed

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			Further details are presented in <b>ES Volume 4, Technical Appendix A8.12: Arboricultural Impact Assessment [EN010162/APP/6.4.8.12] [APP-225]</b> . It is considered that a 5m buffer from ditches is acceptable.	buffer to this habitat is appropriate.  Noted and agreed.	
2.4.13	Section 42 Statutory Consultation in the Consultation Report	Water crossings	The ecological effects of watercourse crossings are assessed in <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8] [APP-051]</b> . Details of watercourse crossing designs are provided in <b>ES Volume 4, Technical Appendix A5.3: Outline Construction Environmental Management Plan [EN010162/APP/6.4.5.3A]</b> . <b>ES Volume 4, Appendix 8.13: Biodiversity Net Gain (BNG) Assessment [EN010162/APP/6.4.8.13A]</b> and the accompanying 'User	HDD is proposed under large watercourses. Approach is supported, impacts should still form part of the assessment. Upgrade of existing culverts should also be assessed, and proposed new watercourse crossings and headwalls.  Still under discussion. Further information in relation to whether upgrade to culverts have been assessed at this point in the DCO process.	Under Discussion

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			<u>Comments' in statutory metric provide clarifications about culverts.</u>		
2.4.14	Section 42 Statutory Consultation in the Consultation Report	Water	Further details of watercourse crossings and more detailed fish mitigation, including pre-construction surveys, are included in <b>ES Volume 4, Technical Appendix A5.3: Outline CEMP [EN010162/APP/6.4.5.3A]</b> .	Noted and agreed.	Agreed
2.4.15	RR	Assessment of likely significant effects on Great crested newts	<p>Figure A8.7.1 <u>has been updated to more clearly show ponds</u> in <b>ES Volume 4, Appendix A8.7: Great Crested Newt Baseline [EN010162/APP/6.4.8.7A]</b>.</p> <p>The effects of construction on great crested newt are assessed in section 8.8.10.2 of <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8]</b> [APP-051] which also includes justification for Reasonable Avoidance Measures. The baseline surveys undertaken to date are sufficient to inform the</p>	<p>Figure A8.7.1 has been updated to include survey results and pond labels but it is still difficult to view the locations of ponds that form clusters such of that of ponds 91-94.</p> <p>NSDC acknowledge that the survey effort was formally agreed with NE and agree that the approach was proportional at the outset and the oCEMP outlines appropriate mitigation.</p> <p>However, we still consider that there has been insufficient consideration of potential impacts to this species at this stage.</p>	Under Discussion

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			<p>assessment of effects and likely mitigation requirements. Paragraphs 164 to 166 of <b>ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]</b> state that pre-commencement surveys will be undertaken for great crested newts. The results of these surveys will inform revisions to the CEMP thereby ensuring that it remains fit for purpose. Natural England's 'rapid risk assessment' is included in the Great Crested Nest Method Statement for EPS Licence Application'. The corresponding guidance notes clearly state that the tool is for guidance only and is 'not substitute for a site-specific risk assessment informed by survey', and goes on to list many factors not adequately addressed by the tool, many of which are relevant to the</p>	<p>We consider that there should be further evaluation of the potential mitigation requirements should a ESPL be needed, such as the location of potential receptor sites, or further justification as to why reasonable avoidance measures are appropriate and why the Natural England Rapid Assessment tool has not been used as part of the evaluation. We suggest that Chapter 8 makes reference to specific pond numbers in relation to ponds that have been confirmed to support GCN and request that the applicant confirms if any attempts were made to re-survey ponds that were confirmed to be dry during previous survey periods.</p> <p>Still under discussion. A clearer Figure A8.7.1 is still required.</p> <p>With regards to justification for not using the NE rapid risk assessment this is valid, however this would have been appropriate</p>	

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			Development. Consequently, the tool was not considered appropriate for inclusion.	to use for a precautionary approach where access to points was not feasible.	
2.4.16	RR	Assessment of likely significant effects on reptiles	<p>Section 8.9.2.2.1 of <b>ES Volume 4, Appendix A8.: Other Notable and Protected Species [EN010162/APP/6.4.8.9]</b> [APP-222] includes a rationale for the reptile survey methods and locations. As confirmed by NSDC, there will no adverse effects to reptiles.</p> <p><b>ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A]</b> includes a commitment in section A5.6.6.13.6 to include method statements for ecological features in the final version.</p>	<p>While Section 8.9.2.2.3 of Technical Appendix A8.9 acknowledges the limitations of walkover surveys, we remain concerned about the rationale behind the selection of the six survey areas. It is unclear why other potentially suitable habitats, such as the grasslands surrounding Maplebeck, were not included.</p> <p>Nevertheless, we agree that through the mitigation outlined within the oCEMP there would be no negative impacts to these species.</p> <p>The outline Decommissioning Management Plan (oDEMP) makes reference to the production of Method Statements within the final DEcMP and it is recommended that a method statement is produced for reptiles detailing mitigation requirements.</p>	Agreed

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				Noted and agreed.	
2.4.17	RR	Assessment of likely significant effects on bats	<p>More detail about lighting in relation to bats will be included in the final versions of <b>ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]</b> and <b>ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A]</b>.</p> <p>The potential importance of the local area to barbastelle bats was recognised at an early stage in the Development, resulting in the species-specific surveys described in section A8.6.2.2.4 of <b>ES Volume 4, Appendix A8.6: Bats Baseline [EN010162/APP/6.4.8.6]</b> <a href="#">[APP-219]</a>. These surveys were undertaken by a local specialist involved in the</p>	<p>Whilst Chapter 8 and the oCEMP and ooCEMP do have regard to lighting impacts in relation to bats and other nocturnal fauna, we consider this has not been addressed sufficiently in relation to light sensitive species, in particular barbastelle. NSDC recommend that more detail is provided within the final CEMP documents to ensure that this species is not negatively impacted. Lux levels should be below 1 along habitats confirmed to be used by this species during the activity surveys such as the woodland edges both within and adjacent to the site.</p> <p>It is also suggested that further desktop study information is sought from the Nottinghamshire Bat Group to provide more in-depth picture of its distribution across the OL and wider landscape and identify any</p>	Agreed

