

Great North Road Solar and Biodiversity Park

Closing Statement

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The Infrastructure Planning (Applications: Prescribed Forms and
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Table 1: Glossary

Abbreviation	Definition
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CLF	Caunton Lodge Farm
CNP	Critical National Priority
DCO	Development Consent Order
DDSL	Drone Defence Services Limited
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
FTE	Full Time Equivalent
GVA	Gross Added Value
LIR	Local Impact Report
NE	Nature England
NESO	Nation Energy System Operator
NGED	National Grid Distribution (East Midland) Plc
NGET	National Grid Electricity Transmission
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project

NSDC	Newark and Sherwood District Council
NCC	Nottinghamshire County Council
NSFSG	Norwell Solar Farm Steering Group
MW	Megawatts
PA 2008	Planning Act 2008
PV	Photovoltaic
SoS	Secretary of State

1 Executive Summary

1.1 Purpose

- 1.1.1 The purpose of this Closing Statement is to provide Elements Green Trent Limited's ('the Applicant') final position on key planning matters in relation to Great North Road Solar and Biodiversity Park ('the Development'), to aid the Examining Authority ('ExA') and the Secretary of State ('SoS') in their decision-making.
- 1.1.2 It does not introduce new material. Instead, it summarises the Applicant's position on key matters by way of cross-references to documents already submitted into the Examination. It also considers compliance with Section 104 of the Planning Act 2008 ('PA 2008') and the relevant National Policy Statements ('NPS'), which guide decision-making on Development Consent Order ('DCO') applications.
- 1.1.3 There is a clear and urgent need for nationally significant infrastructure projects ('NSIPs') such as that applied for. The Overarching National Policy Statement for Energy ('NPS EN-1') establishes this urgent need, with paragraph 3.2.6 of the 2023 NPS and paragraph 3.2.9 of the 2025 NPS stating that the SoS should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent, and paragraph 3.2.7 of the 2023 NPS and paragraph 3.2.9 of the 2025 NPS stating that the SoS has determined that substantial weight should be given to this need when considering DCO applications. Paragraph 4.2.4 of both the 2023 and 2025 NPSs goes further and explains that there is a critical national priority ('CNP') for the provision of nationally significant low carbon infrastructure, which paragraph 4.2.5 of the 2023 NPS and paragraph 4.2.17 of the 2025 NPS confirms includes renewable generation (such as the Development). These policies are central to the assessment of the application for the Development. They mean that the Development has very strong, in principle support.
- 1.1.4 The Development is a necessary part of the future generation mix and, as such, will make a valuable contribution to delivering the key objectives of national policy in NPS EN-1 and the NPS for Renewable Energy Infrastructure ('NPS EN-3'), in particular achieving energy security and net zero. The rapid deployment of a significant increase in solar capacity is also recognised as a fundamental part of the National Energy System Operator's ('NESO') and the UK Government's Clean Power 2030 advice and Action Plan.
- 1.1.5 In the case of the Development, these benefits include:
- A meaningful contribution to the UK's legally binding net zero commitment, with the Development anticipated to have a generating capacity of around 800 MW (AC), providing enough electricity to power the equivalent of approximately 400,000 homes (based on the Government estimate of annual average household power consumption of 2,700 kWh). Given that Nottinghamshire has 360,290 domestic properties, the Development would

have the capacity to generate enough energy for the entirety of Nottinghamshire's domestic population with energy to spare.

- A projected net reduction in emissions of approximately 800,000 teCO_{2e}, helping contribute to the UK's Net Zero targets.
- An additional source of domestic energy security that reduces the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.
- Provision of battery energy storage, co-located with the solar generation which maximises the efficiency of land use and grid capacity and allows the Development to maximise the usable output from intermittent generation, which will reduce the overall amount of generation capacity required whilst also providing the opportunity to deliver grid balancing to the local electricity network.
- Significant tree planting with approximately 64,500 proposed trees creating 31 ha of woodland, as well as 49 km of new hedgerow, hedge and tree belts.
- Significant landscape enhancements comprising approximately 989 ha of Solar Photovoltaic ('PV') (diverse) grassland, 405 ha of diverse grassland and 23 ha of ecotone.
- Enhanced public access with the introduction of new permissive footpaths and bridleways that will be created to provide new facilities for active travel, recreation and links between communities and developments. A total of 34.8 km of new permissive routes are proposed, comprising 22 permissive footpaths and six permissive bridleways. A circular recreational route would be created around the Order Limits, covering 50.6 km, including 12.5 km of new permissive paths.
- Biodiversity and landscape mitigation have been proposed, including 555 ha dedicated solely for these purposes and which will contribute to securing Biodiversity Net Gain ('BNG') for habitats, hedgerows and watercourses.
- 180 direct local full time equivalent ('FTE') construction and manufacturing jobs could be created over the 24-month construction period. The direct construction employment would generate circa £10.4m in Gross Added Value ('GVA') within the regional construction economy (based on average GVA per head in the construction industry).
- During decommissioning, a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase.
- During the operational phase, 19 direct local FTE jobs consisting of operational and maintenance roles for the Development's PV panels and other structures, as well as a further 21 jobs in the wider economy.
- Additional social, economic and educational benefits, including opportunities for a community orchard, skills and training initiatives (apprenticeships;

vocational qualifications; STEM education) and supply chain opportunities (local business networking and support; local procurement strategy).

- 1.1.6 These benefits of the Development are considered to carry substantial weight.
- 1.1.7 There is a commitment to a community benefit package, but this is not a material planning consideration which the SoS should give planning weight to in the decision-making process.
- 1.1.8 Overall, the urgent need for the Development, which attracts substantial weight, along with the other benefits, which together also attract substantial weight, and the limited number of residual significant adverse impacts, which have been mitigated appropriately in accordance with policy, mean that the planning balance is overwhelmingly in favour of the grant of development consent.
- 1.1.9 NPS EN-1 affirms in paragraph 4.1.3 of both the 2023 and 2025 NPSs that "*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the SoS will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused*".
- 1.1.10 The presumption in favour of granting consent to applications for energy NSIPs in NPS EN-1 paragraph 4.1.3 applies, as there are no more specific and relevant policies in the relevant NPSs that indicate (let alone "clearly indicate" in the words of paragraph 4.1.3) that consent should be refused.
- 1.1.11 The Development benefits from considerable up-to-date, authoritative policy support. Not only does national policy establish an urgent need for new, low-carbon energy generation, but it also specifically identifies solar as a key part of the Government's strategy for decarbonisation of the energy sector. The Project is also compliant with the National Planning Policy Framework ('NPPF') and other important and relevant planning policies.
- 1.1.12 Whilst the Applicant has worked hard to avoid, minimise and mitigate/compensate any significant effects (in line with the mitigation hierarchy and policy), it is inevitable for a project of this scale that there would be some residual effects, and that is recognised in the NPS. The residual impacts of the Development are acceptable in terms of NPS EN-1.
- 1.1.13 The residual adverse effects are very limited for a project of this scale and nature, have been mitigated where possible and are far outweighed by the significant need and benefits of the Development.
- 1.1.14 The urgent need for the Development and public benefit contributes to the compelling case in the public interest for the granting of the compulsory acquisition powers sought, which are necessary to ensure delivery of the Development.

- 1.1.15 It is clear that even without CNP policy, the planning balance comes down firmly in favour of granting consent, but in any event CNP policy provides further policy support for the Development. Applying that policy and having regard to the limited number, level and extent of residual significant adverse effects, this is clearly not a “most exceptional case” (NPS EN-1 paragraph 4.1.7 of both the 2023 and 2025 NPS) whereby the residual effects outweigh the urgent need for CNP infrastructure. Further, as is demonstrated in the documentation submitted by the Applicant in support of the application, none of those residual effects would present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero or present an unacceptable risk to, or unacceptable interference to offshore to navigation, or onshore to flood and coastal erosion risk and therefore the exceptions to this policy do not apply to the Development.
- 1.1.16 Accordingly, applying the provisions of section 104 of the PA 2008, the Development would be in accordance with relevant NPSs and legislation, would bring significant benefits under a range of national, international and local policy considerations, and:
- would not lead to the UK being in breach of any of its international obligations;
 - would not lead to the SoS being in breach of any duty imposed on the SoS by or under any enactment;
 - would not be unlawful by virtue of any enactment;
 - the benefits of the proposed development outweigh any adverse impacts; and
 - Any other matters which the SoS thinks are both important and relevant to their decision.
- 1.1.17 There is a clear and compelling case in favour of the DCO being made. The Development accords with the relevant NPSs, which have effect.
- 1.1.18 Section 104 of the PA 2008 states that applications must be determined in accordance with the relevant NPS, in this case being NPS EN-1, NPS EN-3 and the NPS for electricity networks infrastructure (‘NPS EN-5’). As set out in the **Planning Statement [EN010162/APP/5.4C] [REP3-018]** and summarised in this document, the Project complies with the relevant NPSs and none of the exceptions in sections 104(4) to (8) of the PA 2008 apply. Accordingly, pursuant to section 104(3), the application should be determined in accordance with NPS EN-1, NPS EN-3 and NPS EN-5 by granting consent and making the DCO as proposed, without delay, to ensure this critical NSIP proceeds as swiftly as possible.

2 Introduction

2.1 Purpose of this Closing Statement

- 2.1.1 The purpose of this Closing Statement is to provide the Applicant's final position on key planning matters in relation to the DCO application for the Project, to aid the ExA and the SoS in their decision-making.
- 2.1.2 This statement does not introduce new material. Instead, it draws together information already submitted for examination and seeks to provide clarity on the Applicant's final position on matters raised during the Examination, with reference to the previous submissions the Applicant has made. References are made to the Examination Library references published by the ExA on 16 April 2026. It also considers compliance with Section 104 of the PA 2008 and the relevant NPSs which guide decision-making on DCO applications.
- 2.1.3 This Closing Statement should be read alongside the DCO application and all documents and statements submitted by the Applicant during the Examination. In particular, reference should be had to the **Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#) which sets out the assessment of the Development against all relevant planning policies.

2.2 Structure

- 2.2.1 This statement is structured as follows:
- Section 1 provides an executive summary of this Closing Statement.
 - Section 2 outlines the key legislation, national and local policy, identifies the Local Impact Reports (LIR) that have been submitted in respect of the Project and summarises the environmental, habitats, water and transboundary effects of the Development.
 - Section 3 outlines the Development design, including its evolution, explains how the Rochdale Envelope has been applied and sets out the approach to the Development management plans.
 - Section 4 summarises the key issue-specific topics that arose from the Application and during the Examination.
 - Section 5 summarises relevant matters in relation to compulsory acquisition.
 - Section 6 summarises the changes made to the DCO during the Examination, and summarises the outstanding matters.
 - Section 7 provides a conclusion.

2.3 Statutory and Policy Framework

- 2.3.1 This section summarises the statutory and policy framework for the Development. Individual applicable legal and policy requirements on the specific planning issues are identified in the **Planning Statement [EN010162/APP/5.4C]** [[REP3-018](#)].

Key Legislation

PA 2008

- 2.3.2 Section 104 of the PA 2008 states that in deciding an application for a DCO, the SoS must have regard to:
- any NPS which has effect in relation to development of the description to which the application relates (section 104(2)(a));
 - the appropriate marine policy documents (if any) (section 104(2)(aa));
 - any LIR (section 104(2)(b));
 - any matters prescribed in relation to development of the description to which the application relates (section 104(2)(c)); and
 - any other matters which the SoS thinks are both important and relevant to their decision (section 104(2)(d)).
- 2.3.3 There are no marine policy documents that apply to the Development under section 104(2)(aa) of the PA 2008.
- 2.3.4 The host authorities are Newark and Sherwood District Council ('NSDC') [[REP1-075](#)], and Nottinghamshire County Council ('NCC') [[REP1-078](#)], each of whom has submitted a LIR.
- 2.3.5 The main documents that may be considered important and relevant to the SoS's decision pursuant to section 104(2)(d) of the PA 2008 include:
- the adopted Development Plan and other relevant planning policy documents;
 - the NPPF; and
 - Planning Practice Guidance.

NPS

- 2.3.6 The following NPSs have effect in relation to the Development of the description to which the DCO application for the Development relates (Section 104(2)(a)):
- NPS EN-1
 - NPS EN-3 National Policy Statement for Electricity Networks Infrastructure ('NPS EN-5')
- 2.3.7 The relevant NPSs that have effect in relation to the Development are the 2023 revisions of NPS EN-1, NPS EN-3 and NPS EN-5, which came into force on 17 January 2024.

- 2.3.8 On 6 January 2026, the 2025 revisions of NPS EN-1, NPS EN-3 and NPS EN-5 came into force. As noted in paragraph 1.6.3 of the 2025 NPS EN-1, the ‘2025 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the final publication of those amendments. So, the tests against which the Development will be assessed remain the tests set out in the 2024 versions of the NPSs. However, the Applicant notes that EN-1 goes on to say that ‘any emerging draft NPSs (or those designated but not yet having effect) are potentially capable of being important and relevant considerations in the decision-making process.
- 2.3.9 The **Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#) was updated at Deadline 2 to include reference to the revisions set out in the 2025 versions of NPS EN-1, NPS EN-3 and NPS EN-5. The revisions seek to bring Clean Power 2030 “*front and centre as the primary policy that the NPSs enable*”. In summary:
- NPS EN-1 reinforces that the pace of planning and delivery needs to significantly increase to allow the Government targets to be achieved.
 - NPS EN-3 highlights that “Solar energy is at the heart of our Clean Power 2030 Mission”.
 - NPS EN-5 states that a “significant amount of new network infrastructure is required in the near term to directly support the government’s ambition to meet our Clean Power 2030 Mission”.

Other Important and Relevant Matters

- 2.3.10 Other important and relevant matters include national policies and guidance, which have been considered by the Applicant as set out in Section 3 of the **Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#).

The Development Plan

- 2.3.11 The Local Planning Authority is NSDC and the County Council is NCC, both of which are host authorities for the purposes of the DCO application.
- 2.3.12 The Development Plan Documents relevant to the Development are set out in Section 3.6 of the **Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#).

2.4 LIR

- 2.4.1 LIRs were submitted to the Examination at Deadline 1 by NSDC [\[REP1-075\]](#) and NCC [\[REP1-078\]](#) that identify positive, neutral and negative effects arising from the Development.
- 2.4.2 The issues raised are considered in the context of Section 104 of the PA 2008 in relation to specific planning issues in Section 4 of this Statement.

2.5 Environmental Impact Assessment (‘EIA’)

- 2.5.1 The Development falls within Schedule 2, paragraph 3(a) of the Infrastructure Planning (EIA) Regulations 2017 (the EIA Regulations) as an industrial installation for the production of electricity.
- 2.5.2 Due to the nature, size and location of the Project, it has the potential to have significant effects on the environment and therefore is considered an EIA development. Accordingly, the Applicant submitted an Environmental Statement ('ES') with the DCO application in line with the EIA Regulations. The **Guide to the Application [EN010162/APP/1.4G]** lists the documents that comprise the ES.
- 2.5.3 The Applicant submitted an **EIA Scoping Report [EN010162/APP/6.4.3.1]** [[APP-192](#), [APP-193](#), [APP-194](#), [APP-195](#), [APP-196](#), [APP-197](#)] in support of a request for an EIA Scoping Opinion to the SoS in November 2023. The **Scoping Opinion [EN010162/APP/6.4.3.2]** [[APP-198](#)] was issued by the Planning Inspectorate on behalf of the SoS on 19 December 2023.
- 2.5.4 A **Non-Technical Summary [EN010162/APP/6.1]** [[APP-038](#), [APP-039](#), [APP-040](#), [APP-041](#), [APP-042](#)] of the ES was also submitted by the Applicant.
- 2.5.5 The Applicant has had substantive discussions with NCC, NSDC, the Environment Agency ('EA'), National Highways, Historic England, Natural England ('NE'), Nottinghamshire Wildlife Trust and Norwell Solar Farm Steering Group ('NSFSG') on the EIA. Please refer to the following sections of the Statements of Common Ground which confirm that the EIA methodology is accepted and has been agreed by these statutory bodies in their respective roles and is in compliance with EIA legislation:
- References 2.1.3, 2.2.2, 2.3.3, 2.4.3, 2.5.2, 2.5.3, 2.7.3 and 6.4 of the **Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**
 - References 2.3.2, 2.3.6, 8.27-8.30, 2.4.2-2.4.6, 2.6.1, 2.6.3, 2.7.1, 2.8.1, 2.10.3, 2.11.2 and 2.12.1 of the **Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D]**
 - References 2.1.3, 2.4.1 and 2.5.4 of the **Statement of Common Ground with the Environment Agency [EN010162/APP/8.3D]** [[REP5-032](#)]
 - References 2.1.2 and 2.5.1 of the **Statement of Common Ground with National Highways [EN010162/APP/8.4D]**
 - References 2.1.1, 2.2.1 and 2.3.1 of the **Statement of Common Ground with Historic England [EN010162/APP/8.5D]**
 - References 2.5.1 and 2.8.1 of the **Statement of Common Ground with Natural England [EN010162/APP/8.6C]**.

2.6 Habitats Regulations Assessment

2.6.1 To support the SoS with their duties under the Conservation of Habitats and Species Regulations 2017 and in accordance with planning policy, a **Shadow Habitats Regulations Assessment [EN010162/APP/5.3B] [REP2-015]** was submitted with the DCO application. The scope of the assessment includes:

- Stage 1: a screening assessment to assess if the proposal is likely to have a significant effect on a European site's conservation objectives, both alone or in combination with other plans or projects in the absence of mitigation; and
- Stage 2: an Appropriate Assessment to assess the implications of the proposal for the qualifying features of a European site, in view of the site's conservation objectives, and identify ways to avoid or minimise any effects.

2.6.2 The **Shadow Habitats Regulations Assessment [EN010162/APP/5.3B] [REP2-015]** concludes that the Development would not result in an adverse effect on the integrity of a European site.

2.6.3 Section 2.1 of the **Statement of Common Ground with Natural England [EN010162/APP/8.6C]** confirms that both agree that the Development would not result in a likely significant effect on the integrity of a European designated site.

2.7 Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

2.7.1 **ES Volume 4, Appendix A9.2: Water Framework Directive Assessment [EN010162/APP/6.4.9.2A] [AS-053]** demonstrates that the Development will not be detrimental to the objectives of the Water Framework Directive (WFD) water bodies and complies with the WFD objectives. Table 2-4 (Water Framework Directive Assessment) of the **Statement of Common Ground with Natural England [EN010162/APP/8.6C]** demonstrates that the Development is consistent with the Water Framework Directive.

2.8 Transboundary Effects

2.8.1 Transboundary effects were scoped out of the EIA, as confirmed by the Planning Inspectorate's **Scoping Opinion [EN010162/APP/6.4.3.2] [APP-198]** which states at paragraph 2.2.14 "*The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State...The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening.*"

3 Project Design

3.1 Introduction

- 3.1.1 The Development comprises the construction, operation and maintenance, and decommissioning of the Great North Road Solar and Biodiversity Park, a solar PV electricity generating station with a total capacity exceeding 50 MW, with an electrical storage facility and an export connection to the National Grid (the 'Development').
- 3.1.2 Electricity would be transmitted from the Development (either directly from the solar panels or via storage in the batteries) at 400 kV along a cable either ducted or direct-buried below the surface of the ground. Two alternative options are proposed to connect the 400 kV cable to the Staythorpe Substation.
- Connect via the substation associated with a consented grid support BESS on land immediately to the west of the existing National Grid Staythorpe Substation. This grid support BESS has been granted planning consent (NSDC, planning reference 22/01840/FULM); or
 - Connect the 400 kV cable to connect directly to the National Grid Staythorpe Substation.
- 3.1.3 The location of the Development is shown on **ES Volume 3, Figure 1.1 Development Location [EN010162/APP/6.3.1A][AS-028]**. The Development will be located within the Order Limits (the land shown on the **Works Plans [EN010162/APP/2.3A][AS-005]** within which the Development can be carried out).
- 3.1.4 It is anticipated that the Development will be operational for a 40-year period, and this has been assessed in the EIA and reported in the ES. Once the Development ceases to operate it will be decommissioned over a period of 18 to 24 months.
- 3.1.5 The Order Limits are approximately 1,765 ha and are divided into Works that are defined by Schedule 1 of the **Draft Development Consent Order [EN010162/APP/3.1G]**. A summary of the Works is set out below:
- Work no. 1: Solar PV;
 - Work no. 2: Cables;
 - Work no. 3: Mitigation/enhancement;
 - Work no. 4: Intermediate substations;
 - Work no. 5a: BESS;
 - Work no. 5b: 400 kV compound;
 - Work no. 6: National Grid Staythorpe Substation and connection point;
 - Work no. 7: Consented Staythorpe BESS and Connection; and
 - Work no. 8: Access Works

3.1.6 The location of the works listed above is shown on **ES Volume 3, Figure 5.1: Works Areas [EN010162/APP/6.3.5D] [REP5-015]**.

3.1.7 A description of the proposed works is provided in **ES Volume 2, Chapter 5: Development Description [EN010162/APP/6.2.5A] [REP5-009]**.

3.2 Site Selection, alternatives and design evolution

3.2.1 In considering alternatives and identifying and selecting the Order Limits, the Applicant has been guided by factors set out below and also by the technical and environmental requirements of a large-scale solar development project:

- Irradiance and Site Topography
- Capacity of a Site
- Proximity of a Site to Dwellings
- Agricultural Land Classification and Land Type
- Accessibility
- Public Rights Of Way
- Network Connection
- Land Availability
- Landscape, Ecological and Geological Designations.

3.2.2 Thorough consideration has been given to selection of the Order Limits. The Applicant identified and selected the Order Limits following a process to identify land which is suitable from a technical, environmental and planning perspective. This has been detailed in **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]** and **Appendix 1: Sequential and Exception Test Report of the Planning Statement [EN010162/APP/5.4C] [REP3-018]**.

3.2.3 The EA have confirmed that the Development has passed both the Sequential and Exception Tests, as set out in **Planning Statement [EN010162/APP/5.4C] [REP3-018]**.

3.2.4 As set out in the **Planning Statement [EN010162/APP/5.4C] [REP3-018]**, the design of the Development has evolved since 2023 as part of an iterative, mitigation by design process conducted in accordance with the NPSs, planning guidance and best practice. An iterative design process has been employed to identify a robust, proportionate and deliverable mitigation strategy as part of the Development. Mitigation measures have been developed in response to policy requirements, relevant guidance, the physical characteristics of the Order Limits and views to and from the Order Limits from the wider landscape.

3.2.5 **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4] [APP-047]** and the **Design Approach Document [EN010162/APP/5.6B] [REP2-019]** provide further details regarding how the design evolved throughout the pre-application stage.

3.2.6 In summary, consideration of alternatives and design evolution has been carried out in line with policy requirements and in the context of the clear and urgent need for the Development.

3.3 Rochdale envelope

3.3.1 The design of the Development has been an iterative process, including environmental assessment and rounds of non-statutory and statutory consultation.

3.3.2 The detailed design for the Development will be confirmed following the grant of the DCO for the Development and completion of **Archaeological Management Strategy (AMS) [EN010162/APP/6.4.11.8C] [REP4-023]** intrusive survey works. Flexibility is required as the technologies proposed are rapidly evolving and to allow the Development to utilise the best available technology available at that time to maximise the benefits the Development will deliver. The need for flexibility in design, layout and technology in DCO applications is recognised in Section 4.3: Environmental Effects/Considerations of both the 2023 and 2025 NPS EN-1, as well as paragraphs 2.6.1 to 2.6.3 and paragraphs 2.10.70 to 2.10.72 of the 2023 NPS EN-3 and paragraphs 2.6.1 to 2.6.3 and paragraphs 2.10.62-2.10.64 of the 2025 NPS EN-3.

3.3.3 Section 5.3 of **ES Volume 2, Chapter 5: Development Description [EN010162/APP/6.2.5A] [REP5-009]** describes the Rochdale Envelope, which comprises:

- the description of the "authorised development" for the Development (as set out in Schedule 1 to the **Draft Development Consent Order [EN010162/APP/3.1G]**;
- the **Works Plans [EN010162/APP/2.3A] [AS-005]** (which set out spatially the areas in which the "work numbers" comprising the Development (as described in Schedule 1 to the **Draft Development Consent Order [EN010162/APP/3.1G]** can be carried out); and
- the **Concept Design Parameters and Principles [EN010162/APP/7.14D] [REP5-030]**.

3.3.4 Requirement 6 of Schedule 2 to the **Draft Development Consent Order [EN010162/APP/3.1G]** secures that the detailed design of the Development that is submitted for approval by the local planning authority must accord with the **Concept Design Parameters and Principles [EN010162/APP/7.14C] [REP3-067]** (Requirement 6(2)), and that the Development must then be carried out in accordance with these approved details (Requirement 6(3)).

3.3.5 Together, these three documents provide the parameters of the Rochdale Envelope, within which the Development must be carried out, and they are secured through the **Draft Development Consent Order [EN010162/APP/3.1G]**.

3.3.6 The ES has assessed the effects of the Development within this Rochdale Envelope. Development within the Rochdale Envelope will not create new or different likely significant effects compared to what has been assessed.

3.4 Management Plans and Design Principles

3.4.1 The outline management plans submitted with the DCO application provide a framework from which final, detailed management plans will be developed after the DCO is granted, to avoid, minimise or mitigate any likely significant effects on the environment. The management plans are secured by DCO requirements.

3.4.2 The following Statements of Common Ground, Environmental Management Plans and the requirements set out in Schedule 2 of the **Draft Development Consent Order [EN010162/APP/3.1G]** have been agreed, confirming that they provide robust and effective controls for the Project. These documents are as follows:

- **Signed Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D];**
- **Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D];**
- **Signed Statement of Common Ground with the Environment Agency [EN010162/APP/8.3D] [[REP5-032](#)];**
- **Signed Statement of Common Ground with Natural England [EN010162/APP/8.6C]**
- **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3D] [[REP4-017](#)];**
- **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2E];**
- **ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1F];**
- **ES Volume 4, Appendix A5.5: Outline Operation Environmental Management Plan (OEMP) [EN010162/APP/6.4.5.5E];**
- **ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C] [[REP4-023](#)];**
- **Water Bodies in a River Basin Management Plan [EN010162/APP/2.6A] [[AS-006](#)]**
- **ES Volume 4, Appendix A5.4: Outline Fire Safety Management Plan (FSMP) [EN010162/APP/6.4.5.4D];**
- **ES Volume 4, Appendix A17.2: Outline Soil Management Plan [EN010162/APP/6.4.17.2B] [[REP3-065](#)] and;**
- **ES Volume 4, Appendix A18.1: Outline Recreational Routes Management Plan (oRRMP) [EN010162/APP/6.4.18.1C] [[REP5-028](#)].**

- 3.4.3 The use of design principles is an effective way of defining and controlling aspects of the Development where details are being reserved for subsequent determination. The **Concept Design Parameters and Principles [EN010162/APP/7.14D]** [\[REP5-030\]](#) are intended to provide the guiding principles for the detailed design of the Development following the grant of development consent.

