POWER FOR GOOD

Steeple Renewables Project

Applicant Response to ExA First Written Questions

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Applicant Responses to ExA First Written Questions

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1 Introduction

1.1.1 This report responds to the Examining Authority's ('ExA') first written questions, issued on the 11 December 2024 **[PD-005]**. It responds to each of the questions posed to the Applicant. The Applicant has not responded to specific questions posed to specific interested parties, except where this was considered helpful or clarificatory, and will review those responses once available and may comment on those at Deadline 3.

1.1.2 Section 2 of this report is tabularised to include ExA's questions and a response to each question as follows:

- General and cross topic questions
- Need, site selection and alternatives
- The Environmental Statement (General)
- Design, parameters and other details of the proposed development
- Biodiversity and ecology (including Habitats Regulations Assessment)
- Climate
- Cumulative effects and interactions with other projects
- Compulsory acquisition, temporary possession and other land or rights considerations
- Draft Development Consent Order
- Flood risk, drainage and the water environment
- Historic environment
- Land use and soils
- Land use and visuals
- Noise and vibration
- Population
- Socio-economic effects
- Transport and access
- Other planning topics (air quality)

2 Applicant Response to ExA First Written Questions

ExQ	Respondent	Questions	Applicant Responses
1.	**General and cross-topic questions**		
1.0.1	All parties	**Artificial Intelligence (AI)** The Planning Inspectorate has issued guidance (Use of artificial intelligence in casework evidence) in relation to the use of AI. Have you used AI to create or alter any part of your documents, information or data? If yes: • detail what material you have submitted which has been created using AI; • confirm what systems of tools you used; • confirm what the source of the information the AI based its content on was; and • confirm what information or material the AI has been used to create or alter. If you use AI for any future submissions into this examination, please ensure it is accompanied by the information as requested above.	The Applicant can confirm that Artificial Intelligence (AI) has been used in the following instances: **Transport** Material created using AI: - Pegasus Planning Group Ltd approved spelling, grammar and editing tools were applied to sections of the ES Appendix 13.2 Outline Construction Traffic Management Plan (oCTMP) **[APP-129]**, ES Appendix 13.1 Transport Assessment (TA) [**APP-128]** and ES Chapter 13: Transport and Access **[APP-071]** in line with Pegasus AI usage policy. AI systems or tools used: - Pegasus Planning Group Ltd approved AI tools where utilised and was carried out in accordance with the Pegasus AI Usage Policy dated January 2025. Approved AI Models/Tools include Microsoft Co-Pilot (as integrated into word/excel/teams) and a Locally Hosted Large Language Model (LLMs). Source of information the AI based content on: - Pegasus Planning Group Ltd approved AI tools were used for editing (e.g., paraphrasing) text content written by Pegasus staff. AI-generated outputs were validated by qualified professionals in line with Pegasus AI Usage Policy dated January 2025. Information or material the AI has been used to create or alter:

			- Pegasus Planning Group Ltd approved AI tools were used for editing (e.g., paraphrasing) text content written by Pegasus staff. AI-generated outputs were validated by qualified professionals in line with Pegasus AI Usage Policy dated January 2025. - No conclusions or assessments have been altered through the use of AI. All final document content has been reviewed and approved by qualified professionals. **Environment** • ES Appendix 2.3 – Cumulative Sites Long List and Short List **[APP-088]**. • Landstack – A UK-based online platform designed to provide standardized, high-quality, and regularly updated planning and development information for land and property professionals. It is primarily used for site finding, evaluation, and reporting in the context of property development, planning, and land management. • Landstack has used PINS National Infrastructure Project and relevant Local Planning Authorities portals of submitted planning applications to provides visual and descriptive information of planning applications in the local area to the Scheme. • Landstack has been used to aid finding the list of relevant potential cumulative sites in ES Appendix 2.3 – Cumulative Sites Long List and Short List **[APP-088]**. **Ecology** Submitted material: ES Appendix 7.7: Bat report **[APP-109]**. *Kaleidoscope Pro Analysis Software* (version 5.6.6) created by Wildlife Acoustics Inc, was used to automatically class the acoustic bat data into species counts, as declared in paragraphs 2.27 and 2.33 of **ES** Appendix 7.7: Bat report **[APP-109]**. The outputs were then vetted by a professional

			ecologist to validate their accuracy. This was done throughout May to November 2024. The software uses machine-learning /pattern-recognition of bioacoustic parameters (such as bat call frequency ranges, peak frequencies, call durations) to assign the mostly likely bat species to a bat recording. The source of the algorithm is Wildlife Acoustics Inc, and their bioacoustics research. After being vetted by professional ecologists, the outputs were manually sorted by an ecologist to provide the bat activity summary data presented in ES Appendix 7.7: Bat report **[APP-109**]. Refer to the methodology provided in paragraphs 2.21 to 2.37 of ES Appendix 7.7: Bat report **[APP-109]** for further information.
1.0.3	The applicant	**Relevant legislation** Please provide a full list of all relevant primary and secondary legislation that is important and relevant to the proposed development, expanding upon that contained in section 4.6 of the Planning Statement [APP-182].	The Applicant would note the broad nature of the ExA's question. The Applicant considers that each of its Environmental Statement chapters provides a summary of the legislation relevant to that discipline. The Statement of Reasons **[APP-044]** provides a summary of the legislative background for compulsory acquisition. The Explanatory Memorandum provides a summary of the legislative consequence of the DCO **[APP-042]**. The Planning Statement **[APP-182]** provides a legislative and policy background for the Scheme. The Consents and Agreements Position Statement [APP-181] provides the Applicant's position relating to other consents outside of the DCO, but also those incorporated into the DCO. The Applicant considers that the aforementioned documents provide a list of relevant legislation for the determination of the Scheme.

1.0.4	The applicant and all interested parties	**2025 revisions to National Policy Statements (NPSs)** Following a review of the energy NPSs, the government consulted on updates to EN-1 (the overarching energy NPS), EN-3 (renewable energy infrastructure) and EN-5 (electricity networks) in April to May 2025. After considering responses to the consultation, the government is due to publish revised versions of EN-1, EN-3 and EN-5 following a 21-sitting day 'consideration period'. Further details can be found here. Please set out any implications for the consideration of the proposed development arising from the updated NPSs.	The Applicant is keen to stress that as per the government consultation page entitled "2025 revisions to National Policy Statements: government response", the updated 2025 NPSs (EN-1; EN-2; EN-3), once published, will have effect in relation to applications for development consent accepted into examination. For applications that have been accepted for examination before publication of the updated 2025 NPSs, the 2024 versions will underpin planning decisions. This means that pursuant to section 104 Planning Act 2008, the 2024 version will have effect in relation to the Secretary of State's decision making. The 2025 version may prove a relevant planning consideration, but ultimately, is not the definitive policy against which the Scheme should be assessed. Due to the updated policies having the potential to be a relevant planning consideration, the Applicant has considered updates to NPS EN-1, NPS EN-3 and NPS EN-5. A comparison table is provided at Appendix A to this document.
1.0.5	The applicant and all interested parties	**Solar roadmap** The Solar roadmap: United Kingdom powered by solar was issued by the Department for Energy Security and Net Zero on 30 June 2025. Please set out how the proposed development would align with the measures set out in roadmap.	The Applicant has provided a response to this question at Appendix B to this document.
1.0.9	The applicant, Bassetlaw District Council and Nottinghamshire County Council	**Planning obligation** Please confirm whether a section 106 planning obligation would be required for the proposed development. If not, explain why not and if so, provide details of the topics and issues that an obligation would be required to cover and why.	The Applicant confirms that a Section 106 Agreement is not required for the Proposed Development. The Applicant has not identified any requirement for a section 106 as a securing mechanism and does not consider it necessary for a financial contribution to make the Scheme acceptable in planning terms. The requirements set out in Schedule 2, Part 1, provide the mechanism for controlling the authorised development.

1.0.10	The applicant	**Clarification – Order limits** Plots 02/23 and 06/23 are identified on the land plans [AS-001] as excluded from the scheme. Explain why these plots are included within the order limits, particularly when the rectangular plot of land between plot numbers 02/06, 02/09, 02/14 and 02/15 has been omitted. Can the Order Limits plan [AS-008] be updated to include different shading to more clearly annotate areas surrounded by the order limits which are not within it?	The Order limits plans have been amended to provide shading over the Order limits, so that there is absolute clarity on what land is within the Order limits (Plan Reference EN010163/EX/2.4 Revision 3). The plots 02/23 and 06/23 are within the Order limits but not included in the Book of Reference, as this had been requested of the Applicant by the landowner. The Applicant continues to require the Order Limits of the Order to encompass these areas so that it can acquire powers of access for maintenance and also, in turn, powers of maintenance, over these areas. Whilst plot 02/23 and 06/23 do not have physical works on their plots, the Landscape and Ecological Mitigation Strategy does present these areas. Any land rights would be subject to the private land negotiations with the landowner. In relation to area of land adjacent to plot 02/06 as referenced, this is where there will be a sub-station of another project. Therefore, the Applicant is not seeking any maintenance powers over this land and therefore does not need to fall within the Order limits.
1.0.11	The applicant	**Clarification** The Planning Statement [APP-182] paragraph 2.2.4 states the locations of a number of overhead electricity transmission/distribution lines, underground fuel, and water pipelines which pass through the site are identified in Environmental Statement (ES) Figure 3.1: Site Constraints Plan [APP-143]. However, these features are not clearly annotated on the map or feature in the key. Please rectify or signpost to where in the application documentation this information is presented.	The Applicant can confirm the locations of relevant overhead electricity transmission/distribution lines, underground fuel, and water pipelines which pass through the site are identified on ES Figure 17.2 Utilities Plan **[APP-177]**. Paragraph 2.2.4 of the Planning Statement **[APP-182]** has also been updated to refer to this plan, for added clarity (Document Reference EN010163/EX/7.1 Revision 4).
1.0.12	The applicant	**Clarification – Works Plans** The turquoise work number on sheet 3 of the works plans [AS-002] is labelled 'work nr. 2'. Should this be 'work nr. 3'? If so please rectify.	The Applicant has reviewed the works plans **[AS-002]** and confirms that the labelling should have read "work nr. 3". The work plans have been updated to reflect this (Plan Reference EN010163/EX/2.2 Revision 3).

1.0.13	The applicant	**Submission of documents** The ExA requires updates of the following documents to be submitted by deadline 3 (in advance of the dates reserved for hearings week commencing 9 February 2026): • Statements of Common Ground; • Outline Construction Environmental Management Plan (oCEMP) [APP-089]; • Outline Operational Management Plan (oOMP) [APP-092]; and • Outline Decommissioning Plan (oDP) [APP-090]. Please confirm that these will be submitted by deadline 3?	The Applicant can confirm updates regarding Statements of Common Ground (SoCG), Outline Construction Environmental Management Plan (oCEMP), Outline Operational Management Plan (oOEMP) and Outline Decommissioning Plan (oDP) will be provided at Deadline 3.
2.	**Need, site selection and alternatives**		
2.0.1	The applicant	**Overplanting** Appendix C (pages 287 and 288) of the Planning Statement [APP-182] states that the indicative design for the proposed development includes "an element of overplanting to have regard to the degradation of panels". Noting the requirements of footnote 92 of EN-3 which states "Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified…", provide further details on the proposed overplanting including: a. The amount of land (in hectares) which would be required and where in the order limits this is proposed including current land use. b. The expected overplanting ratio and how this compares to other nearby consented schemes. c. The amount of additional energy generation it would result in. d. The overall justification for the amount of overplanting proposed.	The Applicant's approach to overplanting is contained in the Note on Scheme Efficiency [APP-185]. The phrase "overplanting" is first used at para 1.4.8 of that Note to describe the situation where the DC installed capacity of a PV solar farm is oversized relative to its AC Maximum Export Capacity. The two principle reasons for doing so, (1. the difference between standard test conditions and real outdoor conditions and 2. the ageing of panels) are cross referenced throughout that Note and explained in detail, Drawing upon the detail in the Note on Scheme Efficiency, the following answers can be given: a) No specific land is allocated to the purpose of overplanting. The initial installed capacity of the Development will be 548 MWp and after 40 years is predicted to be 448.5 MWp due to degradation spread across all PV panels on site. The difference between those two figures is what is described as overplanting, see [APP-185] para 1.4.6.

			b) "Overplanting ratio" is not a phrase used by NPS EN-3 and the Applicant does not believe that it has a standard meaning in solar PV development. The Note on Scheme Efficiency (at para 1.3.6) calculates a DC/AC ratio of 1.22 (i.e. 548 MWp divided by 450 MEC), (at para 1.5.7) a Ground Coverage Ratio of 0.65 (i.e. that 65% of the total buildable area of the site is covered by panels) and (at para 1.6.1/2) a development density of 2.7 acres/MW that is well in line with the range of 2 – 4 acres/MW that for large scale solar in NPS EN-3 at para 2.10.17. It should also be noted that, whilst not the operative policy, the consultation draft of the revised 2025 NPS EN-3 revises the guidance figures from 2-4 acres/MW to 4-5.6 acres/MW, as per the above the Scheme is firmly below this average acre/MW figure in the proposed revision of the NPS EN-3/ As "overplanting ratio" is not a standard policy term, it does not routinely appear in consenting decisions, either NSIP or TCPA, however the Applicant is aware of these comparable figures from other solar projects …. c) Overplanting does not result in additional energy generation as its purpose is to increase the duration at which the Development is operating at, or as close as it can to its maximum export capacity (MEC) of 450 MWAC. The difference in actual energy generation between the Development with its proposed overplanting (548 MWDC at Year 1) and no overplanting (450 MWDC at Year 1) would be a variable figure depending on climatic conditions and panel degradation rates over the entire life of the project for which there would be no comparator figure as lifetime energy generation is not a figure that is provided by or expected of Applicants in DCO applications. The response to d) below on justification for overplanting also supports the approach to this issue being one of comparison of energy generating capacity.

			d) Footnote 92 in NPS EN3 and its reference to justification of reasonable levels of overplanting is inherently directed to the context in which that issue arises within the NPS at that point, which is the threshold at which a solar development becomes an NSIP. Footnote 92 and para 2.10.55 provides commentary that supports the preceding two paras 2.10.53 and .54 which set the threshold of an NSIP at 50MWAC measured at the inverters but which can take include reasonable levels of overplanting provided the relevant NSIP installed capacity threshold. The Proposed Development will not exceed any NSIP export capacity limit as there is no upper limit on export capacity only a lower limit of 50MW beneath which the site would be TCPA. Government policy, in NPS EN-3 and elsewhere is to maximise renewable energy generation reinforcing the point that the designed output of the Proposed Development should not be treated as a de facto cap on the export capacity of the development. For the reasons explained further in the answers to ExQ1 2.0.3 below the solar PV element of the Proposed Development, although designed around a 450MW MEC export capacity is not limited to that figure as the total export capacity of the available grid connection is 600MW. This reduces the likelihood of there being situations in which the overplanting provision within the Development would ever need to use inverter clipping to cap the energy being exported to 450MWAC as the battery element of the Proposed Development could be reduced to accommodate that greater solar PV export. The justification for the overplanting is that it will ensure the design adequately takes account of actual generating conditions and inevitable panel degradation and the full extent of the planning impacts of the development have been taken account of in the Environmental Statement as the construction and operational impacts have been assessed on the full extent of panel areas, which include the overplanting provision.

2.0.2	The applicant	**Note on Scheme Efficiency** The document [APP-185] refers to other paragraphs and sections which do not appear to exist within the document, such as the bullet point on page 8 which refers to section 3, paragraph 1.4.8 which refers to paragraph 2.1.2 and paragraph 1.4.9 which refers to paragraph 3.1.2. Please clarify whether the full document has been submitted. If so, signpost to where the referred to paragraphs and sections are located.	The Applicant has identified a series of typographical errors in this Note [APP-185] namely Para 1.3.4 bullet should refer to para 1.4 Para 1.3.6 should refer to para 1.5.7 Para 1.4.8 should refer to para 1.3.5 Para 1.4.9 should refer to para 1.4.6 A corrected version of the document will be submitted at Deadline 2.
2.0.3	The applicant	**Battery Energy Storage System - Capacity** 1. Could you explain how the 150MW capacity figure for the Battery Energy Storage System (BESS) has been arrived at to be considered sufficient to serve the proposed development. 2. What measures are there to ensure that any energy stored in the BESS comes directly from the proposed development? The application documentation states that the BESS would have a capacity of 150MW. As currently drafted the draft Development Consent Order (dDCO) does not stipulate a capacity for battery storage. Would it be appropriate for such a capacity to be included in the description of the Work No.? If not, explain how the maximum generating capacity of the BESS would be secured.	The project is an AC coupled solar and battery energy storage system (BESS). This means the solar and BESS are electrically connected at a point between the AC terminals of the inverters, and the grid connection. It also means that the projects share the same grid connection. The battery is able to charge solar energy during times of abundant solar such as at mid-day generation peaks and discharge when the electricity system needs it, such as evening demand peaks. However, too much BESS MW risks there being no headroom for the BESS to operate optimally. Therefore, a 33% BESS MW to Solar MW ratio has been chosen to provide a level of solar dispatch flexibility without risking the project's commercial strategy. This ability of the BESS to be charged directly from the solar PV ensures that the BESS is properly considered as associated development as it is described in Schedule 1 of the dDCO. The capacity of the BESS is constrained by its physical dimensions that are defined in the DCO and by the 600 MWAC MEC grid export limit. The precise storage capacity will ultimately depend upon technology available at the point of construction but there is no necessity and no planning purpose served by seeking to limit the storage or export capacity of the BESS as this will be an operational management issue for the operator of the Proposed Development making most efficient use of the BESS and solar PV elements at any point in time.

2.0.4	The applicant	**Battery Energy Storage System – Battery degradation** Section 1.4 of the Note on Scheme Efficiency [APP-185] provides details on photovoltaic module degradation. Provide further details of degradation of the batteries in the BESS. Amongst other matters, explain in particular what is the typical lifespan of batteries and how often, if at all, they require replacement.	All lithium ion batteries degrade over time, that is to say, the maximum stored energy capacity reduces over time. The maximum stored energy at any point compared to the battery's initial maximum stored energy is also known as the battery's state of health (SOH). The speed at which a battery's SOH reduces over time primarily depends on how often that battery is cycled, where 1 cycle represents 1 full charge and discharge. The maximum lifespan of a battery is typically 20 years with some up to 25 years. If the battery is cycled very frequently, the minimum expected lifespan would be 10 years. A typical lifespan for a battery operating in the GB market would be ~15 years. At the end of life the most likely scenario is replacement, where the entire battery container would be removed from site and a new one installed in its place.
2.0.5	The applicant and National Grid Electricity Transmission Ltd	**Grid Connection** The Grid Connection Statement [APP-056] paragraph 2.3.4 states a grid connection agreement has been secured with National Grid Electricity Transmission Ltd to import and export the full electrical capacity of the proposed development with connection date of October 2029. What are the implications of this agreement if connection is not secured on this date? Does the agreement fall away?	The Bilateral Connection Agreement (BCA) that has been entered into with the National Energy System Operator (NESO) in respect of the Steeple Renewables Project is of an industry standard form and contains standard provisions relating to possible delay of connection. The effect of this is that, in the event of delay to completion of connection due to delay arising from NESO or National Grid works then NESO has the right to reflect that delay in the expected completion date. Delay caused by NESO or National Grid is not grounds for termination of the agreement. In the event that the delay is caused by the connecting party then the agreement contains provisions to enable alterations to programme subject to mutual agreement. In the event that a user fails to meet programme without NESO consent then the agreement affords the user a grace period, of at least 60 days, to remedy the delay before NESO can initiate termination. Whilst termination of agreement arising from user delay is a possibility under the BCA, it remains capable of mitigation with further discussion with NESO. However, due to the possibility of termination, the Applicant views the connection date as a critical path priority in its programme and has no reason to consider it unlikely that the connection date will be achieved.

3.	The Environmental Statement (general)		
3.0.1	The applicant	**Updates to Environmental Statement documents** In response to comments made by the Environment Agency (EA) in [RR-025], you have stated [REP1-008] that various documents will be revised as part of the examination process in respect of the following matters: • (RR-025/9) regarding maximum water levels; • (RR-025/10) regarding the Catchwater Drain; • (RR-025/16) regarding labelling and/or shading major contours; • (RR-025/23) regarding management and maintenance details for the gravel lining drainage features; revisions to the SWDS; • (RR-025/24) regarding testing of the penstock valve as a maintenance activity; revisions to the SWDS; • (RR-025/25) regarding pollution control measures concerning shallow groundwater quality; revisions to the WFD assessment; • (RR-025/26) regarding removing duplicate maps and providing those that are missing; • (RR-025/29) regarding SPZ3 and principal aquifers; • (RR-025/30) regarding changes to the Outline Fire Risk Management Plan [APP-030] to accommodate the changes requested by the EA; and • (RR-025/31) regarding summaries of borehole data. The ExA requests revised documents addressing the above matters are submitted at deadline 2 to allow for maximum examination time	To cover the points raised, the Applicant has updated the following documents at Deadline 2 in respect of the following matters: • RR-025/9: The Applicant committed to updating Appendix 8.1, FRA to account for the concerns relating to what scenario the maximum water levels represents in Appendix E. The Applicant has provided this update on page 55 of the revised ES Appendix 8.1 Flood Risk Assessment (FRA) (Document Reference EN010163/EX/5.3 Revision 2 and EN010163/EX/6.3.8 Revision 2) • RR-025/10: The Applicant committed to updating Appendix 8.1, FRA regarding the Hydraulic model for the Catchwater Drain to include structures and with additional model runs to test the sensitivity of the model results. The Applicant has provided this update at Appendix G of the revised ES Appendix 8.1 Flood Risk Assessment (FRA) (Document Reference EN010163/EX/5.3 Revision 2 and EN010163/EX/6.3.8 Revision 2); • RR-025/16: The Applicant committed to updating Appendix 8.2, SWDS, regarding the Topographic Survey. The Applicant has provided this update at Appendix B of the revised ES Appendix 8.2 Surface Water Drainage Strategy (SWDS) (Document Reference EN010163/EX/6.3.8 Revision 2); • RR-025/23: The Applicant committed to revising Appendix 8.2 SWDS, regarding management and maintenance details for the gravel lining drainage features. The Applicant has provided this update at sections 5.3.12 and 5.3.13 pages 26 and 27 as well as 8.2.2 (Table 8.2) page 40 of the revised ES Appendix 8.2 Surface Water Drainage Strategy (SWDS) (Document Reference EN010163/EX/6.3.8 Revision 2); • RR-025/24: The Applicant committed to updating Appendix 8.2, SWDS, to include the testing of the penstock valve as a maintenance activity. The Applicant has provided this update at section 8.2.1

		of the documents and to ensure that the ExA is in receipt of any comments from the EA in advance of the hearings during week commencing 9 February 2026.	(Table 8.1) page 39 and section 8.2.4 Table 8.4 page 42 of the revised ES Appendix 8.2 Surface Water Drainage Strategy (SWDS) (Document Reference EN010163/EX/6.3.8 Revision 2); • RR-025/25: The Applicant committed to providing further detailing within Appendix 8.3, WFD, regarding pollution control measures. The Applicant has provided this at Table 6.2 page 40 of the revised ES Appendix 8.3 Water Framework Directive (WFD) (Document Reference EN010163/EX/6.3.8 Revision 2); • RR-025/26: The Applicant committed to removing duplicate maps and provide those that are missing in Appendix 2.2 Phase 1 Geoenvironmental Report. The Applicant has provided this update at Appendix B of ES Appendix 2.2 Phase 1 Geoenvironmental Report (Document Reference EN010163/EX/6.3.2 Version 3); • RR-025/29: The Applicant committed to updating ES Chapter 8: Hydrology, Hydrogeology, Flood Risk and Drainage regard SPZ3 and Principal Aquifers. The Applicant has provided this update at Table 8.1 page 16 of ES Chapter 8: Hydrology, Hydrogeology, Flood Risk and Drainage (Document Reference EN010163/EX/6.2.8 Version 2); • RR-025/30: The Applicant committed to updating the Outline Fire Risk Management Plan to accommodate the use of water for fire fighting purposes. The Applicant has provided this update on page 7 of Outline Fire Risk Management Plan (Document Reference EN010163/EX/6.3.4 Revision 2); and • RR-025/31: The Applicant committed to updating summaries of borehole data in Appendix 8.2 SWDS and Appendix 8.3 WFD. The Applicant has provided this update at Table 3.1 page 17 of ES Appendix 8.2 Surface Water Drainage Strategy (SWDS] (Document Reference EN010163/EX/6.3.8 Revision 2) and Table 5.3 pages 22-24 of ES Appendix 8.3 Water Framework Directive (WFD) (Document Reference EN010163/EX/6.3.8 Revision 2).
3.0.2	The applicant	**Clarification – site description** ES chapter 3 [APP-061] paragraph 3.2.37 states: "The cropland was	ES Chapter 3 **[APP-061]** provides a summary of the Site, which included an overview of 'Biodiversity Features and Environmental Designations' at

		primarily winter stubble during the January to March 2024 walkovers, with signs of being sown with cereal crops during the previous summer." Confirm whether a summer walkover was undertaken? If not, explain why not and if so, explain what these findings were.	paragraphs 3.2.33 to 3.2.41. Paragraph 3.2.37 was originally included in the EIA Scoping Report as paragraph 8.2.13, with its source being the summary of habitats present at the site in Table 8B.1 of Appendix 8B to the EIA Scoping Report, prepared by the project ecologists. On review, it has become apparent that this text was not then updated when ES Chapter 3 was prepared, notwithstanding that further survey work was subsequently undertaken. However, the wider ES does provide detail of the updated position regarding the habitats at the Site, in particular Table 7.3.1: Summary of the habitats present at the Site, included in the Habitat Report, at Appendix 7.3 **[APP-105]**. This confirms that subsequent survey work was undertaken in May 2024, July 2024 and February 2025. Paragraph 3.2.37 remains correct that the habitats within the Site are primarily cropland bound by managed native species hedgerows or drainage ditches.
3.0.3	The applicant	**Clarification – traditional orchard** ES chapter 3 [APP-061] paragraph 3.2.38 refers to a traditional orchard present in the north of the site. Clarify where this is located with reference to the Field Numbering Plan [APP-010] and the tree survey plan in the Arboricultural Impact Assessment [APP-101].	The orchard lies between Field 12 and Field 13 on the Field Numbering Plan **[APP-010]** and to the north of Field 20. The Arboricultural Impact Assessment **[APP-101]** illustrates the orchard as G99 on Sheet 1 of the Tree Survey Plan.
3.0.4	The applicant	**Fencing** ES chapter 4 [APP-062] paragraph 4.4.42 states "As a worst case scenario, the use of palisade security fencing has been assessed in this ES". Clarify whether this assessment is just to the BESS compound and substation compound or the entire site, including areas of solar panels (notwithstanding the intention to enclose solar panel areas with stock wire deer fencing).	The statement relates to just the BESS Compound and Substation Compound and should be read in conjunction with the previous sentence within paragraph 4.4.3, as follows*: 'The BESS Compound and Substation Compound will either be palisade security fencing up to 3m in height, or metal mesh fencing up to 2.4m in height, both options fixed into the ground with concrete. As a worst case scenario, the use of palisade security fencing has been assessed in this ES'*. The Applicant considers that no amendment is required to Chapter 4.
3.0.5	The applicant	**Lighting** ES chapter 4 [APP-062] paragraph 4.4.41 notes downward facing lighting would be attached to buildings in the substation compound or on columns approximately 3m high. It then advises that no areas of the proposed development are proposed to be	ES chapter 4 **[APP-062]** paragraph 4.4.41 states that no areas of the proposed development are proposed to be continuously lit during operation. What is meant by permanent lighting during the operational phase is lighting which is installed throughout the operational phase, but not in constant operation. Rather, the lighting within the BESS Compound and Substation Compound

		continuously lit during operation. Paragraph 4.4.45 however notes that in general, it is anticipated that the proposed development would not be lit although security lighting would be required around key electrical infrastructure. It is then stated this includes "permanent downward facing lighting attached to buildings or on columns approximately 3m high in the BESS Compound and Substation Compound". Work No.3 in the Outline Design Principles [APP-093] also refers to 'permanent lighting'. Explain what is meant by 'permanent' and whether this implies that lighting would be permanently illuminated. If lighting is intended to be permanently illuminated, has this been assessed in the ES?	would only be in operation should there be a need for staff to be present during low-light, which would be infrequent. Similarly, security lighting would only be in operation should there be a security issue, which is also expected to be unlikely. Even then the lighting would be downward facing, such as to minimize any external light spill. In summary, the ES assesses the fact that there will be no continuous use of lighting during the operation of the development. The use of lighting will be ad-hoc and during limited periods. Lighting is still described as "permanent" as it will require permanent fixtures to be built and maintained.
3.0.6	The applicant	**Assessment – Solar replacement** Paragraph 4.6.9 in ES chapter 4 [APP-062] states "Given the Proposed Development is operational for a maximum of 40 years, there will be a need potentially for some or all of the solar equipment to be replaced during the operational phase". To what extent has the ES assessed the potential for all of the solar equipment to be replaced during the operational phase? If it has not, explain why not.	The ES has considered the potential that the solar and BESS equipment may require replacement during the operational phase. However, the impacts of the replacement of the equipment would be spread over a 40 year period, which notably reduces the potential for significant effects to arise. Indeed, with respect to Transport movements during the operational period, for example, it was agreed with the Highways Authority that the numbers would be sufficiently low that the matter of operational phase effects could be scoped out of detailed assessment (Table 13.4 of the Transport Chapter **[APP-071]**).
3.0.7	The applicant	**Mitigation** Specific mitigation strategies have been provided for landscape in ES Figure 6.9 [APP-160], Skylark in ES Appendix 7.13 [APP-115] and archaeology in ES Appendix 9.3 [APP-124]. In the absence of specific reference to these documents, explain how the mitigation strategies would be secured through the DCO? Do they need to be specifically referred to in their respective requirements? If not, explain why.	Requirement 6 ensures that no phase of the authorised development can commence until a LEMP which accords with the outline LEMP has been submitted to and approved by the local planning authority in consultation with Natural England. The outline LEMP **[APP-116]** makes clear that it should be read conjunction with the outline landscape mitigation strategy [APP-160]. See in particular paragraph 4.2. Which demonstrates how these documents should be read together. Similarly please see paragraph 15.2 for how the skylark mitigation report **[APP-115]** influences the oLEMP. In relation to the archaeological mitigation statement submitted into examination **[APP-124]**. This AMS refers to the process of protection of the

			archaeological exclusion zones. These exclusion zones do not need to be specifically referred to in requirement 17. This is because they are built into the design of the Proposed Development. This is managed through requirement 3. Requirement 3 states that no phase of the development may commence until details of the layout of the phase have been approved by the LPA. Requirement 3(2) states that the detail must accord with the site location plan, works plan and design parameters and principles. The design parameters and principles mean the principles and assessments set out in the environmental statement. Therefore, the Applicant has already sufficiently protected those exclusion sites within the wording of the DCO.
3.0.8	The applicant	**Errata** Appendix 10.1 Outline Supply Chain, Employment and Skills Plan [APP-127] paragraph 7.3 is incomplete. Please rectify.	ES Appendix 10.1 Outline Supply Chain, Employment and Skills Plan **[APP-127]** has been updated so that paragraph 7.3 is now complete. This has been provided as part of the Applicant's Deadline 2 submission (Document Reference EN010163/EX/6.3.10 Revision 2).
4.	**Design, parameters and other details of the proposed development**		
4.0.1	The applicant	**Achieving Good Design** Nationally Significant Infrastructure Projects: Advice on Good Design was published on 23 October 2024 and it is noted that the Design and Access Statement [APP-184] states that this guidance has informed the design process undertaken for the DCO proposal. Can the applicant explain how the design has incorporated and followed each of the processes and outcomes set out within the guidance? In addition, the ExA would find it helpful if the applicant could provide a table signposting the relevant application documents to the issues listed in annex A of the guidance.	The Applicant has provided a response to this question at Appendix C to this document.
4.0.2	Bassetlaw District Council and Nottinghamshire County Council	**Local design policies** Paragraph 2.8 in the Design and Access statement [APP-184] refers to footnote 122 in paragraph 4.7.5 of NPS EN-1 stating design principles should take into account guidance including National Infrastructure Commission principles, the National Design Guide and National Model Design Code, as well as any local design policies and	In order to assist, the Applicant has reviewed Nottinghamshire County Council and Bassetlaw District Council website. Whilst there are general design policies in the local plan and supplementary planning (design guidance) documents, none are specifically relevant to solar installations.

		standards. Do the councils have any local design policies and standards relevant to solar development? If so, to what extent has the proposed development addressed any design policies and standards?	Policy ST49 (Renewable Energy Generation) within the Bassetlaw Local Plan does reference the impact of renewable energy proposals on location, setting, and position within the wider landscape, as well as considerations around siting and scale. However, it does not provide any design guidance or requirements specific to solar development. Planning Statement Appendix D (Pages 49-50) **[APP-182]** explains how the Proposed Developments compliance with relevant parts of Policy ST49. Policy ST49 is also considered and addressed on pages 13-15 of the Design Approach Document **[AS-010]**.
4.0.3	The applicant	**Outline Design Principles** Paragraph 3.6.10 of ES chapter 3 [APP-061] states that the Outline Design Principles [APP-093] is a document which defines the design principles and parameters which will be certified by the DCO. Paragraph 1.1.2 of [APP-093] states it will be secured by a requirement in Schedule 2 to the dDCO. In the absence of reference to this document in the dDCO, explain how the principles and parameters would be secured.	The document does not need specific reference in the dDCO as it is captured through the definition of "design parameters and principles" in article 2. Requirement 3 records that detailed design must accord with the design parameters and principles. Article 2 defines that term as being the "principles and assessments" set out in the environmental statement. The outline design principles document form part of the environmental statement and therefore is bound into the DCO through requirement 3.
4.0.4	The applicant, Bassetlaw District Council and Nottinghamshire County Council	**Independent Design Review** There appears to be no mention in the application documents explaining whether there has been any previous input from a design champion or engagement in a design review process or whether there is any intention for this going forward. 1. Noting paragraph 4.7.14 of NPS EN-1, can the applicant explain whether the design process has been, and also whether any final design would be, subject to an independent design review process? If not, explain why not? 2. Do the councils consider that provision should be made within the dDCO for the final design of the proposed development to be subject to an independent design review process? If so, explain how the council would engage in such a process.	In response to point 1, the Applicant notes paragraph 4.7.14 of NPS EN-1 states "*The Secretary of State should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects*". The design of the equipment for the temporary Proposed Development is driven by its functionality as solar infrastructure, which means there is limited scope for altering its form or aesthetic. For this reason, an independent design review process would not be appropriate or beneficial. The design process for the scheme has involved a Design and Access Statement **[APP-184]**, which explains how guidance has informed the design process undertaken for the DCO proposal. The guidance includes Climate People Places Value – Design Principles for National Infrastructure (2020), which also informed the Planning Inspectorate guidance note on Nationally Significant Infrastructure Projects: Advice on Good Design (2024). ES Appendix 4.5 Outline Design Principles **[APP-093]** sets out the design

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<td>Are there any components of the proposed development that the councils consider would particularly benefit from a design review? If so, explain what these are and why and if not, explain why not.</td>
<td>principles that have guided the Proposed Development. In addition, ES Chapter 3 [APP-061] includes a section on the iterative design process and confirms that the Proposed Development has evolved iteratively, taking into account environmental effects, planning and environmental policy objectives, and the functionality of the Proposed Development.

A Design Approach Document [AS-010] has also been prepared, which consolidates good design and the design principles applied to the Proposed Development for ease of reference.

The design process has focused on sustainability and there has been an emphasis on the social and environmental aspects of design rather than architectural aesthetics, given the lack of flexibility in the appearance of much of the infrastructure.

In conclusion, the design process has been thorough and proportionate to the scale of the development. Given the limited scope for altering the design of the development components themselves, an independent design review process would not add value and is therefore not considered necessary.</td>
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<td>4.0.5</td>
<td>The applicant</td>
<td>Horlock Rules

Paragraph 6.2.5 of ES chapter 6 [APP-064] refers to the Horlock Rules stating that they are “a series of guidelines for the design and siting of substations which were established by National Grid in 2009.” However, neither the Design and Access Statement [APP-184], Outline Design Principles [APP-093] nor the Design Approach Document [AS-010] makes any reference to these rules.

Explain how these rules have been applied in the design approach to the substation, or any other relevant aspects of the proposed development, and the principles that have been incorporated into the Outline Design Principles [APP-093].</td>
<td>The Horlock Rules apply specifically to National Grid and its projects, particularly relating to the siting and design of substations and related infrastructure in England and Wales. The Horlock Rules are internal guidelines used by National Grid when planning new substations, extensions, sealing end compounds, and line entries, ensuring compliance with statutory duties under the Electricity Act 1989.

In summary, the same design principles have been applied to the proposed development although there is no explicit reference to the Horlock Rules for the reasons set out above and referenced where covered in the submission within the table below:
<table>
<tr><th></th><th>Criteria</th><th>Reference where covered in submission</th></tr>
<tr><td>1</td><td>Minimise visual and environmental impact.</td><td>Section 3, 4, 5, 6 & 8/Design and Access Statement R005v1 [APP-183].</td></tr>
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					Table 2.1/Appendix 4.5 – Outline Design Principles. ES Vol 2 **[APP-093]**. Section 3, 4 & 5/Design Approach Document **[AS-010]**. Table 5.1/Design Approach Document **[AS-010]**. Section 6.3, 6.6, 6.7, 6.8, 6.10/Chapter 6: Landscape and Visual Impact and Residential Amenity. ES Vol 1 **[APP-064]**.
			2	Respect landscape, heritage, and community amenity.	Section 3, 4, 5, 6 & 7/Design and Access Statement R005v1 **[APP-183]**. Table 2.1/Appendix 4.5 – Outline Design Principles. ES Vol 2 **[APP-093]**. Section 3, 4 & 5/Design Approach Document **[AS-010]**. Table 5.1/Design Approach Document **[AS-010]**. Section 6.3, 6.6, 6.7, 6.8, 6.10/Chapter 6: Landscape and Visual Impact and Residential Amenity. ES Vol 1 **[APP-064]**.

			3	Integrate into surroundings through design and landscaping.	Section 3, 4, 5, 6, 7 & 8/Design and Access Statement R005v1 **[APP-183]**. Table 2.1/Appendix 4.5 – Outline Design Principles. ES Vol 2 **[APP-093]**. Section 3, 4 & 5/Design Approach Document **[AS-010]**. Table 5.1/Design Approach Document **[AS-010]**. Section 6.3, 6.6, 6.7, 6.8, 6.10/Chapter 6: Landscape and Visual Impact and Residential Amenity. ES Vol 1 **[APP-064]**.
			4	Plan for future adaptability and reinforcement.	Section 3, 6, 7 & 8 /Design and Access Statement R005v1 **[APP-183]**. Section 1.1/Appendix 4.5 – Outline Design Principles. ES Vol 2 **[APP-093]**. Table 2.1/Appendix 4.5 – Outline Design Principles. ES Vol 2 **[APP-093]**. Section 4 & 5/Design Approach Document **[AS-010]**.

					Table 5.1/Design Approach Document **[AS-010]**. Section 6.7/Chapter 6: Landscape and Visual Impact and Residential Amenity. ES Vol 1 **[APP-064]**.
			5	Engage stakeholders early in the planning process.	Section 5, 6 & 7 /Design and Access Statement R005v1 **[APP-183]**. Section 4/Design Approach Document **[AS-010]**. Section 6.5/Chapter 6: Landscape and Visual Impact and Residential Amenity. ES Vol 1 **[APP-064]**.
4.0.6	The applicant	**Errata – Design and Access Statement** Paragraph 6.5 [APP-184] states "Requirement 4 of the draft DCO secures the detailed design of the Proposed Development…" Clarify whether this should refer to requirement 3.	The Applicant can clarify paragraph 6.5 of the Design and Access Statement **[APP-184]** should refer to Requirement 3 rather than Requirement 4. The Design and Access Statement has been revised at paragraph 6.5 to refer to Requirement 3 (Document Reference EN010163/EX/7.3 Revision A).		
4.0.7	The applicant	**Errata – Outline Design Principles** Page 12 [APP-093] for the scheme component 'Harmonic filters' states "Add second dimensions in" for the parameter type 'Dimensions (in metres)' but then appears to have text missing after it. Please clarify and if so, rectify.	The Applicant can confirm "Add second dimensions in" is an error. Page 12 of ES Appendix 4.5 Outline Design Principles table has been revised and these words removed (Document Reference EN010163/EX/6.3.4 Revision A). The Applicant has also revised page 34 of the Design Approach Document and the same words removed (Document Reference EN010163/EX/7.6 Revision A).		
5. Biodiversity and ecology (including Habitats Regulations Assessment					

5.0.1	The applicant and Natural England	**Protected Species – Badgers** The Consents and Agreements Position Statement [REP1-006] advises that the scope of information the applicant is to submit to Natural England (NE) has been agreed to allow a Letter of No Impediment to be issued to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority would see no impediment to issuing any future licence. However, NE's Risk and Issues Log [REP1-020] recommends that a draft protected species licence application is submitted to enable them to issue a Letter of No Impediment although one has not yet been submitted. 1. Noting your response to NE in [REP1-008], can the applicant confirm the intended timescales for submitting a draft badger licence application through the examination process? 2. Could NE comment on the accuracy of the comments in the Consents and Agreements Position Statement [REP1-006]?	The Applicant spoke with NE on 21 November 2025 to clarify the intended timescale for a draft license application to be submitted to NE. The Applicant confirmed the intent is to submit the draft application before the end of January 2026. NE advised that it would normally take around 30 working days to issue the Letter of No Impediment (LoNI). Therefore, the Applicant considers that it will be able to provide the LoNI before close of examination.
5.0.2	The applicant	**Operational lighting** ES chapter 8 [APP-066] states in paragraphs 7.7.3 and 7.12.16, and explicitly in respect of mitigation for skylark, otter and dormouse that "an appropriate lighting strategy for all phases of development will be produced and implemented." Explain: 1. How and where in the dDCO a lighting strategy for the operational phase would be secured, noting the lack of reference to lighting in requirement 9 of the dDCO and that the oOMP [APP-092] only refers to control measures. 2. The steps you would take to ensure that lighting would be minimised and directed away from known and potential bat roosts and bat foraging areas and how the	1. The oOMP **[APP-092]** provides an overview of operational lighting, which includes a description of how non-visible (infra-red) lighting will be used for CCTV, and visible artificial lighting will only be installed at the substation and BESS. The oEMP also references ES Appendix 4.5 Outline Design Principles **[APP-093]**, which provide high-level design specifications for lighting, which consider light spill reduction. Therefore, the design specifications and control measures referenced in the oOMP are considered to provide the strategies that mitigate operational phase lighting impacts with respect to the ES paragraphs 7.7.3 and 7.12.16**.** Part 1 of dDCO Requirement 9 will secure these strategies, as it requires the OMP to accord with the oOMP (meaning the specified controls on lighting must be carried through to the OMP). 2. As described above, the oOMP **[APP-092]** provides the overview of operational lighting controls, which specify that lighting will not be directed

		success of such provisions would be monitored. 3. Whether provision can be made for a 'dark corridor plan' to be produced, as suggested by Nottinghamshire County Council (NCC) in their LIR [REP1-014], as part of any strategy. If not, explain why not.	towards the Order Limit boundaries. The areas that will have artificial lighting installed for operation will be the BESS and substation areas, which are away from potential bat roosts (there are no trees or building with bat roost suitability within 140m of the BESS or substation). Bat activity levels were also low at the proposed BESS and substation locations (refer to Table 3.35 of ES Appendix 7.7 Bat Report **[APP-109]**, which shows that static bat detectors placed near these locations contributed 0-2% of all bat calls recorded). Construction phase lighting will also be controlled via provisions in the CEMP (dDCO Requirement 7 part 1 and part 2(g)). Adherence to these procedures will be monitored throughout construction as per Section 6 of the oCEMP **[AP-089]**, which described regular audits. Operational lighting will be installed and tested during the construction phase, and subject to the construction phase audits that will aim to identify any undue light spill. 3. In NCC's LIR **[REP1-014],** the request for a dark corridor plan was made in reference to the CEMP. The dark corridor plan is expected to be prepared as part of DCO Requirement 7 (CEMP) part 2(g), which specifies that details of artificial lighting must be provided, and part 2(k) that requires details of species protection to be provided. Therefore, the dark corridor plan is anticipated to form part of the CEMP (within the measures to protect nocturnal species).
5.0.3	The applicant	**Skylark Mitigation Strategy** The mitigation strategy [APP-125] sets out measures in the form of identifying arable fields that are considered suitable to support nesting territories of skylark. Explain: 1. Why a higher figure of mitigation than the approximate 55% to 64% of the territories likely to be displaced has not been proposed and the consideration that was given to increase this percentage. 2. How other areas, as referred to in paragraph 4.5, are intended to be factored in later in the process and when this would be. Would such areas result in an improvement to the 55% to 64% mitigation? If so, should it be secured in	1. The first two bullet points of Para. 4.1 of the Skylark Mitigation Strategy [AP-115] summarise the factors considered in determining the fields that would primarily contribute to skylark mitigation and thus be taken into account in the initial calculations (55-64%), these are: • fields of suitable size, with few deterrent boundary features and evidence of current use by a low density of skylark (i.e., with best potential for improvement) and that are outside of the development areas. • Consideration of field locations in relation to tracks and other access infrastructure. To assist tenant farmers in the practical delivery of the

		the dDCO?	mitigation, fields were targeted that could be grouped together and that are near access points to ensure the fields can be accessed easily The above led to the identification of fields targeted for skylark mitigation. On this basis the figure of 55-64% was generated. The Applicant considers that a conservative estimate of 55-64% (which for the reasons below is likely to be a worst case) as compensation for displacement strikes an appropriate balance between mitigating the impact raised and continuing to provide for an efficient use of land for the generation of renewable electricity. It is noted that a number of similar schemes in the locality have been consented and in each case, the consent was granted with greater proportionate loss of skylark territories than is calculated for Steeple. Schemes include: • Cottam Solar (ref. EN010133) – in the project's ES, the Scheme was estimated to mitigate the loss of 45% of the displaced skylark territories. • West Burton Solar (ref. EN010132) - estimated to mitigate the loss of 54% of the displaced skylark territories. • Gate Burton Solar (ref: EN010131) - the ES did not quantify how many lost territories the mitigation land was intended to mitigate. 2. The question of factoring in the potential of other land to contribute to nesting was raised by NCC in their Relevant Representation [RR-052] and LIR [REP1-014]; this has been addressed in section RR-052/6 (page 14) of the Applicant's response [REP1-008] which set out the results of a calculation of nesting capacity in other land. This conservatively took into account only the remaining land with the highest nesting potential. This takes the 55-64% mitigation range to 60-71% as a minimum. It should be recognised that this is a conservative total and that the true figure could be higher. It should also be noted that it was assumed that 100% territory displacement would take place in any field with solar panels, which is the worst case impact. It is considered that those areas are already secured in the dDCO, as they are design features established by other methods, not least through

			requirement 6 (LEMP) which secured a LEMP that must accord with the oLEMP. The LEMP must, pursuant to sub-paragraph (2) include a number of details relating to ongoing management and habitat creation. The oLEMP is drafted on the basis of this information as set out in the Outline Landscape Mitigation Strategy.
5.0.4	The applicant	**Ecology and Fisheries** The EA [RR-025] and [REP1-016] has raised concerns regarding the lack of aquatic habitats and species in the Outline Decommissioning Plan [APP-090]. In response [REP1-008], you have stated that the Outline Decommissioning Plan can be updated as part of the examination process. Provide further clarity on whether you intend to update the Outline Decommissioning Plan to address the EA's concerns and if so, when. If not, confirm whether your comments that there are "currently no proposals to undertake any work in waterways or aquatic habitats as part of the decommissioning phase" means that you do not consider it necessary to update the Outline Decommissioning Plan.	There is currently no proposal to undertake work in waterways. However, it is acknowledged that in 40 years, this may change, so provision will be made in the oDP **[APP-090]** to review the decommissioning requirements and their potential for impacts on waterways at that time. It is noted that the oDP already includes the specification: *"No more than twelve months prior to decommissioning commencing, the site will be visited by an appropriately qualified ecologist to identify any ecological constraints likely to arise from decommissioning activities."* on page 6. The text that follows will be updated to consider that updated riparian mammal surveys may be required if any decommissioning works are required in waterways.
5.0.5	Nottinghamshire County Council	**Biodiversity Net Gain** The LIR [REP1-014] paragraph 5.3.15 states a Biodiversity Net Gain (BNG) metric spreadsheet was not available for review at the time of the most recent submission and more detailed comments will be provided at a later stage. The ExA in its recommendations, and the Secretary of State in its decision, will need to decide the weight to attach to any BNG that could be delivered in its planning balance conclusions. As such, could the Council provide detailed comments on the suitability of the BNG metric table in Appendix 7.12.1 [APP-114]?	The Applicant has provided the statutory metric calculations relevant to its Biodiversity Net Gain Report **[APP-114]**. The Applicant has engaged with NCC to confirm that this material has been provided with the Application and is capable of review within the examination materials.
5.0.6	The applicant	**Measures in the Outline Construction Environmental Management Plan**	The oCEMP **[APP-089]** will be updated to include reference to providing a Buffer Plan ahead of construction. It is expected that the buffer plan will be

		The relevant representation from NCC [RR-052] and paragraph 5.3.12 of the LIR [REP1-014] requests further details be added to the oCEMP [APP-089] in respect of two-stage cuts and/or hand searches for certain habitat types and locations and a request for a buffer plan to make the buffers easier to understand and implement. Your response acknowledges these requests but does not consider it necessary to update the application documents as there is a requirement for the final CEMP to provide additional details. In the absence of explicit reference to those specific measures in the oCEMP [APP-089], explain how the final CEMP would incorporate the measures suggested by NCC. Would it be prudent for reference to be added so that these measures would be properly secured? If not explain why not.	prepared with reference to the buffer zones and stand-off distances provided in Table 7.6 of Chapter 7: Ecology and Biodiversity **[APP-065]**. However, it is noted that pre-commencement checks may influence the location of protection buffers after the CEMP is approved by the local council, so the oCEMP specifies that the ECoW must keep written records of activities undertaken. Regarding two-stage cuts and hand searches as reptile/amphibian protection measures; this requirement was specified on page 26 of the oCEMP for amphibians, and will be carried through to the CEMP in relation to both amphibians and reptiles (in accordance with DCO Requirement 7 part 2(k), regarding species protection methods).
5.1	**Habitats Regulations Assessment (HRA)**		
5.1.1	The applicant	**Clarification** The Information to Inform a HRA [APP-180] table 3 refers to stage 2. Should this refer to stage 1? If so, please rectify.	The Information to Inform a HRA **[APP-180]** caption for Table 3 has been updated to refer to 'Stage 1'. Please refer to the Deadline 2 Submission of the Information to Inform a HRA **(revision 2)** (Document Reference EN010163/EX/5.5 Revision 2).
6.	**Climate**		
6.0.1	The applicant	**Operational emissions** Table 12.9 in ES chapter 12 [APP-070] estimates that the operational greenhouse gas (GHG) emissions would be 174,000 tonnes of carbon dioxide equivalent (tCO2e) over the 40-year design life. An estimated 98.1% of the emissions would be through maintenance operations, such as replacement of product components. Table 12.2 sets out the assumed reference values for the operational phase calculations.	The operational GHG assessment in Chapter 12 **[APP-170]** applies indicative annualised replacement rates consistent with a maintenance-based lifecycle modelling approach. The replacement rates (% / year) are to be taken as indicative averages over their operational lifetime, with replacement works carried out only when necessary. Therefore, taking solar panels as the example in the question, whilst an averaged 0.2% replacement would indicate a typical expected replacement of 8% of the solar panels over the 40-year design life when averaged across the asset population, rather than implying a uniform or scheduled annual replacement. The replacement rate

		Can the applicant provide further details on the values that have been considered for each of the replacement parts and how they have been calculated? For example, taking the replacement of solar panels do the figures in table 12.9 suggest that 0.2% of the solar panels would be replaced each year, which would mean only 8% of the panels would be replaced during the 40-year design life?	assumptions have been derived from similarly scaled recent solar farm applications in the UK, and are in line with recent studies (Jordan et al. 2017, Juwi O&M data, 2018, Harrison et. al., 2010, CEPA, 2024).
6.0.2	The applicant	**Decommissioning phase emissions** Table 12.11 in ES chapter 12 [APP-070] shows the estimated emissions in the construction phase (273,000 tCO2e) and the decommissioning phase (14,300 tCO2e). Can the applicant explain why the GHG emissions during decommissioning are considerably less than those estimated during the construction phase and the factors that contribute to this?	The lower emissions associated with decommissioning primarily reflect differences in the scope and nature of activities included within each phase. As per paragraph 12.3.10, the GHG emission sources within the scope of the construction phase include the embodied carbon of products and equipment. These emissions relate to the manufacture of components and materials and are therefore specific to the construction phase. In contrast, the decommissioning phase accounts for asset removal, transport and end-of-life processing and removal, and does not include the original manufacture of components. This approach is consistent with established life-cycle assessment principles such as the BS EN 15978 framework, as applied through the IEMA GHG Guidance (IEMA, 2022). Furthermore, as per paragraphs 12.7.3 and 12.7.20, the construction period (24 months) is estimated to be twice as long as the decommissioning period (12 months), and hence other GHG emissions sources such as transport and fuel use will be higher in the construction phase.
7.	**Cumulative effects and interactions with other projects**		
7.0.4	The applicant and National Grid	**North Humber to High Marnham National Grid scheme** With regard to the proposed North Humber to High Marnham (NHHM) National Grid scheme, referred to briefly in the Report on the Interrelationships with other National Infrastructure Projects [REP1-012]. Please update the ExA on progress to date, and proposed next steps regarding: • impact upon the developable area; • alignment of the NHHM scheme; • agreeing protective provisions; and	The applicant is providing detailed written response to this question in the following two documents submitted at Deadline 2: Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 1 : Analysis of NGET Assessments 2023 to 2025 and Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2

		contingency plans if agreement cannot be reached between the parties.	Update Part 2 : Response to ExQ1 7.0.4. As part of the ongoing engagement between the applicant and NGET an approach to updating the ExA on progress in relation to the interactions has been agreed by which the applicant will provide detailed written answers to ExQ1 7.0.4 at Deadline 2 with supporting information where necessary and NGET will answer that material with its position in writing at Deadline 3. If an ISH is then required by the ExA on the subject in week commencing 9 February that written material from Deadlines 2 and 3 will then form the basis of the issues to be addressed by the parties in that hearing.
8.	**Compulsory acquisition, temporary possession and other land or rights considerations**		
8.0.1	The applicant	**Book of Reference** The Book of Reference (BoR) [APP-046] has a number of entries both within Category 1 and Category 2 where the owner of land and rights is recorded as unknown. Provide an update on efforts to establish these owners and interests and explain what further steps will be undertaken up to the end of the examination to identify unknown ownership, occupation, or interests in land.	During the land referencing process the identified unregistered interested parties, in majority relate to a wayleave in respect of apparatus. The others relate to a mines and minerals interest and an unnamed occupier at a house adjoining Wheatley Road who was sent a subsoil Land Interest Questionnaire (LIQ) but no response was received. All interests have been issued with S42 and S56 notices either through mailout or via the erecting of site notices in the vicinity of the land in question. They will continue to be investigated throughout the examination period.
8.0.2	The applicant and affected persons	**Book of Reference** Comments were made in relevant representations (such as [RR-023] and [RR-044]) that the BoR is incomplete with respect to affected persons land interests. 1. Can the applicant confirm whether the additions to the BoR at deadline 1 [REP1-004] has fully addressed the comments made? If not, please address those	The representation made by Anglian Water has been responded to but no changes to the BoR are required based on their representation. A response to West Burton has been provided and updates will be made in the next iteration of the BoR to reflect their newly registered interests within the site.

		comments and undertake a full review of the BoR to ensure all land interests are inaccurately identified. 2. Are any other parties aware of any inaccuracies in the BoR, SoR or Land Plans?	The Applicant is currently not aware of any further updates which will need to be made, but a HMLR refresh will be applied before the next submission to ensure any further updates to registered interests are captured.
8.0.3	The applicant	**Funding** The Department for Communities and Local Government (as it then was) Guidance relating to procedures for Compulsory Acquisition (CA) (September 2013) states "Applicants should be able to demonstrate that adequate funding is likely to be available to enable compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from blight notice have been taken account of." The Funding Statement [APP-045] indicates that the estimated costs of the proposed development would be £380m. The figure includes an allowance for compensation payments relating to the compulsory acquisition (CA) of land interests in, and Rights over, land and the temporary possession and use of land. However, it is not clear what proportion of those costs includes CA matters and whether it is sufficient. Confirm the CA costs separately from the project costs and explain how the figure for CA costs was arrived at.	The land cost element is, to the nearest £500k, £10.5m out of the overall Proposed Development figure of £380m. The Applicant received professional guidance on the figure, which has also informed ongoing negotiations with affected landowners. That guidance considered all land ownership and occupation in the BoR, and on the basis of appropriate comparables applied a per acre land value of £10,000 for agricultural land and £15,000 for forestry land. Allowances have also been made for costs arising acquisition by compulsion (including blight), including statutory loss payments, professional fees, possible disturbance claims and injurious affection and severance.
8.0.4	The applicant	**Funding** Section 3 of the funding Statement [APP-045] outlines the estimated cost of the proposed development at £380 million. Clarify the following: 1. Has this total cost included the decommissioning of the proposed development and restoration of land? If not, please address this matter. 2. What is the level of contingent costs and inflation that has	The estimated costs outlined within the Funding Statement **[APP-045]** include provision for the cost of decommissioning and restoration of the land, although this can only be indicative at this point. The primary reason for this is that with a 40 year operational life it is almost impossible to accurately predict the techniques and methods that would be employed, and approved, in the Decommissioning Plan secured through Requirement 21 of the dDCO **[APP-041]**. Therefore, applying a meaningful cost estimate against such unknowns is not possible.

		been allowed for, noting that it could be a number of years before implementation of any development that may be consented.	These are also costs that by definition are encountered in the later stages of the life of the development where industry practice would be to build up funds from operational revenue to meet those future liabilities. In respect of contingent costs and inflation the capital expenditure provision above is based upon the approach taken by RES to other such projects that includes a 5% contingency for unforeseen circumstances, which would include delay for any reason. Paragraph 9 of the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (DCLG, 2013) states that applicants should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition being made available. Paragraph 18 states that the applicant should demonstrate that adequate funding is likely to be able to enable the compulsory acquisition within the statutory period following the order being made and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of. Separately, paragraph 17 speaks to the resource implications of both acquiring the land and implementing the project for which the land is required. Paragraph 17 states that an application should be accompanied by a statement explaining how it will be funded providing an indication of how any potential shortfalls are intended to be met. This means that a separate test is set out between paragraph 18 for the costs associated with compulsory acquisition compared to paragraph 17 regarding total capital expenditure for the construction of the Scheme. The Applicant therefore should demonstrate that there is adequate funding for the value of £10,000,000 (ten million pounds) for the compulsory acquisition but in relation to the remaining figure, is only required to provide an explanation on how that will be funded.