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			Nottinghamshire Barbastelle Project and in combination with the more general bat surveys provided detailed information about the species' local distribution. Additional desk study information is extremely unlikely to change the conclusions of the assessment in <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8]</b> [APP-051].	additional important commuting corridors. Noted and agreed.	
2.4.18	RR	Assessment of likely significant effects on birds	Dusk surveys were not part of the methods described in <b>ES Volume 4, Appendix 8.4: Breeding Birds Baseline [EN010162/APP/6.4.8.4]</b> [APP-217], although paragraph 29 notes that anecdotal observations of birds were made during the course of the other surveys, (notably during dusk and nighttime as part of the bat surveys described in <b>ES Volume 4, Appendix A8.6: Bats Baseline</b>	We consider the field survey level is proportional but request that further justification is provided as to why a dusk breeding bird survey was not undertaken. While the OL is outside of the zone of influence of the possible potential Sherwood Forest Special Protection Area (ppSPA), these species are of high conservation concern and the ES chapter does not have any regard to them.	Under discussion

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			<p><b>[EN010162/APP/6.4.8.6]</b> <a href="#">[APP-219]</a>. The qualifying features of the Sherwood Forest Special Protection Area (ppSPA), breeding nightjar and woodlark, are very unlikely to occur in the Order Limits because of the absence of suitable habitats and desk study records. The potential effects on these species is addressed in the context of the ppSPA in section 8.8.3 of <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8]</b> <a href="#">[APP-051]</a>, and this is elaborated in the <b>Habitats Regulations Screening Report [EN010162/APP/5.3A]</b> <a href="#">[AS-020]</a>. <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8A]</b>, paragraph 308, concludes that <u>the effects on breeding birds during construction are predicted to be localised (Site</u></p>	<p>Agreed that there was a nocturnal element to the breeding bird surveys.  However our point raised within our Relevant Repts in regards to significant effects on farmland birds has not been addressed.</p>	

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p><u>level), temporary and reversible over the short term, due to the mitigation implemented before and during construction. This mitigation includes the creation of 363 ha of arable and grassland with a high degree of conservation management for farmland birds. Consequently, no significant effects are predicted. ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A] includes bespoke bird monitoring for certain habitats and this will be developed in consultation with NSDC.</u></p>		
2.4.19	RR	Assessment of likely significant effects on fish, riparian mammals (otter and water vole)	<p>Section 22 in Table A5.1.5 of <b>ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A]</b> states that Nottinghamshire Wildlife Trust's Water Vole Recovery Programme will</p>	<p>We consider that our concerns previously raised regarding the level of survey effort and mitigation requirement for fish species, water vole and otter have been adequately addressed within the ES chapter.</p>	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			inform the management of the Riparian Corridors. The details of this will be included in the final version of the LEMP, secured by Requirement 8 in Schedule 2 to the <b>Draft DCO [EN010162/APP/3.1B]</b> .	It is requested that the applicant clarifies proposed contribution to the Nottinghamshire Water Vole Recovery Project will be secured. Noted and agreed. Suggest inclusion of contribution to be secured within the s106.	
2.4.20	RR	oLEMP	The management of existing and proposed woodland is described by items 1 and 2 in Table A5.1.3 of <b>ES Volume 4, Appendix 5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1A]</b> . Consideration of the establishment of ground flora in these habitats will be specified in the final CEMP. Bat and bird boxes are specified by item 14 in Table A5.1.3 in the Outline LEMP. An increased number and range of bat and bird boxes will be specified in the final LEMP and will be agreed in advance with Nottinghamshire County	For the areas of proposed woodland we considered that there should be further consideration for to establishment of woodland ground-flora. It is suggested that further detailed information is provided within the finalised LEMP in relation to the type and location of the proposed boxes, and details for fixing them into place, with their locations clearly marked on a plan. The oCEMP should also include contingency actions should a bat roost be identified and the provision requirements for compensatory bat boxes to fulfil mitigation.  Noted and agreed.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>Council and Newark and Sherwood District Council.</p> <p>Requirement 8 in Schedule 2 to the <b>Draft DCO [EN010162/APP/3.1B]</b> secures that no phase of the authorised development may commence until a written landscape and ecological management plan for that phase has been submitted to and approved by Newark and Sherwood District Council. This must be in accordance with <b>ES Volume 4, Appendix 5.1: Outline LEMP [EN010162/APP/6.4.5.1A]</b> and must be implemented as approved.</p>		
2.4.21	RR	oCEMP	<p><b>ES Volume 4, Technical Appendix A5.3: Outline CEMP [EN010162/APP/6.4.5.3A]</b> includes a section on relevant legislation in Section A5.3.11.1.3.</p>	<p>The majority of previous concerns raised have been addressed and we suggest that section A5.3.11 includes a section on relevant legislation.</p> <p>NSDC request the applicant to clarify their position on draft licence applications for protected</p>	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>Section A5.3.11.1.4, paragraph 168 of <b>ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3A]</b> summarises the approach to protected species licencing and correctly states that draft licence applications have not been submitted. However, paragraph 170 incorrectly states that draft licence draft licence applications for water vole have been submitted with the DCO.</p> <p>Water vole mitigation will be undertaken under a CL31 displacement class licence (as per section A5.3.11.8.3 of the CEMP) for which site-specific licence applications to Natural England are not required and so a LoNI will not be issued.</p> <p>This matter is <b>agreed</b> with Natural England and the wording of the Outline CEMP <b>has been</b> updated accordingly.</p>	<p>species (Paragraph 106 of section A5.3.11.1.4 and paragraph 170),and to confirm whether a Letter of No Impediment (LONI) has been obtained from Natural England.</p> <p>Still under discussion until Natural England confirm their position.</p>	