4 Key Issue Specific Topics

4.1 Overview

4.1.1 This section summarises the key issue-specific topics that arose from the DCO application and during the Examination. The section is structured so that, in respect of each topic, a summary is provided on the topic, then where applicable residual matters of disagreement at the end of the Examination are identified, and then the Applicant's position on any such residual matter is set out.

4.1.2 Issues covered in this section are set out below:

- Agriculture and Land Use
- Biodiversity, Ecology and the Natural Environment
- Cultural heritage and archaeology
- Cumulative effects
- Climate Change and Sustainability
- Landscape and visual impacts
- Need, site selection and alternatives
- Noise and Vibration
- Flood Risk
- Transport
- Public Rights of Way

4.2 Agriculture and Land Use

Summary

4.2.1 A detailed Agricultural Land Classification (ALC) survey of the Order Limits has been undertaken in accordance with the guidelines published by the NE, as reported in **ES Volume 4, Appendix 17.1: ALC Survey [EN010162/APP/6.4.17.1] [APP-288][APP-289]**. The ALC survey confirms that the Site (within the Order Limits) comprises 149 ha (8.5%) of Grade 2 land, 944 ha (53.5%) of Grade 3a land, 596 ha (33.8%) of Grade 3b land, 1 ha of Grade 4 land (0%) and 75 ha (4.2%) of non-agricultural and not surveyed land under the ALC. ES Chapter 17 is informed by **ES Volume 4, Appendix 17.1: ALC Survey [EN010162/APP/6.4.17.1] [APP-288][APP-289]** which reports the findings of detailed ALC surveys for the Order Limits.

4.2.2 Approximately 1,093 ha (62%) of the Order Limits is categorised as BMV land comprising 149 ha (8.5%) of Grade 2 land and 944 ha (53.5%) of Grade 3a land. This compares with the national proportion of BMV which is 41.3%, whereas in Nottinghamshire County it is just over 50% and in Newark and Sherwood District it is 48.4%.

- 4.2.3 The Applicant confirmed that all land disturbed temporarily during the construction phase will be restored to the same ALC grade, informed by the ALC survey. NE welcome this amendment and therefore consider this matter to now be agreed. NE has confirmed that, with the implementation of the proposed soil handling and management measures and the commitment to restore temporarily disturbed land to its original ALC grade, no additional significant effects would arise beyond those assessed in the ES and the overall conclusions of the EIA remain valid
- 4.2.4 Table 17.14 of the **ES Volume 2, Chapter 17: Agricultural Land [EN010162/APP/6.2.17A]** [\[REP2-032\]](#) shows the proportion of land by ALC grade at a district, county level (based on the provisional ALC maps and so to be treated with caution due to their limitations) suggesting that the permanent loss as a result of the Development represents a negligible proportion of the 182,819 ha of agricultural land in Nottinghamshire, of which an estimated 50.2% is BMV. The temporary disturbance of 19.4 ha of BMV and, at worst case, the permanent loss of 4.5 ha of BMV is negligible in a local and national context.
- 4.2.5 The Development therefore minimises impacts on agricultural land in accordance with national policy by limiting the permanent loss of BMV land to a very low amount and retaining the ability to reinstate arable agriculture after decommissioning.
- 4.2.6 With the exception of a single residual matter relating to the treatment of woodland planting on BMV land, the use of BMV land and the degree of impact on the BMV land are matters of agreement with NE as set out in Section 2.5 of the **Statement of Common Ground with Natural England [EN010162/APP/8.6C]**. NE agrees that the ALC assessment has been undertaken in accordance with the appropriate guidelines, that the conclusions of the EIA in relation to agricultural land remain valid, and that no additional mitigation is required beyond that already proposed. NE also agrees that the cumulative effects of the Development and other relevant solar schemes on agricultural land are not significant.
- 4.2.7 A number of IPs raised concerns on the cumulative effects on BMV. The cumulative assessment within the **ES Volume 2, Chapter 17: Agricultural Land [EN010162/APP/6.2.17A]** [\[REP2-032\]](#) sets out that the cumulative solar projects will be wholly or mostly reversible, and accordingly they will represent a temporary impact. In other words, the loss of BMV land cumulatively will represent a low magnitude effect, therefore, the cumulative assessment concludes that the cumulative effect on the BMV loss is not significant.
- 4.2.8 The Applicant wishes to highlight to the ExA and Secretary of State that DEFRA published a new “provisional Agricultural Land Classification Map for England” in April 2026. This map predicts land by ALC grade under the current ALC methodology. This map is still predictive, and detailed ALC field survey are still required, as has been completed for the Order Limits. Therefore, this update does not affect the ES or the findings of the assessment.

Residual matters of disagreement at the end of the Examination

- 4.2.9 The Applicant and NE have not reached an agreement in relation to one matter on woodland planting proposed on areas of BMV agricultural land, as set out in the **Statement of Common Ground with Natural England [EN010162/APP/8.6C]**.
- 4.2.10 NE considers that woodland creation constitutes a permanent land-use change, such that areas of BMV land planted with woodland would not be capable of later restoration to their previous agricultural grade. NE therefore considers that the 22.4 ha of woodland planting (comprising 1.0 ha of Grade 2 land and 21.4 ha of Subgrade 3a land) should be regarded as a permanent loss of BMV land and assessed as such in the ES, and subsequently taken into account by the SoS in decision-making.

Applicant's position on residual matters

- 4.2.11 The Applicant's position is that the woodland planting proposed extends to 22.4 ha, as set out in 7.1.7 of the "*BMV Avoidance: Micro-siting Analysis*" comprising **1.0 ha of Grade 2 land** and **21.4 ha of Subgrade 3a land**. Woodland planting does not disturb the soil or land quality resource, as trees are planted directly into the soil. The effect identified by the NE results from a likely permanent land use change rather than soil degradation.
- 4.2.12 National Policy NPS EN-1 and NPS EN-3 establish a preference for the use of non-agricultural land, where agricultural land must be used, for preference to be given to land of the lowest available quality. The Applicant has applied this policy by seeking, where practicable, to avoid BMV land with preference given to the use of land in areas of poorer quality and, in particular, avoiding / minimising the use of Grade 1 and Grade 2 land. Although ALC was taken into account as one of the influencing factors in the site selection process, NPS EN-3 (paragraph 2.10.29 (and 2.10.21 of the 2025 version) states that land type should not be a predominating factor in determining the suitability of the site location.
- 4.2.13 At worst case, the Development would result in the permanent loss of 4.5 ha of BMV land arising from the potential long-term retention of infrastructure associated with Work no. 4 (Intermediate substations), Work no. 5b (400 kV compound) and Work no. 7 (Consented Staythorpe BESS and Connection). These elements of the Development could be retained if they are required for the ongoing functioning of any substations that are to be retained. Any decision on whether such infrastructure is retained would not be made until nearer the point of decommissioning.

- 4.2.14 The areas of woodland proposed extend in total to 22.4 ha. The areas involved are 1.0 ha of Grade 2 and 21.4 ha of Subgrade 3a. Woodland planting does not disturb the soil and land quality resource, as trees are planted straight into the soil. The loss considered by NE results from a likely permanent land use change. It is noted that only 1.0 ha proposed for tree planting is Grade 2. The majority, 21.4 ha, is Subgrade 3a. NE and the Forestry Commission’s “Joint Statement on Woodland Creation” (April 2023) (attached) wishes to see woodland cover increase from 14.5% ((2023) to 16.5% by 2050. On page 2 it is noted that “we encourage woodland creation proposals on sites that:” (inter alia) “are on agricultural land classes 3a, 3b, 4 and 5”.
- 4.2.15 The use of BMV land is restricted mostly to Subgrade 3a. The actual effects (in respect of useable farmland) are limited, and NE’s position statement does not raise concerns about tree planting on Subgrade 3a.
- 4.2.16 The use of BMV land has been balanced against the benefits in respect of ecology and landscape. Adopting NE’s position, if woodland is considered to be an irreversible loss or downgrading of agricultural land, then the inclusion of 22.4 ha of BMV land for tree planting will result in a high magnitude impact (Table 17.3 of the ES, Chapter 17) [[APP-060](#)], on a resource of high sensitivity (Table 17.2), resulting in a major adverse change/impact (Table 17.4), which is significant. The Applicant agrees with the NE on this point.
- 4.2.17 Against the three bullet points of potential additional justification set out in NE’s letter of 17th March, the Applicant notes:
- it would be possible to plant trees on lower-quality land, but the benefits (in respect of ecology and landscape) would be reduced;
 - therefore, as described in the BMV Micro-Siting analysis document, the use of BMV land has been balanced against the benefits;
 - the use of BMV land is restricted mostly to Subgrade 3a. The actual effects (in respect of useable farmland) are limited, as set out in the BMV Micro-Siting Analysis, and NE’s position statement does not raise concerns about tree planting on Subgrade 3a.
- 4.2.18 Any limited harm arising from this worst-case permanent loss of BMV land to retain would be outweighed by the substantial public benefits of the Development, including its contribution to meeting the urgent need for low-carbon energy infrastructure, delivering benefits at the national scale, in accordance with the objectives of NPS EN-1 and NPS EN-3.
- 4.2.19 Overall, and having regard to national policy, the limited inclusion of BMV land within the Development is justified. The impacts on BMV land have been minimised through the nature and design of the Development, and the benefits of the Development clearly outweigh the limited and localised loss of agricultural land.

4.3 Biodiversity, Ecology and the Natural Environment

Summary

- 4.3.1 The effects of the Development on biodiversity and ecology have been assessed in **ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8D]**. This chapter assesses the likely significant effects of the Development on ecology and biodiversity, which includes consideration of internationally, nationally and locally designated sites of ecological or geological conservation importance; protected species and habitats; and ancient woodland and veteran trees, in accordance with NPS EN-1 paragraph 5. It also outlines the studies and surveys undertaken to inform the DCO Application and enable the design of the Development to respond positively to sites of biodiversity and geological interest.
- 4.3.2 ES Chapter 8 concludes that the Development has been assessed as having no significant adverse effects, whilst significant beneficial effects are predicted for Local Wildlife Sites, habitats and breeding birds during the operation of the Development. This is secured through habitat creation, enhancement and long-term management measures set out in **ES Volume 4, Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1F]**
- 4.3.3 No internationally designated ecological sites lie within the Order Limits, and a **Shadow Habitats Regulations Assessment [EN010162/APP/5.3B]** [\[REP2-015\]](#) concludes that the Development would not give rise to likely significant effects on any international site, either alone or in combination. Consistent with this, the ES identifies no significant adverse effects on internationally designated sites, in accordance with NPS EN-1 and the NPPF.
- 4.3.4 The Order Limits do not include any national ecological designations. Nationally designated sites, including Sites of Special Scientific Interest (SSSI) located adjacent to the Order Limits, would not be directly affected by the Development. The design and embedded measures have minimised and mitigated adverse effects, and enhancement is proposed that provides a net beneficial effect. The Development is therefore compliant with paragraph 5.4.8 of NPS EN-1.
- 4.3.5 There are 16 Local Wildlife Sites (LWS) either within or bordering the Order Limits, 15 of which are noted for their botanical interest and one for its water beetle populations. **ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8D]** does not identify any significant adverse effects on locally designated ecological sites and predicts significant beneficial effects on the LWS during operation of the Development. Consequently, the Development complies with paragraph 5.4.52 of NPS EN-1 and paragraph 187 of the NPPF.
- 4.3.6 The vast majority of construction activities will take place in agricultural, predominantly arable, habitats of limited ecological value. Habitat change through the habitat creation and enhancement set out in the **ES Volume 4 Appendix A5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1F]** would provide long-term beneficial effects to important habitats.

- 4.3.7 The potential beneficial effects of the Development with regard to protected species include habitat change (i.e., creation and enhancement), reduced disturbance, and changes to prey abundance. The Outline Landscape and Ecological Management Plan includes measures to increase the density of breeding territories, improving foraging resources and reducing the factors that contribute to mortality.
- 4.3.8 **ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8D]** does not identify any significant adverse effects on protected species and habitats of importance and predicts significant beneficial effects on habitats and breeding birds during operation of the Development.
- 4.3.9 Therefore, in consideration of the above, the Development is in accordance NPS policy.
- 4.3.10 The Development has been designed to avoid impacts on irreplaceable habitats, including ancient woodland and veteran trees, with construction exclusion buffers embedded within the design. The **ES Volume 2, Chapter 8: Ecology and Biodiversity [EN010162/APP/6.2.8D]** confirms that there would be no loss of or harm to ancient woodland or veteran trees, in accordance with NPS EN-1 paragraphs 5.4.15 and 5.4.53 and NPPF paragraph 193(c).
- 4.3.11 The Order Limits is not located within the Green Belt and there are no land use planning allocations or designations within the Order Limits, with the exception of two Mineral Safeguarding Areas (MSA): a MSA for Brick Clay and a MSA for Sand and Gravel.
- 4.3.12 **ES Volume 2, Chapter 10: Ground Conditions and Land Contamination [EN010162/APP/6.2.10B]** [[REP3-024](#)] identifies and assesses the likely significant effects of the Development on the nature and extent of the MSAs. It was informed by **ES Volume 4, Appendix A10.9: Mineral Resource Assessment [EN010162/APP/6.4.10.9]** [[APP-238](#)] (MRA) which concluded that the safeguarded mineral resources would not be permanently sterilised by the Development given its temporary nature and the safeguarded resource would subsequently be available for extraction at some point in the future. The regional minerals officer has concurred with the conclusions of the MRA.
- 4.3.13 Although mandatory BNG is not currently applicable to DCO projects, NPS EN-1 encourages applicants to secure net gains where possible. The Development would deliver a substantial BNG, significantly exceeding the minimum levels applied to other forms of development, and aligning with the objectives of NPS EN-1, NPS EN-3, the Environment Act 2021 and emerging Local Nature Recovery Strategies.
- 4.3.14 **ES Volume 2, Chapter 9: Water Resources [EN010162/APP/6.2.9]** [APP-052] concludes that the Development is not likely to have any significant effects on water resources. This Development would therefore be in accordance with NPS EN-3 paragraph 2.10.154.

Residual matters of disagreement at the end of the Examination

- 4.3.15 The matters relating to biodiversity and ecology were principally raised by NSDC, NCC and the EA.
- 4.3.16 The matters raised by the EA are addressed in **Draft Statement of Common Ground with the Environment Agency [EN010162/APP/8.3D] [REP5-032]** which confirms that all biodiversity and ecology matters between the two parties are agreed, with mitigation secured through the Outline CCEMP, Outline Landscape and Ecological Management Plan and associated management plans.
- 4.3.17 NCC raised ecology matters earlier in the Examination, including matters relating to protected species and the delivery of mitigation and enhancement. These matters have been addressed through the ES and secured management plans, and are recorded as resolved, with no residual matters of disagreement remaining.
- 4.3.18 NSDC raised a range of ecology and biodiversity matters, including assessment scope and methodology, baseline information, protected species, habitat impacts, mitigation, and BNG. As set out in Table 2-4, Ecology and Biodiversity of the Statement of Common Ground, NSDC now agrees with the scope, methodology and conclusions of the ecological assessment, including that the Development would not give rise to significant adverse effects on biodiversity and ecology.
- 4.3.19 NSDC's ecologist raised concerns that the Applicant's target of providing grassland habitat units of a 'moderate' quality under and around the solar PV panels might be unrealistic, and that a mix of 'poor' and 'moderate' quality units would be more appropriate.
- 4.3.20 As a result, the Applicant has revised its BNG metric calculation for area-based habitat units, which now generates a gain of 41.69%. A de minimis reduction to 40% is therefore required to avoid any dispute with NSDC as to the Applicant's compliance with the DCO requirement.
- 4.3.21 Accordingly, there are no outstanding matters of disagreement in respect of biodiversity, ecology or the natural environment requiring further consideration as a matter of dispute.

Applicant's position on residual matters

- 4.3.22 The Applicant's position is that the effects of the Development on biodiversity, ecology and the natural environment have been fully assessed and appropriately mitigated in accordance with NPS EN-1, NPS EN-3 and the NPPF.
- 4.3.23 The ES demonstrates that the Development would avoid impacts on internationally and nationally designated ecological sites, irreplaceable habitats, ancient woodland and veteran trees, and that no significant adverse effects would arise in relation to protected species or habitats of importance. The Development would deliver significant beneficial effects through extensive habitat creation, enhancement and long-term management, secured through the Outline Landscape and Ecological Management Plan and associated DCO requirements.

- 4.3.24 The Applicant notes that the Assessment has been revised and agreed with NSDC, and that the delivery of BNG will be secured through the DCO.
- 4.3.25 The Applicant therefore considers that biodiversity, ecology and the natural environment have been satisfactorily addressed, with the Development delivering significant ecological benefits and no residual harm weighing against the Development.

4.4 Cultural heritage and archaeology

Summary

- 4.4.1 The Applicant has assessed the likely significant effects of the Development on heritage assets and their significance, including the ability to experience or appreciate that significance. This assessment is reported in **ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11A]** and considers both above ground and below ground heritage assets. The assessment is informed by **ES Volume 4, Appendix A11.1: Archaeological Desk-Based Assessment [EN010162/APP/6.4.11.1] [APP-251] [APP-252] [APP-253] [APP-254]** and **ES Volume 4, Appendix A11.3 Geoarchaeological Desk-Based Assessment [EN010162/APP/6.4.11.3] [APP-256]**.
- 4.4.2 The Development has been designed to take account of heritage assets and potential impacts on their settings. The Development has complied with relevant planning policy by minimising harm to heritage assets through sensitive design and protecting as much of their significance as practicable during the life of the Development.
- 4.4.3 The Order Limits do not include any designated heritage assets, with the exception of a small western parcel that falls within the outer edges of Maplebeck Conservation Area. Designated heritage assets located within 2 km of the Order Limits boundary comprise 19 Grade I Listed Buildings; 13 Grade II* Listed Buildings; 195 Grade II Listed Buildings; 17 Conservation Areas; 26 Scheduled Monuments; and 1 Grade II Registered Park and Garden.
- 4.4.4 In accordance with NPS EN-1 paragraphs 5.9.25 and 5.9.29, considerable importance and weight have been given to the conservation of designated heritage assets, having regard to their significance and the need to avoid or minimise harm through the design of the Development.
- 4.4.5 The assessment has been undertaken having regard to NPS EN-3, which recognises that solar developments may affect heritage assets both above and below ground, but also that solar PV development can result in heritage benefits, including the protection of archaeological remains through the cessation of regular ploughing and the use of low-impact construction techniques.

- 4.4.6 ES Chapter 11 concludes that, following the implementation of appropriate mitigation measures, no significant effects are predicted in relation to designated heritage assets. Mitigation for buried archaeological remains is secured through preservation in situ or preservation by record, as set out in the **ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C] [REP4-023]**. The assessment also concludes that no significant effects on heritage assets arising from change within their setting leading to a reduction in significance have been identified.
- 4.4.7 Where any effects of less than substantial harm to designated heritage assets were considered, these have been assessed in accordance with NPS EN-1 paragraph 5.9.33 and this harm should be weighed against the public benefits of the proposal.
- 4.4.8 In respect of non-designated heritage assets, the assessment has been undertaken in accordance with NPS EN-1 paragraphs 5.9.7, 5.9.12 and 5.9.34, and paragraph 209 of the NPPF. There are no built non-designated heritage assets within the Order Limits. Selected non-designated assets, including unregistered parks and gardens and archaeological remains, have been assessed where relevant.
- 4.4.9 During the Examination, comments regarding the impact on the non-designated heritage assets including Caunton Lodge Farm have been made by Drone Defence Services Limited ('DDSL') [RR-181] and Richard Gill [RR-045]. **Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]** (page 16-18 of the Drone Defence Position Statement as presented within Appendix 2 of the Report). It is noted that the significance of this NDHA is derived from its limited historic and architectural interests and considered that there is no harm to the interest from which this non-designated asset's significance is derived.
- 4.4.10 The ES concludes that no significant effects are predicted in relation to non-designated heritage assets, having regard to their significance, the scale of any potential harm, and the temporary nature of the Development.
- 4.4.11 Overall, the assessment demonstrates that the Development accords with NPS EN-1, NPS EN-3 and the NPPF in respect of cultural heritage.

Residual matters of disagreement at the end of the Examination

- 4.4.12 DDSL [RR-181] and Richard Gill [RR-045] provided a heritage report in respect of heritage impact on Caunton Lodge Farm ('CLF') but the Applicant does not consider these matters to be well-founded or supported by any expert opinion. NSDC confirms that they are in full agreement on all matters related to the Applicant's professional judgement on the effect of the significance of Caunton Lodge Farm.

- 4.4.13 Historic England (**Final Statement of Common Ground with Historic England [EN010162/APP/8.5D]**) and NSDC (**Final Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D]**) confirm in their respective Statements of Common Ground that the scope, methodology and conclusions of the cultural heritage assessment are agreed. No residual matters of disagreement are identified in respect of archaeology, designated heritage assets, or the application of mitigation and controls secured through the **Draft Development Consent Order [EN010162/APP/3.1G]**. Both parties confirm that the Development has been assessed in accordance with the relevant heritage policies of NPS EN-1 and NPS EN-3.
- 4.4.14 As per the **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**, NCC confirms that matters relating to archaeological assessment and mitigation have been addressed through the agreed **ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C]** [[REP4-023](#)] and that the approach accords with national policy in respect of below-ground heritage.
- 4.4.15 The only residual matter between parties relates to the assessment of effects (setting of heritage assets) on the former RAF Ossington airfield, a non-designated heritage asset, specifically the degree of effect arising from changes to its setting. The NCC heritage team do not agree with the level of harm assessed by the Applicant to the significance of the former RAF Ossington as set out in the Joint Statement appended to the SoCG (**Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**). They consider the harm to be “significant” but recognise that the asset is “non-designated heritage asset”. This matter is not agreed.

Applicant’s position on residual matters

- 4.4.16 The Applicant considers that there is no significant effect upon the significance of the former RAF Ossington, a “non-designated heritage asset”, arising from development within its setting, nor from direct impacts, following the application of appropriate mitigation (see 2.2.8 (a) above and the process set out in the oAMS (**ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C]**)[[REP4-023](#)]). The Applicant’s case is set out in **ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11A]**, and in the Joint Statement submitted at Appendix A of the **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**. In addition, the Applicant considers that the Development is fully in compliance with technical guidance and national planning policy as set out in NPS EN-1 and NPS EN-3 and the NPPF. The ES has had appropriate regard to non-designated heritage assets, in terms of the asset’s significance, the nature of any potential harm, and the temporary nature of the Development.

- 4.4.17 As presented in **ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11A]**, with the secured mitigation, the scale of visual harm on Cauntton Lodge Farm is minimised and justified, and there is no significant effect of the significance of Cauntton Lodge Farm as a non-designated asset arising from development within its setting. The Applicant maintains the position as set out in **Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]** (page 16-18 of the Drone Defence Position Statement as presented within Appendix 2 of the Report) and in Appendix 1 of this Closing Statement.
- 4.4.18 Following discussions with NCC, the Applicant has revised and extended the permissive routes through the former RAF Ossington Airfield site, so as to provide a “circuit” utilising the existing perimeter tracks, and allowing access from the Memorial to the locations of the Mechanical and Electrical plinth and the Battle Headquarters. A figure showing the extend routes and originally proposed routes is included in the Joint Statement. The Applicant considers that increased access will permit visitors to gain a greater understanding of the extent of the former airfield site, and to better appreciate its physical extent and significance. Enhancements in the form of information boards are committed to in the **ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C] [REP4-023]** and explained in the Ossington Airfield Joint Statement Appendix 2 of the **Signed Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**
- 4.4.19 The Applicant notes that this conclusion reflects NPS EN-1 paragraphs 5.9.7, 5.9.12 and 5.9.34, which require a balanced judgement for non-designated heritage assets having regard to the scale of any harm and the significance of the asset. The Applicant considers that the Development is in accordance with EN-1 and that the assessment presented in the ES remain robust.
- 4.4.20 The Applicant has engaged with NCC during the Examination and has committed to additional permissive paths at the former airfield remains, along with the measures secured through the agreed **ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C] [REP4-023]**. This approach is consistent with national policy and ensures that any residual uncertainty does not translate into unacceptable heritage effects.
- 4.4.21 While the Applicant acknowledges the point raised by NCC as per **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**, it considers that the matter does not undermine the conclusion that the Development accords with NPS EN-1, NPS EN-3 and the NPPF in respect of cultural heritage.

4.5 Cumulative effects

Summary

- 4.5.1 Cumulative developments have been considered as part of the environmental statement within the identified Zone of Influence. The approach to assessing cumulative effects is set out in **ES Chapter 2, Environmental Impact Assessment [EN010162/APP/6.2.2]** [\[APP-045\]](#). The identification and assessment of cumulative effects in the ES followed PINS guidance. Stages 1 (long list) and 2 (short list) are set out in Section 2.3.8 of **ES Chapter 2 ES Volume 2, Chapter 2: Environmental Impact Assessment (EIA) [EN010162/APP/6.2.2]** [\[APP-045\]](#), with the results (the list and map of schemes, Figure A2.1.1) presented in **ES Volume 4, Appendix A2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1D]**. Stages 3 (information gathering) and 4 (assessment) were carried out as part of each technical assessment and reported in the technical chapters of the ES, Chapters 7 to 18. **ES Volume 2, Chapter 19: Interrelationships [EN010162/APP/6.2.19B]** [\[REP3-028\]](#) presents an assessment of interrelationship effects that are not already considered as part of the technical chapters.
- 4.5.2 Different environmental topics may take different approaches to cumulative effects depending on the policy or regulations that their topic needs to address. The Environmental Statement confirms that no new cumulative effects from the Development together with other (cumulative) developments were identified, above those of the Development alone.
- 4.5.3 The Applicant has reviewed the long list based on updated searches for potential cumulative schemes and updated the long and short lists at Deadline 6, along with any consequent changes to the stage 4 assessments reported in the technical ES chapters. As stated in the **Final Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D]**, NSDC confirmed that they agreed at Deadline 5 with the long list that has been presented by the Applicant and the list of developments that have been short listed for further assessment.
- 4.5.4 During the examination, numerous IPs have raised concerns regarding the approach and assessment of the cumulative landscape effects, sequential views, and BMV cumulative. A summary of these matters and the Applicant's final position are then dealt with under each relevant section in this **Closing Statement [EN010162/APP/8.33]**.