8.0.5	The applicant	**Funding** Paragraph 3.2.2 of the funding statement [APP-045] explains that pre-application costs including securing of the application site, securing of grid contract and preparation of the DCO application has been fully funded from a loan from the applicant's parent company, Renewable Energy Systems UK & Ireland Limited. 1. Noting that Renewable Energy Systems UK & Ireland Limited has provided the funding to date, provide financial statements for that parent company, in addition to Renewable Energy Systems Holdings Limited. If this is not possible, clearly explain why. 2. Does the referred to "securing of the application site" include costs for land acquisition and blight?	The Applicant wishes to clarify that the name of its parent company is RES UK & Ireland Limited not Renewable Energy Systems UK & Ireland Limited. The financial statements for RES UK & Ireland Limited for financial year 2024 are provided as part of this submission (Document Reference EN010163/EX/8.16). Please see the Applicant's comments at 8.0.3 and 8.0.4 of the relevant policy tests relating to funding in respect of point 2.
8.0.6	The applicant	**Funding obligation** Please confirm whether the dDCO has included provision for a funding obligation, which would prevent the applicant exercising any CA powers until it can satisfy the Secretary of State that it can meet the costs. If so, signpost to where this provision is included. If not, provide provision for this measure or provide justification why it would not be required.	The Applicant directs the ExA to Article 41 of the dDCO **[APP-041]**.
8.0.7	The applicant	**The Equalities Act 2010** 1. Clarify how you have had regard to the Equalities Act 2010 in relation to the powers sought? 2. Have any affected persons been identified as having protected characteristics? If so, what regard has been given to them?	Section 149 of the Equality Act 2010 places a duty on public authorities to have due regard to equality considerations when exercising their functions. This duty also applies to a person who is not a public authority but who exercises public functions. The section 149 duty is therefore applicable to the ExA in relation to the conduct of the Examination and its reporting, and to the SoS in exercising its function to determine this application for development consent. The Applicant confirms that it is not a public authority or a person exercising

			public functions which is subject to the section 149 duty. The Applicant can confirm, however, that in developing the DCO application for the Proposed Development and the proposals for compulsory acquisition and temporary possession, the Applicant has taken reasonable steps to ensure that all individuals engaged with are treated equally and without discrimination in their ability to be informed or to engage. In relation to the powers sought over land, the Applicant has utilised various methods of communication to identify relevant land interests and engage with them regarding the proposals. This has included letters, emails, phone calls, in-person events and meetings, site notices, local deposit locations, information on the project website and the offer of provision of hard copy material upon request. An exercise to identify and engage with seldom heard groups was also undertaken and documents were made available in an accessible format such as braille upon request. The approach to this engagement is set out in section 5.16 of the Consultation Report **[APP-047]**. To date there have not been any individual Affected Persons expressly identified as having protected characteristics defined under the Equality Act 2010. As above, the Applicant has sought to engage in a manner that would not discriminate should an Affected Person have protected characteristics
8.0.8	The applicant	**Justification for compulsory acquisition powers** On the basis that the use of the land for the proposed solar arrays and associated infrastructure would be temporary, albeit for the long-term (40 years), please clarify why CA of land (including freehold) is sought for the majority of works (particularly the panel areas), rather than acquisition of rights or simply temporary possession?	Freehold acquisition of the plots (as detailed within the Book of Reference **[APP-046]**) are sought because these form the main solar farm area. This area (as specified) will be actively occupied by the Applicant during construction, operation and decommissioning of the proposed scheme. In order to enable safe and proper engagement for the purpose of the Proposed Development the Applicant requires a level of control over the land which goes beyond the control which can be asserted by those holding the rights over land. Acquisition of rights only in relation to this area would therefore be inappropriate, as this area would be unavailable to the landowner for the lifetime of the development. The Applicant submits that the use of the land for the Proposed Development for the lifetime of the Proposed Development (and potentially beyond that) goes beyond what is intended to be covered by powers of temporary possession, or the acquisition of rights.

			In the absence of freehold acquisition, the Applicant submits that a lack of control over the order land may lead to the Proposed Development being unable to be assembled and could give rise to uncertainty with regard to the Proposed Development's delivery and contribution to the Government's policies focused on the promotion of renewable energy in the interest of achieving net zero by 2050. The Applicant's Statement of Reasons [APP-044] provides further information as to the Applicant's position with respect to the need for the compulsory acquisition of both land and rights.
8.0.9	The applicant	**Justification – Roads and railway** Explain why permanent rights are sought and required over large sections of public roads (such as but not limited to plots 02/08 and 05/13) and railway (such as plots 02/22 and 03/09).	The permanent rights sought over the cited and similar plots are limited only to the permanent acquisition of rights associated with the subsoil interests, as identified in the Book of Reference [APP-046], in order to permit the laying of cables as specified within Works Nos 4, 5, 6 and 6A as identified in the dDCO **[APP-041]**. As is set out within Article 17 (compulsory acquisition of land) of the dDCO **[APP-041]** the Applicant (as the undertaker should the development consent be granted) is limited in its ability to obtain the land and rights sought as set out below: 'the undertaker may acquire compulsorily, so much of the Order land as is required for the authorised development or to facilitate, or is incidental, to it.' Rights are being acquired over the minimum land required at this stage of design development. Once precise crossing schedules are agreed with relevant parties, the true acquisition could be less than currently set out, but as controlled by article 17 the Applicant would be unable to acquire rights, ultimately, not required as a result of refinement to design.
8.0.10	The applicant	**Justification – Areas under existing overhead power lines** Why is permanent acquisition of land sought and required on land	Please refer to the Applicant's response to ExA Question 8.0.8. Freehold acquisition of the land identified is sought on the basis that this land will

		under existing overhead power lines, as shown on sheets 4, 5 and 6 of the Land Plans [AS-001], where no physical development is proposed on the site layout plans [AS-009]? Explain within your answer how seeking CA powers over all of this land accords with the need for the Secretary of State to be satisfied that the applicant is seeking no more land than is reasonably required for the purposes of the proposed development.	actively occupied by the Applicant during construction, operation and decommissioning of the proposed scheme. In order to enable safe and proper engagement land management for the purpose of the Proposed Development the Applicant requires a level of control over the land which goes beyond the control which can be asserted by those holding only rights over land.
8.0.11	The applicant	**Justification – Plot 05/09** The land plans show that permanent acquisition is sought for the entire plot. However, a large extent of this plot is required for either temporary construction compounds or shown as having no physical development proposed. Explain clearly why permanent acquisition is required over these areas of the plot and whether or not you are seeking more land than is reasonably required for the purposes of the proposed development.	The land shown in plot 05/09 is within the option agreement completed with SNSE Limited, in which case it is therefore unlikely any powers of compulsory acquisition will be required to be used. The extent of the land in question is agreed with the landowner.
8.0.14	Peter Warburton and the applicant	**Clarification** Your relevant representation [RR-036] states that you are a joint owner of a small field in 'Area D' which the developers would be given authority to 'compulsory purchase', as well as other plots, if the proposed development is granted. In response [REP1-008] (table 4-18 on page 326), the applicant has stated that they have separately confirmed to you that no plot of land you own is included within the order limits of the proposed development and will therefore not be the subject of any CA powers. Can Mr Warburton clarify, preferably through the submission of any maps or plans, the location of the plots of land being referred to allow the ExA to consider the comments made. The applicant is also invited to submit any comments on their understanding of the situation.	The Applicant understands the area in question is that shown on the extract plan attached. The Applicant confirms this area of land is not required for the Proposed Development.

			
9.	**Draft Development Consent Order (DCO)**		
9.1.1	The applicant	**Precedents** Notwithstanding that drafting precedent has been set by previous DCOs or similar orders, full justification should be provided for each power or provision taking into account the facts of this particular DCO application. Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the Secretary of State's current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and draft DCO) actually differ in any way from corresponding provisions in the Secretary of State's most recent made DCOs, an	The Applicant has provided in its Explanatory Memorandum **[APP-042]** examples where particular articles have previously been used. Not all previous DCOs that have been used are listed here. This is because since the first DCO, each DCO has inevitably drawn some inspiration from each other. To provide a full list would be therefore, likely to result in a list of all previously made DCOs that use the same wording. Where wording features in the model provisions, regardless of their now being defunct, no further example is given as that heritage means that most DCOs will have the same wording and therefore share the same origin. The Explanatory Memorandum had included references to Orders such as the Longfield Solar Farm Order 2023, The Mallard Pass Solar Farm Order 2024, The Gate Burton Energy Park Order 2024, The Sunnica Energy Farm Order 2024 and The Cottam Solar Project Order 2024. In updating the DCO, if amends

		explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016). Provide a list of all the previous DCOs that have been used as a precedent for the drafting of this dDCO or signpost where in the application documentation this can be found.	have needed to be made to the EM in respect of particular article, the Applicant has provided further examples, from Orders such as Byers Gill Solar Order 2025, and the Helios Renewable Energy Project Order 2025. The Applicant has considered this question and the following and conducted an in depth review of the DCO. Where there are technical or factual inaccuracies in the drafting of the dDCO, the Applicant has provided an amendment. Those amendments are summarised in the Schedule of Changes for the DCO, submitted with this Deadline 2. The Applicant has not, however, undertaken a justification against other DCOs on the basis only that the Secretary of State for DESNZ has recently granted that DCO. Such justification is not considered to be necessary, as any inherent difference between the DCOs is not, in and of itself, indicative of a flaw, omission or inaccuracy on the part of the Applicant or its application.
9.1.2	The applicant	**Terminology** There are inconsistencies in references between 'works plan' and 'works plans' and 'land plan' and 'land plans' throughout the dDCO. Please review and ensure consistency of the title of documents throughout.	The Applicant has amended its dDCO accordingly.
9.1.3	The applicant	**Flexibility** In the definition for 'maintain', in article 4(3) and requirements 19(2)(b) and 24(2), allows for flexibility provided any operations "do not give rise to any materially new or materially more adverse environmental effects compared to those identified in the environmental statement" (underlining added for emphasis). Please explain why different drafting has been used as opposed to using 'materially new or different effects' (underlining added) which has been the Secretary of State's preferred wording in consented DCO's?	The Applicant notes that different wording has been used compared to the broad trend of other DCOs across all sectors. The Applicant has considered the matter and has amended the DCO to align with that of the broad trend of other DCOs, being "materially new or materially different".

9.1.4	The applicant and Nottinghamshire County Council	**Inspection of plans** Confirm whether NCC has agreed to the stated location in the explanatory note for inspecting the application documents.	The Applicant has not agreed this approach with NCC. The Applicant considers that there are two broad trends for where plans and the book of reference are stored pursuant to the Explanatory Note of the Order. These are either at the County Council offices, or in the offices of the undertaker. A decision was taken by the Applicant that it may be more appropriate to have these documents in a publicly accessible archive. If NCC do not wish to be the custodians of these documents then the Applicant is content to amend the Order to confirm that such documents will be held at its own offices, or the offices of Renewable Energy Systems, being a company of the same group as the Applicant.
9.2 Articles			
9.2.1	The applicant	**Article 2(1) – Interpretation (definition of "address")** Address is only used once elsewhere in the body of the dDCO in article 35. Should the definition therefore be moved to that relevant article?	No, the term address also features in a number of Schedules. Therefore, the Applicant considers that a definition provided at article 2 remains the appropriate place to define this term. As a general rule, the Applicant has not sought to introduce definitions in articles where a term may only be used in that article and rather adopted the far more standard legislative drafting approach of condensing definitions into a singular source of reference, i.e. article 2.
9.2.2	The applicant	**Article 2(1) – Interpretation (definition of "Order land")** The ExA is aware that this definition has been expanded in other made solar DCO's, such as but not necessarily limited to The East Yorkshire Solar Farm Order 2025, to include reference to different colouring on the land plans. Please review the definition of 'order land' in the dDCO and consider whether it could be more precisely defined.	The Applicant has considered the example drafting which provides a list of the colours used to shade different categories of acquisition in the land plans. The Applicant considers that this serves no operative purpose and is therefore not more precise as it does not provide any additional clarity or certainty as to the definition, "Order land", which is determined not by the colour of the shading but by the limits delineated on that plan. The purpose and use of the term requires no further explanation.
9.2.3	The applicant	**Article 2(1) – Interpretation (definition of "requirements")** 1. Should the wording (highlighted **in bold**) '**and any reference to a numbered requirement is to be construed accordingly**' be added after "means any one of those requirements" to	The Applicant has reviewed the DCO and determined to remove the definition for "requirement". The word "requirement" is used throughout the Order and not always in relation to the terms and conditions set out in Parts 1 and 2 of Schedule 2. Therefore, it was considered inaccurate and potentially

		improve precision? 2. Does reference also needed to be made to 'Part 2' in addition to 'part 1'?	misleading to introduce this defined term. Amendments have therefore been made throughout the Order to account for this change of drafting.
9.2.5	The applicant	**Article 2(1) – Interpretation** There are a number of definitions, such as but not limited to "inverter", "mounting Structure" and "solar panel", which do not appear within the articles and only appear within certain schedules. Please review all definitions within this article and consider moving those definitions to where they appear primarily within their respective schedules. Noting that the Secretary of State has adopted this approach in recently made DCO's, if this is not considered necessary please explain why.	The Applicant has amended its DCO to ensure that where defined terms are used solely in a Schedule then definition for that term is situated in that Schedule.
9.2.6	The applicant	**Article 2(1) – Interpretation** Reference is made to 'electrical cables' within the dDCO. Does a definition need to be added as has been included on other made solar DCOs, such as the made 'Tillbridge Solar Order 2025' or 'Stonestreet Green Solar Order 2025'? If not, explain why not.	The Applicant has considered the examples raised by the ExA and has also conducted a review of other DCOs and acknowledges that providing a definition of "electrical cables" has become an increasingly common practice. The Applicant has therefore made amendments within its dDCO to align with this practice.
9.2.7	The applicant	**Article 2(2) Interpretation** The Explanatory memorandum (EM) [APP-042] explains that paragraph (2) defines measures as approximate and the provision allows for a small tolerance although all works will take place within the limits of deviation. However, limits of deviation are not referred to in paragraph (2) nor elsewhere within the dDCO. Is the reference to limits of deviation in the EM correct? If so, explain where and how this is secured in the dDCO.	This is an error. The Applicant has amended its Explanatory Memorandum accordingly.
9.2.8	The applicant	**Article 4 – Power to maintain the authorised development** 1. Explain the full extent to which this article would allow the removal,	1. The Applicant considers this wording derives from other solar DCOs, including Tillbridge Solar Order 2025, Byers Gill Solar Order 2025, Helios

		reconstruction or replacement of panels as the only restriction in the definition for "maintain" in article 2(1) would appear to be so long as these operations would not extend to the whole of the authorized development. For example, would this article allow for 99% of the authorised development to be subject to these operations at the same time? If so, explain what the local authorities and members of the public can expect from this provision and how any effects have been assessed within the ES. 2. The maintenance powers in paragraph (1) are subject to the other provisions of the dDCO and any agreements made under it. Please identify where the relevant other provisions are and what agreements might be made which would affect this article.	Renewable Energy Project Order 2025, Oaklands Farm Solar Park Order 2025, West Burton Solar Project Order 2025. The Applicant has considered the definition further in detail and compared the definition to that used commonly in offshore wind farm orders and transport orders. The Applicant agrees that the wording would be better drafted if it did not artificially limit the powers of replacement. This is because the definition is already limited to those environmental effects assessed as part of the environmental assessment. For the avoidance of doubt, the Applicant has assessed a worst case of up to 100% replacement of solar panels and batteries, but provided in a staggered approach as it is likely that infrastructure will reach end-of-life state at different times. Replacement, therefore, is not considered to match the intensity of the construction period. 2. In relation to article 4(1) which states that "*the undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise*": the Applicant considers that the request to provide a full list of the "exceptions" and "agreements" misconstrued. There are many instances where the Order might restrict the ability of an undertaker to carry out works, e.g. where they are bound to obtain the consent of a third party before carrying out works. A prime example of this are the restrictions placed in the protective provisions. The wording of article 4(1) ensures that there is no issue of interpretation where any provision or agreement restricts the general power of maintenance of the undertaker. As to "agreements", these could be any agreement, for example agreements between the undertaker and or statutory undertakers, or a highway authority. The Applicant therefore does not consider it necessary to provide a full list of circumstances where provisions could limit the powers of maintenance.
9.2.9	The applicant	**Article 5 – Consent to transfer benefit of Order** 1. Paragraph (3) would allow the benefit of the made Order to be transferred or leased to others by the Undertaker. Please explain who the "specified companies" (as stated in the EM [APP-042]) or persons are who would benefit	1. The reference to "specified companies" in the EM is an error that has been rectified in the updated EM submitted at D2. It is common for DCOs to insert the ability to transfer powers of certain utility works to utility companies to enable them to carry out works themselves. This has not been done in this DCO. There are no specified companies in article 5. That

		from the powers sought under paragraph (3) and provide full justification as to why a transfer to such persons would be appropriate. Where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the dDCO (if it is made), the transfer of benefit should be restricted to those works. If the provision seeks to permit transfer of compulsory acquisition powers the applicant should provide evidence to satisfy the Secretary of State that such person has sufficient funds to meet the compensation costs of the acquisition 2. The ExA is aware that other made DCOs have provided a longer period than the five working days period stipulated in paragraph (6). In the absence of justification provided in the EM [APP-042], consider amending this provision so that it accords with the time period in other made solar DCOs, or provide an explanation as to why a shorter period should be apply in this application.	article provides that the undertaker may transfer the benefit of the DCO to another party with the consent of the Secretary of State, except where the circumstances of article 5(3) apply. 2. The Applicant has considered whether a 5 day period is sufficient and on the basis of the below DCOs which also contain such a period, and that the period specified is designed to provide prior notification of any transfer and not obtain consent for that transfer, the Applicant considers that a 5 day period is sufficient. The Secretary of State has no veto or control in the event of such notification and therefore an extended notification period serves no purpose. The purpose of the notification is to ensure that, for completeness, the Secretary of State is aware of the body that is responsible for works under the order, that purpose is not compromised by a 5 day period.
9.2.10	The applicant	**Article 6(1) – Disapplication and modification of legislative provisions** Paragraph 1(a)-(c) disapplies sections of the Land Drainage Act 1991 on the basis that protective provisions for the protection of drainage authorities are included in the draft Order. 1. Explain clearly how the requirements in schedule 2 or the protective provisions in schedule 10 prevent any adverse impact arising as a result of disapplying these legislative controls. If they do not, then explain why not. 2. Clarify whether the disapplication of these measures affects the interests of the Trent Valley Internal Drainage Board and confirm when the bespoke protective provisions relating to the IDB's statutory undertaking, as stated to be currently in the course of negotiation in your comments on relevant representations [REP1-008], are intended to be included in the dDCO.	1. Section 23 states that no personal shall (a)erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or (b)erect a culvert in an ordinary watercourse, or (c)alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse,] without the consent in writing of the drainage board concerned. The Applicant considers that the controls set up in the outline construction environmental management plan (requirement 7) provide sufficient protection for watercourses. These set out:

		3. Confirm whether you have received written consent from the appropriate regulating authorities agreeing to the removal of these sections of the Land Drainage Act. If so, confirm when you received this.	• Fencing will be erected at least 10 m from the bank -top of watercourses and pond habitats to protect these features from sediments and enable bank stabilisation • Horizontal Directional Drilling (HDD) methods will be used for cabling beneath hedgerows and watercourses to avoid damage. • Horizontal Directional Drilling ('HDD') methods if used for watercourse cable crossings, which will not involve above ground construction work within 10 m of bank-tops • Construction compounds and storage of materials are to be situated at least 10 m from retained notable habitats including hedgerows, trees and watercourses. • Culverting of watercourses and wet ditches suitable for otter and water vole has been avoided. • Where new access crossing points are required over suitable watercourses, these will be clear span structures. • No new culverts will be installed on watercourses that are likely to support fish or notable aquatic invertebrates; where required across suitable watercourse, crossings will be clear-span bridges • Where existing culverts are to be removed from watercourses likely to support fish (which are to be replaced by clear-span bridges) and new clear-span bridges are installed, sensitive working methods will be adopted. Schedule 10 Part 3, contains protective provisions for the protection of drainage authorities. Drainage authorities in that Part are defined specifically as a drainage board within the meaning of section 23 Land Drainage Act 1991. This means the same bodies are captured in Part 3 as would be in section 23 Land Drainage Act 1991. Paragraph 19 of Part 3 provides that the undertaker may not commence any works on, under, over or within 16 metres of a drainage work that is likely to affect the drainage work or flow of the drainage work, or affect the flow, purity or quality of water in the watercourse or conservation, distribution or use of water resources without the consent of the drainage authority. The rest of Part 3 seeks to regulate how that consent

			is to be provided. In this way, Part 3 operates to ensure that there is no loss of overall control by the LLFA/IDBs in their role as drainage authorities under section 23, but the Applicant does gain a measure of assurance over programme certainty and scope of review as the process by which the consent is to be given is more closely regulated. 2. The disapplication of section 23 Land Drainage Act 1991 would affect the IDB and LLFA. In addition the disapplication of the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 would disapply the IDB's byelaws. Whilst the Applicant has included Schedule 10, Part 3 which would benefit both the LLFA and the IDB, the IDB had requested bespoke protective provisions are included in the Order. The Applicant has not received these bespoke provisions from the IDB. The Applicant has regularly sought updates from the IDB in this regard. The Applicant has written to the IDB on the basis that it assumes that a lack of engagement from the IDB is tacit acceptance of that the Schedule 10, Part 3 protective provisions are sufficient. The Applicant awaits a response. 3. The Applicant confirms that it has not received consent to disapply section 23 Land Drainage Act 1991 from the IDB or LLFA. The Applicant can confirm that pursuant to section 150 Planning Act 2008 which states that the relevant authority for approval of disapplication of section 23 Land Drainage Act 1991 is that authority in section 23, that the LLFA and IDB are both the relevant authority for consent to disapply as they have jurisdiction in different parts of the Site.
9.2.11	The applicant	**Article 6(2) – Disapplication and modification of legislative provisions** The EM [APP-042] explains that paragraph (2) provides for the modification of Regulation 6 of the Hedgerows Regulations 1997 so that the removal of any hedgerow to which the Regulations apply is permitted for carrying out development that has been authorised by a DCO. Notwithstanding that reference has been made to another made DCO that has included this provision, article 36(4) and the	The Applicant considers that the modification of the Hedgerow Regulations 1997 is made necessary as a result of the powers introduced by article 36. The amendment ensures that the Hedgerow Regulations 1997 and the DCO can be read together, rather than the Hedgerow Regulations not being consistent with the Order and ensures that the Order becomes the primary statutory instrument for regulating the removal of hedgerows for the Scheme. The modification of the Hedgerow Regulations 1997 does not undermine the protections set out by article 36.

		accompanying schedule 9 part 1 of the dDCO would specifically authorise the removal of identified hedgerows. It therefore appears to the ExA that the powers sought by paragraph (2) would duplicate powers already proposed in the dDCO. Please explain why this power is necessary.	
9.2.12	The applicant and Nottinghamshire County Council	**Article 8 – Street Works** 1. Should paragraph (1)(a) be expanded with the following words (added in **bold**) to improve precision: 'Break up or open the street, or any sewer, drain or tunnel **within or** under it;'? Please clarify and amend accordingly. 2. Is paragraph (3) necessary given that "apparatus" is defined in article 2 and also noting that the EM implies that it has been omitted? 3. The LIR [REP1-014] explains that any street works are subject to the Nottinghamshire County Council Permit Scheme Order 2020.Notwithstanding your reference to article 9 of the made 'Tillbridge Solar Order', can NCC provide details of the wording you are seeking to this article? The applicant is also asked to comment on the Council's request generally for the works to be subject to a permit scheme and if it does not agree to this request, then to explain why.	1. No, the Applicant does not consider this necessary, the wording follows many other DCOs but most importantly follows language used in section 50 New Roads and Street Works Act 1991. 2. Agreed, the Applicant will remove this definition. 3. The Applicant has responded to the points raised by NCC in their response to NCC's LIR **[REP1-014]**.
9.2.13	The applicant	**Article 9(2) – Power to alter layout, etc., of streets** 1. Please clarify which other streets require the powers set out in paragraph (2) in addition to those set out in schedule 4 of the dDCO and what is the justification for including this general power. Please also clarify whether this power is intended to apply to streets located outside of the order limits.	1. The definition of a "street" is set out principally relation to section 48 of the New Roads and Street Works Act 1991, and states that a street means "the whole or any part of any of the following irrespective of whether it is a thoroughfare- ⊠ Any highway, road, lane, footway, alley or passage, ⊠ Any square or court, and

		2. Paragraph 6.40 of the EM states that the powers conferred by paragraph (2) require the consent of the street authority before they can be exercised. Please clarify where this provision is included in the article. 3. Paragraph (2) provides powers subject to paragraphs (3) and (4). However, paragraph (4) does not exist. Please rectify. 4. Clarify what is meant by the "reasonable" satisfaction and why provision has not been made in this article, and similarly in article 10 paragraph (2), for the undertaker to carry out any restoration works to the satisfaction of the street authority.	Any land laid out as a way whether it is for the time being formed as a way or not". This definition is very broad. There is no register of streets that might enable the Applicant to list with any certainty the full extent of all streets within the Order Limits. It is therefore necessary to acquire this power on this basis to enable the Applicant to construct the authorised development. The power broadly reflects the powers of a local highway authority under Part V of the Highways Act 1980 namely Section 75 (variation of widths of carriageways and footways) Section 76 (levelling of highways) Section 77 (alteration of levels). The article is not limited by the order limits, however, the Order does not grant the Applicant development consent outside of the Order limits so to the extent that any such work would require development consent, then regardless of the scope of this article the Applicant would not be authorised to carry out that work under the Order. 2&3. The Applicant has amended the article to now provide for a process of consent where paragraph (2) is utilised. The EM has been amended, as necessary by the updated article. 4. Temporary works must be restored to the reasonable satisfaction of the street authority. What is "reasonable" would depend on the facts of the situation, it is not possible to define in a clean, academic scope. The term reasonable satisfaction ensures the undertaker some comfort that the street authority is not provided absolute discretion in its approval of any restoration works.
9.2.15	The applicant and Nottinghamshire County Council	**Article 11 – Temporary stopping up of streets and public rights of way** Is reference to temporary 'stopping up' correct or should this refer to temporary 'closure' of streets and public rights of way? Please	Recent Development Consent Orders granted by DESNZ, such as Longfield Solar Farm Order 2023 (article 11) Cottam Solar Project Order 2024 (article 11), Mallard Pass Solar Farm Order 2024 do not use the term "stopping up", preferring instead the use of the term "temporarily close" "prohibit use of",

		clarify and make any necessary alterations to articles and schedules throughout the dDCO which cross reference this article.	"restrict the use of". All the aforementioned orders retain the ability to "alter or divert". The dDCO submitted by the Applicant refers to the terms "stop up, alter, or divert". The difference therefore, is that the term "stop up" is used rather than the terms "temporarily close, prohibit use of, restrict the use of, authorised the use of". The use of the term "stopped up" has long statutory function and meaning, reflected in the Highways Act 1980 section 118 and 119, the statutory process of extinguishing a public right of way. The term "stopping up" can be found in the Highways Act 1835 and is the appropriate legal term to describe the act of extinguishing a right of way. Under section 119 Highways Act 1980, where a public right of way is being diverted, upon the diversion being created the old is extinguished. This process is activated through a public path diversion order. This process of "extinguishment" is essentially the process of removing public rights across an area. The terms "close, prohibit, restrict" etc are much more aligned with the terms found in section 14, Road Traffic Regulation Act 1984 being for a temporary traffic regulation order and it should be noted that in that context a "TTRO" can last for up to 6 months unless an extension by the SoS is granted and in any event a TTRO is limited to 18 months in operation (section 15(1)(b)). The dDCO already has provisions for traffic regulation, which has clear heritage from the traffic regulation orders set out in the 1984 Act in article 13. In the case of a TTRO or TRO the public right of way is not extinguished in the same way. The public arguably continue to have the same rights, it is just that the TRO/TTRO is limiting their exercise of those rights. The difference between the two is largely legal semantics, as the experience of the user is the same – their ability to exercise their rights over that land is diminished.

			It is the Applicant's position that article 11 covers those situations where in the interest of clarity a restriction or closure is not an appropriate measure due to the extent and duration of the relevant impact of the public right of way. Therefore, the wording of "stopping up", whilst having no change in the experience of users of the relevant path, is the appropriate measure for the drafting of the statutory instrument. We would stress that whilst there appears to be a recent trend in solar orders granted by the Department for Energy Security and Net Zero, this would appear to conflict with a much broader basis of precedent when looking across Orders as a whole and therefore we would question whether in fact the removal of the term "stopping up" **generates more confusion and it solves** through deviating from precedent found in the broad spectrum of Orders, not least those granted by the SoS for Transport. Reference to "temporary stopping up" is found in the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 and despite Guidance (Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects, paragraph 002) reminding applicants of its lapse, its influence has been that this phraseology has been a staple of Orders granted since the start of the NSIP process and we are of the view that a change here without clear legal justification does not generate clarity in interpretation.
9.2.16	Nottinghamshire County Council, Bassetlaw District Council, Environment Agency and Trent Valley Drainage Board.	**Article 14 – Discharge of water** Is it necessary for a paragraph to be added that does not permit any activity listed in paragraph 3(1) of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2016? If so, please explain why and if not, explain why not.	The Applicant considers the Order already prescribes that article 14 (now 15) (discharge of water) does not authorise a water discharge activity as defined by Schedule 21 of the 2016 Regulations. This is through article 14(7) (now 15(7) which states *"This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016"*

			Regulation 12 prohibits a water discharge activity without permit. The reference made by the ExA is to paragraph 3(1) which provides a definition of a water discharge activity under the 2016 Regulations and is not in itself an operative provision. Therefore, the Applicant considers that the dDCO already delivers against the concern raised by the ExA.
9.2.17	The applicant	**Article 14 – Discharge of water** The Secretary of State has added provision to this article on a number of other made DCO's stipulating that an application for consent under paragraph (3) or for approval under paragraph (4)(a) must contain a written statement that the provisions of paragraph (9) apply to that application to make the discharging authority fully aware of the deemed approval provision in paragraph 9 (a "guillotine"). An additional paragraph has also been added stipulating that if an application for consent under paragraph (3) or approval under paragraph (4)(a) does not include the written statement then the provisions of paragraph (9) will not apply to that application. Please consider adding these provisions or provide justification why you do not consider them to be necessary.	The Applicant has amended the dDCO accordingly to provide such provisions.
9.2.18	The applicant, Nottinghamshire County Council, Bassetlaw District Council and the Environment Agency	**Article 14(5) – Discharge of water** Paragraph 5 refers to 'main river' although no definition is provided as to what this includes. Should the following definition highlighted in bold be added to paragraph (8) after sub-paragraph (b) to improve precision: **'"main river" means watercourses as defined under section 113(1) of the Water Resources Act 1991 and shown as such on the statutory main river maps held by the Environment Agency and the Department for Environment, Food and Rural Affairs.**	The Applicant does not consider this necessary as "main river" is already defined by relation to the Water Resources Act 1991 by virtue of article 14(8)(b) (now 15(8)(b)).

		If so, please amend accordingly or explain why this is not necessary.	
9.2.19	The applicant, Nottinghamshire County Council, Bassetlaw District Council and the Environment Agency	**Article 14(9) – Discharge of water** 1. Can the applicant explain the measures you have taken to ensure that all parties who could be affected by this provision, such as owners of any watercourse, public sewer or drain, have been made aware of the deemed consent provision. 2. Do the councils and the EA consider that the 28-day period specified for issuing a decision of an application for consent a sufficient period of time? If not, explain why not and what you consider an appropriate period of time for issuing a decision would be.	1) Prior to submission of the DCO, the Applicant undertook consultation with the Lead Local Flood Authority and Trent Valley Internal Drainage Board to discuss the proposed drainage arrangements including the location of proposed discharge points, rate of runoff to be discharged, and the proposed methods for storage and treatment of runoff. The Lead Local Flood Authority meeting was on the 13th February 2025 and meeting minutes are included in Appendix H of the submitted Flood Risk Assessment **[APP-117 to APP-119 & APP-178]**. The Internal Drainage Board meeting was on 5th March 2025 and meeting minutes are included in Appendix I of the submitted Flood Risk Assessment **[APP-117 to APP-119 & APP-178]**. The Lead Local Flood Authority and the Internal Drainage Board are the relevant authority for the watercourses receiving runoff from the Proposed Development. At this stage in the design, there are no proposed discharges to Main Rivers or public sewers, therefore the Environment Agency and Severn Trent Water have not been consulted on the proposed discharge of runoff. The Applicant has not directly engaged with the other parties regarding the deemed consent provision. However, the Applicant is not aware of such a requirement. The Applicant considers that the examination to be the appropriate period in which the review and debate the precise provisions of the Order. 2) Not for the Applicant to respond.
9.2.20	The applicant	**Article 15(3) – Protective works to buildings** To improve precision, should the following wording highlighted in bold be added to paragraph (3)? 'For the purpose of determining how the functions under this article are to be exercised the undertaker may **(subject to paragraph (5))**	The Applicant does not consider such amendment to be required. Article 15(5) (now 16) operates to control sub-paragraphs (1), (3),(4a) and (4b). It is clear on the face of the article that sub-paragraph (5) applies to the operation of the aforementioned sub-paragraphs. The wording suggested by the ExA is therefore not required to provide additional clarity. There is a wide use of the currently drafting as below: Heckington Fen Solar Park Order 2025, East Yorkshire Solar Farm Order 2025, Oaklands Farm Solar Park Order 2025, Byers

		enter and survey any building falling within paragraph (1) and any land within its curtilage.' If so, please amend accordingly or explain why this is not necessary.	Gill Solar Order 2025, Tillbridge Solar Order 2025 and the West Burton Solar Project Order 2025.
9.2.21	The applicant	**Article 15(5) – Protective work to buildings** In the absence of any explanation provided in the EM [APP-042] (paragraph 6.64), please explain why, aside from any precedent in other made DCO's, a 14-day period has been specified for serving notice on owners and occupiers and why this is reasonable?	The Applicant is asked to provide justification without reference to other DCOs. However, the Applicant considers that reference to other DCOs demonstrates that this 14 day period is an established feature of DCOs as it has been seen to be acceptable across a broad range of scenarios.. For example: Heckington Fen Solar Park Order 2025, East Yorkshire Solar Farm Order 2025, Oaklands Farm Solar Park Order 2025, Byers Gill Solar Order 2025, Helios Renewable Energy Project Order 2025,Tillbridge Solar Order 2025, West Burton Solar Project Order 2025, Mona Offshore Wind Farm Order 2025, Cottam Solar Project Order 2024 and the Sunnica Energy Farm Order 2024. The reason why DCOs use this period, is due to their shared heritage of the model provisions which included a 14 day period. On that basis, the Applicant sees no reason why a different conclusion need be drawn in this case. Further, the reasonable exercise of this power is already limited through the express set of circumstances that the undertaker might exercise as set out in article 15 (now 16). It is also the same notice period as is required in section 172 of the Housing and Planning Act (2016) which permits a person authorised in writing by an acquiring authority, which includes the Applicant, to enter and survey or value land in connection with a proposal to acquire an interest or a right over land. This section sets out a clear scope of works that might be able to be used under it, but for the purpose of justifying the 14 day notice period the Applicant considers that this provides ample reason for the justification for 14 days notice period being reasonable as it is used elsewhere for almost

			identical purposes in other legislation.
9.2.22	The applicant	**Article 16(2) – Authority to survey and investigate the land** 1. In the absence of any reasoning provided in the EM [APP-042] (paragraph 6.66], please explain why, aside from any precedent in other made DCO's, a 14-day period has been specified for serving notice on owners and occupiers and why this is reasonable? 2. In order to improve precision, should 'at least' be replaced with '**no less than**'? If so, please amend accordingly or explain why this is not necessary. 3. For precision and reasonableness, should the paragraph be expanded to specify that the notice that is required to be served must provide details of the nature of the survey or investigation that the undertaker intends to carry out? If so, please amend accordingly or explain why this is not necessary.	1. Sections 172 and 174 of the Housing and Planning Act 2016 provides the same notice period and is considered to demonstrate the acceptability of this notice period within legislation. The period is also demonstrated within the following DCOs and the Applicant knows of no reason why different conclusions should be drawn in this case: Heckington Fen Solar Park Order 2025, East Yorkshire Solar Farm Order 2025, Oaklands Farm Solar Park Order 2025, Byers Gill Solar Order 2025, Helios Renewable Energy Project Order 2025, Tillbridge Solar Order 2025 and the West Burton Solar Project Order 2025. 2. The Applicant considers that the term "not less than" or "at least" to be functionally identical but one or the other may be preferred in different circumstances depending on the construction of the sentence used. No change is proposed. 3. The Applicant does not consider that this additional stipulation is required. The Applicant would note that the statutory process of section 174 Housing and Planning Act 2016 does set out that any such notice should include specific details if the authority taking possession seeks to carry out certain named works. However, firstly, this is not required where such named works in section 174(3)(a)-(e) are not to be carried out. Secondly, the process pursuant to article 16 (now 17) does not need to be as prescriptive as section 172 as the recipient of the notice does not need to be further aided by the context in which access is sought. Under section 172, the recipient may well be receiving notice about a scheme previously unknown to them. In the case of access pursuant to article 16 (now 17), the context of the notice will have been set by the examination and grant of consent.
9.2.23	The applicant	**Article 16 – Authority to survey and investigate the land**	The Applicant has amended the dDCO accordingly to provide such provisions.

		Should additional paragraphs be added after paragraph (6) requiring any application submitted under paragraph (4)(a) or (4)(b) to be accompanied by a statement advising of the provisions of paragraph (6) and that failure to provide a written statement would result in the provisions in paragraph (6) not applying, similar to that suggested for article 14 above? If not, explain why not.	
9.2.24	The applicant	**Article 17 – Compulsory acquisition of land** Does paragraph (2) need to be expanded to include reference to articles 20 (private rights), 22 (Acquisition of subsoil only), 23 (power to override easements and other rights), 25 (Rights under or over streets), 27 (Temporary use of land for maintaining authorised development) and 28 (Statutory undertakers)?	No, this is not required. Article 17 (now 18)is currently drafted on the basis of setting out two articles which limit the generality of article 17 (now 18). Article 20, 22, 23, 25 (now 21, 23, 24, 26) all provide further clarification to article 17 (now 18) but do not provide anything contradictory to the generality of power included in the article 17 (now 18). Article 27 (now 28) is not relevant to the generality of article 17 (now 18) as it relates to temporary possession and not the acquisition of land. Article 28 (now 28) does not limit the generality of article 17 (now 18), but confirms its applicability over statutory undertaker land. The specific power in article 28 is required, or advisable, due to protections within sections 127 and 138 of the Planning Act 2008 and this power is specifically said to be subject to the protective provisions. On review, the Applicant does consider that for precision, article 17 (now 18) (now 18) should be said to be subject to 18 (now 19) and equally that it should not be subject to article 26 (now 27). This is because the normal operation of article 26 (now 27)has been amended due to the Order not including any land said to be solely for temporary acquisition for the purpose of construction. In the "normal" operation of article 26 (now 27), it would function to be counter to the operation of article 17 (now 18) but this does not happen in this case and therefore does not need to be listed here. If the ExA considers that article 17 (now 18) should be made subject to other articles within Part 5 of the Order, then the Applicant would suggest simplifying article 17 (now 18) to state:

			"Subject to the provisions of this Part, the undertaker may acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate, or is incidental, to it".
9.2.25	The applicant	**Article 18 – Time limit for exercise of authority to acquire land compulsorily** Recently made solar DCO's, such as The Tillbridge Solar Order 2025 and The Oaklands Farm Solar Park Order 2025, have included the following wording in this article with regards to time limits: 'The applicable period for the purposes of section 4 of the 1965 Act (time limit for giving notice to treat) and section 5A of the 1981 Act (time limit for general vesting declaration) is five years beginning on the day on which this Order is made.' Should this article be amended to include this wording with paragraph (5) in article 21 (Application of the 1981 Act) being removed? If not, explain why.	The Applicant agrees that it had omitted to make changes in this regard to account for changes to section 4A Compulsory Purchase Act 1965 and 5B Compulsory Purchase (Vesting Declarations) Act 1981 made by the Levelling Up and Regeneration Act 2023. Rather than amend article 18, however, the Applicant has amended articles 21 (now 22) and 24 (now 25) which amend the aforementioned provisions. This keeps article 19 clear and follows the pattern of drafting established by the model provisions.
9.2.26	The applicant	**Article 18(1) – Time limit for exercise of authority to acquire land compulsorily** Reference is made to the Acquisition of Land Act 1946 yet both articles 21 and 31 refer to the Acquisition of Land Act 1981. Is there a discrepancy? If so, please rectify.	This reference to the Acquisition of Land Act 1946 is correct and requires no amendment. This is because reference the wording "compulsory purchase under Acquisition of Land Act 1946" is a reference to the name of "Part 1" of the 1965 Act which is quoted in this section. This is because reference the wording "compulsory purchase under Acquisition of Land Act 1946" is a reference to the name of Part 1 of the 1965 Act which is quoted in this section.
9.2.27	The applicant	**Article 27(11) – Temporary use of land for maintaining authorised development** Does provision need to be made in paragraph 11 to allow for an exception in relation to landscaping where "the maintenance period" means such period as set out in the landscape and	The Applicant acknowledges a recent trend in DCOs to have a specific period to align with the replacement period set out in requirements. The Applicant has made this amendment.

		ecological management plan which is approved by the local planning authority pursuant to requirement 6? If not, explain why not.	
9.2.28	The applicant	**Article 33 – Operational land for the purposes of the 1990 Act** 1. Please provide further details in the EM [APP-042] explaining what the powers in this article would provide and why it is required in this application, so this is clear to all parties. 2. There are a number of areas within the order limits [AS-008] which the ExA requests clarification as to why they are required to constitute operational land. These include: a. Areas surrounding the construction compound in plot 05/09 where no physical development appears to be proposed. b. Areas under existing overhead power lines where no solar arrays are proposed. c. Areas which are stated on the land plans [AS-001] to be excluded from the scheme.	The Applicant would note that this wording was included in the model provisions and knows of no example where it has been amended and can see no reason to change that conclusion. In recent examples, the following DCOs have used the identical provision as the Applicant: Heckington Fen Solar Park Order 2025, East Yorkshire Solar Farm Order 2025, Oaklands Farm Solar Park Order 2025, Byers Gill Solar Order 2025, Helios Renewable Energy Project Order 2025,Tillbridge Solar Order 2025, West Burton Solar Project Order 2025, Mona Offshore Wind Farm Order 2025, Cottam Solar Project Order 2024 and the Sunnica Energy Farm Order 2024. It should be noted that the Order does not mean that automatically all of the land within the Order limits becomes operational land. Article 35 states that the DCO is to be treated as a specific planning permission for the purposes of section 264(3)(a). This is an important factor in enabling land to be operational land but is not the only factor. The article then generates the possibility for land to be operational land, but is not the determining factor. Subject to section 263(1), operational land means in relation to statutory undertakers a) land which is used for the purpose of carrying on of their undertaking; and b) land in which an interest is held for that purpose. Section 264 states that where an interest is held by an undertaker for the purpose of their undertaking and that interest was acquired by them on or after 6th December 1968, or it was held before that date as non-operational land, then the land is not to be treated as operational land unless the provisions of section 264(3) or (4) apply. These include the circumstance that a specific planning permission has been granted over the land.

			The fact that the order confirms that it is a specific planning permission is required due to the definition of the same in the Town and Country Planning Act 1990 not automatically considering the existence or grant of a Development Consent Order. The confirmation that the DCO is a specific planning permission does not, however, automatically mean that all land within the Order limits is operational land. To classify as operational land, the statutory tests in section 263 must still be met. Given the test in section 263, the Applicant would not be able to point to all the land in the Order limits and say categorically at this stage whether that land would be operational land. This is because this would ultimately depend on detailed design, and whether the land was needed for the continued purpose of the carrying on of the Order. Therefore, the Applicant doesn't consider that the drafting provides anything beyond that which would be achieved were the authorised development to be consented under the Town and Country Planning Act 1990, it uses established drafting accepted across other DCOs and is considered acceptable with no changes required. On this basis, the Applicant hasn't responded directly to the questions raised in respect of individual areas of the Order limits.
9.2.29	The applicant	**Article 36 – Felling or lopping of trees or removal of hedgerows** 1. In paragraph (1), what is the extent of 'near any part of the authorised development' and how can this be interpreted or determined? 2. Do the powers in paragraph (1) only apply to trees or shrubs located outside the order limits? 3. In respect of paragraph (2), is a definition required for British Standards? If not, explain why not. 4. Paragraph 6.153 of the EM [APP-042] refers to the 'Outline	1. "Near any part" is to be determined and interpretated on a case by case basis, but is considered by the Applicant not to be the determinative factor in any decision to fell or lop, rather any such work would have to satisfy one of the scenarios set out in article 36(1)(a)-(c) on this basis. 2. No. The power would operate within the Order limits. The power is also not stated to be explicitly subject to the Order limits. However, it should be noted that the general grant of article 3, and 5 limit the construction of the authorised development and maintenance of the authorised

		LEMP' which secures hedgerow mitigation, woodland creation, tree planting and scrub creation. In the absence of any reference to the Outline LEMP, explain whether this article would undermine the measures proposed within the LEMP required under requirement 6. If not, explain why not.	development to the Order limits and therefore to the extent that works require development consent outside the Order limits, they are not permitted. 3. The term British Standards is not one which is routinely given definition within DCOs, as it has a common and widely understood scope and meaning being standards provided the UK National Body: British Standards Institute. 4. The question would imply that any removal of hedgerow of trees would run counter to the provisions in the LEMP. This is not the case. Clearly, there is need to remove sections of hedgerows and trees from the Order limits to construction the authorised development. The Applicant has gone beyond some Schemes and provided Schedule 9 to list these hedgerows to provide clarity for the public. Article 36 does provide a generalised power to act where it is necessary to do so to ensure safety to persons and also ensure that the authorised development is not obstructed. The generality of the power is required as it would need to be flexible to react to situations unknown at the time of grant of the Order. It is noted that there are obligations within the oLEMP securing hedgerow mitigation. Any such mitigation has been designed sympathetically with the development and therefore, the Applicant does not consider there to be an inherent conflict in the two provisions.
9.2.30	The applicant	**Article 38 – Requirements, appeals, etc.** 1. Please clarify who is a 'consenting authority' as it is not defined? 2. Does the reference to "such consent, agreement or approval must, to be validly given, be given in writing and must not be unreasonably withheld or delayed" restrict any consenting approval from refusing any request made to them?	1. The article makes clear that the term is flexible to apply to any person to whom an application is made for consent and from whom consent is required. No definition is considered necessary. 2. No, within that meaning a consenting authority can withhold consent where it would be reasonable for them to do so. The wording restricts **the unreasonable** withholding or delay of consent.
9.2.31	The applicant	**Article 42 – Inconsistent planning permissions** 1. The Secretary of State has removed a similar article from a number of recently made DCO's, such as but not necessarily	The Applicant would note that similar wording was granted in the Lower Thames Crossing DCO 2025. The Applicant accepts, however, a general trend against using such wording. On this basis the Applicant has amended the article to provide a restricted position. The remaining drafting of article 42

		limited to 'The Tillbridge Solar Order 2025', 'The Oaklands Farm Solar Park Order 2025' and 'The Byers Gill Solar Order 2025' on the grounds that it is not necessary and creates potential ambiguity. In light of this, please review the necessity of this provision. If your position remains that the article is fundamentally necessary for this particular application, provide fuller justification in the EM [APP-042] for its inclusion. 2. In addition to the above, please respond to the following queries: a. Explain how the factors that led to the Hillside Park Limited v Snowdonia National Park Authority [2022] UKSC 30 judgement are applicable to this proposal such that it justifies the article. b. Noting that table 2 in the Planning Statement [APP-182] does not identify any other planning history within the order limits, does this situation undermine the justification for this article? If not, explain why not. c. Explain how 'land adjacent to the Order limits' as referred to in paragraph (2) would be interpreted. d. Explain how the local planning authorities would be able to monitor and enforce the powers proposed in paragraph (2) over the lifetime of the proposed development. e. The EM [APP-042] states that paragraph (5) would ensure that enforcement action would not be taken in respect of planning permissions granted under the 1990 Act, which are inconsistent with the works and exercise of powers under the made Order.	(planning permission) is now to provide clarification and reassurance that certain development authorised a planning permission pursuant to the Town and Country Planning Act 1990 that is within the Order limits can be carried out pursuant to the terms of the planning permission without breaching the Order. This is not a model provision, but ensures that the undertaker does not breach section 161 of the 2008 Act in carrying out certain development pursuant to a grant of planning permission, provided that development is not of itself an NSIP or part of one, or required to complete or enable the use or operation of any part of the authorised development. This provision is forward looking and will apply to planning permissions within the order Limits following the coming into force of the Order. This provision has been included in many recent orders such as Lower Thames Crossing DCO 2025, M5 Junction 10 DCO 2025, M3 Junction 9 DCO 2024, article 7 of the A47 Wansford to Sutton DCO 2023, article 7 of the A417 (Missing Link) DCO 2022, article 10 of the M25 Junction 10/A3 Wisley Interchange DCO 2022, article 7 of the A428 Black Cat to Caxton Gibbet Order 2022 and article 7 of the A47 Blofield to North Burlingham Order 2022. There does not appear to be a general trend to include in solar DCOs, but these clarificatory article is used regularly in transport DCOs, and the Applicant considers it appropriate to provide this reassurance here. This is what article 42(5) intended to achieve but on review was considered too broad in application. The Applicant has updated the EM on the basis of the above, and on this basis has not responded to other questions raised by the ExA.

		Explain why it is necessary and reasonable for the dDCO to seek to control separate and potentially unrelated planning permissions.	
9.2.32	The applicant	**Article 43 – No double recovery** Please remove the additional reference to '43'.	The Applicant has addressed this formatting error.
9.3	**Schedule 1 – Authorised development**		
9.3.1	The applicant	**Clarification** To improve precision, should the introductory sentence prior to Work No.1 be expanded to state "The nationally significant infrastructure project authorised by this Order comprises a generating station with a gross electrical output of over 50 megawatts alternating current comprising all or any of the work numbers in this Schedule or any part of any work number in this Schedule—" which the ExA notes has been included on other recently made solar DCO's?	The Applicant has amended the introductory sentence accordingly.
9.3.2	The applicant	**Work No.1** Does 'balance of solar plant' need to be further expanded to clarify what it includes? The Outline Design Principles [APP-093] in table 2.1 lists solar conversion units (3 different options), invertor, transformer, switchgear and DC electrical cabling. Should these be listed or added to a definition of 'balance of solar plant' to improve precision?	The Applicant has amended Schedule 1 to provide an interpretation paragraph which now includes a definition of "balance of solar plant".
9.3.3	The applicant	**Work No.5** 1. Should the following wording (in **bold**) be added to improve precision: "Work No. 5 – connection and installation works to the existing transmission network substation **at the West Burton A Power Station site** including—…" 2. Please remove the open bracket '(' at the beginning of (d).	1. The Applicant does not consider that providing a geographic description of the location of the works is necessary. Schedule 1 should be read alongside works plans which is set out in article 3(2). Those works plans provide sufficient clarity as to the location of the substation. No other works has been given any geographic description or location and therefore the Applicant does not consider it necessary in this case. 2. The Applicant has actioned this.

9.3.4	The applicant	**Work No.7** Can you clarify what 'drainage infrastructure and water containment feature' covers and does it need to be more accurately defined?	It should be noted that the terms "drainage infrastructure" and "water containment feature" have been used on other solar DCOs, including the Helios Renewable Energy Project Order 2025, Heckington Fen Solar Park Order 2025, East Yorkshire Solar Farm Order 2025, Tillbridge Solar Order 2025, West Burton Solar Project Order 2025, and Byers Gill Solar Order 2025. The Applicant's use of the term includes reference to works to provide drainage infrastructure such as ditches, trenches, pipes, land drains and water containment features including swales and detention features. The Applicant considers that this broad definition is appropriate, and given controls in the DCO, see in particular Schedule 2, paragraph 24, does not permit the Applicant to carry out works that introduce materially new or materially different environmental effects compared to those identified in the environmental statement. The Applicant has presented the indicative locations of new ditches, side channels and ponds in the Landscape and Ecological Mitigation Strategy **[APP-160]**.
9.4	**Schedule 2 Part 1 – Requirements**		
9.4.1	The applicant	**General** A number of requirements use the term 'may', for example "No phase of the authorised development may commence until….". Such drafting is not precise. Noting that NSIP Advice Note 15: drafting development consent orders paragraph 3.3 states to avoid the word 'may', please consider altering to less ambiguous drafting, such as "No phase of the authorised development is to commence until…." as a potential example, to improve precision.	The Applicant has amended this wording to avoid, as far as possible, the word "may" when the clause is drafted on an imperative or conditional prohibitive nature.
9.4.2	The applicant	**Requirement 2 – Phases of the authorised development and date of final commissioning** Reference to 'the scheme' in sub-paragraph (3) appears imprecise in the context of the requirement. Should paragraph 3 be reworded as	The Applicant considers that the current wording is appropriate, the reference to "scheme" in sub-paragraph (3) is clearly a reference to the written scheme approved under (1), as set out in that paragraph.

		follows to improve precision? 'The phasing of the authorised development must be implemented in accordance with the details submitted and approved pursuant to sub-paragraph (1)'.	
9.4.3	The applicant	**Requirement 3 – Detailed design approval** 1. Is the reference to fencing necessary in (j) as these details are required under requirement 15? 2. Do "site location plan" and "design parameters and principles" require a definition, similar to "works plans" to ensure these are properly secured? Is the reference to "design parameters and principles" correct or should it refer to the Outline design principles [APP-093]? 3. There appears to be no maintenance clause in this requirement. Please clarify or explain why one is not required.	1. Agreed, the Applicant has removed reference to fencing here. 2. The Applicant has added a definition for "site location plan". "Design parameters" is already defined by reference to the ES which includes the outline design principles, and so the reference has just been amended in paragraph 3. 3. The Applicant is unclear as to the meaning of the ExA's question, the Applicant is not aware of a general trend in DCOs to include a "maintenance clause" in requirement 3 (detailed design approval) which is to control the appearance of the development. Maintenance of the authorised development is controlled through other requirements such as the LEMP, OEMP, FRMP etc.
9.4.4	The applicant	**Requirement 5 – Arboricultural method statement (AMS)** 1. To aid reading, should the paragraph be split into three sub-paragraphs with the first sub-paragraph ending after 'local planning authority' and the second ending after 'environmental statement'? 2. The reference to "any approved AMS must be adhered to" is considered imprecise. Would the following drafting for the suggested sub-paragraph (3) improve precision "The works undertaken in each phase of the authorised development must comply with the methods as approved under sub-paragraph 1 for the duration of the works in the phase of the authorised development to which the AMS relates"? If not, explain why not.	1. Agreed, the Applicant has made amendments to aid in comprehension. 2. Agreed, the amendments have been made. 3. Agreed, the definition has been provided via the definition of tree retention and removal plan which has also been tidied.