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## 2.5 GROUND CONDITIONS

Table 2-5 Ground Conditions

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.5.1	RR	General	<p>The Applicant considers <b>ES Volume 2, Chapter 10: Ground Conditions and Land Contamination</b> [EN010162/APP/6.2.10] [APP-053] is acceptable, supported by the <b>Preliminary Risk Assessment Groundsure Data - Parts 1 to 11</b> [EN010162/APP/6.4.10.11.1 to EN010162/APP/6.4.10.11.11] [APP-230], [APP-231], [APP-232], [APP-233], [APP-234], [APP-235], [APP-236], [APP-237], which reports for study areas 1-8. This has been prepared to follow current guidance including EA's Land Contamination Risk Management (LCRM). The Applicant has included flexibility in the <b>Works Plans</b> [EN010162/APP/2.3A] [AS-</p>	<p>A 'Discovery Strategy' protocol is recommended for contamination and NSDC note that at present there is a draft requirement (17) to capture the additional work to be undertaken. We would wish to make further representations on the wording of this condition as currently drafted in due course, to ensure the usual validation/verification process is captured to demonstrate any necessary remediation has been successfully implemented. Furthermore, any contamination identified should require all phases of investigation, remediation and verification as stipulated in the EA LCRM guidance.</p>	Agreed



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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p><a href="#">005</a>] to relocate Development elements if required to avoid increased risk of land instability that may be identified during geotechnical ground investigation works.</p> <p>Requirement 16 in Schedule 2 to the <b>Draft DCO [EN010162/APP/3.1B]</b> provides that no phase of the authorised development may commence until a written strategy in relation to the identification and remediation of any risks associated with contamination for that phase detailed in any desk top study and/or preliminary risk assessment and which has been identified as more than a low level of risk has been submitted to and approved by the planning authority.</p>		

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## 2.6 CULTURAL HERITAGE

Table 2-6 Cultural Heritage

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.6.1	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope and Methodology	<p>The Parties confirm that the scope of the cultural heritage assessment as set out in Section 11.4 of the <b>ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11] [APP-054]</b> is agreed.</p> <p>A detailed description of the factors considered in the scoping exercise is provided in <b>ES Volume 4, Technical Appendix A11.2 Heritage Settings Assessment Scoping Exercise [EN010162/APP/6.4.11.2] [APP-255]</b>.</p>	Noted.	Agreed
2.6.2	RR	Scoping of Heritage Assets	The assets listed at point 1 were reviewed following NSDC comment at PEIR. It was considered that the initial scoping assessment was correct and that there was no reason to take them forward to detailed assessment where appropriate the scoping assessment text was amended or	NSDC requested for a more detailed justification for scoping out the remaining heritage assets listed below. If clear and convincing justification for scoping out this asset cannot be provided, a more detailed assessment of	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			expanded to make the reasoning clearer.	<p>the heritage asset should be undertaken.</p> <ol style="list-style-type: none"> <li>1. Church Farmhouse (1045632)</li> <li>2. Park Lidget (1045962)</li> <li>3. Beesthorpe Hall, Stable and parkland (1045977 and 1045978)</li> <li>4. Edgefield House Hotel and Boundary Wall (1369986)</li> <li>5. Coach house and wall at Edgefield House Hotel (1045947)</li> </ol>	
2.6.3	RR	Grouping of Heritage Assets	<p>In the initial scoping assessment the settings of LBI and II* assets were reviewed and expanded in order to clarify how those settings differed, if at all, from those of the assets with which they were grouped. It was not considered proportionate or necessary to split them out from the asset groups in which they had been placed</p> <p>The assessment of the assets which are intervisible with the</p>	<p>It is noted that the response to these comments' states "the baseline study has been amended to specifically address the settings of Grade I and II* assets where these have been grouped with Grade II assets." However, this does not appear to be the case as the Grade I and Grade II* assets have still been grouped</p>	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			BESS concluded that their settings did not extend sufficiently far (being confined to the immediate vicinity) and as a result the construction and operation of the BESS would not have an impact on that element of their significance derived from their setting.	with the Grade II assets and Conservation Areas. it is acknowledged that there is the potential for intervisibility between the heritage assets and the proposal, which could impact their significance. NSDC would therefore suggest that further assessment of these heritage assets is conducted to ensure that the potential impact is assessed.	
2.6.4	RR	Embedded Mitigation and Enhancement Measures	The embedded design mitigation is presented in Table 11.5 in Section 11.7 of the <b>ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11] [APP-054]</b> . The Applicant considers that these are appropriate and reduce the effects of the Development on the archaeological remains, designated heritage assets and settings to an acceptable level.	NSDC note that mitigation measures have been considered for the heritage assets scoped in for further assessment where there is the potential for impact. However, we would wish to see more detailed proposals for mitigation of any potential harm caused by the proposals.	Under Discussion
2.6.5		Assessment of Effects (Heritage Assets)	As set out in Section 11.8 of the <b>ES Volume 2, Chapter 11: Cultural Heritage and</b>	TBC	<u>Under discussion</u>

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<b>Archaeology</b> [EN010162/APP/6.2.11] [APP-054], the assessment has not reported any significant effects to heritage assets following the implementation of appropriate mitigation measures.		
2.6.6		Assessment of Effects (Setting of the heritage assets)	No significant effects to heritage assets arising from change within their setting leading to a reduction in significance have been identified as part of the <b>ES Volume 2, Chapter 11: Cultural Heritage and Archaeology</b> [EN010162/APP/6.2.11] [APP-054].  Given the above, the Development is considered to be in accordance with NPS EN-3.	TBC	<u>Under discussion</u>
2.6.7	RR	Historic Landscapes and Historic Park and Gardens	Averham Park direct impacts assessed as Minor Adverse in table 11.6 in <b>ES Volume 2, Chapter 11: Cultural Heritage and Archaeology</b> [EN010162/APP/6.2.11] [APP-054]. Winkburn Park is included as an NDHA in <b>ES Volume 4, Appendix</b>	NSDC noted that Park at Carlton Hall, Park at Ossington Hall, Kelham Hall historic parkland, and Beesthorpe Hall unregistered park and garden are missing from Figure 11.1.2. Winkburn Park not on Figure	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p><b>A11.2 Heritage Settings Assessment Scoping Exercise [EN010162/APP/6.4.11.2] [APP-255]</b> where it is excluded from further assessment as the setting of the asset does not extend to the OL. Figure 11.1.2 will be updated at Deadline 1.</p> <p>In response to the impact of the Development on Newark Castle Garden – this asset is more than 2km from the Order limits and is therefore outside of the 2km study area. Therefore, since it is not a Grade I or II* RPG (it is in fact not designated), it does not require assessment, as it is not expected to be harmed by the Development.</p>	<p>11.1.2 also not included as a NDHA.</p> <p>No assessment of the impact of the arrays within the boundary of the historic park and garden at Averham or the proximity of the arrays on the setting of the remaining historic park and garden.</p> <p>The impact of the solar panels on views and the experience of Newark Castle Gardens has also not been assessed.</p>	
2.6.8	RR	Other Matters – Historic Environment Plan	The Historic Environment Plan <u>was</u> updated at Deadline 1, <u>and we are seeking to discuss this point further with NSDC.</u>	There are a number of Conservation Areas and Listed Buildings missing from the plan. There are 17 Conservation Areas which fall within study area, of which 8 are depicted on the plan. There are 56 Listed Buildings shown on the	<u>Under discussion</u>

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
				plan, when 227 are identified within the 2km study area.	