Residual matters of disagreement at the end of the Examination

- 4.5.5 A number of IPs have raised matters in respect of the long list of the cumulative assessment. The Applicant has updated the **ES Volume 4, Appendix A2.1: Cumulative Assessment Stages 1 and 2 [EN010162/APP/6.4.2.1D]** at Deadline 6 to for the latest potential cumulative schemes.

- 4.5.6 The Applicant notes that NSDC agrees that the relevant (PINS) guidance has been followed, agrees with the long and short list of the assessment, and only disagrees with the findings of some of the Stage 4 cumulative assessments, although there is no substantive evidence or feedback on which assessment conclusions are not agreed.

Applicant's position on residual matters

- 4.5.7 NPS EN-1 states that the Secretary of State should consider how the "accumulation of, and interrelationship between effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place." (paragraph 4.3.19). In addition, the EIA Regulations 11 require the ES to provide "A description of the likely significant effects of the development on the environment resulting from, inter alia ... the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources". Neither of these documents specify how this should be done.
- 4.5.8 The applicant's position is that the approach to the cumulative assessment has followed the PINS guidance, and the likely significant effects have been appropriately reported under each Environmental Statement. The Development would not cause any potential adverse effects that, considered individually, cumulatively or as a whole, are so severe that the decision maker should refuse the application and, moreover, that each aspect of the proposals is acceptable in planning terms when considered against the relevant national and local policies.

4.6 Climate Change

Summary

- 4.6.1 **ES Volume 2, Chapter 15: Climate Change [EN010162/APP/6.2.15B] [REP3-026]** provides an assessment of the likely GHG emissions associated with the Development, which is further supported by **ES Volume 4, Appendix A15.1: Lifecycle Greenhouse Gas Evaluation [EN010162/APP/6.4.15.1B] [REP3-063]**.
- 4.6.2 The assessment has been carried out on a reasonable worst-case basis, and **ES Volume 4, Appendix A15.1: Lifecycle Greenhouse Gas Evaluation [EN010162/APP/6.4.15.1B] [REP3-063]** has been undertaken based on the information available at the time of assessment. The Evaluation draws on appropriate industry benchmarks and applies conservative assumptions regarding materials, design, assembly, earthworks and component use. The assessment therefore reflects the information reasonably available now, consistent with the requirements of the EIA Regulations.

- 4.6.3 The trajectory towards net zero by 2050 will inevitably influence the eventual carbon intensity of grid electricity, transport, construction practices and other factors. These future changes cannot be predicted with precision and become increasingly uncertain over longer timescales. The assessment therefore reflects the information reasonably available now, consistent with the requirements of the EIA Regulations, to provide a realistic worst-case assessment overall.
- 4.6.4 The approach set out in ES Volume 2, Chapter 15 is further supported by **ES Volume 4, Appendix A15.1: Lifecycle Greenhouse Gas Evaluation [EN010162/APP/6.4.15.1B] [REP3-063]**. As with all EIAs, the assessment identifies the likely significant effects rather than attempting to define absolute outcomes. The use of reasonable, transparent, and clearly defined assumptions is necessary to undertake such evaluations.
- 4.6.5 The Applicant notes that both NSDC and NCC have no objection to the assessment, and no statutory environmental body has raised any matter in respect of the way in which the assessment has been undertaken. The Applicant considers that the assessment presented in **ES Volume 2, Chapter 15: Climate Change [EN010162/APP/6.2.15B] [REP3-026]** is both robust and proportionate. The ES anticipates that the Development would result in a net reduction in emissions of approximately 800,000 tCO_{2e}, helping contribute to the UKs Net Zero targets.

Residual matters of disagreement at the end of the Examination

- 4.6.6 The residual matters raised by NSFSG and not agreed by the Applicant can be summarised as follows:
- NSFSG consider that the worst-case carbon savings presented in the ES are overstated and they have set out their own parameters and assumptions, leading to their own calculations of the net change in carbon emissions, including that the Development is not “low carbon”.
 - NSFSG dispute the energy generation figures and have requested that these be recalculated using an alternative methodology, which would reduce the illustrative estimate of the number of homes the Development could supply.

Applicant’s position on residual matters

- 4.6.7 The Applicant does not accept that the assumptions put forward in NSFSG’s submissions [\[REP3-113\]](#) [\[REP4-077\]](#) [\[REP5-048\]](#) are justifiable or reasonable, including, amongst other things, that every parameter or individual assumption has been given its worst-case value simultaneously, leading to an extreme overall position which is not realistic and therefore not likely.
- 4.6.8 NPS EN-1 is explicit in its support for solar energy, stating that “*wind and solar are the lowest cost ways of generating electricity... providing a clean and secure source of electricity supply*” and that a net zero consistent system in 2050 “*is likely to be composed predominantly of wind and solar*” (§3.3.23).

- 4.6.9 NPS EN-1 further designates low carbon infrastructure, including renewable electricity generation, as a Critical National Priority (CNP). This confers a strengthened basis for policy support, given the urgent national need for such infrastructure and the legal obligation to achieve net zero.
- 4.6.10 There is no ambiguity in national policy: solar energy is a low carbon technology and plays an essential role in meeting legally binding carbon budgets. While some uncertainty regarding precise carbon savings or the exact number of homes supported is inevitable at project stage, such uncertainties have no bearing on the acceptability of the Development. To suggest otherwise would be inconsistent with the policy framework and the role of solar within the Government's net zero strategy
- 4.6.11 Paragraph 5.3.8 of the NPS EN-1 suggests that the SoS must be satisfied that "*the applicant has as far as possible assessed the GHG emissions of all stages of the development*" and paragraph 5.3.9 states that the SoS should be content that "*the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development*" [our emphasis]. The Applicant consider that the approach set out within **ES Volume 2, Chapter 15: Climate Change [EN010162/APP/6.2.15B] [REP3-026]** is reasonable, and proportionate, and is underpinned by clearly defined assumptions, and reflects the information reasonably available at this time. The Applicant has, as far as possible, assessed the GHG emissions at all stages of the Development, therefore, it is compliant with NPS EN-1.

4.7 Landscape and visual impacts

Summary

- 4.7.1 The assessment of landscape and visual effects is set out in **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7B]**, which considers the effects of the Development during construction, operation and maintenance, and decommissioning. The LVIA has been informed by the EIA Scoping Opinion issued in December 2023 and subsequent consultation, with Table 7.1 of Chapter 7 summarising how matters raised through scoping and consultation have been addressed. Further detail is provided in **ES Volume 4, Appendix A7.1: Consultation [EN010162/APP/6.4.7.1] [APP-208]**.

- 4.7.2 During construction and early operation the LVIA identifies that significant landscape character effects would arise within the Mid-Nottinghamshire Farmlands: Village Farmlands with Ancient Woodlands Landscape Character Type, which would host the majority of the Development. primarily as a result of the physical presence of solar arrays and intermediate substations within a rural arable landscape. These effects would be Major/Moderate adverse and significant during the medium term, prior to the maturation of mitigation planting. Effects on all other landscape character types would be Moderate or Moderate/Minor adverse and not significant, reflecting the limited extent and visibility of the Development within those areas. At a broader scale, effects on the Mid-Nottinghamshire Farmlands Regional Character Area and the Trent Washlands Regional Character Area would be not significant, and within the wider context of the Trent and Belvoir Vales National Character Area, the LVIA confirms that effects arising from the Development would not be significant.
- 4.7.3 Significant visual effects would arise during construction and early operation for a limited number of visual receptors, primarily users of public rights of way and local roads in close proximity to the Development, where the scale and extent of views of solar panels, substations and the BESS would give rise to Major/Moderate adverse and significant effect. In many locations, visibility would reduce within approximately 1–3 years where existing hedgerows provide screening, with longer-term screening typically achieved within 7–10 years where new hedgerow or woodland planting is proposed.
- 4.7.4 Significant visual effects are confined to receptors within approximately 0.4 km of the Development, extending locally to higher ground up to around 1.1 km. No significant visual effects would arise for users of long-distance recreational or transport routes. There would be no effects on designated landscapes.
- 4.7.5 The Development has been carefully located to avoid nationally and locally designated landscapes, and the Study Area contains no such designations. This approach reflects the iterative site selection and design evolution process undertaken by the Applicant.
- 4.7.6 Embedded mitigation and enhancement measures form an integral part of the Development design to mitigate effects and enhance landscape and/or views and are set out in Tables 7.3 and 7.4 of **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7B]**. These include the siting of solar arrays to minimise visibility from settlements and reduce effects on village settings, alongside structural planting and landscape enhancements. These measures are secured through **ES Volume 4, Appendix 5.1: Outline Landscape and Ecological Management Plan (LEMP) [EN010162/APP/6.4.5.1F]** and **ES Volume 4, Appendix 18.1: Outline Recreational Routes Management Plan (oRRMP) [EN010162/APP/6.4.18.1C] [REP5-028]**, and contribute to the mitigation of landscape and visual effects over the lifetime of the Development.

- 4.7.7 **Concept Design Parameters and Principles [EN010162/APP/7.14D] [REP5-030]** state that operational lighting will be limited for emergency and overnight maintenance purposes only at inverter stations, or transformer stations and will be directed within the Order limits. The Development is therefore not expected to create significant adverse effects from light pollution.
- 4.7.8 Following decommissioning, the LVIA confirms that no significant landscape character effects would remain. Areas managed for ecological enhancement and new and gapped-up hedgerows around previously developed areas are assumed to remain in situ and would give rise to Beneficial or Neutral changes to landscape character within the host LCTs. Retained Intermediate and 400 kV substations would continue to give rise to small areas of Adverse effects.
- 4.7.9 These changes would be greatest for the Mid-Nottinghamshire Farmlands / Village Farmlands with Ancient Woodlands LCT (and the associated Mid Nottinghamshire RCA) where establishment of an improved hedgerow network and new woodlands along with continuing to host retained substations would give rise to Minor, Neutral effects.
- 4.7.10 For visual receptors following decommissioning, changes to views would primarily comprise reduced openness as a result of more established hedgerows and woodland planting, the continued enclosure of some rights of way within double hedges, and the diversion of certain routes onto less visually open alignments.
- 4.7.11 The only remaining significant effects would be for users of Public Rights of Way between Carlton-on-Trent, Ossington, Cromwell and Norwell where the diversions of routes and the enclosure of the footpaths between Ossington Road and Hill Farm and around Whiteley Plantation would continue to give rise to impacts of Large magnitude and effects which would be Major/moderate and Adverse.
- 4.7.12 A summary of Cumulative Effects is contained in section 7.9 of the **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7B]**. The cumulative assessment applies the same baseline, receptor groups and methodology as the main LVIA and considers the effects of the Development in combination with all relevant short-listed cumulative projects on local landscape character types, the regional landscape character area and the national landscape character area. In doing so, the LVIA considers landscape effects beyond the 2 km study area.
- 4.7.13 Cumulative developments of particular relevance include the SSE BESS west of Averham and the One Earth, Kelham and Foxholes Solar Farms. The LVIA confirms that the only scenario in which cumulative effects would differ from effects of the Development alone is in the context of Kelham Solar Farm, where effects from the Development would be slightly reduced in limited areas. These reductions would not be sufficient to alter the magnitude of impact or the level of effect.

- 4.7.14 Effects on Residential Visual Amenity are assessed in **ES Volume 4, Appendix A7.6: Residential Visual Amenity Assessment (RVAA) [EN010162/APP/6.4.7.6] [APP-213]**. The assessment considers all dwellings within 250 m of the Development and reflects design changes made following the PEIR. The assessment confirms that effects would not exceed the Residential Visual Amenity threshold and that no properties would experience effects of the highest magnitude.
- 4.7.15 During the Examination, comments regarding the potential visual impact on residential properties have been made by IPs. In particular, DDSL [RR-181] who raised concerns on the visual impact on CLF as a result of the proposed hedgerow and solar arrays near their property. Please refer to Appendix 1 of this **Closing Statement [EN010162/APP/8.33]** where the Applicant has provided further responses to the matters raised in the representative's Deadline 5 Submission (see Appendix 1 of the Closing Statement), and clarified that no hedgerow planting along garden boundary and driveway are proposed along garden boundary and driveway.

Residual matters of disagreement at the end of the Examination

- 4.7.16 Drone Defence and Richard Gill consider that the residential visual amenity effects on CLF are more significant than stated in the RVAA and raised concerns on the baseline assessment of the **ES Volume 4, Appendix A7.6: Residential Visual Amenity Assessment (RVAA) [EN010162/APP/6.4.7.6] [APP-213]**. The Applicant maintains that the assessment of visual impacts on CLF is well evidenced and that the RVAA, including the baseline assessment, is robust.
- 4.7.17 As per the **Final Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D]**, NSDC is the only Interested Party to maintain matters of disagreement in relation to Landscape and Visual Impacts. The Applicant and NSDC agree on the scope, methodology, study areas, viewpoint selection and significance criteria applied in the LVIA. The remaining disagreements relate to professional judgement on the significance of certain effects.
- 4.7.18 NSDC raised concerns regarding the landscape impact on the surrounding environment during construction, operation and decommissioning. NSDC state there are pockets of the LCT that will be heavily influenced by the proposals around VP13 and VP05 especially and much like the main host landscape there will be locations where it is barely affected. Although impacts are limited directly as the proposals are not heavily located within the LCT there is an impact on the perceptual qualities of the landscape. Paragraph 10 of Appendix A7.5 – 'Nonsignificant effects' describes these impacts, but NSDC consider them to have significant effects on parts of the LCT which have solar array or are in proximity to it. This is shown on the mapping extract in **Responses to ExA's Second Written Questions [EN010162/APP/8.30] [REP4-060]**. NSDC do not think this applicable across the whole of the LCT.

- 4.7.19 In relation to cumulative effects, NSDC maintain that the combined effects of the Development with One Earth Solar Farm would “result in significant effects at the strategic level”.

Applicant’s position on residual matters

- 4.7.20 The Applicant maintains that the effects on small parts of the Meadowlands Landscape Character Type, including areas near Maplebeck and east of Moorhouse, have been assessed and are not significant, as set out in **ES Volume 4, Appendix A7.5: Non-Significant Effects [EN010162/APP/6.4.7.2A]** [[REP3-044](#)].
- 4.7.21 The parties agree that the cumulative assessment provided within the LVIA meets the relevant guidance. The assessment provided in **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7B]** **fully** considers the effects arising from the Development with all relevant short-listed cumulative projects on the local LCTs, regional landscape character area (Mid-Nottinghamshire Farmland) and national landscape character area (NCA 46 Trent and Belvoir Vales). Given that the latter two areas extend beyond the 2km study area, the LVIA therefore already considers the effects of the Proposed Development on landscape character more widely than the 2km study area.
- 4.7.22 The cumulative assessment considers the effects of the Development should One Earth Solar Farm be consented first. The Applicant notes that the two schemes are not anticipated to be determined simultaneously, and NSDC agrees that this approach to cumulative assessment meets relevant guidance.
- 4.7.23 The Applicant’s position on the residual matters with DDSL is that the closest proposed planting is beyond the property boundary (more than 150m), as such the proposed planting would not be close enough to cause shading and would be a very limited change in terms of openness. The Applicant maintains the position as set out in **Responses to Deadline 3 Submissions [EN010162/APP/8.29]** [[REP4-059](#)] (page 14-15 of the DDSL Position Statement as presented within Appendix 2 of the Report) that the Development is not judged to reach the highest level of magnitude or exceed the RVA threshold, and that the approach and baseline of **ES Volume 4, Appendix A7.6: Residential Visual Amenity Assessment (RVAA) [EN010162/APP/6.4.7.6]** [[APP-213](#)] is accurate and robust. The assessment concludes that for all stages of the Development the ‘*magnitude of effects would be below the highest level of magnitude and effects would not reach the RVA threshold*’ (page 9, R27, **ES Volume 4, Appendix A7.6: Residential Visual Amenity Assessment (RVAA) [EN010162/APP/6.4.7.6]** [[APP-213](#)]). Please refer to Appendix 1 of this Closing Statement where the Applicant has provided further responses on this matter, and to clarify that no hedgerow planting along garden boundary and driveway are proposed along garden boundary and driveway.

4.8 Need, site selection and alternatives

Summary

- 4.8.1 The Applicant has undertaken a comprehensive site selection process and selected the Order Limits because of 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 it can provide a large volume of renewable electricity generation with the ability to export this generation to the electricity grid, whilst avoiding impacts on nationally or internationally designated sites and minimising impacts on other sensitive receptors.
- 4.8.2 The site selection process was guided by principles set out in paragraph 4.3.25 of NPS EN-1 and by the technical and environmental requirements of a large-scale solar project, including solar irradiance, topography, grid connection availability and deliverability. Paragraph 2.10.11 NPS EN-3 recognises that in order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects.
- 4.8.3 The Applicant considered this area of Nottinghamshire to be suitable for the Development due to its higher levels of solar irradiation relative to other parts of the UK and the generally undulating nature of the Order Limits, which is suitable for solar infrastructure. Approximately 80% of Work Area 1: Solar PV is proposed on slopes of less than 6%, and a south-facing layout of appropriate PV panel types is proposed to maximise irradiance levels.
- 4.8.4 The Applicant secured a grid connection at the Staythorpe Substation, which is a critical factor in site selection that must be considered alongside irradiation levels, given the constrained nature of the grid and the limited availability of new connections. In accordance with NPS EN-3, the Order Limits are suitable for a solar farm development in this regard, being located within an area of relatively high irradiance and being of suitable topography.
- 4.8.5 In order to deliver the 800 MW (AC) in accordance with the secured grid connection contract, the Development requires an installed DC capacity of approximately 1,120 MW, based on a 1.4 ratio for overplanting. The Order Limits comprise an area of approximately 1,765 ha (i.e. 4,360 acres). Based on an installed DC capacity of approximately 1,120 MW, this equates to approximately 3.9 acres for each MW of output. In terms of the overall extent of the Order Limits, the land take is consistent with paragraph 2.10.17 of NPS EN-3 which recognises that a solar farm requires around two to four acres for each MW.
- 4.8.6 The capacity of the Order Limits enables the Applicant to maximise the generation throughout the lifetime of the Development. This would fully utilise the BESS capacity and the secured grid connection, thereby maximising the generation of renewable energy and the other benefits of the Development.
- 4.8.7 The approach to site capacity of the Development is in accordance with NPS EN-3 and national policy more widely.

- 4.8.8 NPS EN-3 states at paragraph 2.10.19 that “Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare.”
- 4.8.9 In identifying the Order Limits the Applicant had regard to visual amenity, residential receptors, agricultural land quality, highways access, public rights of way and environmental constraints. Detailed assessment demonstrates that impacts on residential visual amenity would not exceed the Residential Visual Amenity threshold, that permanent public rights of way diversions have been minimised, and that significant beneficial recreational effects would arise during operation. In summary, the Development has suitably considered the Order Limits proximity to residential dwellings and assessed the potential impacts and is therefore consistent with NPS EN-3.
- 4.8.10 The Order Limits are not located within the Green Belt or any nationally or locally designated landscape. The Development would not permanently sterilise safeguarded mineral resources due to its temporary nature and reversibility, and significant beneficial effects are predicted for biodiversity and recreation alongside the delivery of renewable energy generation.
- 4.8.11 As explained in **ES Volume 2, Chapter 17: Agricultural Land [EN010162/APP/6.2.17A]** [\[REP2-032\]](#) and indicated on Insert 17.1, the provisional map identifies the Order Limits as mostly undifferentiated Grade 3 land (the map does not differentiate between Grade 3a or Grade 3b), which is good to moderate quality agricultural land, with only small parts of the Order Limits (at the eastern and western edges) identified as falling into ALC Grade 2. Assessment of the wider area shows that undifferentiated Grade 3 land is generally the poorest available in the wider area between Nottingham and Lincoln.
- 4.8.12 In summary, the Applicant considered ALC in the site selection process and sought to identify Order Limits that maximised the use of lower quality agricultural land and it is therefore policy compliant.
- 4.8.13 As set out in **ES Volume 4, Appendix A4.1: Public Right of Way Strategy [EN010162/APP/6.4.4.1B]** [\[REP3-030\]](#), the Applicant identified the PRoW network within the Order Limits at an early stage and has engaged proactively with the NCC PRoW Team, landowners, local user groups and the general public to inform preparation of the PRoW strategy for the Development.
- 4.8.14 Permanent PRoW diversions have been kept to a minimum and only proposed where absolutely necessary. Out of the 117 PRoW within the Order Limits, eight PRoW would be fully or partially closed, with diversions put in place. Of these diversions, seven would be permanent (those that currently pass through Work no. 1 Solar PV area), and one would be temporary, in place only during parts of the construction and decommissioning phases. No PRoW would be closed without an alternative or replacement being opened first.

- 4.8.15 New permissive routes are proposed to increase the connectivity of the network during the operational phase of the Development, including 22 new permissive footpaths, and six new permissive bridleways, creating 34.8 km of new permissive routes. A circular recreational footpath covering 50.6 km would be created around the Order Limits, including 12.5 km of new permissive route.
- 4.8.16 **ES Volume 2, Chapter 18: Recreation [EN010162/APP/6.2.18C] [REP5-013]** identifies and assesses the likely significant effects of the Development on publicly accessible recreation resources within and around the Order Limits, which are predominantly PRoW. The majority of potential effects on PRoW are assessed as being negligible and not significant. For some PRoW, adverse effects were assessed during construction, operation and decommissioning, but were found to be not significant in EIA terms as the affected PRoW are of local use or importance.
- 4.8.17 Beneficial effects are identified during the operational phase of the Development. New permissive routes have been proposed to increase the connectivity of the network during the operational phase, including 22 new permissive footpaths, and six new permissive bridleways, creating 34.8 km of new permissive route. These effects are assessed as significant for the new 50.6 km circular recreational route around the Order Limits, since this is a long-distance route of more than local use or importance and would enhance the connectivity and recreational amenity of the area. This is assessed as a major and significant beneficial effect of the Development.
- 4.8.18 To ensure continued recreational use of the PRoW during construction, operation and decommissioning of the Development, the **ES Volume 4, Appendix A18.1: Outline Recreational Routes Management Plan (oRRMP) [EN010162/APP/6.4.18.1C] [REP5-028]** proposes measures to manage closures, diversions, and new permissive routes. In summary, the Development has considered the PRoW network and accords with relevant policy in NPS EN-3.
- 4.8.19 **ES Volume 2, Chapter 10: Ground Conditions and Land Contamination [EN010162/APP/6.2.10B] [REP3-024]** identifies and assesses the likely significant effects of the Development on the nature and extent of the Mineral Safeguarding Areas. It was informed by **ES Volume 4, Appendix A10.9: Mineral Resource Assessment [EN010162/APP/6.4.10.9] [APP-238]** which concluded that the safeguarded mineral resources would not be permanently sterilised by the Development given its temporary nature and the safeguarded resource would subsequently be available for extraction at some point in the future. The regional minerals officer has concurred with the conclusions of the MRA.

- 4.8.20 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 to selecting the Order Limits. The Applicant identified and selected the Order Limits following a process to identify land which is suitable from a technical, environmental and planning perspective. This has been detailed **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 this Planning Statement.
- 4.8.21 In summary, 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.
- 4.8.22 A number of IPs also raised concerns on the reduction of scale in mitigating effects. A reduced scale proposal to the Development is not considered by the Applicant to be a reasonable alternative. This is because a smaller Development would not be capable of delivering the same generation capacity as the current proposal and would therefore not meet the Development requirements. This approach was endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm DCO (dated 12 July 2024).

Residual matters of disagreement at the end of the Examination

- 4.8.23 NSDC remains the only party to maintain a matter of disagreement in relation to site selection and alternatives, as per **Final Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D]**.
- 4.8.24 NSDC remains of the view that information on the areas of land that were considered and discounted for environmental and other reasons is not clearly available and considers this to be a deficiency within the ES.
- 4.8.25 NSDC has raised this concern during the pre-submission stage and within its Relevant Representations, in relation to a lack of clarity on the spatial presentation of alternative areas of land considered prior to the Order Limits being finalised. NSDC does not consider that it is within its remit to suggest alternative areas of land and considers that the onus for demonstrating alternatives rests with the Applicant.
- 4.8.26 Residual matters remain with the Interested Party [\[REP5-045\]](#) at Deadline 5 regarding the siting of the BESS, substation, and solar arrays, and have sought either a reduction in scale or to relocate. The Applicant maintains the position that all reasonable approach has been undertaken in the site selection process. The Applicant has provided responses to this Interested Party in Appendix 1 of this **Closing Statement [EN01062/APP/8.33]**.

Applicant's position on residual matters

- 4.8.27 The Applicant maintains that alternatives have been considered and assessed in **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [\[APP-047\]](#). The site selection process identified potentially developable land having regard to physical, environmental and economic factors, and was informed by an iterative design evolution process.
- 4.8.28 Whilst the Applicant notes that NSDC have stated that there have been a 'lack of clarity on the spatial presentation of alternative areas of land considered', NSDC have not suggested that any specific land or sites that should have been considered or given feedback on this at any point during the pre-application process.
- 4.8.29 As set out in NPS EN-1 (paragraph 4.3.28) 'Alternative proposals which are vague or immature can be excluded on the grounds that they are not important and relevant to the SoS's decision'.
- 4.8.30 Notwithstanding this, the Applicant considers that it has considered an appropriate number of potential alternatives and that the Development is located in a suitable location. Details of the overarching site selection process for the Development are provided in **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [\[APP-047\]](#).
- 4.8.31 In light of the consideration given to alternatives, the suitability of the Order Limits, and the absence of any identified preferable alternative, the Applicant considers that the remaining disagreement raised by NSDC does not provide a reason to refuse development consent.