		3. Reference is made to appendix 6.5 (arboricultural impact assessment) of the environmental statement. Please provide a definition for this document.	
9.4.5	The applicant, Nottinghamshire County Council, Bassetlaw District Council and Natural England	**Requirement 6 – Landscape and ecological management plan (LEMP)** Sub-paragraph (e) would secure a minimum 10% BNG during operation. The ExA notes that the Secretary of State has included specific percentage figures for the minimum biodiversity net gain to be secured in recently made solar DCOs', such as The Byers Gill Solar Order 2025 and The Tillbridge Solar Order 2025 which are higher than the minimum 10%. NE [RR-054] has also referred to similar provisions in both the The West Burton Solar Project Order 2025 and The Cottam Solar Project Order 2024. 1. Noting that Appendix 7.12 - Biodiversity Net Gain Report [APP-114] sets out that the proposed development would result in a net gain of 54.93% for habitats, 35.53% for hedgerows and 14.68% for watercourses, can the applicant explain why these specific percentages are not secured on the face of the dDCO. 2. Is more clarification required as to the 'details' required to secure BNG. For example, is a separate strategy required to secure this? 3. In the absence of these percentages being secured on the face of the dDCO, what weight can the ExA give to these figures being delivered?	1. The Applicant appreciates that other DCOs may have made different commitments regarding BNG but it should be **strongly noted** that each scheme will have different commitments to BNG and so parallels should not be easily drawn. The Applicant notes that its Biodiversity Net Gain Report provides a realistic view as to the likely BNG outcomes as a result of the Scheme. The Applicant has not sought to provide any commitment for these values, rather has provided a commitment for a minimum of 10% only. This is because of the following reasons. There is no legislative requirement for NSIPs to deliver BNG to any mandatory level. DEFRA is currently consulting on how the structure of the BNG scheme will apply for NSIPs. It is noted that NPS EN-1 does present a policy basis which establishes an expectation for Schemes to deliver BNG, but is silent as to the magnitude of any mitigation. As Appendix C, Planning Statement makes clear, in response to the NPS EN-1 position on BNG, the Applicant has provided a commitment to deliver 10% BNG. Absent a national policy requirement for anything further, the Applicant considers 10% to be a reasonable and proportionate level of mitigation given the statutory requirements in the TCPA regime. The Applicant's Biodiversity Net Gain Report **[APP-114]** presents the Applicant's analysis of what BNG would likely be realised as a result of the Scheme. This finds that the Scheme would likely realise BNG results in excess of 10%. However, the Applicant does not wish to be held to account for these units.

			As a result, the Applicant is not proposing to commit to a greater than 10% gain for BNG. The ExA would be capable of considering the 10% gain in their planning balance, given there is no legislative requirement to deliver this, but the Applicant would specifically ask that any excess gain over 10% *is not taken into account by the ExA.* It would not be appropriate for the ExA to take into account that which the Applicant is not committed to and therefore the Applicant would request that the ExA take into account only the committed 10%. It should be noted that 10% gain for the Scheme delivers in excess of 200 habitat units which, given the average habitat unit value of a habitat bank generated by the Environment Bank is circa 100-150 habitat units[1], is a significant benefit. There is no requirement in legislation or policy to provide a commitment for all BNG that could be realised by a Scheme therefore, the Applicant is able to reserve these units outside of the consideration of the Scheme. The Applicant notes that the recent Helios Renewable Energy Project DCO has adopted the same Requirement wording of 10% in its confirmed requirement drafting. 2. The Applicant does not consider "details" need be further defined in the DCO itself. The Applicant considers it more beneficial to allow the undertaker and the local planning authority to discuss and adjust the details required during the preparation and approval of the LEMP. The Requirement wording proposed by the Applicant follows standard wording in other confirmed DCOs, such the Helios project that has been considered adequate to secure the BNG provision in question. 3. Please see response to (1) above.

[1] This can be in inferred from Environment Bank web publication that says 18 of their habitat banks generated 2,500 habitat units (mean average of 138 habitat units per site) From Environment Bank (2024) Eighteen Habitat Banks added to BNG register [online] Available at: https://www.environmentbank.com/blog/eighteen-habitat-banks-biodiversity-gain-sites-register/. Accessed 02 January 2026.

9.4.6	The applicant	**Requirement 6(3) – Landscape and ecological management plan (LEMP)** To improve precision in sub-paragraph (3) should the following words be added (in **bold**), particularly to clarify that it is those measures that require to be maintained and not the plan?	The Applicant has made the requested amendments. The Applicant considers that there has been no change of meaning as a result of the changes.
9.4.7	The applicant	**Requirement 7 – Construction environmental management plan (CEMP)** 1. To aid reading, should sub-paragraph (1) be split into further sub-paragraphs as suggested above in respect of requirement 5? 2. The reference to "any approved CEMP must be adhered to" is considered imprecise. Would the following drafting adding as a new sub-paragraph improve precision "All construction works associated with that phase of the authorised development must be carried out in accordance with the approved CEMP for that phase for the duration of the works"? If not, explain why not.	1. This has been actioned. The Applicant considers that there has been no change of meaning as a result of the changes. 2. The Applicant has added wording to that effect. The Applicant considers that there has been no change of meaning as a result of the changes.
9.4.8	The applicant	**Requirement 8(1) – Construction traffic management plan (CTMP)** To improve drafting, should sub-paragraph (1) be altered as follows, with deletions shown as a ~~strikethrough~~ and additions in **bold**: (1) No phase of the authorised development is to ~~be~~ commence~~d~~ until a CTMP covering that phase**, prepared** ~~and~~ in accordance with the outline CTMP, has been submitted to and approved by the local planning authority…	The requested amendments have been inserted. The Applicant considers that there has been no change of meaning as a result of the changes.
9.4.9	The applicant	**Requirement 9(1) – Operational environmental management plan (OEMP)** To improve drafting, should sub-paragraph (1) be altered as follows, with deletions shown as a ~~strikethrough~~ and additions in **bold**: No phase of the authorised development ~~may~~ **is to** commence until an OEMP**, prepared in accordance** ~~which accords~~ with the outline OEMP for that phase**,** has been submitted to and approved by the local planning authority.	The requested amendments have been inserted. The Applicant considers that there has been no change of meaning as a result of the changes.

9.4.10	The applicant	**Requirement 9(3) – Operational environmental management plan (OEMP)** To improve precision in sub-paragraph (3) should the following words be added (in **bold**), particularly to clarify that it is those measures that require to be maintained and not the plan? (3) The OEMP must be implemented **in accordance with the scheme** as approved **under sub-paragraph (1)** and **the implemented measures thereafter** maintained throughout the operation of the relevant part of the authorised development to which the plan relates.	The requested amendments have been inserted. The Applicant considers that there has been no change of meaning as a result of the changes.
9.4.11	The applicant	**Requirement 10 – Fire risk management plan (FRMP)** 1. The use of the wording "must be submitted to and approved in writing by the local planning authority" in sub-paragraph (1) seems to imply that the local planning authority would be under an obligation to approve any FRMP submitted to them. In order to improve precision, provide alternative drafting such as restricting any operations until such a document has been submitted to and approved in writing by the local planning authority. 2. Sub-paragraph (3) restricts the local planning authority from approving a FRMP which proposes changes to the outline FRMP until it has consulted with the Health and Safety Executive and Nottinghamshire Fire and Rescue Service. As worded, would the sub-paragraph allow the local planning authority to approve a FRMP without receiving comments from those respective parties? 3. Please consider amending the wording of sub-paragraph (4) in accordance with the suggestions in respect of requirements 6 and 9 above.	1. The requested amendments have been inserted. The Applicant considers that there has been no change of meaning as a result of the changes. 2. The Applicant doesn't consider it necessary to change drafting here, which reflects the drafting of other requirements. Paragraph 25 of Schedule 2 makes clear that the Applicant must discharge the obligation to consult prior to making an application to discharge the requirement. 3. The requested amendments have been inserted. The Applicant considers that there has been no change of meaning as a result of the changes.

9.4.12	The applicant	**Requirement 11 – Soil management plan (SMP)** 1. NE has requested in their relevant representation [RR-054] (reference NE17) is amended to include consultation with them. Please consider updating sub-paragraph (1) to include this provision or explain why you do not consider it to be necessary. 2. Please consider amending the wording of sub-paragraph (1) in line with that suggested for requirement 9(1) above. 3. Explain why sub-paragraph (3) does not contain a maintenance clause. If it should, please rectify with wording similar to that suggested in respect of requirements 6, 9 and 10 above.	1. The Applicant has added Natural England as consultee. 2. The requested amendments have been inserted. The Applicant considers that there has been no change of meaning as a result of the changes. 3. The Applicant has amended sub-paragraph (2) to include a confirmation that the measures in the SMP will be followed during the operation period.
9.4.13	The applicant	**Requirement 12 – Land contamination** 1. Sub-paragraph (3) requires a written scheme and programme for remedial measures to be taken when the undertaker determines that remediation of the contaminated land is necessary. Explain why it is appropriate for this decision to be determined only by the undertaker? Would it be more appropriate for this matter to be determined by the risk assessment required under sub-paragraph (1) and the wording in sub-paragraph (3) substituted accordingly? If not, explain why not. 2. In the event that contaminated material is found during construction works where remediation is required, what provision does the requirement provide as currently drafted in requiring development to cease in the areas where contaminated material is found? Or is this covered by requirement 7(h)? Should provision be made for this if it is not already included? If not, explain why not.	1. The Applicant has made an amendment to sub-paragraph (3) accordingly. 2. The Applicant considers that a protocol setting out the requirements of the undertaker in the event of discovery of unexpected contamination will be agreed with the Environment Agency pursuant to Schedule 2, paragraph 7(2)(h). In addition, the Applicant considers it likely that the contamination risk assessment contained in paragraph 12 would likely include such a protocol, should that be requested by the Environment Agency. The Applicant considers, therefore, that the risk is appropriately mitigated in the requirements.
9.4.14	The applicant	**Requirement 13 – Public rights of way diversions** Explain why sub-paragraph (3) does not contain a maintenance clause. If it should, please rectify.	Given the plan will concern temporary actions to public rights of way during construction of the authorised development it was not considered necessary to provide further wording than a confirmation that the plan approved would

			be implemented.
9.4.15	The applicant	**Requirement 15 – Fencing and other means of enclosure** 1. In sub-paragraph (1), should reference to temporary be clarified that it refers to construction fencing and permanent be that erected during the operation period? 2. To improve the structure of the requirement, should the sub-paragraphs be reordered so that all temporary fencing is covered first followed by permanent; essentially sub-paragraph (5) moving to (7) at the end? Should the sub-paragraphs on temporary be reordered as follows: (6), (7), (3) and then (4)? 3. To improve precision, does sub-paragraph (5) need to stipulate that the permanent fencing must be completed in accordance with the approved details and also include a clause requiring maintenance for the operational lifetime of the authorised development? If not, explain why not. 4. Should the reference to "before completion" in sub-paragraph (5) be changed to "the date of final commissioning" to use the definition in article 2?	1. The Applicant doesn't consider this necessary, it views the terms permanent and temporary to be sufficiently precise to confirm, essentially, that all means of enclosure whether during construction or operation should be included in the approved details. 2. The Applicant has re-ordered so it can be read more chronologically. 3. The sub-paragraph already referenced "approved" permanent fencing but the Applicant has provided additional wording. The Applicant has provided that the permanent fencing is maintained in accordance with the approved details. 4. The Applicant has made this amendment to provide a clear date by which the works would be required.
9.4.16	The applicant	**Requirement 18 – Permissive path** Clarify why sub-paragraph (3) only secures maintenance and access of permissive paths by the public for 264 days a year and not a whole calendar year.	This is standard drafting. The wording "maintained" is not subject to the 264 days a year. The access of the public is limited to 264 days a year. This is to enable the undertaker of the Order to close the permissive paths where maintenance is required. Closure may be required for works to cabling underneath permissive paths or to otherwise make the site safe whilst wider works are ongoing. It should be noted that the Applicant is providing permissive paths as an enhancement for the Scheme and not as mitigation to impacts to public rights of way as no public rights of way are permanently closed. Therefore, the Applicant does not consider that it is required to provide all-year access. The Applicant considers that rather than consider that the permissive paths are being provided for "only" 264 days a year, the ExA is

			requested to consider the permissive paths a benefit in their own right. This benefit that the Applicant is seeking to provide, the enhancement, must be balanced by the need for effective access for maintenance and repair. It should be noted that the period proposed by the Applicant is the same as that secured in the Oaklands Farm Solar Park Order 2025.
9.4.17	The applicant	Requirement 19 – Construction hours 1. Explain what constitutes 'emergency works' in sub-paragraph (2)(a) and where this is defined. 2. Can you clarify who would be responsible for determining whether noise would be audible at the boundary of the order limits and how this would be enforced? In addition, please explain why the second part of sub-paragraph (2)(b) is required and would it create a tension with the first part which restricts noise that is audible at the boundary of the order limits? 3. In the absence of an explanation in the EM [APP-042], which should be updated accordingly, can you explain the reason for this subparagraph and what it is seeking to achieve noting that it does not appear to provide the local planning authority with any powers. 4. What is the "approved scheme" referred to in sub-paragraph (4) and who would approve it? In the absence of any explanation in the EM, which should be updated accordingly, explain the purpose of this sub-paragraph.	1. Emergency works are not defined. The term "emergency works" is a routine term made throughout construction agreements, highway agreements, utility agreements, protective provisions etc. The term is very rarely given a precise scope. This is because the term in and of itself requires to be flexible to ensure that in the event of an emergency there isn't a need to double check whether or not the term satisfies some legal definition. It comes down to the facts of the event, and whether the undertaker considers the event an emergency. If the local planning authority considers that such an event is not an emergency then the local planning authority is capable of enforcing against the Applicant. It is here when it should kept in mind the that it is a criminal offence to break the terms of an order (section 161, Planning Act 2008). Therefore, the actions of the undertaker will be weighed against the criminal liability of the Planning Act 2008. 2. Should the Undertaker breach (2)(b) such that any person is capable of hearing works ongoing outside of the prescribed times, then that matter may be referred to the local planning authority for their determination as to whether enforcement proceedings are required. The Applicant agrees, however, that given the role of the first sub-clause of sub-paragraph 2(b), the second sub-clause does not appear to have any merit, and would be defunct as if works are not audible at the boundary of the Order limits those works are not going to give rise to materially new or [materially different] environmental effects. The Applicant has amended (2)(b) accordingly.

			3. The Applicant would note that no subparagraph is specified in the ExA's question. The Applicant considers that question 3 and 4 effectively relate to the purpose of sub-paragraph (4). On review the Applicant considers that sub-paragraph (4) does not serve a purpose as no scheme is required to be signed off given the absolute nature of the prohibition contained in the requirement. This reflects other DCOs such as the Byers Gill Solar DCO 2025.
9.4.18	The applicant	**Requirement 20 – Protected species** NSIP Advice Note 15: drafting development consent orders paragraph 3.3 states applicants should avoid the use of the word 'shall' for drafting conventions. Sub-paragraph (1) includes reference to 'shall' on three occasions. Please redraft the sub-paragraph with less ambiguous terminology avoiding the use of 'shall'.	The Applicant has amended references to the word "shall" with language approved by the Office of the Parliamentary Counsel.
9.4.19	The applicant	**Requirement 21 – Decommissioning and restoration** 1. Explain how this requirement would secure the restoration of the site in the event the undertaker were to fall into liquidation during the lifetime of the proposed development. 2. It would appear the reference to requirement 3 in sub-paragraph (1) should refer to requirement 2. Please clarify. 3. Does reference need to be made to the inclusion of a waste management strategy in sub-paragraph (3), noting that reference has been made to this document in the oDP [APP-090] which also includes reference to a resource management plan which has been included in sub-paragraph (3)? If not, explain why not.	1. The Applicant considers that the term "undertaker", whilst defined in the dDCO as Steeple Solar Farm Limited (company number 13889253), will ultimately be any person to whom the benefit of the provisions of the Order is transferred subject to article 5(1). In the event that Steeple Solar Farm Limited is liquidated, dissolved or wound up the assets and liabilities of Steeple Solar Farm Limited will be managed in accordance with the circumstances before it. In the case of liquidation in event of insolvency, it would be managed in accordance with the terms of an insolvency practitioner who would manage the assets of the company with the primary goal of ensuring that creditors are satisfied. This would mean selling all company assets, which would include the solar farm. In all aspects, as person who takes the benefit of the Order pursuant to article 5(1) takes it subject to the restrictions placed in the Order and would therefore be subject to Schedule 2, paragraph 21. 2. The Applicant agrees that this was an error, and has amended the dDCO. 3. A reference to waste management strategy has been added.

9.4.20	The applicant	**Requirement 22 – Skills, supply chain and employment** To improve precision in sub-paragraph (4) should the following words be added (in **bold**), particularly to clarify that it is those measures that require to be maintained and not the plan? (3) The skills, supply chain and employment plan must be implemented **in accordance with the scheme** as approved **under sub-paragraph (1)** and **the implemented measures thereafter** maintained throughout the operation of the relevant part of the authorised development to which the plan relates.	The Applicant has made an amendment to sub-paragraph (3) accordingly.
9.4.21	The applicant, local authorities and statutory consultees	**Requirement 25 – Consultation** To improve precision, is a timescale required to be added stipulating a time period for another person or body to provide comments to the undertaker?	The Applicant agrees that a timescale would better aim precision and therefore has added this in Schedule 2, Part 2.
9.5	**Schedule 2 Part 2 – Procedure for discharge of requirements**		
9.5.1	The applicant	**Requirement 26 – Interpretation** Explain why "relevant authority" has been defined in this section but part 1 uses "local planning authority". Should the terminology in both parts of schedule 2 match to ensure consistency?	No, the Applicant doesn't consider that necessary. The terms are different as they are serving different purposes. In Part 2, the wording captures a wider pool of persons than just local planning authority and therefore needs to be a different term. In other Orders, e.g Byers Gill Solar Order 2025, Oaklands Farm Solar Park Order 2025, Helios Renewable Energy Project Order 2025, this has been the approach.
9.5.2	The applicant and host authorities.	**Requirement 27 – Applications made under requirements** The ExA is aware that 'The Byers Gill Solar Order 2025' and 'The Tillbridge Solar Order 2025' contained additional paragraphs requiring applications to be accompanied by a statement confirming whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and containing information setting out what those affects are. Any	1. The Applicant did consider this prior to making the application and considered it unnecessary on the basis that the DCO already sets out limitations regarding going beyond "materially new or materially different" environmental effects and therefore it was not considered necessary to provide a statement that the Applicant's application does not do that which it is not permitted to do. However, the Applicant notes the examples raised and therefore has decided to add such a requirement for a statement in requirement 27.

		applications which would give rise to new or materially different environmental effects compared to those in the environmental statement would not benefit from the deemed benefit provisions as specified under sub-paragraph (3). 1. Can the applicant explain whether consideration was given to incorporating similar paragraphs within the dDCO and confirm whether you would consider incorporating such provisions within the dDCO. If not, explain why not. 2. The host authorities are asked for their comments on the inclusion of such a provision.	2. Not for the Applicant to respond.
9.6	**Schedule 9 – Hedgerows**		
9.6.1	The applicant	**Relationship with article 36** NSIP Advice Note 15: drafting development consent orders states schedules in DCOs must be given effect by an operative article in the main body of the DCO. This may be by an express provision that the schedule is to have effect or by clear implication (such as where the article which grants development consent does so by reference to the schedule which describes the authorised development). No reference is made to schedule 9 in article 36 and paragraph 6.154 of the EM [APP-042] states that the article provides broader powers in addition to those available for hedgerows listed in Schedule 9. Please clarify how article 36 gives effect to schedule 9 in the absence of an explicit reference.	The Applicant has made amendment to article 34 (**Felling or lopping of trees or removal of hedgerows)** to provide clear operative provisions to Schedule 9.
9.7	**Schedule 11 – Arbitration rules**		
9.7.1	The applicant	**Confidentiality** Paragraph 7 stipulates that arbitration hearings are to take place	The Applicant recognises the recent trend of DESNZ to amend this provision and therefore has amended this provision accordingly.

		in private. No justification has been provided in paragraph 7.31 of the EM [APP-042] explaining why this position has been adopted. The Secretary of State has amended this provision on a number of recently made DCO's, such as but not necessarily limited to 'The East Yorkshire Solar Farm Order 2025', 'The Oaklands Farm Solar Park Order 2025', 'The Byers Gill Solar Order 2025' and 'The Tillbridge Solar Order 2025', to stipulate that any arbitration hearing and documentation will be open to and accessible by the public, subject to some confidentiality exceptions. Consider amending this paragraph so that it accords with the changes made by the Secretary of State to other made solar DCOs, or provide an explanation as to why, in the context of this particular application, hearings should take place in private.	
9.8	**Schedule 12 – Documents to be certified**		
9.8.1	The applicant	**Absence of documents** The list of documents to be certified is incomplete. 1. Please complete this section in full for the next version of the dDCO to be submitted at deadline 2. Please ensure that the schedule is updated throughout the examination to account for any future changes to any of the documents listed.	The Applicant has made these amendments.
10.	**Flood risk, drainage and the water environment**		
10.0.2	The applicant	**Provision of water detention basins** The application documents, for example [APP-062], [APP-066], [APP-117] and [APP-184], state that two surface water detention basins have been proposed as an enhancement measure to the west of Sturton le Steeple to help reduce known flooding issues within the village. The Design and Access Statement [APP-184] in	1. The attenuation basins are shown on Sheet 2 of 7 of the Site layout drawing AS-009. They are both within (immediately inside the eastern border on sheet 2 of 7) of the Order Limits. 2. These works are intended to be secured by work number 7

		paragraph 3.36 and your response to relevant representations [REP1-008] on page 289 notes that the proposed basins are not a policy requirement and are not required to mitigate the effects of the proposed development. It is further stated that they are an additional voluntary measure for the benefit of the local community and are separate to the measures proposed to control runoff from the proposed development. 1. Clarify the location of the basins on the Site Layout [AS-009]. 2. Explain which work number, if any, would secure the works in the dDCO. If they are not proposed to be secured, can any weight be given to the provision of the proposed basins, particularly if they are not needed as a policy requirement? 3. Noting that the proposed basins are stated to be a voluntary measure, explain how they would meet the tests for associated development in section 115 of the PA2008 and the 'Guidance on associated development application for major infrastructure projects' published by the then Department for Communities and Local Government dated April 2013. Confirm whether land is proposed to be compulsorily acquired to deliver the proposed basins. If so, please set out how acquisition would meet the tests in section 122 of the PA2008.	(general works) paragraph (e) (drainage infrastructure and water containment features). Although the Applicant does not advance these as further associated development, were they to be considered as such additional power would exist to provide these works as associated development by virtue of (d) of Schedule 1 para 1 "surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channeling and culverting and works to existing drainage networks". 3. The Applicant contends that these basins are a part of the associated development described by Works 2 to 10. Necessity is not a pre-requisite for any component part of associated development. Although the Proposed Development could function without these basins in the sense that they are not required to mitigate any effects on surface water flows caused by the Proposed Development without which adverse impacts would occur that would weigh against consent being granted the basins will provide overall surface water conditions that will benefit the Proposed Development as well as being a benefit to the local community. As Whilst the Applicant does not advance these works as Associated Development were they are entirely consistent with the DCLG 2013 guidance in that they - support the operation of the Proposed Development; - are not a development aim in themselves have no element of revenue generation; - are proportionate to the scale and nature of the Proposed Development and - are typical of the type of drainage works included withing such developments.

			The footprint of the basins within the wider plots that make up the development in this location makes no material difference to any consideration of land acquisition by compulsion. As a reasonably included element of the principle development the justification of CA powers for the plots within which the basins are included is unaffected by the presence of the basins.
11. Historic environment			
11.0.1	The applicant	**Methodology** In identifying significant effects, paragraph 2.10.7 of ES chapter 2 [APP-060] states "Where discipline-specific methodology has been applied that differs from the generic criteria above, this is clearly explained within the given chapter under the heading of 'Assessment Methodology'". Paragraph 2.10.8 states "As can be seen from Table 2.6, when an environmental effect is assessed as having a 'Major' or 'Moderate' degree of significance it is deemed to be 'significant'." Paragraph 9.3.18 in ES chapter 9 [APP-067] states "A significant effect is considered to be 'major'. A 'moderate' effect could also be considered to be significant, however, this is subject to professional judgement." Explain clearly: 1. Why the methodology for identifying significant effects in the Historic Environment chapter of the ES has adopted a different approach to the methodology set out in ES chapter 2 where moderate effects are considered significant. In doing so, does the assessment in chapter 9 have the potential to underplay the number and extent of significant effects? If not, explain why. 2. How 'professional judgement' has been used to determine whether a moderate effect is considered significant or not significant and the factors that have been used to differentiate between these findings, using the assessment findings for the Church of St Peter and St Paul as an example.	1&2: The methodology for identifying significant effects within the Historic Environment Chapter of the ES differs from the generic criteria to allow for a more nuanced assessment of the level of effect arising from a Scheme upon the heritage significance of an asset. Just as in the assessment of potential harm to the significance of asset where there is a spectrum of harm within the broader categories of less than substantial, and substantial that needs to be considered (as identified at paragraph 039 of PPG – see p.48 of Appendix 9.1 – Cultural Heritage Technical Baseline **[APP-122]**), ., similarly, there is a spectrum within each of the EIA categories of Major, Moderate etc. There may be a higher level of Moderate effect or a lower level of Moderate effect depending on the circumstances of that particular asset and the impact upon it. The position is therefore more nuanced and cannot easily be defined clearly in a rigid, matrix-led approach, hence why a degree of professional judgement is required. Something that is at a lower level of Moderate effect is considered to not reach a threshold of a "significant effect". As outlined at paragraph 9.3.19 of ES Chapter 9 – Cultural Heritage **[APP-067]**, where a matrix-based system has been employed, it has been accompanied by a robust assessment of the potential significance of effect. It is not considered that this results in underplaying the number and extent of significant effects, it merely allows professional judgement to be used. It does not prevent moderate effects from being considered to amount to significant, this approach does however allow individual assets and impacts to their significance to be considered individually, as is considered appropriate.

			With regard to the Grade II* Listed Church of St Peter and St Paul, this is assessed in detail in paragraphs 6.41-6.46 of Appendix 9.1 – Cultural Heritage Technical Baseline **[APP-122]**, and potential impacts as a result of the operational phase of the Proposed Development are considered at paragraph 9.7.17 of ES Chapter 9 – Cultural Heritage **[APP-067]**. The assessment sets out clearly what is the significance of the asset, what forms the setting, what elements of the Site, if any contribute to that significance. Following this, the level of change or impact arising to those identified elements of significance can be undertaken. The assessment concluded that the fabric of the church would not be affected by the Scheme – this is the element from which the asset derives the majority of its significance. Further, the key elements of the asset's setting, comprising the associated churchyard and the settlement of Sturton le Steeple would not experience any change as a result of the Scheme. A small level of change in wider views of the asset and in the surrounding landscape were identified – elements which only make a minor contribution to the significance of the asset. As such, the conclusion of moderate adverse was reached – this higher level of effect (i.e. moderate and not minor) is as a result of the matrix-based approach because the asset is of higher "value" this then means any effect that is assessed will be at a higher level simply because of this higher "value" no matter what the magnitude of impact (i.e if a lower "value" asset of a non-designated asset had the same magnitude of impact, the effect would be lower). When considering what the actual effects of the Scheme were, it was clear that this would not constitute a significant effect to this receptor.
11.0.8	The applicant	**Burton Chateau (Grade II* listed) – Zone of Theorical Visibility (ZTV)** Paragraph 6.55 in ES Appendix 9.1 [APP-122] states "Views westwards, towards the Proposed Development are obscured by the adjacent woodland, as reflected by the ZTV which shows no anticipated visibility of the Proposed Development from the asset". However, in addition to woodland the ZTV [APP-155] appears to show that the BESS and solar arrays could be theoretically visible from this asset.	On review of the ZTV **[APP-155]**, it is acknowledged that this does show theoretical visibility of the Scheme from Burton Chateau. This theoretical visibility is, however, limited to the BESS, and no other elements of the Scheme are identified as being potentially visible. It should be noted that this element of the Scheme lies c.3.7km west-north-west of the asset, and the asset is orientated in the opposite direction, with the primary façade facing to the south-east.

		Please review and clarify whether any aspects of the proposed development would be visible from this asset.	Despite the potential visibility identified by the ZTV, given the distance from the asset and intervening woodland immediately west and north-west of the asset, any elements of the BESS Scheme are not anticipated to be readily discernible from the asset. As outlined in Appendix 9.1 – Cultural Heritage Technical Baseline **[APP-122]**, land associated with the Scheme is not considered to contribute to the significance of the Grade II* Listed Building. Elements of the asset's setting which contribute to its significance would remain unaffected, as would any important views to or from the asset. Views towards the BESS are not considered to contribute to the significance of this asset and therefore, should any distant, glimpsed views of the BESS development be possible beyond the intervening woodland, they would not result in any impact to the significance of Burton Chateau. It is important to remember that ZTVs are only ever a tool of assessment and cannot be 100% accurate in terms of what they show. Screened ZTVs only include larger, mapped blocks of woodland and do not show localized planting such as hedgerows, smaller tree clumps or planting. Given the wooded surroundings of this asset it is considered that in reality, likely there would be no views of any element of the Scheme from the asset, including the BESS infrastructure.
11.0.9	The applicant	**Burton Chateau (Grade II* listed) – Cumulative effects** Noting that paragraph 9.55 of ES Appendix 9.1 [APP-122] states "Views from the primary façade of the asset extend to the south-east across the historic parkland, towards Gate Burton", can the applicant describe any cumulative effects that may occur from this asset between the proposed development and Gate Burton Energy Park?	Potential adverse impacts to the non-designated parkland and group of designated assets associated with Great Burton Hall (including the Grade II* Listed Burton Chateau), as a result of the proposed development associated with Gate Burton Energy Park, were considered at paragraphs 7.10.30-7.10.38 of ES Chapter 7: Cultural Heritage **[APP-016]** of the Gate Burton Energy Park documents]. It was concluded (at paragraph 7.10.38) that there would be no change, and a neutral effect to the Grade II* Listed Burton Chateau. With regard to the Scheme, Burton Chateau is considered within ES Appendix 9.1 – Cultural Heritage Technical Baseline **[APP-122]**. The asset was not taken forward for further consideration within ES Chapter 9 – Cultural Heritage **[APP-067]**, because land associated with the Scheme is not considered to

			contribute to the significance of the asset. Given that it is considered that neither scheme would result in any harm/impacts to the significance of the asset, it is not considered that there can be any cumulative effects.
11.0.10	The applicant	**Cumulative Effects – Gate Burton Energy Park** Paragraph 9.10.4 in ES chapter 9 [APP-067] states "It is not considered that the effects of that scheme [Gate Burton], in combination with the Proposed Development would give rise to any additional cumulative effects or any increase in the potential effect identified within this chapter which is identified as minor adverse (not significant)". Can the applicant elaborate further how it has come to this conclusion and the evidence that has under pinned it?	Park Development concluded at paragraph 7.10.11 of ES Chapter 7: Cultural Heritage **[APP-016]** of the Gate Burton Energy Park documents] that "*The rural landscape in the immediate setting of the asset would remain unchanged and combined with the lack of intervisibility between the asset and the Site, there would be no real change in the ability to understand and appreciate the heritage interest of the asset*." At paragraph 7.10.12, it was concluded that this would result in a very low impact, resulting in a **minor adverse effect**, which would not be significant in EIA terms. With regard to the Scheme, potential impacts to the significance Scheduled Monument during the Operational phase are considered at paragraph 9.7.13 of ES Chapter 9 – Cultural Heritage **[APP-067]**. It is concluded here that "*While the operational Proposed Development is anticipated to result in a change to some wider views from the asset, it will not alter the primary contributing factors to the significance of this asset. The change is considered to be a negligible impact upon the significance of the asset, and would result in a **minor adverse** effect, which is **not significant***." When considering the schemes cumulatively, the key elements of the asset's setting will remain unaffected. Although there will be further changes to the wider surrounds of the asset, taking the very low impact identified in association with the Gate Burton Energy Park Scheme, it is considered that this would not amount to any additional effects, or would increase the potential effects, in conjunction with the Scheme.
11.0.11	Nottinghamshire County Council, Historic England, any other Interested party and the	**Buried archaeology – Need for trial trenching** The Council's LIR [REP1-014] paragraph 5.2.5 comments that there are "known areas of high archaeological potential and sensitivity" recorded on the Nottinghamshire Historic Environment Records within the order limits and also known	1. No response required. 2. It is noted that comments have been requested with regard to any requests by NCC or HE with regard to areas where they consider further trial trenching should be required. However, as a general point, the Applicant's

	applicant	significant medieval remains within and around the order limits. 1. Can NCC, HE and any other interested party provide further details of any areas which they consider requires further pre-determination trial trenching to be undertaken by the applicant, providing details for their request (particularly in terms of understanding the significance of any assets) and accompanied by a plan of the area in question. 2. The applicant is requested to provide its comments on any requests at deadline 3 explaining whether or not it intends to undertake pre-determination trial trenching of any requested areas and provide reasons for any areas it does not intend to.	approach to pre-determination trial trenching, along with the rationale for this in terms of policy, guidance, and in relation to the archaeology is detailed in the Archaeology Strategy Note (Document Reference EN010163/EX/8.12) provided at Deadline 2.
11.0.12	The applicant, Nottinghamshire County Council, Bassetlaw District Council and Historic England,	**Christian Heritage and the Pilgrim trail** Comments have been raised by Sturton le Steeple Parish Council [RR-029] and [REP1-039] on the effect to Sturton le Steeple's Christian Heritage and the Pilgrim Trail. In response, the applicant [REP1-008] (page 85) notes that the site itself does not form part of the Pilgrim Trail, whose connection is with the relevant churches and settlements, and none of the historic information presented would experience change as a result of the proposals. The response further notes that the related heritage assets, such as the Grade II* Listed Church of St Peter and St Paul in Sturton le Steeple, are considered in the ES. 1. Can the applicant explain whether your consideration of identifying the significance of the heritage assets in the ES has considered the matters raised by the Parish Council? If not, explain whether they should. 2. Can the applicant explain whether or not the proposed development would affect the appreciation of this historic association? 3. Can the applicant advise whether the comments raised by the Parish Council raise any considerations relevant	1. The Pilgrim Trail was not considered specifically with regard to the assessment of individual assets as this is not a historic trail or route of pilgrimage, it is a modern tourism route linking various settlements and churches associated with the Mayflower Pilgrims. The Site does not form part of the Pilgrim Trail. Christian heritage is also not a heritage asset, but can contribute to the significance of an asset, contributing to historic interest. The historic interest of this Christian interest in relation to the Grade II* Listed Church of St. Peter and St. Paul is primarily evidenced through its physical fabric, however key elements of its setting, comprising the associated churchyard, and the settlement of Sturton le Steeple also contribute to this interest. This has been considered as part of the assessment – see paragraph 6.44 of ES Appendix 9.1 – Cultural Heritage Technical Baseline **[APP-122]**. 2. There is not an historic association between the Grade II* Listed Church of St Peter and St Paul and the Pilgrim Trail, because the Pilgrim Trail is not a historic route. The Pilgrim Trail is a modern route which has been created for tourism purposes and identifies certain key villages or churches which have associations with historic figures related to the Pilgrim movement and with the eventual journey of the Mayflower. As the associated website identifies, this is not a linear

		to the Equalities Act 2010? 4. Can NCC, Bassetlaw District Council and Historic England provide any comments as to their position of the Parish Council's concerns?	route, and sites can be visited in any order or in isolation. With regard to Sturton le Steeple, it is identified that its importance (in relation to the Trail) derives from it being the birthplace of John Robinson, the Pilgrims' Pastor, and where he later returned to preach. Sturton also has links with other figures in the early Pilgrim movement. The relationship between John Robinson and the Church of St Peter and St Paul contributes to the historic interest of the Grade II* Listed Church, and its relationship with the adjacent settlement in which he was born. The importance of John Robinson and the links to the early Pilgrim story are most closely associated with the church of St. Peter and Paul and with the emerging radical ideas of the non-conformist puritans leading to the formal separation from the Church of England in 1606 and eventually culminating in the voyage on the Mayflower. These are all concepts and elements, the understanding of which is not related to the Site in any way. The emergence of the non-conformist puritans and their rejection of many of the rituals and practices of the Church of England are theological matters not influenced by the surroundings or agricultural hinterland of the settlements within which the key Pilgrim figures were located and preached within. The proposed development will not affect the understanding of the message and theological position John Robinson and the other Pilgrim figures were preaching, nor will it diminish the understanding of the eventual outcome of the journey on the Mayflower. The ability to appreciate the historic association will not be harmed by the Scheme. 3. The Equality Act 2010 protects people from discrimination at work and in wider society. Introduced in October 2010, it replaced earlier laws with one unified Act. It makes discrimination unlawful on the basis of nine protected characteristics across areas such as employment, education, services, and public activities. Religion and belief is one of those protected characteristics. The Pilgrim Trail is a modern construct, created in the 21st century. It is not a pilgrimage in the same terms as, for example, the Camino de Santiago – that is

			there is no intrinsic value of the route itself. The Pilgrim Trial is a non-linear route that visits a number of settlements in the area with links to the Pilgrims and the eventual movement which led to the Pilgrim Fathers settling America on the Mayflower. The Scheme will not prevent or prejudice the ability to understand the mission and religious foundations of the Pilgrim movement. The Scheme will not prevent or prejudice the ability to connect the settlement of Sturton le Steeple to important figures in the early Pilgrim movement. In short, the Parish Council's response does not raise any points of concern with regards to the Equality Act 2010. 4. Not for the Applicant to respond.
11.0.13	The applicant	**Archaeological Mitigation Statement** Explain how measures set out within this document [APP-124] are proposed to be secured in the dDCO, noting that no reference is made to it in requirement 17.	In relation to the archaeological mitigation statement submitted into examination **[APP-124]**. This AMS refers to the process of protection of the archaeological exclusion zones. These exclusion zones do not need to be specifically referred to in requirement 17. This is because they are built into the design of the Proposed Development. This is managed through requirement 3. Requirement 3 states that no phase of the development may commence until details of the layout of the phase have been approved by the LPA. Requirement 3(2) states that the detail must accord with the site location plan, works plan and design parameters and principles. The design parameters and principles mean the principles and assessments set out in the environmental statement. Therefore, the Applicant has already sufficiently protected those exclusion sites within the wording of the DCO.
11.0.14	The applicant	**Archaeological Clerk of Works** NCC's LIR [REP1-014] refers to the need for an Archaeological Clerk of Work to have oversite of work on the ground and to liaise between the developer's delivery team, consultant, archaeological contractor and relevant stakeholders. Can the applicant explain whether this measure is currently secured? If not, explain why not.	The Applicant acknowledges the request for an Archaeological Clerk of Works, however, notes that this request was specifically in reference to the outline Written Scheme of Investigation for Post Consent Archaeological Works **[APP-126]** (oWSI). As noted in paragraph 9.8.2 of ES Chapter 9 – Cultural Heritage **[APP-067]**, the requirements an Archaeological Clerk of Works would be responsible for monitoring such works. As outlined in paragraph 5.4 of the oWSI, each separate phase of works will require its own WSI outlining the

			scope of works, detailed methodology, and key personnel. The mechanism by which a Clerk of Works can be secured is therefore accommodated within this provision i.e., each WSI would need to include details of the Clerk of Works and their role as part of the key personnel. The provision of an Archaeological Clerk of Works in association with the identified exclusion areas is recommended at paragraph 3.2 of Appendix 9.3 – Archaeological Mitigation Statement **[APP-124]**. At Paragraph 2.2 of Appendix 4.1 – Outline Construction Environmental Management Plan **[APP-089]** key roles and responsibilities for managing environment impacts during the construction are noted. This includes provision for an 'Archaeological Project Manager' rather than an 'Archaeological Clerk of Works', and it is considered that this text should be amended at Deadline 3.
12. Land use and soils			
12.0.1	The applicant	**Soil in area of cable route** In response to NE's concerns regarding disruption to soil, it is stated in your response to relevant representations [REP1-008] that you intend to draft an additional chapter to the outline Soil Management Plan [APP-132] to ensure that Agricultural Land Classification (ALC) grade is recorded and protected during the cabling works. Can you advise on the timescale for submitting this into the examination?	A revised Outline Soil Management Plan has been prepared which has added a chapter to include the soil resource survey required prior to cabling works, which will be completed and included in the final SMP which will be subject to sign-off by the local planning authority. The survey will record the ALC grade, and the works will ensure that the ALC grade is protected and restored after cabling works are complete. It is intended that this would be agreed with NE prior to submitting a revised oSMP to the Examination, so that any adjustments required by NE could be completed and the Examination could be provided with an agreed version. The Applicant is engaging with NE and if unable to obtain a response prior to Deadline 3 will submit a revised oSMP at Deadline 3 regardless.
12.0.2	The applicant and Natural England	**ALC Survey Methodology** In response to NE's concerns regarding the lack of ALC survey in areas proposed for pond creation and woodland planting, it is stated that the Outline Soil Management Plan [APP-132] will be	The revised oSMP incudes works for the undertaking of soil and ALC surveys for the pond creation and woodland planting areas. In respect of the two questions: 1. The pond and woodland planting areas currently shown are only

		expanded to include a chapter on the pre-construction assessment, and on soil handling and storage, so that these areas can be restored in the future. Your written summary of oral submissions made at ISH1 [REP1-009] confirms that the ALC surveys would be carried out post-DCO but before cable installation. 1. Can the applicant explain why you do not intend to carry out the ALC survey, which NE considers is essential to inform the depth of topsoil, until after any consent that may be granted. Are NE satisfied with this approach? 2. Can the applicant advise on the timescale for submitting this information into the examination?	indicative. The only reason for delaying surveys is so that they are undertaken in the correct location once the final ponds and woodland planting areas are finalised, rather than surveying the indicative areas only. 2. As previously mentioned, the revised oSMP has been submitted to NE for their comment. It is intended to submit this after it has been commented upon by NE prior to submitting a revised oSMP to the Examination, so that any adjustments required by NE could be completed and the Examination could be provided with an agreed version. Regardless of consultation with NE, the Applicant will provide an updated oSMP to examination at Deadline 3
12.0.3	The applicant	**Steps taken to avoid BMV land** There appears to be no direct response in your comments on relevant representations [REP1-008] to NE's request [RR-054] for further detail on the steps taken to avoid BMV as far as reasonably practicable, in line with the NPPF mitigation hierarchy and NPS EN-1 paragraph 5.11.12. To assist the ExA and the Secretary of State in considering this matter, please provide a comprehensive commentary, expanding upon those reasons provided in the planning statement [APP-182], explaining how the proposed development has sought to avoid BMV land and, noting the requirements of EN-1 paragraph 5.11.34, provide clear justification for its use. Within your response, the ExA requests further details (from that contained in paragraphs 4.6.26 and 4.6.27 of the Planning Statement [APP-182]) on how the proposed development aligns with the Written Ministerial Statement ('WMS') published in May 2024 on 'Solar and protecting our Food Security and Best and Most Versatile ('BMV') Land'. Within your answer, please also set out the	Natural England's question regarding the micro-siting of key components of the layout is being addressed by identifying with Natural England the main items of fixed equipment and the location of construction compounds, and why they are located where they are and how land quality was considered and the use of BMV was avoided or minimised so far as possible. It is concluded that the main substations cannot avoid BMV for operational reasons, as they need to be located near to the point of connection. The tracks have followed field edges in the main, which minimises the use of BMV, but use cannot be avoided. Of the temporary construction compounds, only the one on Grade 2 could potentially move to sub-grade 3a, but that is still using BMV land and as it would then be on the other side of the road there are operational impacts. As these are temporary and reversible effects the use of BMV is justified. The WMS (15 May 2024) does not alter the policy on the use of BMV. It emphasises current policy. It recognises the effects of cumulative developments in some areas. The WMS also concludes that even under the most ambitious scenarios less than 1% of UK agricultural land will be needed for solar. The cumulative impact on the UK is, therefore, something Government has considered in its policy for deployment of solar. Therefore, there is no conflict with the WMS.

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<td>economic and other benefits of that land, and the extent to which the existing land within the order limits is used for grazing.</td>
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In respect of the economic and other benefits, these are set out in ES Chapter 15 paragraphs 15.7.60 to 15.7.68. This explains how the economic benefits of BMV land have been measured, being the incremental difference between “average” and “high” yielding crops. The analysis concludes that the benefit of BMV to non-BMV land would be of the order of 1,000 tonnes of wheat (if all the land was cropped for wheat. This is a worst-case assessment as there are multiple crops across the area plus land in agri-environmental cropping).

These statistics can be used to provide a comparable economic assessment. Using the same source (but 2025 edition) as set out in Tables 15-14 and 15-15 of the ES, the Gross Margin for winter wheat and oilseed rape for high and average performance is shown below.

<table>
<tr><td rowspan="2">Item</td><td colspan="2">Winter Feed Wheat</td><td colspan="2">Winter Oilseed Rape</td></tr>
<tr><td>Average</td><td>High</td><td>Average</td><td>High</td></tr>
<tr><td>Yield (t/ha)</td><td>8.2</td><td>9.4</td><td>3.5</td><td>4.0</td></tr>
<tr><td>Output (£)</td><td>£1,667</td><td>£1,889</td><td>£1,435</td><td>£1,640</td></tr>
<tr><td>Gross margin (£)</td><td>£988</td><td>£1,210</td><td>£825</td><td>£1,030</td></tr>
<tr><td>Uplift (£)</td><td>-</td><td>£222</td><td>-</td><td>£205</td></tr>
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John Nix Pocketbook for Farm Management, September 2025

Using those figures, the economic benefit assuming worst-case (i.e. maximum production) for the 639 ha of BMV land within the Scheme would be (rounded to the nearest £000):
• £131,000 if all in oilseed rape;
• £142,000 if all in wheat.
If the biodiversity areas are added, this takes the total to a maximum of £179,000 (805 ha x £222).
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			In terms of the amount of land within the Order Limits that is used for grazing, Table 15-7 of Chapter 15 of the ES describes each farm. High House Farm has some grassland within the Order Limits. Levlox Farm, whilst a dairy farm, has no grassland within the Order Limits. High House Farm uses some land within the Order Limits for grazing and the effects are described in Chapter 15 Table 15-10.
12.0.4	The applicant	**Food Security** Your response to relevant representations [REP1-008], paragraph 3.7.3 on page 286 states "The independent National Food Strategy Review shows that solar farms do not in any way present a risk to the UK's food security. Indeed, the reverse is true: the solar industry is working closely with Britain's farmers to reduce their energy costs and improve the sustainability of their operations". 1. Submit evidence of the National Food Strategy Review and signpost to where the referred to findings are in this document. 2. Explain how you are working closely with farmers that would be affected by the proposed development and the measures you are adopting to achieve this.	The Applicant apologies, the document reference was incorrect. The United Kingdom Food Security Report 2024 (Defra, 11 December 2024) identifies in section 2.2.4 "Land Use" that "it is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments". The UK Government Food Strategy for England, considering the wider food system (Defra, 15 July 2025) identifies, under the heading "Priority outcomes", that agriculture (especially in the most intensive farm) is a leading driver of nature and biodiversity loss, and a major greenhouse gas emitter (11.7% of UK greenhouse gas emissions). The solar sector generally is seeking to help tackle climate change. There are matters relating to biodiversity and greenhouse gas emissions which the solar sector can help UK agriculture. There are other aspects, such as environmental impacts associated with food importation, that the solar sector cannot help with. The Applicant is not presenting evidence of directly working with farmers on this proposed development specifically to reduce energy costs or improve

			sustainability.
12.0.5	The applicant	**Effects on farm businesses** Noting the methodology for determining receptor sensitivity in table 15.1 in ES chapter 15 [APP-072B], provide further explanation as to why arable farms fall within a category of 'low sensitivity'. Has any consideration been given to local circumstances in reaching these findings? 1.In addition, noting the comments in paragraphs 15.3.16 and 15.3.17 regarding a 'fallow' (resting) period that would allow soil to recover from constant cultivation, is there any evidence that you can draw upon to demonstrate that such a practice would benefit the farms that would be affected by the proposed development? 2. Paragraph 15.7.43 notes that some of the farm businesses will be significantly affected by the proposed development during operation. It then goes on to state that "Negotiations are currently underway between landlords and tenants, and the following analysis may therefore require updating in due course". Provide an update on the status of these negotiations and explain whether the analysis in ES chapter 15 [APP-072B] requires to be updated. If so, when would an update be undertaken?	1. The explanation in the ES Chapter 15 **[APP-072B]** for placing arable farms in the low sensitivity category is set out in section 15.3. All the farms within the Order Limits, except for part of High House Farm, are in arable use. Farms are continually adapting to change, as a result of weather, personal choice, commodity prices, disease etc. An arable farm, as a business, uses land for cropping. An arable farm will choose the crops grown on a combination of factors, but mostly based on what the land can produce. All the farms are growing and harvesting by combine, e arable crops with break crops. Whilst the quantum of land is important to maintain the scale of the overall farm enterprise, the exact location of the land is less important. The farm vehicles need to travel to the land, wherever that is, and the particular location for most arable farms is not critical. There are some arable farms where the location may be more sensitive, especially if there are irrigation systems in place, for example. Some arable businesses are dependent upon particular soil types, eg if growing higher value vegetables, but neither of these scenarios occur within the Order Limits. This was assessed as part of the Chapter 15 **[APP-072B]** assessment, and all farms except High House Farm are determined as low sensitivity (Table 15-12 refers). With the exception of part of High House Farm, all the land within the Order Limits is arable. The soils in these areas will benefit from being rested from continuous arable use. This will be a benefit to all of the farms within the Order Limits, as all have arable land in continuous arable cropping. A separate note can be provided to provide the ExA with scientific references for this conclusion. In respect of negotiations with tenants, this is provided in a separate note. 2. All farm businesses that are set out in ES chapter 15, with the exception of

			Ferry Farm and West End Farm, are in discussions with the landlord regarding the negotiated termination of either FBT or AHA agreements. With regards West End Farm, agreement has been reached and all land under this agreement is now in hand. Land at Ferry Farm is at an advanced stage of discussions with HoT agreed. It is hoped that in the near future this agreement will be completed and this land with also be in hand. Furthermore it is anticipated that discussions with other farms will be further progressed at future deadlines. The Applicant suggests that the ES chapter be updated once negotiations are completed.
12.0.6	The applicant	**Mineral Resources** To allow the ExA to fully consider the effects on mineral resources, please submit a mineral resource assessment at deadline 3, as requested in NCC's LIR [REP1-014] paragraphs 5.5.4 - 5.5.8.	The Applicant can confirm a Mineral Resource Assessment will be provided at Deadline 3.
12.0.7	The applicant	**Waste** To allow the ExA to fully consider the effects on waste, please submit an assessment of local and regional landfill capacity at deadline 3, based on an absolute worst-case scenario whereby the waste is not able to be recovered or recycled, as requested in NCC's LIR [REP1-014] paragraphs 5.5.11 - 5.5.12.	The Applicant can confirm an Assessment of Local and Regional Landfill Capacity will be provided at Deadline 3.
13. Landscape and visual			
13.0.1	The applicant	**Methodology** In identifying significant effects, paragraph 2.10.7 of ES chapter 2 states "Where discipline-specific methodology has been applied that differs from the generic criteria above, this is clearly explained within the given chapter under the heading of	The Landscape and Visual Impact Assessment (LVIA) [APP-064] was prepared in line with the overarching principles set out in Guidelines for Landscape and Visual Impact Assessment (3rd Edition) [GLVIA3]. The use of GLVIA3 to inform the approach to the assessment was set out in the EIA Scoping Report and PEIR and no disagreement to its use was set out by consultees.

		'Assessment Methodology'". Paragraph 2.10.8 states "As can be seen from Table 2.6, when an environmental effect is assessed as having a 'Major' or 'Moderate' degree of significance it is deemed to be 'significant'." Paragraph 6.3.46 of ES chapter 6 [APP-064] states "Those effects described as major, major/moderate and in some cases moderate may be regarded as significant effects". Explain clearly why the Landscape and Visual Impact Assessment (LVIA) in ES chapter 6 has adopted a different approach to the methodology set out in ES chapter 2 where moderate effects are considered significant. In doing so, does the assessment in the LVIA have the potential to underplay the number and extent of significant landscape and visual effects? If not, explain why.	GLVIA3 notes at paragraph 3.32 that 'There are no hard and fast rules about what effects should be deemed 'significant' but LVIAs should always distinguish clearly between what are considered to be the significant and non-significant effects'. This is done in the LVIA, which clearly notes which effects are significant and which are not. In August 2024 the Landscape Institute issued a Technical Guidance Note [reference LITGN-2024-01] titled 'Notes and Clarifications on aspects of the 3rd edition of the Guidelines for Landscape and Visual Assessment (GLVIA3)'8, which included some errata in relation to GLVIA3. It is of note that the Technical Guidance Note reiterates that the purpose of LVIA is 'to explain which aspects of landscape and visual change are more important to the decision to be made (and why). Achieving this outcome is more fundamental to good LVIA than the detailed mechanics of specific assessment methodologies'. The LVIA has indeed explained which aspects are most important to the decision, in line with this guidance. Other environmental topics in the EIA had slightly differing approaches to the identification of significant effects, based on the best practice guidance applicable to those topics and the professional judgement of the Chapter authors. However, in all instances the methodology used was clear and the effects which were identified to be significant were clearly identified from those which were not significant. It is not unusual for the approach to identifying significant effects to vary between environmental topics within an ES, as indeed it may vary between one LVIA and another. It is not considered that the assessment in the LVIA has underplayed any effects. GLVIA confirms that there are no hard and fast rules about what effects should be deemed 'significant'. In that regard it is not considered inappropriate for the LVIA to have considered that some moderate effects are 'significant' and some are not.

