Great North Road Solar and Biodiversity Park

Responses to ExA's Second Written Questions

Document Reference - EN010162/APP/8.30

March 2026

EP Rule 8(1)(c) Planning Act 2008
The Infrastructure Planning (Examination Procedure) Rules 2010

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1 INTRODUCTION

1.1 Purpose of the Report

1.1.1 This report provides the Applicant's responses to **The Examining Authority's Second Written Questions (EXQ2)** [PD-011] in respect of the Great North Road Solar and Biodiversity Park (hereafter referred to as "the Development").

1.2 Structure

1.2.1 Section 1 of this report sets out the purpose and structure of this report and explains the approach taken by the Applicant in preparing responses. Section 2 of this report provides the Applicant's responses to the questions raised of the Applicant by the Examining Authority (ExA), including signposting to other responses and documents where appropriate. Where questions have been raised of other parties, the Applicant has not provided a response to those questions except where it considers that it would be helpful for the ExA for it to do so.

1.3 Approach

1.3.1 The Applicant has sought to cross-refer back where appropriate to responses provided in the Responses to the previous submissions at **Deadline 1** [REP2-115], **Deadline 2** [REP2-116], **Deadline 3** [REP3-098] or other relevant responses that have been entered into **First Written Questions [EN010162/APP/8.22A]** [REP3-096].

1.3.2 The Applicant has also sought to refer back to its responses to those as appropriate in the **Responses to Deadline 3 Submissions [EN010162/APP/8.29].**

2 RESPONSE TO THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS

2.1 Overview

2.1.1 The following topics were raised by the ExA in the ExQ2:

- General and cross-topic questions;
- Development consent order;
- Agriculture and land use;
- Biodiversity, ecology and the natural environment;
- Climate change and sustainability;
- Community and human health;
- Construction effects;
- Cultural heritage and archaeology;
- Cumulative effects;
- Compulsory acquisition, temporary possession and other land or rights considerations;
- Landscape and visual impacts;
- Need, site selection and alternatives;
- Water environment and flood risks;
- Any other matters

2.1.2 The tables below provide the Applicant's response to these topics arranged under the headings listed above, supported by identification of sub-themes for clarity and ease of reference.

2.2 Responses to ExQ2

Table 2-1 General and Cross-topic Questions

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q1.2.1		**No further questions at this time**	

2.3 Development Consent Order

Table 2-2 Development Consent Order

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q2.2.1	The applicant	**Inspection of documents** The explanatory note at the end of the draft Development Consent Order (dDCO) states that documents will be available for inspection at a third party location. As this location is currently blank, the applicant is asked to confirm how this will be confirmed, including securing third party agreement to this.	The Applicant intends to make the documents available at the offices of NSDC, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1B. The Applicant has agreed this with NSDC.
Articles			
Q2.2.2	The applicant	Article 9 Defence to proceedings in respect of statutory nuisance	In response to (a), as the ExA acknowledges, Article 9 in the **Draft Development Consent Order [EN010162/APP/3.1E]** is heavily precedented in various

ExQ2 Ref	Question to:	Question	Applicant's Responses
		Despite the widespread precedent for this Article, at least in some form, what could be the practical implications of removing this power on the construction, operation or maintenance of the authorised development if the Order is made? The ExA notes that Newark and Sherwood District Council (NSDC) is in favour of its removal, [REP3-105]. The Examining Authority (ExA) asks the applicant to provide examples of where the construction, operation or maintenance of any authorised development has been affected by the use of 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(d) in relation to a nuisance falling within paragraph (g) of section 79(1), that resulted in, for example, delayed construction or restricted operation? As put forward at Issues Specific Hearing (ISH) 2 [REP3-099], would the applicant agree that the removal of the Article would, if anything, be likely to improve compliance with any approved construction or operational environmental management plans, as it would likely be the respective contractors who would have to defend any such proceedings?	forms, having been agreed by the Secretary of State in numerous made DCOs. Article 9 is based on the original model provision introduced by the Government to reflect the importance of NSIPs and to facilitate their delivery without undue uncertainty and delay, acknowledging that statutory nuisance claims may cause just that. The practical consequences of Article 9 being omitted are that the construction of the Development could be materially delayed. It could also lead to instances where the operation of the Development would need to be restricted, and the generating capacity of the Development would be curtailed. These delays would be a result of any person who may be aggrieved by the authorised development and who instigates proceedings in the magistrates' court, requiring to give just three days' notice. If the court is satisfied that the nuisance exists, which is not a high bar to reach, it is obliged to make an abatement order. This could result (during construction and/or operation) in any number of subjective claims being made to a single lay magistrate (or bench of magistrates) who may be unfamiliar with the NSIP process and without having been involved in the DCO examination. Each claim would therefore represent a risk to the delivery of the authorised development: multiple complaints could bring successive proceedings, each requiring separate defence and the costs of defending such proceedings, the uncertainty and delay they create, and the potential for adverse orders would have direct implications for

ExQ2 Ref	Question to:	Question	Applicant's Responses
			the authorised development's delivery and/or operation, even if unsuccessful. The authorised development is infrastructure of critical national priority, the delivery of which should not be put at risk by the threat of (or actual) private prosecution, particularly so where there is unlikely to be any harm to people or the environment. In response to (b), the applicant does not have any knowledge of other schemes which may have been subject to section 82 claims. The Applicant would note that the number of DCOs to have been constructed to date is limited, and even more so when only considering those NSIPs where Statutory Nuisance has not been disapplied. Even if there were such claims (being made to the Magistrates' Court), they are not routinely reported or made publicly available, to the Applicant's knowledge. In any event, the Applicant would point out that the Planning Act was established to consent and deliver projects of national significance, and the default drafting for such Orders assumes that Statutory Nuisance would be disapplied. It therefore follows that Government expects such articles to be included in the DCO in order to ensure these nationally significant projects can be delivered in accordance with Government policy. This point is confirmed by the vast majority of made DCOs include an article similar to article and

ExQ2 Ref	Question to:	Question	Applicant's Responses
			so the likelihood of any such claims being initiated are very low as a result. In response to (c), no, the Applicant would not agree with this assertion. The Applicant is required to ensure compliance with the detailed **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3D]** and **ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5D]** OEMP once approved pursuant to requirements 12 and 13, respectively. The Applicant will ensure contractor compliance by including terms, as part of the contract, requiring strict compliance with the DCO, its requirements and the approved control documents, with penalties applying for non-compliance and step-in rights. The Applicant will also contract with consultants to oversee contractor compliance and manage the requirement discharge process. As such, contractors will know from the outset what they need to comply with when agreeing to the Applicant's terms, by reference to a single suite of contract documentation, with clear and unambiguous consequences in the event of non-compliance, which includes both contractual penalty and criminal liability. The prospect of facing statutory nuisance claims would not be likely to improve compliance with any control documents over and above that provided by the contract and the consequences of non-compliance, primarily because the

ExQ2 Ref	Question to:	Question	Applicant's Responses
			controls under the EPA 1990 are not the same. The control documents apply noise limits which, assuming the DCO is made, will have been found, following rigorous examination, to be effective in maintaining noise from the authorised development at acceptable levels and which will be complied with under the terms of the contract. By comparison, a statutory nuisance claim does not require any particular level of noise to be reached and may be successful even where the contractor is complying with the accepted control documents, given the scope afforded to the magistrates' court under the EPA 1990 and the subjective nature of any complaint. The Applicant therefore considers that removing Article 9 would only result in more uncertainty for contractors, as well as the potential for the project's delivery to be delayed and the generation of electricity to be curtailed by any number of statutory nuisance claims. This is a completely unnecessary risk, reflected by the consistent inclusion of Article 9 or similar in the vast majority of made DCOs to date.
Q2.2.3	The applicant	**Articles 31 and 32 respectively Temporary use of land for constructing and maintaining the authorised development** a. Please could the applicant compare these with the recently made solar orders Helios Dec 2025 and Fenwick Feb 2026 and confirm or otherwise that the meaning is	The Applicant has undertaken a comparison between Articles 31 and 32 of the **Draft Development Consent Order [EN01062/APP/3.1E]** ("dDCO") and the equivalent articles included in The Helios Renewable Energy Project Order 2025 ("the Helios DCO") and The Fenwick Solar Farm Order 2026 ("the Fenwick DCO") – namely Articles 29 and 30 of the Helios DCO and Articles 30 and 31 of the Fenwick DCO. The Applicant can confirm that the meaning of these Articles is

ExQ2 Ref	Question to:	Question	Applicant's Responses
		materially the same despite different drafting preferences? b. If there are material differences in meaning, please can these be explained and justified with reference to other made orders or guidance?	considered to be materially the same, despite some drafting differences. In summary (and for completeness), the main drafting differences between the above-mentioned Articles are as follows: • Article 30(1)(a)(i) of the Fenwick DCO – the Order Land in respect of the Fenwick DCO includes land in respect of which only temporary possession may be taken; hence the requirement for this provision. No such 'temporary possession only' land is included in the Order Land in respect of the **dDCO [EN01062/APP/3.1E]** or the Helios DCO. • Article 31(2) of the **dDCO [EN01062/APP/3.1E]** – the disapplication of the temporary use power conferred under Article 30(1)(a) in respect of the specified land parcels in Article 22(3) is necessary for the dDCO. The relevant land to which this provision applies is shaded yellow on the **Land Plans [EN01062/APP/2.2B]** [REP1-004], indicating that no compulsory acquisition or temporary use powers are being sought by the Applicant. Article 31(2) ensures that the temporary use powers being sought by the Applicant are not conferred by the **dDCO [EN01062/APP/3.1E]** in respect of this land. Neither the Helios DCO nor the Fenwick DCO have the equivalent of 'yellow land' and therefore those orders do not require this provision.