4.9 Noise and Vibration

- 4.9.1 In accordance with NPS EN-1 paragraph 5.12.6 a noise and vibration assessment has been prepared to assess the impacts likely to arise from the Development, and to set out the methodology. **ES Volume 2, Chapter 12: Noise and Vibration [EN010162/APP/6.2.12A]** presents the findings of the assessment of the likely significant effects arising from noise and vibration associated with the Development.
- 4.9.2 The assessment concludes that, with the secured mitigation in place, the Development is not likely to give rise to any significant noise or vibration effects during construction, operation or decommissioning phases.

- 4.9.3 The assessment of construction noise considered noise and vibration arising from hardstanding construction activities, construction traffic and vibration. The assessment concludes that with the embedded design and mitigation measures which would be secured, the effects from noise during the construction phase are not expected to be significant. **ES Volume 4, Appendix 5.3: Outline Construction and Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3D] [REP4-017]** has been prepared by the Applicant and includes a list of noise mitigation measures. In addition, Requirement 12 in Schedule 2 of the **Draft Development Consent Order [EN010162/APP/3.1G]** prevents any phase of the Development commencing until a CEMP for that phase has been submitted to and approved by NSDC. Each CEMP must be prepared in accordance with the Outline CEMP.
- 4.9.4 With regard to noise and vibration during the operational phase, the ES concludes that noise levels will be either low or negligible (not significant) at all noise sensitive receptors during both daytime and night-time periods. Requirement 15 in Schedule 2 of the **Draft Development Consent Order [EN010162/APP/3.1G]** requires an operational noise assessment to be submitted to and approved by NSDC before any part of work numbers 1, 4, 5A, 5B, 6 or 7 can come into operation.
- 4.9.5 The ES concludes that the effects from noise and vibration during the decommissioning of the Development will not be significant and will be controlled by the same mitigation measures as the construction phase (as outlined above).
- 4.9.6 In summary, the Development accords with NPS EN-1, specifically the policy aims of paragraph 5.12.17, and the NPPF by avoiding significant adverse noise and vibration impacts on health and quality of life; and mitigating and minimising other adverse impacts of noise and vibration through appropriate mitigation.

Residual matters of disagreement at the end of the Examination

- 4.9.7 No party has identified a residual matter of disagreement in respect of noise and vibration.
- 4.9.8 During Issue Specific Hearing 3 (Section 1.6 of the **Written Summary of Oral Submissions from Issue Specific Hearing 3 and Response to Action Points [EN010162/APP/8.26] [REP3-101]** the ExA raised questions in relation to construction noise, including the Applicant's proposed airborne construction noise effect threshold. These matters were considered under Agenda Item 3.3: Construction Effects (Noise), at paragraphs 1.6.1 to 1.6.23.
- 4.9.9 The ExA acknowledged that the ES demonstrates that significant adverse noise and vibration effects have been avoided, and that while some limited residual construction noise effects may occur, these are appropriately mitigated.
- 4.9.10 Accordingly, noise and vibration do not give rise to a residual issue requiring further examination or weighing as a matter of dispute.

Applicant's position on residual matters

4.9.11 The Applicant's position is that noise and vibration effects have been fully assessed and appropriately mitigated in accordance with NPS EN-1, NPS EN-3 and the NPPF. **ES Volume 2, Chapter 12: Noise and Vibration [EN010162/APP/6.2.12A]** demonstrates that significant adverse effects have been avoided and that any remaining effects are limited, and appropriately controlled through mitigation measures.

4.10 Flood Risk

Summary

- 4.10.1 The EA Flood Map for Planning (2025) shows that the Order Limits are mostly located in Flood Zone 1 (89.99%), which comprises land having less than 0.1% (i.e. less than 1 in 1,000) annual probability of river or sea flooding, which is defined as 'low' probability. The remaining area of the Order Limits (10.01%) is located in either Flood Zone 2 or Flood Zone 3.
- 4.10.2 In accordance with NPS EN-1 Paragraph 5.8.13, a site-specific flood risk assessment ('FRA') is provided at **ES Volume 4, Appendix A9.1: Flood Risk Assessment [EN010162/APP/6.4.9.1C] [REP3-050]**. The FRA, in line with NPS EN-1 Paragraph 5.8.7 and 5.8.12 demonstrates that the Development will be safe, without increasing flood risk elsewhere, and will reduce flood risk overall given the reduction in surface water runoff following redevelopment.
- 4.10.3 In accordance with NPS EN-1 Paragraph 5.8.18, the Applicant has engaged with the EA, Trent Valley Internal Drainage Board (TVIDB) and other relevant parties during the pre-application stage to inform the design of the Development.
- 4.10.4 The Applicant has provided its assessment of the Development in line with both the Sequential Test and the Exception Test in the Sequential and Exception Test Report. This confirms that the requirements of both tests have been satisfied in accordance with NPS EN-1.
- 4.10.5 The FRA confirms that minor areas of the Order limits are located within the functional floodplain (Flood Zone 3b), specifically Work Area 3: Mitigation, Work Area 6: National Grid Staythorpe Substation and connection point, Work Area 7: Consented Staythorpe BESS and Connection and Work Area 8: Access. The works associated are either below ground (cables) or involve the creation of grassland etc which are compatible with the floodplain, will not result in a loss of storage or a perceptible effect on conveyance.
- 4.10.6 In summary, the Development accords with NPS EN-1 in respect of flood risk.
- 4.10.7 During the Examination, comments regarding flood risk have been made numerous times by IPs. As noted in Table 4-4 of the **Responses to Relevant Representations [EN010162/APP/8.16A] [REP2-115]**, the drainage measures for all aspects of the Development will ensure that the Development will not exacerbate the baseline scenario.

Residual matters of disagreement at the end of the Examination

- 4.10.8 The EA (**Final Statement of Common Ground with Environment Agency [EN010162/APP/8.3D] [REP5-032]**) and NCC (**Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**) confirm in their respective Statements of Common Ground that all matters relating to flood risk are agreed. The Sequential Test and Exception Test have been applied appropriately, the Flood Risk Assessment methodology and conclusions are agreed, and no party maintains an objection to the Development on flood risk grounds.
- 4.10.9 Any matters previously raised by the EA related solely to construction-phase detail and have been addressed through agreed commitments within the Outline Construction Environmental Management Plan. NCC, in its role as Lead Local Flood Authority, confirms that it has reviewed the Flood Risk Assessment and associated responses and raises no outstanding concerns.
- 4.10.10 Accordingly, there are no residual matters of disagreement in respect of flood risk.
- 4.10.11 Some IPs including Carlton-on-Trent Parish Council have raised matters in respect of the flood risk as a result of the solar arrays along Ossington Road, but the Applicant does not consider these matters to be well-founded or supported by any expert opinion. The Applicant notes that both NCC (as the LLFA) and the EA agrees with the Applicant on all flood related matters.

Applicant's position on residual matters

- 4.10.12 The Applicant therefore considers that flood risk has been satisfactorily addressed in accordance with NPS EN-1 and that flood risk does not provide a reason to refuse development consent.
- 4.10.13 With respect to the flood risk matter in Carlton-on-Trent, as noted in Table 3-3 of the **Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]**, the fields in sited along Ossington are not subject to pluvial flood risk. The Applicant acknowledges the existing surface water flooding issue. However, there is no evidence to indicate that the Development with its associated mitigation measures would exacerbate this situation. As such, the Development does not conflict with the policy.

4.11 Transport

Summary

- 4.11.1 In accordance with NPS EN-1 and the NPPF, **ES Volume 2, Chapter 14: Traffic and Access [EN010162/APP/6.2.14]** [\[REP4-011\]](#) presents the findings from the assessment of the potential transport related environmental effects arising during the construction, operation and decommissioning phases of the Development. The assessment considered the effect the increase traffic flow would have on severance; driver delay; pedestrian, cyclist and equestrian delay; pedestrian amenity, fear and intimidation; and accidents and safety. It concluded that all effects upon these issues are not significant.
- 4.11.2 The embedded mitigation measures to be implemented during the construction phase of the Development will be secured through **ES Volume 4, Appendix A14.2: Outline Travel Plan [EN010162/APP/6.4.14.2A]** [\[REP3-061\]](#). This provides a framework for the management of construction vehicle movements to and from the Development to ensure that the construction phase can be undertaken in a safe and efficient manner and that disruption to the local highway network is managed and minimised.
- 4.11.3 Requirement 14 in Schedule 2 of the **Draft Development Consent Order [EN010162/APP/3.1G]** requires that no phase of the authorised development may commence until a construction traffic management plan for that phase has been submitted to and approved by NCC.
- 4.11.4 The Development will generate traffic primarily in the construction phase, with vehicle movements during operation and decommissioning being limited. Construction traffic will comprise a combination of HGVs, LGVs, Abnormal Indivisible Loads and workforce travel, managed through defined access points and agreed routing across the local and strategic highway networks. Traffic movements during construction would be managed through the **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2E]**, which sets out measures relating to routing, timing of vehicle movements, workforce travel arrangements, and site access management. These measures are secured through the **Draft Development Consent Order [EN010162/APP/3.1G]**, with detailed plans required to be approved prior to commencement.
- 4.11.5 Once construction is complete, the operational phase of the Development will result in a very low level of traffic, typically limited to occasional maintenance and inspection visits. Traffic effects during decommissioning would be temporary and comparable to, or lower than, those experienced during construction.
- 4.11.6 The residual matters not agreed between parties relate primarily to operational site access arrangements and associated highway works.

- 4.11.7 Overall, the transport evidence demonstrates that the Development can be constructed, operated and decommissioned without giving rise to unacceptable or severe impacts on the highway network, in accordance with the transport and access policies of NPS EN-1 and NPS EN-3.

Residual matters of disagreement at the end of the Examination

- 4.11.8 Residual matters of disagreement remain between the Applicant and National Highways (NH) and NCC.
- 4.11.9 As set out in the **Final Statement of Common Ground with National Highways [EN010162/APP/8.4D]**, agreement has been reached, on majority of matters, with the outstanding matters relating to NH's request to be the approving body for requirements 5, 14, 19 and 22, rather than a named consultee.
- 4.11.10 Residual matters not agreed between NCC and the Applicant are set out in the **Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**. The residual matters not agreed relate primarily to site access arrangements, and in particular to the acceptability of a defined number of access points during the operational phase of the Development.

Operational Site Access

- 4.11.11 As recorded in the Statement of Common Ground and the Site Access Issue Tracker at Appendix 2 of the **Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**, the majority of site accesses are agreed by NCC for both construction and operation phases.
- 4.11.12 Residual disagreement relates to access locations during the operational phase, where NCC considers that full design-standard visibility splays may not be achievable within the highway boundary or Order Limits without permanent vegetation removal.
- 4.11.13 In these locations, NCC has expressed concern regarding the reliance on operational management measures where full Design Manual For Roads and Bridges ('DMRB') visibility standards are not met. NCC considers there are safety issues associated with a number of accesses and that the issues cannot be adequately addressed through operational controls.

Road Safety Audits and Detailed Access Design

- 4.11.14 A further area of disagreement relates to the timing and mechanism for securing Road Safety Audits and detailed access design. NCC consider that the principle of access acceptability, including visibility standards and layout safety, should be established prior to the grant of the DCO. NCC consider that a number of accesses fall below the required DMRB standards.
- 4.11.15 NCC maintain that even though the Outline Construction Traffic Management Plan ('CTMP') includes road safety audits at detailed design, this is not the appropriate stage to determine suitable locations for accesses.

- 4.11.16 The Applicant's position, as recorded in the Statement of Common Ground, is that Road Safety Audits and detailed design can be appropriately secured through post-consent controls, including the CTMP and Operational Management Plan, without undermining highway safety.

Passing places

- 4.11.17 Residual disagreement also remains in relation to passing places proposed on single-lane rural roads. While the general approach to providing passing places is agreed, NCC has raised concerns regarding the spacing, intervisibility and permanence of certain passing places.
- 4.11.18 NCC has expressed a preference for all passing places to be provided on a permanent basis and has questioned whether sufficient intervisibility is achievable at all proposed locations. The Council has also raised concerns where the separation distance between passing places exceeds preferred guidance or where visibility between passing places may be compromised.

Applicant's position on residual matters

- 4.11.19 Solar Nationally Significant Infrastructure Projects (NSIPs) are typically located in rural areas where the surrounding highway network comprises relatively lightly trafficked rural roads, bounded by hedgerows, mature trees and other landscape features. These characteristics present inherent constraints on the achievement of full DMRB visibility standards at temporary construction accesses and low use operational accesses.
- 4.11.20 The applicant applied a proportionate approach to access visibility for the Development, evidenced by established practice accepted through precedent DCOs. The Applicant has demonstrated how highway safety, environmental protection and proportionality are appropriately balanced through the use of the **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2E]** and targeted vegetation management.
- 4.11.21 The DMRB is primarily intended to provide design standards and advice for the strategic road network, including motorways and trunk roads, where traffic volumes, vehicle speeds and safety risks are significantly higher than on local rural roads.
- 4.11.22 While DMRB guidance is often used as a reference point by local highway authorities, it is not intended to be applied rigidly to all forms of development access. In particular, it is not designed for lightly trafficked rural lanes or for temporary construction accesses, where applying full strategic road standards would be disproportionate to the nature and scale of traffic movements.
- 4.11.23 It is a well-established characteristic of rural highway networks that many existing accesses do not comply with full DMRB visibility standards, including:
- Agricultural field and farm accesses;

- Farmyards and rural commercial premises;
- Residential accesses onto rural roads.

4.11.24 These accesses nevertheless operate safely within the context of:

- Low traffic flows;
- Lower vehicle speeds than the posted speed limit;
- Increased driver awareness and caution in rural environments.

4.11.25 Highway authorities routinely accept such arrangements as part of the baseline highway environment. Solar NSIP accesses, particularly during the operational phase, are functionally comparable to these existing rural accesses and should be considered within the same context.

Speed Surveys to inform Access Design

4.11.26 As set out in the **Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]** concerns have been raised by the local highway authority, NCC with regard to some of the proposed access designs being based on speed surveys not close enough to the access point.

4.11.27 Paragraph 34 of the **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2E]** requires further speed surveys to be undertaken as part of the detailed design of the proposed accesses. Should the further speed surveys determine that the observed 85th percentile speeds are higher than those used to inform the preliminary design of the accesses included in ES, the oCTMP secures the ability for the temporary reduction of speed limits on the approaches to construction accesses, enabling visibility splays to be achieved in accordance with the reduced temporary speeds. In addition, proportionate vegetation management measures is secured through the oCTMP to enhance intervisibility at access locations, further supporting the safe operation of construction traffic during the construction phase.

4.11.28 Accordingly, **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2E]** secures appropriate and flexible mitigation to ensure that construction accesses will operate safely, even where observed vehicle speeds differ from those used to inform the preliminary access designs.

Road Safety Audits

4.11.29 As set out in the **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]** concerns have been raised by NCC that Stage 1 Road Safety Audits have not been undertaken.

- 4.11.30 The **ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP) [EN010162/APP/6.4.5.2E]** and Requirement 14 of the **Draft Development Consent Order [EN010162/APP/3.1G]** secures the requirement for Road Safety Audits to be undertaken in accordance with GG 119 of the DMRB, which would be prepared as part of detailed design. This approach ensures that all temporary and permanent accesses and traffic management measures, are subject to an appropriate level of independent safety scrutiny before implementation.
- 4.11.31 Importantly, the oCTMP forms part of a secured framework that ensures no access can be implemented until it has been subject to the appropriate audit and approval process. Highway safety is therefore not deferred or diminished but instead embedded within the detailed design and pre-construction stages where risks can be most effectively identified and mitigated.
- 4.11.32 There are a number of other examples of Solar NSIPs that have relied on safety audits being secured through the oCTMP. For example, Gate Burton Energy Park (DCO granted July 2024), East Yorkshire Solar Farm (DCO granted May 2025) and Springwell Solar Farm (DCO granted April 2026) did not submit Stage 1 Road Safety Audits for the proposed temporary and operational accesses with the DCO application and instead relied on these to be undertaken post consent, secured through a Requirement for a detailed CTMP.
- 4.11.33 This establishes that the Secretary of State was satisfied that highway safety could be appropriately managed post-consent, and that Stage 1 road safety audits were not a prerequisite to granting the DCO.
- 4.11.34 Solar NSIPs are typically located in rural areas and require the provision of temporary construction accesses to facilitate the delivery of plant and materials by HGVs, Abnormal Indivisible Loads ('AILs') and LGVs. These accesses are primarily required during the construction phase and are managed through a CTMP (**ES Volume 4, Appendix A5.2: Outline Construction Traffic Management Plan (CTMP)[EN010162/APP/6.4.5.2E]**).
- 4.11.35 Due to the rural nature of the highway network and the presence of established hedgerows, trees and boundary features, it is often not practicable or appropriate to achieve visibility splays fully compliant with DMRB standards at construction accesses without significant and permanent landscape and ecological harm. Accordingly, safety at construction accesses is typically managed through the use of proportionate and effective temporary traffic management measures rather than permanent geometric alterations to the highway.
- 4.11.36 Alongside the temporary traffic management measures, visibility at construction accesses is typically enhanced as far as reasonably practicable through sensitive vegetation management measures, including trimming, hedge coppicing and the raising of tree crowns, rather than wholesale removal of established hedgerows or trees. These measures are secured through a CTMP and are reversible following the construction period.

- 4.11.37 The oCTMP adopts this recognised and standard approach and secures the ability of the Applicant to manage construction accesses through a comprehensive suite of temporary traffic management measures and vegetation management. This includes but is not limited to the provision of temporary warning signage, the use of banksmen where appropriate, temporary traffic signals, temporary reduced speed limits and vegetation management to enhance visibility at accesses, further supporting the safe operation of construction traffic during the construction phase.
- 4.11.38 The experience of consented solar NSIPs demonstrates that:
- DMRB standards are primarily intended for trunk roads and the strategic road network, and should not be applied rigidly to rural local roads;
 - Many existing rural accesses operate safely without DMRB compliant visibility splays;
 - Construction phase access risks can be effectively managed through CTMPs and temporary traffic management;
 - The very low level of operational traffic associated with solar NSIPs justifies a proportionate approach to visibility;
 - Avoiding extensive hedgerow and tree removal represents a balanced outcome when considering highway safety, landscape and biodiversity.
- 4.11.39 Accordingly, a managed and proportionate approach to access visibility proposed by Great North Solar represents established best practice for solar NSIPs within the DCO regime and accords with the transport objectives of NPS EN-1, NPS EN-3 and the NPPF.

4.12 Public Rights of Way

Summary

- 4.12.1 The proposed changes to the PRoWs are outlined in Section 18.6.1 of **ES Volume 2, Chapter 18: Recreation [EN010162/APP/6.2.18A]** [\[REP1-020\]](#), with supporting information provided in the **Public Rights of Way Diversions and Permissive Routes Plan [EN010162/APP/2.4]** [\[APP-020\]](#) and **ES Volume 4, Appendix A4.1: Public Right of Way Strategy [EN010162/APP/6.4.4.1]** [\[APP-200\]](#). The Applicant identified the PRoW network within the Order Limits at an early stage and has engaged proactively with the NCC PRoW Team, landowners, local user groups and the general public to inform preparation of the PRoW strategy for the Development.
- 4.12.2 **ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7B]** assesses the likely effects on the views of PRoW users. **ES Volume 2, Chapter 18: Recreation [EN010162/APP/6.2.18C]** [\[REP5-013\]](#) sets out the likely effects on users of the PRoW during the construction, operational and decommissioning stages of the Project.

- 4.12.3 The approach to PRow has been discussed extensively with NCC and the Section 2.6 of the **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]** confirms that all matters in respect of the PRow network have been agreed between NCC and the Applicant.
- 4.12.4 As mentioned above in Section 4.3, following the discussion with NCC on Ossington Airfield, Permissive Footpath 22 has been proposed to provide an extension to Permissive Footpath 8 through the former RAF Ossington Airfield. The new Permissive Footpath could provide a means to allow the significance of the Airfield to be better realised and appreciable to visitors to the area. The changes has been reflected in the **ES Volume 4, Appendix A18.1: Outline Recreational Routes Management Plan (oRRMP) [EN010162/APP/6.4.18.1C] [REP5-028]** submitted at Deadline 5. As such, a total of 34.8 km of new permissive routes are proposed, comprising 22 permissive footpaths and six permissive bridleways.

Residual Matters of disagreement at the end of Examination

- 4.12.5 The Applicant does not consider there to be any residual ongoing points of discussion with the Statement of Common Ground parties in relation to the assessment and the PRow management.
- 4.12.6 A number of IPs [\[REP5-049\]](#) [\[REP-052\]](#) have raised matters in respect of the PRow management at decommissioning, but the Applicant considers that the measures secured in the management plans are robust. Please refer to Appendix 1 of this Closing Statement for the Applicant's responses to these matters.

Applicant's position on residual matters

- 4.12.7 The Development ensures continued recreational use of the PRow during construction, operation and decommissioning of the Development. Although the Applicant's Project design results in some significant adverse effects on PRow's in visual terms, the effects on PRow's are limited, especially relative to the scale of the Project and the significant benefits to which the Project gives rise.

5 Compulsory Acquisition And Related Matters

5.1 Compulsory Acquisition Powers: Section 122(2) of the PA 2008 and the purpose for which the land is required

- 5.1.1 The Applicant seeks powers to compulsorily acquire land, new rights and restrictive covenants over land, and powers to temporarily use land. All of the land and rights sought, including the powers to temporarily possess land, are:
- required for the Development to which the Development consent relates (section 122(2)(a) of the PA 2008), and/or
 - required to facilitate or are incidental to that development (section 122(2)(b)).
- 5.1.2 The compulsory acquisition powers are principally contained in Articles 22, 24, 31 and 32 of the draft **Development Consent Order [EN010162/APP/3.1G]**. Each plot of land described in the **Book of Reference [EN010162/APP/4.3E]** and shown on the **Land Plans [EN010162/APP/2.2B][[REP1-004](#)]** is required either for the purposes of the Development, or is needed to facilitate, or is incidental to the Development. **Appendix 1 to the Statement of Reasons [EN010162/APP/4.1.1A] [[REP1-011](#)]** provides a plot-by-plot explanation of the works for which the land is required.
- 5.1.3 Article 22 (Compulsory acquisition of land) of the **draft Development Consent Order [EN010162/APP/3.1G]** is the primary authorising power. Land of which the freehold ownership (and all other interests in that land) may be compulsorily acquired is shown shaded pink on the **Land Plans [EN010162/APP/2.2B][[REP1-004](#)]**. This land is required principally for the permanent infrastructure Works 1, 4, 5a and 5b (solar PV arrays, intermediate substations, the BESS and 400kV Compound, including that part of access road thereto which will be gated and controlled by the Applicant). This is land of which the Applicant requires exclusive possession and control for the purposes of the Development, and for which other powers, such as to acquire new rights only or take temporary possession only, would not be sufficient. Freehold acquisition is also sought in relation to Work 3 Mitigation, including land required for woodland, landscape planting areas and recreational permissive routes, and land which is required to be dedicated for public rights of way diversions (Work 8 Access).

- 5.1.4 Article 24 (Compulsory acquisition of rights and imposition of restrictive covenants) provides a power to acquire new rights and impose restrictive covenants over land. Where land is shown coloured blue on the **Land Plans [EN010162/APP/2.2B][REP1-004]** the freehold of that land cannot be acquired compulsorily. Rather this is land where the compulsory acquisition powers are limited to the acquisition of new rights or the imposition of restriction covenants. The land rights sought have been categorised into rights packages: Cable Rights, Cable Restrictive Covenants, and Access Rights, details of which can be found in Schedule 8 to the **draft Development Consent Order [EN010162/APP/3.1G]** which prescribes the purposes for which the rights and restrictive covenants are being sought. The rights and restrictive covenants sought over the blue land are required for the underground cable connections and for access. Restrictive covenants are necessary and proportionate in order to limit development and activities on land over and in the vicinity of the buried cables to protect them from interference and for safety reasons.
- 5.1.5 Article 23 provides a 5-year time limit from the making of the **draft Development Consent Order [EN010162/APP/3.1G]** within which the compulsory acquisition powers must be exercised.
- 5.1.6 The Applicant also seeks the power to take temporary possession of land for the construction and/or maintenance of the proposed Development, pursuant to Articles 31 and 32 of the **draft Development Consent Order [EN010162/APP/3.1G]**. The Order Limits do not contain any land which is required solely for temporary use because land which is proposed to be used for construction access during the installation of the Development will also be required for use as an access when the Development is decommissioned. Accordingly, permanent access rights are required for these purposes. The Applicant expects to use a combination of temporary possession powers and permanent acquisition powers, especially in relation to the cable corridors. This will assist in using the order powers in a proportionate way.
- 5.1.7 The yellow land on the **Land Plans [EN010162/APP/2.2B][REP1-004]** cannot be compulsorily acquired, nor temporarily possessed. This is land which is within the Order Limits for the purposes of works or other order powers (e.g., traffic management) but for which land rights are not required. This land typically comprises public adopted highway for which it is not necessary for the Applicant to acquire new rights. It also includes the land within the Staythorpe National Grid Substation where the Applicant proposes to connect to the National Grid.