13.0.2	The applicant	**ES assessment and photomontages** Can the applicant clarify whether the LVIA is assessed, and the accompanying photomontages presented, on the maximum parameters laid out in ES chapter 4 [APP-062] and ES Appendix 4.5 – Outline Design Principles [APP-093]?	Yes, the LVIA is assessed based on the maximum parameters laid out in ES Chapter 4 and ES Appendix 4.5 – Outline Design Principles, alongside the mitigation measures set out on Figure 6.9 Landscape and Ecological Mitigation Strategy **[APP-160]**.
13.0.3	The applicant	**Additional Photomontages** Questions were asked during ISH1 [EV5-001] on the viewpoint (VP) selection and in addition, the ExA is aware of the concerns that have been expressed by parties on the choice of viewpoint locations selected, such as in NCC's LIR [REP1-014] and FfF [REP1-025]. Having considered those comments and the applicant's responses in ISH1, the ExA requests the following two additional viewpoint locations, accompanied by photomontages, to allow the ExA to more fully understand the description of effects for receptors as provided in ES chapter 6 [APP-064], at these locations: 1. Along the Trent Valley Way on Springs Lane within the order limits at a point between VPs 1 and 18. 2. Along the Trent Valley Way within the order limits at a point halfway between VPs 1 and 18. The ExA requests that ES appendix 6.3 [APP-099] is also updated to include an assessment of effects at the requested locations. Recognising the time required to prepare this information, the ExA requests that this information is provided at **deadline 3**.	The Applicant would appreciate if the ExA could please clarify, possibly on a plan, the difference between locations 1 and 2 stated in this question as it reads as both are along the Trent Valley Way between VP1 and 18. The material will then be prepared for Deadline 3 as requested.
13.0.4	All interested parties	**Viewpoint locations and photomontages** Further to the question above noting comments raised on this matter, are there any specific locations where parties consider should be included in the viewpoints and photomontages? If so, please provide full justification as to why those locations are	The Applicant would like to note that whilst it is keen to provide as much information as is reasonable to aid comprehension of the Scheme and is able to prepare photomontages of particular viewpoints, that producing further visualisations may not be proportionate. The Applicant is keen to note that visualisations do not form the basis of any assessment and there is no

		required, the receptors that they would represent and what they would provide in addition to that not included in the current suite of viewpoint locations and photomontages.	requirement to produce a set of visualisations that demonstrates that Scheme from every angle. The visualisations produced by the Applicant have sought to produce a reasonable sample of the visual impact of the Scheme. The Applicant would suggest that if further assistance is required in interpreting photomontages of viewpoints that an Accompanied Site Inspection is carried out where the Applicant can point out any features upon request of the Inspectors.
13.0.5	The applicant	**Mitigation** Explain how figure 6.9 [APP-160] would be secured through the dDCO.	Requirement 6 ensures that no phase of the authorised development can commence until a LEMP which accords with the outline LEMP has been submitted to and approved by the local planning authority in consultation with Natural England. The outline LEMP **[APP-116]** makes clear that it should be read conjunction with the outline landscape mitigation strategy [APP-160]. See in particular paragraph 4.2. Which demonstrates how these documents should be read together.
13.1	**Landscape effects**		
13.1.1	The applicant	**Effects on landscape character** Can you explain why you have split an assessment of 'landscape character of the site' from the effects on the landscape character areas of 'Mid Nottinghamshire Farmlands' and 'Trent Washlands' and the rationale for this?	The LVIA considers potential effects on landscape character at a range of scales in line with the principles set out at paragraph 5.12 of GLVIA3. Firstly, at the largest scale, with regard to the published National Character Areas. Secondly, at a slightly smaller scale with regard to the published regional character areas and then finally at the smallest scale with regard to effects on the site itself. The consideration of this smaller site level scale is in line with the principles set out at paragraph 5.16 of GLVIA3, an extract from which is set out below: '*Even where there are useful and relevant existing Landscape Character Assessments and historic landscape characterisations, it is still likely that it will be necessary to carry out specific and more detailed surveys of the site itself and perhaps its immediate setting or surroundings*'. If you were to just assess the large scale published National Character Areas,

			where the Proposed Development would only cover a very small part, it would be less likely that the impact would be sufficient to result in a significant effect to an area of that size. Similarly, even considering regional character areas, the Proposed Development would only cover a small part, again making it less likely for the Proposed Development to result in a significant effect on the character of the area as a whole. Therefore, it is appropriate to also consider the effects on the character of the Site itself, where the LVIA does identify a significant effect on landscape character at all phases. This is because although the key landscape features within the Site would be largely retained and there would be new planting of specific rich grassland in and around the panels, the presence of the panels and associated infrastructure would change the character of the Site itself from one which was primarily agricultural in nature, to one which contained a renewable energy development. However, the limited nature of the visibility of the Proposed Development beyond its immediate surroundings is such that this significant effect on character does not extend to the regional or national character area scale.
13.1.2	The applicant	**Effects on landscape character** In assessing the effects on this landscape resource, the ES in paragraphs 6.7.20 and 6.7.42 refer to notable but 'highly localised' effects upon the 'Mid Notts Farmlands' and 'Trent Washlands' Character Areas due to the extent and size of the proposed development. What is meant by 'highly localised' effects and how is it quantified or differentiated from 'localised'?	In the context of the LVIA, 'Highly localised' means extending to a smaller distance than just 'localised'. For example, localised may mean extending for several hundred metres, whereby highly localised may mean extending for much less than this. In the case of the specific example referred to, highly localised was used, because the identified effects on landscape character would not extend much beyond the immediate boundaries of the Site. This being because in a generally flat landscape, with established boundary vegetation, there are few locations beyond the immediate proximity of the Site where any significant effects on landscape character would be perceived.

13.1.3	The applicant	**Effects on landscape character** Why has reference been made to visibility in the assessment of effects on landscape character areas in paragraphs 6.7.43 and 6.7.44 when it is assessing effects on landscape character?	Whilst effects on landscape character are different to effects on the visual amenity of specific receptors, there cannot be any effect on landscape character from a location where the Proposed Development is not visible. Therefore, it is important in the first instance to understand the level of visibility of the Proposed Development from the landscape, in order to then begin to consider where that level of visibility would then have the ability to impact upon the character of the landscape.
13.1.4	The applicant	**Effects on 'Mid Notts Farmlands' and 'Trent Washlands' landscape character areas** Can the applicant describe how the low-medium magnitude of change, as stated in paragraphs 6.7.44 and 6.7.46, has been arrived at and explain further why the moderate effects in year 1 are not considered significant?	With regard to the effects on the landscape character of the 'Mid Notts Farmlands' this is discussed in paragraphs 6.7.43 and 6.7.44. The analysis notes that the LCA covers the western section of the Site, plus the area in which the Substation and BESS would be located. It also identifies that the former West Burton Power Station Site is located within the 'Mid Notts Farmlands', which, along with its associated electricity distribution infrastructure, has been an established characteristic of views from that part of the character area in which the Site is located for many years. It is set out that the Onsite Substation and BESS are both located in the area immediately adjacent to the former West Burton Power Station site, which in part helps to limit the potential for effects on landscape character to this part of the character area. It is also set out that impacts only occur across a relatively limited proportion of the 'Mid Notts Farmlands' LCA, with the vast majority of the LCA having no visibility of the Proposed Development. Paragraph 6.3.33 of the LVIA sets out the factors which influence the magnitude of impact on landscape character identifying that this is influenced by a number of factors including: 'the extent to which existing landscape features are lost or altered, the introduction of new features and the resulting alteration to the physical and perceptual characteristics of the landscape'. The paragraph also confirms that professional judgement has been used to determine the magnitude, with a series of criteria as guidance

			only. The indicative criteria for a 'low' and a 'medium' magnitude of change were as follows: • Low Magnitude of Change - Minor loss or alteration to existing landscape features; introduction of minor new features into the landscape; or minor alteration to the key physical and/or perceptual attributes of the landscape. • Medium Magnitude of Change - Some notable loss or alteration to existing landscape features; introduction of some notable new features into the landscape; or some notable change to the key physical and/or perceptual attributes of the landscape. In the case of effects on the 'Mid Notts Farmlands' LCA, there would be no or very limited loss of important landscape features (woodland/ trees/hedgerows) arising from the Proposed Development. There would also be a loss of agricultural land, but by Year 1 there would be new species rich grassland in and around the solar panels. In terms of the introduction of new features, the Onsite Substation and BESS are both located in the area immediately adjacent to the former West Burton Power Station site which already has an existing influence on the character of this part of the landscape, which in part helps to limit the potential for effects on landscape character from these elements. The wider solar element of the development would not be visible from the vast majority of the LCA which limits its ability to result in change to the perceptual attributes of the landscape. Where the panels were visible, they would remain set within the same pattern of woodland, trees and hedgerows that help to define the character of the landscape. Overall, it was considered that this would result in a low-medium magnitude of change to the 'Mid Notts Farmlands'. This being the judgement on the basis that the magnitude was part way between the low and the medium levels.

			When the low-medium magnitude of change was combined with the medium sensitivity identified for the LCA, this resulted in a moderate effect on landscape character, which was deemed to be non-significant. The effect was deemed to be non-significant as it was considered to be at the lower end of the moderate level, close to moderate -minor than it was to moderate – major. This in part reflected the limited visibility of the Proposed Development across the LCA and the location of the Onsite Substation and BESS close to the existing built development at the former West Burton Power Station site, which helps to limit the potential for effects on landscape character from these elements. A similar process was followed for the 'Trent Washlands' LCA to the 'Mid Notts Farmlands'. The difference being that the LCA covers the whole of the eastern section of the Site, other than the area in which the Onsite Substation and BESS. It was noted that although the former West Burton Power Station Site is located within the adjacent 'Mid Notts Farmlands', its associated electricity distribution infrastructure (overhead lines and pylons) runs through the 'Trent Washlands', and has been an established characteristic of views from that part of the character area in which the Site is located for many years.
13.2 Visual effects			
13.2.1	The applicant	**Assessment of effects** There are a number of visual effects within the LVIA whereby the 'magnitude of impact' is assessed as low to medium and in turn, resultant moderate effects are not considered to be significant. Can the applicant provide a more detailed narrative explaining how the low-medium or medium-low magnitude of impact and moderate (not significant effects) has been arrived at for each of the following receptors: a. Residential Receptors in Sturton le Steeple (ES chapter 6, paragraph 6.7.54).	Paragraph 6.3.34 of the LVIA sets out the factors which influence the magnitude of impact on visual amenity identifying that this is influenced by the introduction of new elements into the views of a landscape, or the removal of elements from the existing view. The paragraph also confirms that professional judgement has been used to determine the magnitude, with a series of criteria provided as guidance only. The indicative criteria for a 'low' and a 'medium' magnitude of change were as follows: • Low Magnitude of Change - Some change in the view that is not prominent but visible to some visual receptors.

		b. Residential Receptors in North Leverton with Habblesthorpe (ES chapter 6, paragraph 6.7.57). c. Residential Receptors in Fenton (ES chapter 6, paragraph 6.7.64). d. Individual properties (ES chapter 6, paragraph 6.7.68). e. Users of the public right of way at VP6 (ES Appendix 6.3). f. Receptors at VP8 (ES Appendix 6.3). g. Users of the Trent Valley Way at VP20 (ES Appendix 6.3).	• Medium Magnitude of Change - Some change in the view that is clearly notable in the view and forms an easily identifiable component in the view. A low-medium magnitude of change (also referred to as a medium-low) would apply to a magnitude which was part way between the low and the medium levels. Magnitude of impact is a spectrum which goes from very high to very low. In some instances the magnitude clearly aligns with one of the main categorisations (e.g. high, medium or low). However, there are many instances where the magnitude lies between two of categorisations. The was the case for some of the visual receptors assessed in the LVIA, where the magnitude of impact was acknowledged to be greater than low, but not considered to be as great as medium. Moderate effects in the LVIA were identified to be either significant or non-significant. Where the effects are deemed to be non-significant it was because they were considered to be at the lower end of the moderate level, closer to moderate -minor than to moderate – major. Each of the receptors identified are discussed further below: *a. Residential Receptors in Sturton le Steeple (ES chapter 6, paragraph 6.7.54).* The assessment of visual effects on residential receptors in Sturton le Steeple during the operation phase of the Proposed Development was set out at paragraphs 6.7.51 to 6.7.54. The text set out a number of factors which contributed to the assessment process, including the distance between the properties in the settlement and the different elements of the Proposed Development, where it was noted that the majority of the village lies over 500m from any built infrastructure within the Proposed Development, with no residential properties within 100m of any built infrastructure. It also discussed the existing planting in the landscape between the properties and the Proposed Development that would serve to restrict some visibility and the

			fact that the panel height had now been reduced down to 3m from the previously proposed 3.6m. Overall it was identified that the sensitivity of the residential properties is high and the magnitude of impact as a worst-case would be low to medium, resulting in moderate, non-significant, effects. As noted above, low to medium magnitude means that the magnitude would lie part way between the low and the medium level, reflecting that the magnitude was greater than low, but not as great as medium. Likewise, a moderate, non-significant effect is one which lies closer towards moderate-minor than it does to moderate-major. *b. Residential Receptors in North Leverton with Habblesthorpe (ES chapter 6, paragraph 6.7.57).* The assessment of visual effects on residential receptors in North Leverton with Habblesthorpe during the operation phase of the Proposed Development was set out at paragraphs 6.7.56 and 6.7.57. The text set out a number of factors which contributed to the assessment process, including the distance between the properties in the settlement and the different elements of the Proposed Development, where it was noted that the majority of the village lies over 500m from any built infrastructure within the Proposed Development, with no residential properties within 250m of any built infrastructure. It also discussed the existing planting in the landscape between the properties and the Proposed Development that would serve to restrict some visibility and the fact that the panel height had now been reduced down to 3m from the previously proposed 3.6m. Overall it was identified that the sensitivity of the residential properties is high and the magnitude of impact as a worst-case would be low to medium, resulting in moderate, non-significant, effects. As noted above, low to medium magnitude means that the magnitude would lie part way between the low and the medium level, reflecting that the magnitude was greater than

			low, but not as great as medium. Likewise, a moderate, non-significant effect is one which lies closer towards moderate-minor than it does to moderate-major. It was also noted that the majority of properties in the settlement would have no views of the Proposed Development and no effect. *c. Residential Receptors in Fenton (ES chapter 6, paragraph 6.7.64).* The assessment of visual effects on residential receptors in North Leverton with Habblesthorpe during the operation phase of the Proposed Development was set out at paragraphs 6.7.62 to 6.7.64. The text set out a number of factors which contributed to the assessment process, including the distance between the properties in the settlement and the different elements of the Proposed Development, where it was noted that several of the properties in Fenton lie over 500m from any built infrastructure within the Proposed Development, with no residential properties within 250m of any built infrastructure. It also discussed the fact that the panel height had now been reduced down to 3m from the previously proposed 3.6m and that areas previously proposed for panels had been removed from the Proposed Development to both the north and south of Fenton. Overall it was identified that the sensitivity of the residential properties is high and the magnitude of impact as a worst-case would be low to medium, resulting in moderate, non-significant, effects. As noted above, low to medium magnitude means that the magnitude would lie part way between the low and the medium level, reflecting that the magnitude was greater than low, but not as great as medium. Likewise, a moderate, non-significant effect is one which lies closer towards moderate-minor than it does to moderate-major.

			d. Individual properties (ES chapter 6, paragraph 6.7.68). The LVIA identified that there are a number of small clusters of properties, as well as individual properties, throughout the study area, which lie outside of the villages and settlements discussed. This is in addition to the properties which lie within 500m and are considered in the RVAA. The properties were discussed at paragraphs 6.7.66 to 6.7.68. Again it was noted that the panel height had now been reduced down to 3m from the previously proposed 3.6m and in the context of the distance between the Proposed Development and the properties and with regard to the intervening vegetation in the landscape, it was considered that the magnitude would as a worst-case be no greater than low to medium, resulting in moderate, non-significant, effects. However, for the majority of the properties the magnitude was noted to be no greater than very low. As noted above, low to medium magnitude means that the magnitude would lie part way between the low and the medium level, reflecting that the magnitude was greater than low, but not as great as medium. Likewise, a moderate, non-significant effect is one which lies closer towards moderate-minor than it does to moderate-major. *e. Users of the public right of way at VP6 (ES Appendix 6.3).* LVIA VP6 represents a location on Footpath Sturton le Steeple FP17. Appendix 6.3 set out that views towards the proposed substation, BESS compound and solar panels would be limited by intervening field boundary hedgerows and seen in the context of the former power station site and pylons in the foreground. Photomontages have been prepared for VP6 during both summer and winter (appendix 6.2) which help to illustrate the extent of visibility of the Proposed Development from this location, in combination with the 270 degree photography for the VP presented in the Photo Record at Appendix 6.1. The visual material clearly illustrates the extent of existing built form already visible in the baseline view. It also illustrates how the substation would be

			seen in the same direction as the existing development at the former power station site, and at a distance of over 300m away from the VP. It also illustrates the very limited potential visibility of the BESS, beyond an intervening hedgerow over 200m away and the panels further beyond. As noted above, low to medium magnitude means that the magnitude would lie part way between the low and the medium level, reflecting that the magnitude was greater than low, but not as great as medium. Likewise, a moderate, non-significant effect is one which lies closer towards moderate-minor than it does to moderate-major. *f. Receptors at VP8 (ES Appendix 6.3).* LVIA VP8 represents a location on Cross Common Lane/ Restricted Byway Sturton Le Steeple RB32. The Photo Record at Appendix 6.1 sets out a full series of 360 degree photography from this location. Sheets B, C and D illustrate how for 270 degrees of the views from this location the Proposed Development would be screened by existing mature hedgerows, with no change to the view. Sheet A illustrates a field access through the hedgerow which would allow for a glimpsed view of part of the solar element of the Proposed Development, where panels would be seen, set back into the field from the field boundary and at a reduced height of 3m. Noting there would be no change to the primary views looking up and down the lane from the viewpoint a low to medium magnitude of change was identified, resulting in a moderate, non-significant, effect. *g. Users of the Trent Valley Way at VP20 (ES Appendix 6.3).* LVIA VP20 represents a location on Trent Valley Way, north of Maumhill Wood. Photomontages have been prepared for VP20 during both summer and winter (Appendix 6.2) which help to illustrate the extent of visibility of the Proposed Development from this location, in combination with the 360 degree

			photography for the VP presented in the Photo Record at Appendix 6.1. Sheets C and D of the Photo Record illustrate that for more than 50% of the view from this location the Proposed Development would be in the opposite direction and would not be visible. Sheet A of the winter photomontage illustrates that there would be some visibility of panels in the view to the north-east, seen in the mid-distance of the view, beyond the foreground hedgerow, around 400m away, with the nearest visible fields not containing the Proposed Development. The elevated location of the viewpoint is such that this angle of view contains a wide panorama and allows long distance views. The former West Burton power station lies in the mid-distance of the view, with the former power station forming the most prominent element in the view, but the wider development at the former power station site, including the existing National Grid substation, also being visible. Sheet B of the winter photomontage illustrates that there would also be some visibility of panels in the view to the south-east, albeit partly screened by the foreground hedgerow. The elevated location of the viewpoint is such that this angle of view also contains a wide panorama and allows long distance views. The former Cottam power station lies in the mid-distance of the view in the photograph, which was taken before the cooling towers were demolished, with the wider development which remains at the former power station site, such as the overhead transmission lines and pylons also being visible. The North Leverton Windmill can be seen beyond the Proposed Development. Both the summer and winter photomontages illustrate a point at which the hedgerow vegetation has been very closely cropped and therefore represent a worst-case scenario. Growth to the hedgerows would quickly begin to obscure much of the view of the Proposed Development which can be seen in both the views to the north-east and the south-east. The primary view looking forwards down the hill for users of the Trent Valley Way would continue to comprise of the wide track, bounded by hedgerows lined with hedgerow trees.

			As noted above, low to medium magnitude means that the magnitude would lie part way between the low and the medium level, reflecting that the magnitude was greater than low, but not as great as medium. Likewise, a moderate, non-significant effect is one which lies closer towards moderate-minor than it does to moderate-major.
13.2.2	The applicant	**Assessment of effects** The deadline 1 submission by FfF [REP1-025] notes that the assessment includes the West Burton cooling towers which they state will be gone by 2026/2027. To what extent, if any, has the assessment of landscape and visual effects in years 1 and 15 considered this and also the recent removal of the Cottam Power Station cooling towers? If it has not, explain why not and whether incorporating these matters into the assessment would change the assessment findings.	The ES was mindful of the decommissioning of the former West Burton Power Station, including the proposed removal of the redundant cooling towers. The works were included amongst the list of cumulative projects at ES Table 2.9 and Appendix 2.3 identified that they were likely to be completed prior to construction of the Proposed Development. The LVIA did not therefore assume that the cooling towers would be present in the landscape at either Year 1 or Year 15. However, irrespective of the removal of the cooling towers, development would still be in place at the former West Burton Power Station site during both years 1 and 15, including the existing substation building, which forms the closest element to the proposed substation and BESS and is visible in the baseline of many views towards those elements of the Proposed Development. The Applicant is also aware that the Cottam Power Station cooling towers were demolished in August 2025, following submission of the ES. The LVIA was mindful of the forthcoming demolition of the cooling towers and they were not assumed to be present in the landscape when judgements were made regarding effects at either Year 1 or Year 15. It is important to note however that the transmission network of pylons and overhead lines remains running to the substations at the former West Burton and Cottam Power Station sites, crossing the landscape of the Site and its surroundings.

13.3 Cumulative landscape and visual effects			
13.3.1	The applicant	**Cumulative ZTV** During ISH1 [EV5-006] it was explained, as summarised in your written summaries of oral submissions [REP1-009], that cumulative ZTV's are one tool available but it was considered they would not show an accurate view due to the presence of additional hedgerows and planting which was observed when testing the ZTV of the proposed development; essentially they would overemphasize potential visibility from reality. It was also stated that they are not the sole basis for judging a development. Whilst mindful of these comments, recognising the fundamental concerns parties have raised on cumulative matters in representations to date and the comments in NCC's LIR [REP1-014] (paragraph 5.1.7), please submit a screened cumulative ZTV to allow for greater understanding of where the potential for theoretical visibility of two or more solar farm schemes would be experienced. The ZTV should include the potential for theoretical visibility in respect of the identified tier 1 solar schemes (including non NSIP) in table 6.6 in ES chapter 6 [APP-064].	The requested cumulative ZTV has been prepared and is provided alongside this response document. It is important to recognise that the plan is an overestimation of the extent of likely visibility of the projects. This is because although built form and larger blocks of woodland are included in the SZTV model, hedgerows are not, and these serve to notably limit potential visibility even when allowing for their cycle of cutting across the year.
13.3.2		**Photomontages – Cumulative schemes** Please undertake a review of the current viewpoints and photomontages and annotate at each viewpoint and photomontage where any cumulative schemes would be visible. To assist in this matter, the ExA would refer the applicant to the content of visualisations that were submitted for the Tillbridge Solar Project. Recognising the time required to prepare this information, the ExA requests that this information is provided at **deadline 3**.	The material will be prepared for Deadline 3 as requested.

13.4 Residential Visual Amenity Assessment (RVAA)			
13.4.1	The applicant	**Study area** ES chapter 6 [APP-064] paragraph 6.3.53 states the RVAA [APP-100] is based on a detailed study area of 0.5km from the proposed development. Explain why this distance is considered appropriate.	The methodology for the RVAA at Appendix 6.4 **[APP-100]** was informed by guidance set out in 'Technical Information Note 02/2019 – Residential Visual Amenity Assessment' published by the Landscape Institute. This guidance states at paragraph 4.4 that '*There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account'*. *However, it does provide advice to help inform the approach and study area. Paragraph 4.5 confirms that 'Simply being able to see a proposed development from a property is no reason to include it in the RVAA'*. Paragraph 4.7 goes on to state that *'development types including potentially very large but lower profile structures and developments such as road schemes and housing are unlikely to require RVAA, except potentially of properties in very close proximity (50-250m) to the development. For example, when assessing effects of overhead transmissions lines, generally only those properties within 100 – 150 metres of the finalised route are potentially considered for inclusion in a RVAA'. In other words, for low profile structure, such as solar development, a study area of up to 250m is suggested as being appropriate. The study area used for the Proposed Development was double this distance at 500m and therefore, even allowing for the slightly taller scale of the substation and BESS, was considered to be more than sufficient.* The purpose of RVAA is defined by the guidance at paragraph 2.1 as being to provide an answer to the question: *'is the effect of the development on Residential Visual Amenity of such nature and / or magnitude that it potentially affects 'living conditions' or Residential Amenity'?*' In the case of the Proposed Development it is considered that the RVAA demonstrates that there are no properties which come close to affecting 'living conditions or Residential Amenity'. This is due in part to the considered design process which included

			a consideration of the relationship between the Proposed Development and the nearest residential properties from the outset and further increased the offsets from properties as the design of the Proposed Development evolved.
13.4.2	The applicant	**Extent of site inspections** Paragraph 1.2.6 of the RVAA [APP-100] sets out that step 3 has involved both the desk study and detailed fieldwork but has not required visits to individual properties which, for the purposes of this step, can generally be assessed from the nearest publicly available vantage or access point. Can you confirm what inspections you did to verify the assessment findings in table 1? Were all of the properties listed in table observed from the nearest publicly available point?	Yes, each of the properties considered in the RVAA were viewed from the nearest publicly accessible location, either from the roadside, or from public rights of way.
13.4.3	The applicant	**Magnitude of change** There are a number of properties identified in table 1 of the RVAA [APP-100] where the magnitude of change has been classed as low/medium. The ExA is aware that Guidelines for LVIA 3 suggests that magnitude of effect is a function of three factors (the size/scale of the effect, the duration of the effect and the reversibility of the effect). However, in the absence of a written description in paragraph 6.3.35 of ES chapter 6 [APP-064] of this category, please explain clearly how a low/medium magnitude of change has been arrived at for each of those properties.	The approach to the consideration of magnitude was discussed in the LVIA. Firstly, there is a general discussion at paragraphs 6.3.25 to 6.3.31. This addresses the matter of GLVIA identifying that the magnitude of effect is a function of three factors, but confirms that the approach taken in this LVIA has been to consider magnitude of effect solely as the scale or size of the effect in the traditional sense of the term 'magnitude'. The magnitude has not been reduced due to the duration or reversibility of the effects, such as to ensure that the effects identified are an appropriate worst-case for the period during which they would arise. Thereafter, paragraph 6.3.34 of the LVIA sets out the factors which influence the magnitude of impact on visual amenity identifying that this is influenced by the introduction of new elements into the views of a landscape, or the removal of elements from the existing view. The paragraph also confirms that professional judgement has been used to determine the magnitude, with a series of criteria as guidance only. The indicative criteria for a 'low' and a 'medium' magnitude of change were as follows: • Low Magnitude of Change - Some change in the view that is not prominent but visible to some visual receptors.

			• Medium Magnitude of Change - Some change in the view that is clearly notable in the view and forms an easily identifiable component in the view. A low-medium magnitude of change would apply to a magnitude which was part way between the low and the medium levels. Magnitude of impact is a spectrum which goes from very high to very low. In some instances the magnitude clearly aligns with one of the main categorisations (e.g. high, medium or low). However, there are many instances where the magnitude lies between two of categorisations. The was the case for some of the residential properties assessed in the RVAA, where the magnitude of impact was acknowledged to be greater than low, but not considered to be as great as medium. Each property would have its own specific reasoning for the judgement having been applied (refer to column 4 of Table 1 of the RVAA **[APP-100]**), but these judgements would include consideration of the offset between the property and the Proposed Development and the extent and nature of any intervening screening.
13.4.4	The applicant	**Assessment of effects** To what extent has effects from upper floor windows been considered in the findings in table 1, particularly where vegetation has been stated as one reason to reduce impacts? How successfully would vegetation mitigate effects from upper floor windows from residential properties?	The RVAA considers the potential effects 'in the round', with consideration given to views from the dwelling itself, alongside its curtilage, garden areas and access drives. This includes consideration of views from all parts of the dwelling, including any upper storeys. Indeed, views from upper storeys are specifically referred to in the discussion of at least 10 of the residential properties in the RVAA (e.g. 18, 20, 24, 27, 30-33, 35 and 36), but even if they weren't specifically referenced that doesn't mean that they weren't considered. Vegetation would mitigate effects from upper storey windows to varying degrees depending on the individual circumstances. Again, there are several properties where the RVAA specifically acknowledges that the screening would be of particular benefit to ground floor views (e.g. groups 1, 11, 12, 13, 14, 20 and 21). However, it is important to note that the RVAA provides a

			'worst-case' magnitude of change, based on the Year 1 scenario before any proposed planting would have matured, or existing planting would have grown out. As such, it is not reliant on any additional proposed vegetation to inform the judgements set out.
13.4.5	The applicant	**Assessment of effects** To what extent has the RVAA [APP-100] considered cumulative effects? If it has, explain where this is apparent within the assessment or elsewhere in the ES.	The RVAA did not consider cumulative effects because it had been considered that there was no potential for the residential amenity threshold to be reached, based on the findings of the cumulative assessment in the LVIA Chapter and the findings of the RVAA in relation to the Proposed Development. In other words, the identified levels of effect of the Proposed Development were noted to be so far beneath the residential visual amenity threshold, that it was considered that there was no potential for any cumulative effects to occur that would enable this threshold to be reached, noting the limited potential for any cumulative visual effects to arise that was identified in the cumulative assessment set out in the ES Chapter. Of the cumulative sites identified in the LVIA, the majority lie well beyond the RVAA 500m study area. Those which are located within the RVAA Study Area include Wood Lane solar. However, only one of the residential properties considered within the RVAA lies within 500m of Wood Lane solar, property 23. This property is over 400m away from Wood Lane solar, which itself lies beyond the Proposed Development in views from the property. It was considered that no additional significant cumulative effects would arise. The various other developments at the former West Burton Power Station Site also lie at the periphery of the RVAA study area. Again however, the distance between these developments and the properties, along with the presence of existing built development in the views in this direction, notwithstanding that the former power station itself is due for demolition, would be such that additional significant cumulative effects would not arise. Finally, the current proposals for the North Humber to High Marnham project indicate that it would pass through the RVAA study area and the potential for cumulative visual effects was addressed in the LVIA at paragraph 6.10.25. This

<table>
<tr><td></td><td></td><td></td><td>noted that there would be the potential for some localised non-significant moderate cumulative effects on views where both the transmission connection and the Proposed Development were visible in very close proximity, however, such locations would be likely to be highly localised. In line with this conclusion, it was considered that there was no potential for significant cumulative effects that would require further detailed consideration in the RVAA.</td></tr>
<tr><td colspan="4">16. Socio-economic effects</td></tr>
<tr><td>16.0.1</td><td>The applicant</td><td>Construction jobs
ES chapter 10: Socio Economics [APP-068] states that there would be an average of 164 on-site jobs (paragraph 10.7.3) with a peak number of construction workers of 363 on-site (paragraph 10.7.14). However, the Outline Supply Chain, Employment and Skills Plan in ES Appendix 10.1 [APP-127] (paragraph 5.5) states that there would be an average of 187 jobs on site over the 24-month timeframe with a peak of 436 workers. Explain the apparent discrepancies between the two documents.</td><td>ES Chapter 10: Socio Economics [APP-068] includes the correct number of jobs where it states that there would be an average of 164 on-site jobs with a peak number of construction workers of 363 on-site.

The Outline Supply Chain, Employment and Skills Plan in ES Appendix 10.1 [APP-127] is incorrect where it states 187 jobs on site with a peak of 436. This has now been corrected within the document to align with the correct number of jobs. An updated Outline Supply Chain, Employment and Skills Plan (Document Reference EN010163/EX/6.3.10 Revision 2) has been submitted at Deadline 2.</td></tr>
<tr><td>16.02</td><td>The applicant</td><td>Job creation
Please provide a table which details all of the estimated jobs stated throughout ES chapter 10: Socio Economics [APP-068] during the construction stage, operation stage and decommissioning phase, or signpost to where this information is.</td><td><table><tr><th>Phase</th><th>Direct Jobs</th><th>Indirect Jobs</th></tr><tr><td>Construction</td><td>164</td><td>218</td></tr><tr><td>Operation</td><td>0</td><td>0</td></tr><tr><td>Decommissioning</td><td>82</td><td>109</td></tr></table></td></tr>
<tr><td colspan="4">18. Other planning topics</td></tr>
<tr><td colspan="4">18.1 Air Quality</td></tr>
<tr><td>18.1.1</td><td>The applicant</td><td>Errata’s</td><td>The Applicant can confirm the text “Error! Bookmark not defined” has been removed from ES Chapter 14: Air Quality (Document Reference</td></tr>
</table>

		ES chapter 14 [APP-072A] contains numerous instances where the text "Error! Bookmark not defined" appears. Please re-submit the chapter rectifying this.	EN010163/EX/6.2.14 Revision 2) and has been resubmitted as part of Deadline 2.
18.1.2	The applicant	**Cumulative and in-combination effects** ES chapter 14 [APP-072A] paragraph 14.10.2 states "It is considered unlikely that on-site construction activities on any of the Other Developments listed above will be occurring simultaneously with on-site construction activities at the Proposed Development". Explain how this conclusion has been reached and the evidence that has underpinned it.	Initially, cumulative schemes within the 6 km air quality zone of influence of the Proposed Development were screened to determine if there was an overlap in the construction phases. For consideration of the potential for on-site construction activities to cause a cumulative impact, the IAQM guidance on the 'Assessment of dust from demolition and construction' uses screening criterion of 250 m from the site boundary to determine the need for a detailed dust risk assessment. As such, the long list of potential overlap during the construction phase was further refined to cumulative schemes within 500 m of the Order Limits. Then, where possible, the construction programme was reviewed to determine whether there would be a temporal overlap with construction of the Proposed Development. This reduced the list to three potential cumulative schemes. This is a conservative assumption as it is considered unlikely that dust emitting construction activities would be taking place at the Order Limits/ site boundary of both schemes simultaneously. In addition, it is assumed that all cumulative developments will be required to carry out a construction dust risk assessment as part of the planning process, which would determine the level of mitigation required during the construction phase of each development to minimise dust emission as far as possible to achieve no residual impacts at sensitive receptors. Therefore, there should be no cumulative impacts due to on-site construction activities.

POWER FOR GOOD

Steeple Renewables Project

Applicant Response to ExA First Written Questions – Appendix A , B, C and D

January 2026

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Applicant Responses to ExA First Written Questions – Appendix A, B, C and D

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1 Introduction

1.1.1 This report responds to the Examining Authority's ('ExA') first written question issued on the 11 December 2025 [**PD-005]** with regards:

- Q.1.0.4 - the 2025 revised National Policy Statements NPS EN-1, NPS EN-3 and NPS EN-5 (Appendix A);
- Q.1.0.5 - The Solar Roadmap: United Kingdom powered by solar issued by the Department for Energy Security and Net Zero on 30 June 2025 (Appendix B);
- Q.4.0.1 - Nationally Significant Infrastructure Projects: Advice on Good Design (Appendix C); and
- Q.7.0.4 - North Humber to High Marnham National Grid scheme (Appendix D).

1.1.2 Appendix A is tabularised to include a comparison of changes to 2025 revised National Policy Statements NPS EN-1, NPS EN-3 and NPS EN-5 with 2024 versions and setting out any implications for the Proposed Development considered by the Applicant.

1.1.3 Appendix B sets out how the proposal complies with the Solar Roadmap.

1.1.4 Appendix C is tabularised to include a comparison of Nationally Significant Infrastructure Projects: Advice on Good Design and the Applicants response regarding out how this has been achieved by the Proposed Development.

1.1.5 Appendix D is a two part response that should be read together.

Appendix A – Table 1 – Applicant Response to 2025 revisions to National Policy Statement EN-1

2024 NPS EN-1	2025 Revised NPS EN-1	Applicant Responses
1.3 - Scope of the Overarching National Policy Statement for Energy 1.3.4 - The Planning Act 2008[7] sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the energy sector. The Act defines the following forms of energy infrastructure as being an NSIP8: • **electricity generating stations (meeting the thresholds set out in the Planning Act 2008)**. This includes onshore generating stations (but not onshore wind or electricity storage, except hydroelectric storage) generating more than 50 megawatts (MW) in England and 350MW in Wales. It also includes offshore generating stations generating more than 100MW offshore in territorial waters adjacent to England and within the English part of the Renewable Energy Zone, and those generating more than 350MW in territorial waters adjacent to Wales and the Welsh part of the Renewable Energy Zone (the Welsh Zone as defined by section 158 of the Government of Wales Act 2006). For these types of infrastructure, this Overarching NPS (EN-1) in conjunction with any of the relevant technology specific NPSs will be the primary policy for Secretary of State decision making	1.3 Scope of the Overarching National Policy Statement for Energy 1.3.4 - The Planning Act 2008[7] sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the energy sector. The Act defines the following forms of energy infrastructure as being an NSIP8: • **electricity generating stations (meeting the thresholds set out in the Planning Act 2008[9]).** This includes onshore generating stations with an installed capacity greater than 50 megawatts (MW) in England and 350MW in Wales (but not onshore wind in Wales or electricity storage in England and Wales, except hydroelectric storage). When the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 takes effect, proposed for 31 December 2025, this will include onshore wind and solar generating stations in England only where they generate more than 100MW. It also includes offshore generating stations generating more than 100MW offshore in territorial waters adjacent to England and within the English part of the Renewable Energy Zone, and those generating more than 350MW in territorial waters adjacent to Wales and the Welsh	Exclusion of onshore wind generation removed and additional text reflecting introduction of the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025. Transitional arrangements mean that this change has ne effect on the Steeple Renewables Project (SRP), which is currently at Examination.

	part of the Renewable Energy Zone (the Welsh Zone as defined by section 158 of the Government of Wales Act 2006). For these types of infrastructure, this Overarching NPS (EN-1) in conjunction with any of the relevant technology specific NPSs will be the primary policy for Secretary of State decision making	
	Additional Footnote 9 added, stating: What amounts to a single generating station for the purposes of the Act will be a matter of fact to be considered on a case-by-case basis, however the starting presumption will be that even where multiple generating station types are co-located, each generation type will be a separate generating station for the purposes of the thresholds	No co-location of generating stations is proposed in relation to the SRP
1.4 Geographical coverage 1.4.2 In Scotland and in those areas of the REZ where Scottish Ministers have functions, the Secretary of State will have no functions under the Planning Act 2008 in relation to consenting energy infrastructure projects except as set out in this section. However, energy policy is generally a matter reserved to UK Ministers and this NPS may therefore be a relevant consideration in planning decisions in Wales and Scotland.	1.4 Geographical coverage 1.4.2 In Scotland and in those areas of the REZ where Scottish Ministers have functions, the Secretary of State will have no functions under the Planning Act 2008 in relation to consenting energy infrastructure projects except as set out in this section. However, energy policy is generally a matter reserved to UK Ministers and this NPS may therefore be a relevant consideration in planning decisions in Wales, Northern Ireland and Scotland.	Reference to Northern Ireland added – no implications for the SRP

1.4.4 The Secretary of State will only examine electricity generating stations in Wales, in territorial waters adjacent to Wales or in the Welsh Zone if their capacity is greater than 350MW.	1.4.4The Secretary of State will only examine electricity generating stations in Wales, in territorial waters adjacent to Wales or in the Welsh Zone if their capacity is greater than 350MW, except onshore wind in which all generating stations regardless of capacity will be decided by the relevant Welsh authority.	New text relating to Wales not relevant to the SRP
1.4.6 In Northern Ireland, planning consents for all NSIPs, as well as most energy policy, are devolved to the Northern Ireland Executive, so the Secretary of State will not examine applications for energy infrastructure in Northern Ireland and the NPSs will not apply there.	1.4.6 In Northern Ireland, planning consents and marine licences in inshore waters are devolved to the Northern Ireland Executive. The Secretary of State will not, therefore examine applications for energy infrastructure in Northern Ireland and the NPS will not apply there. In the UK Renewable Energy Zone (REZ), the Secretary of State is responsible for all marine licences (delegated to MMO) and for planning consents above 100MW other than in the Welsh zone or where Scottish Ministers have functions.	New text not relevant to the SRP
1.6 Transitional provisions following review 1.6.1 The suite of energy NPSs was first designated in 2011. In the 2020 Energy White Paper14 a review of the NPSs, pursuant to section 6 of the Planning Act 2008, was announced. That review resulted in a number of amendments to the NPSs. 1.6.2 The Secretary of State has decided that for any application accepted for examination before designation of	1.6 Transitional provisions following review 1.6.1The suite of energy NPSs was first designated in 2011 and last updated in January 2024. In July 2024, the Chancellor announced that relevant NPSs would be updated and a number of amendments have been made as a result of this. 1.6.2The 2024 NPSs included transitional provisions between the 2011 and 2024 NPS which remain in place. The Secretary of State has decided that similar transition provisions should	Transitional arrangements state that the SRP would be determined in accordance with the 2024 suite of NPSs, although the revised 2025 NPSs are capable of being important and relevant considerations and the extent to which they mare relevant is a matter for the Secretary of State to consider.

the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. 1.6.3 The 2023 amendments will therefore have effect only in relation to those applications for development consent accepted for examination, after the designation of those amendments. However, 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. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application.	apply for the 2025 NPSs, so that for any application accepted for examination before the final publication of the approved 2025 amendments, the 2024 suite of NPSs should have effect in accordance with the terms of those NPSs. 1.6.3The 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. However, 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. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application.	
2 Government policy on energy and energy infrastructure development 2.1 Introduction 2.1.1 This Part outlines the policy context for the development of nationally significant energy infrastructure. The Energy White Paper, published in December 202015, outlined a strategy to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses.	2 Government policy on energy and energy infrastructure development 2.1 Introduction 2.1.1This energy NPS considers the large-scale infrastructure which will be required to ensure the UK can provide a secure, reliable, and affordable supply of energy, while also meeting our decarbonisation targets. This part outlines the policy	Revised introductory text.

This was built on by the Net Zero Strategy16, published in October 2021, which set out a long-term plan for the economy-wide transition to net zero that will take place over the next three decades. The British Energy Security Strategy17, published in April 2022, and the Growth Plan of 23 September 202218 further reinforced ambitions and the importance of addressing our underlying vulnerability to international oil and gas prices and reducing our dependence on imported oil and gas. Powering Up Britain19, published in March 2023, set out how government will enhance our country's energy security, seize the economic opportunities of the transition, and deliver on our net zero commitments. 2.1.2 The government has committed to producing a Strategic Spatial Energy Plan (SSEP), to bridge the gap between government policy and infrastructure development plans. This will be a high-level plan which will inform, and be informed by, more detailed individual plans (for example, the Centralised Strategic Network Plan for electricity networks). A more strategic approach to spatial planning is intended to make clearer the overall geographic requirements for the energy system and increase efficiency in the system, resulting in cheaper transmission costs for generators and consumers of electricity.	context for the development of nationally significant energy infrastructure. 2.1.2 To produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale. High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness. Part 3 of this NPS provides further details on the need for, and importance of, energy to economic prosperity and social wellbeing.	

2.1.3 To produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale. High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness. Part 3 of this NPS provides further details on the need for, and importance of, energy to economic prosperity and social well-being. 2.1.4 The National Infrastructure Strategy (NIS)20 committed to boosting growth and productivity across the whole of the UK, levelling up and strengthening the Union through investment in rural areas, towns, and cities, from major national projects to local priorities. It also committed to government putting the UK on the path to meeting its net zero emissions target by 2050 by taking steps to decarbonise the UK's power networks, and take steps to adapt to the risks posed by climate change. 2.1.5 The second National Infrastructure Assessment21 published by the National Infrastructure Commission (NIC) recognised the significant progress the UK has made in boosting renewable electricity generation. It also highlighted the key		

challenges ahead in decarbonising energy and achieving net zero emissions. 2.1.6 This energy NPS considers the large-scale infrastructure which will be required to ensure the UK can provide a secure, reliable, and affordable supply of energy, while also meeting our decarbonisation targets.		
2.2 Net zero by 2050 2.2.1 In June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases ('GHG') emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order 2019.22 In December 2020, the UK communicated its Nationally Determined Contributions to reduce GHG emissions by at least 68 per cent from 1990 levels by 2030.23 In April 2021, the government legislated for the sixth carbon budget (CB6), which requires the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels.24 2.2.2 The Government will continue to update its decarbonisation plan in coming years and the following should be read in conjunction with such updates as may be published from time to time.	2.2 Clean Power 2030 and net zero by 2050 2.2.1Energy underpins almost every aspect of our way of life. It enables us to heat and light our homes; to manufacture goods; to produce and transport food; and to travel to work and for leisure. Our businesses and jobs rely on the use of energy. Energy is essential for the critical services we rely on – from hospitals to traffic lights and mobile devices. It is difficult to overestimate the extent to which our quality of life is dependent on adequate energy supplies. It is an essential foundation of our economy and society. 2.2.2Cleaning up our power system is central to the decarbonisation of our economy. A clean electricity supply opens up routes to the electrification of heat, transport and industry and reduces pollution, protects our environment and quality of life. 2.2.3 In June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases ('GHG')	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has been included as a consideration in the statement of Need provided in the Planning Statement for the SRP **[APP-182]**

	emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order 2019[15]. 2.2.4 In December 2020, the UK communicated its Nationally Determined Contributions to reduce GHG emissions by at least 68 per cent from 1990 levels by 203016. In April 2021, the government legislated for the sixth carbon budget (CB6), which requires the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels17. 2.2.5 In October 2021 the government published the Net Zero Strategy. This set out our vision for transitioning to a net zero economy and the policies and proposals for decarbonising all sectors of the UK economy to meet our net zero target by 2050, making the most of new growth and employment opportunities across the UK. 2.2.6 In December 2024 the government published the Clean Power 2030 Action Plan. The plan sets out infrastructure deployment pathways and generation capacity ranges that will ensure by 2030 clean sources produce at least 95% of Great Britain's generation, meeting the sixth Carbon Budget advice and pushing the country towards net zero 2050.	
1.1.6 2.3 Meeting net zero	2.3 Meeting Clean Power 2030 and net zero	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has been

1.1.7	2.3.1 Energy underpins almost every aspect of our way of life. It enables us to heat and light our homes; to manufacture goods; to produce and transport food; and to travel to work and for leisure. Our businesses and jobs rely on the use of energy. Energy is essential for the critical services we rely on – from hospitals to traffic lights and mobile devices. It is difficult to overestimate the extent to which our quality of life is dependent on adequate energy supplies. 2.3.2 In October 2021 the government published the Net Zero Strategy.	2.3.1 Making Britain a Clean Energy Superpower is one of the five missions set out by the UK government. The Clean Power 2030 Action Plan sets out the government's first major steps towards delivering our Clean Power 2030 Mission in partnership with the Scottish and Welsh governments, industry and the public. 2.3.2 Delivering Clean Power by 2030 paves the way to decarbonising the wider economy by 2050 as we pursue the electrification of heat in buildings, transport, and industry, enhancing the environment and quality of life, and protecting consumers from the global pricing volatility of fossil fuels. 2.3.3 Our objectives for meeting the Clean Power 2030 Mission are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050. This includes through delivery of our carbon budgets and Nationally Determined Contribution. 2.3.4	included as a consideration in the statement of Need provided in the Planning Statement for the SRP **[APP-182]**
1.1.8	25 This set out our vision for transitioning to a net zero economy and the policies and proposals for decarbonising all sectors of the UK economy to meet our net zero target by 2050, making the most of new growth and employment opportunities across the UK.		
1.1.9	2.3.3 Our objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and Nationally Determined		

	Contribution. This will require a step change in the decarbonisation of our energy system.	Meeting the Clean Power 2030 Mission objectives necessitates a significant investment in new energy infrastructure, both large nationally significant developments and smaller-scale developments determined at a local level. This requirement for new energy infrastructure will present opportunities for the UK and contributes towards the creation of secure, well paid jobs in the UK's clean energy industry and building domestic supply chains.	
1.1.10	2.3.4 Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport primary fuels and energy carriers into and around the country. It also includes the infrastructure needed to capture, transport and store carbon dioxide. The requirement for new energy infrastructure will present opportunities for the UK and contributes towards our ambition to support jobs in the UK's clean energy industry and local supply chains.	2.3.5 As set out in the Clean Power Action Plan, this will be driven through rapid deployment of low carbon generation, flexibility infrastructure, and electricity transmission infrastructure. The Action Plan sets out targets for the 2030 capacities of key technologies at a national and regional level.	
1.1.11	2.3.5 The sources of energy we use are changing. Since the industrial revolution, our energy system has been dominated by fossil fuels. That remains the case today. Although representing a record low, fossil fuels still accounted for just over 76 per cent of energy supply in 2020.26 We	2.3.6 Securing affordable, homegrown and abundant renewable resources means we will be able to run our power system for increasing periods on clean, low carbon generation, with renewables providing the vast majority of generation, and nuclear continuing to deliver a backbone of vital low carbon power. A clean power system will enable further	

need to dramatically increase the volume of energy supplied from low carbon sources. 2.3.6 We need to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes27 (low carbon hydrogen), and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it. 2.3.7 Decarbonisation means we are likely to become more dependent on some forms of energy compared to others. Using electrification to reduce emissions in large parts of transport, heating and industry could lead to more than half of final energy demand being met by electricity in 2050, up from 17 per cent in 2019, representing a doubling in demand for electricity.28 Low carbon hydrogen is also likely to play an increasingly significant role.	electrification of demand sectors and therefore increased emissions reduction. 2.3.7 Reducing emissions in large parts of transport, heating and industry could lead to more than half of total energy demand being met by clean electricity in 2050, up from 17 per cent in 2019, representing a doubling in demand for electricity18. 2.3.13 Since the designation of the first iteration of EN-1, overall GHG emissions from the power sector have reduced by more than two-thirds, from ~145MtCO2e in 2011 to ~44MtCO2e in 2023 (see figure 1). This can be mainly attributed to the proportion of renewable generation more than quadrupling from 10 per cent to 46 per cent between 2011 and 2023 whilst the last operational coal-fired power plant in the UK, Ratcliffe-on-Soar, closed on 30 September 202419.	
2.4.3 The CfD scheme opened in 2014, with CfDs being awarded to developers of eligible projects through a competitive bidding process administered by National Grid Electricity Systems Operator (ESO). The scheme has been hugely successful in driving substantial deployment of renewable electricity capacity at scale while rapidly reducing	2.3.15 The CfD scheme opened in 2014, with CfDs being awarded to developers of eligible projects through regular, competitive auctions, with the lowest-priced bids successful. Since its introduction in 2014, the CfD scheme has awarded contracts to around 36GW of new renewable capacity across all technologies, including around 22GW of offshore wind.	Updated text regarding decarbonising the power sector.

costs. The competitive nature of the scheme has been a crucial factor in minimising the costs of decarbonisation for consumers, contributing to large decreases in the price per unit of renewable technologies, including offshore wind, since the first allocation round in 2015. CfD auctions (including bespoke CfD contracts signed in the early days of the scheme) have so far awarded contracts totalling over 30GW of new renewable capacity across all technologies, including around 20GW of offshore wind. As of March 2023, allocation rounds run on an annual basis. 2.4.4 Government is developing business models to incentivise the deployment of carbon capture, utilisation and storage (CCUS) facilities and low carbon hydrogen production in the UK. The British Energy Security Strategy[31] also committed to designing, by 2025, new business models for hydrogen transport and storage infrastructure	Despite recent global macroeconomic pressures, clearing prices remain significantly below the first auction in 2015, with the offshore wind price having halved since then. 2.3.16 Government is developing business models to incentivise the deployment of carbon capture, utilisation and storage (CCUS) facilities and low carbon hydrogen production in the UK. The British Energy Security Strategy committed to designing, by 2025, new business models for hydrogen transport and storage infrastructure. To accelerate deployment of hydrogen to power (H2P), government is implementing a H2P business model (H2P BM) to de-risk investment and mitigate our identified deployment barriers. We will deliver a H2P BM based on a Dispatchable Power Agreement style mechanism.	
2.5 Security of energy supplies 2.5.3 Great Britain's (GB) gas system has delivered securely to date and is expected to continue to function well, with a diverse range of supply sources and sufficient delivery capacity to more than meet demand. 2.5.6 The British Energy Security Strategy[33] emphasises the importance of addressing our underlying vulnerability to international energy prices by reducing our dependence on	2.4 Security of energy supplies 2.4.3 Great Britain's (GB) gas system has delivered securely to date and is expected to continue to function well, with a diverse range of supply sources and sufficient delivery capacity to provide security of supply. 2.4.6 The Clean Power 2030 Action Plan21 sets the need to maintain high levels of resilience and security as we rapidly deploy new energy infrastructure – including to severe	Text amendment to reflect focus on energy security. Energy security objectives are stated in the Planning Statement for SRP. **[APP-182]** Revisions ot text to reflect the updated policy in Clean Power 2030 Action plan and NESO review Refence to this policy included within SRP planning Statement**[APP-182]**

imported oil and gas, improving energy efficiency, remaining open minded about our onshore reserves including shale gas, and accelerating deployment of renewables, nuclear, hydrogen, CCUS, and related network infrastructure, so as to ensure a domestic supply of clean, affordable, and secure power as we transition to net zero. 2.5.7 The Capacity Market (CM)[34] is at the heart of the government's plans for a secure and reliable electricity system. The CM provides all forms of capacity capable of contributing to security of supply with the right incentives to be on the system and to deliver during periods of electricity system stress, for example during cold, still periods where demand is high and wind generation is low. 2.5.8 The CM is technology neutral, meaning it does not seek to procure specific volumes of capacity from particular types of technology. All types of capacity are able to participate – except for Capacity Providers in receipt of other specific categories of government support – but they must demonstrate sufficient technical performance to contribute to security of supply. 2.5.9 The CM operates alongside the GB wholesale electricity market and the services contracted by the National Electricity Transmission System Operator (NETSO) to	weather events which are expected to increase in intensity and frequency as a result of climate change, and in managing threats to our national security, such as cyber threats, as our energy system becomes increasingly interconnected. 2.4.7 The Capacity Market (CM) is the UK government's main tool for ensuring continued security of electricity supply. The CM is technology neutral, providing incentives for all forms of capacity, including generation, storage, consumer-led flexibility and interconnection to be on the system to deliver when needed. 2.4.8 We continue to work closely with Ofgem, key stakeholders and the National Energy System Operator (NESO) to constantly monitor electricity supply vs forecast demand to ensure electricity operators have the right tools to respond to market signals. The NESO has all the tools it needs to operate the electricity system reliably. It can call on a range of technologies to balance electricity supply and demand, including gas-fired generation and flexible technologies such as batteries and consumer led flexibility. 2.4.9 Government is committed to developing policy to ensure that unabated capacity on the system with long-term Capacity Market agreements have pathways to decarbonise. In July 2019, the government introduced CO2 emissions limits in the Capacity Market.	

provide ancillary services to ensure second-by-second balancing of the electricity system. 2.5.10 In July 2019 the government introduced CO2 emissions limits to the CM. 2.5.11 Plants burning fossil fuels that began generating after July 2019 must demonstrate that they emit below 550gCO2/kWh electricity generated in order to be able to hold CM agreements. 2.5.12 Plants burning fossil fuels that began generating before July 2019 must either demonstrate that they emit below 550gCO2/kWh electricity generated or must not emit more than 350kgCO2 per year on average. 2.5.13 Plants unable to comply with these requirements are excluded from holding CM agreements from the Delivery Year 2024 onwards. This ensures that the CM is aligned with broader decarbonisation objectives by preventing the most polluting plants from participating.	2.4.10 Plants burning fossil fuels that began generating before July 2019 must either demonstrate that they emit below 550gCO2/kWh electricity generated or must not emit more than 350kgCO2 per year per installed KWe on average. Existing plants which exceed these emission limits have been excluded from being awarded agreements for all delivery years since 1 October 2024. From February 2026, new gas plants will need to be built 'decarbonisation ready', demonstrating they are compatible with carbon capture, utilisation and storage or able to convert to hydrogen powered generation. 2.4.11 The Phase 2 Capacity Market Consultation (October – December 2023), represented the next phase of the evolution of the Capacity Market, aiming to improve security of supply and, by accelerating investment in low carbon technologies, increase the role that they play in the Capacity Market, improving alignment with the government's net zero objectives. These amendments aim to improve access by removing participation barriers and encouraging investment in low carbon technologies. These technologies can provide flexible power to the grid at short notice, helping to bolster security of supply as the power sector decarbonises.	
2.6 Sustainable development	2.5 Sustainable development	

New paragraph inserted to NPS	2.5.3The principle of sustainable development will also ensure that energy infrastructure is deployed in areas with the local environmental capacity to enable those developments. This in turn will unlock economic growth, restore nature and provide critical services to communities.	Policy update to accord with growth strategy and CP30. Policies already reflected in Planning Statement – **[APP-182]**
3 The need for new nationally significant energy infrastructure projects 3.2 Secretary of State decision making# New paragraph inserted	3 The need for new nationally significant energy infrastructure projects 3.2 Secretary of State decision making# 3.2.3 The Clean Power 2030 Action Plan sets out a DESNZ 'Clean Power Capacity range' which is a range of possible installed capacities for each technology in 2030. The range reflects that there is no singular path to achieving clean power, but instead, that there are a range of scenarios that could get us there. 3.2.5 The government's strategic framework includes the Clean Power 2030 Action Plan and the pathways to 2030, the Strategic Spatial Energy Plan, and the Centralised Strategic Network Plan. These should be considered by applicants, together with other relevant considerations, and used to inform developments of new energy infrastructure projects.	Policy update to accord with CP30 Action Plan. Policies already reflected in Planning Statement – **[APP-182]**

3.3 The need for new nationally significant electricity infrastructure 3.3.2 The larger the margin, the more resilient the system will be in dealing with unexpected events, and consequently the lower the risk of a supply interruption. This helps to protect businesses and consumers, including vulnerable households, from volatile prices and, eventually, from physical interruptions to supply that might impact on essential services. But a balance must be struck between a margin which ensures a reliable supply of electricity and building unnecessary additional capacity which increases the overall costs of the system. Alternatives to new electricity infrastructure 3.3.11 Demand side response, such as the use of thermal stores and smart charging of electric vehicles, can shift electricity demand, reducing the maximum amount of electricity required and therefore reduce the need for additional infrastructure. However, it cannot increase the total amount of electricity generated in the UK, or reduce the total amount of electricity consumed, and so cannot fully replace the need for new generating capacity to deliver our energy objectives. Delivering affordable decarbonisation	3.3 The need for new nationally significant electricity infrastructure 3.3.2The larger the margin and the more flexible the system, the more resilient the system will be in dealing with unexpected events, and consequently the lower the risk of a supply interruption. This helps to protect businesses and consumers, including vulnerable households, from volatile prices and, eventually, from physical interruptions to supply that might impact on essential services. Alternatives to new electricity infrastructure 3.3.11Consumer led flexibility such as the use of thermal stores and smart charging of electric vehicles, can shift electricity demand, reducing the maximum amount of electricity required and therefore reduce the need for additional infrastructure. However, it cannot increase the total amount of electricity generated in the UK, or reduce the total amount of electricity consumed, and so cannot fully replace the need for new generating capacity to deliver our energy objectives. Delivering affordable decarbonisation	Deletion of final sentence removing potential balanced limit on the additional capacity. This reflects the emphasis on urgent delivery of extra capacity as expressed through CP2030 Action Plan. This policy requirement is stated within the planning statement – **[APP-182]** Change of wording to “Consumer led flexibility” reflecting emphasis on supply requirements. Meeting increasing customer energy requirements and increasing flexibility of supply is an objective of the SRP, as expressed in the Planning Statement **[APP-182]**

3.3.13 The Net Zero Strategy[41] sets out the government's ambition for increasing the deployment of low carbon energy infrastructure consistent with delivering our carbon budgets and the 2050 net zero target. This made clear the commitment that the cost of the transition to net zero should be fair and affordable.	3.3.13 The Clean Power Action Plan and the Net Zero Strategy[27] sets out the government's ambition for increasing the deployment of low carbon energy infrastructure consistent with delivering our carbon budgets and the 2050 net zero target. This made clear the commitment that the cost of the transition to net zero should be fair and affordable.	Revised text to reflect CP2030 as new expression of policy. This is already reflected in the SRP planning Statement – **[APP-182]**
3.3.17 As Combined Cycle Gas Turbines (CCGTs) using natural gas and equipped with CCS are unable to provide the quick start peaking capacity which is required in a low carbon system, new unabated natural gas generating capacity will also be needed as it currently plays a critical role in keeping the electricity system secure and stable. It will continue to be needed during the transition to net zero while we develop and deploy the low carbon alternatives that can replicate its role in the electricity system.	3.3.17 Unabated natural gas generating capacity is needed as it currently plays a critical role in keeping the electricity system secure and stable. It will continue to be needed during the transition to net zero while we develop and deploy the low carbon alternatives that can replicate its role in the electricity system.	Opening sentence deleted in reference to Gas capacity – no implications for SRP.
	3.3.19The Clean Power 2030 Action Plan explains that in order to meet the Clean Power 2030 Mission target, Great Britain will need to generate enough clean power to meet our total annual electricity demand, backed up by unabated gas supply to be used only when essential. This means transitioning to an electricity system with the following characteristics in a typical weather year:	New paragraphs inserted reflecting the requirement for energy set by CP2023 – policy already reflected in SRP Planning Statement

	•Clean sources produce at least as much power as Great Britain consumes in total; and •Clean sources produce at least 95% of Great Britain's generation. 3.3.20 We expect that delivering a clean power system with these characteristics will make Great Britain a net exporter of electricity and will reduce the carbon intensity of electricity generation from 171gCO2e/kWh in 202329 to well below 50gCO2e/kWh in 2030. 3.3.22 The Clean Power 2030 Action Plan sets out a DESNZ 'Clean Power Capacity range' which is a range of possible installed capacities for each technology in 2030. The range reflects that there is no singular path to achieving clean power, but instead, that there are a range of scenarios that could get us there. Over time, there will be more clarity on which scenarios are more likely, depending on the outcomes of negotiations and other contract-awarding processes, and through monitoring delivery of assets with long-lead in times, such as the transmission network, offshore wind and nuclear. This new information will allow the pathway to 2030 to be refined over time, helping to determine the precise capacity mix required to deliver the Clean Power 2030 Mission.	