ExQ2 Ref	Question to:	Question	Applicant's Responses
			• Articles 31(5) & 32(4) of the **dDCO [EN01062/APP/3.1E]** – these provisions modify the notice requirements applicable to the temporary use powers conferred under Articles 31 and 32 so that a lesser period of notice (this being less than the 28-day minimum) can be given in the case of emergency and where a potential safety risk has been identified. These provisions are absent from the equivalent articles included in the Helios DCO and the Fenwick DCO. Nevertheless, they are considered proportionate and justified given the limited, and clearly defined, circumstances in which they would apply. There is precedent for this provision in orders such as The Rampion 2 Offshore Wind Farm Order 2025 (Article 31(4)). • Articles 31(7)(d) & 31(7)(e) of the **dDCO [EN01062/APP/3.1E]** – these provisions specify further exceptions to the "removal of works/apparatus" and "restoration of land" obligations required to be observed by the undertaker before giving up possession of land in respect of which the temporary use power conferred under Article 31 has been exercised – namely, the removal of statutory undertaker apparatus and the restoration of land on which permanent works forming part of the authorised development have been carried out. These further exceptions are considered perfectly proper and sensible. There is precedent for this provision in

ExQ2 Ref	Question to:	Question	Applicant's Responses
			orders such as The Rampion 2 Offshore Wind Farm Order 2025 (Article 31(6)(c)). • Articles 31(10) and 32(9) of the **dDCO [EN01062/APP/3.1E]** – these compensation-related provisions have been included as standard in several orders, including the Helios DCO and the Fenwick DCO. The only difference being that Articles 31(1) and 32(9) are expressed to be subject to Article 47 (no double recovery) – a detailed drafting point which has been included in the **dDCO [EN01062/APP/3.1E]** for clarity and to underscore the widely accepted and equitable principle of "no double recovery" (which underpins the rules relating to compensation for compulsory acquisition). • Article 32(12) of the **dDCO [EN01062/APP/3.1E]** – this provision prescribes the meaning of *"the maintenance period"* for Article 32. Whilst there are differences between this provision and the equivalent provision in the Helios DCO (Article 30(11)), the drafting is in the same form as the equivalent provision in the Fenwick DCO (Article 31(11)).
Q2.2.4	The applicant and NSDC	**Article 39 Felling or lopping of trees and removal of hedgerows** NSDC has made comments [REP3-105] regarding terms such as 'near' and the applicant has commented on such matters [REP3-099]. Given the circumstances described where this	The Applicant considers that the phrase "near any part of the authorised development" is clear and unambiguous and provides a necessary degree of flexibility for the authorised development, while ensuring appropriate controls.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		may be necessary including 39(1)(c) (construction traffic) could the words 'near any part of the authorised development' be deleted hence reducing potential ambiguity without affecting the purpose of this power?	The word "near" does not operate in isolation; it is qualified by two conditions which, taken together, provide a fair and objective test for the exercise of the Article power. Firstly, the Applicant must "reasonably believe it to be necessary" to fell or lop the tree (etc.) - this is not subject to the Applicant's discretion; its belief must be objectively reasonable. Secondly, the power is only available to prevent the tree or shrub (etc.) from: (a) obstructing or interfering with the construction, maintenance or operation of the authorised development; (b) constituting a danger to persons using the authorised development; or (c) obstructing the passage of construction vehicles. "Near" is therefore necessary in this context because without it, it would not be possible to remove trees near to but outside of the order limits which obstruct or interfere with construction (etc.) or cause a danger to users of the authorised development. The removal of "near" would therefore unnecessarily restrict the power in certain situations where it is essential in the interests of safety and/or project delivery. For example, some of the authorised development's access points involve visibility splays outwith the Order limits on highway land and,

ExQ2 Ref	Question to:	Question	Applicant's Responses
			therefore, the power must extend to any trees (etc.) which need to be felled, lopped and/or removed to provide clear and safe visibility splays. A tree is therefore "near" the authorised development only if it is capable of obstructing, interfering with, or endangering the matters specified. A tree that is not capable of doing so, by reason of its proximity to the authorised development, cannot be said to be "near" the authorised development. Further, Article 39(2) requires the Applicant "do no unnecessary damage to any tree or shrub" and to pay compensation for any loss or damage. If the Applicant were to exercise the powers in relation to trees that were not genuinely "near" the authorised development, it would expose itself to compensation claims without operational benefit (as well as enforcement action from NSDC). This approach is consistent with numerous made DCOs, is governed by fair and proportionate controls and is capable of objective application. The Applicant therefore does not consider any amendment is necessary.
Q2.2.5	The applicant	**Article 40 Trees subject to tree preservation orders** NSDC has made comments [REP3-105] and put forward a precedented, albeit not widely, form of	The applicant has reviewed the comments made by NSDC, which is that Article 81(3) of the Sizewell C DCO[1] states: "*The approval of East Suffolk Council (not to be unreasonably withheld or delayed) must be obtained before the undertaker*

[1] 2022 No. INFRASTRUCTURE PLANNING The Sizewell C (Nuclear Generating Station) Order 2022 Made on 20th July 2022. Available at: https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010012-011165-SZC-DCO.pdf

ExQ2 Ref	Question to:	Question	Applicant's Responses
		words. The applicant is invited to comment on this and make amendments to the Article if they consider this appropriate.	*may exercise the power in paragraph (1) in respect of any tree outside the Order Limits.*" Article 81 of the Sizewell C DCO is the equivalent to Article 39 of the dDCO ('*felling or lopping of trees and removal of hedgerows*') - it is not a provision relating to TPO trees and therefore Article 81(3) is referring to the general power to fell/lop trees etc. contained in Article 39(1) of the applicant's **Draft Development Consent Order [EN010162/APP/3.1E]**. As such, NSDC's suggestion is not a precedent relating to TPO trees. Conversely, there is a significant body of precedent in made solar and other DCOs which contain the equivalent to Article 40 and the applicant remains of the view that Article 40 is required as currently drafted, This is to ensure that the authorised development is not delayed or affected by any decision of NSDC to apply a TPO to any trees which are within or overhang the Order Limits in future (noting that this is the full extent of the power – trees that are within or which overhang the Order Limits, and not those which are outwith the Order Limits, which is what NSDC's example refers to).
Q2.2.6	The applicant	**Article 48 Disregard of certain improvements, etc** The ExA understands that, in the absence of this provision, the Acquisition of Land Act 1981 (including section 4) does not apply to the compulsory acquisition (CA) that would be authorised by the DCO. If the purpose of the Article were to bring into effect this section, in the	The Applicant does not consider it appropriate to amend Article 48 as the ExA suggests. Further amendments would be required to the drafting of the Article to confirm, for example (but not necessarily exclusively): • that the Acquisition of Land Act 1981 ("the 1981 Act") shall not have a wider effect than for the other articles included

ExQ2 Ref	Question to:	Question	Applicant's Responses
		interests of clarity, could Article 48 simply say, 'Section 4 of the Acquisition of Land Act 1981 has effect'?	in the **Draft Development Consent Order [EN01062/APP/3.1E]**; • the purposes for which section 4 of the 1981 Act is to apply, i.e. for disregarding certain improvements, which would then mean including detail from the current Article 48 drafting in any event; • that the provision applies to the acquisition of new rights; • the amendment of section 4(1) of the 1981 Act so that it refers to compulsory acquisition pursuant to the **Draft Development Consent Order [EN01062/APP/3.1E]** rather than to a compulsory purchase. This would require bespoke drafting for which the Applicant is not aware of there being a precedent. In the circumstances, the Applicant strongly prefers the retention of the current Article 48 wording, which has significant precedent and makes clear its purpose and effect on the face of the **Draft Development Consent Order [EN01062/APP/3.1E]**.
Q2.2.7	The applicant	**Article 49 Set-off for enhancement in value of retained land** The ExA understands that section 7 of the Land Compensation Act 1961: 'Effect of certain actual or prospective development of adjacent land in same ownership' was repealed by section 32 of the Neighbourhood Planning Act 2017: 'No-scheme principle,' which substituted it with	The Applicant agrees that the 'No-scheme principle' as expressed in sections 6A-6E of the Land Compensation Act 1961 ("the 1961 Act") replaces section 7, and that paragraph 3 of Schedule 9 to the **Draft Development Consent Order [EN01062/APP/3.1E]** applies the 1961 Act to the Order.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		sections 6A-6E. These apply the "No-scheme principle" to the assessment of the value of land when working out how much compensation is to be paid. Given the applicant's explanation [REP3-099] and in its EM [REP3-007] could the applicant consider whether there is still a need for Article 49 and if it does, provide additional justification in consideration of section 1 of the 1961 Act and schedule 9 paragraph 3 of their dDCO?	However, section 6D of the 1961 Act, which defines the 'scheme' for the propose of the 'No scheme principle', does not, for example: • make express provision for DCOs; • expressly apply the principle to an acquisition of new rights; or • make provision for set-off arising from the construction of the 'authorised development' pursuant to a DCO. These matters are expressly addressed in Article 49 and accordingly, the Applicant considers that the retention of the Article is justified.
Q2.2.8	The applicant	**Article 50 Inconsistent planning permissions** The ExA understands that following the Hillside judgement, the SoS continued to remove the **Article** because "it is not considered necessary and creates potential ambiguity". Examples of removal include: Oaklands solar (June 2025), and Byers Gill solar (25th July 2025), Other consented developments that did not include it in the recommended DCO include: East Yorkshire solar (May 2025), Helios solar (Dec 2025), and Fenwick solar (Feb 2026). The applicant refers to the scale of the proposed development [REP3-099] and Hillside in its Explanatory Memorandum [REP3-007].	The applicant is not aware of any made solar DCOs where this, or an equivalent, the Article has been included. However, the issue the Article intends to address does not pertain only to solar farm schemes: it is a universal issue which affects all NSIPs due to their size and extent. This is reflected by the fact that the Article does have precedent in a variety of orders, as already identified, and the Applicant therefore does not consider it to be of particular relevance that provisions similar to those found in the proposed Article 50 have not been included in made solar DCOs to date. However, the Applicant does note that similar articles are being sought in several applications being examined at present (including for solar), e.g. Fosse Green Energy, Frodsham Solar, Beacon Fen Energy Park, the Steeple

ExQ2 Ref	Question to:	Question	Applicant's Responses
		Can the applicant identify any solar made DCOs where this, or an equivalent article, has been included or provide further justification beyond that already provided?	Renewables Project, Sea Link and the Connah's Quay Low Carbon Power Project. As such, it is clear that applicants and their legal advisers remain concerned with the effects of the *Hillside* judgment, notwithstanding the Secretary of State's comments, Article 50 is included to address the legal ambiguity which remains present with overlapping developments as a result of the case law and is simply intended to clarify that any developments consented by a planning permission crossing or within the Order Limits (and vice versa with the authorised development under the DCO) are not rendered unlawful due to physical inconsistency between two different schemes.
Schedule 1 – Authorised Development			
Q2.2.9		**No further questions at this time**	N/A
Schedule 2 - Requirements			
Q2.2.10		**Part 1 Requirements**	N/A
Q2.2.11	National Highways	**Requirements 5, 14, 19 and 22** The ExA understands that National Highways (NH) remain of the view that discharge of these must be approved by NH and the applicant considers this is unreasonable because of the limited interaction between the proposed	The Applicant notes that National Highways have agreed the both the **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2D]** and **ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP) [EN010162/APP/6.4.5.6C]** secure all necessary mitigation measures, as set out in the **Draft Statement of**