- 5.1.8 There are a number of other articles in Part 5 of the draft **Development Consent Order [EN010162/APP/3.1G]** (Article 25 (private rights over land) and Article 28 (power to override easements and other rights)) which would grant the Applicant powers to interfere with private rights in land. The Applicant modified the wording of Article 25 of the draft **Development Consent Order [EN010162/APP/3.1G]** during the Examination so that private rights are not automatically extinguished upon the Applicant's acquisition of the burdened land but are extinguished only insofar as their continued existence would be inconsistent with the Applicant's need for the land.
- 5.1.9 The Applicant submits that the proposed compulsory acquisition of land, new rights and restrictive covenants pursuant to the draft DCO is necessary and proportionate and meets the tests in Section 122(2)(a) and section 122(2)(b) of the PA 2008. The powers to temporarily use land are necessary for the construction and maintenance of the proposed Development, and the powers to interfere with private rights over land are required to ensure that the existence of private rights does not prejudice the delivery and operation of the proposed Development.
- 5.2 Section 122(3) of the PA 2008 – The compelling case in the public interest for the powers of compulsory acquisition**
- 5.2.1 The Applicant's justification for the compulsory acquisition powers sought is contained in its **Statement of Reasons [EN010162/APP/4.1C]**. The Applicant considers that the condition contained in s122(3) of the PA 2008 for there to be a compelling case in the public interest for the land, rights and restrictive covenants to be acquired compulsorily, has been met. A summary is provided below of how the requirements of the Guidance Related to Procedures for the Compulsory Acquisition of Land (September 2013) ("the CA Guidance") have been satisfied.
- 5.2.2 The **Planning Statement Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#) provides details of the need for the proposed Development, the clear policy requirement for it in NPS EN-1 and EN-3, and of the overwhelming positive benefits that will be generated by the delivery of the Proposed Development (Paragraphs 13-14 of the CA Guidance). The authorisation of compulsory acquisition powers in the draft **Development Consent Order [EN010162/APP/3.1G]** is necessary to ensure that the policy objectives and public benefits can be met.
- 5.2.3 The Applicant has set out clear and specific proposals for how the Order Land will be used (paragraph 9 of the CA Guidance). The location and extent of land and rights has been carefully considered and designed to take the minimum amount of land required whilst ensuring that the Development continues to deliver the much needed public benefits. The Applicant does not consider these objectives could be achieved by any other means. Nor have any affected parties proposed alternatives or modifications to the draft **Development Consent Order [EN010162/APP/3.1G]** which would obviate the need for powers of compulsory acquisition powers and temporary possession over the Order land (paragraph 8 of the CA Guidance).

- 5.2.4 The Applicant has undertaken a robust and thorough site selection process which has been informed by topographical and environmental constraints. As explained in **ES Volume 2, Chapter 4: Alternatives [EN010162/APP/6.2.4]** [\[APP-047\]](#) alternative locations and layouts were considered as part of the design of the Development, and the reasons for rejecting these have been reported. Further details on the alternatives considered by the Applicant are set out in section 7.10 of the **Statement of Reasons [EN010162/APP/4.1C]**. This includes the design changes made by the Applicant in response to consultation and engagement requests which have resulted in, for example, reductions to the Order Limits, the set back of solar PV from residential areas, the inclusion of new mitigation and biodiversity areas.
- 5.2.5 Two related Interested Parties (Mr Gill/Mrs Gill [RR-181] and DDSL [RR-045]) have requested the exclusion of land from the Order Limits and/or the use of alternative land in an unspecified location so as to avoid the potential for interference with private rights over land. The Applicant has explained why the land in question (Plots 15/16, 15/17 and 16/1) is necessary and explained the implications for the generating capacity of the proposed Development if the land is excluded from the draft **Development Consent Order [EN010162/APP/3.1G]** (see the Applicant's response to EXQ2 Qu.10.2.1 in the **Responses to ExA's Second Written Questions [EN010162/APP/8.30]** [\[REP4-060\]](#)). It has also explained why alternative land in the vicinity of these parcels would be unsuitable. It must also be noted that the Applicant has concluded an option agreement for lease with the owners of these land parcels (see row 23 of the **Land and Rights Negotiations Tracker [EN010162/APP/4.4E]**) and it would not be justified or proportionate to seek compulsory acquisition powers over land belonging to someone else solely to avoid land over which these parties have private rights.
- 5.2.6 The proposed acquisition of land, new rights and restrictive covenants, and temporary or permanent interference with private rights is for a legitimate purpose, and it accords with national policy which recognises the national significance of the project, (paragraph 8 of the CA Guidance). Section 13 of the **Statement of Reasons [EN010162/APP/4.1C]** sets out how Article 1 of the First Protocol to the ECHR and Articles 6 and 8 of the ECHR have been considered. This, together with other parts of the Application, sets out how the outputs and benefits which will be realised by the Proposed Development will outweigh the private loss that would be suffered by those whose land and/or interests are to be subject to compulsory acquisition (paragraph 13 of the CA Guidance).
- 5.2.7 The Applicant has also had regard to the public sector equality duty (PSED) set out in section 149 of the Equality Act 2010, and to which the SoS for Energy Security and Net Zero will need to have regard in determining the Application. An **Equalities Impact Assessment [EN010162/APP/7.6]** [\[APP-328\]](#) has been submitted with the Application which concludes that no disproportionate or differential effects on persons who share protected characteristics are expected as a result of the Development.

- 5.2.8 In the **Funding Statement [EN010162/APP/4.2A]** [\[REP3-010\]](#) an explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land or rights over the land will be funded, as well as compensation arising from the exercise of powers of compulsory acquisition (as required by paragraphs 17 and 18 of the CA Guidance);
- 5.2.9 Subject to the making of the draft **Development Consent Order [EN010162/APP/3.1G]**, there are no known impediments to the delivery of the Proposed Development (as required by paragraph 19 of the Compulsory Acquisition Guidance). The Applicant has secured a grid connection with NESO as explained in the **Grid Connection Statement [EN010162/APP/7.15A]** [\[REP1-048\]](#) and the Applicant is not aware of any reason why the **Consents and Licences Required Under Other Legislation [EN010162/APP/7.3A]** [\[REP1-045\]](#) will not be forthcoming.
- 5.2.10 The Applicant is committed to securing the necessary land and rights required for the Development by agreement (in compliance with paragraphs 24-26 of the CA Guidance). It has secured option agreements over the vast majority of the Order Land as demonstrated in the **Land and Rights Negotiations Tracker [EN010162/APP/4.4E]** and the very limited number of land-related representations. The Applicant is committed to securing the remaining land and rights by agreement wherever possible. Notwithstanding the Applicant's success with private treaty negotiations, it remains necessary to seek compulsory acquisition and temporary possession powers over the Order Land to provide certainty that all the outstanding land and rights required for Development can be secured within a reasonable timescale to enable the Development to proceed. Furthermore, there are interests in land for which it has not been possible to establish the identity of the owners despite making reasonable and diligent inquiry.
- 5.2.11 The Applicant therefore firmly believes the inclusion of powers of compulsory acquisition in the draft **Development Consent Order [EN010162/APP/3.1G]** for the Development meets the conditions of section 122 of the 2008 Act and the Guidance and submits that the DCO should be made including them.

5.3 Special Considerations

- 5.3.1 The Order Land does not contain any Crown land, any land belonging to the National Trust nor any special category land such as open space, common land or allotments.

5.4 Outstanding representations relating to compulsory acquisition matters

Mr Gill and Mrs Gill [RR-181] and DDSL [RR-045]

- 5.4.1 The Interested Parties have made extensive submissions. Those relating to landscape and visual matters, and to heritage, are dealt with elsewhere in Section 4.4 and 4.7 of the **Closing Statement [EN010162/APP/8.33]** under the relevant topic areas. In this section, the Applicant addresses the Interested Parties' objections to the powers in Part 5 of the draft **Development Consent Order [EN010162/APP/3.1G]** which entitle the Applicant to extinguish and/or override private rights, namely Article 25 (Private rights over land) and Article 28 (Power to override easements and other rights). The operation of the powers in the draft DCO is not dependent upon the exercise of compulsory acquisition powers in anyway.
- 5.4.2 No part of the Interested Parties' land is proposed to be compulsorily acquired or temporarily possessed pursuant to the draft **Development Consent Order [EN010162/APP/3.1G]**, therefore the tests in Section 122 of the PA 2008 do not apply to their representation. The property which they own and/or occupy CLF is wholly outside of the Order Limits.
- 5.4.3 Mr and Mrs Gill, as owners of CLF, have a category 2 interest in land for the purposes of section 56 of the PA 2008 pursuant to Deeds dated September 1998 which grant rights to install and retain Service Installations across neighbouring land to serve CLF and for the free passage of services through those Service Installations ("the Rights"). The rights benefit CLF and the owners and occupiers for the time being of CLF may exercise them. DDSL occupies CLF and may exercise the Rights but it does not appear in the **Book of Reference [EN010162/APP/4.3E]** because it does not own property that benefits from the Rights, nor does it occupy land within the Order Limits.
- 5.4.4 The Rights burden an extensive area of land, as shown on the Plan at **Annex A of Appendix 2 to the Applicant's Responses to Deadline 3 Submissions [EN010162/APP/8.29]** [\[REP4-059\]](#). This area includes land within the Order Limits, being Plots 15/16, 15/17 and 16/1. Plot 15/16 is required for Work no. 1 solar PV, whereas plots 16/1 and 15/17 are required for Work no. 3 mitigation. A new permissive bridleway 5 is proposed to be created at the western extremity of these land parcels.
- 5.4.5 CLF is a residential property, and the Interested Parties have refuted any suggestion that the business use of CLF by DDSL has altered the planning status of the property. Taking this at face value, it is necessary to assess the impact of the proposed Development upon the Rights which benefit a property which has a lawful residential planning use.

- 5.4.6 There are no existing services in the Order Land which benefit CLF because it is totally 'off-grid'. The Applicant has explained in response to **Question 10.2.1 in the Responses to ExA's Second Written Questions [EN010162/APP/8.30] [REP4-060]** the potential effect (if any) of Articles 25 and 28 on the Rights insofar as the owners/occupiers of CLF wish to install standard domestic services to the property at some point in the future. It is submitted that that there will be no material impact upon the exercise of the Rights for these purposes, but if there is an interference with the Rights pursuant to those Articles, it will only be because there is a conflict with the proposed Development. Any such interference with private rights would be for a legitimate purpose, in accordance with national policy which recognises the national significance of the proposed Development. Provision is also made within Articles 25 and 28 for compensation to be paid in qualifying circumstances.
- 5.4.7 The Interested Parties have not challenged the Applicant's position with regards to the continued ability to exercise the Rights to install standard services of a domestic nature. Rather, their objection focusses upon DDSL's request to install a 25m 'services corridor' to serve DDSL's business so as to power a services cabinet and monitoring equipment that has been erected on land to the south of plot 15/16. The deliverability of such a corridor is uncertain, even in the absence of the Development Consent Order. Planning permission has not been applied for the engineering works and an existing landowner has challenged the Interested Parties' exercise of the Rights with a legal dispute is ongoing in the Court (see **para 7.3 of [REP3-111]**).
- 5.4.8 As explained in the Position Statement at **Appendix 2 to the Applicant's Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]** ('the Position Statement') the Applicant:
- disagrees that a 25m services corridor is necessary for a buried electricity cable;
 - disputes that the scope of the Rights enable them to be exercised by DDSL for the purposes of connecting to the services cabinet and radio frequency monitoring equipment; and
 - disputes DDSL's assertion that there is an unfettered ability to exercise the Rights over the burdened land without reasonable regard to the existing land use and the proposed development and use of the land. The Rights require as little damage as possible to be caused to the land and for any damage to be made good to the landowners' satisfaction thereafter.
- 5.4.9 Notwithstanding the Applicant's position, it has sought to accommodate a reasonable corridor of circa 5m in width through the Order Land which would permit the electricity cable to be laid (**Appendix A to Written Summary of Oral Submissions from Compulsory Acquisition Hearing 1 and Responses to Action Points [EN010149/APP/8.25] [REP3-100]**). This proposal has not been accepted by the Interested Parties, and no reasonable alternative proposal that would enable the proposed Development and DDSL's proposed works to co-exist has been made by them.

- 5.4.10 The Interested Parties have also made submissions regarding the alleged impact that the proposed Development would have upon DDSL's business activities, whether drone flying, testing or research. Articles 25 and 28 of the draft **Development Consent Order [EN010162/APP/3.1G]** are irrelevant for these purposes because DDSL does not have a private right to use land within the Order Limits for any purpose. They have no property rights to occupy the Order Land, to fly over it, nor to restrict its development by any party, whether by the current landowners or the Applicant. Accordingly, no such rights will be breached by the proposed Development and the powers in Part 5 of the draft DCO will not be engaged.
- 5.4.11 Insofar as the Interested Parties contend that the alleged impact upon DDSL's business activities is relevant to the planning balance, this is strongly denied. The 'agent of change' principle in paragraph 200 of the NPPF (December 2024) does not apply here. CLF is a residential property and the proposed Development does not give rise to any unacceptable impacts and could not therefore give rise to unreasonable restrictions on any existing lawful business use. As such, the Development is consistent with the NPPF. Moreover, NPS EN-1 provides a presumption in favour of granting consent to the proposed Development. In any event, as explained in the Position Statement, the Applicant's expert on drone matters considers that there are options available to DDSL to reconfigure its operations should that be necessary.
- 5.4.12 The benefits of the proposed Development, particularly the delivery of new solar generating capacity, are overwhelmingly greater than any alleged residual adverse effects upon DDSL. Furthermore, any proposed interference with the Interested Parties' Rights is limited and capable of being mitigated, and does not outweigh the compelling need for the proposed Development. The Applicant submits that there is no justification for any changes to be made to the draft **Development Consent Order [EN010162/APP/3.1G]** to avoid the land burdened by the Rights.

Paul Mitchell and Pamela Gladwin [RR-169] and RR-174]

- 5.4.13 The Interested Parties raised concerns regarding potential construction impacts upon a water supply pipe to their property, the location of which is unknown, and for which they benefit from a private right that affects the Order Land. The Applicant provided a plan to the Interested Parties (**Appendix B of the Written Summary of Oral Submissions from Compulsory Acquisition Hearing 1 and Response to Action Points [EN010162/APP/8.25][[REP3-100](#)]**), which indicated that the pipe may connect to the Severn Trent infrastructure in the adopted highway that abuts their property. If so, it is unlikely to be affected by the works or the powers in the draft DCO.

- 5.4.14 In the event that there is an existing pipe which is elsewhere in the Order Limits, the Applicant has given commitments to protect and/or divert existing water infrastructure in paragraph **A5.3.9.6.3 of the ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3D][[REP4-017](#)]**. This commitment is binding on the Applicant and is secured by requirement 12 of Schedule 2 to the **Draft Development Consent Order [EN010162/APP/3.1G]**.
- 5.4.15 The Interested Parties have not commented further upon this matter. The Applicant submits that any impact upon the water pipe and/or rights belonging to the Interested Parties is limited and capable of being mitigated, and does not outweigh the compelling need for the proposed Development.

Mick George Limited [RR-138]

- 5.4.16 The Interested Party has an option agreement for a minerals lease to work the mines and minerals underlying land required principally for the BESS (Work 5A) for which full compulsory acquisition powers are sought. See row 66 of the **Land and Rights Negotiations Tracker [EN010162/APP/4.4E]** for details of the plots the subject of the option and rows 43, 44, 45 for details of the freehold owners' land. The landowners did not make a representation to the **draft Development Consent Order [EN010162/APP/3.1G]**.
- 5.4.17 The Interested Party's representation seeks the prior extraction of the underlying minerals prior to the proposed Development proceeding. The Applicant understands that the Interested Party does not have planning permission to extract the minerals, nor has a planning application been made by the Interested Party. The Applicant is not aware of the Interested Party's programme for the extraction of minerals nor whether it has a viable proposal to do so. The likelihood that the Development will conflict with a scheme for mineral extraction in this location is therefore unknown. The Interested Party did not take any further part in the Examination and did not seek to substantiate its objection to compulsory acquisition.
- 5.4.18 The Applicant remains in advanced discussions with both the landowner and Mick George Limited. However, in the absence of agreement, the Applicant requires the powers of compulsory acquisition powers to ensure that the Development can proceed.

Parties concerned about impacts to property arising from the construction of the proposed Development

- 5.4.19 A number of parties in their Relevant Representations raised concerns about the potential for damage to their property, land and/or utilities infrastructure as a result of the construction of the proposed Development (Michael Pickering [[REP1-121](#)], Amanda Bird [[REP1-105](#)], George Hardy [[REP1-112](#)]). Mr Hardy also raised a concern about the impact of the Development upon property values.

- 5.4.20 Requirement 12 in Schedule 2 to the **Draft Development Consent Order [EN010162/APP/3.1G]**, requires a CEMP – per phase of the proposed Development to be submitted to and approved by the Local Planning Authority, in consultation with the Environment Agency. Each CEMP is required to be substantially in accordance with the **ES Volume 4, Appendix A5.3: Outline Construction Environmental Management Plan (CEMP) [EN010162/APP/6.4.5.3D] [REP4-017]**. Each phase of the proposed Development must be carried out in accordance with the CEMP (as approved) for the relevant phase.
- 5.4.21 Accordingly, the requisite controls exist within the draft **Development Consent Order [EN010162/APP/3.1G]** to manage instances of interaction (if any) between the proposed Development and existing utilities infrastructure and to mitigate the impacts arising (should any be identified). In the event that the impacts of the proposed Development are not fully mitigated, affected parties may have an entitlement to compensation arising from interference with existing land rights and/or damage to land caused by the construction of the proposed Development, subject to a qualifying claim being made. Any such claim would be determined in accordance with the body of statute and case law collectively referred to as the ‘Compulsory Purchase Compensation Code’.

Parties concerned about impacts upon residential property values arising from the proposed Development

- 5.4.22 In addition to Mr Hardy [\[REP1-112\]](#), a number of parties [RR-007, RR-008, RR-098, RR-130, RR-135, RR-147, RR-159, RR-022, RR-200, RR205, RR-212, RR223, [AS-062](#), [AS-068](#), [AS-072](#)] raised concerns about the impact of the proposed Development on residential property values in the vicinity of the Development.
- 5.4.23 Under Part 1 of the Land Compensation Act 1973, qualifying property owners are eligible to claim compensation for physical impacts from the operation of the proposed Development, as a result of noise, odour, vibration, fumes, smoke, artificial lighting or the discharge of liquid or solid substances onto land. However, compensation is not available for loss of value due to visual impacts or diminished views.

Other

- 5.4.24 Questions of clarification were expressly directed to James Chase [RR-077] and Robert Reeve [RR-186] by the ExA in EXQ1 in relation to potential compulsory acquisition matters in their relevant representations. These parties did not respond to the relevant questions asked of them. The Applicant has not identified any land interest within the Order Land belonging to Mr Chase, and it understands that the lake referred to by Mr Reeve is outside of the Order Limits. Accordingly, the powers of compulsory acquisition in the draft **Development Consent Order [EN010162/APP/3.1G]** have no bearing on these representations.

5.5 Land belonging to Statutory Undertakers- section 127 PA 2008

- 5.5.1 Section 127(3) (acquisition of land) of the PA 2008 is not engaged in respect of the draft **Development Consent Order [EN010162/APP/3.1G]** as no land is proposed to be compulsorily acquired from a statutory undertaker.
- 5.5.2 Section 127(6) (acquisition of new rights/restrictions over statutory undertaker land) is engaged in relation to National Grid Electricity Transmission ('NGET') and its land in Plots 1/9 (Cable rights/Restrictive Covenant) and Plot 1/11 (Access). Plot 1/10 belonging to NGET is not subject to powers of compulsory acquisition. With regards Plots 1/9, and 1/11, the Applicant has an option agreement in relation to these land parcels which governs the relationship between the parties. The land remains in the Order Land in the event that there are any interests belonging to third parties which could prejudice the proposed Development. The Applicant does not consider that NGET will suffer serious detriment to the carrying on of its undertaking as a result of the compulsory acquisition of rights and restrictive covenants over these land parcels. Nor has NGET identified any such detriment. The tests set out in section 127(6) of the PA 2008 are therefore satisfied.
- 5.5.3 On 12 February 2026, NGET made The National Grid Electricity Transmission (West Burton to Ratcliffe-on-Soar Refurbishment Project) Compulsory Purchase Order 2026 (the "CPO"). The CPO relates to the refurbishment of the existing 400kV single circuits between West Burton to High Marnham, High Marnham to Stoke Bardolph, Ratcliffe-on-Soar to Stoke Bardolph and Cottam to Staythorpe (the "NGET Refurbishment Works"). This CPO overlaps with the Order Land in a number of places. The Applicant was not consulted by NGET on the CPO in advance of it being made, and no attempt had been made by NGET to negotiate with the Applicant for acquisition of the land rights which NGET is seeking to compulsorily purchase. NGET does not own any of the lands where the CPO overlaps with the Order Land therefore section 127 of the PA 2008 is not engaged.
- 5.5.4 Despite substantial, proactive efforts by the Applicant to engage NGET in technical discussion of the arrangements that would need to be in place to facilitate the co-existence of the Development and the NGET Refurbishment Works (as further detailed in the **Final Statement of Common Ground with National Grid Electricity Transmission [EN010162/APP/8.7D]**), agreement on the interface has not yet been reached. It is anticipated that an interface agreement will be required to set out the details of the land interface and co-existence provisions. . The parties are confident that the two projects can co-exist as the NGET project relates to an existing overhead line which the Applicant's design had already taken account of. The Applicant has proposed a solution for land arrangements to NGET which would facilitate the delivery and coexistence of both the NGET Refurbishment Works and the Development, and is awaiting NGET's response.

5.5.5 NGET's objection to the Applicant's powers of compulsory acquisition over the land which is required for both projects has not been resolved because NGET requires the Applicant to commit to not exercising compulsory acquisition powers over that land without its consent. There is no certainty that the NGET scheme will proceed, and such a provision would place an unreasonable restriction on the Applicant's powers and could prevent the delivery of the proposed Development. The Applicant has also necessarily had to object to the NGET CPO to protect its land interests. Accordingly, unless and until the land and collaboration agreement between the parties has completed, the Applicant requires the ability to exercise compulsory acquisition powers over the land that NGET also seeks new rights over.

5.6 Relevant Rights and Relevant Apparatus - Section 138 of the PA 2008

5.6.1 A number of parties have Relevant Apparatus within the Order Land and/or Relevant Rights for which section 138 PA 2008 is engaged. Article 33 (statutory undertakers) to the draft **Development Consent Order [EN010162/APP/3.1G]** permits the extinguishment of the Relevant Right or the removal of the Relevant Apparatus if it is necessary for the purposes of carrying out the Development, but this is subject to the protective provisions in Schedule 13 to the draft DCO.

5.6.2 In relation to the draft **Development Consent Order [EN010162/APP/3.1G]** the following undertakers have relevant rights or apparatus within the Order Land:

- Cadent Gas Ltd – relevant apparatus
- NGET – relevant rights and relevant apparatus
- RWE – relevant rights
- National Grid Electricity Distribution (East Midlands) Plc ('NGED') - relevant rights and relevant apparatus
- Severn Trent Water Limited – relevant rights and relevant apparatus
- BT/Open reach – relevant rights and relevant apparatus

5.6.3 For the avoidance of doubt, the Applicant submits that the protective provisions in Schedule 13 to the draft DCO provide the necessary protection for the relevant statutory undertakers for the purposes of section 138 PA 2008. The status of protective provisions is addressed in section 6 below.

6 Draft DCO and Controls

6.1 Introduction

5.6.4 Various points relating to the drafting of the **Draft Development Consent Order [EN010162/APP/3.1G]** were raised during the Examination, in particular in the following documents:

- **Responses to ExA's First Written Questions [EN010162/APP/8.22A]** [\[REP3-096\]](#)
- **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Response to Action Points [EN010162/APP/8.24]** [\[REP3-099\]](#)
- **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Response to Action Points [EN010162/APP/8.24]** [\[REP3-099\]](#)
- **Responses to ExA's Second Written Questions [EN010162/APP/8.30]** [\[REP4-060\]](#)

5.6.5 The **Explanatory Memorandum [EN010162/APP/3.3F]** explains the justification for the inclusion of all of the powers in the **Draft Development Consent Order [EN010162/APP/3.1G]**. The **Schedule of Changes to the Draft Development Consent Order [EN010162/APP/8.14E]** sets out all of the changes made to the **Draft Development Consent Order [EN010162/APP/3.1G]** during the Examination process. The Applicant has also submitted a track changes version of the **Draft Development Consent Order [EN010162/APP/3.1G]** compared against the Application version so all of the changes can be seen in one consolidated document.

6.2 DCO Drafting

6.2.1 NSDC have reviewed the **Draft Development Consent Order [EN010162/APP/3.1G]** and the Applicant has reached full agreement on the matters set out within it, save as follows. Section 2.14 of the **Final Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D]** confirms that all matters have been agreed, except for matters relating to the timescales for discharging requirements, along with the fees to discharge requirements. The same position has been reached with NCC, and confirmed in Section 2.8 of the **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D]**.

6.2.2 In respect of statutory nuisance, the Applicant notes that an explanation of why Article 9 is retained is set out in the Applicant's response to Action Point 6 of **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Response to Action Points [EN010162/APP/8.24] [REP3-099]**. The Applicant notes that Article 9 (Defence to proceedings in respect of statutory nuisance) is heavily precedent, 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.

6.2.3 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 or cease entirely, 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. 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 potential for 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.

Schedule 1 (authorised development)

6.2.4 The Applicant notes that no Interested Party has raised a material objection with the description of the Authorised Development.

Schedule 2 (Requirements)

6.2.5 Requirements have been discussed and agreed with the relevant statutory bodies including NCC, NSDC, the EA, NH, HE and NE. The agreement reached is set out within the following:

- **Final Statement of Common Ground with Nottinghamshire County Council [EN010162/APP/8.1D],**
- **Final Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D],**
- **Final Statement of Common Ground with the Environment Agency [EN010162/APP/8.3D] [REP5-032]**
- **Final Statement of Common Ground with National Highways [EN010162/APP/8.4D]**
- **Final Statement of Common Ground with Historic England [EN010162/APP/8.5D]; and**

▪ **Final Statement of Common Ground with Natural England
[EN010162/APP/8.6C].**

- 6.2.6 The only matters not agreed relate to the EA's objection to the use of 'substantially in accordance with' the relevant control document specified in the applicable requirement and National Highway's request to be the approving body for requirements.