The role of wind and solar 3.3.21 As part of delivering this, UK government announced in the British Energy Security Strategy[45] an ambition to deliver up to 50 gigawatts (GW) of offshore wind by 2030, including up to 5GW of floating wind, and the requirement in the Energy White Paper[46] for sustained growth in the capacity of onshore wind[47] and solar in the next decade. [48] 3.3.23 Applications for onshore wind of all sizes should be consented outside of the Planning Act 2008 process, unless the Secretary of State directs otherwise under section 35 of the Planning Act 2008. 3.3.24 Applications for offshore wind above 100MW or solar above 50MW in England, or 350MW for either in Wales, will continue to be defined as NSIPs, requiring consent from the Secretary of State (see EN-3).	The role of wind and solar Deleted Deleted Deleted	Paragraphs deleted reflecting revised policy for onshore wind power generation. No implications for solar DCO applcaitions such as SRP.
The role of electricity storage 3.3.25 Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. 3.3.26 Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand	The role of electricity storage 3.3.25 Storage has a key role to play in meeting the Clean Power 2030 Mission, achieving net zero, and providing flexibility to the energy system, reducing the amount of generation and associated network that needs to be built to meet peak demand, helping Britain reach clean power in a cost-effective way and reducing delivery risk associated with other types of energy infrastructure.	Text updated to reflect Clean Power 2030 mission. This policy is already reflects in the Planning Statement for SRP. **[APP-182]**

is higher. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage	3.3.26 Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher.	
The role of interconnectors 3.3.32 Interconnection across national borders has an essential role in delivering a secure, low carbon electricity system at low cost. The UK recognises the importance and benefits of increasing levels of interconnection and has an ambition to realise at least 18 GW of operational interconnector capacity by 2030. 3.3.33 At present, there is 8.4 GW of GB interconnection: 4 GW with France, 1 GW to the Netherlands, 1 GW to the island of Ireland (0.5 GW to Northern Ireland and 0.5 GW to the Republic of Ireland), 1 GW to Belgium and 1.4 GW to Norway. Further interconnectors are under construction to Denmark, the Republic of Ireland and Germany, with a number of additional projects in the early stages of development. We also foresee the potential for future multi-purpose projects to combine offshore wind with market-to-market interconnection, which are considered paragraphs 3.3.76 and 3.3.77 below.	The role of interconnectors 3.3.32 Interconnection across national borders has an essential role in delivering a secure, low carbon electricity system at low cost.	Deleted text. Not relevant to SRP DCO as interconnection is not part of the application.
The role of combustion power stations	The role of combustion power stations	

Energy from Waste 3.3.39 As the primary function of EfW plants, or similar processes, is to treat waste, applicants must demonstrate that proposed facilities are in line with the government's policy position on the role of energy from waste in treating residual waste53. 3.3.40 The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW waste treatment at a national or local level. 3.3.41 Energy recovery from residual waste has a lower GHG impact than landfill54 with the possibility for reducing emissions if plants are equipped with CCS. The amount of electricity that can be generated from EfW is constrained by the availability of its feedstock, which is set to reduce further by 2035 because of government policy.55	Energy from Waste 3.3.38 As the primary function of EfW plants, or similar processes, is to treat waste, applicants must demonstrate that proposed facilities meet the strict criteria set out by government35, that their projects: •Meet a clearly defined need to facilitate the diversion of non-recyclable waste away from landfill, or enable the replacement of older, less efficient waste incinerators; •Can be built Carbon Capture ready, in accordance with the government's 'Decarbonisation Readiness' requirements once they come into force; and •Demonstrate that making use of the heat they produce is viable and they can connect to a heat network within three years of the plant's operation.	Revised policy wording not relevant as Energy from Waste does not form part of the SRP DCO application
Natural gas-fired plants 3.3.45 Power CCUS has not been deployed in the UK to date and although the barriers to deployment are commercial rather than technical, it is reliant on the availability of infrastructure for the transportation and storage of CO2. To realise the potential of power CCUS government will	Natural gas-fired plants 3.3.44 Power CCUS has not been deployed in the UK to date and although the barriers to deployment are commercial rather than technical, it is reliant on the availability of infrastructure for the transportation and storage of CO2. To realise the potential of power CCUS government will	Revised policy wording not relevant as gas energy does not form part of the SRP DCO application

implement the Dispatchable Power Agreement and seek to bring forward at least one power CCUS plant in the mid 2020s through the CCUS Cluster Sequencing Process, subject to the outcome of that process including value for money and affordability considerations.	implement the Dispatchable Power Agreement. Power CCUS is important for Clean Power 2030 as it reduces the role for unabated gas generation and de-risks the delivery pressures on renewable deployment. Additionally, power CCUS will be vital to ensuring security of electricity supply in the 2030s, delivering a secure power system that meets the needs of the economy over the longer term.	
Hydrogen 3.3.49 Low carbon hydrogen could be capable of replicating the role of natural gas in the electricity system, including providing both firm, flexible capacity in the future and a decarbonisation route for unabated combustion power plants. The British Energy Security Strategy57 sets out our ambition for up to 10GW of low carbon hydrogen production capacity by 2030, subject to affordability and value for money, at least half of which will come from electrolytic hydrogen, working with industry to develop a strong and enduring UK hydrogen economy. The Impact Assessment for CB6 shows an illustrative range for low carbon hydrogen of 85-125TWh in 2035 and 250-460TWh in 2050.	Hydrogen 3.3.48Hydrogen to power can play a key role in our electricity system by providing low carbon dispatchable generation at a range of scales and a decarbonisation pathway for unabated gas generation. When connected to large-scale hydrogen storage, it can provide low carbon inter-seasonal storage. Our analysis indicates H2P is economic at lower load factors (below 30%), enabling it to be cost effective in a clean power system where flexible load factors are expected to fall as renewable generation increases[39].	Revised policy wording not relevant as hydrogen does not form part of the SRP DCO application
The role of nuclear power	The role of nuclear power	

3.3.53 As outlined in the British Energy Security Strategy[60], the government is increasing our plans for deployment of civil nuclear power by 2050s. To facilitate this, government has set out a number of nuclear ambitions, including developing an overall siting strategy for the long term, which could include both GW-scale and advanced fission technologies. This will inform the development of a new Nuclear NPS for the deployment of nuclear power stations after 2025.	3.3.53To support the drive towards meeting our Net Zero ambitions, the government has set out a number of nuclear ambitions, including developing a new nuclear NPS, EN-7, for the deployment of nuclear power stations beyond 2025, which alongside this NPS will set the planning framework for both GW-scale and advanced fission technologies.	Revised policy wording not relevant as nuclear power does not form part of the SRP DCO application
The need for electricity generating capacity 3.3.57 Government has committed to reduce GHG emissions by 78 per cent by 2035 under carbon budget 6.61 According to the Net Zero Strategy62 this means that by 2035, all our electricity will need to come from low carbon sources, subject to security of supply, whilst meeting a 40-60 per cent increase in demand. 3.3.60 Known generation technologies that are included within the scope of this NPS (and would be classed as an NSIP if above the relevant capacity thresholds set out under the Planning Act 2008) include: (among others) • Offshore Wind (including floating wind) • Solar PV	The need for electricity generating capacity 3.3.57Government has committed to reduce GHG emissions by 78 per cent by 2035 under Carbon Budget 642. The 2030 Clean Power Action Plan requires that 95% of Great Britain's generation will come from clean sources by 2030. 3.3.60 Known generation technologies that are included within the scope of this NPS (and would be classed as an NSIP if above the relevant capacity thresholds set out under the Planning Act 2008) include: (among others) •Offshore Wind (including floating wind); •Onshore wind; •Solar PV;	Updated policy to reflect Clean Power 2030 Action Plan. CP2030 is already considered in the Planning Statement for the SRP DCO Application. **[APP-182]** Bullet list edited to include onshore Wind following revision to national policy. Not relevant as onshore wind forms no part of the SRP DCO application.

3.3.61 The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero, as set out above. 3.3.63 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 hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.	3.3.61 The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for the Clean Power 2030 Mission, energy security, and Net Zero, as set out above. 3.3.63 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, means that it is likely the need case will outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy, in all but the most exceptional circumstances. Government strongly supports the delivery of CNP infrastructure and it should be progressed as quickly as possible.	Amended policy to include reference o Clean Power 2030 Action Plan as underlining the need case for new renewable energy infrastructure. CP2030 is already considered in the Planning Statement for the SRP DCO Application. **[APP-182]** Revised policy wording introducing consideration of the CNP policy and there being a likelihood of residual harms being outweighed by the need case in all but exceptional circumstances. It is considered that this strengthens the policy support for new renewable energy generating capacity as CNP.
The need for new electricity networks 3.3.73 Due to the time required to plan, approve and construct the required new onshore transmission infrastructure, to date the completion of these onshore reinforcements has often taken longer than the completion of the offshore wind farms for which they are being built. This could present a material barrier to the delivery of UK	The need for new electricity networks 3.3.73 Due to the time required to plan, approve and construct the required new onshore transmission infrastructure, to date the completion of these onshore reinforcements has often taken longer than the completion of the offshore wind farms for which they are being built. This could present a material barrier to the delivery of UK	Amended policy wording to reflect CP 2030 Mission. CP2030 is already considered in the Planning Statement for the SRP DCO Application. **[APP-182]**

Government ambition to deliver up to 50GW of offshore wind by 2030. 3.3.75 The final Phase 1 report for National Grid ESO's Offshore Coordination Project (published December 2020)64 found that a more integrated approach to offshore transmission, which included efficient planning of the onshore network, could deliver consumer benefits of up to £6 billion by 2050, depending on how quickly it could be implemented. It also found that the number of new electricity infrastructure assets, including cables and onshore landing points could be reduced by up to 50 per cent over the same period, significantly reducing environmental impacts and impacts on coastal communities. 3.3.76 Multi-purpose interconnector projects also have the potential to deliver benefits by combining offshore transmission with market-to-market interconnectors – enabling reduced curtailment of offshore wind, and reduced landing points and capital expenditure. These benefits can be maximised if the planning of this infrastructure and the associated offshore wind farms are aligned, both domestically and with the connecting country's planning process. 3.3.77 Offshore wind and multi-purpose interconnector projects may have several consenting links: offshore wind	government ambition to accelerating the deployment of offshore wind to meet our Clean Power 2030 Mission. 3.3.75 Given the crucial role of electricity in national decarbonisation and energy security, it is imperative to prioritise holistically planned energy infrastructure. The time required to advance strategically identified transmission projects from network design to delivery further underscores this necessity. The Centralised Strategic Network Plan (CSNP), including future iterations, will use the chosen SSEP pathway to enable the delivery of a long term, holistically designed network plan. The CSNP will be subject to a Strategic Environmental Assessment, however, the detailed designs of individual projects will be subject to public consultation and to relevant environmental assessments at the consenting stage. This NPS recognises the need for the infrastructure proposed in the forthcoming CSNP, including infrastructure covered by future CSNP publications adopted following a similar process. Therefore, where a project is assessed and justified through a CSNP, the Secretary of State will take the need for that project as having been established and not question the need for that project during the consenting process. 3.3.76 Where the CSNP endorses the need case for new transmission infrastructure, this NPS also endorses the work	Amended policy wording to reflect future strategic energy planning. At present no strategic plans have been prepared and these will not be available for consideration in the DCO currently under examination.

and multi-purpose interconnector projects may be consented separately, and it is likely that development consent applications for offshore wind or multi-purpose interconnector projects may not include an application for consent for the full chain of consents (including connection to the grid). However, development consent applications should include details of how connected infrastructure will be consented, how cumulative impacts will be assessed and whether any necessary consents, permits and licences have been obtained.	undertaken in the CSNP to assess a range of possible options to address network needs, and that these options have already been assessed on the grounds of environmental impacts, community impacts, economic cost, deliverability and operability criteria. This NPS therefore accepts the proposed strategic parameters for proposed network infrastructure outlined in the CSNP. Strategic parameters will cover, but are not limited to, details such as technology type, the choice of onshore overhead High Voltage Alternating Current lines, or the use of offshore High Voltage Direct Current cabling. Where an option is proposed in the CSNP, the choice of strategic parameters does not need to be re-examined, and alternatives to that choice do not need to be considered again in the consenting process. The choice of strategic parameters should be consistent with applicable Sections of EN-1 and EN-5, for example with regards to undergrounding in certain designated areas44. 3.3.77 Precise routing and siting decisions will need to be made as project design is refined and in accordance with appropriate surveys and consultations. Where indicative routes are shown in the CSNP, these are subject to change and should not be considered fixed or endorsed for planning purposes. However, we expect that the final proposed route	

	would be contained within the strategic parameters defined in the CSNP. 3.3.78 Multi-purpose interconnectors (MPIs) – a type of OHA – also have the potential to deliver benefits by combining offshore GB wind transmission with point-to-point interconnectors – enabling reduced curtailment of offshore wind, and reduced landing points and capital expenditure. These benefits can be maximised if the planning of this infrastructure and the associated offshore wind farms are aligned, both domestically and with the connecting country's planning process. 3.3.79 Offshore wind and OHA projects may have several consenting links: offshore wind and MPI projects may be consented separately, and it is likely that development consent applications for offshore wind or OHA projects may not include an application for consent for the full chain of consents (including connection to the grid). However, development consent applications should include details of how connected infrastructure will be consented, how cumulative impacts will be assessed and whether any necessary consents, permits and licences have been obtained.	

3.4 The need for new nationally significant gas infrastructure 3.4.2 They are used in the domestic sector for heating and cooking, in the industrial sector, as a source of energy and as a feedstock, and in the power generation sector, as a reliable source of flexible generating capacity. Meeting ongoing demand for natural gas 3.4.5 The Energy White Paper69 signals a decisive shift away from unabated natural gas to clean energy. This transformation, as reiterated in the British Energy Security Strategy70, cannot be instantaneous without jeopardising a secure, reliable, and affordable energy system.	3.4 The need for new nationally significant gas infrastructure 3.4.2 Natural gas, in particular, is currently used in the domestic sector for heating and cooking, in the industrial sector, as a source of energy and as a feedstock, and in the power generation sector, as a reliable source of flexible generating capacity. Meeting ongoing demand for natural gas 3.4.5 The Energy White Paper48 signals a decisive shift away from unabated natural gas to clean energy. This transformation, as reiterated in the British Energy Security Strategy49, cannot be instantaneous without jeopardising a secure, reliable, and affordable energy system. The Clean Power 2030 Action plan recognises that unabated gas is an important backup to help maintain security of supply	No part of the SRP DCO Application relates to gas generation, therefore this amendment is not relevant.
The need for low carbon hydrogen infrastructure 3.4.16 The Government is exploring whether to enable blending of up to 20% hydrogen by volume into the current natural gas distribution networks and is targeting a policy decision in 2023, subject to the outcomes from the ongoing economic and safety assessments and wider strategic considerations. If the decision to proceed with blending is positive, the Government will then look to start the	The need for low carbon hydrogen infrastructure 3.4.16 In December 2023 government set out that we see potential strategic and economic value in supporting the blending of up to 20% hydrogen by volume into the GB gas distribution networks in certain circumstances that align with the strategic role of blending. When deciding whether to enable blending in the GB gas distribution networks, the government will consider safety evidence from industry trials	No part of the SRP DCO Application relates to hydrogen generation, therefore this amendment is not relevant.

legislative and regulatory process for enabling blending, as well as the process to make any physical changes to the distribution networks that are required. Given the timelines for this work, government does not anticipate blending at a commercial scale to commence before 2025, at the earliest.	and tests, as well as any implications on the economic case. We do not anticipate blending at a commercial scale before 2026-27 at the earliest, due in part to timescales for the necessary measures for implementation. 3.4.17 If the decision to proceed with blending is positive, the government will then look to start the legislative and regulatory process for enabling blending, as well as the process to make any physical changes to the distribution networks that are required.	
3.4.18 In the future, low carbon hydrogen may also become an internationally traded energy vector, piped or shipped from areas of low-cost production to areas of demand. While the development of this market is uncertain, the UK could become both an exporter and importer of low carbon hydrogen, potentially necessitating current gas infrastructure to be reconfigured or for new infrastructure to be put in place. As set out in the British Energy Security Strategy76, there is a commitment to develop a certification scheme to support the international trade in low carbon hydrogen, by 2025.	3.4.19 In the future, low carbon hydrogen may also become an internationally traded energy vector, piped or shipped from areas of low-cost production to areas of demand. While the development of this market is uncertain, the UK could become both an exporter and importer of low carbon hydrogen, potentially necessitating current gas infrastructure to be reconfigured or for new infrastructure to be put in place. As was previously set out in the British Energy Security Strategy54, there is a commitment to develop a certification scheme to support the international trade in low carbon hydrogen.	

The role of biomethane 3.4.23 As of January 2021, biomethane is the only green gas commercially produced in the UK, and can be injected into the gas grid, following suitable upgrading processes, for use as a lower carbon substitute for natural gas. As of April 2022, the Renewable Heat Incentive (RHI) had supported the deployment of 163 biomethane plants (143 Full applications and 20 Tariff Guarantee ones, with another 11 Tariff Guarantee applications outstanding) and had supported (paid for) 18,490 GWh of biomethane since the scheme launched in 201179. The reasons for this small uptake include the high capital required for biomethane plants, access to gas injection points and lack of feedstock availability. 3.4.24 The government's soon to be launched Green Gas Support Scheme (GGSS)80 will also help decarbonise our gas supplies by increasing the proportion of green gas in the grid, through support for biomethane injection. We expect the GGSS will contribute 3.7MtCO2e of carbon savings over Carbon Budgets 4 and 5, and 8.2MtCO2e of carbon savings over its lifetime. 3.4.25 Some models are being trialled to overcome these barriers, such as a number of smaller anaerobic digestion (AD) facilities in rural areas feeding their biomethane into a	The role of biomethane 3.4.24Biomethane is a domestically produced low carbon gas which can play an increasingly important role in reducing our reliance on natural gas and increasing our energy security. Biomethane can be injected to the gas grid as a direct replacement for natural gas. It is a flexible fuel which can contribute to decarbonising hard-to-abate sectors including heavy transport and machinery and industrial processes. It is also expected to be used for peaking power generation and hydrogen production. 3.4.25 Biomethane is produced by anaerobic digestion using organic wastes and materials, such as food waste and sustainable crops. It reduces methane emissions from wastes that would otherwise be emitted. It also has the potential to deliver negative emissions, through carbon capture technology both at the point of production and point of combustion. Digestate is the nutrient rich by-product of the anaerobic digestion process and can be used to recover nutrients for use as a crop fertiliser, avoiding GHG emissions associated with fertiliser manufacture. However, digestate needs to be stored, processed and managed in ways that maximise nutrient recovery and minimise potential negative impacts to the environment.	No part of the SRP DCO Application relates to Biomethane generation, therefore this amendment is not relevant.

single injection point on the gas grid. However, it is currently not seen as a stand-alone solution for gas decarbonisation.	3.4.26As of March 2024, there were 120 biomethane plants in the UK injecting into the gas grid55. These are predominantly plants supported by the Non-Domestic Renewable Heat Incentive (NDRHI) which has now closed to new applications. New biomethane production in Great Britain is supported by the Green Gas Support Scheme (GGSS) which provides tariff-support for biomethane produced via anaerobic digestion and injected into the gas grid. The NDRHI and GGSS are expected to generate 8TWh of biomethane by 2028. The 2023 Biomass Strategy showed that 30-40TWh of biomethane production across the illustrative scenarios in 2050 would help the UK achieve net zero cost effectively56. The government is currently considering policy options to support biomethane production following the closure of the GGSS to new applications in March 2028.	
Demand Side Response 3.4.30 Demand side response allows large gas consumers to reduce the amount of gas they use during times of system stress in exchange for a payment. However, it cannot increase the total amount of gas available in the UK, or significantly reduce the total amount of gas consumed, and so cannot fully replace the need for new gas infrastructure to deliver our energy objectives.	Consumer Led Flexibility 3.4.31 Consumer led flexibility allows large gas consumers to reduce the amount of gas they use during times of system stress in exchange for a payment. However, it cannot increase the total amount of gas available in the UK, or significantly reduce the total amount of gas consumed, and so cannot fully replace the need for new gas infrastructure to deliver our energy objectives.	

3.5 The need for new nationally significant carbon capture and storage infrastructure 3.5.3 The UK's Net Zero Strategy82 and Industrial Decarbonisation Strategy83 reaffirm the importance of CCS in decarbonising energy intensive sectors such as chemicals, oil refining, and cement. The International Energy Agency84 further reinforce the need for CCS in the clean energy transition. 3.5.4 As set out in the Net Zero Strategy85, our aim is to use CCUS technology to capture and store 20-30MtCO2 per year by 2030, which will require the timely development and deployment of CCS infrastructure. 3.5.5 The UK has one of the largest potential carbon dioxide (CO2) storage capacities in Europe, with an estimated 78 billion tonnes of CO2 storage capacity under the seabed of the UKCS.	3.5 The need for new nationally significant carbon capture and storage infrastructure 3.5.3The Clean Power 2030 Action Plan describes how power CCUS, which is natural gas fuelled generation equipped with carbon capture technology, can provide non-weather-dependent, dispatchable low carbon generation that will support a renewables-based 2030 system. The UK's Net Zero Strategy58 and Industrial Decarbonisation Strategy59 reaffirm the importance of CCS in decarbonising energy intensive sectors such as chemicals, oil refining, and cement. The International Energy Agency60 further reinforce the need for CCS in the clean energy transition. 3.5.4 On 10th December 2024 government signed contracts for the first UK's CCUS projects, the East Coast Cluster in Teesside. This followed the government's £21.7bn funding commitment over 25 years. The UK has one of the largest potential CO2 storage capacities in Europe, with an estimated 78 billion tonnes of CO2 storage capacity under the seabed of the UKCS.	Policy change not relevant as Carbon capture and CO2 storage form no part of the SRP DCO application
3.6 The need for new nationally significant oil infrastructure 3.6.1 Oil products play an important role in the UK economy, providing around one third of the primary energy used. We currently rely on oil for over 95 per cent of our motorised transport needs.88 Transport accounted for more than 70	3.6 The need for new nationally significant oil infrastructure 3.6.1 Liquid fuel products play an important role in the UK economy, providing around one third of the primary energy used. We currently rely on oil for over 90 per cent of our motorised transport needs63. Transport accounted for 80	Policy change not relevant as oil infrastructure forms no part of the SRP DCO application

per cent of final consumption of oil products in the UK in 2021, amounting to 37.7 million tonnes of oil89, although the figures for both 2020 and 2021 were depressed by the impacts of Covid-19 and preliminary figures for early 2022 show that demand continues to rebound somewhat. 3.6.2 We need to reduce our dependence on oil by improving vehicle efficiency and using new alternative fuelled vehicles. From 2030 we will end the sale of new petrol and diesel cars and vans, 10 years earlier than previously proposed. However, until 2035 we will allow the sale of hybrid cars and vans that can drive a significant distance with no carbon coming out of the tailpipe. However, between 2030 and 2035, we will only allow the sale of new cars and vans if they have significant zero emission capability. 3.6.6 Although analysis from the CCC suggests that demand for petroleum could reduce by 50 per cent by 2035, there will be an ongoing demand for oil-based fuels over the transition to net zero as the changes in demand will be slower than the changes in sales of new vehicles and until low carbon alternatives for heavier transport, shipping and aviation are developed.	per cent of final consumption of oil products in the UK in 2023, amounting to 44.3 million tonnes of oil products64. Demand as of 2023, which was depressed by the impacts of Covid-19, has rebounded since 2020 but remains below 2019 levels. 3.6.2 As we take steps to decarbonise and transition to net zero there will be an increase in the use of a diverse range of liquid fuels, including bio and low carbon fuels. We need to reduce our dependence on oil by improving vehicle efficiency and using new alternative fuelled vehicles. From 2030 we will end the sale of new petrol and diesel cars, and all new cars and vans will be 100% zero emission by 2035. The Sustainable Aviation Fuel (SAF) Mandate, implemented in January 2025, will help secure demand for SAF, delivering GHG emission savings in the aviation industry. 3.6.6 Although CCC scenarios for meeting the Seventh Carbon Budget see demand for petroleum reduce by over 80 per cent by 205065, there will be ongoing demand for oil-based fuels throughout the transition as the penetration of low carbon alternatives takes time to increase (e.g. for heavier transport, shipping and aviation).	
4 Assessment Principles	4 Assessment Principles	

4.1 General Policies and Considerations 4.1.2 The Energy White Paper90 and British Energy Security Strategy91 emphasises the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper[92] calls on the Government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs[93].	4.1 General Policies and Considerations 4.1.2The Clean Power 2030 Action Plan, Energy White Paper67 and British Energy Security Strategy68 all emphasise the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper[69] calls on the government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs[70].	Amended policy wording to reflect CP 2030 Mission. CP2030 is already considered in the Planning Statement for the SRP DCO Application. **[APP-182]**
Other documents New paragraph inserted	Other documents 4.1.15 The Secretary of State should also consider spatial plans, such as the Strategic Spatial Energy Plan upon endorsement by all relevant governments	New paragraph added to reflect introduction of Strategic Spatial Energy Plan (SSEP) – SSEP not in place in advance of SRP DCO examination
4.2 The critical national priority for low carbon infrastructure 4.2.1 Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions. More than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology.	4.2 The critical national priority for low carbon infrastructure 4.2.1Government has committed to the Clean Power 2030 Mission, subject to security of supply, to underpin its 2050 net zero ambitions. More than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology.	Amended policy wording to reflect CP 2030 Mission. CP2030 is already considered in the Planning Statement for the SRP DCO Application. **[APP-182]**

4.2.3 With smart and strategic planning, the UK can maintain high environmental standards and minimise impacts while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions. 4.2.4 Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. 4.2.5 This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means: • for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready • for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation	Rising to the Clean Power 2030 Mission 4.2.4 As set out in NESO's advice to the Secretary of State and the Secretary of State's Clean Power Action Plan, the pace of planning delivery needs to significantly increase to allow the government to meet its Clean Energy targets. Many more development consent applications will have to enter the system, and be examined and decided within the statutory timescales. These decisions must be made in accordance with this NPS, relevant technology specific NPSs, and all relevant legal requirements, and applications must continue to meet the high standards expected. 1.1.5 Government is proposing amendments to infrastructure planning, including to the Planning Act 2008 process. Even with these changes, it will require a significant and sustained effort from applicants, planners, LPAs, statutory advisors, Examining Authorities and decision makers to meet this challenge, while listening to host communities. It is a challenge we must meet, and to do that each part of the system needs to work together efficiently to avoid unnecessary delays. Proportionality and focus at all stages of the project preparation, examination and decision making are vital. Pre-application	Amended policy wording to reflect CP 2030 Mission. CP2030 is already considered in the Planning Statement for the SRP DCO Application. **[APP-182]**

	technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System • for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution • for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as interconnectors, Multi-Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore • Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects	4.2.6 Before applications are made applicants are required to carry out pre-application consultation on their proposals. The Planning Act 2008 requires only one such consultation, and proposals can change after that consultation without the need to reconsult, unless the project is so altered as to become a different project altogether. There is then further publicity, consultation and engagement within the formal Planning Act process. 4.2.7 We recommend that applicants consider additional consents, licences and permit requirements at the earliest possible stage. Applicants should consider parallel tracking of the environmental permitting and planning applications, and engaging with the Environment Agency's (EA) permitting pre-application service to help ensure that project design considers the requirements of the environmental permitting regime at the earliest opportunity. 4.2.8 Where it is required by law at the pre-application consultation stage, preliminary environmental information should be provided. This information should be enough for statutory advisors to develop an informed view of the likely significant environmental effects of the development. It is not expected to be the full, finalised Environmental Statement.	

	4.2.9 While applicants may carry out further non-statutory consultation, these should serve a clear purpose and be focused and targeted at ensuring the project is ready for the statutory consultation. Applicants should avoid using these repeated consultations to test the minimum level of mitigation and compensation for impacts. Instead, mitigations should be built in from the start. For this reason, early engagement with relevant statutory consultees is recommended and applicants should maintain this engagement throughout pre-application. This ensures that issues are identified and addressed as early as possible. 4.2.10 Objections to the adequacy of pre-application consultation must be fair, accurate and not based on the objector's view of the underlying scheme. So long as an applicant has acted reasonably and met the statutory requirements there should be no objections to the adequacy of the consultation process. 4.2.11 MHCLG publish clear guidance76 on the pre-application stage and PINS offer a pre-application advice service. To meet the Clean Energy challenge applicants must engage with and take note of this guidance and advice. Applications 4.2.12 Applicants must ensure that applications are ready to be examined before an application is made. The Planning	

	Act 2008 system is designed to be frontloaded and applications should not enter the statutory system if they are not ready to be consented. Examining Authorities, and indeed Secretaries of State, should be focused on considering the planning merits of an application, and not using time during the examination and decision-making stages seeking to address deficiencies in an application. Applicants and affected parties should ensure that protective provisions have been agreed ahead of statutory deadlines. Environmental Statements 4.2.13 Applicants and their consultants and advisors must ensure that their applications are clear and accessible to both the public and decision makers. Applications should be proportional, clear and focussed in order to ensure the planning process can move at the pace required to meet the Clean Power 2030 Mission. Applicants must ensure their applications are concise whilst still containing the necessary, high quality, information the Examining Authority, statutory consultees and the Secretary of State expect to see in order to make an informed decision. The ES should therefore be proportionate and focused, with just the sufficient detail required to clearly identify the likely significant effects from the proposal.	

	Working together 4.2.14 With the increasing number of development consent applications coming forward, this will put pressure on existing systems within the NSIP regime. It's therefore important that all parts of the system work together cohesively to ensure that the impacts of projects are properly assessed and mitigated so that good quality schemes are consented. LPAs and statutory advisors need the best and most assessable information from applicants so that they can easily identify all the relevant issues, agree the majority of those early and focus their attention on any controversial issues. Applicants providing tracked change versions of amended documents alongside the clean versions is encouraged. Applicants should view their relationships with LPAs and statutory advisors as a valuable collaborative one. 4.2.15 Similarly, applicants, consultees, examiners and decision makers, and all their legal teams must work together to streamline the formal DCO itself. Applicants should seek to take a standard approach to issues like compulsory purchase powers, the discharge of requirements and arbitration. Applicants should not introduce subtle changes to make a development easier to carry out and standard articles, such as those on human	

	remains and mineral rights should only be used where there is a known burial ground or mineral rights holder. The critical national priority 4.2.16 Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure to meet the Clean Power 2030 Mission and net zero. Paragraphs 4.2.17 and 4.2.18 below set out the projects to be prioritised for the Clean Power 2030 Mission and net zero. The CNP policy below applies to these projects. This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. 4.2.17 Low carbon infrastructure for the purposes of this policy means, for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion plants provided they meet existing definitions of low carbon; and nuclear energy generation), as well as natural gas fired generation which is carbon capture ready. EfW developments are not critical to meeting the Clean Power 2030 Mission77 and therefore CNP policy does not apply to applications for EfW projects. For electricity grid infrastructure, all power lines in scope of EN-5 including	

	network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. Other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution are also classed as low carbon infrastructure for the purposes of this policy. 4.2.18Low carbon infrastructure for the purposes of this policy also means energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as interconnectors, Offshore Hybrid Assets, or 'bootstraps' to support the onshore network which are routed offshore. In addition to lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects.	
Applicant's assessment 4.2.11 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant	Applicant's assessment 4.2.24 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant	Additional text – Details of the approach taken to mitigation hierarchy and compensation are provided within the Planning Statement **[APP-182]**

statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated. 4.2.12 Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.	statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated79. Measures that result in a significant reduction in generation capacity for CNP infrastructure are unlikely to be considered to be appropriate as mitigation. There may be exceptional circumstances where the mitigation could have a significant benefit and warrant a small reduction in generation capacity and function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the effects outweigh the marginal loss of function. 4.2.25 Compensation, by definition, does not reduce an adverse effect resulting from a development. However, applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.	
4.5 Marine Considerations 4.5.1 The Marine Policy Statement is the framework for preparing Marine Plans and taking decisions affecting the	4.5 Marine Considerations 4.5.1 The UK Marine Policy Statement is the framework for preparing Marine Plans and taking decisions affecting the	Marine considerations are not relevant to the SRP DCO

marine environment, as per section 44 of the Marine and Coastal Access Act 2009. Marine plans apply in the 'marine area', which is the area from mean high water springs to the seaward limit of the Exclusive Economic Zone (EEZ). The 'marine area' also includes the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide. 4.5.2 Marine plans set out marine specific aspects of many of the assessment principles in Part 4 and 5 of this NPS.[108] Individual Marine Plans109 must be consulted to understand marine relevant specific considerations. 4.5.3 The cross-government Marine Spatial Prioritisation Programme will review how marine plans and the wider planning regime, legislation and guidance may need to evolve to ensure a more holistic approach to the use of the seas is taken and to maximise co-location possibilities.	marine environment, as per section 44 of the Marine and Coastal Access Act 2009. Marine plans apply in the 'marine area', which is defined in section 42 of the Marine and Coastal Access Act 2009. 4.5.2 Marine plans set out marine specific aspects of many of the assessment principles in Part 4 and 5 of this NPS88. Under section 104(2) of the Planning Act 2008, any public authority taking a decision that relates to the exercise of any function capable of affecting the whole or any part of the UK marine area has to take account of relevant Marine Plans. Individual Marine Plans89 must be consulted to understand marine relevant specific considerations. 4.5.3 The cross-Government Marine Spatial Prioritisation programme continues to develop a more strategic way of considering the use of the seabed, and is also supporting the de-risking of future offshore wind.	
4.6 Environmental and Biodiversity Net Gain 4.6.3 Currently biodiversity net gain policy in England only applies to terrestrial and intertidal components of projects. Principles for Marine Net Gain are currently being rolled out by the Government, who will provide guidance in due course. There are provisions in the Environment Act 2021 to allow	4.6 Environmental and Biodiversity Net Gain 4.6.3 Currently biodiversity net gain policy in England only applies to terrestrial and intertidal components of projects. Marine Net Gain (MNG) is currently being developed by government, who will provide guidance in due course. MNG may be delivered through a fund mechanism and will take a strategic approach to delivering the greatest environmental benefit. Primary legislation is being explored to enable	Marine net gain not relevant to SRP DCO

Marine Net Gain to be made mandatory for NSIPs in the future.	Marine Net Gain to be a mandatory obligation for developers in future.	
Applicant assessment 4.6.10 Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain. 4.6.14 The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRSs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery Network (NRN), a	Applicant assessment 4.6.10 Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations. 4.6.14 The Environment Act 2021 mandated the preparation of LNRSs across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery	Details of the approach to net gain are provided in the ES – **[APP-065]**

major commitment in the government's 25 Year Environment Plan.	Network (NRN), a major commitment in the government's Environmental Improvement Plan.	
4.8 Consideration of Combined Heat and Power (CHP) 4.8.11 Where the applicant is not be able to reach an agreement with a potential customer, they should provide evidence demonstrating the reasons for this, and why it will not be reasonably possible to reach an agreement during the lifetime of the thermal station.	4.8 Consideration of Combined Heat and Power (CHP) 4.8.11 Where the applicant is not able to reach an agreement with a potential customer, they should provide evidence demonstrating the reasons for this, and why it will not be reasonably possible to reach an agreement during the lifetime of the thermal station. If the application is related to an EfW plant, paragraph 4.8.12 of this NPS applies instead. 4.8.12 If the application is related to biomass and waste combustion as part of an EfW plant, the application must detail how the plant will maximise the amount of heat available and provide heat to a heat network within three years of entering operation.	Policy change not relevant as CHP forms no part of the SRP DCO application
4.9 Carbon Capture and Storage (CCS) 4.9.5 The government has made its ambitions for CCS clear – committing to providing funding to support the establishment of CCS in at least four industrial clusters by 2030 and supporting, using consumer subsidies, at least one privately financed gas CCS power station in the mid-2020s.[132] In October 2021, the government published its Net Zero Strategy[133] which reaffirmed the importance of deploying	4.9 Carbon Capture and Storage (CCS) 4.9.5 The government has made its ambitions for CCS clear – on the 4th October 2024 the government announced it reached commercial agreement with the private sector and announced up to £21.7bn of available funding over 25 years. This initial funding is for five projects. In the Hynet Cluster (North West and Wales) it is for the Eni Transport and Storage Network, the Protos EfW Facility, and EET Hydrogen's Hydrogen Production Plant 1. In the East Coast Cluster	Policy change not relevant as CHP forms no part of the SRP DCO application

CCUS to reaching our 2050 net zero target and also outlines our ambition to capture 20-30Mt of CO2 per year by 2030. Applicant assessment 4.9.17 For example, some capture technologies may require hazardous substances consent for solvents required during the capture process, such as nitrosamines, and fall under Control of Major Accident Hazards (COMAH) [139] solvents such as nitrosamines.	(Teesside) it is for the Northern Endurance Partnership's Transport and Storage Network and the first ever at scale gas power CCUS plant, Net Zero Teesside. 4.9.6 On the 10th December 2024, government reached financial close for the East Coast Cluster site projects (in Teesside), signing the first CCUS contracts in the UK. The East Coast Cluster is set to start construction from mid-2025 with one of the first projects, Net Zero Teesside Power, estimating to deliver secure low-carbon energy capable of powering up to one million homes from 2028. Applicant assessment Paragraph 4.9.17 deleted	
Carbon Capture Readiness 4.9.26 In the Energy White Paper[142], published in December 2020, government committed to consult on an expansion to CCR requirements. As part of this expansion, we intend to rename Carbon Capture Readiness to Decarbonisation Readiness.	Carbon Capture Readiness 4.9.26 Following a December 2020 Energy White Paper commitment, a consultation on an expansion to CCR requirements was held early in 2023. This would see Carbon Capture Readiness renamed to Decarbonisation Readiness (DR). A government response to the consultation was published in October 2024[117] which set out feedback received	Policy change not relevant as Carbon Capture Readiness forms no part of the SRP DCO application

4.9.27 A call for evidence[143] was held in Summer 2021 to gather initial views and evidence. A consultation was held early in 2023. 4.9.28 If, as expected, that consultation leads to changes in the relevant legal or policy framework then those new requirements will apply and supersede the existing CCR requirements. In the meantime, CCR policy remains as set out in this section.	in response to the consultation and the changes being made to the CCR requirements as a result. 4.9.27 The changes being brought forward by DR will come into force from 28th February 2026 and will supersede the existing CCR requirements in England only. In the meantime, CCR policy remains as set out in this section and will continue to do so in Wales and Scotland.	
4.12 Pollution Control and Other Environmental Regulatory Regimes Applicant assessment 4.12.7 Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licences.	4.12 Pollution Control and Other Environmental Regulatory Regimes Applicant assessment 4.12.7 Applicants should understand what non-planning permits / consents the development will require and consider the timings for gaining these permissions alongside the timing for gaining the DCO. They should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licences. Applicants can access enhanced (paid for) pre-application support before applying for an environmental permit137. Enhanced pre-application advice is recommended for complex or significant developments to ensure applications contain the necessary assessments to address the risks associated with the proposed activity. Applicants can also	Details of permitting provided at – **[APP-181]**

	explore options, such as submitting their application in stages through this route if the application is complex or uses novel technologies. Early engagement on the permissions required for the development is strongly advised and helps the management of these within the timescale for development. This is particularly advisable in circumstances where applicants have a number of permissions to obtain from the EA for their development.	
Secretary of State decision making 4.12.10 The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them.	Secretary of State decision making 4.12.10 The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate those regulatory regimes, but without prejudice to the Secretary of State's duty to 'secure' compliance with the relevant regulatory requirements.	
4.15 Common Law Nuisance and Statutory Nuisance 4.15.2 Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for	4.15 Common Law Nuisance and Statutory Nuisance 4.15.2 Such authority is conferred only for the purpose of providing a defence in civil or criminal proceedings for nuisance. This would include a defence in proceedings for	

nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisance) but only to the extent that the nuisance is the inevitable consequence of what has been authorised.	nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisances and clean air).	
5 Generic Impacts 5.4 Biodiversity and Geological Conservation 5.4.2 In the 25 Year Environment Plan, the government set out its vision for a quarter-of-a-century action to help the natural world regain and retain good health. A commitment to review the plan every 5 years was set into law in the Environment Act 2021. The Environmental Improvement Plan was published in 2023, which reinforces the intent of the 25 Year Environment Plan and sets out a plan to deliver on its framework and vision. The government's policy for biodiversity in England is set out in the Environmental Improvement Plan 2023[176], the National Pollinator Strategy[177] and the UK Marine Strategy[178]. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more	5 Generic Impacts 5.4 Biodiversity and Geological Conservation 5.4.2 The Environmental Improvement Plan sets out the government's vision to help the natural world regain and retain good health. The plan is reviewed and can be revised every 5 years, as set out in the Environment Act 2021. The current Environmental Improvement Plan was published in 2023 and is currently being reviewed. The government's policy for biodiversity in England is set out in the Environmental Improvement Plan[150], the National Pollinator Strategy[151] and the UK Marine Strategy[152]. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse	Minor policy amendments to reflect update of Environmental Improvement Plan, NPPF and Natural Environment PPG Details of the approach to Biodiversity net gain are provided in the ES – **[APP-065]**

resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides. Habitats Regulations 5.4.6 The British Energy Security Strategy [182] committed to establishing strategic compensation for offshore renewables NSIPs, to offset environmental effects but also to reduce delays for individual projects. See paragraphs 2.8.276 – 2.8.283 of EN-3 for further information.	impact on biodiversity and the ecosystem services it provides. 5.4.3 The wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and geological conservation issues are set out in a Government Circular[153]. The NPPF sets out planning policies for England in relation to planning for biodiversity and geological conservation and the Natural Environment Planning Practice Guidance provides advice on the implementation of these policies154. In Wales, TAN 5: Nature Conservation and Planning sets out how the land use planning system should contribute to biodiversity and geological conservation[155]. Habitats Regulations 5.4.6 The Offshore Wind Environmental Improvement Package (OWEIP) contains a commitment to introduce strategic compensatory measures for offshore renewables NSIPs, to offset environmental effects but also to reduce delays for individual projects. See paragraphs 3.8.245 – 3.8.252 of EN-3 for further information.	Off shore renewables are not relevant to the SRP DCO application
Marine Conservation Zones New paragraph inserted	Marine Conservation Zones 5.4.10 As a matter of policy, the following should be given the same protection as sites covered by the Marine and Coastal	Marine Conservation zones are not relevant to the SRP DCO Application

Applicant assessment 5.4.22 The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.	Access Act 2009 and a MCZ assessment will also be required in respect of: •proposed MCZs; and •sites identified, or required, as measures of equivalent environmental benefit for damage to MCZs and sites covered above. Applicant assessment 5.4.23 The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development. Applicants should consider relevant plan policies in marine plans in England.	
Secretary of State decision making New paragraph inserted	Secretary of State decision making 5.4.50 In making a decision, the Secretary of State must take into account any measures in relation to other plans or projects which are (i) located within the marine area and (ii) have been used or are identified for use to deliver:	Marine considerations not relevant to the SRP DCO

	• compensatory measures for adverse effects on Special Protection Areas and Special Areas of Conservation; or • measures of equivalent environmental benefit for damage to MCZs. Any impact which negatively impacts the efficacy of the measure will need to be offset to ensure the original compensation requirement is satisfied.	
5.5 Civil and Military Aviation and Defence Interests 5.5.4 Windfarms are an integral part of our plan to achieve Net Zero, as well as delivering affordable clean energy to consumers. The government has an ambition to deliver up to 50GW of offshore wind by 2030 and the Committee on Climate Change's 6th Carbon Budget (CB6) views offshore wind as the backbone of electricity generation across all its scenarios. The Offshore Wind Sector Deal confirmed that government will work collaboratively with the energy sector and wider stakeholders to address strategic deployment issues including aviation and surveillance systems including radar.	5.5 Civil and Military Aviation and Defence Interests 5.5.4 Windfarms are an integral part of our plan to achieve Net Zero, as well as delivering affordable clean energy to consumers. The government has an ambition to accelerate the deployment of offshore and onshore wind to meet our Clean Power 2030 Mission and the Committee on Climate Change's CB6 views wind, particularly offshore, as the backbone of electricity generation across all its scenarios. The Offshore Wind Sector Deal and Onshore Wind Taskforce Strategy confirmed that government will work collaboratively with the energy sector and wider stakeholders to address strategic deployment issues including aviation and surveillance systems including radar. 5.5.5 The full costs of the enduring air defence radar mitigation solutions identified by MOD's Programme NJORD are being funded through a government-delivered route.	Windfarm consideration not relevant to the SRP DCO

	The funding requirement is therefore removed from offshore wind developers. This alternative funding route will support delivery of the Clean Power 2030 Mission by helping to accelerate the deployment of offshore wind, whilst delivering maximum value for money to the energy billpayer. This funding applies to the known pipeline of offshore wind projects as of August 2024, at the following four air defence radar sites: Buchan, Brizlee Wood, Neatishead and Staxton Wold. For onshore wind development which impacts military aviation, government is working at pace to seek an acceptable mitigation. 5.5.6 Government will consider funding radar mitigations for additional projects including at the three additional air defence radar sites (Benbecula, Portreath and Saxa Vord) subject to the project pipeline maturing sufficiently and any other relevant considerations at the time.	
New paragraph inserrted	Aviation 5.5.10 The Civil Aviation Authority (CAA) sets out in CAP764[164] policy and guidance on a range of issues associated with wind turbines and their effect on aviation that needs to be accounted for by aviation stakeholders, wind energy	Windfarm consideration not relevant to the SRP DCO

	developers and LPAs when assessing the viability of wind turbine developments	
Communications, navigation and surveillance (CNS) infrastructure 5.5.21 Safe and efficient operations within UK airspace and defence operations are dependent upon CNS infrastructure, including radar (often referred to as 'technical sites'). 5.5.22 Energy infrastructure development may interfere with the operation of CNS systems such as radar. This is a particular problem for wind turbines as they can act as a reflector or diffractor of radio signals upon which Air Traffic Control Services and Air Defence Operations rely (an effect which is particularly likely to arise when large structures, such as wind turbines, are near Communications and Navigation Aids and technical sites). Wind turbines may also cause false returns and other technical issues when built in line of sight to radar installations. 5.5.23 Windfarms are an integral part of the plan to achieve Net Zero, as well as delivering affordable clean energy to consumers. The government has an official ambition to deliver up to 50GW of offshore wind by 2030 and the Committee on Climate Change's 6th Carbon Budget (CB6) views offshore wind as the backbone of electricity generation across all its scenarios. The Offshore Wind Sector	Communications, navigation and surveillance (CNS) infrastructure 5.5.24 Safe and efficient operations within UK airspace and defence operations are dependent upon CNS infrastructure, which includes assets that facilitate radio communications, navigational and landing systems, and radars such as those used to facilitate air defence and air traffic management (often referred to as 'technical sites'). Energy infrastructure development may interfere with the operation of CNS systems such as radar. This is a particular problem for wind turbines as they can act as a reflector or diffractor of radio signals upon which Air Traffic Control Services and Air Defence Operations rely (an effect which is particularly likely to arise when large structures, such as wind turbines, are near Communications and Navigation Aids and technical sites). Wind turbines may also cause false returns and other technical issues when built in line of sight to radar installations. Windfarms are an integral part of the plan to achieve Net Zero, as well as delivering affordable clean energy to consumers. The government has an ambition to accelerate the deployment of offshore and onshore wind to meet our Clean Power 2030 Mission and the Committee on	Windfarm consideration not relevant to the SRP DCO

Deal confirmed that government will work collaboratively with the energy sector and wider stakeholders to address strategic deployment issues including aviation and surveillance systems including radar. Applicant Assessment	Climate Change's 6th CB6 views wind, particularly offshore wind, as the backbone of electricity generation across all its scenarios. The Offshore Wind Sector Deal and the Onshore Wind Taskforce Strategy confirmed that government will work collaboratively with the energy sector and wider stakeholders to address strategic deployment issues including aviation and surveillance systems including radar. Applicant Assessment 5.5.43 In addition, consideration of development near communication, navigation, and surveillance (CNS) infrastructure should take into account statutory technical safeguarding zones defined in accordance with Planning Circular 01/03, or any successor, and the potential for energy development, and/or its supporting infrastructure, to produce electro-magnetic and electrical noise interference which may degrade the capability or operation of defence CNS infrastructure. Secretary of State Decision Making 5.5.59 In order to avoid unacceptable adverse impacts of electro-magnetic and electrical noise interference from energy development, and/or its supporting infrastructure, and associated infrastructure on defence technical assets and operations, the Secretary of State will take account of statutory technical safeguarding zones defined in	

	accordance with Planning Circular 01/03, or any successor, when considering DCO applications.	
5.6 Coastal Change 5.6.1 The government's Flood and Coastal Erosion Risk Management Policy Statement206 sets out our ambition to create a nation more resilient to future flood and coastal erosion risk. It outlines policies and actions which will accelerate progress to better protect and better prepare the country against flooding and coastal erosion. 5.6.2 The government's aim is to ensure that our coastal communities continue to prosper and adapt to coastal change. This means planning should: • ensure that policies and decisions in coastal areas are based on an understanding of coastal change over time • prevent new development from being put at risk from coastal change by: i. avoiding inappropriate development in areas that are vulnerable to coastal change or any development that adds to the impacts of physical changes to the coast ii. directing development away from areas vulnerable to coastal change	5.6 Coastal Change 5.6.1 The National Flood and Coastal Erosion Risk Management Strategy for England sets a long-term vision for a nation ready for, and resilient to, flooding and coastal change. The Government is committed to supporting coastal communities and ensuring flood risk management is fit for the challenges we face now and in the future. This means planning should: • ensure that policies and decisions in coastal areas are based on an understanding of coastal change over time • prevent new development from being put at risk from coastal change by: i. avoiding inappropriate development in areas that are vulnerable to coastal change or any development that adds to the impacts of physical changes to the coast ii. directing development away from areas vulnerable to coastal change • ensure that the risk to development which is, exceptionally, necessary in coastal change areas because it requires a coastal location and provides substantial economic and	Coastal matters not relevant to the SRP DCO application

• ensure that the risk to development which is, exceptionally, necessary in coastal change areas because it requires a coastal location and provides substantial economic and social benefits to communities, is managed over its planned lifetime • ensure that plans are in place to secure the long-term sustainability of coastal areas	social benefits to communities, is managed over its planned lifetime • ensure that plans are in place to secure the long-term sustainability of coastal areas	
5.8 Flood Risk 5.8.3 The government's Flood and Coastal Erosion Risk Management Policy Statement211 sets out our ambition to create a nation more resilient to future flood and coastal erosion risk. It outlines policies and actions which will accelerate progress to better protect and better prepare the country against flooding and coastal erosion. The industry should consider any updates to government policy and apply updated approaches as a matter of priority. Secretary of State decision making 5.8.36 In determining an application for development consent, the Secretary of State should be satisfied that where relevant:	5.8 Flood Risk 5.8.3 Protecting communities around the country from flooding is one of the government's priorities. The EA has a statutory duty to publish the National Flood and Coastal Erosion Risk Management Strategy for England. The Strategy describes what needs to be done by all risk management authorities involved in flood and coastal erosion risk management for the benefit of people and places. The industry should consider any updates to government policies and the statutory Strategy and apply updated approaches as a matter of priority. Secretary of State decision making 5.8.36 In determining an application for development consent, the Secretary of State should be satisfied that where relevant:	Flood Risk policies are addressed in the ES – **[APP-066]** Insert cross reference

• the application is supported by an appropriate FRA • the Sequential Test has been applied and satisfied as part of site selection	• The application is supported by an appropriate FRA; • The Sequential Test has been applied and satisfied as part of site selection (subject to the exception set out in paragraph 5.8.22 of this NPS, and any technology specific exceptions set out in other NPSs);	
5.11 Land Use, Including Open Space, Green Infrastructure, and Green Belt Mitigation 5.11.27 Existing trees and woodlands should be retained wherever possible. In the EIP, the Government committed to increase the tree canopy and woodland cover to 16.5% of total land area of England by 2050. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured	5.11 Land Use, Including Open Space, Green Infrastructure, and Green Belt Mitigation 5.11.27 Existing trees and woodlands should be retained wherever possible. Under the Environment Act 2021 the government set a legally binding target to increase the tree canopy and woodland cover to 16.5% of total land area of England by 2050. The Environmental Improvement Plan recognises the need to protect and increase tree canopy and woodland covers. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will	Policy amended to reflect the introduction of the Environmental Improvement Plan. The ES includes details of how the DCO application has addressed environmental matters – **[APP-060]**

	be required, and the long-term management and maintenance of newly planted trees should be secured. Where possible, projects should include the reuse of materials and use of sustainable materials such as timber, or recycled materials.	
5.14 Traffic and Transport Applicant assessment 5.14.5 If a project is likely to have significant transport implications, the applicant's ES (see Section 4.3) should include a transport appraisal. The DfT's Transport Analysis Guidance (TAG)[266] and Welsh Governments WelTAG267 provides guidance on modelling and assessing the impacts of transport schemes.	5.14 Traffic and Transport Applicant assessment 5.14.5 If a project is likely to have significant transport implications, the applicant's ES (see Section 4.3) should include a vision for transport and an assessment of potential transport impacts.	Transport implications and vision for the application are set out in the ES transport chapter **[APP-071]**
5.15 Resource and Waste Management Applicant assessment 5.15.6 Applicants must demonstrate that development proposals are in line with Defra's policy position on the role of energy from waste in treating residual waste. 5.15.7 The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW or similar processes for the treatment of residual waste at a national or local level.	5.15 Resource and Waste Management Applicant assessment 5.15.6 Applicants must ensure that all proposals align with circular economy objectives. In England, applicants must demonstrate that development proposals are in line with Defra's policy statement on the role of EfW in treating residual waste	The approach to waste management is set out in the ES – **[APP-074]**

5.15.10 The applicant is encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste275 and 'Towards Zero Waste: Our Waste Strategy for Wales'276 and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. Secretary of State decision making 5.15.19 The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 or wider goals set out in the government's Environmental Improvement Plan 2023.	5.15.9 The applicant must consider the Circular Economy and how to ensure that their project aligns with the government's circular economy ambitions. In Wales applicants are encouraged to refer to 'Towards Zero Waste: Our Waste Strategy for Wales246'. Secretary of State decision making 5.15.18 The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 and circular economy objectives.	
5.16 Water Quality and Resources Applicant assessment 5.16.4 The applicant should make early contact with the relevant regulators, including the local authority, the Environment Agency and Marine Management Organisation, where appropriate, for relevant licensing and environmental permitting requirements. 5.16.5 Where possible, applicants are encouraged to manage surface water during construction by treating surface water	5.16 Water Quality and Resources Applicant assessment 5.16.4 The applicant should make early contact with the relevant regulators, including the local authority, the EA and Marine Management Organisation, where appropriate, for relevant licensing and environmental permitting requirements. Applicants should make early contact with the EA, NRW and water companies[250] with their proposed water requirements to understand whether water is	Flood Risk and water management matters are covered in the ES – **[APP-066]**

runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation. 5.16.6 Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones – this could include, for example, the use of protective barriers. Mitigation 5.16.9 The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.	available and if new water infrastructure is required. If insufficient water is available for abstraction the EA and NRW will be unable to authorise an abstraction licence. 5.16.5 Where appropriate, applicants should manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation. 5.16.6 Applicants should avoid locating potentially polluting activities in the most sensitive locations for groundwater, in particular Source Protection Zone 1 (SPZ) and close to nationally important drinking water supplies. Applicants should consider implementing protective measures to control the risk of pollution to groundwater, for example, through the use of protective barriers. Mitigation 5.16.9 If insufficient water is available for abstraction, the applicant will need to find alternative sources of water to be able to proceed, whether this is developing their own source or collaborating with the water industry or other water abstractors to develop a joint source.	