ExQ2 Ref	Question to:	Question	Applicant's Responses
		development and the strategic road network (SRN). **a.** Whilst NH cites precedent in the form of the Viking made DCO can NH provide more comparable precedents, in terms of interaction with the SRN, or other justification? b. Alternatively, are there amendments to the outline plans that the applicant could make or further information the applicant could provide that would enable NH to accept the applicant's position?	**Common Ground with National Highways [EN010162/APP/8.4C]**. The Applicant is therefore of the position that requiring further, explicit approval of each and every submission in relation to requirements 5, 14, 19 and 22 is considered to be excessive and unnecessary. Given that the Development does not involve physical works to the strategic highway network, and NH have confirmed that the traffic movements associated with all phases are below the threshold at which NH would be concerned with, the Applicant is unclear on the necessity of controls over and above those already committed to by the Applicant. The Applicant considers that it is entirely reasonable for the ExA and SoS to assume that the relevant planning authorities' duty to consult with NH on SRN matters would be appropriate and effective in this specific instance. The relevant planning authorities would have a duty to have appropriate regard to any legitimate concerns.
Q2.2.12	Nottinghamshire County Council	**Requirement 7 - Fire safety management** a. Please could Nottinghamshire County Council (NCC) confirm, having consulted with the Nottinghamshire Fire and Rescue Service, that it is satisfied with the wording of this requirement and the content of the outline fire safety management plan [REP3-039].	The Applicant notes that this is directed to NCC, but the Applicant has discussed this matter with Nottinghamshire Fire and Rescue Services, who confirmed that they are content with this point. The Applicant and NFRS are working up a SoCG which will be submitted at Deadline 5.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		b. If not please could proposed amendments be provided?	
Q2.2.13	The applicant, NCC and Historic England	**Requirement 11- Archaeology:** The ExA understands that revision 5 of dDCO [REP3-004] contains the applicant's latest drafting of this requirement, following discussion with NCC and consideration of their preferred wording, as set out in their response to ExQ1 [REP2-123]. However, NCC's post hearing submission [REP3-108] indicates that parties are still some distance apart on the drafting of this requirement. The ExA also notes that the latest statement of common ground (SoCG) with Historic England (HE) indicates that there are concerns with the wording of this requirement [REP3-077]. The ExA therefore requests that: a. The parties continue to work together with a view to reaching agreement of the drafting of this requirement b. In the event that differences remain, each party is asked to set out clear justification for their positions in relation to the areas of difference.	The Applicant and NCC have held a number of constructive discussions on this matter. The wording included in Requirement 11 of the **Draft DCO [EN010162/APP/3.1E]** sets out the agreed position, as reported in the **Draft Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1C]**.

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q2.2.14	The applicant and NSDC	**Requirement 15 – Operational noise** The ExA questions why the applicant has not proposed a requirement that is substantially in accordance with the Helios equivalent, given the SoS led a consultation that took place during the decision phase of the Helios application, as described at ISH2 [REP3-099]. Whilst recognising that NSDC has yet to respond to the applicant's proposal, a noise limit of *'35 dB LAr or 5 dB above the background noise level (whichever is greater)*' would make the requirement less precise by introducing a variable outside of the undertaker's control. This would allow the proposed development to cause adverse or potentially significantly adverse noise impacts, and therefore not meet the EN-1 policy aims with regard to operational noise. a. Is that the applicant's intention? b. If not please could the applicant review its proposals?	No, this was not the Applicant's intention. The Applicant had sought to ensure that the limits set in Requirement 15 were aligned to the levels assessed as set out in Tables A12.2.8 and A12.2.9 of the **ES Volume 4, Appendix A12.2: Noise and Vibration Modelling [EN010162/APP/6.4.12.2]** [APP-271]. The Applicant considered that the Helios example provided a useful precedent. However, the Development relates to a much larger area, and the 89 noise sensitive receptors identified have a wider range in background noise levels. The Applicant has reviewed the drafting of the requirement and has suggested a compromise that seeks to address the ExA's concern. The Applicant has also discussed this matter with NSDC, who clarified that their preference was with the Applicant's Deadline 3 submission. The Applicant has share this update with NSDC, who have indicated that they would be content with this approach. The Applicant considers that the Deadline 4 position could provide a suitable compromise, but remains open to any further suggestions from the ExA.
Q2.2.15	NCC	**New draft requirement - Detailed highway approval** In its post-hearing submissions [REP3-108] NCC has proposed draft requirement for inclusion at Schedule 2 of the dDCO in relation to this. Can	Please refer to Row 2.10.5 of the **Draft Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1C]**, which deals with this matter.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		NCC identify precedent for this in made solar DCOs, other made DCOs or justify it in relation guidance or other reasons?	
Q2.2.16		**Part 2 – Procedure for the discharge of requirements**	N/A
Q2.2.17		**No further questions at this time**	N/A

2.4 Agriculture and Land Use

Table 2-3 Agriculture and Land Use

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q3.2.1		**No further questions at this time**	N/A

2.5 Biodiversity, Ecology and the Natural Environment

Table 2-4 Biodiversity, Ecology and the Natural Environment

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q4.2.1	NSDC, NCC, and Natural England	**Mitigation and Enhancement** With regards to mitigation and enhancement measures, and how these have been considered by the applicant in its assessment of effects on ecology and biodiversity, could the parties please address the following points: If you have any comments on the applicant's position on its approach to mitigation and enhancement, as set out in paragraphs 1.6.12 to 1.6.15 of [REP1-068] (and in [EV3-005]) Do you agree with the applicant that an approach where enhancement accompanies mitigation, rather than the two being separate, represents good practice?	N/A
Q4.2.2	The applicant and NSDC	**Outstanding issues** At ISH3 [EV7-004] NSDC and the applicant suggested that matters related to biodiversity and ecology, including the assessment methodology, baseline surveys, and the assessment of effects had mostly been resolved. However, the latest SoCG [REP3-071] appears to show that a number of matters related to these issues (such	The majority of ecology matters have been agreed with NSDC, with one remaining matter relating to BNG. The Applicant anticipates that all ecology matters will be agreed with NSDC by Deadline 5. Please refer to Section 2,4 of the **Draft Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2C].**

ExQ2 Ref	Question to:	Question	Applicant's Responses
		as items 2.4.5, 2.4.9, and 2.4.10) are still outstanding. The parties are asked to please confirm where there are any outstanding disagreements to be resolved, and the status of any discussions.	

2.6 Climate Change and Sustainability

Table 2-5 Climate Change and Sustainability

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q5.2.1	The applicant and Norwell Solar Farm Steering Group	**Whole life greenhouse gas (GHG) assessment** The ExA's reading of deadline 3 submissions is that Norwell Solar Farm Steering Group (NSFSG) [REP3-113], using its view of grid decarbonisation and assumptions around BESS operation, forecasts whole life 1.86 mtCO2e disbenefit and the applicant using its view and assumptions on the respective matters forecasts [REP3-027] 1.21 mtCO2e benefit. Do both parties agree that securing any specified whole life GHG emissions outcome through a requirement would be inappropriate and hence a	The Applicant agrees that securing any specified whole life GHG emissions outcome through a requirement would be inappropriate, because the assessment is relative to a baseline and that baseline cannot be secured, as set out in **ES Volume 4, Appendix A15.1: Lifecycle Greenhouse Gas Evaluation [EN010162/APP/6.4.15.1B]** [REP3-063] . Because of the uncertainty in the future baseline GHG emissions, a high degree of uncertainty will remain in the predictions of the potential savings. Notwithstanding this, solar-generated electricity, supported by batteries, remains one of the lowest-carbon sources of electricity available, which is why it is strongly supported by policy such as NPS EN-1 that intend to lead the UK towards Net Zero.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		high degree of uncertainty will remain in these predictions?	The assessment of net GHG emissions/savings has been carried out on a worst-case basis, and the statements by Norwell Solar Farm Steering Group in relation to the battery element being a net contributor of GHG emissions are based on a worst-case approach; a "best-estimate" approach would show that the battery allows a net reduction in GHG emissions, and therefore the net lifecycle emissions are minimised by the inclusion of the battery.

2.7 Community and human health

Table 2-6 Community and human health

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q6.2.1	The applicant	**Health and Wellbeing** This comment is included in Sally Drew's deadline 3 submission [REP3-123]: *"The World Health Organisation ID: 28466 suggest a solar park should be at least 2 miles away from residents. This was reflected upon by the planning inspectorate and advice to authorities was suggested to be 2 kilometres or 1.2 miles away, again these distances are not maintained."* Please could the applicant, if necessary in consultation with Sally Drew, explain the status of	Please refer to the Applicant's responses to Sally Drew's submission in Table 3-9 of the **Responses to Deadline 3 Submissions [EN010162/APP/8.29]**, at page 91-93. The Applicant engaged with Sally Drew to try to establish the source/status of the document cited from the World Health Organisation, but their response included no comment on this document.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		the information provided, and provide a response?	
Q6.2.2	The applicant	Could the applicant comment on Nottinghamshire Ramblers request [REP3-115] that particular PRoW diversions are temporary rather than permanent and justify why this can't be done or make appropriate amendments to the dDCO	Please refer to the Applicant's responses to Nottinghamshire Ramblers' Deadline 3 submission in Table 3-6 of **the Responses to Deadline 3 Submissions [EN010162/APP/8.29]**, at page 54-58.

2.8 Construction effects

Table 2-7 Construction Effects

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q 7.2.1	NCC	**Site access** The ExA understands from the deadline 3 SoCG between the applicant and NCC [REP3-070] that there remain outstanding issues including site access design drawings and safety audits. Does NCC consider that the powers and controls in the dDCO [REP3-005] including **Articles** 16,18 and requirement 14, in association with the outline construction traffic management plan	N/A

ExQ2 Ref	Question to:	Question	Applicant's Responses
		(oCTMP) [REP3-035] are insufficient to prevent an unacceptable impact on highway safety? If the answer is yes please could NCC provide proposed amendments to the dDCO and the oCTMP?	