Approvals by National Highways

- 6.2.7 The Applicant has continued discussions with National Highways on this matter. NH remain of the view that Requirements 5, 14, 19 and 22 must be approved by NH. It is the Applicant's view that this is not reasonable. The Development has no significant impact on the Strategic Road Network ('SRN'), and the approvals of the type sought by NH are disproportionate and entirely unreasonable. NH rely on the Viking DCO as the precedent for NH to approve requirements, but the Applicant considers that this precedent has no relevance to the Development as there is no physical interaction with the SRN.
- 6.2.8 The Applicant notes that NH has cited two further DCOs (East Midlands Gateway Phase 2 and Yorkshire Green) which include requirements needing to be approved by National Highways, or the 'relevant highways authority'. The Applicant does not consider either of these precedents are relevant, as the Development proposes no physical works that could or would interact with the SRN, unlike those examples cited. The effect of NH's request would be for every highway related submission needing approval by both NH and NCC, which is entirely disproportionate given the lack of impact to the SRN.
- 6.2.9 The Applicant notes that NH's position is that there is concern that NCC cannot be relied on as sole approving body. NH say that 'this is in order to avoid matters which are safety critical being missed and Requirements being discharged as a result of an omission by the approving body'. NH's premise is therefore that neither NSDC or NCC can be relied on to act reasonably or rationally, and within their statutory duty.
- 6.2.10 The Applicant does not agree that this would provide an appropriate justification for the type of approval NH are seeking. The Applicant therefore maintains that NH's role as a consultee on requirements 5, 14, 19 and 22 would allow the proportionate and reasonable mechanism that would allow any legitimate concerns be raised by NH, within the timeframes set out in Schedule 2 of the DCO.
- 6.2.11 On this basis, the Applicant does not consider that there is any justification for such amendment to requirements 5, 14, 19 and 22, nor any support in legislation, policy or precedent for doing so.

Use of 'Substantially in accordance'

6.2.12 As set out in the **Final Statement of Common Ground with the Environment Agency [EN010162/APP/8.3D]** [\[REP5-032\]](#), the Applicant and EA have not been able to reach a mutual agreement on the use of ‘substantially in accordance’. The Applicant maintains the view that the phrase “substantially in accordance with” is established precedent in a number of DCOs. Both Examining Authorities and Secretary of States have been satisfied that this is enforceable, and an appropriate mechanism to balance:

- Legal certainty for the decision-maker and affected parties
- Practical flexibility for the undertaker to refine the scheme without seeking a full material change approval
- Confidence that environmental and design outcomes assessed in the ES will still be delivered

6.2.13 Please refer to requirements in the Helios, Stonestreet Green, Fenwick and Tillbridge DCOs which all use the same wording in DCO.

Schedule 13 (Protective Provisions)

6.2.14 The latest position with regards the negotiation of protective provisions is set out below.

Party	Relevant Part of Schedule 13	Status	Comment
Cadent Gas Ltd	Part 6	Agreed.	Agreed protective provisions included at Part 6 of Schedule 13 to the Order.
NGET	Part 7	Agreed in part	The Applicant has proactively sought to reach agreement with NGET on suitable protective provisions to address the concerns raised in NGET's Relevant Representation [RR-152] and Written Representation [REP1-097]. Despite extensive efforts to engage NGET in progressing negotiation of proportionate protective provisions,

			<p>NGET has given limited responses and has to a great extent indicated that it wishes for its standard form of protective provisions to be included in the Order without contemplation of the appropriateness of such terms in the context of the Development, and particularly the interface with the CPO made by NGET over the Order Land (as described above in section 5.5). The remaining points on which NGET and the Applicant do not agree are set out in Appendix 1 to the Final Statement of Common Ground with National Grid Electricity Transmission [EN010162/APP/8.7D], with the position of each of the Applicant and NGET detailed therein. The Applicant considers the form of Protective Provisions included in Part 7 of Schedule 13 to the draft Order submitted at Deadline 6 to represent a realistic and workable framework for the protection of NGET without comprising the delivery of the Development. In the case that no further agreement is reached between the Applicant and NGET, the Applicant requests that the Protective Provisions included in favour of NGET in the draft Order</p>
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			submitted by the Applicant at Deadline 6 are included in the Order when made, unless further amendments are agreed before the end of the Recommendation Period. Those Protective Provisions include all points already agreed between the Applicant and NGET, and represent a justified and proportionate position on behalf of the Applicant.
RWE	Part 1	RWE have not requested updated or amended Protective Provisions.	<p>Through discussions the Applicant has agreed terms regarding access to apparatus and has drafted a unilateral undertaking, the effect of which is to commit to on-going access for RWE.</p> <p>The Applicant awaits comment on the draft Unilateral Undertaking, which are yet to be received since issuing the draft on 11 February 2026.</p>
National Gas Transmission plc ("NGT")	Part 8	Agreed in part, negotiations ongoing.	Throughout the examination, NGT had not, until very recently, requested any protective provisions, having agreed that it would be an acceptable approach for the Applicant to commit to consulting NGT prior to seeking approval of detailed design, as set out in the Concept Design Parameters and Principles document

			<p>(reference EN010162/APP/7.14D).</p> <p>The need for protective provisions was only raised in response to ExQ2 Q10.2.5 issued on 25 March 2026.</p> <p>NGT issued its standard protective provisions for the Applicant to review on 14 April 2026.</p> <p>As a starting point, it is noted that NGT's response to ExQ2.10.2.5 states, in summary, as follows:</p> <p>NGT is only concerned with its high-pressure pipeline, located approximately 700 metres from the Order limits boundary as shown on the plan appended to the ExQ response</p> <p>NGT has no land or apparatus within the Order limits.</p> <p>There is no direct physical interface between the pipeline and the proposed development works.</p> <p>There is potential for electro-magnetic interference ("EMI") which</p>
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			<p>NGT needs to be consulted on.</p> <p>Pipelines with low resistance to EMI are particularly susceptible and there is a risk of electric shock to personnel and equipment working on or in proximity to any such pipeline when a fault occurs</p> <p>NGT considers is appropriate to include “a specific set of PPs for NGT’s benefit”, which was specified in the context of the purported need for NGT to ‘assist with the resolution of any electromagnetic interference risk at design stage’ and ‘to approve the assessment and works’.</p> <p>On this basis, the Applicant considers that it would have been reasonable for NGT to submit a bespoke set of protective provisions to deal with the specific EMI issue. However, NGT has instead submitted its ‘standard’ set of provisions, which the Applicant considers to be largely disproportionate in terms of addressing the proposed development’s EMI interaction with the gas pipeline.</p> <p>The protective provisions submitted by NGT</p>
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			<p>include, amongst other things, in summary:</p> <p>A prohibition on acquiring NGT land and apparatus otherwise than by agreement with NGT – as set out above, NGT has no land or apparatus within the Order limits and so these provisions do not appear to be relevant.</p> <p>Provisions relating to the removal of apparatus where the Applicant acquires an interest in land in which any NGT apparatus is placed, and the provision of alternative apparatus for removed apparatus – again, on the basis that there is no NGT apparatus within the Order limits, the Applicant does not consider these provisions to be relevant.</p> <p>The payment of expenses (including anticipated expenses) incurred by NGT in connection with “the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus” – for the same reason as above, the Applicant does not see how a requirement to pay such expenses could arise in these circumstances, and</p>
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			<p>it is considered by the Applicant particularly unreasonable to seek the recovery of “reasonably anticipated” expenses.</p> <p>A requirement for the Applicant to give an uncapped indemnity to NGT for any damage caused to apparatus or interruption to services, including a prohibition on any part of the development commencing until the Applicant has in place: (a) insurance with a cap of £50,000,000 (fifty million pounds); and (b) a parent company guarantee or bank bond for the benefit of NGT - the Applicant cannot agree to any such prohibition on commencement of a project of critical national importance where: (a) NGT has no land or apparatus within order limits; (b) has the benefit of an uncapped indemnity from the Applicant insofar as any interference with the pipeline results in any interruption in any service provided by NGT (which the Applicant considers to be very unlikely on the basis that NGT ExQ2 response suggests the risk is to personnel from electric shock, not service interruption); and (c) where NGT has provided no justification.</p>
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			<p>Notwithstanding the above, the Applicant has sought to retain such of NGT's standard protective provisions as are considered acceptable and which would not risk the delivery of a project of critical national priority.</p> <p>The Applicant is aware that there has not been a great deal of time to negotiate with NGT as to an agreed form of the protective provisions to date. The Applicant has submitted the version of the protective provisions contained in the final draft DCO submitted at deadline 6 to NGT and awaits a response at the date hereof.</p> <p>The Applicant will continue to engage with NGT as regards any concerns they may have that might require adjustment to the protective provisions as amended by the Applicant.</p> <p>The Applicant is of the view that the form of protective provisions included in Part 8 of Schedule 13 of the draft Order at Deadline 6 are proportionate to the impact of the authorised</p>
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			works on NGT's undertaking.
NGED	Part 9 (to be added on finalising the provisions)	Agreed in principle, subject to final formalities.	<p>The Applicant and NGED have negotiated provisions for the protection of NGED in relation to the Development (the NGED Protective Provisions).</p> <p>The NGED Protective Provisions are agreed between the Applicant and NGED, subject to completing the remaining formalities. The Applicant and NGED anticipate being in a position to finalise the NGED Protective Provisions by the close of examination on Tuesday 28 April 2026.</p> <p>It is anticipated that the points raised in NGED's letter of 20 January 2026 shall be satisfied on finalising the NGED Protective Provisions, and enable NGED to withdraw its holding objection. The Applicant would thereafter seek for the agreed NGED Protective Provisions to be included in the any made Order in a new Part to be added to Schedule 13.</p>
National Highways	Part 4	Agreed.	Agreed Protective Provisions included in

			Part 4 of Schedule 13 of the draft Order.
Internal Drainage Board	Part 5	Agreed.	Agreed Protective Provisions included on Part 5 of Schedule 13 of the draft Order.
Network Rail	Part 3	Agreed in part	<p>The Applicant has proactively engaged with Network Rail throughout this examination and has included Protective Provisions for railway interests in Part 3 of Schedule 13 of the draft DCO submitted at Deadline 6.</p> <p>Critically, there are no Network Rail interests within the Order Limits, and the only interface is limited to one railway crossing by construction traffic in the ordinary course of operations. Moreover, Network Rail has provided only partial responses to the Applicant's repeated attempts to progress discussion of the protective provisions.</p> <p>The protective provisions in favour of Network Rail in Part 3 of Schedule 13 of the draft DCO are reasonable and proportionate and should be included in any Order made.</p>

7 Conclusions

7.1 Legislative context

- 7.1.1 The application falls to be determined pursuant to section 104 of the PA 2008, where NPS EN-1, NPS EN-3 and NPS EN-5 are the relevant NPSs that have effect. These NPSs and other national energy policy set out the Government's objectives to provide secure and affordable energy supplies whilst decarbonising the UK's energy system, as necessary to address the legally binding commitments set out in the Climate Change Act 2008 to reduce carbon emissions and achieve net zero emissions by 2050.
- 7.1.2 The **Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#) explains how the Project complies with the relevant prescribed matters, relevant planning policy and other matters that the Applicant considers are likely to be important and relevant to inform the SoS's decision as to whether to grant the DCO. This Closing Statement sets out where the Applicant has engaged with IPs through the course of Examination to resolve outstanding matters and to provide further information to aid the SoS in determining the application.

7.2 Need and benefit

- 7.2.1 There is a clear and urgent need for energy NSIPs such as that applied for. NPS EN-1 establishes this urgent need, with paragraph 3.2.6 of the 2023 NPS and paragraph 3.2.8 of the 2025 NPS stating that the SoS should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent, and paragraph 3.2.7 of the 2023 NPS and paragraph 3.2.9 of the 2025 NPS stating that the SoS has determined that substantial weight should be given to this need when considering DCO applications. Paragraph 3.3.62 of both the 2023 and 2025 NPS goes further and explains that there is a CNP for the provision of nationally significant low carbon infrastructure. These policies are central to the assessment of the application for the Development. They mean that the Development has very strong, in principle support.
- 7.2.2 The Development is a necessary part of the future generation mix, and as such will make a valuable contribution to delivering the key objectives of national policy in NPS EN-1 and EN-3, in particular achieving energy security and net zero. The rapid deployment of a significant increase in solar capacity is also acknowledged as a fundamental part of NESO's and the UK Government's Clean Power 2030 advice and Action Plan.
- 7.2.3 The designation of new nationally significant renewable energy infrastructure as a CNP means that, subject to any legal requirements, the urgent need for solar for achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.

7.2.4 In the case of the Project, these benefits include:

- A meaningful contribution to the UK's legally binding net zero commitment, with the Development anticipated to have a generating capacity of around 800 MW (AC), providing enough electricity to power the equivalent of approximately 400,000 homes (based on the Government estimate of annual average household power consumption of 2,700 kWh). Given that Nottinghamshire has 360,290 domestic properties, the Development would have the capacity to generate enough energy for the entirety of Nottinghamshire's domestic population with energy to spare.
- The Development is projected to result in a net reduction in emissions of approximately 800,000 teCO₂e, helping contribute to the UK's Net Zero targets.
- An additional source of domestic energy security that reduces the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.
- Provision of battery energy storage, co-located with the solar generation which maximises the efficiency of land use and grid capacity and allows the Development to maximise the usable output from intermittent generation, which will reduce the overall amount of generation capacity required whilst also providing the opportunity to deliver grid balancing to the local electricity network.
- Significant tree planting with approximately 64,500 proposed trees creating 31 ha of woodland, as well as 49 km of new hedgerow, hedge and tree belts.
- Significant landscape enhancements comprising approximately 989 ha of Solar PV (diverse) grassland, 405 ha of diverse grassland and 23 ha of ecotone.
- Enhanced public access with the introduction of new public rights of way that will be created to provide new facilities for active travel, recreation and links between communities and developments during the Development's operational phase. A total of 34.8 km of new permissive routes are proposed, comprising 28 new permissive routes (22 permissive footpaths and six bridleways). A circular recreational route would be created around the Order Limits, covering 50.6 km, including 12.5 km of new permissive path.
- Biodiversity and landscape mitigation and enhancement have been proposed including 555 ha dedicated solely for these purposes and which will contribute to securing BNG for habitats, hedgerows and watercourses.
- 180 direct local FTE construction and manufacturing jobs would be created over the 24-month construction period. The direct construction employment would generate circa £10.4m in GVA within the regional construction economy (based on average GVA per head in the construction industry).

- It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase.
- The operational phase of the Development would support 19 direct local FTE jobs consisting of operational and maintenance roles for the Development's PV panels and other structures, as well as a further 21 jobs in the wider economy.
- Additional social, economic and educational benefits including opportunities for community farming and orchards, skills and training initiatives (apprenticeships; vocational qualifications; STEM education) and supply chain opportunities (local business networking and support; local procurement strategy).

7.2.5 These benefits of the Development are considered to carry substantial weight.

7.2.6 There is a future commitment to a community benefit package, but this is not a material planning consideration which the SoS should take into account.

7.3 Planning balance

7.3.1 The urgent need for the Development is established by the NPS and the benefits are set out above.

7.3.2 The **Planning Statement [EN010162/APP/5.4C]** [\[REP3-018\]](#) sets out the key points for consideration by the SoS, with regard to the matters within NPS EN-1, NPS EN-3 and NPS EN-5.

7.3.3 The Applicant has sought to work collaboratively with the key stakeholders to develop and secure a comprehensive suite of measures that have sought to avoid, minimise and where necessary mitigate and compensate for the significant effects of the Development. However, as is recognised by paragraph 3.1.2 of both the 2023 and the 2025 NPS EN-1 '*it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts*'. Paragraph 3.3.63 of both the 2023 and the 2025 NPS EN-1 goes on to state:

"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation Overarching National Policy Statement for Energy (EN-1) hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."

- 7.3.4 Paragraph 4.1.7 of both the 2023 and the 2025 NPS EN-1 states that where *‘there would still be residual adverse effects after the implementation of such mitigation measures, the SoS should weigh those residual effects against the benefits of the proposed development. **For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases.** This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk’.* (bold emphasis added)
- 7.3.5 The Development has been carefully considered and proposes Embedded Mitigation and further mitigation. As set out in Section 7.3 of the **Planning Statement [EN010162/APP/5.4C] [REP3-018]**, whilst there has been a strong commitment to mitigating effects of the Project and effects have been reduced as far as reasonably possible, the ES finds however that the Development would have some residual significant adverse landscape and visual effects.
- 7.3.6 During the construction and early operation (before planting matures) of the Development, major/moderate (significant) effects are likely on the Mid-Nottinghamshire Farmlands / Village Farmlands with Ancient Woodlands LCT and nine visual receptors (comprising users of six PRoW and three local roads). No significant effects would arise for users of long distance recreational or transport routes.
- 7.3.7 During operation and decommissioning of the Development, major/moderate (significant) effects are likely on the Mid-Nottinghamshire Farmlands / Village Farmlands with Ancient Woodlands LCT and six visual receptors (users of six PRoW).
- 7.3.8 There would be areas of ecological enhancement and new woodland, tree and hedgerow planting within the LCT which would gradually improve the landscape condition from the commencement of the operational life of the Development, continuing to do so after decommissioning.
- 7.3.9 The effects on visual receptors would arise as a result of changes to views to include visibility of the short-term construction activities and the Development (solar panels, substations and/or the BESS) before planting matures. In many locations visibility would be reduced within 1-3 years where the mitigation measure is the growth of existing hedges. The screening of views would take longer (7-10 years) where new hedges or woodland are proposed.
- 7.3.10 After decommissioning of the Development, there are not likely to be any significant effects on character areas or other visual receptors.

- 7.3.11 National policy confirms that “*virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts from mitigation*” (paragraph 5.10.5 of both the 2023 and the 2025 NPS EN-1).
- 7.3.12 Overall, the urgent need for the Development, which attracts substantial weight, along with the other benefits which together also attract substantial weight, and the limited number of residual significant adverse impacts which have been mitigated appropriately in accordance with policy, mean that the planning balance is overwhelmingly in favour of the grant of development consent.
- 7.3.13 In the event the ExA or SoS were to disagree that the benefits of the Development do not outweigh the limited number of residual adverse effects then the CNP infrastructure policy (CNP policy) provides further policy support for the Development. Applying that policy and having regard to the limited number, level and extent of residual significant adverse effects, this is clearly not a “most exceptional case” (paragraph 4.1.7 of both the 2023 and the 2025 NPS EN-1) whereby the residual effects outweigh the urgent need for CNP infrastructure.
- 7.3.14 The presumption in favour of granting consent to applications for energy NSIPs in paragraph 4.1.3 of both the 2023 and the 2025 NPS EN-1 applies, as there are no more specific and relevant policies in the relevant NPSs that indicate (let alone “clearly indicate” in the words of paragraph 4.1.3) that consent should be refused.

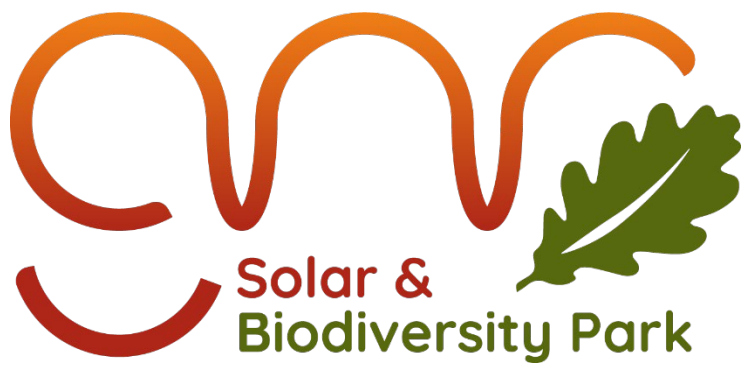
7.4 Conclusion

- 7.4.1 The Development benefits from considerable, current, significant policy support. Not only does national policy establish an urgent need for new, low carbon energy generation, it specifically identifies solar as a key part of the Government’s strategy for decarbonisation of the energy sector. The Project is also compliant with the NPPF and other important and relevant planning policies.
- 7.4.2 NPS EN-1 affirms in paragraph 4.1.3 that ‘*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the SoS will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused*’.
- 7.4.3 The benefits have been set out above and carry substantial weight.
- 7.4.4 Whilst the Applicant has worked hard to avoid, minimise and mitigate/ compensate any significant effects (in line with the mitigation hierarchy and policy), it is inevitable for a project of this scale that there would be some residual effects and that is recognised in the NPS. The residual impacts of the Development are not unacceptable in terms of NPS EN-1.

- 7.4.5 The benefits of the Development, particularly the delivery of new solar generating capacity and BESS, carry overwhelmingly greater weight than the residual adverse effects.
- 7.4.6 It is clear that even without CNP policy the planning balance comes down firmly in favour of granting consent, but in any event CNP policy provides further policy support for the Development. Applying that policy and having regard to the limited number, level and extent of residual significant adverse effects, this is clearly not a “most exceptional case” (NPS EN-1 paragraph 4.1.7) whereby the residual effects outweigh the urgent need for CNP infrastructure. Further, as is demonstrated in the documentation submitted by the Applicant in support of the application, none of those residual effects would present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero or present an unacceptable risk to, or unacceptable interference to offshore to navigation, or onshore to flood and coastal erosion risk and therefore the exceptions to this policy do not apply to the Development.
- 7.4.7 The urgent need for the Development and public benefit contribute to the compelling case in the public interest for the granting of the compulsory acquisition powers sought, which are necessary to ensure delivery of the Development.
- 7.4.8 Accordingly, applying the provisions of section 104 of the PA 2008, the Development would be in accordance with relevant NPSs and legislation, would bring significant benefits under a range of national, international and local policy considerations, and:
- would not lead to the UK being in breach of any of its international obligations;
 - would not lead to the SoS being in breach of any duty imposed on the SoS by or under any enactment;
 - would not be unlawful by virtue of any enactment; and
 - the benefits of the proposed development outweigh any adverse impacts.
- 7.4.9 There is a clear and compelling case in favour of the DCO being made. The Project accords with the relevant NPSs which have effect. None of sections 104(4) to (8) of the PA 2008 apply. Accordingly, pursuant to section 104(3), the application should be determined in accordance with the relevant NPSs by granting consent.



Appendix 1: Responses to Deadline 5 Submission



Great North Road Solar and Biodiversity Park

Closing Statement Appendix 1: Responses to Deadline 5 Submissions

April 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

1.1.1 This Appendix provides the Applicant's responses to submissions from Interested Parties received at Deadline 5 in respect of the Great North Road Solar and Biodiversity Park (hereafter referred to as "the Development").

1.2 STRUCTURE

1.2.1 This document is structured as follows:

- Section 1 of this report sets out the purpose, structure and approach taken in the report.
- Section 2 signposts to the Applicant's responses to the Category 1 stakeholders with which the Applicant has development Statement of Common Ground (SoCGs).
- Section 3 provides the Applicant's responses to the Interested Parties' submissions made at Deadline 5.

1.3 APPROACH

1.3.1 A total of 8 submissions were submitted by 8 Interested Parties ('IPs') at Deadline 5. These were submitted by:

- Carlton-on-Trent Parish Council
- Environmental Agency
- BBS Law Ltd on behalf on Drone Deference Services Ltd
- Norwell Solar Farm Steering Group
- Nottinghamshire Area Ramblers
- Richard Gill
- Sally Drew
- Robin Hood Way Association

1.3.2 This report does not look to duplicate the Applicant's responses to the previous submissions at Deadlines 1 [\[REP2-115\]](#), 2 [\[REP2-116\]](#), 3 [\[REP3-098\]](#), 4 [\[REP4-060\]](#), 5 [\[REP5-043\]](#), **Responses to First Written Questions [EN010162/APP/8.22A] [REP3-096]**, or **Second Written Questions [EN010162/APP/8.30] [REP4-060]**. Where appropriate to avoid repetition, the Applicant has sought to cross-refer back to responses provided in those documents, supplemented by additional information that has been entered into the Examination since those documents were prepared.

- 1.3.3 It is not intended to be an exhaustive response on all matters and deals only with certain points where it is considered appropriate or helpful to respond in writing at this stage.

2 DEADLINE 5 SUBMISSION – CATEGORY 1 STAKEHOLDERS

2.1 OVERVIEW

2.1.1 The following stakeholders have submitted submissions at Deadline 5 with whom the Applicant is negotiating SoCGs:

- Environment Agency
- Norwell Solar Farm Steering Group (NSFSG)

2.1.2 The submission made by the Environment Agency [REP5-046] confirms that all matters have been resolved, and the final position is now set out in **Draft Statement of Common Ground with the Environment Agency [EN010162/APP/8.3D]** [\[REP5-032\]](#).

2.1.3 The submission made by NSFSG [REP5-048] provides further comments on the Applicant's approach to the climate change assessment. Please refer to Section 4.7 of the **Closing Statement [EN010162/APP/8.33]** which summarises the issue, the residual matters between both parties, and the Applicant's final position on this matter.

3 DEADLINE 5 SUBMISSION – CATEGORY 2 STAKEHOLDERS

3.1 OVERVIEW

3.1.1 The following stakeholders have provided submissions for which responses have been provided:

- Carlton-on-Trent Parish Council
- BBS Law Ltd on behalf of Drone Defence Services Ltd
- Nottinghamshire Area Ramblers
- Richard Gill
- Sally Drew
- Robin Hood Way Association

3.1.2 The Applicant noted the identical submissions made by BBS Law Ltd on behalf of Drone Defence Services Ltd [\[REP5-047\]](#) and Richard Gill [\[REP5-050\]](#), as well as the identical submissions made by Nottinghamshire Area Ramblers [\[REP5-049\]](#) and Robin Hood Way Association [\[REP5-052\]](#).