	5.16.10 The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.	
Secretary of State decision making 5.16.13 The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023.	Secretary of State decision making 5.16.14 The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the government's Environmental Improvement Plan.	

Appendix A – Table 2 – Applicant Response to 2025 revisions to National Policy Statement EN-3

2024 NPS EN-3	2025 Revised NPS EN-3	Applicant Responses
1 Introduction 1.1 Background 1.1.3 In the Net Zero Strategy2, published in October 2021, government committed to action so that by 2035, all our	1 Introduction 1.1 Background 1.1.3 The Clean Power 2030 Action Plan sets out pathways for meeting targets in 2030 that will set the country well on	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has been included as a consideration in the statement of Need provided in the Planning Statement for the SRP **[APP-182]**

electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40-60% increase in demand.	the way to reach net zero by 2050. More low-cost renewables on the system will reduce household electricity bills and help to increase security of supply through domestic energy production.	
1.4 Geographical coverage 1.4.6 In Northern Ireland, planning consents for all nationally significant energy infrastructure projects are devolved to the Northern Ireland Executive, so the Secretary of State will not examine applications for energy infrastructure in Northern Ireland.	1.4 Geographical coverage 1.4.6 In Northern Ireland, planning consents and marine licences in inshore waters are devolved to the Northern Ireland Executive. The Secretary of State will not, therefore examine applications for energy infrastructure in Northern Ireland and the NPS will not apply there. In the UK Renewable Energy Zone (REZ), the Secretary of State is responsible for all marine licences (delegated to the Marine Management Organisation (MMO)) and for planning consents above 100MW other than in the Welsh zone or where Scottish Ministers have functions.	Updated arrangements for Northern Ireland – not relevant to SRP DCO
1.6 Infrastructure covered by this NPS 1.6.1 This NPS covers the following types of nationally significant renewable electricity generating stations:	1.6 Infrastructure covered by this NPS 1.6.1 This NPS covers the following types of nationally significant renewable electricity generating stations:	Confirmation of revised thresholds for Solar NSIP and the addition of onshore wind generation, as per revised regulations. NO implication for the SRP DCO as transitional arrangements are in effect for existing schemes at examination.

• energy from biomass and/or waste including mixed waste containing non-renewable fractions (>50 MW in England and>350MW in Wales); • pumped hydro storage (>50 MW in England and >350MW in Wales); • solar photovoltaic (PV) (>50 MW in England and >350MW in Wales); •offshore wind (>100MW in England and >350MW in Wales); and •tidal stream (>100MW in England and >350MW in Wales).	• Energy from biomass and/or waste including mixed waste containing non-renewable fractions (>50 MW in England and >350MW in Wales); • Pumped hydro storage (>50 MW in England and >350MW in Wales); • Solar photovoltaic (PV) (>100 MW2 in England and >350MW in Wales); • Offshore wind (>100MW in England and >350MW in Wales); • Tidal stream (>100MW in England and >350MW in Wales); and • Onshore wind (>100 MW in England only3).	
1.6.3 Similarly, it will apply to offshore transmission infrastructure projects in English waters which are directed into the NSIP regime under section 35 of the Planning Act 2008. This could include interconnectors, Multi-Purpose Interconnectors (MPIs) or 'bootstraps' to support the onshore network which are routed offshore. EN-5 also applies to offshore transmission infrastructure projects in English waters which are directed into the NSIP regime[4]	1.6.3 Similarly, it will apply to offshore transmission infrastructure projects in English waters which are directed into the NSIP regime under section 35 of the Planning Act 2008. Any reference to offshore transmission infrastructure within this NPS includes electricity transmission connections between offshore electricity generation projects and the onshore transmission system, interconnectors, Offshore Hybrid Assets, or offshore elements of the 'onshore' transmission system (such as 'bootstraps'). Further details on different types of offshore transmission are provided in the Glossary[4]. See Sections	Offshore transmission issues are not relevant to the SRP DCO.

	2.12 – 2.14 of EN-5 for further detail on assessment principles for offshore-onshore transmission.	
1.6.4 This NPS does not cover onshore wind.5	Paragraph deleted	No implications for SRP DCO as not wind project.
2 General Assessment and Technology Specific Information 2.1 Introduction 2.1.3This NPS is concerned with impacts and other matters which are specific to biomass and EfW, offshore wind energy, pumped hydro storage, solar PV and tidal stream energy, or where, although the impact or issue is generic and covered in EN-1, there are further specific considerations arising from the technologies covered here.	2 General Assessment and Technology Specific Information 2.1 Introduction 2.1.3 This NPS is concerned with impacts and other matters which are specific to biomass and energy from waste (EfW), offshore wind energy, pumped hydro storage, solar PV, tidal stream energy, and onshore wind, offshore transmission infrastructure (where appropriate – see also EN-5) or where, although the impact or issue is generic and covered in EN-1, there are further specific considerations arising from the technologies covered here.	Additional reference to onshore wind included – no implications for SRP DCO
National designations 2.3.8 In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether the Secretary of State is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of	National designations 2.3.8 In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether the Secretary of State is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has been included as a consideration in the statement of Need provided in the Planning Statement for the SRP **[APP-182]**

energy security and the urgency of meeting the net zero target.	change, the delivery of energy security, and the urgency of meeting the Clean Power 2030 Mission and net zero target.	
Other locational considerations New Paragraph inserted	Other locational considerations 13.10 The Secretary of State should also consider spatial plans, such as the Strategic Spatial Energy Plan upon endorsement by all relevant governments.	Additional policy reflecting introduction of SSEP. No plan in place, therefore not relevant for SRP DCO.
Seabed leasing Extensions 2.3.13 The Crown Estate may offer new leases in areas adjacent to existing consented wind farms. This could be to either the owner/operator of the existing site or to a different company from that operating the existing wind farm. These leases will form extensions to existing wind farms.	Seabed leasing Extensions 2.3.14 The Crown Estate may offer new leases in areas adjacent to existing consented wind farms. This could be to either the owner/operator of the existing site or to a different company from that operating the existing wind farm. These leases will form extensions to existing wind farms. Similarly, they may offer capacity increases for existing wind farm leases.	Seabed leasing not relevant to SRP DCO
2.4 Climate change adaptation and resilience Offshore wind 2.4.8 Whilst offshore wind farms will not be affected by flooding, applicants should demonstrate that any necessary land-side infrastructure (such as cabling and onshore substations) will be appropriately resilient to climate-change induced weather phenomena. Similarly, applicants	2.4 Climate change adaptation and resilience Offshore wind and offshore transmission infrastructure 2.4.8 Whilst offshore wind farms and offshore transmission infrastructure will not be affected by flooding, applicants should demonstrate that any necessary land-side infrastructure (such as cabling and onshore substations) will be appropriately resilient to climate-change induced	Additional reference to offshore transmission infrastructure – not relevant to SRP DCO

should particularly set out how the proposal would be resilient to storms.	weather phenomena. Similarly, applicants should particularly set out how the proposal would be resilient to storms.	
2.7 Biomass and Waste Combustion 2.7.2 In accordance with the waste hierarchy13 Energy from Waste (EfW) also plays an important role in meeting the UK's energy needs. Furthermore, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales. 2.7.5 Biomass is material of recent biological origin derived from plant or animal matter. The biomass used for heat and power usually falls into one or more of three main categories: • biomass derived from forest residues as co-products of conventional forestry management. This includes forest products generated during thinning, felling and coppicing of sustainably managed forests, parklands and trees from other green spaces. It also includes sawmill residues (often processed to produce wood pellets), other wood processing residues and parts of trees unsuitable for the timber industry;	2.7 Biomass and Waste Combustion Paragraph deleted 2.7.4 Biomass is material of recent biological origin derived from plant or animal matter. The biomass used for heat and power usually falls into one or more of three main categories: • Biomass derived from forest residues as co-products of conventional forestry management. This includes forest products generated during thinning, felling and coppicing of sustainably managed forests, parklands and trees from other green spaces. It also includes sawmill residues (often processed to produce woodpellets), other wood processing residues and parts of trees unsuitable for the timber industry;	Biomass and EfW not relevant to SRP DCO

• biomass from agricultural crops and residues. This includes crops grown primarily for use in energy generation ('energy crops'), such as short rotation coppice (SRC), short rotation forestry (SRF) or Miscanthus. Biomass can also be sourced from agricultural residues such as straw, husks and kernels; and • biomass from biodegradable waste and other similar materials including sewage sludge, animal manure, waste wood from construction, the biodegradable fraction of mixed municipal waste, and food waste that would otherwise be disposed of in landfill	• Biomass from sustainable crops, as well as conventional food crops, this includes crops grown primarily for use in energy generation ('energy crops'), such as, short rotation coppice (SRC), short rotation forestry (SRF) or Miscanthus. Biomass can also be sourced from agricultural residues such as straw, husks and kernels; and • Biomass from biodegradable waste and other similar materials including sewage sludge and animal manure. 2.7.5 EfW developments are primarily waste management solutions. In accordance with the waste hierarchy14, the best outcome is to prevent waste occurring in the first place. Where waste does occur, we need to manage it in the most resource-efficient way possible. After waste prevention, priority goes to repair, preparing waste for reuse, recycling, and then recovering energy from waste15. Energy recovery forms an element of residual waste management strategies in both England and Wales, but should be minimised as far as possible and must not compete with waste prevention, preparation for reuse, or recycling. 2.7.6 EfW developments are not critical to meeting the Clean Power 2030 Mission16. CNP policy, as set out in Section 4.2 of EN-1, therefore does not apply to applications for EfW projects.	

Applicant Assessment Factors Influencing site selection and design Waste treatment capacity 2.7.6 As the primary function of EfW plants is to treat waste, applicants must demonstrate that proposed EfW plants are in line with Defra's policy position on the management of residual waste.15 2.7.7 The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of residual waste treatment at a national or local level.	Factors influencing site selection and design Waste treatment capacity 2.7.7 As the primary function of EfW plants is to treat waste, applicants must demonstrate that proposed plants will meet a clearly defined need to facilitate the diversion of non-recyclable waste sent to landfill, or enable the replacement of older, less efficient waste combustion facilities. In line with Defra's policy statement17, development consent will not be granted for further EfW developments in England unless these criteria are met. 2.7.8 Applicants must demonstrate how their application accords with The Environmental Targets (Residual Waste) (England) Regulations 2023. This will require applicants to demonstrate that their proposal does not hinder the Government achieving higher recycling rates (for example by relying on 'locking in' material that may be recyclable) or rely on a residual waste volume of more than 287 kilograms of non-major mineral residual wastes per head of population in England by the end of 31st December 2042. Applicants in England must demonstrate that they are meeting a residual waste treatment need that cannot be met by existing EfW facilities and EfW facilities in active development.	EfW not relevant to SRP DCO

	2.7.9 The Welsh Government has put in place a moratorium on all new EfW plants greater than 10MW generation capacity in Wales. Where proposed EfW developments in Wales exceed 350MW, these will continue to be considered by the Secretary of State under the Planning Act 2008.	
Transport infrastructure 2.7.10 Applicants should locate new biomass or waste combustion generating stations in the vicinity of existing transport routes wherever possible.	Transport infrastructure 2.7.12 Applicants should locate new biomass or EfW plants in the vicinity of existing transport routes wherever possible. 2.7.15 Consideration of transport modes should also consider the movement of captured carbon from these facilities where direct access to a storage network is unavailable.	EfW not relevant to SRP DCO
Technical considerations Combined heat and power (CHP) New paragraph	Technical considerations Combined heat and power (CHP) 2.7.17 Applications related to biomass and EfW facilities must detail how the plant will maximise the amount of heat available and provide heat to a heat network within three years of entering operation	EfW not relevant to SRP DCO
Carbon capture readiness (CCR) New paragraph	Carbon capture readiness (CCR) 2.7.22 CCR will come into force for new and substantially refurbished EfW developments from 28 February 2026.	EfW not relevant to SRP DCO

Fuels New Paragraph	Fuels 2.7.29 Guidance on management of waste used as fuel for EfW plants, is set out in the waste management section of this NPS (paragraphs 2.7.50 – 2.7.56).	EfW not relevant to SRP DCO
Nature of applications 2.7.26 Where EfW proposals for mixed waste incineration include material of animal origin, applicants may require ancillary development in order to comply with the requirements of the Animal By-Products (Enforcement) (England) Regulations 2013 and in Wales the Animal By-Products (Enforcement) (Wales) Regulations 2014.	Nature of applications 2.7.32Where EfW proposals for mixed waste incineration include material of animal origin, applicants may require ancillary development in order to comply with the requirements of the Animal By-Products (Enforcement) (England) Regulations 2013.	EfW not relevant to SRP DCO
Commercial aspects of EfW plants 2.7.29 Applicants must ensure EfW plants are fit for the future, do not compete with greater waste prevention, re-use, or recycling and do not result in an over-capacity of EfW waste treatment provision at a local or national level	Commercial aspects of EfW plants Paragraph deleted	EfW not relevant to SRP DCO
Impacts Air quality and greenhouse gas emissions New paragraphs inserted	Impacts Air quality and greenhouse gas emissions 2.7.42 Applicants should include in the ES an assessment of the air emissions associated with delivery and movement of people, fuel and materials. This should include	EfW not relevant to SRP DCO

	consideration of cumulative effects from construction, operation and vehicle movements. 2.7.43 Applicants should take into account the presence of Air Quality Management Areas, NO2 Programme Clean Air Plans and proximity to large numbers of people and vulnerable receptors (e.g. health facilities, care homes and schools) when considering site selection.	
Waste management 2.7.42EfW plants need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy. 2.7.43 Applicants should undertake an assessment of the proposed waste combustion generating station, examining the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant Waste Local Plans, or plans where a proposal is likely to involve more than one local authority. 2.7.44 Applicants should set out the extent to which the generating station and capacity proposed is compatible with, and supports long-term recycling targets, taking into	Waste management 2.7.49 In accordance with the waste hierarchy, EfW developments in England must demonstrate that they will help lower the amount of non-recyclable waste sent to landfill or help enable the replacement of older, less efficient facilities. Applicants should give consideration to policy statements published by government related to the need and role of EfW facilities. 2.7.50 Applicants should set out how they intend to ensure that recyclable materials, including those that may be recyclable in the future, will be separated and sent for appropriate treatment. In accordance with the waste hierarchy, recyclable material must not be combusted. Applicants must ensure that their proposals do not result in	EfW not relevant to SRP DCO

account existing residual waste treatment capacity and that already in development. 2.7.45 It may be appropriate for assessments to refer to the Annual Monitoring Reports published by relevant waste authorities which provide an updated figure of existing waste management capacity and future waste management capacity requirements. 2.7.46 The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans sho	the 'lock in' of material that may be recyclable, preventing the movement of material up the waste hierarchy. 2.7.51 Applicants should undertake an assessment of the proposed EfW plant, examining the conformity of the scheme with the management of waste in accordance with the waste hierarchy and the effect of the scheme on the relevant Waste Local Plan, or plans where a proposal is likely to involve more than one local authority. 2.7.52 Applicants should set out the extent to which the generating station and capacity proposed is compatible with, and supports the statutory, long-term residual waste reduction target for England, taking into account existing residual waste treatment capacity and that already in development. Applicants should also consider the declining availability of residual waste arisings in context of the government's commitment to transition to a circular economy. 2.7.53 Where appropriate, assessments should refer to the Annual Monitoring Reports published by relevant waste authorities which provide an updated figure of existing waste management capacity and future waste management capacity requirements.	

	2.7.54 Where EfW developments are developed to enable the replacement of older, less efficient facilities, capacity should not	
Noise and vibration 2.7.64 Noise from gas turbines should be mitigated by attenuation of exhausts to reduce any risk of low-frequency noise transmission. Fuels New Paragraph	Noise and vibration 2.7.73 Noise from gas and steam turbines should be mitigated by attenuation of exhausts and steam release valves to reduce any risk of low-frequency noise transmission. Fuels 2.7.88 The Secretary of State should not grant consent to an EfW development unless they are satisfied that the proposals will meet a clearly defined need to facilitate the diversion of non-recyclable waste away from landfill or enable the replacement of an older, less efficient waste combustion facility. The Secretary of State should be satisfied that a proposed EfW development is feasible for the duration of its proposed lifecycle in light of ambitions and targets to drive declining residual waste volumes. The Secretary of State should therefore be satisfied that an EfW plan is not of a scale that relies on material that disincentivises good waste management practices (e.g. separation of waste) or material that is recyclable, now or in the future, using BAT.	EfW not relevant to SRP DCO

Combustion plant types and scale 2.7.82 Throughput volumes are not, in themselves, a factor in Secretary of State decision-making as there are no specific minimum or maximum fuel throughput limits for different technologies or levels of electricity generation; this is a matter for the applicant. However, the increase in traffic volumes, any change in air quality, and any other adverse impacts as a result of the increase in throughput should be considered by the Secretary of State in accordance with this NPS and balanced against the net benefits of the combustion of waste and biomass as described in paragraph 2.7.1 above and in Section 3.3.36 of EN-1.	Combustion plant types and scale 2.7.92 Throughput volumes for biomass plants are not, in themselves, a factor in Secretary of State decision-making as there are no specific minimum or maximum fuel throughput limits for different technologies or levels of electricity generation; this is a matter for the applicant. 2.7.93 The increase in traffic volumes, any change in air quality, and any other adverse impacts as a result of the increase in throughput should be considered by the Secretary of State in accordance with this NPS and balanced against the net benefits of the combustion of waste and biomass as described in this section and in paragraph 3.3.37 of EN-1.	EfW not relevant to SRP DCO
Combined heat and power 2.7.83 The government's strategy for CHP is described in Section 4.8 of EN-1, which sets out the requirements on applicants either to include CHP or present evidence in the application that the possibilities for CHP have been fully explored.	Combined heat and power 2.7.94 The government's strategy for CHP is described in Section 4.8 of EN-1, which sets out the requirements on applicants either to include CHP or present evidence in the application that the possibilities for CHP have been fully explored. Applications related to biomass and waste combustion as part of an EfW facility must detail how the plant will maximise the amount of heat available and provide heat to a heat network within three years of entering operation.	EfW not relevant to SRP DCO

New Paragraph	Air quality and greenhouse gas emissions. 27.103 Although Decarbonisation Readiness requirements will be assessed through the Environmental Permitting Regime the Secretary of State should be satisfied that facilities will be able to pass the "space requirement" feasibility test. Proposed EfW developments should be built in accordance with the government's Decarbonisation Readiness requirements once they come into force.	
Landscape and Visual 2.7.93 The Secretary of State should take into account that any biomass/waste combustion generating station will require a building able to host fuel reception and storage facilities, the combustion chamber and abatement units.	Landscape and Visual 2.7.105 The Secretary of State should take into account that any biomass/EfW plant will require a building able to host fuel reception and storage facilities, the combustion chamber and abatement units, and a stack of sufficient height to safeguard human health and minimise local impacts on the environment	EfW not relevant to SRP DCO
Waste management New Paragraphs	Waste management 2.7.114 In line with Defra's current policy statement, the Secretary of State should not grant development consent for further EfW plants in England unless satisfied that the proposal will help lower the amount of non-recyclable waste sent to landfill, or enable the replacement of older, less efficient facilities.	EfW not relevant to SRP DCO

	2.7.115 The Secretary of State should be satisfied that the proposed EfW development will not prevent recyclable materials, including those that may be recyclable in the future, being separated and sent for appropriate treatment, i.e. repair, reuse or recycling. The Secretary of State should give consideration to policy statements	
2.8 Offshore Wind Consenting process 2.8.6 For guidance on DCOs and Marine Licences, applicants and the Secretary of State should consult section 2.3.16 of this NPS. 2.8.7 Given ambitions to deliver up to 50 GW of offshore wind by 2030, including up to 5 GW of floating wind, there is a need to speed up, and reduce delays in, the consenting process. 2.8.8 The British Energy Security Strategy30 committed to implementing an Offshore Wind Environmental Improvement Package (OWEIP), which aims to streamline environmental assessments, decrease consenting times, and maintain marine environmental protections. The OWEIP includes measures to: • revise Marine Protected Area assessment guidance (including Habitats Regulations and Marine Conservation	2.8 Offshore Wind and Offshore Transmission Infrastructure Consenting process 2.8.6 For guidance on DCOs and Marine Licences, applicants and the Secretary of State should consult paragraphs 2.3.17 - 2.3.25 of this NPS. 2.8.7 The rate of deployment of offshore wind, in particular in the North Sea, has meant that the cumulative effects on the environment from offshore wind have increased rapidly. Most recent DCOs have needed to include conditions related to benthic and avian compensation measures. However, it is becoming increasingly difficult for developers to source sufficient compensation measures to allow their consent to be granted and some projects which have received consent have found it difficult to discharge their compensation conditions.	Offshore wind not relevant to SRP DCO

Zone (MCZ) Assessments) to streamline and simplify the information applicants must supply. • revise the Habitats Regulations and MCZ assessment process for offshore wind to facilitate the delivery of compensation measures whilst maintaining valued protection for wildlife. • facilitate the delivery of strategic environmental compensation measures to offset environmental effects and reduce delays to projects, including development of a library of compensation measures, through the Collaboration on Offshore Wind Strategic Compensation (COWSC) programme. • implement an industry-funded Marine Recovery Fund (MRF), into which developers can choose to contribute to meet their environmental compensation obligations. • mmcommon requirement for designing wind farms and offshore transmission infrastructure, providing greater certainty and speeding up the consenting process. • develop a strategic approach to environmental monitoring. 2.8.10 The OWEIP applies to "the planning, construction, operation or decommissioning of offshore wind electricity infrastructure" and the identification of an area for such an activity31. Infrastructure is defined in the Energy Act and	2.8.8 Reducing delays in the planning process is essential to accelerate deployment of offshore wind and DESNZ is working closely with Defra to support them in delivering the Offshore Wind Environmental Improvement Package (OWEIP) to address environmental barriers. The OWEIP includes measures to: • Revise the environmental compensatory measures process for offshore wind to facilitate the delivery of compensation measures whilst maintaining valued protection for the marine environment; • Facilitate the delivery of strategic environmental compensation measures to offset environmental effects and reduce delays to projects, including development of a library of compensation measures.; • Implement an industry-funded Marine Recovery Fund (MRF) or funds, that developers can choose to pay into to meet their environmental compensation obligations. It is anticipated that two funds will operate in the UK – one for projects consented in England, Wales and Northern Ireland, and one for projects consented in Scotland; Develop OWES to reduce environmental impacts at the point of project design of wind farms and offshore	

includes offshore transmission infrastructure such as bootstraps	transmission infrastructure, providing greater certainty and reducing delays in the consenting process; • Take steps to better manage marine noise from offshore wind deployment; and • Develop a strategic approach to environmental monitoring. 2.8.9 Various aspects of the OWEIP has been subject to public consultation and we are working on two Statutory Instruments and guidance will be produced in due course. 2.8.10 The OWEIP applies to "the planning, construction, operation or decommissioning of offshore wind electricity infrastructure" and the identification of an area for such an activity30. This also includes offshore infrastructure as defined in the Energy Act 202331.	
Applicant assessment Factors influencing site selection and design Offshore Energy Strategic Environmental Assessment 2.8.15 The government is undertaking a rolling Offshore Energy SEA programme, including a research programme33 and data collection to facilitate future strategic and project specific assessments to achieve the 50GW ambitions.	Applicant assessment Factors influencing site selection and design Offshore Energy Strategic Environmental Assessment 2.8.15 The government is undertaking a rolling Offshore Energy SEA programme, including a research programme33 and data collection to facilitate future strategic and project specific assessments to achieve the Clean Power 2030 Mission	Offshore wind not relevant to SRP DCO

Marine Planning 2.8.19 The cross-Government Marine Spatial Prioritisation Programme will review how marine plans, the wider planning regime, legislation and guidance may need to evolve to ensure a more holistic approach to the use of the seas, and that this is taken to maximise co-existence/co-location possibilities.	Marine Planning 2.8.19 The cross- Government Marine Spatial Prioritisation programme continues to develop a more strategic way of considering the use of the seabed, and is also supporting the de-risking of future offshore wind.	Offshore wind not relevant to SRP DCO
Seabed leasing 2.8.20 The Crown Estate issues leases for offshore wind farms in tendering rounds. Applicants must obtain a lease prior to placing cables over, the seabed and its foreshore (see section 2.3.10 of this NPS for information in seabed leasing and capacity extensions). 2.8.21 Rounds 1, 2 and 3 are closed and sites leased in those rounds are either operational; in construction; consented but yet to be constructed; awaiting determination; or yet to apply for development consent. Leasing Round 4 is completed, with agreements for lease awarded in January 2023.34	Seabed leasing 2.8.20 The Crown Estate grants seabed leases for offshore wind farms through competitive leasing rounds. Applicants must obtain a lease prior to placing an offshore wind structure or associated transmission export cables, on the seabed and its foreshore (see paragraphs 2.3.14 - 2.3.16 of this NPS for information on seabed leasing, extensions and capacity increases). 2.8.27 For any transmission assets that require seabed leases from The Crown Estate other than those through competitive leasing rounds (whether export cables associated with offshore wind projects that are not leased by The Crown estate, electricity interconnectors or offshore 'bootstraps') developers should liaise directly with The	Offshore wind not relevant to SRP DCO

	Crown Estate to agree appropriate seabed lease arrangements.	
Other offshore infrastructure and activities 2.8.44 There may be constraints imposed on the siting or design of offshore wind farms because of the presence of other offshore infrastructure, such as oil and gas, Carbon Capture, Usage and Storage (CCUS), co-location of electrolysers for hydrogen production, marine aggregate dredging, telecommunications, or activities such as aviation and recreation. 2.8.45 Given the scale of offshore wind deployment required to meet 2030 and 2050 ambitions, and the importance of the UK Continental Shelf (UKCS) in supporting progress towards net zero commitments there will be increasing demand on the UKCS which could give rise to conflicts. The occurrence of conflict between offshore development projects in the short term could restrict the capacity of the UKCS to support the variety of technologies required for the delivery of net zero. 2.8.46 Applicants should consult the government's Marine Plans (further detailed in Section 4.5 of EN-1) which are a useful information source of existing and known or potential activities and infrastructure.	Paragraphs deleted	Offshore wind not relevant to SRP DCO

2.8.47 Prior to the submission of an application involving the development of the seabed, applicants should engage with key stakeholders, such as The Crown Estate and statutory bodies to ensure they are aware of any current or emerging interests on or underneath the seabed which might give rise to a conflict with a specific application. This will ensure adequate opportunity to reduce potential conflicts and increase time to find a resolution		
Decommissioning 2.8.89 Where requested by the Secretary of State, applicants should submit a decommissioning programme, satisfying the requirements of s.105(8) of the Energy Act 200442 before any offshore construction works begin, to demonstrate a commitment to ensure any long-term environmental impacts are removed following decommissioning	Decommissioning 2.8.82 Applicants should submit a decommissioning programme, satisfying the requirements of section 105(8) of the Energy Act 200441 before any offshore construction works begin.	Offshore wind not relevant to SRP DCO
Offshore wind environmental standards 2.8.90 As part of the Offshore Wind Environmental Improvement Package set out in the British Energy Security Strategy, government committed to establishing Offshore Wind Environmental Standards (OWES; previously referred to as Nature Based Design Standards) to accelerate deployment whilst offering greater protection of the marine environment. OWES aim to support developers to take a more consistent approach to avoiding, reducing, and	Offshore Wind Environmental Standards 2.8.83 As part of the OWEIP, the government committed to establishing OWES to reduce environmental impacts at the point of offshore wind project design, reducing requirements for environmental compensation and providing greater certainty of suitable mitigation measures for offshore wind developers and SNCBs to reduce delays in the consenting process. OWES aim to support developers to take a more consistent approach to avoiding, reducing,	Offshore wind not relevant to SRP DCO

mitigating the impacts of an offshore wind farm and/or offshore transmission infrastructure. The measures could apply to the design, construction, operation and decommissioning of offshore wind farms and offshore transmission (as defined in EN-5 at section 2.12). Impacts 2.8.93 The impacts identified in Part 5 of EN-1, and below, are not intended to be exhaustive. 2.8.110 The British Energy Security Strategy contains a commitment to reviewing the Habitats Regulation Assessment process for offshore wind farm developments, and powers are included in the Energy Act 2023 to implement this through secondary legislation. Further guidance will be published as a separate document setting out what information assessments must contain. Once final guidance is published, applicants will be expected to comply.	and mitigating the impacts of offshore wind farm infrastructure. The OWES will apply to offshore wind farms and/or offshore wind electricity infrastructure[42]. Impacts 2.8.86 The impacts identified in Part 5 of EN-1, and below, are not intended to be exhaustive. This section should be read in conjunction with Section 2.9 of EN-5 for applications for offshore transmission assets where relevant. 2.8.103 The OWEIP committed to review the environmental compensatory measures for offshore wind farm developments, and the Energy Act 2023 includes powers to implement this through secondary legislation. Guidance on the reforms to be introduced by secondary legislation will be published once the secondary legislation is in force. Once guidance is published, applicants will be expected to comply.	

Intertidal and coastal habitats and species 2.8.119 Applicant assessment of the effects of installing offshore transmission infrastructure across the intertidal/coastal zone should demonstrate compliance with mitigation measures in any relevant plan-level HRA including those prepared by The Crown Estate as part of its leasing round, and include information, where relevant, about: • any alternative landfall sites that have been considered by the applicant during the design phase and an explanation for the final choice; • any alternative cable installation methods that have been considered by the applicant during the design phase and an explanation for the final choice; • potential loss of habitat; • disturbance during cable installation, maintenance/repairs and removal (decommissioning); • increased suspended sediment loads in the intertidal zone during installation and maintenance/repairs; • potential risk from invasive and non-native species; • predicted rates at which the intertidal zone might recover from temporary effects, based on existing monitoring data; and	Intertidal and coastal habitats and species 2.8.112 Applicant assessments of the effects of installing offshore transmission infrastructure across the intertidal/coastal zone should demonstrate compliance with mitigation measures in any relevant plan-level HRA or MCZ assessment including those prepared by The Crown Estate as part of its leasing round, and include information, where relevant, about: • Any alternative landfall sites that have been considered by the applicant during the design phase and an explanation for the final choice; • Any alternative cable installation methods that have been considered by the applicant during the design phase and an explanation for the final choice; • Potential loss of habitat; • Disturbance during cable installation, maintenance/repairs and removal (decommissioning); • Increased suspended sediment loads in the intertidal zone during installation and maintenance/repairs; • Potential risk from invasive and non-native species; • Predicted rates at which the intertidal zone might recover from temporary effects, based on existing monitoring data;	Offshore wind not relevant to SRP DCO

• protected sites.	• Protected sites; and • Impacts on delivery of the Environment Agency's habitat compensation and restoration programme.	
Subtidal habitats and species 2.8.120 The subtidal zone is the area below low water springs which remains submerged at low tide. 2.8.121 Subtidal habitat and ecology are often recognised through statutory nature conservation designations. 2.8.122 Offshore wind construction, maintenance and decommissioning activities can cause loss and temporary disturbance of su tidal habitat and benthic ecology. 2.8.123 The applicant should demonstrate compliance with mitigation measures identified by The Crown Estate in any plan-level HRA produced as part of its leasing round. 2.8.124 Applicants should follow guidelines for leasing transmission assets infrastructures, and any successor to it produced by The Crown Estate.[50] 2.8.125 All work associated with cable installation including trenching, laying and surface protections are licenced through a Deemed Marine Licence as part of the DCO, with the exception of Welsh inshore waters,(defined as the region extending seaward 12 nautical miles from Mean High Water	Subtidal habitats and species 2.8.113 The subtidal zone is the area below low water springs which remains submerged at low tide. Subtidal habitat and ecology are often recognised through statutory nature conservation designations. Offshore wind construction, maintenance and decommissioning activities can cause loss and temporary disturbance of subtidal habitat and benthic ecology. 2.8.114 The applicant should demonstrate compliance with mitigation measures identified by The Crown Estate in any plan-level HRA produced as part of its leasing round. Applicants should follow guidelines for leasing transmission assets infrastructures, and any successor to it produced by The Crown Estate50. 2.8.115 All work associated with cable installation including trenching, laying and surface protections are licensed through a Deemed Marine Licence as part of the DCO, with the exception of Welsh inshore waters, (defined as the region extending seaward 12nm from Mean High Water	Offshore wind not relevant to SRP DCO

Springs (MHWS) to the territorial limit)[51] where a Marine Licence cannot be deemed. In all offshore windfarm cases however, applicants should be aware that the operation and maintenance of cables after construction may require new Marine Licences.[52]	Springs to the territorial limit)51 where a Marine Licence cannot be deemed. In all offshore wind farm	
Marine mammals 2.8.127 Construction activities, including installing wind turbine foundations by pile driving, geophysical surveys, and clearing the site and cable route of unexploded ordinance (UXOs) may reach noise levels which are high enough to cause disturbance, injury, or even death to marine mammals. 2.8.128 All marine mammals are protected under Part 3 of the Habitats Regulations (cetaceans within Schedule 2 and seal species within Schedule 4). 2.8.129 If construction and associated noise levels are likely to lead to an offence under Part 3 of the Habitats Regulations (which would include deliberately disturbing, injuring or killing), applicants will need to apply for a wildlife licence53 to allow the activity to take place.	Marine mammals 2.8.117 Construction activities, including installing wind turbine foundations by pile driving, geophysical surveys, and clearing the site and cable route of unexploded ordnance (UXOs) may reach noise levels which are high enough to cause disturbance, injury, or even death to marine mammals. 2.8.118 Marine mammals are protected under Part 3 of the Habitats Regulations53. If construction and associated noise levels are likely to lead to an offence under Part 3 of the Habitats Regulations (which would include deliberately disturbing, injuringor killing), applicants will need to apply for a wildlife licence54 to allow the activity to take place. 2.8.119 The development of offshore wind farms can also impact fish species (see paragraphs 2.8.130 – 2.8.134), which can have indirect impacts on marine mammals if those fish are prey species.	Offshore wind not relevant to SRP DCO

2.8.130 The development of offshore wind farms can also impact fish species (see paragraphs 2.8.245 – 2.8.249), which can have indirect impacts on marine mammals if those fish are prey species. 2.8.133 The applicant should discuss any proposed noisy activities with the relevant statutory body and must reference the joint JNCC and SNCB underwater noise guidance,54 and any successor of this guidance, in relation to noisy activities (alone and in-combination with other plans or projects) within SACs, SPAs, and Ramsar sites, in addition to the JNCC mitigation guidelines55 for piling, explosive use, and geophysical surveys. NRW has a position statement56 on assessing noisy activities which should also be referenced where relevant. 2.8.134 Where the assessment identifies that noise from construction and UXO clearance may reach noise levels likely to lead to noise thresholds being exceeded (as detailed in the JNCC guidance) or an offence as described in paragraph 2.8.127- 2.8.129 above, the applicant must look at possible alternatives or appropriate mitigation.	2.8.122 The applicant should discuss any proposed noisy activities with the relevant statutory body and must reference the joint JNCC and SNCB underwater noise guidance,[55] and any successor of this guidance, in relation to noisy activities (alone and in-combination with other plans or projects) within SACs, SPAs, and Ramsar sites, in addition to the JNCC mitigation guidelines56 for piling, explosive use, and geophysical surveys. NRW has a position statement57 on assessing noisy activities which should also be referenced where relevant. Defra's policy paper on reducing noise from piling from January 2025 onwards58 should be considered alongside the position statement from JNCC, NE and Cefas on the use of noise reduction methods when piling[59], the position statement on minimising impacts from UXO clearance[60] and any successor to these documents. 2.8.123 Where the assessment identifies that noise from construction and UXO clearance may reach noise levels likely to lead to noise thresholds being exceeded (as detailed in the JNCC guidance), the applicant must follow the mitigation hierarchy, including considering noise mitigation and reduction methods. Where the noisy activity may lead to an offence as described in paragraph 2.8.118 in this NPS the applicant must look at satisfactory alternatives and, if there are no such alternatives, whether	

	the other tests for the granting of a wildlife licence are met[61].	
Commercial fisheries and fishing 2.8.156 Offshore wind farms can have a negative impact on some fish stocks and fishing activity, and/or a positive impact on other fish stocks and/or other types of commercial fishing. Whilst the footprint of an offshore wind farm and any associated infrastructure may be a hindrance to certain types of commercial fishing activity such as trawling, other fishing activities, such as potting, may be able to take place within operational wind farms without unduly disrupting or compromising navigational safety.	Commercial fisheries and fishing 2.8.138 Offshore wind farms can have a negative impact on some fish stocks, fishing and aquaculture activities, and/or a positive impact on other fish stocks and/or other types of commercial fishing and aquaculture. Whilst the footprint of an offshore wind farm and any associated infrastructure may be a hindrance to certain types of commercial fishing and aquaculture activities such as trawling, other fishing and aquaculture activities, such as potting, may be able to take place within operational wind farms without unduly disrupting or compromising navigational safety where activities are in compliance with existing agreements, guidance and domestic and international law.	Offshore wind not relevant to SRP DCO
Other offshore infrastructure and activities 2.8.196 The scale and location of future offshore wind development around England and Wales means that development has occurred, and will continue to occur, in or close to areas where there is other offshore infrastructure. 2.8.197 Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been	Other offshore infrastructure and activities 2.8.167 There may be constraints imposed on the siting or design of offshore wind farms because of the presence of other offshore infrastructure, such as oil and gas, Carbon Capture, Usage and Storage (CCUS), co-location of electrolysers for hydrogen production, marine aggregate dredging, telecommunications, or activities such as aviation and recreation.	Offshore wind not relevant to SRP DCO

issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. 2.8.198 The assessment should be undertaken for all stages of the lifespan of the proposed wind farm in accordance with the appropriate policy and guidance for offshore wind farm EIAs. 2.8.199 Applicants should use marine plans (paragraph 2.8.17-19 of this NPS and Section 4.5 of EN-1) in considering which activities may be most affected by their proposal and thus where to target their assessment. 2.8.200 Applicants should engage with interested parties in the potentially affected offshore sectors early in the pre-application phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application. (see paragraphs 2.8.56 and 2.8.273/4 and 2.8.267 of this NPS for further guidance). 2.8.201 Such stakeholder engagement should continue throughout the life of the development including construction, operation and decommissioning phases where necessary.	2.8.168 Given the scale of offshore wind deployment required to meet the Clean Power 2030 Mission and net zero 2050 ambitions, and the importance of the UK Continental Shelf (UKCS) in supporting progress towards net zero commitments there will be increasing demand on the UKCS which could give rise to conflicts. The occurrence of conflict between offshore development projects in the short term could restrict the capacity of the UKCS to support the variety of technologies required for the delivery of the Clean Power 2030 Mission and net zero. 2.8.169 Applicants should consult the government's Marine Plans (further detailed in Section 4.5 of EN-1) which are a useful information source of existing and known or potential activities and infrastructure. 2.8.170 2.8.171 Prior to the submission of an application involving the development of the seabed, applicants should engage with key stakeholders, such as The Crown Estate and statutory bodies to ensure they are aware of any current or emerging interests on or underneath the seabed which might give rise to a conflict with a specific application. This will ensure adequate opportunity to reduce potential conflicts and increase time to find a resolution.	

2.8.202 As many offshore industries are regulated by government, the relevant Secretary of State should also be a consultee where necessary. 2.8.203 Such engagement should be taken to ensure that solutions are sought that allow offshore wind farms and other uses of the sea to co-exist successfully.	Applicants should engage with interested parties in the potentially affected offshore sectors early in the pre-application phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application. 2.8.172 Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. The assessment should be undertaken for all stages of the lifespan of the proposed wind farm in accordance with the appropriate policy and guidance for offshore wind farm EIAs. 2.8.173 Applicants are encouraged to work collaboratively with those other developers and sea users on co-existence/co-location opportunities, shared mitigation, compensation and monitoring where appropriate. Where applicable, the creation of statements of common ground between developers is recommended. Work is ongoing between government and industry to support effective collaboration and to find solutions to facilitate greater co-existence/co-location. Such stakeholder engagement	

	should continue throughout the life of the development. As many offshore industries are regulated by government, the relevant Secretary of State should also be a consultee where necessary. 2.8.174 As an interested party, The Crown Estate may also provide further supporting information and evidence as part of the examination. This guidance is to encourage early engagement between parties with a potential overlap in their development plans so that a solution can be found that optimises the capacity of the UKCS to enable the Clean Power 2030 Mission and net zero. 2.8.175 The applicant will also need to consider impacts on civil and military radar and other aviation and defence interests (Section 5.5 of EN-1).	
New paragraph	Wake effects 2.8.176 As we make increasing use of the nation's offshore wind resource, the question of wake effects, where wind turbulence arises between neighbouring developments, has gained attention. As with any new development, applicants should consider the impact of their proposal on other activities and make reasonable endeavours to address these. At the design stage there are therefore clear merits for applicants to make an assessment of inter-array wake effects between their proposed developments, and	Offshore wind not relevant to SRP DCO

	nearby offshore wind generating stations that are planned, consented or operational.	
Seascape and visual effects 2.8.208 Where a proposed offshore wind farm will be visible from the shore and would be within the setting of a nationally designated landscape with potential effects on the area's statutory purpose, a seascape, landscape and visual impact assessment (SLVIA[69]) should be undertaken in accordance with the relevant offshore wind farm EIA policy and the latest Offshore Energy SEA, including the White 2020 report.[70] The SLVIA should be proportionate to the scale of the potential impacts. This will always be the case where a coastal National Park, the Broads or AONB, or a Heritage Coast or their setting is potentially affected.	Seascape and visual effects 2.8.181 Where a proposed offshore wind farm will be visible from the shore and would be within the setting of a nationally designated landscape with potential effects on the area's statutory purpose, a seascape, landscape and visual impact assessment (SLVIA74) should be undertaken. The assessment should be guided by the latest Offshore Energy SEA, including the White 2020 report75. The SLVIA should be proportionate to the scale of the potential impacts. This will always be the case where a coastal National Park, the Broads or National Landscape, or a Heritage Coast or their setting is potentially affected. Where a proposed offshore wind farm will not be visible from the shore the impacts should be discussed with statutory stakeholders and the Secretary of State can consider the visual impacts through existing requirements (See EN-1 Section 5.10).	Offshore wind not relevant to SRP DCO
Marine Mammals 2.8.239 Applicants should undertake a review of up-to-date research and all potential mitigation options presented as	Marine Mammals 2.8.210 Applicants should undertake a review of up-to-date research and all potential mitigation options presented as part of the application, having consulted the relevant JNCC mitigation guidelines76, in addition to Defra's policy paper	Offshore wind not relevant to SRP DCO

part of the application, having consulted the relevant JNCC mitigation guidelines71.	on reducing noise[77], the position statement from JNCC, NE and Cefas on the use of noise reduction methods when piling78 and any successor to these documents.	
	Wake effects 2.8.232 Applicants should demonstrate that they have made reasonable endeavours to mitigate the impact of wake effects on other offshore wind generating stations. 2.8.233 However, there is no expectation that wake effects can be wholly removed between developments, or that inter-project compensation arrangements are a necessary means to mitigate the impact of wake effects, although developers may opt to take such approaches outside of the planning process.	Offshore wind not relevant to SRP DCO
Compensatory measures 2.8.269 This information includes: • assessment of alternative solutions, showing the relevant tests on alternatives have been met; • a case showing that the relevant tests for IROPI or Measures of Equivalent Environmental Benefit have been met; and	Compensatory measures 2.8.238 This information includes: • Assessment of alternative solutions, showing the relevant tests on alternatives have been met; • A case showing that the relevant tests for IROPI have been met; and • Appropriate securable environmental compensation.	Offshore wind not relevant to SRP DCO

• appropriate securable environmental compensation, which will ensure no net loss to the MPA network and help ensure that the MPA target (including any interim target) set under the Environment Act 2021 targets can be met		
Commercial fisheries and fishing 2.8.318 The Secretary of State should be satisfied that the site selection process has been undertaken in a way that reasonably minimises adverse effects on fish stocks, including during peak spawning periods and the activity of fishing itself.	Commercial fisheries, fishing and aquaculture 2.8.285 The Secretary of State should be satisfied that the site selection process has been undertaken in a way that reasonably minimises adverse effects on fish stocks, including during peak spawning periods and the activity of fishing and aquaculture themselves.	Offshore wind not relevant to SRP DCO
New paragraph	Wake effects 2.8.316 Where an applicant has demonstrated that they have made an assessment of inter-array wake and shown that they have made reasonable efforts to work collaboratively with those who may potentially be impacted to mitigate impacts, then the existence of	Offshore wind not relevant to SRP DCO
Seascape and visual effects 2.8.349 The Secretary of State should assess the proposal in accordance with the policy set out in the landscape and visual impacts Section 5.10 of EN-1.	Seascape and visual effects 2.8.317 The Secretary of State should assess the proposal in accordance with the policy set out in the landscape and visual impacts Section 5.10 of EN-1.	Offshore wind not relevant to SRP DCO
2.10 Solar Photovoltaic Generation Introduction	2.10 Solar Photovoltaic Generation Introduction	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has

2.10.9 The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. 2.10.10 Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy79 states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is "co-located80 with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use". 2.10.11 The Powering Up Britain: Energy Security Plan81 states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.	2.10.1 The UK has huge potential for solar power: it is a cost-effective, versatile, and effective technology. 2.10.2 Solar energy is at the heart of our Clean Power 2030 Mission. The government is committed to working with industry to radically increase our existing solar capacity by 2030 to boost growth across the country, create thousands of high-skill, future-proofed jobs and tackle the climate crisis. 2.10.3 The Clean Power 2030 Action Plan sets out a deployment range for solar PV of between 45 – 47GW by 2030 with scope to exceed the clean power capacity range, subject to system need, noting the potential of rooftop solar to boost deployment	been included as a consideration in the statement of Need provided in the Planning Statement for the SRP DCO **[APP-182]**

Agriculture land classification and land type 2.10.33 The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria[86] and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.[87] 2.10.34 Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030.	Agriculture land classification and land type 2.10.25 The ALC is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code[91]. Applicants should refer to Natural England guidance,[92] or any successor to it, for more information about the assessment process for development proposals on agricultural land. 2.10.26 Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030. This should include consideration of mitigation against impacts to peat soils where these are present.	Clarification in respect of Natural England Guidance and introduction of the Environmental improvement Plan. Details of impact on agricultural land is provided in the ES **[APP-072B]**

Impacts Biodiversity, ecological, geological conservation and water management 2.10.90 For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	Impacts Biodiversity, ecological, geological conservation and water management 2.10.82 For projects in England, applicants should consider any reasonable opportunities to maximise restoration, creation, and enhancement of wider biodiversity. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan.	The ES sets out the approach to biodiversity **[APP-065]**
Mitigations Agriculture Land classification and land type 2.10.127 The Defra Construction code of practice for the sustainable use of soils on construction sites96 provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies	Mitigations Agriculture Land classification and land type 2.10.119 The Defra Construction code of practice for the sustainable use of soils on construction sites103 provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter -	Details of impact on agricultural land is provided in the ES **[APP-072B]**

cover crops - especially during the winter- minimising compaction and adding soil organic matter.	minimising compaction and adding soil organic matter. Mitigation of impacts to peat soils should include water table management and minimising soil disturbance.	
Impacts Biodiversity, ecological, geological conservation and water management 2.10.156 Where developments are proposed on peat, to ensure the development will result in minimal disruption to the ecology, or release of CO2, and that the carbon balance savings of the scheme are maximised, the Secretary of State should be satisfied that the solar farm layout and construction methods have been designed to minimise soil disturbance during construction and maintenance of roads, tracks, and other infrastructure and in England should take into account the policies set out in the England Peat Action Plan 2021. Where developments are located in Wales, the Secretary of State may take into account the policies set out in the National Peatlands Action Programme, 2020-2025 (cyfoethnaturiol.cymru)[98] and Future Wales the National Plan 2040 - Policy 18.	Impacts Biodiversity, ecological, geological conservation and water management 2.10.148 Where developments are proposed on peat, to ensure the development will result in minimal disruption to the ecology, hydrology, or release of CO2, and that the carbon balance savings of the scheme are maximised, the Secretary of State should be satisfied that the solar farm layout and construction methods have been designed to minimise soil disturbance and other peatland impacts during construction and maintenance of roads, tracks, and other infrastructure and where possible are compatible with raised water table management. Where developments are located in Wales, the Secretary of State may take into account the policies set out in Section 6.4 of Planning Policy Wales (Edition 12, February 2024), the National Peatlands Action Programme, 2020-2025 (cyfoethnaturiol.cymru)[105] and Future Wales the National Plan 2040 – Policies 9, 17 and 18.	The ES sets out the approach to biodiversity **[APP-065]**
	2.12 Onshore wind	

	Additional chapter of policies relating to Onshore wind added to EN3	Not relevant as onshore wind generation does not form part of the SRP DCO

Appendix A – Table 3 – Applicant Response to 2025 revisions to National Policy Statement EN-5

2024 NPS EN-5	2025 Revised NPS EN-5	Applicant Responses
1 Introduction Background 1.1.4 In addition to offshore wind, new networks infrastructure is needed in support of the development of generation by other technologies, including those in EN-3.	1 Introduction 1.1 Background 1.1.4 The new network infrastructure needed reflects the huge overhaul of the electricity grid as the UK continues its accelerated transition from fossil fuels to clean electricity generation, in support of Clean Power by 2030. The National Energy System Operator's (NESO) Clean Power 20301 report acknowledged that current plans for network expansion are sufficient, but must overcome many barriers to deliver on time, and some vital projects need to be accelerated to deliver by 2030. 1.1.5 Geographically, this means new infrastructure is needed in locations which have historically not had high amounts of network capacity as they have not been near sources of electricity generation. This is particularly the	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has been included as a consideration in the statement of Need provided in the Planning Statement for the SRP DCO MS - Correct doc refs to be added

	case in some rural and coastal parts of the UK, including part of the east coast, nearest to sources of offshore wind generation and other forms of clean energy generation.	
1.4 Geographical coverage 1.4.4 In Northern Ireland, planning consents for nationally significant energy infrastructure projects are devolved to the Northern Ireland Executive, so the Secretary of State will not examine applications for energy infrastructure in Northern Ireland.	1.4 Geographical coverage 1.4.4 In Northern Ireland, planning consents and marine licences in inshore waters are devolved to the Northern Ireland Executive. The Secretary of State will not, therefore examine applications for energy infrastructure in Northern Ireland and the NPS will not apply there. In the UK Renewable Energy Zone (REZ), the Secretary of State is responsible for all marine licences (delegated to the Marine Management Organisation (MMO)) and for planning consents above 100MW other than in the Welsh zone or where Scottish Ministers have functions.	Northern Ireland not relevant to the SRP DCO
2.4 Consideration of good design for energy infrastructure 2.4.2 Applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects10.	2.4 Consideration of good design for energy infrastructure 2.4.2 Applicants should consider the criteria for good design set out in EN-1 Section 4.7, the Holford and Horlock rules and Electricity Transmission Design Principles (see Section 2.9 below) at an early stage when developing projects[10].	The Applicant's approach to the Holford and Horlock rules are set out in the ES **–[APP-063] [APP-103]**
2.7 Holistic planning	2.7 Holistic planning	Amended text to refer to Clean Power 2030 Action Plan as a key policy initiative – the Clean Power Action Plan has been

2.7.5 It will also be common for applications to be submitted for the general purpose of reinforcing the network, which will be critical to deliver especially in light of the drive towards net zero, including the ambition for up to 50GW of offshore wind by 2030, and a CNP (see EN-3).	2.7.5It will also be common for applications to be submitted for the general purpose of reinforcing the network, which will be critical to deliver especially in light of the drive towards net zero, including the ambition to radically increase the deployment of new low carbon generation to meet our Clean Power 2030 Mission.	included as a consideration in the statement of Need provided in the Planning Statement for the SRP DCO **[APP-182]**
2.8 Strategic Network Planning 2.8.1 A more strategic approach to network planning will ensure that network development keeps pace with renewable generation and anticipates future system needs. Strategic network planning, such as through the Holistic Network Design and its follow up exercises or through forthcoming Centralised Strategic Network plans, helps reduce the overall impact of infrastructure by identifying opportunities for coordination, where appropriate, and taking a holistic view of both the onshore and offshore network. Network plans will take account of environmental and community impacts, alongside deliverability and economic cost, from the outset.	2.8 Strategic Network Planning 2.8.1 A more strategic approach to network planning is essential to ensure that network development keeps pace with renewable generation and anticipates future system needs. It is imperative that the strategic need for the infrastructure is given the highest priority given the urgency of bringing forward networks infrastructure. The time involved in bringing forward transmission projects underscores the importance of the strategic approach. 2.8.2 Strategic network planning, specifically through the Holistic Network Design (HND), its follow up exercises and the forthcoming Centralised Strategic Network Plans, helps reduce the overall impact of infrastructure by identifying opportunities for coordination, where appropriate, and taking a holistic view of both the onshore and offshore network. Network plans will take account of environmental and community impacts, alongside deliverability, operability, and economic cost, from the outset.	