## 2.7 NOISE AND VIBRATION

Table 2-7 Noise and Vibration

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.7.1	Section 42 Statutory Consultation in the Consultation Report	Assessment Scope and Methodology	The Parties agree that the scope, methodology and assessment criteria as presented in <b>ES Volume 2, Chapter 12: Noise and Vibration [EN010162/APP/6.2.12]</b> [APP-055] are acceptable.	Noted.	Agreed
2.7.2	Section 42 Statutory Consultation in the Consultation Report	Mitigation and Enhancement Measures (Construction Noise)	The Parties agree that the measures to control noise and vibration during construction and decommissioning activities are acceptable. This is set out in the Construction Noise Management Plan (CNMP), which has been provided within <b>ES Volume 4, Technical Appendix A5.3: Outline CEMP [EN010162/APP/6.4.5.3A]</b> . The	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			Construction Noise Management Plan (CNMP) stating under A5.3.5 states that: 'The CNMP will be submitted to NSDC for approval as part of the final CEMP, as part of the DCO Requirements, prior to commencement of construction.' The measures set out are then secured through Requirement 12 of the <b>Draft DCO [EN010162/APP/3.1B]</b> .		
2.7.3	TBC	Assessment of Effects	As set out in Section 12.7 of the <b>ES Volume 2, Chapter 12: Noise and Vibration [EN010162/APP/6.2.12]</b> [APP-055], the effects of noise and vibration during the construction / decommissioning phases are predicted to be Negligible to Minor Adverse and are therefore not significant.  Based on the illustrative design, operational significant adverse effects have been avoided. As such, no additional mitigation measures are required, and	TBC	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			Residual effects are therefore not significant. As such, the Applicant considers the Development is fully in compliance with the policies set out in both NPS EN-1 and NPS EN-3.		

## 2.8 SOCIOECONOMICS, RECREATION AND TOURISM

Table 2-8 Socioeconomics, Recreation and Tourism

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.8.1		Assessment Scope	The Applicant considers that the scope and methodology used for assessment is appropriate, and is presented in Section 13.4 of <b>ES Volume 2, Chapter 13: Socio-Economics and Tourism [EN010162/APP/6.2.13]</b> [ <a href="#">APP-056</a> ].	Noted.	Agreed
2.8.2		Mitigation Measures	The Applicant considers that the mitigation measures, as summarised in Table 13.13 (Proposed Control/Enhancement	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			Measures) and Table 13.14 (Beneficial Measures to be Adopted as part of the Development) in the <b>ES Volume 2, Chapter 13: Socio-Economics and Tourism</b> [EN010162/APP/6.2.13] [APP-056] are acceptable.		
2.8.3		Assessment of effects	<p>Table 13.29 in the <b>ES Volume 2, Chapter 13: Socio-Economics and Tourism</b> [EN010162/APP/6.2.13] [APP-056] presents a summary of the potential impacts and residual effects in respect to socioeconomics.</p> <p>Based on a worst-case scenario and on the information currently available there will be no significant adverse effects on socioeconomics during the construction, operation and maintenance or decommissioning phases of the Development.</p> <p>There will be significant beneficial effects upon economic output (all</p>	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>phases) and employment (construction).</p> <p>The residual beneficial effect on education and skills during construction and operation would be commensurate with the significance of effect during construction and operation as <b>ES Volume 4, Appendix 13.2: Outline Skills, Supply Chain and Employment Plan (OSSCEP)</b> [EN010162/APP/6.4.13.2] [APP-274] will be effectively implemented and secured through Requirement 17 in Schedule 2 of the <b>Draft DCO</b> [EN010162/APP/3.1B] .</p> <p>As such, the Applicant considers the Development is fully in compliance with the policies set out in both NPS EN-1 and NPS EN-3.</p>		
2.8.4	RR	Job creation and Economic Benefits	<p><b>ES Volume 2, Chapter 13: Socio-Economics and Tourism</b> [EN010162/APP/6.2.13] [APP-056] sets out that an average of 120 local net direct construction full time equivalent (FTE) jobs and 60</p>	NSDC are seeking further discussion on how job creation and direct and indirect economic benefits [delivered by the Outline Skills, Supply Chain and Employment Plan]	Under discussion.

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>local net direct manufacturing FTE jobs could be supported over the full two-year construction phase. It is anticipated that there will be a gain in employment equivalent to 1,204 direct local person years.</p> <p>The proposed measures are outlined in <b>ES Volume 4, Appendix 13.2: OSSCEP [EN010162/APP/6.4.13.2]</b> <a href="#">[APP-274]</a>, and the detailed OSSCEP is then secured in Requirement 17 of the <b>Draft DCO [EN010162/APP/3.1B]</b>.</p>	for the district can be maximised with more specific and tangible proposals.	
2.8.5	RR	Permissive routes and the Circular Walk	<p>New permissive routes have been proposed to enhance the existing connectivity of the area, as described in <b>ES Volume 2, Chapter 18: Recreation [EN010162/APP/6.2.18]</b> <a href="#">[APP-061]</a> and can be viewed in <b>Public Rights of Way Diversions and Permissive Routes Plan [EN010162/APP/2.4]</b> <a href="#">[APP-020]</a>.</p> <p>Twenty-seven new permissive routes have been proposed to enhance connectivity between existing footpaths and the broader</p>	NSDC sought to clarify on how locations of proposed Permissive paths have been evidenced.	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>network, while also reducing road walking and improving overall safety. This includes 21 permissive footpaths and six permissive bridleways. A new long-distance circular recreational route has been proposed, covering 50.6 km, including 38.1 km of existing paths and 12.5 km of new permissive route. It is proposed that all new permissive routes will be created during the construction phase so that they are open for use during the operational phase.</p> <p><b>ES Volume 4, Appendix A18.1: Outline RRMP [EN010162/APP/6.4.18.1]</b> <a href="#">[APP-295]</a> provides measures to manage closures, diversions, and new permissive routes. The management plan has sought to ensure continued recreational use of the PRowS during construction, operation and decommissioning of the Development. <b>ES Volume 4, Appendix A5.6: Outline DRP [EN010162/APP/6.4.5.6]</b> <a href="#">[APP-207]</a> sets out that the Applicant will undertake a review of PRow within</p>		