3.2 RESPONSES TO CARLTON-ON-TRENT PARISH COUNCIL’S DEADLINE 5 SUBMISSION

Table 3-1 Responses to Carlton-on-Trent Parish Council’s Deadline 5 Submission

Ref.	Summary Position of Interested Party	Applicant’s Responses
Carlton-on-Trent Parish Council [REP5-045]		
<i>Traffic Assessment</i>		
Page 1	<p><i>“[...] The traffic assessment along the Ossington Road, B1164, does not reflect reality, we are therefore unable to accept the noise assessment and question its validity in this project. Carlton-on-Trent Parish Council are perplexed at how the applicant can consider installing a substation off the Ossington Road (B1164) when there are clearly other significantly better options available. We have put this to the applicant in an email and await a reply. Given that there is a likelihood that substations will remain after other parts of this project are decommissioned in 40 years’ time, we urge the Inspectorate to insist that the applicant sites this piece of infrastructure, if it remains necessary, in a different place. ”</i></p>	<p>The Applicant considers that the location and siting of the substation along B1164 is appropriate and is supported by the iterative design process of the Development as presented within Design Approach Document [EN010162/APP/5.6B] [REP2-019]. This has taken into account the context and features of the land within the Site, nearby sensitive receptors and assets, information from environmental surveys, feedback from stakeholders, and opportunities and constraints.</p> <p>The Applicant has responded to the Parish Council throughout the Examination on the concerns raised in relation to the effects of the Development on flood risk, transport and biodiversity in the following submission. The design of the Development has sought to balance the need to maximise the energy generation capacity of the Development with the avoidance and mitigation of effects, and provision of environmental and other enhancements, where practicable. The Applicant’s responses are set out within the following documents:</p> <ul style="list-style-type: none"> • Table 3-2 of the Responses to Deadline 4 Submissions [EN010162/APP/8.31] [REP5-044], starting from page 8 • Table 3-3 of the Responses to Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059], starting from page 18

Ref.	Summary Position of Interested Party	Applicant's Responses
Carlton-on-Trent Parish Council	[REP5-045]	<ul style="list-style-type: none"> • Table 3-3 of Responses to Deadline 2 Submissions [EN010162/APP/8.23] [REP3-098], • Table 4-3 of the Responses to Deadline 1 Submissions [EN010162/APP/8.21] [REP2-116] <p>With the secured mitigation, the site selection and consideration of alternatives have been robust and are wholly in accordance with the relevant tests set out in the NPSs.</p>

3.3 RESPONSES TO BBS LAW LTD ON BEHALF OF DRONE DEFENCE SERVICES AND RICHARD GILL'S DEADLINE 5 SUBMISSION

Table 3-2 Responses to BBS Law Ltd on behalf of Drone Defence Services and Richard Gill's Deadline 5 Submission

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service	[REP5-047] and Richard Gill [REP5-050]	<p>Interested Party's Response to the Applicant's Position Statement (Annex 2)</p>
Para 2.1 – 2.5	<i>The Legal Rights Benefiting Caunton Lodge Farm</i>	The Applicant notes that Annex 2 of the Interested Party's submission reiterates points made previously and provides further comments on

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>“2.1 It is accepted by both parties that Caunton Lodge Farm (Lot 4) benefits from rights granted under the Transfer dated 30 September 1998 (as set out in the Interested Party’s Response to the Examining Authority’s Second Written Questions [REP4- 071]), including rights to install and retain service installations and for the free passage of services across neighbouring land [EN010162/APP/8.29, Annex 2, paras. 2.1.1–2.1.3].</i></p> <p><i>2.2 The Interested Party notes the Applicant’s acceptance that: a. The Rights are not confined to a specific route or corridor; b. They are not limited to residential use; and c. They benefit the “owners and occupiers for the time being” of Lot 4.</i></p> <p><i>2.3 The Applicant’s subsequent analysis, however, proceeds on the basis of several assumptions and limitations which do not arise from the wording of the Rights themselves. In particular, the repeated characterisation of the Rights as being concerned principally with “domestic” or “mains” connections is not supported by the drafting of the 1998 Transfer.</i></p> <p><i>2.4 In construing the scope of express easement rights, the courts have consistently</i></p>	<p>the legal rights of Caunton Lodge Farm, compulsory acquisition, the proposed service corridor, drone operations, planning status, and landscape, heritage and design considerations.</p> <p>The Applicant’s responses, as previously provided within the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]) address the points made by the Parties in their latest submissions insofar as they may be relevant to a potential interference with their property rights pursuant to the draft DCO [EN010162/APP/3.1G].</p> <p>Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant’s final position on the compulsory acquisition matters.</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>confirmed that the starting point is the wording of the grant itself, read objectively and in context, rather than assumptions as to the grantor's presumed intentions or what might be sufficient for a typical or conventional form of use. Where rights are granted in general terms, they fall to be interpreted so as to allow them to be exercised in a practical and effective manner consistent with their express wording. Against that approach, the Applicant's attempt to read implied limitations into the Rights finds no support in the language of the 1998 Transfer.</i></p> <p><i>2.5 The correct question is not whether the Rights would be sufficient for a hypothetical domestic connection, but whether they can be exercised in a practical and effective manner having regard to their full scope, including future service requirements, without being materially constrained by the proposed Development."</i></p>	
Para 3.1-3.4	<p><i>Alternative Routes and Alleged Mitigation of Interference</i></p> <p><i>"3.1 The Applicant places reliance on the existence of alternative routes within the wider area burdened by the Rights [EN010162/APP/8.29, Annex 2, paras. 2.1.17–</i></p>	<p>The Applicant maintains the position set out within the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]). Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant's final position on this matter.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>2.1.23]. The Interested Party does not dispute that the Rights extend across a wider area.</i></p> <p><i>3.2 However, the mere existence of theoretical alternatives does not demonstrate that the Rights would remain practically exercisable. No technical, engineering or safety led assessment is provided to establish that the proposed alternatives would: a. Be equivalent in functional terms; b. Be capable of accommodating the required infrastructure; or c. Avoid materially greater complexity, risk or operational constraint.</i></p> <p><i>3.3 The Applicant's approach conflates the existence of Rights over a wide area with the practical usability of those Rights in circumstances where the proposed Development introduces physical infrastructure, spatial constraints, and restrictions on access and maintenance.</i></p> <p><i>3.4 As set out in the Interested Party's Engineering Assessment submitted at Deadline 3, the Interested Party's concern is not hypothetical. It is that the Development, as proposed, would impose constraints which materially diminish the practical value of the Rights in this specific location."</i></p>	

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
Para 4.1-4.4	<p><i>Distinction Between Rights and Drone Defence Activities</i></p> <p><i>“4.1 The Applicant repeatedly seeks to link the scope of the Rights to the specific activities of Drone Defence Services Ltd (“DDS”), including assertions that the Interested Party’s case depends upon DDS’s operational requirements [EN010162/APP/8.29, Annex 2, paras. 2.1.9–2.1.11].</i></p> <p><i>4.2 That is not correct. The Interested Party’s position is that: a. The Rights are freestanding legal interests benefiting Caunton Lodge Farm; and b. The question for the Examination is whether interference with those Rights is necessary and proportionate.</i></p> <p><i>4.3 The operational activities of DDS necessarily derive benefit from the continued availability and exercisability of the Rights. However, the Interested Party’s objection is not predicated on any particular assumed future exercise of those Rights, but on the fact that the Development, as proposed, would materially constrain or render nugatory rights which presently exist, benefit the land, and form part of the lawful baseline against which interference must be justified.</i></p>	<p>The Applicant maintains the position set out within the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]). Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant’s final position on this matter.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
	<p><i>4.4 The operational impacts on DDS arise separately, from the physical and functional changes introduced by the Development itself. They are not merely contingent upon the exercise of the Rights, and the Applicant's attempt to collapse these two issues obscures the proper analysis."</i></p>	
<p>Para 5.1-5.4</p>	<p><i>Planning Status and Allegations of Unlawfulness</i></p> <p><i>"5.1 The Applicant's suggestion that DDS's activities or associated infrastructure may be unlawful in planning terms [EN010162/APP/8.29, Annex 2, Section 3] is a serious assertion. No enforcement notice, planning contravention notice, or other formal determination by the local planning authority is identified in support of the Applicant's assertion and the Interested Party is not aware of any enforcement action having been taken.</i></p> <p><i>5.2 In circumstances where the Applicant advances an allegation of unlawfulness without evidential foundation, the Interested Party does not accept that the burden lies upon it to disprove that allegation within the Examination.</i></p>	<p>The Applicant maintains the position set out within the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]). Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant's final position on this matter.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
	<p><i>5.3 Notwithstanding the above, the relevant issue for the Examination is the effect of the proposed Development on the use of the land as it exists in fact, not the Applicant's characterisation of planning status. DDS's operations are established, ongoing, and evidenced. The impacts identified arise from the Development's physical form and operational consequences.</i></p> <p><i>5.4 The Interested Party therefore reserves its position on planning matters, including any future engagement with the local planning authority, and does not accept that unsubstantiated assertions of unlawfulness reduce the weight to be given to the identified impacts. ”</i></p>	
Para 6.1-6.5	<p><i>Compulsory Acquisition and Necessity</i></p> <p><i>“6.1 In relation to Plots 15/16, 15/17 and 16/1, the Applicant has not addressed the core question posed by the Examining Authority namely why it is necessary to interfere with existing rights in their current form, rather than accommodating them through proportionate design modification.</i></p> <p><i>6.2 Reliance on high level site selection criteria, optimisation narratives and option agreements does not constitute a site specific</i></p>	<p>The Applicant maintains the position set out within the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]). Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant's final position on this matter.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
	<p><i>assessment of necessity. No quantified or comparative analysis is provided to demonstrate that: a. Alternative layouts could not be pursued; or b. Any reduction or redistribution of panels would have more than a marginal effect on generation capacity.</i></p> <p><i>6.3 The Applicant relies on flexibility in panel selection, overplanting and scheme wide optimisation, yet treats the configuration of these specific plots as immutable. At the same time, it asserts that the Interested Party's infrastructure can be constrained within narrow corridors and alternative routes. These positions are inconsistent. 6.4 For the sake of clarity, the Interested Party does not merely object the inclusion of the plots within the Order Limits but rather the objection is focused to: a. The siting of solar infrastructure; b. The proposed permissive route; and c. The interference with existing Rights.</i></p> <p><i>6.5 In these circumstances, the Applicant has not demonstrated that interference with rights is necessary for the purposes of section 122 of the Planning Act 2008, and the Interested Party reserves its position on that issue."</i></p>	
Para 7.1-	<i>Engineering and Service Corridor</i>	The Applicant maintains the position set out within the Position Statement (Appendix 2: Drone Defence Position Statement in the

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>“7.1 The Applicant does not substantively engage with the Engineering Assessment submitted at Deadline 3 [REP3-111]. Assertions regarding minimum widths and alternative routes do not address the distinction between: a. Minimum construction clearances in isolation; and b. The requirements of a continuous, operationally viable corridor capable of installation, maintenance and long-term use.</i></p> <p><i>7.2 No alternative engineering assessment is provided, and no explanation is offered for the discrepancy between the buffer distances and safeguards applied to the Applicant’s own infrastructure and the significantly more constrained approach proposed for the Interested Party’s services.</i></p> <p><i>7.3 For the avoidance of doubt, the Interested Party does not accept that the indicative corridor plan referred to by the Applicant represents a technically adequate or legally equivalent solution, nor that it preserves the practical exercisability of the Rights. Engagement in discussions regarding possible routing options has been undertaken without prejudice and does not constitute agreement that such arrangements would be sufficient, acceptable, or compatible with the</i></p>	<p>Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]. Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant’s final position on this matter.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
<i>Rights as granted. The Interested Party expressly reserves its position in this regard.</i>		
Para 8.1-8.4	<p><i>Drone Operations and Operational Environment</i></p> <p><i>“8.1 The Applicant’s response to the impacts on drone operations relies on generalised aviation assumptions, speculative mitigation, and assertions regarding future qualifications and reconfiguration [EN010162/APP/8.29, Annex 2, Section 8].</i></p> <p><i>8.2 This does not engage with the detailed evidence provided by the Interested Party regarding:</i></p> <ul style="list-style-type: none"> <i>a. Ground risk and contingency volumes;</i> <i>b. Electromagnetic and radar interference;</i> <i>c. Loss of repeatable environmental baselines; and d. The interaction between fixed infrastructure, public access and system validation.</i> <p><i>8.3 Suggestions that activities could be relocated, systems made mobile, or operations undertaken elsewhere do not address the site specific nature of the testing environment at</i></p>	<p>The Applicant maintains the position set out within the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]). Please refer to Section 5.4 of the Closing Statement [EN010162/APP/8.33] for the Applicant’s final position on this matter.</p>

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	<p><i>Caunton Lodge Farm, as set out in DDS' response to ExA's questions [REP4-071].</i></p> <p><i>8.4 The Interested Party does not accept that these matters are resolved by general regulatory statements and expressly reserves its position."</i></p>	
<p>Para 9.1-9.4</p>	<p><i>Design, Landscape, Heritage and Permissive Route</i></p> <p><i>"9.1 The Interested Party maintains its position that:</i></p> <ul style="list-style-type: none"> <i>a. Avoidance through localised design change has not been properly explored;</i> <i>b. The proposed permissive route is not necessary to deliver the Development; and</i> <i>c. Its inclusion represents a discretionary design choice with disproportionate impact.</i> <p><i>9.2 The Applicant's response does not provide a site specific assessment demonstrating that layout refinement would not reduce the identified effects.</i></p> <p><i>9.3 In relation to heritage, while the Applicant now accepts that Caunton Lodge Farm is a non-designated heritage asset, this acknowledgment arose late in the Examination. No updated heritage</i></p>	<p>The Applicant maintains the position set out within Section 9 of the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]).</p> <p>A reduced scale proposal to the Development is not considered by the Applicant to be a reasonable alternative. given the objective of maximising the energy generation potential of the Project and making best use of the Applicant's grid connection offer. The associated loss in function would be more than a "marginal loss". Accordingly, paragraph 5.10.26 of NPS EN-1 does not support reducing the scale of the Development.</p> <p>The design of the Development has minimised visual impacts as far as reasonably possible, and the proposed approach to the permissive path is acceptable and would not give rise to privacy intrusion. The design approach to CLF is proportionate to its importance as a non-designated heritage asset (NDHA), and the scale of visual harm on the NDHA is minimised and justified with the secured mitigation. As stated in paragraph 9.1.22 of the Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]), the asset's significance is not sufficient to warrant the need to be assessed</p>

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	<p><i>assessment has been produced, and the Applicant's critique does not displace the conclusions of the Hutton + Rostron Heritage Report (as set out in the Interested Party's written submissions a Deadline 3 [REP3-111].</i></p> <p><i>9.4 Further details on the heritage baseline, the contribution of setting to significance, and the adequacy of the Applicant's assessment is provided in the Heritage Note appended at Annex A, which should be read alongside this response."</i></p>	<p>in the setting assessment. Therefore, updates to the Applicant's heritage assessment are not necessary.</p> <p>The Applicant notes the Interested Party's further comments on visual and heritage matters in their RVAA Technical Note and Heritage Note. The Applicant has responded below only to those points where further response is considered necessary and which have not been fully addressed in previous submissions, or where matters have been reiterated.</p>
<i>Caunton Lodge Farm Landscape Technical Note</i>		
Page 22	<p><u><i>Description of development proposals</i></u></p> <p><i>"2.4.9 It is also noted that on the plan provided in response to Drone Defence Services Limited and Richard Gill, that new hedge and tree planting is proposed along the southern access track to Caunton Lodge Farm, along the southern boundary of the property and along part of the western boundary. The nature of this proposed mitigation is unclear in the key and could in its own right result in further loss of openness and views enjoyed by the property. The plan</i></p>	<p>These proposals are shown on the Carter Jonas Plan inset into the document (which was prepared by the Applicant for discussion purposes with the Interested Parties and submitted as Appendix A to Written Summary of Oral Submissions from Compulsory Acquisition Hearing 1 and Responses to Action Points [EN010149/APP/8.25] [REP3-100]) and in the plans within the sheets 15 and 16 of the ES Volume 4, Appendix A5.1.1: oLEMP Appendix [EN010162/APP/ 6.4.5.1.1A] [REP1-027], but are not included in Sheet 3 of Landscape Masterplan [EN010162/APP/2.11] [APP-030].</p> <p>The RVAA provided as ES Volume 4 Technical Appendix A7.6 – Residential Visual Amenity Assessment [EN010162/APP/6.4.7.6] [APP-213] was based on the design shown in the Landscape</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>is reproduced below. [Refer to the image in the submission]</i></p> <p><i>2.4.10 The above plan also identifies that walkers using the public right of way (Norwell FP11) located to the east of the property, will be visual receptors of development proposals within development area W18.3. Walkers heading west or south at the access drive to Caunton Lodge Farm will experience similar views to those accessing the property. This is confirmed in the Applicants LVIA where local footpath users identified as 'Group D Between Kneesall, Caunton and Ossington Airfield' are assessed to experience medium scale changes in views, resulting in major/moderate adverse and significant effects. "</i></p>	<p>Masterplan and hence has not considered planting to be proposed along the southern driveway of the property and along the southern boundary.</p> <p>Given that the representation indicates the inclusion of planting in this location is not preferred by the householder, and it is a matter of agreement that it plays no role in mitigation, the ES Volume 4, Appendix A5.1.1: oLEMP Appendix [EN010162/APP/6.4.5.1.1C] has been updated to remove this planting and match the design shown in the Landscape Masterplan [EN010162/APP/2.11] [APP-030].</p>
Pages 23 - 35	<p><u>Existing Assessment</u></p> <p><i>"3.1.9 In addition to the above potential incorrect assessment of the baseline, the description of views and extent to which development proposals would be seen are in summary. This appears to downplay the extent to which development proposals would be seen to be very prominent from primary living rooms and in particular south facing</i></p>	<p>Pages 23-24 and Paragraph 3.1.9 show judgements of effects (Major, Moderate, Minor in the right-hand column of the table on pages 23-24) etc in bold text. However, it should be remembered that the important judgement in RVAA is the judgement of magnitude as it is only effects of "of the greatest magnitude of change" that have the potential to exceed the RVA threshold as indicated by the guidance¹, including in the diagram replicated at page 5 of the representation [REP5-047] [REP5-050].</p>

¹ Landscape Institute (2018). Residential Visual Amenity Assessment. <https://landscapeinstitute.org/technical-resource/rvaa/>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>balconies to first floor accommodation. Similarly, the south and western lawns are an integral part of the property where current views are unhindered of the immediate and wider agricultural landscape. The new home office would also not have been taken into consideration in this location on the southern lawn. The extent to which views from these lawns (and home office) will be directly impacted by development features and associated level of magnitude of change has not been mentioned in the summary. This appears to be an omission from the published RVAA. The overall magnitude of change that would be experienced is assessed to be Large/ medium and the level of effect assessed to be Major adverse."</i></p> <p><i>"3.1.11 This may be technically correct at a stage of 10 to 15 years post operational phase when mitigation measures are established sufficiently, but the approach set out in A7.6.2.2 of the published assessment notes that the four step process to RVAA, fall broadly within the scope of LVIA. It states that the same general approach as that of the LVIA is taken including drawing on its findings. However, the approach taken with an LVIA is to identify the magnitude of change</i></p>	<p>Paragraphs 3.1.11 of the representation [REP5-047] [REP5-050] seeks to argue against this aspect of the guidance – seeking further mitigation of effects at the property, however as set out in paragraph 4.6 of the guidance it is a “<i>misconception that if a significant effect has been identified in the LVIA adjacent to a property ... it will also potentially lead to reaching the Residential Visual Amenity Threshold</i>”. The guidance also notes at paragraph 2.5 that “<i>LVIA findings of significant (adverse) effects on outlook and /or on visual amenity at a residential property do not automatically imply the need for a RVAA</i>“, and at paragraph 1.6 that “<i>It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern.</i>”</p> <p>It follows that further mitigation is unnecessary where the effects are not of the greatest magnitude.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>and resulting level of visual effect. It does not result in a pass or fail approach required of RVAA but seeks to introduce mitigation measures or changes to avoid or reduce identified significant effects. The assessment of a major adverse visual effect arising from a large/ medium magnitude of change identifies significant visual harm to residential amenity at the property. In the context of the approach taken by LVIA further changes to the design proposals or mitigation should be considered. The assessment of a major adverse harm to residential visual amenity should not be considered acceptable because it falls just short of the very worst assessment outcomes.”</i></p> <p><i>“4.1.9 The significant level of visual harm, identified by both the published assessment and this assessment undermines the acceptability of the scheme as it presently stands. In particular proposed development area W18.3 is identified to be almost singularly responsible for harm to primary and secondary views from the dwelling and external views from the inner terrace garden. This is due to the location of W18.3 directly south of the dwelling and its gardens where</i></p>	

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	<p><i>views directly focus onto this adjacent and visually prominent landscape. ”</i></p> <p><i>“4.1.11 This assessment concludes that the current scheme with particular focus on development area W18.3, is not acceptable due to significant visual effects assessed and that further changes should be made to the proposals to avoid these effects. GLVIA3 is clear on the hierarchy of mitigation and stresses the importance of avoidance as the most important and effective form of mitigation. Whilst the Design Approach Document sets out the interactive design process it clearly illustrates that this guidance has not been consistently applied resulting in a residual major adverse visual effect that could have been avoided by the removal or redesign of proposed solar panels immediately south of the property in development area W18.3.”</i></p>	
Pages 23 to 25, and 35	<p><u>Findings of the RVAA in the representation and the consented home office</u></p> <p>[Refer to Table 1 Visual Effects (pages 23 to 25) in the submission]</p> <p><i>“3.1.9 In addition to the above potential incorrect assessment of the baseline, the</i></p>	<p>The Applicant has reviewed Table 1 on page 22 to 25 of the IP’s RVAA Technical Note, which sets out the findings of their RVAA on the predicted visual effects on Caunton Lodge Farm and the consented home office.</p> <p>The assessment provided in these parts of the representation indicates that effects on the house would be of ‘medium high magnitude’, with</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>description of views and extent to which development proposals would be seen are in summary. This appears to downplay the extent to which development proposals would be seen to be very prominent from primary living rooms and in particular south facing balconies to first floor accommodation. Similarly, the south and western lawns are an integral part of the property where current views are unhindered of the immediate and wider agricultural landscape. The new home office would also not have been taken into consideration in this location on the southern lawn. The extent to which views from these lawns (and home office) will be directly impacted by development features and associated level of magnitude of change has not been mentioned in the summary. This appears to be an omission from the published RVAA. The overall magnitude of change that would be experienced is assessed to be Large/ medium and the level of effect assessed to be Major adverse.”</i></p> <p><i>“[...] 4.1.5 This assessment has also considered views from external areas within the domestic curtilage and from the access drives from the east and from the south. The assessment of visual harm arising from the</i></p>	<p>only effects on the outer southern part of the gardens and southern access drive being deemed to be slightly higher. These areas are less important to residential amenity than the main living spaces and garden closer to the house and thus the assessment broadly matches the Large/medium magnitude of effects for the property as a whole identified in the ES Volume 4 Technical Appendix A7.6 – Residential Visual Amenity Assessment [EN010162/APP/6.4.7.6] [APP-213].</p> <p>The consented home office discussed at 2.3.25 of the representation would also not change the findings of the ES Volume 4 Technical Appendix A7.6 – Residential Visual Amenity Assessment [EN010162/APP/6.4.7.6] [APP-213]. Although paragraph 2.3.25 suggests these as primary views on the basis of time likely to be spent in the office, views from working spaces are typically regarded as being of lower sensitivity – as the visual receptors would be expected to be focussed on their work rather than the view from the window. It is also noted that the application (25/02039/HOUSE) was lodged on 03 December 2025, after the application for GNR was made and thus the householder is presumably content that the location and design of the office include adequate mitigation for changes to views should GNR be consented.</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
	<p><i>changes to the views from external areas and accesses has been assessed to be significant at all stages other than decommissioning. Prior to the establish of mitigation planting, the harm to visual amenity arising in views from the southern access and nearest garden areas is assessed to be large scale and result in a very major adverse and significant harm. This is due to the overbearing closeness of the proposed development to southern drive.</i></p> <p><i>4.1.6 The harm identified to views from primary and secondary windows and from external areas of the property, arises from a large to medium magnitude of change, primarily arising from the introduction of solar arrays and fencing within development area W18.3. That is, due south of the property and where views from windows at both ground and first floor are primarily focused.[..]"</i></p>	
Pages 26 to 32	<p><i>“3.1.3 The RVAA for Caunton Lodge Farm was undertaken as a desktop assessment and would have relied on baseline information that included the PEIR Stage Masterplan (Figure 5.2). This plan was dated 11/11/24 and was therefore current at the time that the RVAA was undertaken. It should be noted that the plan identified an existing hedge along the southern boundary of the property which was not actually in existence at that time. An</i></p>	<p>Paragraph 3.1.3 of the representation notes that the PEIR stage Masterplan for GNR showed an existing hedge along the southern boundary of the property which was not present and speculates at paragraphs 3.1.6 to 3.1.8 that this would have resulted in an error in the PEIR stage RVAA which was ‘carried through’ to the ES Volume 4 Technical Appendix A7.6 – Residential Visual Amenity Assessment [EN010162/APP/6.4.7.6] [APP-213].</p> <p>The hedgerow data included in the masterplan was provided by a survey team and known to contain some errors at the time of the PEIR publication. The PEIR stage RVAA did not consider the hedgerow data,</p>

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BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>extract from the masterplan Figure 5.2 Detail Sheet 3 identifies the extent of incorrectly identified hedge along the southern boundary of the property”</i></p> <p><i>“3.1.8 It can be seen that the description of the property and assessment was carried through from the November 2024 version to the updated version published in June 2025. The incorrect baseline information is therefore likely to have been carried through as no change to the assessment outcome of ‘Major Adverse’ was made.”</i></p> <p><i>3.1.9 In addition to the above potential incorrect assessment of the baseline, the description of views and extent to which development proposals would be seen are in summary. This appears to downplay the extent to which development proposals would be seen to be very prominent from primary living rooms and in particular south facing balconies to first floor accommodation. Similarly, the south and western lawns are an integral part of the property where current views are unhindered of the immediate and wider agricultural landscape. The new home office would also not have been taken into</i></p>	<p>relying on a review of aerial photography and initial wireline modelling (in the case of Caunton Lodge Farm) to provide an initial assessment.</p> <p>ES Volume 4 Technical Appendix A7.6 – Residential Visual Amenity Assessment [EN010162/APP/6.4.7.6] [APP-213] was informed by a site visit, including within the gardens (at the invitation of the homeowner), but required no further update, as the site visit confirmed the initial assessment.</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>consideration in this location on the southern lawn. The extent to which views from these lawns (and home office) will be directly impacted by development features and associated level of magnitude of change has not been mentioned in the summary. This appears to be an omission from the published RVAA. The overall magnitude of change that would be experienced is assessed to be Large/ medium and the level of effect assessed to be Major adverse.</i></p> <p><i>3.1.10 The published assessment makes the RVAA judgement that 'Below all stages of the Development the magnitude of effects would be below the highest level of magnitude and effects would not reach the RVA threshold.'</i></p> <p><i>3.1.11 This may be technically correct at a stage of 10 to 15 years post operational phase when mitigation measures are established sufficiently, but the approach set out in A7.6.2.2 of the published assessment notes that the four step process to RVAA, fall broadly within the scope of LVIA. It states that the same general approach as that of the LVIA is taken including drawing on its</i></p>	