	2.8.5 The need case for the CSNP infrastructure is endorsed by EN-1 in conjunction with this NPS subject to the CSNP being published on NESO's website following public consultation and once all stages of the CSNP Strategic Environmental Assessment (SEA) (and any other environmental assessments, including HRA, for specific designated sites identified) for that CSNP are adopted. 2.8.6 On occasion applicants may submit a change control request to NESO. If the request is accepted by NESO, network designs may be amended and approved through an appropriate change control process. This process will assess the request against the same strategic network planning objectives of the CSNP as stated in Section 3.3.76 of EN-1. Changes that are accepted by NESO and do not deviate from the CSNP SEA (and any other required environmental assessments, including HRA, for specific designated sites identified) will have the same status in these NPSs as those brought forward under the full CSNP process.	
Landscape and Visual Impact New paragraph	Landscape and Visual Impact 2.9.20 NESO will consult on and publish Electricity Transmission Design Principles (ETDP), which will apply to onshore and offshore electricity transmission infrastructure. The ETDP will provide guidance on	

	transmission technology choices available to mitigate the impact of	
2.11 Secretary of State decision making Landscape and Visual 2.11.5 Nationally designated landscapes have specific statutory purposes which help ensure their continued protection. The Secretary of State should have special regard to nationally designated landscapes, where the general presumption in favour of overhead lines should be reversed to favour undergrounding.	2.11 Secretary of State decision making Landscape and Visual 2.11.5 Nationally designated landscapes have specific statutory purposes. The Secretary of State should have special regard to nationally designated landscapes, where the general presumption in favour of overhead lines should be reversed to favour undergrounding. In addition, the Secretary of State must seek to further the purpose(s) of designated landscapes when making decisions which effect land within the designated area. EN-1 (Section 5.10) and paragraphs 2.9.7 to 2.9.26 above have further guidance on this requirement.	The ES sets out the approach to landscape and visual effects of the SRP DCO **[APP-064]**
New paragraph	Offshore Transmission Assets 2.11.18 For offshore transmission infrastructure, the Secretary of State should consult Section 2.8 of EN-3 in relation to the detailed consideration of matters which may be important and relevant for their decision.	Offshore Transmission is not relevant to the SRP DCO
2.12 Special assessment principles for offshore-onshore transmission	2.12 Special assessment principles for offshore-onshore transmission	Offshore Transmission is not relevant to the SRP DCO

2.12.3 A substantial amount of new onshore network infrastructure, including network reinforcements, is required to enable transmission of the domestic and international offshore power flows coming onshore or power being exported to neighbouring North Seas countries.	2.12.3 A substantial amount of new onshore electricity network infrastructure, including network reinforcements, is required to enable transmission of the domestic and international offshore power flows coming onshore or power being exported to neighbouring North Seas countries. Much of this new network infrastructure needs to be located near to or oriented to take power flows from the coast, particularly the east of England, where offshore wind power comes onshore.	
2.12.5 The above offshore-onshore transmission co-ordination work is undertaken through a process of ongoing reform with the key outcomes including the Holistic Network Design and its subsequent follow up exercises for offshore-onshore transmission and subsequent strategic network planning exercises such as the Centralised Strategic Network Plan led by National Grid Electricity System [33] and/or the Future Systems (once established).	2.12.5 The above offshore-onshore transmission co-ordination was enabled through the Offshore Transmission Network Review which led to the HND and subsequent strategic network planning exercises, as well as the planned CSNP led by NESO[37].	

Appendix B – The Solar Road Map

1.1 The executive summary of the Solar Roadmap explains that – "*The roadmap outlines practical actions for industry and Government to overcome the challenges to delivering this ambition within the next five years and boost the UK's energy security. The Roadmap also sets the stage for longer-term growth beyond 2030, and commits to actions to support new, good quality jobs, through the ramp up of solar deployment. We know that taken together, the actions in this Roadmap will support the rapid increase of solar deployment we need for affordable, secure energy and so the UK can play its part in tackling the climate crisis*."

1.2 Appendix 1 of the Solar Roadmap summarises all of the actions listed within the Roadmap, and which organisations are responsible for addressing each of the actions, most of which sit with the UK Government. The key themes from the actions that sit with the Solar Industry are as follows:

i. Improving community benefits through solar development

1.3 Community benefits are summarised in section 7 pages 105-108 of the Planning Statement **[APP-182]** as follows:

1.4 "*The Proposed Development provides the following environmental, economic, social and community benefits:*

1.5 *a. The delivery of a substantial CNP infrastructure that will deliver large amounts of cheap, secure and low-carbon electricity both during and beyond the critical 2020s and 2030s timeframe. Maximising the capacity of generation in the resource-rich, well connected and technically deliverable proposed location for the Proposed Development, represents a significant and economically rational step forwards in the fight against the global climate emergency.*

1.6 *b. A suite of ecological enhancements including new diverse habitats and planting, helping to provide maximum benefits to biodiversity and improved connectivity, providing 10% BNG.*

1.7 *c. The provision of two new permissive paths offering recreational access in an area where PRoW are limited and also improving north-south off- road links.*

1.8 *d. During construction, 382 net direct jobs will be created per annum during the construction period. Of these, 289 jobs per annum are expected to be taken up by residents in the Bassetlaw District. Prior to construction, a Skills, Supply Chain and Employment Plan, which accords with the outline plan submitted as part of the DCO Application, will be prepared setting out the measures the Applicant will use to advertise and promote employment opportunities associated with the construction and operation of the Proposed Development locally. The jobs created will be in the renewable energy sector and will contribute to the development of skills needed for the UK's transition to Net Zero by 2050.ee. Gross Value Added ('GVA') to the economy from workers is expected to be a £29.5 million of benefit to the local economy all retained within Bassetlaw District. Decommissioning of the Proposed Development is likely to generate around 50% of GVA per annum as the construction phase with adjustments made for inflation between construction and decommissioning. The jobs created by the Proposed Development will be in the renewable energy sector, specifically relating to solar installation, but also electricity transmission and supply chain.*"

1.9 e. The applicant is also seeking to provide a community benefit fund through a Local Energy Discount Scheme ('LEDS'), to reduce the cost of local residents and local businesses energy bills in accordance with the objectives of the road.

ii. <u>Effective community engagement on proposals for solar development</u>

1.10 The submitted Consultation Report **[APP-047]** outlines how extensive and wide-ranging community and stakeholder engagement was for the project. It is considered that the strategy and level of consultation conducted prior to the submission of the DCO for examination was consistent with Annex 3 of the Solar Roadmap – "*Stakeholder Mapping and Best Practice for Community Engagement in Solar Projects*."

1.11 The executive summary of the Consultation Report explains that "*the Proposed Development has been informed by consultation and engagement between the Applicant and the local community, the host authorities, Persons with an Interest in the Land ('PILs') and Prescribed Consultees. The Applicant has conducted extensive pre-application consultation in preparing the Application. This included early engagement with stakeholders to introduce the Proposed Development, a period of non- statutory consultation and a period of statutory consultation intended to meet the requirements set by the Planning Act 2008.*"

iii. Efficiency in ensuring grid connections to solar development are made swiftly and achieved by 2030

1.12 When considering the importance of Grid connections, it is acknowledged within this document at page 32 that, "*large scale projects have faced some of the longest delays and costs as a result of the connections queue. It is important that viable projects are able to connect quickly, in order that they can come online by 2030 and deliver clean power in line with the Government's ambitions"*. This point is of particular relevance in relation to the proposed development, as Renewable Energy Systems Limited (a company within the undertakers' group) have an agreement in place with the National Grid to connect the proposed capacity of the Steeple Solar project to the substation of the former coal fired power station at West Burton, and this connection must be made before October 2029, in line with this agreement. The Steeple Project therefore aligns with the Government's objective within the Solar Roadmap to increase solar capacity where a viable grid connection exists and can be made by the year 2030. Making the use of former fossil fuel infrastructure so the substation now receives clean energy from renewable sources rather than the former coal fired power station. This site is ideal for grid connection as it is immediately adjacent to the former coal fired power station site where the substation connection point is located. In proximity terms, its highly viable to connect the site.

iv. Supply chain and innovation improvements for the delivery of solar projects

1.13 The submitted Note on Scheme Efficiency **[APP-185]** assesses the innovation and technology used in the proposed scheme, and how the most effective use of land has been put forward, to make the scheme as innovative and resourceful as possible, following objectives

set out in the Solar Roadmap. The efficiency note makes detailed points, such as – "*In order to maximise the usage of the buildable area, the racking structures' pitch distance (distance from a row to the next one) for this Scheme has been set at 7.62m. This value strikes a good balance between maximising land usage and minimising the land consumption and between maximising the energy output and the use of the grid capacity without compromising operability by maintaining sufficient space between the different rows of racking system to allow the maintenance of the PV plant during operation*." This is the level of detail that the scheme has gone into, to ensure maximum efficiency and innovation of the use of technology.

v. Skills and green energy jobs creation, upskilling to support the expansion and installation of more solar energy through new projects coming forward

1.14 ES Appendix 10.1 **[APP-127]**, sets out the outline supply chain, employment and skills plan for the Steeple DCO, in accordance with the objectives of the Solar Roadmap for improving job opportunities in solar construction, upskilling for the industry and creating a supply chain and innovative ways of installing solar developments. ES Appendix 10.1 confirms that "*the construction phase is likely to support a considerable number of jobs on site, including a wide range of roles…there will be an average of 187 jobs on site over the 24-month timeframe with a peak of 436 workers…The Applicant will look to maximise opportunities for local people and use local labour where possible. This will be supported by Bassetlaw council and local stakeholders, such as Job Centre Plus and local recruitment companies, to promote and source employment opportunities locally…Within the employment opportunities generated on site, there will be a number of apprenticeships supported by the Proposed Development. … These apprenticeships will be aimed at existing apprentices, new entrants who are previously unemployed or unskilled, or graduates within three years of graduation*."

vi. Raising awareness of the benefits of solar development to the local community through good communication and education

1.15 The proposal has sought to secure a number of benefits through the proposals for the locally effected community (outlined previously under subheading (i)) in line with the Solar Roadmap objectives, these benefits have also been communicated with local residents and stakeholders through the consultation process (outlined previously under subheading (ii)) and project website.

Appendix C – Table 1 – Applicant Response to Good Design Process set out in Nationally Significant Infrastructure Projects: Advice on Good Design

Advice on Good Design: Process	Applicant Responses
An effective, intentional, transparent, and deliverable process.	As set out in paragraph 5.1 of the Design and Access Statement **[APP-184]** "*Design evolution of the Proposed Development has been through an iterative process involving the Applicant, design and environmental consultation team informed by considered feedback from stakeholders, statutory consultees, host authorities, local communities, residents and through the EIA process following various forms of consultation including EIA scoping, Non-Statutory and Statutory Consultation process*". Furthermore, Requirement 3 detailed design approval of the dDCO **[APP-041]** ensures detailed design is agreed with the local planning authority prior to the relevant phase commencing and that development proceeds in accordance with the agreed details
A collaborative, multi-disciplinary approach including positive community and land rights engagement.	As set out across pages 22 to 26 of the Design and Access Statement **[APP-184]** a 4 staged design evolution process has been undertaken as part of the Proposed Developments design evolution. This includes Non-Statutory Engagement (23 October-06 December 2023), EIA Scoping (19 April to 02 June 2024) and Statutory Consultation (20 January to 03 March 2025). Section 5 of the Consultation Report **[APP-047]** details statutory consultation that has also been undertaken. This includes consultation documents (section 5.11), feedback channels (5.13), public consultation events (5.14), advertisement and publicity of consultation events (5.15), engagement with seldom heard groups (5.16), stakeholder meetings (5.17) and adherence with SoCC (5.18). This has ensured positive community and land rights engagement has taken place. Feedback has been considered and helped to shape the Proposed Developments design.
A succinct and ambitious vision for the project, underpinned by a clear analysis of the context for the place, its environment and the	As set out in pages 19 to 21 in Section 4 of the Design and Access Statement **[APP-184]** the Applicant's vision for the Proposed Development is to make a significant contribution to the production of renewable energy that will assist in tackling the climate emergency, help the UK Government meet its target for net zero emissions by 2050 and reduce UK's reliance on foreign energy supplies. Potential impacts on the surrounding environment have been

opportunities for creating social value, including for the local and wider economy.	carefully considered and where possible mitigated. For example, the Proposed Development has taken full account of site baseline analysis and assessed potential impacts whilst delivering an urgently needed contribution to the UK's energy system should consent for the DCO be granted. This will assist the UK in achieving legally binding renewable energy targets and policy objectives. The Applicant's vision is underpinned by eight key Design Objectives that have acted as a set of decision making reference points and informed the DCO application up to submission.
A clear statement of design principles that will drive the project and deliver wider value and benefits beyond the core purpose of the scheme.	As set out in pages 19-21 in Section 4 of the Design and Access Statement **[APP-184]** eight key Design Objectives have acted as a set of decision making reference points and informed the DCO application up to submission. These objectives align with design principles published by NIC 1) Climate (mitigate greenhouse gas emissions and adapt to climate change), 2) People (reflect what society wants and share benefits widely) and 3) Places (provide a sense of identity and improve our environment). NIC Design Principle 4) Value (achieve multiple benefits and solve problems well) is not explicitly addressed through a single Design Objective for the Proposed Development. However, its aim of achieving multiple benefits and solving problems generally underpins the Vison and Objectives of the Proposed Development more broadly and is an overarching project aim.
A narrative that explains how the approach to design has evolved, the reasons for the choices that have been, or will be, made, an explanation of the multiple beneficial outcomes the project will achieve and how they will be secured	Paragraph 5.11 on page 26 of the Design and Access Statement **[APP-184]** provides a summary of design development alterations from statutory consultation to DCO submission. Paragraph 6.7 of the Design and Access Statement **[APP-184]** sets out the Proposed Development's Design Masterplan has considered findings from the multi-disciplinary baseline study, environmental assessment, input from the local community, stakeholders and technical consultants representing completing of an extensive exercise from design concept to DCO application submission. All of the works that are part of the Proposed Development are listed in Schedule 1 of the dDCO **[APP-041]**. Various outline management plans and documents are intended to be detailed and finalised post-consent secured through the discharge of Requirements including:

	• Phasing of the Proposed Development (Requirement 2); • Detailed design of the Proposed Development (Requirement 3); • Landscape and Ecological Management Plan (LEMP) (Requirement 6); • Construction Environmental Management Plan (CEMP) Requirement 7; • Construction Traffic Management Plan (CTMP) Requirement 8; • Operational Environmental Management Plan (OEMP) Requirement 9; • Soil Management Plan (SMP) (Requirement 11); • Written Scheme of Investigation for Post-Determination Archaeological Works (Requirement 17); • Fire Risk Management Plan (Requirement 10); and • Decommissioning Plan (Requirement 21).
Design leadership supported by an engaged design champion to ensure design governance is secured and the design principles drive a structured design process and hierarchy of design control.	In this case, the design of the operative equipment for the Proposed Development is driven by its functionality as solar infrastructure, which means there is very limited scope for altering its physical form or aesthetic. Bullet point 5 of the Executive Summary of the Design and Access Statement **[APP-184]** confirms a project design team (rather than a single design champion) have been formed comprised of qualified and experienced professionals, including solar energy specialists, highway and drainage engineers, planners, landscape, heritage consultants and ecologists. The contributions of all disciplines have been crucial to informing the design approach to the Proposed Development; they have worked collaboratively with local stakeholders, residents, and other consultees to ensure that the design has been informed by local knowledge and expertise. Page 40 conclusion of the Design and Access Statement **[APP-184]** confirms the design approach of the Proposed Development has followed that set out within the NIC Design Principles and the Design Objectives to deliver good design outcomes that have evolved throughout the DCO application process. The design team has taken account

	of and been informed by the baseline, refined technical studies and through the consultation process. This has resulted in a proposal which reflects the aims vision for the project and the engagement with the local community, officers of the respective local planning authorities and other stakeholders. The detailed design of the Proposed Development will accord with the design parameters and principles, as per requirement 3 of the dDCO, defined as the principles and assessments set out in the environmental statement.

Appendix C – Table 2 – Applicant Response to Design Outcomes set out in Nationally Significant Infrastructure Projects: Advice on Good Design

Advice on Good Design: Outcomes	Applicant Responses
Securing a clearly understood, integrated design concept, consistent design language, and project-wide sustainability.	Please see the Applicant's response against "A narrative that explains how the approach to design has evolved….." in the previous table 2.1.
Consistent design language where all components can be followed through in post-consent decisions.	Design language is consistent between the design documentation submitted with the Proposed Development. This includes ES Chapter 3 - Site Description, Site Selection and Iterative Design Process **[APP-061]**, ES Appendix 4.5 Outline Design Principles **[APP-093]**, Design and Access Statement **[APP-184]** and Doc 7.6 Design Approach Document **[AS-010]**.
Clarity on achieving project-wide sustainability that goes beyond mitigating adverse effects to achieve economic, environmental and social net-gain.	Paragraph 9.3 of the Design and Access Statement **[APP-184]** sets out the careful and successful design approach adopted has resulted in a high-quality Proposed Development which will deliver substantial decarbonised renewable energy (its first objective). Additionally, it will ensure that the development is undertaken in a sustainable manner. For example, returning the order limits to farmland and ensuring as much material is re-used or recycles at the end of the Proposed Developments operational life.

Design principles that respond positively to the four elements – climate, people, place and value - established by the NIC.	This is set out on pages 19-21 in Section 4 of the Design and Access Statement **[APP-184]**.
Realistic assessments of the project's durability and effectiveness during its operational phase, to underpin and secure a successful maintenance and monitoring regime.	Assessment of the Proposed Development's durability and effectiveness during operation underpinned ongoing maintenance and monitoring is secured by the outline Operational Management Plan **[APP-092]**, outline Landscape Environmental Management Plan **[APP-116]**, outline Construction Environmental Management Plan **[APP-089]** and outline Decommissioning Plan **[APP-090]**. Requirements 6 (LEMP), 7 (CEMP), 9 (OEMP) and 21 (Decommissioning and Restoration) are secured by the dDCO **[APP-041]** building on details provided in the outline plans.
Sufficient flexibility for technical innovation balanced by sufficient detail and controls for post-consent approvals that will ensure good design outcomes are achieved.	The adoption of the "*Rochdale Envelope*" approach has ensured that the Proposed Development incorporates the required degree of flexibility whilst ensuring certainty within the DCO process and robustness in the assessment of impacts.
Particular attention on place-making to ensure the development's positive effects on the character of a place and delivery of public benefits.	The land characteristics of the area and the Proposed Development's location are well suited for the generation of renewable solar energy due to flat or gently sloping topography predominantly (or capable of being) well screened from short- and long-range views. Good levels of solar irradiance are received by the Site allowing energy to be produced by the Proposed Development. The local highway network will enable suitable construction, maintenance and decommissioning access. A National Grid connection point with sufficient capacity is located within 1km resulting in a short cable connection corridor. The overarching vision of the Proposed Development is to contribute to renewable energy policy targets and objectives; responding to site context, baseline analysis and assessment of potential impacts through the delivery of design that responds to local context whilst delivering potential substantial benefits to energy production, climate change and biodiversity enhancements.
Well thought out mechanisms to enable design outcomes to be scrutinised, assessed and developed during the post-consent design process. For example, parameter plans, design codes,	Post consent, Requirement 3 (detailed design approval) of the dDCO **[APP-041]** secures that additional design details before any phase of the Proposed Development commences must be agreed with the local planning authority. In particular, sub-paragraph (2) of Requirement 3, confirms these details must accord with design

management plans, independent design review and intentional community engagement which are secured in requirements or certified documents.	parameters and principles. Sub-paragraph (3) of Requirement 3, confirms the authorised development must be carried out in accordance with the approved details.

Appendix C – Table 3 – Applicant Response to Annex A to Nationally Significant Infrastructure Projects: Advice on Good Design

Advice on Good Design: Annex A	Applicant Responses
Design Approach Document (DAD) – is a DAD provided?	Yes a Design Approach Document (DAD) has been provided see **[AS-010]**.
Design Approach Document (DAD) – Does the DAD address the brief, the design process, the design principles, and beneficial outcomes?	The DAD addresses the brief, the design process, the design principles, and beneficial outcomes. The Applicant has also submitted other design documents including ES Chapter 3 - Site Description, Site Selection and Iterative Design Process **[APP-061]**, ES Appendix 4.5 Outline Design Principles **[APP-093]**, Design and Access Statement **[APP-184]**.
Design Approach Document (DAD) – If a DAD is not provided, where are the design process and design principles set out?	Not applicable in this case. A Design Approach Document (DAD) has been provided **[AS-010]**.
Analysis, Research - How has the development site been analysed to inform a good design approach?	Yes see Section 5: Design Evolution of the Design and Access Statement **[APP-184]** that sets out the iterative design process, showing how the Proposed Development has evolved, influenced by baseline desktop and field-based survey analysis and consultation feedback from stakeholders. Design developments from statutory consultation to DCO submission are also detailed.
Analysis, Research - What are the main conclusions from this analysis that inform the design at this stage and as it develops?	The main conclusions are this has led to several design changes set out at paragraph 5.10 in Section 5: Design Evolution of the Design and Access Statement **[APP-184]** and include:

	• Amendments to proposed site entrance points off public highway; • Design of site entrances from / across public rights of way within site; designed to minimise traffic exposure to rights of way; • Amendments to site boundary; • Design and siting of project substation within field adjacent to West Burton Power Station; • Design and siting of BESS facility within a northern field of eastern parcel; • Design of panels including reduced top panel height from 3.6 to 3 metres, reduced maximum tilt angle to 26 degrees and associated development within proposed PEIR stage parameters; • Removal of panels and inverters from central corridor through eastern parcel, to accommodate existing / proposed utilities and provide permissive path; • Removal of panels and inverters from corridor between 2no existing 400kV OHLs that cross the west of the eastern parcel; • Removal of all infrastructure from area within western parcel, and smaller area within eastern parcel, to protect potential archaeologically significant assets as indicated by geophysical survey; • Removal of all panels and inverters from within: 20m of jet fuel pipeline; 6m of water main; 5m of foul sewers / rising mains; Electrical OHLs: 5m of <132kV OHL; 10m of >=132kV OHL; and Inverters and HV electrical components within 20m of all electrical OHLs. Watercourses: 9m of IDB owned watercourses; and 5m of other watercourses. 10m of public rights of way; • Removal of infrastructure from 40-55m corridor along east of western parcel to reduce visual impact of development upon edge of settlement.

	• Design of rainwater attenuation basins: 2no serving project substation and BESS due to associated hardstanding areas; and 2no within east of western parcel to reduce existing flooding within Sturton-le-Steeple village. • Design of other drainage infrastructure serving all development areas; • Addition of permissive paths connecting PRoW off Mill Lane south of western parcel, to PRoW on Dog Holes Lane across centre of western parcel; and • Amendments to construction compound locations: Micro-siting of existing proposed compounds; and Addition of compound area adjacent to south of substation.
Response - What are the main significant adverse effects of the proposed development and how are they addressed to enable good design?	This is addressed throughout the Design and Access Statement **[APP-184]**. Negative impacts to local environment and residents have been mitigated where necessary and kept to a minimum.
Vision - What is the vision for the completed development and its surroundings? Where is it set out?	Vision is addressed throughout the Design and Access Statement **[APP-1834]**. The overarching vision of the Proposed Development is to contribute to renewable energy policy targets and objectives; responding to site context, baseline analysis and assessment of potential impacts.
Vision - Set out the narrative, how the vision will achieve sustainability, create a new place and hold the design together.	The vision for the completed development and narrative is achieved by the delivery of design that responds to local context whilst delivering potential substantial benefits to energy production, climate change and biodiversity enhancements. Negative impacts to local environment and residents have been mitigated where necessary and kept to a minimum.
Skills - What professional disciplines and skill sets are being and will be working on the design of the project?	The contributions of all disciplines (solar and battery energy specialists, highway and drainage engineers, planners, landscape, heritage consultants and ecologists) have been crucial to informing the design approach to the Proposed Development; they have worked collaboratively with local stakeholders, residents, and other

	consultees to ensure that the design has been informed by local knowledge and expertise. This is set out in the Design and Access Statement Executive Summary **[APP-184]**.
Skills - Is there a design champion designated for this project, and if so, who is it and what are their skills?	A project design team, rather than a design champion, were utilised comprised of qualified and experienced professionals, including solar and battery energy specialists, highway and drainage engineers, planners, landscape, heritage consultants and ecologists.
Developing the design - Describe the approach to good design and explain how the design has (and will continue) to evolve.	The design approach of the Proposed Development has followed that set out within the NIC Design Principles and the Design Objectives to deliver good design outcomes that have evolved throughout the DCO application process. The design team has taken account of and been informed by the baseline, refined technical studies and through the consultation process. This has resulted in a proposal which reflect the aims vision for the project and the engagement with the local community, officers of the respective local planning authorities and other stakeholders. The detailed design of the Proposed Development will accord with the Design Principles and Objectives. Design evolution of the Proposed Development has been through an iterative process involving the Applicant, design and environmental consultation team informed by considered feedback from stakeholders, statutory consultees, host authorities, local communities, residents and through the EIA process following various forms of consultation including EIA scoping, Non-Statutory and Statutory Consultation process. The proposals design will continue to evolve in accordance with the a Design Masterplan set out in a paragraph 6.6 and 6.7 of the Design and Access Statement **[APP-184]** and establishing Outline Design Principles set out in ES Appendix 4.5 **[APP-093]** that will be built upon in the proposals final design.
Developing the design - How is any required flexibility being addressed?	The need for flexibility in design, layout and to address uncertainties in developing technology is acknowledged within the relevant NPSs. This is particularly pertinent to the solar and energy storage sector which continues to see constant advancement in technology. Accordingly, the Applicant is seeking to ensure a degree of flexibility (through the accepted 'Rochdale Envelope' approach) within the DCO to allow for changes in equipment and

	materials. This is set out at paragraph 1.8, paragraph 6.5, paragraph 8.2 and paragraph 9.2 of the Design and Access Statement **[APP-184]**.
Developing the design - What design choices have (and will be) made?	Paragraph 5.10 on page 26 of the Design and Access Statement **[APP-184]** summarise the design changes and outcomes that have been made. These have feed into the Design Masterplan set out in a paragraph 6.6 and 6.7 of the Design and Access Statement **[APP-184]** and establishing Outline Design Principles set out in ES Appendix 4.5 **[APP-093]** that will be built upon in the proposals final design.
Developing the design - What are the emerging design principles and how have the principles directly informed decision making?	As previously mentioned, the Applicant has used NIC Design Principles and to establish 8 key Design Objectives to deliver good design outcomes that have evolved throughout the DCO application process. The detailed design of the Proposed Development will accord with the Design Principles and Objectives.
Developing the design - Is there a hierarchical approach to elements of the proposal (for example in designing major and less important bridges in a highways scheme)?	The Applicant has used the 8 key design objectives as a hierarchy approach to the Proposed Developments design.
Developing the design - Have digital techniques, including algorithms and AI been used in design development? If so, explain the tools and data used.	No, algorithms and AI has not been used to develop the proposals design.
Developing the design - Is there a coherent narrative of how the approach to design has evolved?	Section 5 (Design Evolution) on pages 22-26 of the Design and Access Statement **[APP-184]** sets out the iterative design process, showing how the Proposed Development has evolved, influenced by baseline desktop and field-based survey analysis and consultation feedback from stakeholders.
Developing the design - Where are design outcomes set out?	See applicants response to "*Developing the design - What design choices have (and will be) made?*".
Developing the design - Will additional value beyond the site boundary be incorporated?	NIC Design Principle 4 Value (achieve multiple benefits and solve problems well) is not explicitly addressed through a single Design Objective for the Proposed Development. However, its aim of achieving multiple benefits and solving problems generally underpins the Vison and Objectives of the Proposed Development more broadly and is

	an overarching project aim. Beyond the site boundary additional value is provided through some community benefits such as the Local Energy Discount Scheme (LEDS).
Independent design review - Has the design development been the subject of an independent design review?	The design process has been thorough and proportionate to the scale of the development. However, this does not include an independent design review.
Independent design review - If so, what were the main comments and how has the design responded to them?	Not applicable in this case.
Independent design review - Is it the intention to include design reviews post-consent? If so, how are these secured?	Given the limited scope for altering the design of the development components themselves, an independent design review process would not add value and is therefore not considered necessary.
Delivery - How will the final design be delivered? Will there be a design management plan, a design guide or a design code? If not, why are they not required?	The Project Design Team will continue to collaborate on the final design building on committed Outline Design Principles set out in ES Appendix 4.5 **[APP-093]**. The National Design Guide is considered in section 2 of the Design and Access Statement **[APP-184]**. The host authorities do not have a design code that is relevant for the nature of Proposed Development. Due to the limited scope and temporary nature of development, a development specific design code is not considered necessary.
Deliver - Is there a design consultation plan to engage the community following consent of the DCO?	Not at this stage. However, the Applicant is committed to working with the local community and will keep them informed of design developments post consent on the Applicants project website. Furthermore, members of the public will also be able to see design details that are submitted to the host authorities to discharge Requirement 3 (detailed design approval) of the dDCO **[APP-041]**.
Delivery - Is there an agreed process for post-consent decisions with local planning authorities and others, where required?	Post consent, Requirement 3 (detailed design approval) of the dDCO **[APP-041]** secures additional design details before the phase of the Proposed Development commences that must be agreed with the local planning authority. In particular, section 2 of Requirement 3, confirms these details must accord with design parameters and principles. Section 3 of Requirement 3, confirms the authorised development must be carried out in accordance with the approved details.

Place - How is placemaking being addressed?	Placemaking is addressed in the Design and Access Statement **[APP-184]**. In particular section 4 on pages 19-21 of the Design and Access Statement **[APP-184]** confirms which objectives comply with NIC design principle 3 (place). This includes objective 3 - contribution towards strategy improvements to local ecology and biodiversity; objective 4 - Develop a Proposed Development sensitive to surrounding landscape, limiting impact on views for key landscape receptors, residential properties and recreational routes; objective 5 - Develop a Proposed Development sensitive to heritage assets and settings; objective 6 - Safeguard surrounding hydrological systems and improve resilience to flooding without increasing flood risk elsewhere taking into account impacts of climate change; objective 7 - Develop a Proposed Development sensitive to existing land quality; and objective 8 - Provide safe access, minimise impact on the local highway network; and protect and enhance existing Public Rights of Way ensuring continued safe use.
Place - How will this be a distinctive place and how will the community benefit from it?	The Proposed Development will be a distinctive place by responding to and enhancing local character. This will be achieved by integrating the sites unique features, historical context, and community aspirations into a well-designed, functional and memorable place. Community benefits include large amounts of cheap, secure and low-carbon electricity; ecological enhancements including new diverse habitats and planting, helping to provide maximum benefits to biodiversity and improved connectivity; 10% Biodiversity Net Gain (BNG); two new permissive paths offering recreational access in an area where PRoW are limited and also improving north-south off- road links; during construction, 382 net direct jobs will be created per annum during the construction period (289 jobs per annum are expected to be taken up by residents in the Bassetlaw District); a Skills, Supply Chain and Employment Plan to upskill the local workforce as a legacy of the development in the renewable energy sector, Gross Value Added ('GVA') to the economy from workers is expected to be a £29.5 million of benefit to the local economy all retained within Bassetlaw District; decommissioning roughly half the GVA of construction; two detention basis to alleviaute flood risk in Sturton-le-steeple village and a community benefit fund through a Local Energy Discount Scheme ('LEDS'), to reduce the cost of local residents and local businesses energy bills in accordance with the objectives of the road.

Place - Describe what the quality of place outcome will be, how this relates to the vision and how it will be secured?	The overarching vision of the Proposed Development is to contribute to renewable energy policy targets and objectives; responding to site context, baseline analysis and assessment of potential impacts through the delivery of design that responds to local context whilst delivering potential substantial benefits to energy production, climate change and biodiversity enhancements. Negative impacts to local environment and residents have been mitigated where necessary and kept to a minimum._Requirements 6 (LEMP), 7 (CEMP), 9 (OEMP) and 21 (Decommissioning and Restoration) are secured by the dDCO **[APP-041]** secure these benefits.
People - What consultation has taken place with statutory and local authorities, communities and people with an interest in the land?	The submitted Consultation Report **[APP-047]** outlines how extensive and wide-ranging community and stakeholder engagement was for the project. The executive summary of the Consultation Report explains that "*the Proposed Development has been informed by consultation and engagement between the Applicant and the local community, the host authorities, Persons with an Interest in the Land ('PILs') and Prescribed Consultees. The Applicant has conducted extensive pre-application consultation in preparing the Application. This included early engagement with stakeholders to introduce the Proposed Development, a period of non- statutory consultation and a period of statutory consultation intended to meet the requirements set by the Planning Act 2008*." In addition to this, Section 4 of the 5.1 Consultation Report **[APP-047]** provides a Statement of Community Consultation (SoCC) that has taken place. Section 5 of the same document details statutory consultation that has also been undertaken. This includes consultation documents (section 5.11), feedback channels (5.13), public consultation events (5.14), advertisement and publicity of consultation events (5.15), engagement with seldom heard groups (5.16), stakeholder meetings (5.17) and adherence with SoCC (5.18). This has ensured positive community and land rights engagement has taken place. Feedback has been considered and helped to shape the Proposed Developments design.
People - How will their views be incorporated in the design evolution and where will this be set out?	Section 5 (Design Evolution) in particular paragraphs 5.8 to 5.10 on pages 24 to 26 and Section 6 (The DCO Design Approach, Masterplan and Works packages) in particular paragraphs 6.6 and 6.7 on page 28 of the Design and

	Access Statement **[APP-184]** set out how views from the local community have been considered in terms of the proposals design.
Integrated design approach - Explain how an integrated, holistic approach to the project's design will be achieved.	An integrated, holistic approach to the project's design has and will continue to be achieved by considering the interconnectedness of various social, economic and environmental factors from the earliest design phase. This has involved integrated sustainable practices, community engagement and minimise negative impacts as well as establishing Outline Design Principles set out in ES Appendix 4.5 **[APP-093]** that will be built upon in the proposals final design.
Integrated design approach - Where is it shown in the documentation? Is there a masterplan?	Paragraph 6.6 and 6.7 of the Design and Access Statement **[APP-184]** sets out the Proposed Development's Design Masterplan has considered findings from the multi-disciplinary baseline study, environmental assessment, input from the local community, stakeholders and technical consultants representing completing of an extensive exercise from design concept to DCO application submission. This demonstrates how the Applicant has achieved the Design Objectives set out in section 4 and achieved an exemplar solar development providing benefits to local communities and significant contribution to renewable energy generation whilst been sensitive to its environment and mitigating its impacts.
Integrated design approach - How will this be secured?	Post Consent Requirement 3 of the dDCO **[APP-041]** secures additional details in accordance with the design principles provided.
National Policy Statements (NPSs) - How have the requirements for good design in the relevant NPS (or NPSs) been met?	This is covered in section 2 on pages 5-9 of the Design and Access Statement **[APP-184]**.
Design Principles - Set out the good design principles being applied to the project.	Yes, this is set out in section 4 on pages 19-21 of the Design and Access Statement **[APP-184]**. The applicant has aligned 8 key objectives with design principles published by the National Infrastructure Commission (NIC) 1) Climate (mitigate greenhouse gas emissions and adapt to climate change), 2) People (reflect what society wants and share benefits widely) and 3) Places (provide a sense of identity and improve our environment).

Design Principles - Are the design principles structured or grouped logically?	Section 4 on pages 19-21 of the Design and Access Statement **[APP-184]** sets out how each of the 8 design objectives have and will be achieved. The Applicant has also set out which objective aligns with which NIC design principle.
Design Principles - How will they be developed prior to consent?	The 8 design objectives have been used to formulate a Design Masterplan set out in a paragraph 6.6 and 6.7 of the Design and Access Statement **[APP-184]** and establishing Outline Design Principles set out in ES Appendix 4.5 **[APP-093]** that will be built upon in the proposals final design.
Design Principles - How will they be illustrated and secured?	Post consent, Requirement 3 (detailed design approval) of the dDCO **[APP-041]** secures additional design details before the phase of the Proposed Development commences that must be agreed with the local planning authority. In particular, section 2 of Requirement 3, confirms these details must accord with design parameters and principles. Section 3 of Requirement 3, confirms the authorised development must be carried out in accordance with the approved details. Furthermore, various outline management plans and documents are intended to be detailed and finalised post-consent secured through the discharge of Requirements including: • Phasing of the Proposed Development (Requirement 2); • Detailed design of the Proposed Development (Requirement 3); • Landscape and Ecological Management Plan (LEMP) (Requirement 6); • Construction Environmental Management Plan (CEMP) Requirement 7; • Construction Traffic Management Plan (CTMP) Requirement 8; • Operational Environmental Management Plan (OEMP) Requirement 9; • Soil Management Plan (SMP) (Requirement 11); • Written Scheme of Investigation for Post-Determination Archaeological Works (Requirement 17); • Fire Risk Management Plan (Requirement 10); and • Decommissioning Plan (Requirement 21).

National Infrastructure Commission (NIC) 'principles' - Is there a response to the NIC's four principles of good design?	Yes, this is set out in Section 4 on pages 19-21 of the Design and Access Statement **[APP-184]**.
National Infrastructure Commission (NIC) 'principles' - If not, what design principles have been adopted?	National Infrastructure Commission (NIC) 'principles' have been adopted in this case.
National Infrastructure Commission (NIC) 'principles' - What process has been used to develop and embed project level design principles?	The Applicant's vision is underpinned by eight key Design Objectives that have acted as a set of decision making reference points and informed the DCO application up to submission. These objectives align with design principles published by NIC 1) Climate (mitigate greenhouse gas emissions and adapt to climate change), 2) People (reflect what society wants and share benefits widely) and 3) Places (provide a sense of identity and improve our environment). NIC Design Principle 4 Value (achieve multiple benefits and solve problems well) is not explicitly addressed through a single Design Objective for the Proposed Development. However, its aim of achieving multiple benefits and solving problems generally underpins the Vison and Objectives of the Proposed Development more broadly and is an overarching project aim.

Appendix D – Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update:

Part 1: Analysis of NGET Assessments 2023 to 2025; and

Part 2: Response to ExQ1 7.0.4

POWER FOR GOOD

Steeple Renewables Project

Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 1: Analysis of NGET Assessments 2023 to 2025

January 2026



This document is supported by the following appendices:

Appendix 1 - The Holford Rules.

Appendix 2 - Fuller extracts of the quotations referenced within the text.

Appendix 3 - Drawing Number 04954-RES-LAY-DR-LE-034 Rev 2.

Introduction

1. This document provides a narrative of historic assessment relating to the National Grid North Humber to High Marnham (NHHM) project, specifically where the currently proposed alignment of NHHM passes within or close to the proposed Order Limits of the Steeple Renewables Project.

2. The document is supported by Drawing Number 04954-RES-LAY-DR-LE-034 Rev 2 which has been prepared to illustrate the following:
   - The proposed Order Limits of the Steeple Renewables Project.
   - The South Wheatley to High Marnham Western Corridor previously identified by National Grid in 2023.
   - The South Wheatley to High Marnham Eastern Corridor previously identified by National Grid in 2024.
   - The currently proposed alignment of the NHHM Project as set out in the 2025 statutory consultation.

3. The document focuses on National Grid Energy Transmissions (NGETs) own assessment material that led to the selection of the preferred route in 2023 with commentary on how that route has evolved over time, commenting on the criteria, consultation responses, cost and environmental / technical considerations that were applied.

4. The document is structured to follow the chronology of the NHHM project evolution and considers the rationale that was set out NGET for the changes that were made to the route.

June 2023 Non-statutory Consultation

5. NGET carried out non-statutory consultation in relation to the NHHM Project in June and July 2023.

6. The Project Background Document 2023[1] identifies relevant considerations in options appraisals from the Electricity Act 1989; NPS EN-1 and EN-5 and the Holford and Horlock Rules.

7. The Project Background Document 2023 explains that the options appraisal considered environmental; socio-economic; technical and costs implications. Options were considered based on desk-based assessments and site visits.

8. Following completion of options appraisal, a challenge and review workshop was held and attended by NGET, the FEED Contractor and the landscape and environmental specialists. The purpose of the workshop was to review environmental preferences and, in accordance with EN-1 and EN-5, balance these against technical and cost inputs to reach a conclusion on the emerging preferred corridor that provides the optimum balance of efficiency and economy, whilst having appropriate regard to environmental and socio-economic impacts.

9. The Corridor Preliminary Routeing and Siting Study (June 2023)[2] identifies four preliminary overhead line corridors shown at figure 5-8 below with the approximate location of the Steeple Renewables Project Order Limits circled red:

[1] Project Background Document June 2023
[2] Corridor Preliminary Routeing and Siting Study June 2023

Figure 5-8 – Overhead Line Corridors

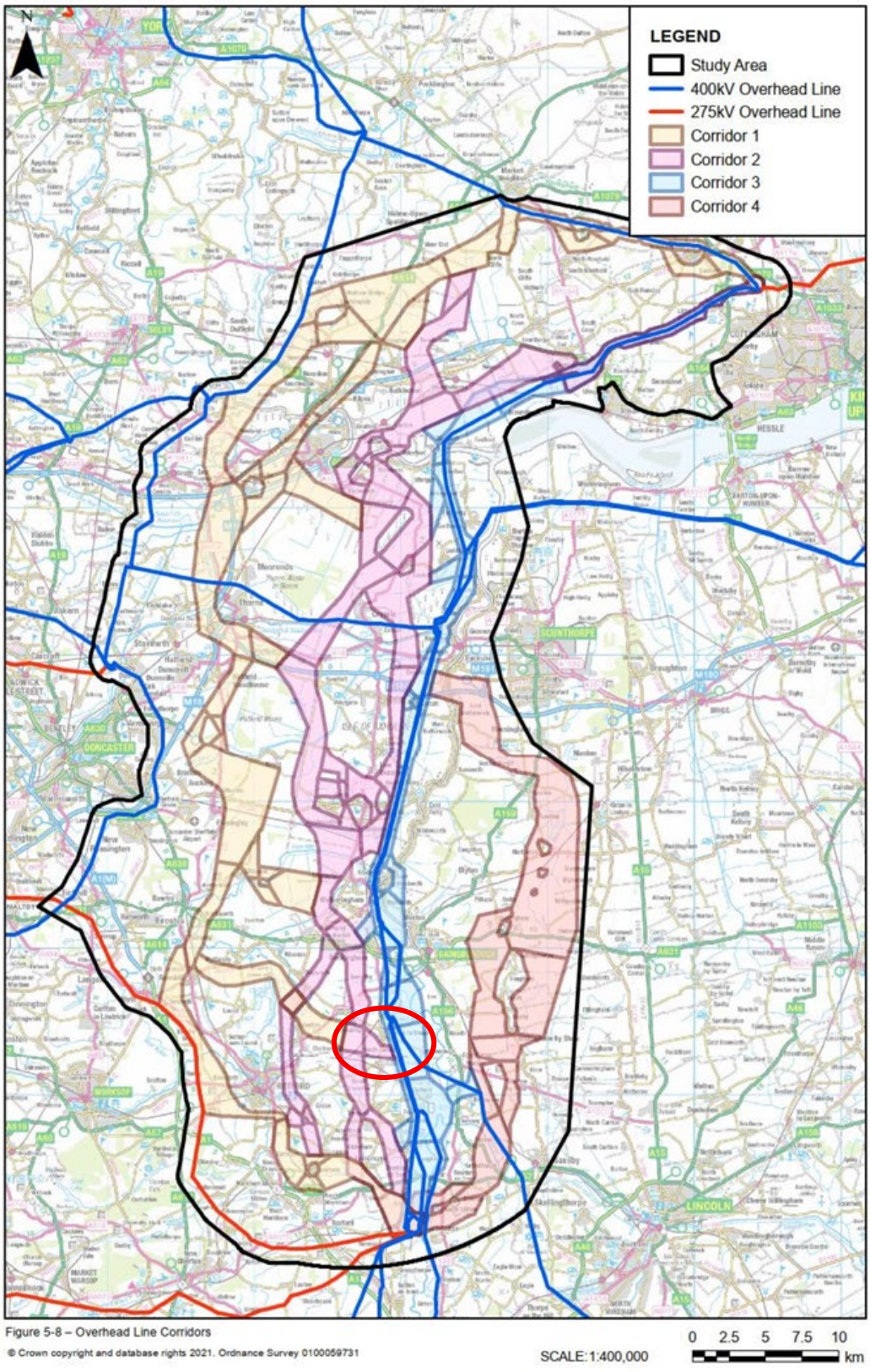


Figure 5-8 – Overhead Line Corridors

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Figure 1 (Figures 5-8 – Overhead Line Corridors, Page 88 of CPRSS).

10. Section 5.6 of the June 2023 CPRSS, lists the major features representing constraints within the study area at Table 5 – 3 on Page 89. The main constraints listed to have influenced the formation of the corridors are set out under the heading of 'economic activity'. The constraints to be avoided include:

    - Wind farms,
    - Solar schemes and
    - Nationally Significant Infrastructure Projects.

11. The Project Background Document 2023 illustrated at Figure 1 'the North Humber to High Marnham proposals', as they were proposed at that time, including a 'Graduated Swathe', illustrated in blue within the black lines identifying the preferred route which gives this corridor significant weight.

12. The 'graduated swathe' is essentially a visual representation of NGETs preferred option corridor indicating where the overhead line alignment could be routed. The shaded area is darker where an alignment is more likely, when considering environmental factors and identified constraints; and is lighter where it is less likely.

13. An extract of Figure 1 from the Project Background Document 2023 below is set out below with the approximate location of the Steeple Renewables Project circled in red:

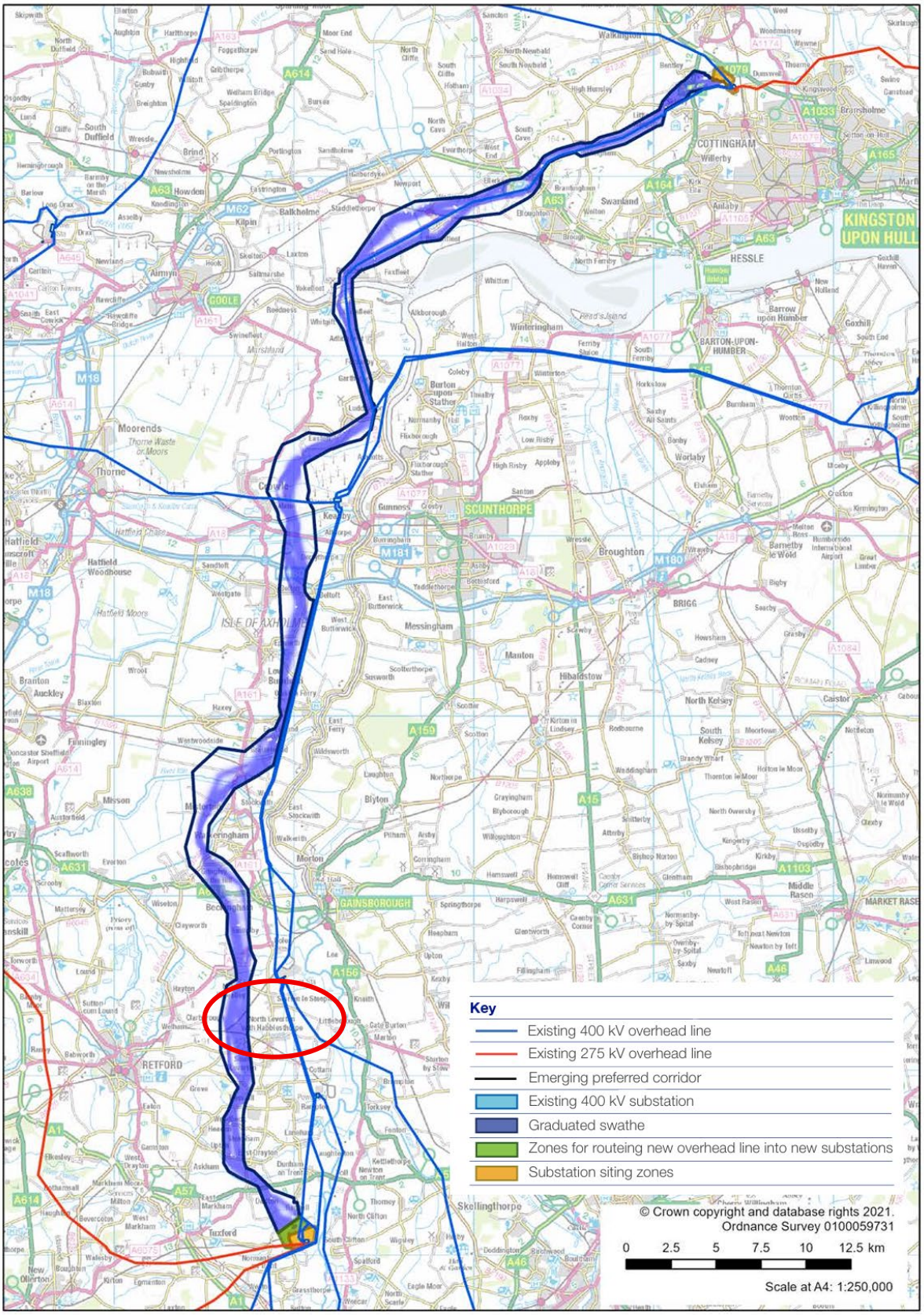


Figure 1 Map showing the North Humber to High Marnham proposals

Figure 2 (Figure 1- Page 14 of Project Background Document 2023)

14. As discussed briefly above, the Graduated Swathe was set out in the Project Background Document 2023 to be as follows:

> *'This shaded area is darker where an alignment is more likely, when considering environmental factors and identified constraints, and is lighter where it is less likely'.*

15. This reiterates that the formation of the graduated swathe was the result of a detailed assessment process that considered environmental factors and the need to avoid (where possible), solar schemes and other NSIPs.

16. The section of the NHHM project which passed within or close to the proposed Steeple Renewables Project Order Limits at that time was shown in closer detail spanning the land to the south of Sheet 9 and the north of Sheet 10 of the graduated swathe as depicted in Appendix C of the Project Background Document 2023 (Graduated Swathe Detailed); and shown below. The approximate location of the Steeple Renewable Project Order Limits is broadly outlined red.

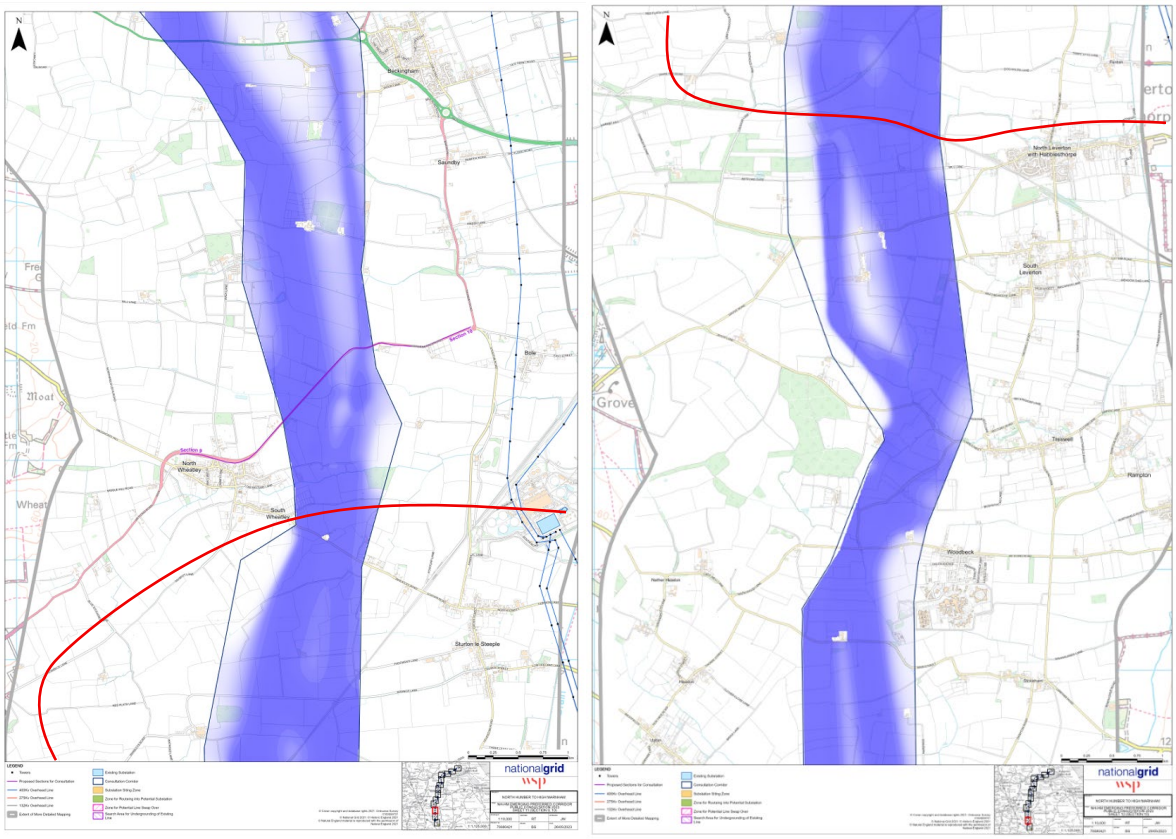


Figure 3 (Sheets 9 & 10 within Appendix C of CPRSS).

17. The graduated swathe was located to the west of Sturton le Steeple and North Leverton with Habblesthorpe and to the east of North Wheatley and South Wheatley. This area later went on to be referred by NGET as the *'western corridor'* in July 2024.

18. The 2023 Project Background Document set out at Page 57 that *'In this section the graduated swathe is routed to avoid the villages of North and South Wheatley, Sturton le Steeple, North Leverton and South Leverton and Treswell'.*

19. The routeing of the new overhead line in this location recognises an inability to achieve close parallel alignment to the existing 400kV network. Otherwise, the routeing was seeking to minimise overall environmental impacts, with a

recognition that in doing so, there would need to be some deviations from close parallel alignment.

20. Paragraph 12.2.1 of the June 2023 CPRSS states that *"The emerging preferred corridor was appraised to identify areas that may be more or less sensitive to the introduction of the Project infrastructure, then preliminary designs were developed to identify where a new overhead line might most appropriately be routed, designing in accordance with the Holford Rules whilst taking into account environmental features and technical requirements. This was informed by opportunities, such as identifying where it was possible to run consistently close parallel to existing overhead lines, as well as detailed consideration of features and the locations of residential properties within the emerging preferred corridor. Where the options appraisal identified potential opportunities to develop close parallel alignments this opportunity has been reflected in the graduated swathe".*

21. Within the Summary section of the June 2023 CPRSS paragraph 13.1.5 states that *"the emerging preferred corridor broadly looks to close parallel with existing electricity transmission infrastructure. Close paralleling would minimise overall environmental and socio-economic impacts, whilst avoiding areas of highest engineering challenge. The deviations from close parallel make little difference to the overall length of the emerging preferred corridor which is close to the shortest practicable given the constraints posed by the Humber Estuary. Overall, the emerging preferred corridor is considered to offer the optimum balance between environmental, technical, cost and socio-economic considerations".*

22. This confirms that a consideration of potential effects on nearby settlements was carried out in the development of the preferred route and it was not considered that there were any insurmountable obstacles to the proposed routing in proximity to the Steeple Renewables Order Limits. In summary, in 2023, the preferred route was located to the west of the Steeple Renewables Project, in a location that

would be significantly preferable to Steeple Solar Farm Limited to that which NGET has subsequently identified.