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>the Order Limits prior to decommissioning, and in the final DRP will set out any proposals for changing PRoW at that time. This could include reverting the routes of diverted PRoW back to their current routes. The final DRP will be submitted to NSDC for approval prior to commencement of decommissioning.</p> <p>As set out in the <b>ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6A]</b> , permissive paths that are to be created as part of the Development may be retained only if the landowner(s) at that time permit it. The Applicant will discuss each permissive path with the landowners, and present the outcome of this in the final DRP.</p> <p>Permissive routes included in the design would be removed when the Proposed Development is decommissioned but these routes do not currently exist. Landscape and visual effects are assessed</p>		

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			against the current and future baseline (i.e. without the proposed permissive routes). The removal of the permissive routes at decommissioning reverts to the baseline and on this basis there would be positive effects from their presence during operation and no change after decommissioning.		

## 2.9 CLIMATE CHANGE AND SUSTAINABILITY

Table 2-9 Climate Change and Sustainability

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.10.1	RR	Carbon Reduction	The possible impacts of the Development on the climate throughout its construction, operation, and decommissioning phases has been assessed and the assessment is provided in <b>ES Volume 2, Chapter 15: Climate Change [EN010162/APP/6.2.15] [APP-058]</b> , with a further detail provided within <b>ES Volume 4, Appendix A15.1: Lifecycle Greenhouse Gas</b>	Whilst noting that the proposed development is not at detailed design stage, the Applicant has previously presented options for further carbon reduction at statutory consultation stage and as such NSDC would wish to see a greater commitment to carbon reduction measures, particularly where localised economic	Under Discussion.

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p><b>Evaluation</b>  <b>[EN010162/APP/6.4.15.1] [APP-285].</b>                      The assessment presents the worst-case scenario for carbon emissions. It has been assumed within <b>ES Volume 2, Chapter 15: Climate Change</b>  <b>[EN010162/APP/6.2.15] [APP-058]</b>                      that the Development components, e.g. solar PV framework will be produced in China using blast furnaces and delivered via sea from China, to ensure a worst case scenario is presented.</p>	benefits would be enhanced as part of the delivery of these options.	

## 2.10 AIR QUALITY

Table 2-10 Air Quality

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.10.2	Section 42 Statutory Consultation in the Consultation Report	Policy and Guidance Compliance	The Parties agree that the appropriate guidance has been used to draft <b>ES Volume 4, Technical Appendix A5.3: Outline CEMP [EN010162/APP/6.4.5.3A]</b> , on which the detailed CEMP would be based on as presented in <b>ES Volume 2,</b>	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p><b>Chapter 16: Miscellaneous Issues [EN010162/APP/6.2.16] [APP-059]</b> . The detailed CEMP is secured by Requirement 12 in Schedule 2 of the <b>Draft DCO [EN010162/APP/3.1B]</b></p> <p><b>ES Volume 4, Technical Appendix A5.3: Outline <u>Construction Environmental Management Plan</u> [EN010162/APP/6.4.5.3A]</b> has been prepared in line with the Institute of Air Quality Management's (IAQM) guidance for assessing effects from construction.</p>		
2.10.3	RR	Mitigation Measures	<p><b>ES Volume 4, Technical Appendix A5.3: Outline <u>Construction Environmental Management Plan</u> [EN010162/APP/6.4.5.3A]</b> includes the measures of dust control and the use of non-road mobile machinery. The measures are considered acceptable.</p>	<p>The assessment appropriately uses IAQM methodology to consider dust impact risks. Dust mitigation measures are proposed in the outline CEMP. A detailed dust risk assessment and mitigation plan should be required and submitted for approval prior to construction by use of condition once the final layout is confirmed.</p>	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
				The applicant should ensure that any NRMM used complies with the latest EA requirements for such plant.	