2.9 Cultural heritage and archaeology

Table 2-8 Cultural heritage and archaeology

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q8.2.1	HE	**Assessment of effects on significance of heritage assets** In their response to ExQ 8.1.18 [REP2-126], HE appear to question the applicant's framework for the assessment of the significance of effects on heritage assets. This was with reference to Table 11.4 of the Environmental Statement (ES) Chapter 11 [APP-054] which suggests that for assets, or receptors, of 'very high' or 'high' values, which could include a world heritage site or a Grade I listed building, a 'low' magnitude of effect, which could include a 'minor change in setting… (to) listed buildings, sites and other features which may lead to a small reduction in the contribution the setting makes to the	The Applicant considers that it was reasonable that low or negligible magnitude impacts on highly designated assets could be not significant, because not every element of an asset significance contributes equally and professional judgement is required. It is a standard practice for determining what would constitute a 'significant effect' to be based upon the value/heritage significance of the asset and the exercise of professional judgement. This approach is explained at paragraph 69 of the **ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11]** [APP-054]. The HE confirmed to the Applicant that the method and assessment of significance is an agreed matter, and that HE had no further comment to make. This is the position set out in the **Draft Statement of Common Ground with Historic**

ExQ2 Ref	Question to:	Question	Applicant's Responses
		significance of the heritage asset with an appreciable loss in the assets overall significance.', would have a 'minor' effect overall. According to para 72, this would then equate to 'less than substantial harm to heritage significance (lower end of scale)'. This would not be significant in EIA terms. In their response EH *[Sic]* suggests that this approach '*appears to be somewhat reductive. We would welcome discourse with the applicant; our position would be that generally, low magnitude effects on very high and high value (significant) resources should still constitute moderate adverse effects, regardless of whether there is a conflation with significant effects in EIA terms*.' HE are asked to provide further clarification of their position on this matter, noting that the latest SoCG with the applicant [REP3-077] suggests that the assessment methodology for archaeology and designated heritage assets are agreed matters.	**England [EN010162/APP/8.5C].** In response to this question, Applicant has sought to engage with the HE on multiple occasions, but is awaiting a reply from HE. The Applicant has detailed these attempts in the **Draft Statement of Common Ground with Historic England [EN010162/APP/8.5C].**
Q8.2.2	The applicant and NSDC	**Mitigation of heritage impacts** Following the discussion at ISH3 [REP3-101] relating to NSDCs remaining concerns about impacts on particular heritage assets, it appeared	As set out in Row 2.6.4 of the **Draft Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2C]**, it is the Applicant's understanding is that NSDC do not consider that there is any harm to the settings of any asset (see point 2.6.2 above, and NSDC's e-

ExQ2 Ref	Question to:	Question	Applicant's Responses
		that discussions between the applicant and NSDC with a view to resolving these points were continuing. At present this does not appear to be reflected in the SoCG [REP3-071] at row 2.6.4. An update on the position between the parties is therefore requested.	mail of 11th February 2026). The Applicant has sought to confirm this with NSDC, but is awaiting a reply from the NSDC Officer.
Q8.2.3	The applicant NSDC	**Caunton Lodge Farm** With reference to the heritage report submitted in relation to Caunton Lodge Farm, [REP3-111], the parties are invited to provide comments on the following points: a. Whether Caunton Lodge Farm is a recognised non-designated heritage asset? b. Do the parties agree with the statement of heritage interest and significance of this property and its setting? c. Do the parties agree with the findings of the heritage assessment, particularly the conclusion that the impact would cause substantial harm to the setting of this property?	The Applicant has set out the responses to the heritage report submitted in relation to Caunton Lodge Farm in Appendix 2 of the **Responses to Deadline 3 Submissions [EN010162/APP/8.29]**, at page 16-18. Taking the ExA's points in turn: In response to (a), the Applicant acknowledges that Caunton Lodge may qualify as an NDHA. A detailed responses to point (a) is provided at paragraph 9.1.15 of **Responses to Deadline 3 Submissions [EN010162/APP/8.29]**. In response to (b), the Applicant does not agree with the statement of heritage interest and significance of this property and its setting, and considers that the statement does not adequately meet the process set out in the Historic England's The Settings of Heritage Assets: Good Practice Advice in Planning Note 3 (second edition 2017) 2. A detailed responses to point (b) is provided at paragraph 9.16.

[2] The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition). Historic England. December 2021. Available at: https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/#:~:text=Setting%20is%20the%20surroundings%20in,of%20the%20significance%20of%20each.

ExQ2 Ref	Question to:	Question	Applicant's Responses
			In response to (c), the Applicant does not accept the heritage report's findings and considers that there is no harm to the interest from which this non-designated asset's significance is derived, as the current setting beyond the immediate curtilage does not contribute significantly to how those interests can be understood and appreciated. A detailed responses to point (c) is provided at paragraph 9.17 to 9.22.
Q8.2.4	The applicant and HE	Adequacy of pre-consent archaeological assessment ExQ 8.1.2 sought parties views on the whether the basis of the applicant's archaeological mitigation strategy is reasonable, noting that it is suggested that it could progress on a precautionary basis, assuming a reasonable worst case scenario, as the conclusions of the archaeological desk-based assessments are predicative and probabilistic and the results of the geophysical surveys have not been ground-truthed in their entirety. In HE's response it was suggested that this approach should also be applied where '*non-intrusive geophysical survey or trial trench evaluation has not been completed; there appears to be a slight incongruousness to the overall approach in the way. It's useful to note that while an application of professional judgement is wholly reasonable, this judgement*	The HE confirmed to the Applicant that the method and assessment of significance is an agreed matter, and that HE had no further comment to make. This is the position set out in the **Draft Statement of Common Ground with Historic England [EN010162/APP/8.5C].** In response to this question, Applicant has sought to engage with the HE on multiple occasions, but is awaiting a reply from HE. In response to point (b), the Applicant's understanding is that HE accepts that an appropriate programme of post-consent work can address any concerns HE still has. In terms of the completeness of survey to date it should be noted that geophysical baseline survey coverage was c.73% across the Order Limits with c.90% coverage of Works Area 1 Solar and that trenching tested all geologies. The pre-consent archaeological assessment is therefore considered to be proportionate, in line with developing best practice guidelines and sufficient to inform the **ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11]** [APP-054]. Please refer to Appendix 1 of this Report, which

ExQ2 Ref	Question to:	Question	Applicant's Responses
		is based on a somewhat limited understanding of the nature of the archaeological record, on the basis of limited ground-truthing through trial trench evaluation.' Noting that the SoCG with HE [REP3-077] suggests that all archaeological matters have been agreed, the ExA would welcome further clarity HE's position on this point, including: **a.** Clarity on where any incongruity lies b. Whether post-consent works could address any concerns about the inadequacy of investigations to date.	outlines the geophysical survey at the PIER boundary and the Order Limits. The scope of post-consent investigation, provision for which is set out in the **ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C]**, will be agreed through continued engagement with NCC during the period of the examination. As noted at row 2.1.3 of the **Draft Statement of Common Ground with Historic England [EN010162/APP/8.5C]**, the Applicant understands that HE are content to leave the detail of the **ES Volume 4, Appendix A11.8: Outline AMS [EN010162/APP/6.4.11.8C]** for NCC and the Applicant to agree.
Q8.2.5	NCC and HE	**Post-consent archaeological investigations** During ISH3 [REP3-101] the applicant explained that the outline archaeological mitigation strategy (oAMS) [REP3-056] has been undated to address NCC's concerns about the risk to the archaeological resource on the basis of current investigations, their request for additional detail on the post-consent archaeological investigations and also assurance that the process could be appropriately managed. The ExA also notes that HE have questioned the	The provisions in the **Outline Archaeological Mitigation Strategy [EN010149/APP/6.4.11.8C]** sets out the agreed position, as reported in Section 2.6 of the **Draft Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1C]** and Section 2.1 of the **Draft Statement of Common Ground with Historic England [EN010162/APP/8.5C]**.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		completeness of archaeological investigations [REP1-081]. The respective parties are asked to address the following points: a. For NCC, this matter is noted as being under discussion in the SoCG [REP3-069]. NCC are asked to provide clarification on whether the revisions made address their concerns, and if not what further provision they would wish to see in the oAMS. b. HE are invited to provide comment on whether the approach to post-consent investigation in the revised oAMS addresses their concerns, and if not what further provision should be required.	
Q8.2.6	The applicant, NCC and HE	**Archaeological mitigation** The oAMS [REP3-056] at Section 11.8.5 refers to Stage 3: Mitigation measures. It sets out that mitigation measures which remove any potential further impact (preservation in situ), where practicable, will always be preferred. Where this is not possible, mitigating the loss of the archaeological resource through preservation by record will be proposed. On this point the ExA notes the conclusions of the SoS in recent solar	The Applicant notes the position regarding mitigation in EN-1 Para 5.9.18, and considers that the staged oAMS process allows this to be considered in relation to the detailed design, as set out in the **Outline Archaeological Mitigation Strategy [EN010149/APP/6.4.11.8C]**. The Applicant accepts that where practicable archaeological remains should be preserved in situ, and maintains that the **Outline Archaeological Mitigation Strategy [EN010149/APP/6.4.11.8C]** represents an appropriate method of dealing with the archaeological potential within the Application site. In summary, this sets out a staged

ExQ2 Ref	Question to:	Question	Applicant's Responses
		DCO decisions that that preservation by record does not itself constitute acceptable mitigation. Rather, in situations where impacts on archaeological remains cannot be avoided, preservation by record is considered to be best practice. This reflects the NSP EN-1 guidance (para 5.9.18) that a documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted. The applicant is asked to consider the extent to which these principles are reflected in the oAMS, and to make any appropriate amendments. NCC and HE are invited to provide comment and advice on the approach to the management of the archaeological resource set out in the oAMS, in terms of both whether preservation by record is appropriately framed.	process, commencing with a phase of non-intrusive survey to complete the surveys undertaken pre-application, the results of which will inform the needs for additional intrusive evaluation. Following completion of the survey work (intrusive and non-intrusive), consideration will be given to the appropriate response required, taking into account the nature of any archaeological remains encountered, and feeding that back into the emerging detailed design. The responses can include design to ensure preservation in situ, where the remains are of such significance to warrant it, and where practicable. Such decisions will be made in dialogue with NCC, as indicated in the oAMS.
Q8.2.7	NCC	**Heritage interpretation and community engagement** The SoCG at 2.2.10 refers to NCC's position that community engagement in archaeological works and agree that this would enhance the public value and engagement with the historic environment [REP3-069]. The ExA notes that	N/A

ExQ2 Ref	Question to:	Question	Applicant's Responses
		NPS EN1 refers at para 5.9.155 to applicants being encouraged to prepare proposals which can make a positive contribution to the historic environment, including where possible considering whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme. NCC sets out that provision should be made in the final AMS for lasting engagement during and after the archaeological work and post-construction through the operational lifetime of the scheme across multiple phases and using variety of public engagement techniques. NCC are asked to: a. Noting the small addition to the oAMS [REP3-056] at A11.8.7.5.1, comment on whether any further detail, including the identification of other engagement/interpretation opportunities, could reasonably be expected at this point. b. Provide clarification on the suggestion at 2.2.10 of the SoCG that such provision would not offset the physical effects of the development but would provide a necessary public benefit from the archaeological work. Should this be	