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>findings. However, the approach taken with an LVIA is to identify the magnitude of change and resulting level of visual effect. It does not result in a pass or fail approach required of RVAA but seeks to introduce mitigation measures or changes to avoid or reduce identified significant effects. The assessment of a major adverse visual effect arising from a large/ medium magnitude of change identifies significant visual harm to residential amenity at the property. In the context of the approach taken by LVIA further changes to the design proposals or mitigation should be considered. The assessment of a major adverse harm to residential visual amenity should not be considered acceptable because it falls just short of the very worst assessment outcomes.</i></p> <p><i>3.1.12 Indeed, in the first 10 to 15 years of the operation stage of the development, harm is likely to exceed major adverse, as mitigation measures will not be sufficiently established. Visual effects will be particularly overbearing from areas within the domestic curtilage to the south of the property and from the southern access track which immediately adjoins the current development proposals.</i></p>	

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>During this lengthy period in the lifespan of the development, it would not be unreasonable to assess that the effects on residential visual amenity would not be below the highest level of magnitude of effects so reach the RVA threshold for unacceptable harm.</i></p> <p><u><i>Hierarchy of Mitigation</i></u></p> <p><i>3.1.13 Guidelines for Landscape and Visual Impact Assessment 3rd Edition requires mitigation not to be treated as an afterthought but as an integral and iterative part of the design and assessment process. The guidance clearly sets out a hierarchy of mitigation which should be applied in order, starting as early as possible in project conception and design. GLVIA3 expresses mitigation as a progressive hierarchy that prioritises preventing effects before trying to soften them. The hierarchy is commonly summarised as:</i></p> <ol style="list-style-type: none"><i>1. Avoid</i><i>2. Reduce</i><i>3. Remedy (or rectify)</i><i>4. Compensate/ offset</i>	

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>3.1.14 GLVIA3 emphasises that mitigation should be embedded in design evolution rather than tacked on later. As such 'Avoidance' is identified as the most important and most effective form of mitigation in GLVIA3. Avoidance involves:</i></p> <ul style="list-style-type: none"> <i>• Choosing locations, layouts, scales or design options that prevent adverse landscape or visual effects from occurring at all;</i> <i>• Avoiding particularly sensitive landscapes, features or viewpoints, or avoiding intrusion into key landscape characteristics.</i> <p><i>3.1.15 In summary, GLVIA3's hierarchy of mitigation prioritises good site selection and design first, with planting and compensatory measures firmly positioned as secondary or last resort measures. Decision makers are expected to see evidence that adverse effects have been avoided or reduced at source, not simply masked. GLVIA3 aligns with the legal mitigation hierarchy set out in the EIA Regulations which require the ES to include: 'A description of the measures envisaged to avoid, prevent, reduce or, if</i></p>	

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>possible, offset any identified significant adverse effects on the environment.'</i></p> <p><i>3.1.16 The Design Approach Document (EN010162/APP/5.6B) Revision 3 dated January 2026 sets out a number of examples where an iterative design approach has been used to address mitigation including relocation of solar arrays away from residential properties. The document presents the iterative design process that delivers the hierarchy of mitigation in accordance with EIA Regulations. Paragraph 5.2.1.2 Design Changes near Norwell Woodhouse records the process including the approach to mitigation at Caunton Lodge Farm. The extract below sets out the design actives which are illustrated on the plan extract.</i></p> <p><i>[Refer to image in the submission]</i></p> <p><i>3.1.17 It can be seen that when applied correctly, the approach to mitigation 'avoids' potential adverse effects such as predicted at Mainwood Farm and Kneesall Lodge. This was achieved through the removal of solar arrays originally proposed at scoping and preliminary masterplan stages. However, at</i></p>	

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
	<p><i>Caunton Lodge Farm the design was adjusted but this adjustment did not address the nature of the harm or reduce the level of harm to residential amenity to less than major adverse. Visual harm was not avoided even with the introduction of secondary mitigation measures including hedge and tree planting.”</i></p>	
Page 33	<p><i>“3.1.18 Ineffective mitigation is also identified adjoining the property with regard to Caunton Bridleway 13. The current bridleway passes through proposed development area W18.1 but it is proposed to create a permissive bridleway to avoid passing directly along a narrow channel through solar arrays. However, the proposed permissive bridleway still has to pass through a narrow channel within solar arrays in development area W18.3. The mitigation measure is not effective because the potential effect of anxiety to horse riders and their animals will remain as they traverse an otherwise open bridle way into development area W18.3”</i></p>	<p>Caunton Bridleway 13 is not proposed to be closed or diverted; it will remain open during all phases of the Development. The proposed Permissive Bridleway 5 is not mitigation for effects on Caunton Bridleway 13, but it forms part of the recreational routes strategy which will be secured pursuant to requirement 18 of schedule 2 to the Draft Development Consent Order [EN010162/APP/3.1G]. It provides a round-route that can be used by horses/riders and other bridleway users. For a section of the route, there would be solar panels on both sides, however, as set out in Table A18.1.5 of the ES Volume 4, Appendix A18.1: Outline Recreational Routes Management Plan (oRRMP) [EN010162/APP/6.4.18.1C] [REP5-028], “This route is proposed following feedback from local residents. As a result of this feedback, in order to keep the route to the preferred length and location for bridleway users, this route passes through Work no.1 solar PV for 250 m of the 875 m route. The route follows the hedgerow which splits fields 106 and 442, so users of the route will only have solar PV to one side, and hedge on the other. The route would provide 875 m of new pathway, contributing to the connectivity of the existing network.”</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
		<p>The impact on NT Caunton BW13 as a result of the Development has been assessed in ES Volume 2, Chapter 18: Recreation [EN010162/APP/6.2.18C] [REP5-013]. The assessment concludes that the proposal represents a proportionate balance between providing public recreational benefit and protecting residential amenity. Please refer to the Applicant's responses as set out within Table 3-2 of the Responses to Deadline 4 Submissions [EN010162/APP/8.31] [REP5-044], at page 15.</p> <p>With respect to the visual impact on the bridleway user of NT Caunton BW13, the Development would result in significant adverse effects on the bridleway in visual terms, but the residual effects after mitigation would be minimal. The policy context which specifically recognises the nationally significant renewable energy development is likely to impact on PRowS. Therefore, the Applicant considers that the hedgerow planting to provide visual screening is proportionate.</p>
The representation's Heritage Note		
Para 3	<p><i>"At the time the Environmental Statement (Chapter 11: Cultural Heritage and Archaeology) was prepared, the Applicant did not identify Caunton Lodge Farm as a heritage asset requiring assessment, and no assessment of its setting was undertaken within the ES. It is only following submissions by the Objectors and subsequent consideration by NSDC that the asset has</i></p>	<p>Caunton Lodge was not selected as an NDHA to be included in the assessment based on the agreement with the statutory bodies at the Scoping Stage. Please refer to the Applicant's responses on the scoping of heritage settings assessment at paragraph 9.1.15 of the Position Statement (Appendix 2: Drone Defence Position Statement in the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059]).</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
	<p><i>been recognised and its setting accepted as a matter requiring assessment. This is a material point, as it indicates that the original heritage baseline was incomplete and that the scheme was brought forward without a full understanding of the heritage sensitivity of the site. The Applicant's own Design Approach Document confirms that the scheme layout evolved iteratively in response to identified constraints; however, that evolution did not take account of the heritage sensitivity of Cauntton Lodge Farm at the time key design decisions were made. As a consequence, the design evolution of the scheme has not been informed by a consistent or complete understanding of heritage constraints across the site."</i></p>	
Para 5-6	<p><i>"[...] both NSDC's and the Applicant's position appear to place emphasis on the absence of direct physical impact within the curtilage of the property. This represents an unduly narrow interpretation of setting. EN-1 makes clear that setting is not limited to curtilage and may include the wider landscape context, including views to and from the asset. The agricultural land to the south of Cauntton Lodge Farm forms a principal component of that setting,</i></p>	<p>The Applicant notes the remarks regarding "setting" in the representation's response. The Applicant notes that this does not include any new information, and still does not explicitly relate the interests from which the significance of the asset is derived, to that setting (other than simple intervisibility) nor demonstrate how those interests are harmed. The Applicant stands by the assessment presented in the ES Chapter (ES Volume 2, Chapter 11: Cultural Heritage and Archaeology [EN010162/APP/6.2.11A]), that is, there is no significant effect of the significance of Cauntton Lodge Farm as a</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>providing open and uninterrupted views, reinforcing the sense of isolation and rural character, and establishing a direct visual and spatial relationship between the dwelling and the surrounding countryside. The proposed development is located within this wider setting and therefore has the potential to affect the asset's significance, even in the absence of physical change within the curtilage itself.</i></p> <p><i>The Applicant's Deadline 3 Position Statement includes criticism of the Hutton + Rostron assessment. Those comments do not introduce any new heritage evidence, nor do they present an alternative heritage assessment undertaken in accordance with recognised methodology. The critique instead reflects a difference in professional judgement as to the contribution made by the setting and the magnitude of change arising from the proposed development. In the absence of updated baseline evidence, site-based reassessment, or a formally presented alternative heritage analysis, there is no evidential basis upon which to displace the current conclusions."</i></p>	<p>non-designated asset arising from development within its setting, and notes that this position is accepted by NSDC.</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]		
Para 9 – 10	<p><i>“The Environmental Statement identifies known archaeological assets within the scheme, including Asset L9934, located within Solar Block W18.3 (Plot 15/16). The scheme proposes to retain development in this location, with mitigation through investigation and recording, as set out in the Archaeological Mitigation Strategy, rather than avoidance. This same area forms part of the principal setting of Caunton Lodge Farm, such that the proposed layout results in both direct impact on a recorded archaeological asset and harm to the setting of a recognised heritage asset within the same spatial context. By contrast, the scheme design, as described in the Environmental Statement and reflected in the Design Approach Document, has resulted in the removal or reduction of development in other areas in response to geophysical survey anomalies identifying only potential archaeological remains, prior to intrusive investigation to confirm their presence or significance. The Archaeological Mitigation Strategy itself adopts a mitigation-led approach, assuming development proceeds and addressing how archaeological remains</i></p>	<p>The Applicant notes that the concern has been raised with regard to the consistency of approach towards mitigation and archaeology. The representation’s response specifically refers to archaeological remains within the adjacent fields (W18.3 , Plot 14/15), comprising traces of what is interpreted to be an enclosure and trackway (identified as L9934 on the Nottinghamshire County Council Historic Environment Record). The representation’s response notes that the project has been able to accommodate archaeological sites elsewhere by removal of panels and suggests that this approach to mitigation is not being applied consistently with regard to the Caunton area (the fields adjacent to Caunton Lodge Farm).</p> <p>The Applicant wishes to clarify the approach taken across the project. When it came to considering design, regard was taken to where substantial and potentially complex archaeological remains had been identified in the geophysical surveys. In these cases, the decision was taken to adjust the design to exclude these areas from the Order Limits so as to avoid any potential likely significant effect. The remains referred to in the representation have been identified from aerial photographs as cropmarks, and are undated. They do not have the same level of density and apparent complexity as those areas identified in geophysical surveys, and hence have not been excluded as part of the embedded mitigation and design approach. On this basis, the Applicant has been consistent in the approach to embedded mitigation as set out in the Assessment. The Applicant further notes that the process laid out in the ES Volume 4, Appendix A11.8: Outline Archaeological Mitigation Strategy (AMS) [EN010162/APP/6.4.11.8C] [REP4-023] does allow for</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>are to be managed, rather than establishing a basis for avoidance of potential remains.</i></p> <p><i>While national policy allows for both avoidance and mitigation depending on the circumstances, NPS EN-1 is clear that the mitigation hierarchy requires that adverse impacts be avoided through good design where reasonably possible, before reliance is placed on mitigation. The Applicant's own design evolution demonstrates that avoidance has been treated as a viable and appropriate response to potential heritage constraints elsewhere within the scheme. In this case, however, development is retained within W18.3 notwithstanding the presence of a recorded archaeological asset and the acknowledged sensitivity of the setting of Cauntton Lodge Farm. This indicates that avoidance has not been applied even where multiple known heritage sensitivities coincide, and that the mitigation hierarchy has not been applied in a consistent or sequential manner."</i></p>	<p>a phase of testing via completion of geophysical surveys and subsequent evaluation trenching. The results of this phase of work will lead to further consideration of appropriate mitigation, as set out in the oAMS. This process has been agreed with NCC. The Applicant considers that an appropriate and proportionate approach to archaeological has been applied consistently across the project and Order Limits, and the oAMS represents an appropriate mechanism for managing archaeological issues post-consent.</p>
Para 10	<p><i>"there is agreement that Cauntton Lodge Farm is a Non-Designated Heritage Asset whose significance is materially derived from its rural</i></p>	<p>Please refer to the responses above.</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
BBS Law Ltd on behalf of Drone Deference Service [REP5-047] and Richard Gill [REP5-050]	<p><i>setting. The Environmental Statement, the Design Approach Document and the Archaeological Mitigation Strategy collectively demonstrate that the scheme has been capable of avoiding potential heritage constraints elsewhere, yet retains development in a location where both known archaeological assets and the setting of a recognised heritage asset are affected. This indicates that heritage considerations have not been applied in a consistent or proportionate manner across the development, nor in accordance with the sequential application of the mitigation hierarchy. The Applicant's Deadline 3 comments do not introduce new evidence nor demonstrate any methodological error. Accordingly, the conclusion remains that the proposed development would give rise to a high level of harm to the significance of Caunton Lodge Farm through its effect on its setting."</i></p>	

3.4 RESPONSES TO NOTTINGHAMSHIRE AREA RAMBLERS AND ROBIN HOOD WAY ASSOCIATION'S DEADLINE 5 SUBMISSION

Table 3-3 Responses to Nottinghamshire Area Ramblers and Robin Hood Way Association's Deadline 5 Submission

Ref.	Summary Position of Interested Party	Applicant's Responses
Nottinghamshire Area Ramblers [REP5-049] and Robin Hood Way Association [REP5-052]		
<i>Public Rights of Way</i>		
Page 1	<p><i>“We note that this revision includes “removal of long-distance footpaths for clarity”. Long Distance footpaths are a key component of the Rights of Way network. It seems ironic that this revision should take place when the UK Government in March announced the opening of a of a 16th route (The Coast to Coast) to the list of National Trails.</i></p> <p><i>The two long distance waymarked footpaths whose designation was removed by the applicant in the latest update are the Robin Hood Way and the Trent Valley Way.</i></p> <p><i>The Robin Hood Way is a 105-mile route that features the many important landmarks in our County. Created 40 years ago, and maintained and promoted by the Robin Hood Way Association, this waymarked route is supported by a guidebook, and has a team of volunteers who monitor the route to ensure that any access issues are resolved promptly.</i></p> <p><i>The Trent Valley Way was initially devised by Nottinghamshire County Council, who created a waymarked route, mainly along the banks of the River Trent, from the Derbyshire border to</i></p>	<p>The Robin Hood Way and Trent Valley Way Long Distance Routes were removed from the Public Rights of Way Diversions and Permissive Routes Plan [EN010162/APP/2.4C] [REP5-004] at the request of the Nottinghamshire County Council PRoW Officer, as these routes are not recorded on the definitive map.</p> <p>However, the importance of these routes is recognised, with long distance footpaths being given a higher level of importance in the assessment than other public rights of way. The Robin Hood Way is assessed within ES Volume 2, Chapter 18: Recreation [EN010162/APP/6.2.18C] [REP5-013] and is illustrated on Figures 18.2 and 18.3 in ES Volume 3, Chapter 18 Recreation Figures 18.1 – 18.4 [EN010162/APP/6.3.18C] [REP5-018]. The Trent Valley Way is located outside of the Recreational Study Area and, as such, does not fall within the scope of the Chapter 18 assessment.</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
Nottinghamshire Area Ramblers [REP5-049] and Robin Hood Way Association [REP5-052]		
	<p><i>West Stockwith. More recently the Trent Rivers Trust has worked to extend the route from the source of the river Trent on Biddulph Moor, to the Humber estuary. It is a leading candidate to be added to the list of National Trails as part of the current government's commitment to designate a further nine long distance river footpaths to the National Trails list.</i></p> <p><i>It is therefore imperative that the designation of these long distance footpaths is restored to the plans in order that the impact of what is being proposed is fully considered."</i></p>	
Page 2	<p><i>"In its document EN010162/APP/8.29 Responses to Deadline 3 Submission Report the Applicant has drawn attention to the NCC response that the diversions are "Acceptable". It should be understood that "Acceptable" means that NCC, as the Highways Authority, has evaluated the diversion in terms of surface conditions, path width, and safety. It is not assessing the diversion in terms of its impact on convenience or amenity to the user."</i></p>	<p>NCC is responsible for managing and protecting the PROW network, and they raise no objection to the proposed changes to the definitive PROW network, their locations and potential extinguishment or diversion. NSDC reviewed and agree with the conclusion of the visual effects on PROW users as stated in Draft Statement of Common Ground with Newark and Sherwood District Council [EN010162/APP/8.2D] and no objection was raised by NSDC in respect of the measures to manage closures, diversions and new permissive routes as set out in the ES Volume 4, Appendix A18.1: Outline oRRMP [EN010162/APP/6.4.18.1C] [REP5-028].</p>
Page 2	<p><i>"In its document EN010162/APP/8.29 Responses to Deadline 3 Submission Report the Applicant states</i></p>	<p>The Applicant does not agree that the significance of the historical alignments, in itself, necessitates their reinstatement, particularly where doing so could adversely affect the efficient use of agricultural land. The Applicant, in the ES Volume 4, Appendix A5.5: Outline OEMP</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
Nottinghamshire Area Ramblers [REP5-049] and Robin Hood Way Association [REP5-052]	<p><i>“The PRowS, where diverted, have been routed around the edges of fields. After 40 years of this routing, it is unlikely to make sense to reroute them back across the middle of a field that is in use for agriculture. Notwithstanding this, the Applicant has proposed to review this as part of the DRP, ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan (DRP)[EN010162/APP/6.4.5.6C], prior to decommissioning, and apply (to NCC or the appropriate body at that time) to re-route them back where this is deemed best. This is secured in the ES Volume 4, Appendix A5.6: Outline Decommissioning and Restoration Plan”</i></p> <p><i>Whilst we welcome the commitment to review the temporary PRow diversions as part of the Decommissioning Plan, we do not agree with the statement that it is unlikely to make sense to restore the alignment of PRow that cross arable fields.</i></p> <p><i>As we have pointed out in previous submissions, these cross-field PRow have been in existence for over a hundred years. Their historic alignments arise from when they were the routes that linked rural communities.</i></p>	<p>[EN010162/APP/6.4.5.5E], includes a commitment to review all temporary PRow diversions prior to decommissioning to take into account the circumstances at that time.</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
Nottinghamshire Area Ramblers [REP5-049] and Robin Hood Way Association [REP5-052]		
	<p><i>We would also point out that we are not aware of any applications by the landowners to divert these PROW prior to this NSIP application.</i></p> <p><i>We therefore re-iterate our request that the Examining Authority takes the necessary steps to ensure that, if the application is approved, these footpaths are restored to their rightful position in our landscapes, and that future generations are able to enjoy these footpaths as we can enjoy them today.”</i></p>	

3.5 RESPONSES TO SALLY DREW'S DEADLINE 5 SUBMISSION

Table 3- 4 Responses to Sally Drew's Deadline 5 Submission

Ref.	Summary Position of Interested Party	Applicant's Responses
Sally Drew [REP5-051]		
<i>Visual and Noise Impact</i>		
Page 1	<p><i>“We are not opposed to solar but opposed to their positioning and the impact of visual impact and noise on residential properties in Knapthorpe. Thus requesting buffer zones be made larger. There are a number of references</i></p>	<p>The Applicant has responded to the concerns regarding the visual impacts from the settlement in Knapthorpe and the setback from the residential properties in the following documents:</p>

Ref.	Summary Position of Interested Party	Applicant's Responses
Sally Drew [REP5-051]	<p><i>siting safer distances such as: https://www.irish.solar/what-is-a-safe-distance-to-live-from-a-solar have stipulated 2km or 1.2 miles based on relevant authorities feedback. A further site www.itekenergy.com/solar-panels/what-is-a-safe-distance-to-live-from-a-solar-farm/ recommending 2-3 kilometers or 1.5 miles. A further site https://gosolarfloridastate.org/blog/what-is-a-safe-distance-to-live-from-a-solar-farm/ 1.86 miles from residents.”</i></p>	<ul style="list-style-type: none"> • Table 4-22 of the Responses to Deadline 1 Submissions [EN010162/APP/8.21] [REP2-116], at page 363. • Table 3-9 of the Responses to Deadline 3 Submissions [EN010162/APP/8.29] [REP4-059], at page 91. <p>To reiterate, Concept Design Parameters and Principles [EN010162/APP/7.14D] [REP5-030] secures that construction compounds will be located at least 300m from residential properties. The Development is also designed to include a 50m setback from residential property, and a 100-metre setback from homes where panels would be openly visible, in cases where existing features do not fully screen residential properties. The Applicant considers that the setback and mitigations are appropriate.</p> <p>The effects from noise on the residential receptors during the construction phase are within thresholds that are not expected to give rise to significant adverse effects on health.</p>

Cumulative Assessment

Page 1	<p><i>“Please see attached your cumulative assessment plot for the hamlet of Knapthorpe and the circle where our property is. We are being visually enclosed (the large GNR solar park and SSE solar farms are visually overbearing projects). The close proximity of these solar farms combined “cumulative impact” will create a sense of visual enclosure, and this will make us feel hemmed in by</i></p>	<p>The visual effects of GNR with Kelham solar farm are assessed Section 7.9 of ES Volume 2, Chapter 7: Landscape and Visual Impact Assessment (LVIA) [EN010162/APP/6.2.7B]. There is no evidence to show that different or additional significant visual effects would be expected to arise on the settlement in Knapthorpe as a result of the Development. It is noted that the SSE solar farms propose solar panels much closer to Knapthorpe than the Development does. As such, a</p>
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Ref.	Summary Position of Interested Party	Applicant's Responses
Sally Drew [REP5-051]	<i>industrial infrastructure. We are asking for a condition in the DCO which mandates a larger buffer for panels near residential boundaries sited at Knapthorpe."</i>	larger buffer for panels near residential boundaries sited at Knapthorpe is not justified nor necessary to avoid significant effects.

Construction Noise from Solar Farm and BESS

Page 1	<p><i>"Concern over noise during construction of solar farm and Battery Energy Storage System (BESS), I believe there are 2 local to Knapthorpe and if the equipment includes cooling fans or inverters, the noise profile is constant. The SoS is bound by the Noise Policy Statement for England² and Kingsway Solar Community Action's The hidden health risks of large-scale solar farms: Why noise matters³</i></p> <p><i>Regarding noise impact, in this quiet rural setting, the night-time background noise is exceptionally low. I note that the proposed infrastructure is sited only 100m from my property and even less with other properties in the hamlet of Knapthorpe. This proximity is inconsistent with the requirements of BS</i></p>	<p>The Applicant does not accept the assertion that "the proposed infrastructure is sited only 100m from my property and even less with other properties in the hamlet of Knapthorpe.". As noted in the figure of ES Volume 4, Appendix A7.6: Residential Visual Amenity Assessment (RVAA) [EN010162/APP/6.4.7.6] [APP-213], no properties are sited less than 100m from solar panels where they would be openly visible.</p> <p>ES Volume 2, Chapter 12: Noise and Vibration [EN010162/APP/6.2.12A] demonstrates that noise effects from both construction and operation, including BESS and inverter plant, can be effectively mitigated and controlled such that no significant adverse effects on residential amenity would arise, therefore would not be alleged to Article 8 of the Human Rights Act and the WHO Night Noise Guidelines.</p> <p>Requirement 15 of the Draft Development Consent Order [EN010162/APP/3.1G] secures operational-phase noise limits that the Development is required to meet, to ensure that noise levels on the</p>
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²Noise Policy Statement for England (NPSE).<https://assets.publishing.service.gov.uk/media/5a7956e0ed915d0422067947/pb13750-noise-policy.pdf>

³ Kingsway Solar Community Action (KSCA). The hidden health risk of large-scale solar farms: Why noise matters: <https://kingswaysolarcommunityaction.co.uk/solar-farm-noise-pollution-uk/>

Ref.	Summary Position of Interested Party	Applicant's Responses
Sally Drew [REP5-051]	<p><i>4142:2014+A1:2019. Given the nature of inverter hum and the high-frequency whine of BESS cooling fans, the cumulative noise impact at this distance will create a significant adverse effect on my residential amenity. I formally request that the Examining Authority mandates a Minimum Noise Buffer Zone of at least 150m, or requires the developer to submit a site-specific acoustic model that accounts for the low-frequency propagation unique to this 800MW scale. I am concerned that the constant cooling fans of the BESS/Inverters will exceed the WHO Night Noise Guidelines, leading to sleep disturbance, which is a protected concern under the Human Rights Act (Article 8: Right to respect for private and family life). There is reference to lessen noise to background noise but even then a constant background noise at night can often disturb sleep. It is very quiet throughout the night in the hamlet of Knapthorpe. We are requesting a maximum buffer to prevent such noise. ”</i></p>	<p>property remains within acceptable limits. The Applicant considers that the imposition of a fixed buffer distance is unrealistic as stated in the Applicant's responses to ExQ1.1.5 within the Responses to ExA's First Written Questions [EN010162/APP/8.22A] [REP3-096]. The Applicant states that “<i>The minimum distance from residential properties to an inverter/transformer required to meet noise limits depends on the model of inverter/transformer because different models of inverter/transformer emit different levels of noise, and noise at a particular location depends on the number of inverters/transformers, not simply the noise emitted from one. As a result, it would not be appropriate to set a minimum distance for this as a design parameter, which instead is captured by the imposition of noise limits at detailed design stage.</i>”</p> <p>As such, the Applicant does not consider that a fixed buffer distance to minimise noise impact is necessary.</p>