## 2.11 AGRICULTURAL LAND AND SOILS

Table 2-11 Agricultural Land and Soils

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.11.1	Section 42 Statutory Consultation in the Consultation Report	Scope of the ALC Assessment	The Parties agree the scope of <b>ES Volume 4, Appendix 17.1: ALC Survey [EN010162/APP/6.4.17.1]</b> <a href="#">[APP-288]</a> <a href="#">[APP-289]</a> is acceptable.	Noted.	Agreed
2.11.2	Section 42 Statutory Consultation in the Consultation Report	Methodology of the ALC Assessment	<b>ES Volume 4, Appendix 17.1: ALC Survey [EN010162/APP/6.4.17.1]</b> <a href="#">[APP-288]</a> <a href="#">[APP-289]</a> has been carried out at a density of 1 auger per hectare, with an appropriate number of pits completed, as set out in <b>ES Volume 2, Chapter 17: Agricultural Land [EN010162/APP/6.2.17]</b> <a href="#">[APP-060]</a> . Therefore the methodology of	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			the ALC Assessment is considered acceptable.		
2.11.3	Section 42 Statutory Consultation in the Consultation Report	Mitigation Measures (Soil Management Plan)	An outline Soil Management Plan (oSMP) is provided in <b>ES Volume 4, Technical Appendix A17.2: Outline Soil Management Plan</b> [EN010162/APP/6.4.17.2] [APP-290] [APP-291] [APP-292] [APP-293], setting out the principles. A final SMP will be secured by Requirement 20 in Schedule 2 of the <b>Draft DCO</b> [EN010162/APP/3.1B].	Noted.	Agreed
2.11.4	RR	Effects on BMV Land (Site Selection)	The cumulative effect on BMV land has been considered in <b>ES Volume 2, Chapter 17: Agricultural Land</b> [EN010162/APP/6.2.17] [APP-060]. This includes assessments of national and regional availability of land of BMV quality.  The cumulative schemes involve the use of approximately 2,350 ha of BMV land within Nottinghamshire and Lincolnshire. They are principally solar scheme proposals and accordingly will be wholly or mostly reversible, and accordingly they will	NSDC suggest that the Applicant demonstrate how other areas of land have been considered that may have involved a lower degree of BMV land. NSDC particularly take the view that loss of Grade 2 (Very Good Agricultural Land) land should be avoided. As such, NSDC consider that only Grade 3a and Grade 3b (or lower grade quality) should be utilised, on the basis of the long-term loss	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			represent a temporary impact, which is a low magnitude impact on a resource of high sensitivity, which results in a low magnitude effect, which is not significant.	of such valuable land for food production purposes. Further to this, we consider the Applicant should set out to what extent (perhaps as part of the ongoing maintenance programme) any of the PV areas could be scaled back over the operational life of the proposed development, reflecting continuing improvements in technology, which presents potential to return high value BMV land to agricultural use and brings additional benefits in scaling back the impacts of the proposed development.	
2.11.5	Section 42 Statutory Consultation in the Consultation Report	Decommissioning	The land will be returned to farming use on completion of decommissioning barring woodland and hedgerow, see <b>ES Volume 2, Chapter 17: Agricultural Land [EN010162/APP/6.2.17]</b> <a href="#">[APP-060]</a> and <b>ES Volume 4, Technical Appendix A5.6: Outline</b>	Noted.	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p><b>Decommissioning and Restoration Plan [EN010162/APP/6.4.5.6A]</b> . Grassland mixes have been selected to suit land conditions.</p> <p>A final Decommissioning and Restoration Plan ('DRP') will be secured through Requirement 19 in Schedule 2 of the <b>Draft DCO [EN010162/APP/3.1B]</b> , which provides that the final DRP must be submitted to the planning authority for its approval, in consultation with NCC prior to commencement of any decommissioning works for any part of the Project.</p> <p>Given that the Development is temporary, the agricultural land, including BMV, would not be permanently lost.</p>		

## 2.12 CUMULATIVE SCHEMES

Table 2-12 Cumulative Schemes

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status

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2.12.1	Section 42 Statutory Consultation in the Consultation Report	Assessment scope and methodology	<p>As set out in Appendix 1: Record of Correspondence, the Parties agree to the long list and short listed cumulative sites (set out in <b>ES Volume 4, Appendix 2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1B]</b>.</p> <p>The Applicant has reviewed the additional feedback received from NSDC on 9<sup>th</sup> January, and has updated <b>ES Volume 4, Appendix 2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1B]</b>. The Applicant has confirmed to NSDC the following:</p> <ul style="list-style-type: none"> <li>• <b>ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7A]</b>: already includes One Earth in the cumulative assessment;</li> <li>• <b>ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8A]</b>: has been updated to respond to this point;</li> <li>• <b>ES Volume 2, Chapter 17: Agricultural Land</b></li> </ul>	<p><u>NSDC have provided detailed comments on the Stage 1 and 2 long list, along with feedback on the Stage 3 and 4 schemes taken forward for assessment, noting that the Applicant should confirm if the One Earth DCO has been taken into account in respect of agricultural land, landscape and biodiversity.</u></p>	Under discussion
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			<a href="#">[EN010162/APP/6.2.17A]</a> : has been updated to respond to this point.		
2.12.2	TBC	Assessment of Effects	As summarised in Section 19.4 of the <b>ES Volume 2, Chapter 19: Interrelationships [EN010162/APP/6.2.19] [APP-062]</b> , potential in-combination effects of the Development on local people have been assessed as negligible, in almost all cases, and as a worst-case minor, which is not significant in terms of the EIA Regulations.	TBC	TBC

## 2.13 DRAFT DCO

Table 2-13 Draft dDCO

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.13.1	RR	Part 6, Article 39 – Trees and Removal of Hedgerows	Article 39 in Part 6 of the <b>Draft DCO [EN010162/APP/3.1B]</b> sets out necessary operational powers in relation to matters of felling or lopping of trees and removal of hedgerows.  <b>ES Volume 4, Technical Appendix A8.12: Arboricultural Impact Assessment [EN010162/APP/6.4.8.12] [APP-225]</b>	As the Draft DCO is developed, the Applicant should make it clear that all of the general powers sought in relation to the DCO are informed by a detailed understanding of the impacts of the proposed development, based on the design proposals and	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			includes detailed consideration of trees and hedgerows.	environmental assessment work. For example Article 39 (Felling and Lopping of Trees and Removal of Hedgerows) and Article 40 (Trees Subject to a Tree Preservation Order) currently rely on far reaching general powers to undertake works or fell trees where 'it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development.'	
2.13.2	RR	Schedule 14(2) - Procedure for Discharging Requirements	Schedule 14(2) of the <b>Draft DCO [EN010162/APP/3.1B]</b> sets out the procedure for discharge of requirements. Once an application is submitted for such an approval, the authority must respond within a period of 10 weeks beginning with the day immediately following that on	NSDC consider that notification of a decision within 10 weeks as a standard approach is insufficient. NSDC are particularly concerned with the resourcing of such requirements and therefore consider that a more	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
			<p>which the application is received by the relevant authority.</p> <p>The Applicant considers that a period of 10 weeks for the consideration of discharge of requirements is appropriate.</p>	<p>appropriate default period equating to Major EIA development for a planning application of 16 weeks is more appropriate.</p> <p>Whilst NSDC note that Part 2(c) includes for the ability to agree an alternate period, the expectation for 10 weeks would be set by its inclusion in the standard wording. To afford an extra 2 weeks beyond the normal discharge of condition application period for an LPA is not considered sufficient. The project is significant in size and scale and the information submitted for many of the requirements is likely to involve a significant amount of information and an appropriate time period must be afforded for NSDC to consider this.</p>	