ExQ2 Ref	Question to:	Question	Applicant's Responses
		regarded as best practice or would it be public benefit to be weighed in the heritage and wider planning balance?	
Q8.2.8	The applicant and NCC	RAF Ossington Airfield The ExA has significant concerns about the lack of clear information regarding the nature and significance of RAF Ossington Airfield (the Airfield) as a non-designated heritage asset and, alongside this, the divergent positions of the applicant and NCC as set out in the SoCG [REP3-069] at line 2.2.8. The ExA therefore requests that the parties work together to provide a joint statement setting out: **a.** The heritage significance of the Airfield. This should include: **i.** an assessment its heritage values **ii.** clarity on the nature and locations of the elements contributing to significance **iii.** consideration of where further information is required to clarify the nature and contribution of particular elements, and whether/ how it this can be obtained	A Joint Statement on the Ossington Airfield has been prepared by the Applicant together with Nottinghamshire County Council (NCC), and sets out the position of the Parties with respect to the former RAF Ossington. Please refer to Appendix 3 of the **Draft Statement of Common Ground with NCC [EN010162/APP/8.1C]**.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		iv. consideration of the extent of the setting of the Airfield **b.** An assessment of the effects of the proposed development on this heritage significance, including setting **c.** A statement of how any direct and indirect effects could be mitigated Where it is not possible to reach agreement on particular points, a clear statement of the parties respective positions, and the reasons for them, should be provided.	
Q8.2.9	The applicant and HE	**Statement of Common Ground** It is suggested that the SoCG submitted at deadline 3 is in its final form [REP3-077] though whilst the 2.1.1 matter has 'agreed' status it is noted as requiring further consultation; similarly 2.5.1 is noted as under discussion. The parties are asked to review and clarify this point.	Noted. The Applicant understands that all but one matters have been agreed, which was reflected in the Deadline 3 SoCG. Prior to submission at D3, HE confirmed that the submission draft was agreed. In response to this question, the Applicant has sought to make contact with HE on a number of occasions since Deadline 3 and is awaiting a reply. Please refer to **Draft Statement of Common Ground with Historic England [EN010162/APP/8.5C]**.

2.10 Cumulative effects

Table 2-9 Cumulative effects

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q9.2.1	The applicant, NCC and NSDC	**Update on cumulative effects** Noting the discussion at ISH1 [REP1-068] the applicant is asked to: a. Provide an update on the cumulative assessment, taking into account any newly proposed developments that may impact on the conclusions of the assessment of environmental effects. b. Working with NCC and NSDC, provide an update to the SoCG in terms of the agreed projects included. c. The parties are invited to provide comment on whether the proposed H2East Pipeline, highlighted by several IPs at deadline 3 (for example [REP3-121]) should at this stage should be considered as part of the cumulative assessment.	The cumulative long- and short-lists, as presented in **ES Volume 4, Appendix A2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1B]** [REP2-042], were updated at D2 and these lists were agreed by NSDC. These required no changes to the stage 3 and 4 parts of the cumulative effects assessments presented in the ES technical chapters 7-19 (as updated during the Examination). The Applicant is not aware of any changes to developments that could lead to a change in likely significant cumulative effects from the Development since D2. The identification and assessment of cumulative effects in the **ES Volume 4, Appendix A2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1B]** [REP2-042] followed PINS Guidance on the Cumulative Effects Assessment. The PINS Guidance sets out criteria for the projects to be considered in the long list based on the categories of Tier 1 (most certain) to Tier 3 (least certain). To qualify as Tier 3 project, a development must be registered on the PINS website, identified in the relevant development plan and emerging development plans, and referenced in other plans and programmes. H2East Pipeline: Humber to Nottinghamshire launched in January, and has not yet been registered on the Planning Inspectorate's website, nor has the promoter submitted an EIA Scoping Report. As such, **ES**

			Volume 4, Appendix A2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1B] [REP2-042] does not need to be updated to consider H2East Pipeline: Humber to Nottinghamshire. It will only be added to the long list once the Tier 3 criteria are met and the EIA Scoping Report is provided. In relation to H2East: There is little reliable information about pre-application developments, particularly those that have not started consultation, and therefore it is not possible to undertake a meaningful cumulative impact assessment including these, which is why they do not meet Tier 3 criteria. Assuming the pipeline would be buried, if such a pipeline project were to proceed in the vicinity of the Development, the potential cumulative effects would be during the construction stage only, and only if the construction stage of the two projects overlapped. The Development construction phase is expected to be completed by c. 2029, whereas the H2East project DCO process itself is expected to last until 2031, with a period beyond that before construction starts. There is therefore no potential for cumulative effects of the Development against a baseline including H2East. This approach has been discussed with both NSDC, and NCC, who have confirmed in writing to the Applicant that they agree with this position.
Q9.2.2	Interested parties	**Cumulative assessment** The ExA notes that a number of interested parties have raised concerns about the applicant's approach to the cumulative assessment of this project with other solar and infrastructure developments that are either existing, in the	N/A

		pipeline or are proposed. Interested parties are invited to make further comment on whether the applicants assessment is consistent with the Planning Inspectorates advice on Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment	

2.11 Compulsory acquisition, temporary possession and other land or rights considerations

Table 2-10 Compulsory acquisition, temporary possession and other land or rights considerations

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q10.2.1	The applicant	**Plots 15/16, 15/17, and 16/1** With regards to plots 15/16, 15/17, and 16/1 and the representations made by BBS Law Ltd on Behalf of Richard Gill, Lisa Gill and Drone Defence Services Ltd [REP3-111], could the applicant please explain: a. Why it considers these specific plots of land to be necessary for the proposed development; b. If alternatives to the compulsory acquisition of rights for these plots of land have been considered, if they are viable or not, and why; and c. If any potential reduction in the operational capacity of the proposed development as	In response to (a) and (b), as set out in **Responses to Relevant Representations [EN010162/APP/8.16A]** [REP2-115], the Applicant's assessment of alternatives for the design and location(s) of the different components of the proposed Development is considered adequate and robust (for further details see **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [APP-047], with supporting figures in **ES Volume 3, Figure 4.2: Site Selection – All Considerations** [AS-030]). The Applicant has adopted an iterative design process to optimise the Development layout, including refinements made to avoid high value agricultural land and any land which is the subject of a landscape designation. Regarding Plots 15/16, 15/17 and 16/1 in particular, these land parcels were identified as being suitable and necessary for the delivery of the Development following an audit of the available

ExQ2 Ref	Question to:	Question	Applicant's Responses
		a result of the potential removal of plot 15/16 could be mitigated for through overplanting or the use of improved solar panel technologies. With regards to the Deadline 3 submission from BBS Law Ltd on behalf of Richard Gill, Lisa Gill and Drone Defence Services Ltd [REP3-111], as well as discussions held during the Compulsory Acquisition Hearing (CAH1) [EV6-002], can the applicant please respond to the particular points made concerning the feasibility of the proposed service corridor, including the following points: d. Whether the proposed corridor width of 5m would be sufficient and suitable for the provision of all services that would typically be required for a domestic property, including sewerage, and could facilitate installation in a safe and legal manner in line with relevant industry guidance e. If any other alternative scenarios for the potential provision of services to the property in question have been considered	land in this location and the Applicant having discounted other alternative land parcels for sound masterplanning, design and environmental / development constraint related reasons. By way of illustration: • Land to the north of Plots 15/16, 15/17 and 16/1 has topography that would materially increase the visual effects of the Development. This land was considered less suitable by the Applicant and was discounted on this basis. • Land to the east and south is encumbered by the same rights as Plots 15/16, 15/17 and 16/1, and so the need to interfere with and impact the rights for delivery of the Project would not be avoided. In addition, the land to the south and east was discounted as it would have greater visual effects due to the land's topography. As the ExA is aware, the Applicant completed an Option Agreement for lease of Plots 15/16, 15/17 and 16/1 on 18 April 2024 with the owner of these land parcels. See Row 23 of the **Land and Rights Negotiations Tracker [EN010162/APP/4.4B]**. The availability of land from willing landowners as an alternative to the exercise of compulsory acquisition powers to acquire land is an important consideration for the purposes of the section 122(3) Planning Act 2008 compelling case in the public interest condition. It was entirely appropriate and legitimate for the Applicant to have regard to this and to lessening the impacts for landowners as part of its co-ordinated design strategy. The degree of impact of the proposed Development upon the Interested Party is limited, if

ExQ2 Ref	Question to:	Question	Applicant's Responses
		f. If you have any comments on the suggestion made in paragraph 1.9 (page 14) of [REP3-111] that a 25m corridor would be more appropriate g. If the proposed service corridor would remain as an easement after the acquisition of rights and how, in practice, were there to be a future need to install domestic services to the property in question, the right to install them would be exercised.	indeed there is any such impact (see para (g) below). Even if it was possible to redesign the proposed Development to avoid a potential impact upon the rights belonging to the Interested Party, avoiding those rights would not of itself be sufficient reason to justify the selection and compulsory acquisition of land belonging to someone else. In response to (c),the associated loss in generating capacity of the PV areas comprised in plot 15/16 would be more than a "marginal loss". The Development has already assumed the most efficient panel type on the market, and the overplanting ratio does not allow for further reductions in scale to take place without a material effect on the total generating capacity, and a reduction in the benefits that the Project will realise. Accordingly, paragraph 5.10.26 of NPS EN-1 does not support reducing the scale of the Project. In response to (d),the Applicant considers that a 5m services corridor is more than adequate for typical domestic services, including sewerage. For electricity infrastructure below 33KV, which is far in excess of a domestic supply, a working width of 2-3m is sufficient space to provide for an excavator, insulation material for the cable (usually sand) and the cable itself. There is no reason why domestic services would need to all be laid in future down the Applicant's proposed corridor. That corridor is only under consideration because DDSL wish to connect the cabinet and monitoring equipment to power. It is highly unlikely that domestic services to the property would need to follow such an indirect route in the future, but even if

ExQ2 Ref	Question to:	Question	Applicant's Responses
			they did, the Applicant expects that multiple services could be laid in close proximity to each other without the need for a wider corridor, as is often the case, for example, where services are laid in highways. In response to (e),as noted in section 2 of the Applicant's Drone Defence Position Statement (Appendix 2 of the **Responses to Deadline 3 Submissions [EN010162/APP/8.29]**), the land over which the rights to lay services may be exercised is extensive and goes well beyond the Order Limits. Notably, it includes land that extends all the way from the property to the adopted highway in Mill Lane. The rights over land outside of the Order Limits will be wholly unaffected by the **Draft Development Consent Order [EN010162/APP/3.1E]**. Even within the Order Limits, there remain other options for routing domestic services through Plots 16/1 and 15/17 in consultation with the Applicant if the Interested Party's self-imposed constraint of wanting to direct all services via DDSL's apparatus is left out of account. The entire land area over which the Interested Party benefits from rights is approximately 873,000 sqm (216 acres) of which Plot 15/16, where the PV is to be situated, is approximately 46,800 (11.6 acres), being circa 5.4% of the land subject to the rights. The future needs of the owner for the time being of the property to connect it domestic services can clearly still be accommodated. In response to (f), the Applicant considers that a 25m corridor for an electricity cable is excessive and unjustified. As explained above, 2-3m is more than adequate for a low voltage

ExQ2 Ref	Question to:	Question	Applicant's Responses
			supply. The Applicant's proposed corridor, which runs along field boundaries also facilitates access to the cable in future for maintenance purposes, including with any machinery. The Applicant also notes that notwithstanding the Interested Party's assertion that a continuous 25m wide corridor is needed, the gap between the hedge and tree planting to the south of the Order Land in the vicinity of the services cabinet (as shown on the picture at Annex 3 to the Interested Party's Engineering Report) appears to be far less than 25m and therefore the existing land constraints do not allow for a continuous corridor of this width. A 25m services corridor in the location proposed by the Interested Party would have a material impact on the proposed Development by reducing the developable land area, which in turn affects the number of PV panels, the generating capacity of the proposed Development, and the ability to provide necessary mitigation which is secured by the **Draft Development Consent Order [EN010162/APP/3.1E]**. Therefore, if the Interested Party's cable has been installed before the proposed Development, the cable would need to be relocated. Otherwise it would interfere with the piling of the PV tables which extend to 4-5m in depth, and it would pose a significant constraint which cannot be reasonably managed whether during the construction or operational phase of the proposed Development. Nor could access to the cable for maintenance purposes be accommodated.

ExQ2 Ref	Question to:	Question	Applicant's Responses
			In response to (g), whether or not the service corridor would remain as an easement after the Applicant has acquired the land in Plots 15/16, 15/17 and 16/1 will depend on the situation at the date of acquisition. If there is no conflict between the rights that benefit the Interested Party's property in the 1998 Deed ("the Rights") and the proposed Development at the time of the Applicant's acquisition of the land then the Rights will continue to exist. Article 25 (Private rights over land) of the **Draft Development Consent Order [EN010162/APP/3.1E]** i s necessary to ensure that private rights which burden the Order Land do not prevent the construction, use, maintenance and decommissioning of the proposed Development. The Applicant proposed an amendment to Article 25 at Deadline 3 so that existing rights over land are not automatically extinguished upon the Applicant's acquisition of the land (whether by agreement or the exercise of compulsory acquisition powers), but are only extinguished insofar as the continued exercise of the rights would be inconsistent with the purposes for which the Applicant has acquired the land. By way of example, DDSL's proposed 25m cable corridor would be incompatible with solar PV infrastructure as explained in response to question 10.2.1 (f) above. The power in Article 25 of the **Draft Development Consent Order [EN010162/APP/3.1E]** i

ExQ2 Ref	Question to:	Question	Applicant's Responses
			s therefore necessary and justified so as to prevent such a conflict from arising. A number of possible scenarios may have occurred by the date that the Applicant either draws down a lease of the land pursuant to its option agreement, or exercises compulsory acquisition powers to acquire the land: There is no existing infrastructure in the Order Land installed pursuant to the Rights benefitting Lot 4, and therefore no conflict between the Rights and the proposed Development. In this scenario the Rights will not be extinguished either in whole or in part. The Rights will remain in existence. Service Installations have been laid in the Applicant's proposed services corridor in accordance with the Applicant's reasonable requirements. If so, there would be no conflict with the Rights to retain those services in that location, and the Rights would not be extinguished either in whole or in part. The Rights will remain in existence. Service Installations have been installed in a location which has not been approved by the Applicant and which conflicts with the Applicant's need for the land. In this scenario, the right to retain that infrastructure will be extinguished pursuant to Article 25 but only insofar as the Rights relate to the retention of that buried cable in that location. The Rights would otherwise be unaffected over the remainder of the burdened land, whether inside the Order Land or elsewhere within Lots 1, 2 or 3 of the land shown on the Deed plan at Annex A to the Applicant's Drone Defence Position Statement (Appendix 2 of

ExQ2 Ref	Question to:	Question	Applicant's Responses
			the **Responses to Deadline 3 Submissions [EN010162/APP/8.29]**). The Applicant would in these circumstances seek to relocate that apparatus in accordance with its commitments in the **ES Volume 4, Appendix A5.3: Outline CEMP [EN010162/APP/6.4.5.3D]**. In the event of a future need to install domestic services to serve the Interested Party's property, the Rights would still remain and be exercisable over the entirety of the burdened land provided that the proposed installation of domestic services does not conflict with the proposed Development. In the event of a future conflict, the Applicant may rely upon Article 28 (Power to override easements and other rights) of the **Draft Development Consent Order [EN010162/APP/3.1E]** t o override the proposed exercise of the Rights. For example, the Applicant could lawfully resist a request to install domestic services in a manner that required the removal of solar PV panels. Article 28 does not extinguish the private rights, but it overrides the beneficiary of the right's ability to enforce those rights against the Applicant. The private rights remain on the land title and will resurrect and be capable of being exercised once the Applicant's need for the relevant land has ceased. Compensation is payable under both Articles 25 and 28 as a result of the exercise of the powers.

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q10.2.2	BBS Law Ltd on behalf of Richard Gill, Lisa Gill and Drone Defence Services Ltd	Plots 15/16, 15/17, and 16/1 With regards to your D3 submission [REP3-111] and points raised during CAH1 [EV6-002], please confirm: **a.** With note to the constraints and requirements that you have set out concerning the testing of drone defence systems, and the effects that the proposed development would have on current testing, can you confirm if any other drone testing activities would be feasible from your property? b. If you are able to provide further details regarding to the Licence to Occupy for Drone Defence Services Ltd?	N/A
Q10.2.3	The applicant	**Water Supply Pipe to Pamela Gladwin and Paul Mitchell's Property** Please confirm the status of any discussions with Pamela Gladwin and Paul Mitchell you have had since CAH1 with regards to the water supply pipe to the property.	The Applicant refers to the submissions made at Deadline 3 in respect of the water supply pipe – in particular, its response to Hearing Action Point 4 from CAH1. Please refer to the **Written Summary of Oral Submissions from Compulsory Acquisition Hearing 1 and Response to Action Points [EN010162/APP/8.25]** [REP3-100]. The Applicant's position remains as per this response. Feedback from Mr Mitchell and Mrs Gladwin is awaited in respect of the plan which the Applicant appended to its response (see the plan at Appendix B of the **Written Summary**

ExQ2 Ref	Question to:	Question	Applicant's Responses
			of Oral Submissions from Compulsory Acquisition Hearing 1 and Response to Action Points [EN010162/APP/8.25] [REP3-100]), a copy of which was also sent directly to Mr Mitchell and Mrs Gladwin by the Applicant's solicitor on 13 February 2026
Q10.2.4	Pamela Gladwin and Paul Mitchell	**Water Supply Pipe** With regards to your concerns around the water supply pipe to your property outlined in your D3 submission [REP3-120] and at CAH1 [EV6-004], please confirm: If this supply pipe is the only means of water supply to your property If you have been able to identify the location of the pipe Your comments on the applicant's position set out in Table 2-1 (ref. 4) of the Written Summary of Oral Submissions from Compulsory Acquisition Hearing 1 and Responses to Action Points [REP3-100].	N/A
Q10.2.5	The applicant and National Gas Ltd	**National Gas Ltd (NGL)** The applicant's Concept Design Parameters and Principles [REP3-068] in relation to works 6 and 7 says that '*The Undertaker will consult with National Gas Limited before any relevant*	NGL contacted the Applicant on 15/01/26 after a review of nearby developments surrounding their assets. The asset in question is a High Pressure Gas Pipeline over 700m to the South East of the Order Limits (XY: 476315, 353182) which feeds into Staythorpe Power Station. NGL stated: *"Under normal circumstances, this distance would not be expected to*

ExQ2 Ref	Question to:	Question	Applicant's Responses
		application to discharge Requirement 6 of the DCO is submitted to the planning authority. The Undertaker will have appropriate regard to any feedback provided by National Gas Limited, with the aim to avoid any operational conflict with National Gas assets.' However, on the utilities plan [REP3-099], NGL is not listed on the legend hence no NGL assets are apparent. **a.** Based on this information why is such a consultation necessary? **b.** If it is necessary would it be effective, if there was a conflict is it realistic to think that it could be rectified at the detailed design stage? **c.** If there is a potential interaction with NGL's assets would it not be preferable to rely upon suitable protective provisions, which according to the applicant have been agreed [REP3-099]? **d.** Could the applicant and NGL provide a final definitive position, and this reflected in any changes to the dDCO and application documents? e. Who is GTC with regard to gas assets as shown in the legend on the utility plan [REP3-099] does it have any potentially	*create any issues. However, during electrical fault conditions at the substation, there is a possibility that electrical interference could affect buried metallic assets such as gas pipelines."* Considering this information, the Applicant has committed to consulting with NGL before the Applicant seeks detailed design approval for any phase of the authorised development with the potential to affect NGL equipment, apparatus or operations (which commitment is contained in the following document: **Concept Design Parameters and Principles [EN010162/APP/7.14C]** [REP3-068]). NGL will not be in a position to carry out and complete its technical assessment until the detailed electrical design for the Development, including a Ground Potential Rise (GPR) at Staythorpe Substation under fault conditions, has been undertaken. The Applicant understands that NGL's technical assessment will identify any potential impacts and/or risks to its equipment, apparatus or operations posed by the Development and how they can be appropriately and safely managed. Accordingly, the Applicant is confident that it can work with NGL at the detailed design stage to resolve any issues (should they be identified). This is the Applicant's final position on the matter, and it is not considered necessary to make any changes to any of the application documents or to the **Draft Development Consent Order [EN010162/APP/3.1E]**.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		affected apparatus, is it a statutory undertaker, and does it require any PPs?	GTC Gas Ltd have a Low Pressure Gas Pipeline near Kelham, this is shown on the Utilities Overview Plan as shown in Appendix A of the **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Response to Action Points [EN010162/APP/8.24]** [REP3-099] as part of the wider utilities search. The gas pipeline is just under 300m to the South of the Order Limits, however this area is designated for Works Area 3, Diverse Grassland, only. The nearest area of infrastructure/works is over 1km away to the west. As the ExA will be aware, GTC Gas Ltd have not submitted a relevant representation and, to date, have taken no part in the examination.
Q10.2.6	The applicant and Cadent Gas Ltd	**Cadent Gas Ltd (CGL)** The ExA notes the proposed use of a side agreement to deal with certain commercial matters [REP3-099]. Please clarify the following: On the assumption that agreement will be reached could examples be provided of where this approach has been accepted as a final position in relation to previously made orders involving CGL? If the Order is made how would the side agreement be legally binding on the undertaker in the event the benefit of the Order is transferred?	With regard to (a), the Applicant is informed that this approach has been agreed between project promoters and CGL in respect of a number of recent DCOs made by the Secretary of State for Energy Security and Net Zero, including in respect of the Five Estuaries project and the Outer Dowsing project. CGL's letter of withdrawal from the examination for the relevant project notes that the protective provisions (as agreed in that case) are secured in a confidential commercial agreement at the relevant promoter's request. Turning to (b), the Side Agreement between CGL and the Applicant (the terms of which have now been settled) contains a provision such that in the event that any person other than the undertaker (as defined by the **Draft Development Consent Order [EN01062/APP/3.1E]**) is appointed as the *"authorised undertaker"* for the purposes of the DCO and the

ExQ2 Ref	Question to:	Question	Applicant's Responses
			powers of the undertaker are transferred to that person, where the provisions of the Side Agreement are not otherwise made directly enforceable against any such person (referred to as *"the transferee"*), the undertaker will procure a deed of covenant as soon as reasonably practicable in favour of CGL, the effect of which would be to bind the transferee to observe and perform the obligations and restrictions in the deed as they relate to those powers which have been transferred.