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.13.3	RR	Schedule 14(5) - Fees	The Applicant has included proposed fees, which are considered fair and reasonable, and which are consistent with recently made DCOs.	<p>NSDC consider that the fee level proposed by the Applicant is insufficient.</p> <p>The fee structure includes an initial fixed fee of £2,535.00 for the first application for the discharge of some of the requirements, then a downward sliding scale of £578.00 per submission for other requirements and then £145.00 for any requirement not listed.</p> <p>Whilst NSDC note that the Applicant may consider such provision reasonable under 'precedent drafting' we consider it unlikely reflects the reality of the resourcing of such requests, particularly where such requests were linked to the phasing, possibly involving multiple submissions for the different phases, with a fee budget that continues to fall.</p>	Under Discussion

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
				NSDC would welcome the opportunity to discuss this further with the Applicant so an appropriate fee level can be set and/or a mechanism for negotiating an appropriate fee, should permission be forthcoming.	

## 2.14 SCHEDULE 2 REQUIREMENTS

Table 2-14 Schedule 2 Requirement

Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
2.14.1	Section 42 Statutory Consultation in the Consultation Report	Schedule 2(1) - Interpretation	Requirement 1 (Interpretation) refers to Nottinghamshire County Council as the county authority for the authorised development; and Newark and Sherwood District Council as the planning authority for the authorised development.  Requirement 21 of <b>Draft DCO [EN010162/APP/3.1B]</b> makes provision of the community liaison management plan.	Schedule 2 (Pages 38 – 43) Part 1 (Interpretation). Definition of authorities, as the draft DCO document is developed and revised, it defines which authority (NSDC or NCC) is the responsible planning authority, for the discharge of which specific requirement. Need further	Agreed

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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
				requirements to include a Community Liaison Group.	
2.14.2	Section 42 Statutory Consultation in the Consultation Report	Schedule 2(3) – Phasing	Requirement 3 (Phasing) provides that the Development will be delivered in minimum of two phases of construction. As stated in Section 2.3.4 of <b>ES Volume 2, Chapter 2: EIA [EN010162/APP/6.2.2]</b> [APP-045], the technical assessments within the EIA have been prepared to provide the prediction of likely effects of the Development during pre-construction, construction, operation and decommissioning. Requirement 3 also provides that the Development must not commence until a written scheme setting out the phases of construction of the authorised development has been submitted to and approved by the planning authority. The Development must be carried out in accordance with the approved phasing scheme.	Noted	Agreed
2.14.3	Section 42 Statutory Consultation in the	Schedule 2(8) - Landscape and ecological management plan	Requirement 8 (LEMP) of the <b>Draft DCO [EN010162/APP/3.1B]</b> provides that the Development must not commence until a LEMP has been submitted to and approved by the	Noted	Agreed

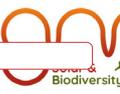
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Ref	Relevant Documents	Description of Matter	Applicant's Position	NSDC's Position	Status
	Consultation Report		local planning authority, such approval to be in consultation with NSDC. It also provides that no phase of the Development may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority.		

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### 3 SIGNATURES

3.1.1 The above SoCG is agreed between the Applicant and Newark and Sherwood District Council, as specified below.

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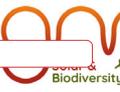
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	Job Title
	Date
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Duly authorised for and on behalf of <b>Newark and Sherwood District Council</b>	Name
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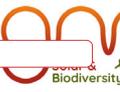


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### Appendix 1: Record of Correspondence

Date	Type (meeting, etc.)	Topic
12/10/2023	Email	Applicant to NSDC: Request for introduction meeting.
13/12/2023	Email	Applicant to NSDC: NG+ workshop invite.
11/01/2024	Email	Applicant to NSDC: Phase one consultation - invite to briefing.
16/01/2024	Email	Applicant to NSDC: Phase One Consultation launch.
29/01/2024	Email	Applicant to NSDC: Phase One Consultation events invite (first week).
05/02/2024	Email	Applicant to NSDC: Phase One Consultation events invite (second week).
29/02/2024	Email	Applicant to NSDC: Close of Phase One Consultation.
28/03/2024	Email	Applicant to NSDC: Visual amenity changes update.
26/04/2024	Email	Applicant to NSDC: Solar Farm Open Day - Save the date.
22/07/2024	Virtual Meeting	A meeting to discuss the draft Statement of Community Consultation.
24/07/2024	Virtual Meeting	Agenda included: Introductions Planning Performance Agreement Update on Community and Stakeholder Engagement
30/07/2024	Email	Applicant to NSDC: Draft SoCC Consultation.
31/07/2024	Email	Applicant to NSDC: Email including previous meeting notes and extracts from the project consultation and engagement trackers.
06/08/2024	Email	Applicant to NSDC Phase One Consultation Summary Report publication update.
06/08/2024	Email	Applicant to NSDC: Email introducing GNR landscaping team.
03/10/2024	In person	Meeting Agenda: Development Progress Updates Consultation and Engagement Updates

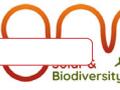
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Date	Type (meeting, etc.)	Topic
		Engagement with NSDC Technical Consultees Socioeconomics NG+ Flood Alleviation Measures & other initiatives Invoicing and Finance AOB
18/10/2024	Email	Applicant to NSDC: Phase Two Timescale Update.
24/10/2024	Email	Meeting notes from previous meeting, draft Development Programme Document, summary of proactive communications, interim masterplan with NSDC biodiversity annotations.
04/11/2024	In person	A meeting in relation to the following: Development Progress Engagement Overview Consultation with NSDC incl. 3 <sup>rd</sup> party contractors Flood Alleviation Measures – We have a short presentation on this topic AOB
07/11/2024	Virtual Meeting	GNR biodiversity steering group Introductory Meeting. Agenda: <ul style="list-style-type: none"> <li>• Introductions</li> <li>• Meeting Objectives</li> <li>• Development Overview</li> <li>• Introduction to the Development LEMP</li> <li>• Role of the LEMP Steering Group</li> <li>• Feedback and AOB</li> </ul>
20/11/2024	Email	Applicant to NSDC – Arranging members briefing.
27/11/2024	Email	Applicant to NSDC informing about the Development name change and partnerships with the RSPB, Sherwood Forest Trust, Nottinghamshire Wildlife Trust, and The Trent Rivers Trust.
02/12/2024	Email	Applicant to NSDC – provision of landscape architect's contact details and suggestion for landscaping meeting.
04/12/2024	Email	Applicant to NSDC – including summary notes from previous meeting, EIA communications log, SoCG template.