2.12 Landscape and visual impacts

Table 2-11 Landscape and visual impacts

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q11.2.1	The applicant	**Responding to landscape character**: Some interested parties (IP) have expressed concerns that the proposed development would be in conflict with the NSDC's land character assessment (for example [REP2-140]). This document is referred to by the applicant in respond to Q1.1.3 [REP2-117]. It divides the County Character Areas into more specific policy zones, with each having specifically identified characteristic features and consideration of landscape condition and sensitivity.	As set out at section 7.5.2.2. of the LVIA provided in **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7A]** [REP2-022] the NSDC landscape character assessment divides the county character areas "into distinct Landscape Character Types (LCTs) for which key landscape characteristics are defined. These LCTs are further broken down into Policy Zones (PZs) which define management objectives for discrete areas as 'Conserve', 'Reinforce', 'Restore', 'Create' or combinations thereof. The LCTs defined by this study are the primary landscape receptors upon which effects are assessed in this chapter. The PZs have further informed the landscape mitigation and

ExQ2 Ref	Question to:	Question	Applicant's Responses
		Can the applicant explain how they have sought to respond to this detail in minimising any adverse, and proposing beneficial, landscape and visual effects.	enhancement measures that are embedded within the design of the Development." This was further clarified during ISH3 (as noted at paragraph 1.4.3.2 of the Applicant's **Written Summary of Oral Submissions from Issue Specific Hearing 3 and Response to Action Points [EN010162/APP/8.26]** [REP3-101]) as follows: "advice provided for the relevant Policy Zones in the Newark and Sherwood District Landscape Character Assessment had been referred to in developing the design and deciding whether planting would be appropriate and/or an enhancement in each area." The Policy Zones which cover the Site include recommendations under the heading of 'Landscape Actions' to conserve and reinforce (gap up) hedgerows (and/or other vegetation cover in Meadowlands policy zones), and to conserve and enhance biodiversity, and on this basis new planting and hedgerow reinforcement has been deemed to be appropriate within these areas and to be an enhancement to character as set out in Table 7.4 of the **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7A]** [REP2-022]. Although the planting is described as an enhancement to character on the basis set out above, effects on landscape character during construction and operation are deemed to be Adverse, and after decommissioning are deemed to be Neutral as shown in Tables 7.6 and 7.6 of the **ES Volume 2, Chapter**

ExQ2 Ref	Question to:	Question	Applicant's Responses
			7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7A] [REP2-022]. The beneficial effects arising from the planting are outweighed during construction and operation by the adverse impacts arising from the rest of the Development; and balanced after decommissioning by the adverse impacts arising from the continued presence of the substations.
Q11.2.2	The applicant	**Use of wireframes**: Some IPs have expressed concerns about how well wireframes can represent visual effects. The applicant's response to deadline 1 submissions [REP2-116] sets out that that wirelines are the primary technical visualisations which inform the assessment, with photomontages provided as additional illustrations, Could the applicant please clarify the basis of the decision to include either wireframes or photomontages for particular viewpoints.	Wireframes are provided for all viewpoints as these, rather than photomontages, are used in the assessment of effects. Wirelines have the benefit of allowing the assessor to consider the potential impact in the absence of leaves on trees and other transient features (traffic, piles of hay bales) that may be included in a viewpoint photograph. As set out at paragraph 45 of **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7]** [REP2-022] "*Photomontages are used for the viewpoints where effects would be greatest, as agreed with NSDC.*"
Q11.2.3	The applicant	**Use of summer photograph in viewpoints** The photographs for the representative viewpoints were taken in July 2025. They therefore do not take into account the winter months when the trees are bare of leaves. In this sense IPs have is suggested that the full impact of the proposals has not been considered.	It is perceived as 'usual' to include both summer and winter views, but many LVIAs do not do so and guidance only requires that "*Consideration should be given to the seasonal differences in effects arising from the varying degree of screening and/or filtering of views by vegetation that will apply in summer and winter.*" when 'predicting and describing visual effects' (GLVIA3 paragraph 6.28).

ExQ2 Ref	Question to:	Question	Applicant's Responses
		Noting that it is usual to provide 'summer' and 'winter' views in landscape and visual assessments, the applicant is invited to address this point. Specifically, can the applicant confirm that reasonable worst case landscape and visual impacts have been assessed.	The site visits for the LVIA were undertaken at various seasons and the assessors judged thee effects on site rather than by referring to the photomontages. The response above also refers to this point - the use of wirelines to assess impacts allows the assessor to consider what is likely to be visible in the absence of leaf cover. July 2025 is when the viewpoint cover sheets were prepared, not when the photographs were taken. A review of the dates of the photography for viewpoints (as marked on the visualisations) indicates a range from February to early May during 2024 and 2025. Photographs taken in February and March (e.g. viewpoint 7 of **Visualisation Viewpoints (viewpoints 1-10) [EN010162/APP/6.3.7A]** [AS-036]) show trees and hedges without leaves; those taken in late April and early May (e.g. viewpoint 1 of **Visualisation Viewpoints (viewpoints 1-10) [EN010162/APP/6.3.7A]** [AS-036]) show emergent leaf cover but not the more extensive coverage of summer. The assessment of effects describes differences in effects in winter where this is of particular relevance (e.g. paragraphs 160, 201, 210, 256, 259, 267, 281 of **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7]** [REP2-022]), and in the descriptions of effects at some of the viewpoints. The potential for greater visibility in winter has thus been taken account of in all aspects of the assessment and illustrated in the visualisations provided.

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q11.2.4	NSDC	**Whether there are further significant landscape and visual effects** During ISH3 [REP3-101] NSDC referred to the effects on two additional receptors as being significant. These are (i) the Meadowlands Landscape Character Type and (ii) road users between Ossington Road and Thornton, described as 'Group E north of Group F'. NSDC is requested to provide clarification and further detail as to why in their professional judgement the effects on these receptors should be regarded as significant.	N/A
Q11.2.5	NSDC	**The assessment of regional landscape change** NSDC has set out in its local impact report [REP1-075] and in a Technical Memorandum following ISH3 [REP3-107] that, whilst it follows guidance, the approach utilised within the applicant's landscape and visual impact assessment (LVIA) of isolating landscape character areas and not fully considering sequential views of multiple schemes, underplays the progressive landscape change occurring across the region, and does not adequately capture how multiple schemes collectively influence the perceived character,	N/A

ExQ2 Ref	Question to:	Question	Applicant's Responses
		openness and rural qualities of the Trent Valley landscape. In response the applicant has produced a further Cumulative LVIA Technical Note 2 at Appendix A of the written summary of ISH3 [REP3-101]. Noting that it is an agreed matter that the applicant has that the cumulative assessment provided within the LVIA meets the relevant guidance [REP3-071], NSDC is asked to please: Provide comments on the applicants Technical Note 2, in terms of whether their concerns regarding the cumulative assessment of landscape and visual effects have been addressed in relation to:] The inclusion of consented projects in the assessment baseline; Consideration of sequential effects on local road and public right of way (PRoW) users between Moorhouse and Skegby given the close proximity of the proposed development, Egmanton Solar Farm, Tuxford Road Solar Farm and One Earth solar Farm in that area; Cumulative effects on the wider regional landscape	

ExQ2 Ref	Question to:	Question	Applicant's Responses
		Following from question a iii., if NSDC's concerns have not been addressed, provide further clarification of its conclusion that the strategic level effects are considered to be significant.	
Q11.2.6	NSDC	**Use of landscape character guidance** During ISH3 there was a discussion on the applicant's use of landscape character guidance to justify the woodland planting included in the landscape and visual mitigation measures [REP3-101]. NSDC were asked to comment on whether they consider that this guidance has been followed. Please provide a view on this point.	N/A
Q11.2.7	Interested parties	**The evolving character of the regional landscape** In response to the discussion of the cumulative effects of solar development on regional landscape character at ISH3, the applicant's written summary in response to action point 4 (p48/49) [REP3-101] sets out that in a regional context the landscape change relating to solar farms can be directly traced to the legacy of the coal fields and the Trent which have strongly influenced the shaping of the regional landscape	Please refer to the Applicant's responses to the NSDC's Technical Memorandum [REP3-107] on the regional character points, as set out in Appendix 1 of the **Responses to Deadline 3 Submissions [EN010162/APP/8.29]**.

ExQ2 Ref	Question to:	Question	Applicant's Responses
		character for the purposes of generating power since the 1960's. IPs are invited to comment on this characterisation of the evolved landscape character and its implications for the capacity of the landscape to accommodate large scale solar development.	
Q11.2.8	NSDC	**Hedgerow removal at decommissioning** In response to concerns expressed by NSDC at ISH3 about second hedgerow removal at decommissioning, the Applicant has provided additional information at Appendix B of [REP3-101], NSDC are invited to provide any further comment on implications for local landscape character of the assumed removal of these second hedgerows at decommissioning.	N/A

2.13 Need, site selection and alternatives

Table 2-12 Need, site selection and alternatives

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q12.2.1	NSDC	**Alternatives and design evolution** In their post-hearing submissions relating to ISH1 [REP1-076], NSDC have indicated their view that	N/A

ExQ2 Ref	Question to:	Question	Applicant's Responses
		Chapter 4 of the ES and supporting information appear to focus on the constraints that the scheme was designed within and the approach to finalising the scheme design, but that the spatial presentation of genuine alternatives is not clear within the application submission. NSDC also suggest that the site selection and design evolution process should be clearly presented within Chapter 4, with more evidence of other sites considered. The ExA is aware that the status of these matters has moved from 'under discussion' to 'not agreed' in the deadline 3 version of the SoCG [REP3-071]. NSDC is asked to clarify what further information is required to address their concerns on these matters.	
Q12.2.2	The applicant	**Site selection** A number of IPs have indicated that they believe that the site selection process has been driven to heavily by willing landowners rather than the availability of suitable sites (for example RR-101, RR-169 REP3-104). The applicant is invited to provide a response to this specific point, noting that NPS EN-1 sets out at para 4.3.15 that *Applicants are obliged to include information about the reasonable alternatives they have studied in their ES. This should include an*	As set out within the paragraph 6.3.1 of the **Planning Statement [EN010162/APP/5.4C]** [REP3-018], the Applicant has undertaken a comprehensive site selection process and has devised and implemented a robust strategy to assemble the land within the Order Limits which has been directly informed by its suitability for the Development as detailed in **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [APP-047]. Its location and characteristics mean that the land is capable of providing a large volume of renewable electricity generation with the ability to export this generation to the electricity grid, whilst

ExQ2 Ref	Question to:	Question	Applicant's Responses
		indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.	avoiding impacts on nationally or internationally designated sites and minimising impacts on other sensitive receptors. Paragraph 4.3.9 of NPS EN-1 states: "This NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective." Paragraph 6.3.72 of the **Planning Statement [EN010162/APP/5.4C]** [REP3-018] then notes that 'In considering alternatives, and identifying and selecting the Order Limits, the Applicant has been guided by principles described above and also by the technical and environmental requirements of a large-scale solar development project'. Thorough consideration has been given by the Applicant to selecting the Order Limits and the suitability of the land in technical, environmental and planning terms is further detailed in **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [APP-047] and the Sequential and Exception Test Report provided at Appendix 1 of the Planning Statement. As set out in paragraph 6.3.59 of the Planning Statement, 'When carrying out the site selection process, the Applicant had regard to the availability of land, including whether compulsory acquisition powers may be required in connection with the land, and if so the potential for the exercise of those powers to interfere with human rights and equality considerations. In selecting the Order Limits, the Applicant has carefully considered the balance to be struck between individual rights and the wider public interest.

ExQ2 Ref	Question to:	Question	Applicant's Responses
			Paragraph 6.3.73 then concludes that the '*consideration of alternatives has been carried out in line with regulatory requirements and in the context of the clear and urgent need for the Development*'. Whilst the design development process has been informed by a range of factors, the availability of land as an alternative to the exercise of compulsory acquisition powers is an important consideration for the purposes of the section 122(3) Planning Act 2008 compelling case in the public interest condition. Accordingly, it was entirely appropriate and legitimate for the Applicant to have regard to this and to have taken steps to lessen the impact on landowners as part of a co-ordinated design strategy.

2.14 Water environment and flood risks

Table 2-13 Water environment and flood risks

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q13.2.1	The applicant	**Fire water retention basin** The outline Fire Safety Management Plan [REP3-038], paragraph 52, notes that "*There will also be an impermeable lined (clay or synthetic liner or appropriate method at the time of construction to be agreed with the EA) holding basin available for*	In response to (a), as outlined in Section A9.3.3.2 of the **ES Volume 4, Appendix A9.3: Outline Drainage Strategy [EN010162/APP/6.4.9.3]** [REP3-052] based on recommendations in NFPA 855 Standard for the Installation of Stationary Energy Storage Systems and NFCC – Grid Scale Battery Energy Storage System planning – Guidance for FRS, a burn time of 2 hours and a requirement of 1,900 l/min of fire suppression water has been used to calculate the volume of

ExQ2 Ref	Question to:	Question	Applicant's Responses
		spent firefighting water to be pumped to in the event of a battery fire during heavy rainfall". Will this holding basin have a sufficient volume of storage (228m^3) to hold the fire suppressant water? Is this basin included in the structures forming part of the maintenance schedule outlined in table A5.4.D-1?	fire suppressant water required to be stored onsite in the event of a container fire. This equates to 228 m^3 of storage. The SuDS structures serving each catchment of the BESS compound will be sized to accommodate the greater of 1 % AEP + 40 % CC or 228 m^3, for each catchment drained, and this will be sufficient for storing the full fire suppressant volume. As such, the SuDS structures combined with the detention basin will provide sufficient volume for spent firefighting water. In response to (b), Table A5.4.D-1 incudes maintenance of the basin, as per the frequency outlined in the SuDS Manual for each structures – see the **ES Volume 4, Appendix A9.3: Outline Drainage Strategy [EN010162/APP/6.4.9.3]** [REP3-052] .
Q13.2.2	The applicant and Elizabeth Hopkins	**Surface water flooding concerns** Please provide an update on any further discussions about concerns related to surface water flooding in Carlton, and following the applicant's response to action point 28 from ISH3 (Table 2-1 of [REP3-101]).	The Applicant has reported the recent discussion between the Applicant and Parish Council on the matters related flooding in Carlton-on-Trent, provided within the response to Action Point 8 of ISH3 in the **Written Summary of Oral Submissions from Issue Specific Hearing 3 and Response to Action Points [EN010162/APP/8.26]** [REP3-101]. Table 3-3 of the **Responses to Deadline 3 Submissions [EN010162/APP/8.29]** then sets out the extent of engagement with the Parish Council to date. and the Applicant considers that it has made significant efforts to engage with the Parish Council throughout the process. The Applicant will continue to engage with the Parish Council on these matters, including discussions regarding existing flooding issues and alleviation through the NG+ fund.

2.15 Any other matters

Table 2-14 Any other matters

ExQ2 Ref	Question to:	Question	Applicant's Responses
Q14.2.1		**No further questions at this time**	

APPENDIX 1: GEOPHYSICAL SURVEY EXTENT

Solar & Biodiversity Park

- PEIR Boundary
- Geophysics Limit of Survey
- Field Boundaries

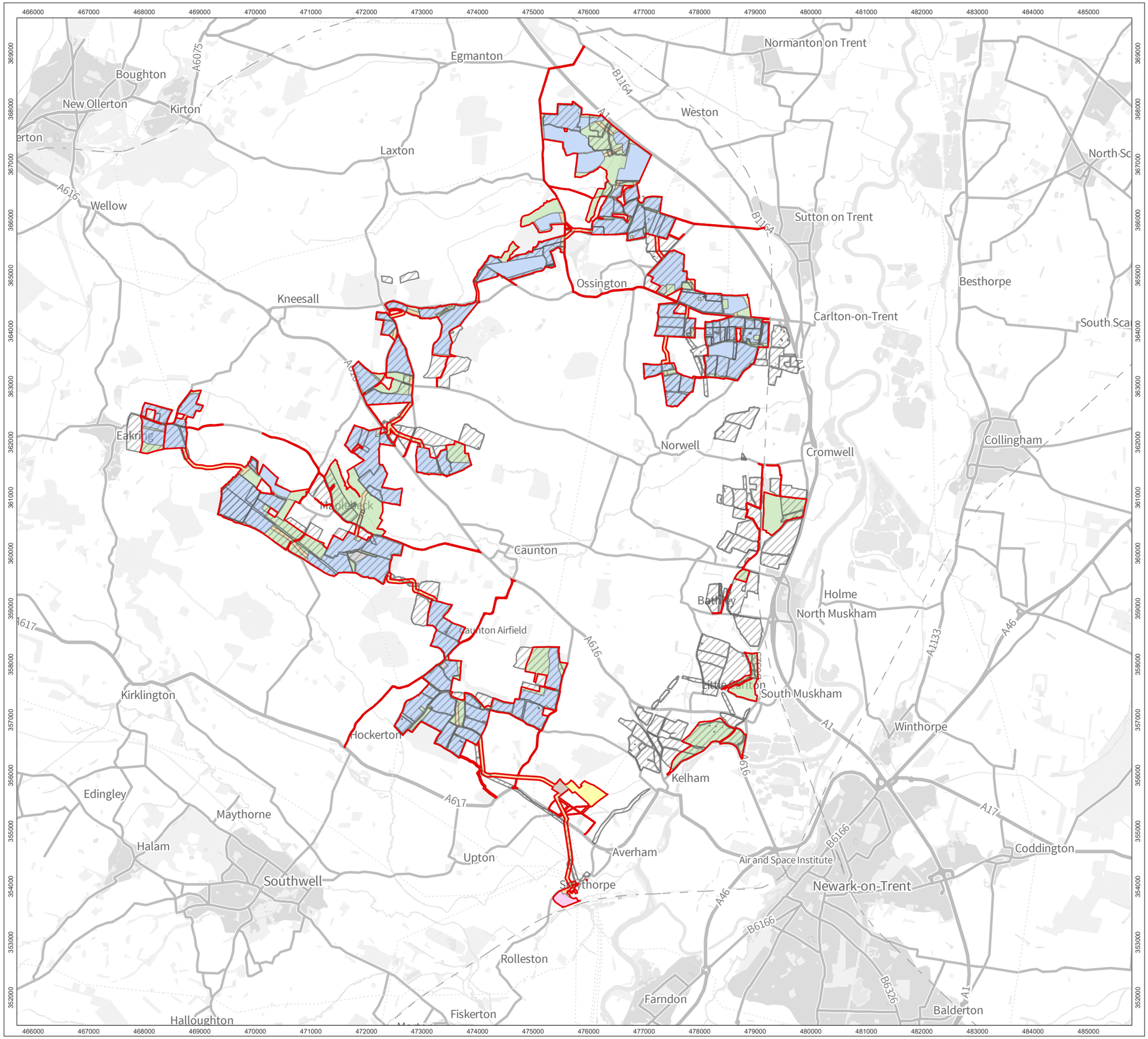
Work Numbers

- Works Area 1 Solar
- Works Area 2a Cable Corridor
- Works Area 2b Cable Area
- Works Area 3 Mitigation
- Works Area 4 Intermediate Substations
- Works Area 5 BESS 400kV Substation
- Works Area 6 National Grid Staythorpe Substation
- Works Area 7 Consented Staythorpe BESS Connection
- Works Area 8 Access

Ref:	Date: 25/03/2026

Figure 1: PIER Boundary, Work Areas and Geophysical Survey Extent

Great North Road Solar and Biodiversity Park



Solar & Biodiversity Park

- Order Limits
- Geophysics Limit of Survey
- Field Boundaries

Work Numbers

- Works Area 1 Solar
- Works Area 2 Cable
- Works Area 3 Mitigation
- Works Area 4 Substations
- Works Area 5a BESS
- Works Area 5b 400kV Substation
- Works Area 6 National Grid Substation
- Works Area 7 Staythorpe BESS Connection
- Works Area 8 Access

Ref:	Date: 25/03/2026

Figure 2: Order Limits, Works Areas and Geophysical Survey Extent

Great North Road Solar and Biodiversity Park