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Date	Type (meeting, etc.)	Topic
05/12/2024	Email	Applicant to NSDC: Formal notification of the Development name change to GNR Solar and Biodiversity Park.
09/12/2024	In person	Joint meeting with NSDC and NCC. Agenda: <ul style="list-style-type: none"> <li>• Introductions</li> <li>• Development Progress Update</li> <li>• Statutory Consultation</li> <li>• Upcoming members briefing</li> <li>• Biodiversity Steering Group</li> <li>• AOB</li> </ul>
18/12/2024	Email	Applicant to NSDC: Members Briefing Presentation.
19/12/2024	Email	Applicant to NSDC: Phase Two Consultation SoCC Comms.
19/12/2024	Email	Applicant to NSDC: Updated Development Document and publication of SoCC.
18/12/2024	In person	Applicant briefing to NSDC officers and members in relation to the upcoming statutory consultation launch.
07/01/2025	Email	Phase Two Consultation Pre-Event Briefing Invites
09/01/2025	Email	Phase Two Consultation S.42 Emails
09/01/2025	Email	Phase Two Consultation Launch
28/01/2025	Email	Invite to a meeting to discuss Ecology and Arboriculture.
19/02/2025	Email	Applicant to NSDC: Offering a meeting to discuss Noise matters if required. Email Accompanied with a noise clarification note responding to feedback to statutory consultation.
20/02/2025	Email	Receipt of NSDC Consultation Responses
25/02/2025	Email	Applicant to NSDC: Close of Phase Two Consultation.
26/02/2025	Email	Applicant to NSDC: Early Adequacy of Consultation Milestone Document shared for review and comment
05/03/2025	Email	Applicant to NSDC: email with programme of agreed post-consultation meeting series in relation to Landscape, Ecology, Planning, Cumulative Effects and Heritage.

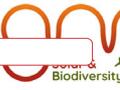
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Date	Type (meeting, etc.)	Topic
13/03/2025	Virtual Meeting	A meeting to discuss Ecology and Biodiversity following statutory consultation. Topics included survey efforts, discussion in relation to approach to Biodiversity Net Gain.
13/03/2025	Virtual Meeting	A meeting to discuss Conservation and Heritage following statutory consultation. Topics included updated viewpoints and approach to assessment of listed buildings and conservation areas.
17/03/2025	In person meeting	Agenda: <ul style="list-style-type: none"> <li>• Cumulative Effects - Approach to long list and short list</li> <li>• List of relevant planning policies to be assessed in the planning statement</li> <li>• Approach to policy interpretation and where to include planning policies in the ES chapters</li> <li>• Any other relevant material considerations</li> <li>• Local Impact Report</li> <li>• Any other considerations</li> </ul>
19/03/2025	In person meeting	GNR Development progress meeting with NCC and NSDC including: <ul style="list-style-type: none"> <li>• Development Progress Update</li> <li>• Timeline to submission</li> <li>• Update on Engagement with Consultees since end of statutory consultation</li> <li>• Approach to Statements of Common Ground</li> <li>• Draft DCO Session</li> <li>• Main Issues for Examination Document</li> <li>• Any other documents to be reviewed by NCC and NSDC before submission</li> <li>• Planning Performance Agreements &amp; Resourcing</li> <li>• AOB</li> </ul>
20/03/2025	Email	Applicant to NSDC: a landscaping note setting out the post-consultation changes, and seeking to agree updated viewpoints and study area.
25/03/2025	Email	Applicant to NSDC: Flood Management Update Newsletter.

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Date	Type (meeting, etc.)	Topic
24/03/2025	Virtual Meeting	A meeting to discuss and seek agreement on the Landscape and Visual Scope, including viewpoints and study area.
25/03/2025	Email	Applicant to NSDC: summarising the landscape meeting outcome and seeking confirmation.
04/04/2025	Email	Response from NSDC in relation to Cumulative Sites confirming long and short list and approach to assessment
07/04/2025	Email	NSDC Response to Early Adequacy of Consultation Milestone Document
09/04/2025	Email	NSDC to Applicant: Agreement of 2km Study Area for LVIA, agreed viewpoints. Agreed scope of photomontages and wirelines.
09/04/2025	Email	Applicant to NSDC: Update on revised consultation date; Update on Programme Document; Acknowledgement of agreed viewpoints.
10/04/2025	Virtual Meeting	Virtual meeting in relation to draft Development Consent Order Schedules, Powers and Requirements including the Applicant's legal team, NSDC Officers, and NSDC Officers.
02/05/2025	Email	Applicant to NSDC: Targeted Consultation Guidance Note
02/05/2025	Email	Applicant to NSDC: email with proposed updated viewpoints following scheme amendments.
08/05/2025	Email	Targeted Consultation Launch Emails
19/05/2025	Meeting	Discussion in relation to NG+ Flood Alleviation Measures and planning approach.
06/06/2025	Email	NSDC response to Targeted Consultation.
29/05/2025	Email	NSDC response indicating agreement with proposed updated viewpoints.
18/07/2025	Virtual Meeting	Development progress update and outline discussion of SoCG principles and resourcing. Agreed that the Applicant will manage the drafting of the SoCG.
11/9/25	Virtual Meeting	Discussions on the first draft SoCG and timescales.
13/11/25	Virtual Meeting	Discussion on how to update the SoCG with the NSDC Relevant Rep. Agreed to share SoCG in advance of Preliminary meeting.

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Date	Type (meeting, etc.)	Topic
25/11/25	Email	Issued updated SoCG for comment
8/12/25	Email	NSDC comments on SoCG
<u>9/01/26</u>	<u>Email</u>	<u>NSDC provide detailed comments on</u>

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