Consideration of Other Development as a Constraint within the June 2023 Non-statutory Consultation

23. The Project Background Document (2023) drew on the CPRSS (June 2023), which set out the process for identifying the preferred route and the constraints applied.

24. One identified constraint was the Housing Allocation HS13 (Ordsall South) in the Bassetlaw Local Plan. Paragraph 6.2.44 notes that this allocation *"would substantially limit opportunities for routeing within this area of Corridor 1"*.

25. Paragraph 6.2.45 records that the corridor also intersected several proposed developments, including allocation EGL2, the HLCP Project Preferred Route Corridor and the Drax Re-Power Project.

26. The same paragraph states that *"discussion and coordination with the developers may be necessary to ensure the new overhead line can be facilitated in combination with these proposed developments."*

27. This demonstrates that, as of June 2023, NGET's strategy was to engage with other project developers to ensure compatibility, and that proposed schemes -including those at pre-application stages - were treated as relevant constraints during route development.

28. As acknowledged at paragraph 18 above, Section 10 of the June 2023 CPRSS specifically assesses the potential eastern and western routeing paths between South Wheatley and Treswell.

29. At that time, the Steeple Renewables Project was not yet public and therefore could not have been considered alongside these other constraints. The Steeple Renewables Project was in the public domain from October 2023 and in later phases of the NHHM Project (in consultations during 2024 and 2025) the Steeple Renewables Project should have been assessed in the same way as other developments, in coordination with developers. This is addressed further in later sections of this report.

The Consideration of Existing Overhead Lines During the Non-statutory Consultation (June - July 2023)

30. Route Section 10 of the June 2023 CPRSS assessed the eastern and western routeing options between South Wheatley and Treswell – the proposed route passing through the Steeple Renewables Project Order Limits. Paragraph 12.3.83 noted that an existing 132 kV overhead line crossed the emerging preferred corridor and that works - potentially including undergrounding a section - would be required following discussions with NGED and detailed design.

31. The June 2023 CPRSS treated this interaction as routine. Paragraphs 2.4.9 - 2.4.12 state that it will be necessary for the NGET project to cross existing 11 kV, 33 kV and 132 kV lines in multiple locations, and paragraph 6.4.4 (with reference to Corridor 1) confirmed that *"crossings of these existing 132kV overhead lines are unavoidable and potential adverse landscape and visual impacts may likely occur"*.

32. It is clear that the need to cross other overhead lines or to underground parts of the route does not appear to have been treated as an obstacle to the routeing proposed at that time.

33. As discussed below, in later phases of the NHHM Project, interaction with the existing 132 kV line near the Steeple Renewables Project was presented as a key constraint. This appears inconsistent with the earlier expectation that such interactions were normal and manageable.

34. At paragraph 11.9.23 of the June 2023 CPRSS the summary states that *"where close parallel cannot be achieved, it is preferred that overhead lines should be kept completely separate for the purposes of reducing landscape and visual impacts"*.

35. Whilst the above suggests that a primary objective is to achieve close parallel lines, where that is not possible separation is preferable.

36. The preferred western corridor achieves this objective in its separation from the existing lines feeding into the former West Burton Power Station. In subsequent phases of the NHHM Project, this preference for maintaining separation to minimise landscape and visual impacts appears to have been given less emphasis.

July 2024 - Localised consultation

37. In July 2024 NGET issued the "Addendum to Project Background Document 2024" [3].

38. This consultation presented a potential alternative corridor for a section of the route between South Wheatley and High Marnham, referred to as the 'eastern

[3] Addendum to Project Background Document July 2024

corridor' and comprising a selection of areas of Corridors 2 and 3 from the 2023 consultation. (See Figure 5-8 – Overhead Line Corridors, Page 88 of CPRSS, above at page 3).

39. To avoid confusion, the section of emerging preferred corridor between South Wheatley and High Marnham which was consulted on in 2023 was now referred to as the 'western corridor' in the July 2024 documentation.

40. The Addendum to the Project Background Document 2024 set out, in the Executive Summary that *"Consultation feedback and the backcheck of our previous work has led to the identification of a potential alternative corridor for a section of North Humber to High Marnham between South Wheatley and High Marnham. This potential alternative corridor is referred to as the 'eastern corridor'.*

41. A plan illustrating this eastern corridor in the context of the previously identified alignment, now being referred to as the western corridor, was set out at Figure 3 of the July 2024 Addendum to Project Background Document, below with the broad location of the Steeple Renewables Project Order Limits circled red):

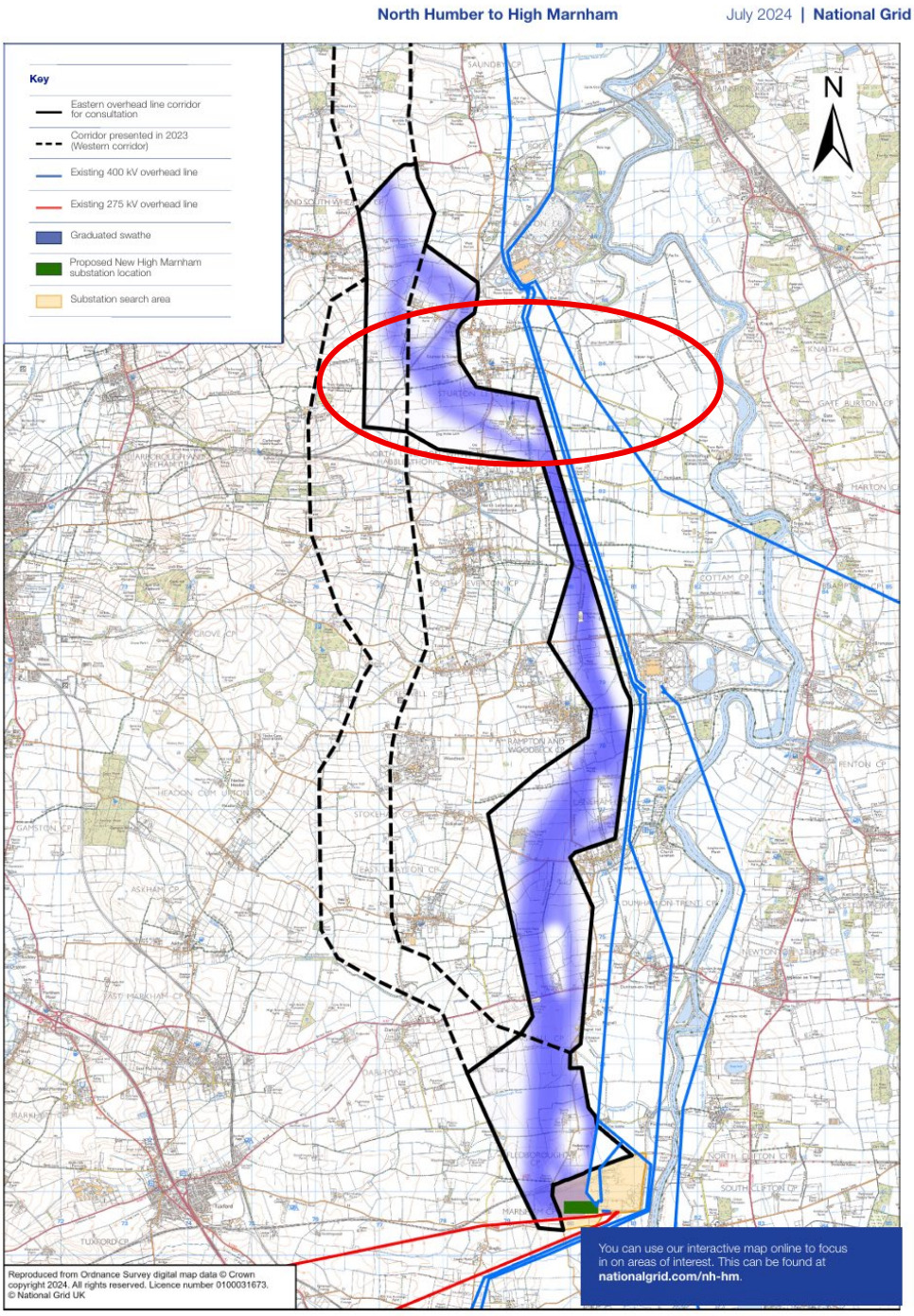


Figure 3: Eastern Corridor for localised non-statutory consultation

Figure 4 (Extract from the NHHM Project Addendum to Project Background Document 2024 Figure 3, illustrating the 'eastern corridor').

42. The extract above illustrates how the eastern corridor runs closer to the west of Sturton le Steeple than the western corridor and then passes to the east of North

Leverton with Habblesthorpe, rather than to the west. It also illustrates the new graduated swathe splits into two paths as it approaches its crossing of Wheatley Road, either to the west or to the east to avoid properties on Wheatley Road.

43. It was not made clear by NGET in the "Addendum to the Project Background Document 2024", or the accompanying "Supplementary Corridor and Routeing Report 2024"[4], what the specific nature of the consultation feedback was which led to the identification of the new 'eastern corridor'.

44. The "July 2024 Localised Consultation Strategy" at Page 19 states that *"all feedback provided will be responded to in the Non-Statutory Consultation Feedback Report, which will be published as a part of the stage two (statutory) consultation in early 2025. The Non-Statutory Consultation Feedback Report will report on feedback from both the 2023 and 2024 consultations"*.

45. It is noted that a "Supplementary Corridor and Routing Report, July 2024", was published alongside the "Addendum to Project Background Document 2024". However, this focussed on the refinement of the new 'eastern corridor', rather than explaining whether this route was now deemed preferable instead of the 'western corridor'. The documents did not seek to directly compare the merits of the new 'eastern corridor' and the previous 'western corridor' from a planning, environmental or technical perspective.

46. Within the Executive Summary of the Supplementary Corridor and Routing Report (2024) NGET confirmed that *'For the avoidance of doubt, National Grid has made no decision as to which of the two corridors (eastern or western) in this southern most section of the route should be taken forward. Feedback from both the non-statutory consultation 2023, localised non-statutory consultation 2024 as well as further technical assessments including environmental surveys will be*

[4] Supplementary Corridor and Routeing Report July 2024

considered when making a decision on the overall preferred corridor and identification of the route alignment ahead of the subsequent statutory consultation'.

47. The Appraisal Conclusion at Section 6 of the Supplementary Corridor and Routing Report (2024) summarises the constraints that have been assessed. Paragraph 6.8.1 states that *"the eastern corridor would position the route in an area already affected by multiple overhead lines and would therefore not alter the character or perception of the landscape and would not erode tranquillity or rurality".*

48. Paragraph 6.8.2. continues to state that "*the eastern corridor has the potential to have adverse impacts in relation to visual amenity due to the scale of the infrastructure and the potential combination of a new overhead line with existing electricity transmission infrastructure between Sturton le Steeple and Ragnall. However, views are already affected by the existing infrastructure in the Trent Valley".*

49. With reference to impacts on historic and ecological sites paragraph 6.8.3 states that *"the Project has the potential to have adverse impacts on historic and ecological sites; however, such impacts could be minimised by careful routeing of the overhead line and siting of pylons".*

50. It was clear at this stage in the development process that, whilst a potential alternative route had been put forward, there was no suggestion by NGET that the either corridor was preferable. In addition, all of the constraints identified above had been taken into account in the 2023 consultation and yet were not considered by NGET to preclude (what is now known as) the western corridor.

<u>February 2025 - Statutory Consultation</u>

51. In February 2025, NGET provided notification to the Secretary of State of their intention to commence statutory consultation in relation to the NHHM Project. A

new Project Background Document (2025)[5] was issued which set out the proposals.

52. An extract of the proposed routing set out at page 41 of the Project Background Document (2025) is set out below with approximate location of the Steeple Renewables Project Order Limits circled red:

[5] Project Background Document February 2025

Route section 10
A620 - Fledborough

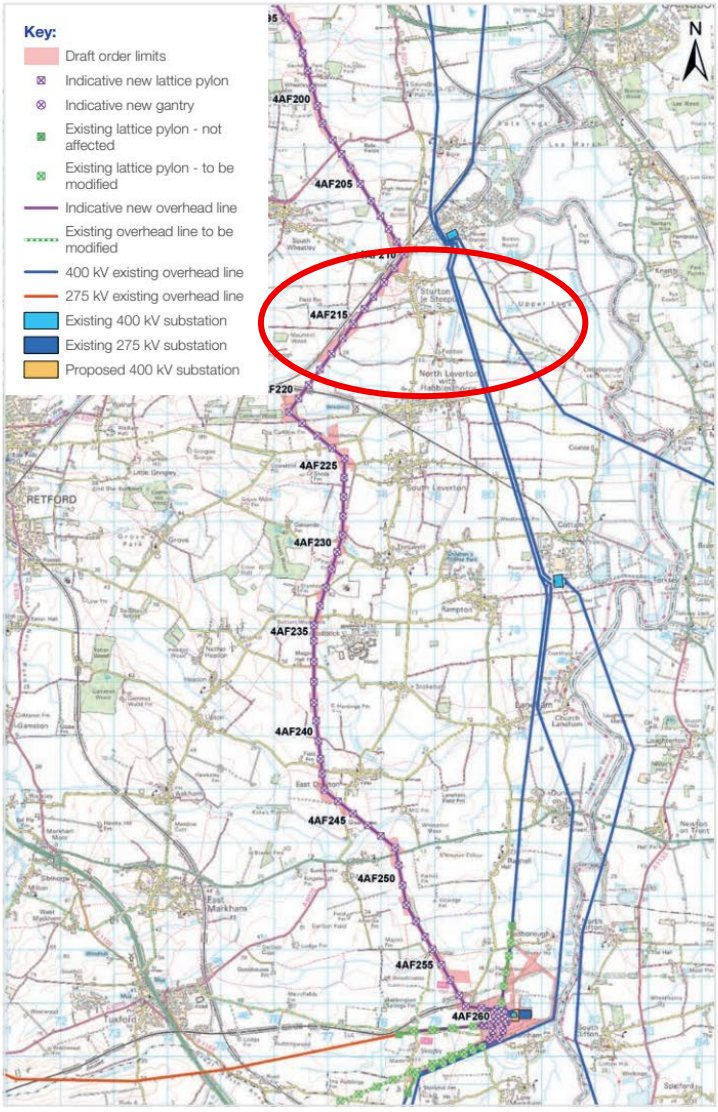
From the start of Route section 10 at A620 Gainsborough Road the preferred alignment is routed southeast to the east of North and South Wheatley for approximately 2.3 km to proposed pylon 4AF209 to the north of Sturton le Steeple.

Changes in Route section 10 following the non-statutory and localised non-statutory consultations

Following the localised non-statutory consultation in 2024 the 'eastern corridor' was discounted and the emerging preferred corridor as presented in 2023 was taken forward for development of the preferred alignment.

The preferred alignment would route to the east, outside the emerging preferred corridor (presented at our non-statutory consultation) to the north of Sturton-le-Steeple, and broadly equidistant between Wheatley and Bole.

This change has been made to avoid interactions with the existing 132 kV overhead line and Wood Lane solar farm which would be unavoidable if the alignment had been within the emerging preferred corridor.



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41

Figure 5 above – (extract from the NHHM Project Background Document 2025 illustrating the routing through Section 10).

53. The figure above shows the amended route which passes through **part** of the 'eastern corridor' identified in the localised consultation in 2024 before then

moving to pass back through the original 'western corridor' identified in the non-statutory consultation in 2023. **In other words, a third option was now being progressed.**

54. The Project Background Document February 2025 Page 23 noted that: *'Further technical and environmental assessment work, together with feedback from both the 2023 and 2024 consultations has informed a decision on the overall preferred corridor between South Wheatley and High Marnham, within which the preferred alignment has been identified and presented for this statutory consultation'*.

55. A further specific assessment of Route Section 10 in the Project Background Document 2025 then set out at Page 41 (see Figure 5 above) that *'Following the localised non-statutory consultation in 2024 the 'eastern corridor' was discounted and the emerging preferred corridor as presented in 2023 was taken forward for development of the preferred alignment'*.

56. This suggests that NGET had decided to revert to the 'western corridor' due to the feedback received during the 2024 consultation.

57. However, importantly, it was also noted at page 41 (see Figure 5 above) that *'The preferred alignment would route to the east, outside the emerging preferred corridor (presented at our non-statutory consultation) to the north of Sturton-le-Steeple, and broadly equidistant between Wheatley and Bole'*.

58. In summary, a new route was being proposed, which was in effect a hybrid between the original 'western corridor' and the subsequent 'eastern corridor'. This deviation is clearly shown in Drawing Number 04954-RES-LAY-DR-LE-034 Rev 2 which is submitted alongside this document at Appendix 3.

59. The reasoning for the decision to adopt this new hybrid route in 2025 is not clear. The Design Report (February 2025)[6] explained that the eastern and western corridors presented different challenges and opportunities and that neither route was considered to be unfeasible. It also explained that no feedback received during either consultation provided information to suggest that a route within either the eastern or western corridors would be unfeasible and that no clear preference emerged through the consultation processes. The Design Report 2025 further explained that in the absence of landscape designations in either the eastern or western corridors, it was considered that routing a new overhead line through either corridor would comply in principle with relevant landscape and visual amenity planning policy. It also explained that routing within the eastern corridor was likely to result in increased interactions with third party developments, including a number of planned or consented solar schemes and that where possible, it was preferable to avoid or minimise interactions with third party developments.

60. Overall, the 2025 Design Report explained that the western corridor (i.e. that presented in the 2023 non-statutory consultation) offered the most appropriate balance between environmental, socio-economic, technical and costs considerations. The only exception to this was a section of the route (known as Route Section 10) between south Wheatley and High Marnham, where the preferred alignment identified in 2025 extended outside the western corridor and further to the east. It is this section which is of particular concern to Steeple Solar Farm Limited. In spite of NGET's stated objective to avoid interaction with planned solar schemes, where possible, the route now proposed by NGET for the NHHM scheme passes directly through a significant part of the Steeple Renewable Project Order Limits which have been in the public domain since October 2023.

[6] Design Development Report February 2025

61. The text regarding Route Section 10 (as per Figure 5 above) in the new Project Background Document 2025 went on to explain that the route chosen extended outside the previously identified 'western corridor', stating [at Page 41] that: *'This change has been made to avoid interactions with the existing 132 kV overhead line and Wood Lane solar farm which would be unavoidable if the alignment had been within the emerging preferred corridor'*.

62. So, the primary reasons, set out within NGETs Design Report, for the route selection were to avoid interactions with existing overhead lines and the Wood Lane solar farm.

63. Other subsidiary reasons mentioned in the report are to minimise impacts on the Church of St Helens and seeking to take most direct route possible to minimise potential landscape and visual impacts, minimising potential impacts on the setting of the Grade II* listed North Leverton Windmill by maximising distance between the preferred alignment and the windmill, located on Mill Lane to the west of North Leverton and Habblesthorpe.

64. None of those factors present insurmountable obstacles and do not justify the current route choice. Rather, the only reasoning set out for why the routing had not reverted to the original western corridor was due to the potential for interactions with the existing 132 kV overhead line and Wood Lane solar farm.

65. Importantly, as noted within paragraph 2.4.10 of the Corridor Preliminary Routeing and Siting Study (June 2023)[7] it was acknowledged that it was always likely the NGET project would need to *"cross the routes of existing 11kV, 33kV and 132kV overhead lines in multiple locations"* and the document also noted at paragraph 6.4.4 that that *"Crossings of these existing 132kV overhead lines are unavoidable"*.

[7] Corridor Preliminary Routeing and Siting Study June 2023

66. It therefore appears inconsistent with the original work undertaken that the potential for interactions with the existing 132 kV overhead line should later be considered justification for relocating the route outside of a western corridor which had been appropriately identified in planning and environmental terms.

67. The original CPRSS (June 2023) confirmed that other emerging developments were a relevant consideration and that discussion and coordination with the developers may be necessary to ensure the new overhead line can be facilitated in combination with these proposed developments.

68. No consideration has been given to the location of the Steeple Renewables Project in the development of the new hybrid routing; despite the Steeple Renewables Project being in the public domain in October 2023. This is inconsistent with the consideration given to other emerging developments.

69. This is particularly relevant when the presence of the Wood Lane solar development is used prominently in the justification for the new hybrid option. If the presence of the Wood Lane solar development is a relevant consideration, then the presence of the Steeple Renewables Project should be considered in the same way.

70. It is evident that, from the outset in 2023, there was a considered process that led to the development of the 'western corridor'. Then, due to potential for interactions with the existing 132 kV overhead line and Wood Lane solar farm (and other subsidiary reasons outlined at paragraph 63 above), it was then decided to consider an alternative 'eastern corridor'. When that 'eastern corridor' was consulted upon it appears that there was a preference stated to return to the 'western corridor'. However, what resulted was a **hybrid option** that did not fully return to the 'western corridor', because of the potential for interactions with the existing 132kV overhead line and Wood Lane solar farm.

71. Furthermore, the earlier work undertaken by NGET indicated that the need for such interactions with existing overhead lines was inevitable and not a hard constraint. NGET should consider all surrounding development sites, particularly the Steeple Renewables Project, in line with The Holford Rules (Rule 7 – Notes) which are discussed further below.

Holford Rules and the emerging Electricity Transmission Design Principles, from the Consultation on Principles, September 2025

The Holford Rules

72. National Policy Statement for Electricity Networks Infrastructure (EN-5) confirms at paragraph 2.9.16 that the Holford Rules *'should be embodied in the applicants' proposals for new overhead lines'*. A reference is provided at footnote 20 to a version of the Holford Rules, including supporting notes, available from the National Grid website (The Holford Rules) and at Appendix 1.

73. The supporting notes to Rule 7 of the Holford Rules state that: *'When a line needs to pass through a development area, route it so as to minimise as far as possible the effect on development. Alignments should be chosen after consideration of effects on the amenity of existing development and on proposals for new development'*

74. There appears to have been no consideration of the proposed Steeple Renewables Project in the development of the current alignment of the NHHM project, which is at odds with the requirements of the Holford Rules. It is also inconsistent with the approach NGET have taken to the consideration of the Wood

Lane solar farm development and other emerging development proposals, linking back to the original Corridor Preliminary Routeing and Siting Study (2023)[8].

75. Section 5 of the Corridor Preliminary Routeing and Siting Study (2023) makes only a fleeting reference to Rule 7 stating at paragraph 5.5.2 that it considers *"the approaches to urban areas" yet the* Note to Rule 7 states that consideration should also be given to the effects on the amenity of existing development **and on proposals for new development.**

The emerging Electricity Transmission Design Principles - Consultation on Principles, September 2025.

76. In September 2025, NESO, the National Energy System Operator, consulted on new design principles to update and/or replace the Holford Rules via their Electricity Transmission Design Principles - Consultation on Principles, September 2025[9]. Three Strategic Principles are set out in the Consultation.

77. SP3 - Economics and regulation, reads as follows:

SP3 Economics and regulation

Good transmission design delivers value for existing and future consumers by supporting regulatory targets:

- Promote economic, efficient and co-ordinated infrastructure designs and technologies, and support effective project delivery, improving lifetime efficiencies wherever feasible.
- Use innovative technology and approaches, where appropriate, to further efficiency and co-ordination, and to hasten the achievement of the Government's decarbonisation targets.

78. This emerging Strategic Principle seeks to promote the use innovative technology and approaches, where appropriate, to further efficiency and co-ordination, and to hasten the achievement of the Government's decarbonisation targets.

[8] Corridor Preliminary Routeing and Siting Study (2023)
[9] Electricity Transmission Design Principles Consultation (Sept 2025)

79. Government decarbonisation targets are a new addition, and NGET should be required to acknowledge, assess and quantify the impact upon the Steeple Renewables Project. The proposed routing sterilises a swathe of the Steeple Renewables Project and is therefore at odds with the principle of SP3 which seeks to hasten the achievement of the Government's decarbonisation targets.

80. Several Route Planning Principles are also set out within the Design Principles consultation. Emerging T1 requires proposals to address future development need, stating: *Consider the technical feasibility, economic, environmental, community, deliverability, and operability characteristics of all options to deliver the required transmission capacity and address future development need, including both onshore and offshore solutions where appropriate* (Page 22).

81. The rationale for T1 includes the requirement that feasible options (alternative routes in this case): *"should explicitly include consideration of future development needs. Designing for the future may involve moderately higher upfront costs but can deliver long-term savings by avoiding the need for repeated interventions. It also enables faster deployment of future infrastructure and reduces disruption to communities and the environment over time"* (Page 23).

"The level of detail that goes into considering each option should be proportionate to its potential to meet the project's objectives and support a comprehensive and balanced evaluation to ensure the preferred option(s) is (are) robust and justifiable" (Page 23).

82. The current alignment of the NHHM project has not considered the future development needs of the Steeple Renewables Project, which itself will contribute to Government's decarbonisation targets (as noted with reference to emerging Strategic Policy SP3) and the alternative options are therefore not robust or justified in relation to emerging Route Planning Principle T1.

83. In summary, in not considering the Steeple Renewables Project, it appears that NGET have not properly followed either the existing Holford Rules, and their methodology does not align with the emerging 'Electricity Transmission Design Principles' (Sept 25) with regards to their routing justification for the NHHM project.

Summary and Conclusions

84. This document provides a narrative of route selection process for the National Grid North Humber to High Marnham (NHHM) project, specifically where the currently proposed alignment of NHHM passes within or close to the proposed Order Limits of the Steeple Renewables Project.

85. It is clear that in 2023 there was a considered process that led to the development of the 'western corridor'. Notwithstanding this, NGET decided to consult on an alternative 'eastern corridor'. As a result of the non-statutory consultation in 2023 and localised consultation in 2024, no clear preference emerged. NGET opted to pursue the original 'western corridor' for the majority of the route. The exception was a section of the route (Route Section 10) between south Wheatley and High Marnham.

86. In Route Section 10, NGET now proposes a hybrid option that does not return to the 'western corridor' because of the potential for interactions with an existing 132kV overhead line and Wood Lane solar farm. Earlier work undertaken by NGET indicated that the need for such interactions with existing overhead lines was inevitable and not a hard constraint. The reasons given for the hybrid route in Route Section 10 do not justify the decision to select that route.

87. Whilst the Wood Lane solar farm development was considered at all stages of consultation, no regard appears to have been given to the Steeple Renewables Project. This is despite the Steeple Renewables Project being in the public domain from October 2023, long before consultation in June 2024 and February 2025 when NGET provided notification to the Secretary of State of their intention to commence statutory consultation in relation to the NHHM Project.

88. The approach and methodology applied by NGET in its 2023 non-statutory consultation has not been applied consistently through 2024 and 2025, with little/or selective consideration given to other emerging development.

89. The Steeple Renewables Project contribution to decarbonisation should also be considered in line with SP3 of the emerging Electricity Transmission Design Principles (Sept 25).

90. The Steeple Renewables Project should be considered in the same way that Wood Lane Solar Farm and other developments (such as housing allocations) were considered. By not considering the Steeple Renewables Project, it is evident that NGET have not fully complied with the Holford Rules (with regard in particular to the supporting Note to Rule 7) and that the proposed route is at odds with the emerging 'Electricity Transmission Design Principles' (Sept 25).

Appendix A:

The Holford Rules.

The Holford Rules

Guidelines on overhead line routeing were first formulated in 1959 by Sir William later Lord, Holford, who was a part-time member of the CEGB. National Grid has reviewed these guidelines, known as the 'Holford Rules', and concluded that they have stood the test of time. National Grid therefore intends to continue to employ them as a basis of the company's approach to overhead line routeing.

Since the formulation of the original Rules, formal requirements for environmental assessment have been introduced. Whilst environmental assessment for overhead lines addresses wider topics than the visual amenity issue on which the Rules concentrate, they remain a valuable tool in the selecting and assessing potential route options as part of the environmental assessment process. The original Rules and their added notes of clarification are set out below.

GUIDELINES FOR THE ROUTEING OF NEW HIGH VOLTAGE OVERHEAD TRANSMISSION LINES

Rule 1:

Avoid altogether, if possible, the major areas of highest amenity value, by so planning the general route of the first line in the first place, even if the total mileage is somewhat increased in consequence.

Note on Rule 1

Investigate the possibility of alternative routes, avoiding if possible the areas of the highest amenity value. The consideration of alternative routes must be an integral feature of environmental statements.

Areas of highest amenity value are:

Areas of Outstanding Natural Beauty
National Parks
Heritage Coasts
World Heritage Sites

Rule 2:

Avoid smaller areas of high amenity value, or scientific interests by deviation; provided that this can be done without using too many angle towers, ie the more massive structures which are used when lines change direction.

Note on Rule 2

Some areas (e.g. Site of Special Scientific Interest) may require special consideration for potential effects on ecology (e.g. to their flora and fauna).

Where possible choose routes which minimise the effects on the setting of areas of architectural, historic and archaeological interest including Conservation Areas, Listed Buildings, Listed Parks and Gardens and Ancient Monuments.

Rule 3:

Other things being equal, choose the most direct line, with no sharp changes of direction and thus with fewer angle towers.

Note of Rule 3

Where possible choose inconspicuous locations for angle towers, terminal towers and sealing end compounds.

Rule 4:

Choose tree and hill backgrounds in preference to sky backgrounds wherever possible; and when the line has to cross a ridge, secure this opaque background as long as possible and cross obliquely when a dip in the ridge provides an opportunity. Where it does not, cross directly, preferably between belts of trees.

Rule 5:

Prefer moderately open valleys with woods where the apparent height of towers will be reduced, and views of the line will be broken by trees.

Note on Rules 4 & 5

Utilise background and foreground features to reduce the apparent height and domination of towers from pan viewpoints.

Minimise the exposure of numbers of towers on prominent ridges and skylines.

Where possible avoiding cutting extensive swathes through woodland blocks and consider opportunities for skirting edges of copses and woods.

Protecting existing vegetation, including woodland and hedgerows, and safeguard visual and ecological links with the surrounding landscape.

Rule 6:

In country which is flat and sparsely planted, keep the high voltage lines as far as possible independent of smaller lines, converging routes, distribution poles and other masts, wires and cables, so as to avoid a concentration or 'wirescape'.

Note on Rule 6:

In all locations minimise confusing appearance.

Arrange wherever practicable that parallel or closely related routes are planned with tower types, spans and conductors forming a coherent appearance; where routes need to diverge, allow where practicable sufficient separation to limit the effects on properties and features between the lines.

Rule 7:

Approach urban area through industrial zones, where they exist; and when pleasant residential and recreational land intervenes between the approach line and the substation, go carefully into the comparative costs of the undergrounding, for lines other than those of the highest voltage.

Note on Rule 7

When a line needs to pass through a development area, route it so as to minimise as far as possible the effect on development.

Alignments should be chosen after consideration of effects on the amenity of existing development and on proposals for new development.

When siting substations take account of the effects of the terminal towers and line connections that will need to be made and take advantage of screening features such as ground form and vegetation.

SUPPLEMENTARY NOTES

Residential Areas

Avoid routeing close to residential areas as far as possible on grounds of general amenity.

Designations of County, District and Local Value

Where possible choose routes which minimise the effect on Special Landscape Areas, areas of Great Landscape Value and other similar designations of County, District or Local value.

Alternative Tower Designs

In additional to adopting appropriate routeing, evaluate where appropriate the use of alternative tower designs now available where these would be advantageous visually, and where the extra cost can be justified.

Appendix 2:

Fuller extracts of the quotations referenced within the text.

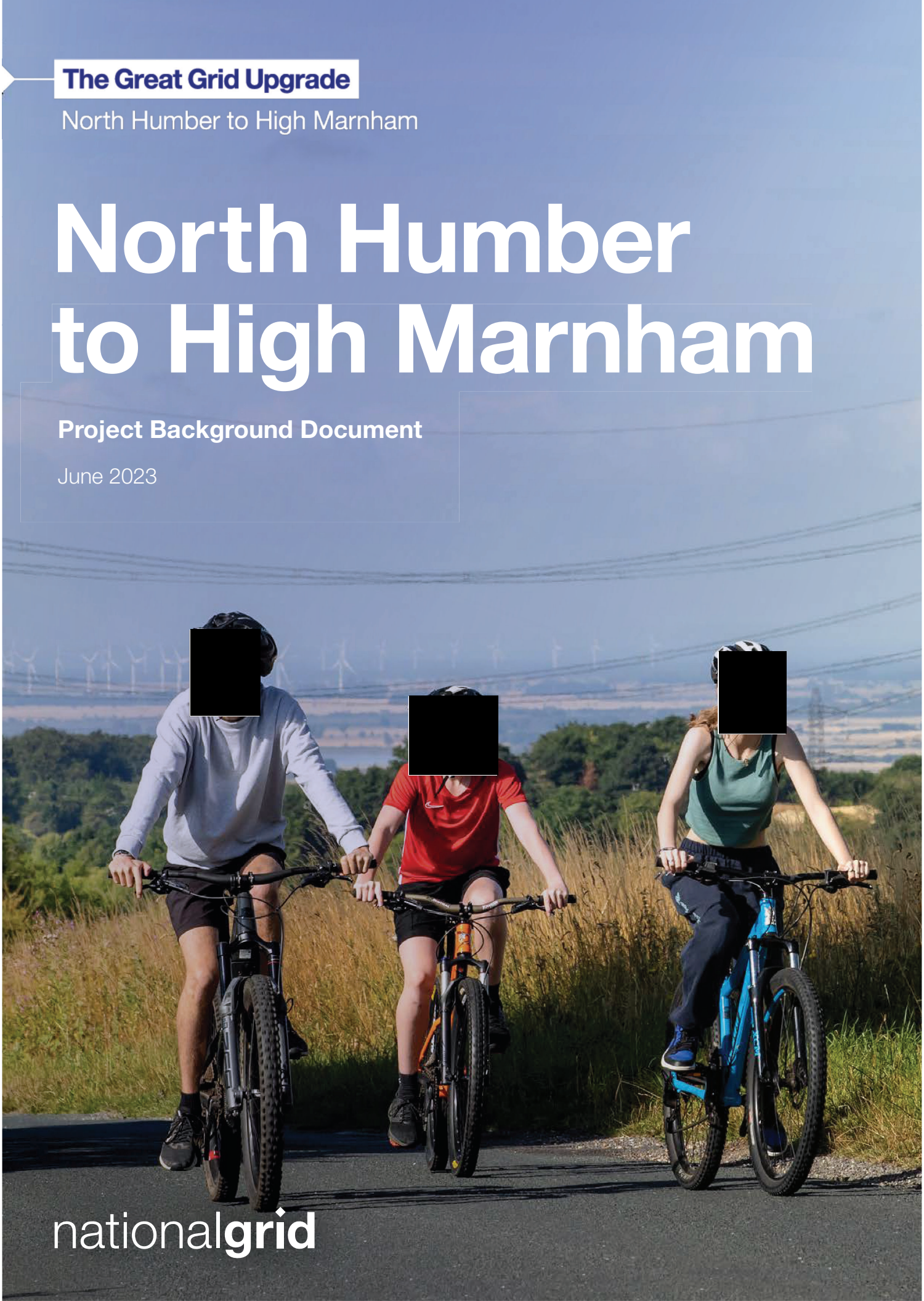
The Great Grid Upgrade

North Humber to High Marnham

North Humber to High Marnham

Project Background Document

June 2023



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Route corridor options identification and selection process

As explained earlier in the 'How we develop projects' section, we have considered where the proposed new line could potentially be located between the Creyke Beck area and High Marnham. Our work is set out in full in our Corridor Preliminary Routeing and Siting Study (CPRSS) report.

Define the study area

For each section of our route, we defined a study area informed by factors including:

- the connection end points identified in the Strategic Proposal
- the location of large towns and other built-up areas
- the location of physical features such as estuaries, or protected sites like Areas of Outstanding Natural Beauty, National Parks or nature conservation areas
- opportunities to utilise established electricity transmission corridors.

Constraint mapping

We then map out key features in the landscape that we want to avoid or minimise contact with. These have been informed by planning policy and our professional judgement. These include the built-up areas where people live and other features that may be sensitive in terms of ecology, heritage or landscape, as well as features that may represent planning or technical constraints. The full list is in the CPRSS.

Option identification, appraisal and selection

Considering the constraints and opportunities available, using a combination of computer modelling and expert professional judgement, we devise and refine various routes from one connection end to another. These seek to represent different high-level options for making the connection avoiding the identified constraints, for example, routeing on one side of a town or the other.

Developing a graduated swathe

Following the selection of a preferred option corridor, we produce a graduated swathe which indicates where the overhead line alignment could be routed. This shaded area is darker where an alignment is more likely, when considering environmental factors and identified constraints, and is lighter where it is less likely. This swathe remains indicative until more detailed assessment work is done.

We have now got to this stage and are presenting a preferred option corridor, within which we have developed a graduated swathe.

We will continue to consider feedback from public consultation and further information from surveys and stakeholder engagement as we develop a firm proposal for the alignment. We will then bring forward more detailed proposals for further public consultation, which we anticipate will be in 2024.

Section 10 – A620 to Fledborough

The section runs from the A620 south to a point approximately 1 km from the existing High Marnham 400 kV substation. In this section the graduated swathe is routed to avoid the villages of North and South Wheatley, Sturton le Steeple, North Leverton and South Leverton and Treswell to the north, and the settlements of Woodbeck, East Drayton and Darlton further to the south.

The swathe splits into alternative eastern and western paths in two locations; between South Wheatley and Treswell, avoiding properties and farm buildings, and to the south of Woodbeck, avoiding a small number of properties on Main Street and Retford Road, East Drayton.

The route crosses a 132 kV overhead electricity distribution line in this section and the Sheffield to Lincoln rail line.

We would like your feedback on this section of the route. Please see question 3r on our feedback form.

The Great Grid Upgrade

North Humber to High Marnham

Issue 1

North Humber to High Marnham

Corridor Preliminary Routeing and Siting Study

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2.4.6 In the context of this Project, the 400kV ZDA overhead line is expected to transmit less power than the Project. Consequently, it is likely to be more cost effective to replace a short section of the 400kV ZDA overhead line with underground cables rather than undergrounding a section of the new route. The need to place a section underground and the associated costs and impacts of the cable installation have been considered as part of the identification and appraisal of corridors for the Project. Any works to cross the 400kV ZDA overhead line will form part of this Project. Further information on the 400kV ZDA overhead line in the context of this Project is provided in **Chapter 12**.

Local Improvements to Existing NGET Overhead Lines

2.4.7 The route and any line swap overs with the Project may result in interactions with other NGET overhead lines. For example, a line swap over is likely to mean that the new end-to-end connection is carried in part on existing pylons through existing conductor wires. If this is the case, subject to information from surveys and ongoing design studies, it may be necessary to replace these sections of existing conductor wire as part of the Project to align with the new overhead line.

2.4.8 The local improvements to existing NGET overhead lines will form part of this Project.

Local Improvements to Other Utility Companies' Overhead Lines

2.4.9 In addition to transmission lines, it will be necessary for the new overhead line to cross overhead lines of a relatively low voltage owned and operated by the local electricity distribution network operators. The transmission system and electricity distribution networks in the vicinity of the Project are operated by NPG and NGED.

2.4.10 When crossing lower voltage overhead lines, it may be cost effective, and have reduced environmental impacts, to permanently replace a length of the lower voltage line with underground cables. It is likely that the Project will need to cross the routes of existing 11kV, 33kV and 132kV overhead lines in multiple locations dependent upon the route.

2.4.11 NGET will work with the distribution network operators to design and undertake the replacement of any affected low voltage overhead lines with underground cables wherever this would be technically practicable and not prohibitively expensive.

2.4.12 The local improvements to existing NPG and NGED overhead lines will form part of this Project.

2.5 New Transmission Substations

New Creyke Beck Substation

Background

2.5.1 NGET's existing 400kV Creyke Beck Substation, to the north of Cottingham, was built in the late 1960's to supply electricity to the city of Hull and the surrounding area. The electricity is distributed to the city and area from the adjacent 132kV Substation via electricity distribution lines owned and operated by NPG.

2.5.2 The past 20 or so years have seen the connection of a variety of new power generation sources in the area, which connect to the wider transmission system via the existing

5.5 Identifying and Defining Corridors (Steps 4 to 6)

5.5.1 Following the development of heat maps at Step 3, early corridors were developed between the potential start/end points by landscape specialists working with others as appropriate. The early corridors were identified by applying professional judgement, their knowledge of routeing considerations, in particular the Holford Rules. This was to ensure that the corridors identified were technically feasible whilst minimising the potential for adverse impacts on the environment, including elements and nuances that cannot be digitised (e.g. Holford Rules 3 to 7, see below).

5.5.2 The consideration of the Holford Rules in the development of the early corridors was led by landscape specialists because the underlying aim of the rules is, in effect, to guide the design of overhead lines to have the least possible landscape and visual impacts whilst avoiding important constraints. Rules 1 and 2 address the areas of high amenity (i.e. environmental constraints). Rule 1 applies at a broader scale, primarily in setting the overhead line Study Area. Rule 2 considers amenity areas at a smaller scale and therefore was the main driver in developing the heat maps and the GIS analysis, and critical in developing corridors. Rule 3 considers the impact of angle pylons and the visual impacts that may be caused by an overhead line with frequent changes of direction. Rules 4 and 5 consider ways to 'best fit' an overhead line in the landscape to reduce the degree to which it may be visible. Rule 6 considers wirescape and Rule 7 the approaches to urban areas.

5.5.3 As well as potential constraints to development, the mapping exercise also identified opportunities to promote the inclusion of certain areas within the corridors. The principal opportunities were associated with the potential to route parallel with and close to existing 400kV overhead lines (referred to as 'close parallel'), and thus restrict the geographic extent of environmental and socio-economic impacts associated with such infrastructure.

5.5.4 The GIS analysis using heat maps was used as a starting point to identify corridors that aimed to:

- Entirely avoid the largest areas of highest amenity and largest settlements;
- Avoid smaller areas of higher amenity and smaller clusters of houses as far as possible;
- Avoid smaller areas of technical constraint as far as possible;
- Allow for enough space to accommodate reasonable lengths of straight alignment at later stages of the Project, in accordance with Holford Rule 3;
- Be broad enough to allow for smaller areas of high amenity and residential properties within the corridor to be avoided at detail design stage;
- Likewise, be broad enough for constraints not apparent at this stage (i.e. information arising from non-statutory consultation, not currently known to NGET) to be avoided at detail design stage; and
- Provide options to connect from one corridor to another so that constrained sections of an otherwise suitable corridor can be bypassed.

5.5.5 The identified corridors were then subject to a back-check review and further analysis and review by the project team.

5.5.6 The review considered information gathered from the environment and technical site visits (ground-truthing key issues and pinch points identified during the desk studies) and further design and construction issues identified by the technical teams as part of this. Suggested amendments to the corridors were implemented where they were consistent with environmental considerations. One of the changes implemented was to cut out sections of corridors where there were clusters of residential properties. In addition, an exercise was undertaken to check the extent of potential constraints on both larger scale mapping and aerial photography. This led to a number of minor corridor boundary changes.

5.5.7 Four overhead line corridors were identified, as shown in **Figure 5-8**.

5.6 Mitigation of Impacts Through Avoidance

5.6.1 The Study Area and corridors are effectively the first two stages of an iterative process looking at features which represent constraints at a steadily smaller scale and finer grain. They were designed to comply with Holford Rules 1 and 2, avoiding the major areas of highest amenity value altogether, where practicable, and allowing room within the corridors to avoid smaller areas of high amenity value by local deviation. This approach seeks to minimise environmental impacts from the outset. The main constraints which influenced the formation of the corridors, and whether they have been avoided by this process, are listed in **Table 5-3**.

Table 5-3 – Major Features Representing Constraints within the Study Area

Topic	Name of Constraint	Avoided by Corridors?
Aviation and Defence	Sandtoft Airfield	Avoided
	Doncaster Sheffield Airport	Avoided
	Retford (Gamston) Airport	Avoided
Ecology	Sites of Special Scientific Interest (42 in total)	Avoided (33) Within one or more corridor – partially (9)
	Humber Estuary Ramsar site, SAC and SPA	Within one or more corridor – partially
	Thorne Moor SAC	Avoided
	Hatfield Moor SAC	Avoided
	Thorne and Hatfield Moors SPA	Avoided
Economic Activity	Wind Farms (9 in total)	Avoided (8) Within one or more corridor – partially (1 – Sober Hill Wind Farm)
	Drax Power Station	Avoided
	Goole Port	Avoided
	Solar Farms (14)	Avoided (10) Within one or more corridor – partially (4)
	Golf Courses (15)	Avoided (11) Within one or more corridor – partially (4)
	Nationally Significant Infrastructure Project (8)	Avoided (2) Within one or more corridor – partially (6)

Topic	Name of Constraint	Avoided by Corridors?
Historic Environment	Risby Hall Registered Park and Garden	Avoided
	Houghton Hall Registered Park and Garden	Avoided
	Babworth Hall Registered Park and Garden	Avoided
Landscape and Visual	Yorkshire Wolds ILA	Within one or more Corridor
	Major urban areas including Hull, Goole, Gainsborough and Retford	Avoided
Water	River Ouse	Within one or more Corridor
	River Trent	Within one or more Corridor
	River Humber	Avoided

5.6.2 For example, of the 42 SSSIs in the Study Area, 33 are avoided altogether by the corridors, whilst nine smaller ones are included where the size of the corridor will allow for them to be avoided in detailed design. Likewise, most areas of Ancient Woodland are avoided altogether, with smaller parcels only included where there is room for them to be avoided. The Thorne and Hatfield Moors designated sites are avoided altogether. The only exception the Humber Estuary designated sites, where one corridor was identified to entirely avoid them, whilst the others acknowledge that its geographical extent makes it difficult to avoid altogether. From a historical environment perspective, the majority of listed buildings and scheduled monuments were also avoided, and all Registered Parks and Gardens were avoided when defining the corridors. Each feature was considered on its own merits through the process of defining the corridors, including looking at the reasons for its designation and sensitivity to change, the wider context and value around the given site.

5.6.3 The landscape of the Study Area, with the exception of the Yorkshire Wolds ILA, is predominantly low-lying flat lands, under intensive agriculture, with smaller areas of gentle relief, meaning that landscape, and thus Holford Rules 4 and 5 (the consideration of tree and hill backdrops and seeking to follow moderately open valleys) have generally been less of a driver than is usually the case in overhead line routeing. In the Yorkshire Wolds ILA, the two overhead line corridors that cross the entire area provide close parallel opportunities following the existing 400kV overhead lines.

5.6.4 Major settlements such as Goole, Gainsborough and Retford, and smaller settlements such as Gilberdyke, Crowle and Haxey within the Study Area were avoided through the process of defining the corridors, either by routeing the corridor away from a settlement entirely or reducing the extent of the corridor, or where this is not possible, by cutting out a section of the corridor to exclude the settlements. A similar approach was taken for residential properties and recreational sites. This was primarily to mitigate potential visual impacts resulting from the Project.

5.6.5 Airports including Sandtoft Airfield, Doncaster Sheffield Airport and Retford (Gamston) Airport, were avoided when defining the corridors to mitigate against potential aviation

South of the River Ouse to High Marnham

6.2.40 To the south of the River Ouse, the motorway network remains a constraint as the M62 joins the M18 which then further south joins the M180. The corridor becomes particularly constrained to the west of Rawcliffe Bridge at the M62/M18 Langham Interchange and to the south of Thorne around the M18/M180 Junction. There are two large residential allocations designated as part of the Doncaster Local Plan[33] to the north and west of Thorne which partially intersect the corridor. The first (EMP04) is an employment site allocation to the north of Thorne and the second (MIX03) is a large-scale mixed-use development to the east of Stainforth. Kingswood Golf Centre and Thorne Golf Club are also present in this area and in combination with the motorway network and the two local plan allocations becomes a significantly constrained area of the corridor.

6.2.41 To the south of Hatfield Woodhouse lies Woodhouse Grange Fishery and Sunnybank Garden Centre which cover a large swathe of the corridor and constrain routeing within this area. Similarly, to the east of Armthorpe lies Yorkshire Aggregates, Yorkshire Motor and Aqua Park and Woodward Lakes and Lodges which cover a large swathe of the western portion of the corridor in this area and would limit routeing opportunities.

6.2.42 Several crossings of A-roads and railway lines are required throughout the corridor and Links. The majority of railway lines are not electrified; however, the electrified East Coast Main Line (ECML) crosses the corridor to the south-east of Scrooby and would require a crossing. These crossings may result in potential adverse impacts relating to disruption during construction.

6.2.43 The corridor then travels further south to the east of Doncaster before routeing east towards Blaxton. Doncaster Sheffield Airport is located to the west of the corridor, there is the potential for adverse impacts due to the distance (approximately 1.4km at its closest point) of the corridor boundary to the runway and the runways north-facing direction, towards the corridor. The corridor curves around Doncaster Sheffield Airport to the north and east. Routeing is also limited to the east of Blaxton due to Blaxton Common, Blaxton Aggregates and two fisheries which cover a large swathe of the corridor. Further south to the west of Misson, Misson Solar Farm, Tunnel Tech and the Idle Washlands cover a large swathe of the corridor and constrain routeing.

6.2.44 Moving further south down the corridor, a large housing allocation (HS13 – Ordsall South), designated in the Bassetlaw Local Plan[34] can be found to the south of Ordsall and covers the entire width of the corridor within this area. The presence of the large housing allocation would substantially limit opportunities for routeing within this area of Corridor 1, as shown on **Figure 6-6**. Retford (Gamston) Airport is also present to the south of Ordsall and there is the potential for adverse impacts due to the distance (approximately 900m at its closest point) of the corridor boundary to the north and east of the runway and the north-facing direction of the runway, towards part of the corridor.

6.2.45 The corridor also intersects with a number of proposed developments, including EGL2, the HLCP Project Preferred Route Corridor and the Drax Re-Power Project. Discussion and coordination with the developers may be necessary to ensure the new overhead line can be facilitated in combination with these proposed developments.

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33 Doncaster Council (2021). Doncaster Local Plan 2015-2035 (Adopted September 2021).

34 Bassetlaw District Council (August 2021). Bassetlaw Local Plan 2020 – 2037.

allocation for housing (HS13) spans the full width of the corridor (as shown previously on **Figure 6-6**) and therefore limits opportunities for routeing at this location.

6.3.30 Between Eaton and High Marnham, Corridor 1 becomes less technically constrained. Although noting the presence of numerous low voltage DNO overhead line assets and the requirement for crossing of the ECML, watercourses and local A-Roads which may limit the positioning of infrastructure. Additionally, Darlton Gliding Club is situated approximately 1.5km from the boundary of Corridor 1 and may necessitate further investigation to determine any potential technical risks and constraints surrounding possible infrastructure in this area.

6.4 Holford Rules

6.4.1 Corridor 1 has been defined to exclude larger areas of the highest amenity value in accordance with Holford Rule 1. The Loop crosses the Humber Estuary designated sites and is therefore both less policy compliant than the main corridor and would conflict with Holford Rule 1, which seeks complete avoidance of nationally and internationally designated sites where possible.

6.4.2 Where there are smaller areas of high amenity value, for instance, SSSIs and Listed Buildings, sufficient space has been included within the corridor to enable routeing to avoid them, potentially by local deviation, in accordance with Holford Rule 2.

6.4.3 The corridor does deviate from the most direct route in places to avoid highly constrained areas, and specific constraints including settlements such as Walkington, Goole, Thorne, and Retford and areas of higher ground including to the west of Bawtry and south of East Markham (Holford Rule 4). The width of the corridor reflects the constraints in that area, with narrow sections where constraints are present such as in proximity to airports, and wide sections where the space is unconstrained such as in rural areas. The corridor includes more land than is needed for the construction of an overhead line which provides flexibility and options when it comes to routeing for further development in Stage 3. Although there are a large number of changes in direction due to the number of constraints, the flexibility provided within the corridor has the potential to reduce the need for sharp angles or changes in direction of the overhead line in accordance with Holford Rule 3.

6.4.4 Sections of Corridor 1 are bounded by the existing 4VC 400kV overhead line in the north and the existing XE 275kV overhead line in the south. The corridor also crosses the existing ZDA 400kV overhead line and several DNO 132kV overhead lines. Crossings of these existing 132kV overhead lines are unavoidable and potential adverse landscape and visual impacts may likely occur. This may be particularly intensified if a new overhead line is introduced, and it is not in close parallel with the existing overhead line. In these areas, there are likely to be properties and features between the overhead lines.

6.4.5 Apart from the sections considered for close parallel routeing, the majority of the corridor is separate from existing overhead lines. There are however two points where the corridor is sufficiently close to other lines that there is some risk of creating a wirescape. The first is at Drax where the western edge of the Corridor is less than 1.5km from the Power Station and its converging overhead lines. The second, and lesser risk, is to the east of Armthorpe where the western edge of the corridor appears to converge with the 4ZH 400kV line, coming is within 1.5km of it, for a short distance. In these locations, the corridor does not fully comply with the principles of Holford Rule 6, which seeks to avoid wirescape by keeping high voltage (400kV) overhead lines as

the east of Retford where a new overhead line has the potential to result in adverse landscape and visual impacts.

11.9.21 Overall, Corridor 2 performed better in terms of environmental and technical aspects, providing routeing flexibility and a direct route between the River Idle and High Marnham.

Summary of Decision

Defined Component Progressed

Corridor 2

11.9.22 Overall, Sections C2j to C2q were preferred primarily as it provided an:

- Opportunity to keep new overhead lines noticeably distant from existing overhead lines and avoid converging routes, particularly with in the Trent Valley; and
- Avoid introducing a new overhead line into the highly constrained areas around West Burton and Cottam.

11.9.23 Where close parallel cannot be achieved, it is preferred that overhead lines should be kept completely separate for the purposes of reducing landscape and visual impacts.

Defined Component Parked

11.9.24 The following were parked at this stage:

Corridor 2 to Corridor 3 Link (C2-C3-Link)

- The use of this Link would result in converging routes, the need for multiple angle pylons and a triple close parallel alignment. It would also have likely adverse landscape and visual impacts on nearby settlements.

Corridor 3 to Corridor 2 Link (C3-C2-Link3 and C3-C2-Link4)

- The use of this Link would result in converging routes, the need for multiple angle pylons and a triple close parallel alignment. It would also have likely adverse landscape and visual impacts on nearby settlements.

Corridor 2 to Corridor 1 Link (C2-C1-Link_a to C2-C1-Link_e)

- Use of these Links would potentially result in landscape and visual impacts on settlements, particularly due to the presence of the higher ground to the east of Retford. The use of this Link would also result in an additional length of overhead line and implications for programme.

Corridor 3

- Highly constrained areas in this preliminary corridor. These include the area around East Stockwith and West Stockwith, Beckingham, West Burton and Cottam which are further constrained by the presence of two existing close parallel overhead lines. Introducing a new overhead line into Corridor 3 would likely result in wirescape and cumulative landscape and visual impacts, due to the existing converging and diverging overhead lines in the preliminary corridor.

12.2 Developing the Graduated Swathe

12.2.1 The development of the graduated swathe was informed by the location of sites and features within and beyond the corridor, which were identified from mapping and visits to the emerging preferred corridor, similar to those that informed the options appraisal, as described in **Chapter 5**. The emerging preferred corridor was appraised to identify areas that may be more or less sensitive to the introduction of the Project infrastructure, then preliminary designs were developed to identify where a new overhead line might most appropriately be routed, designing in accordance with the Holford Rules whilst taking into account environmental features and technical requirements. This was informed by opportunities, such as identifying where it was possible to run consistently close parallel to existing overhead lines, as well as detailed consideration of features and the locations of residential properties within the emerging preferred corridor. Where the options appraisal identified potential opportunities to develop close parallel alignments this opportunity has been reflected in the graduated swathe.

12.2.2 In order to effectively portray the graduated swathe between Creyke Beck and High Marnham Substations, a number of additional features have been included, as described in the following sections.

Substation Zones

12.2.3 The start and end points of the graduated swathe link into routeing zones which connect to the new substation zones at both Creyke Beck and High Marnham and the Creyke Beck substation extension zone. The routeing zones are outlined in blue, the new substation search areas are outlined in orange and the Creyke Beck substation extension zone is outlined in green in **Figure 12-1** (Creyke Beck) and **Figure 12-2** (High Marnham).

12.2.4 The graduated swathe does not cover the substations because the development of these is not within the scope of this Project, as explained in **Chapter 4**. However, they are shown because they will form the start and end points of the Project. The graduated swathe does not cover the routeing zone into High Marnham, because the likely position of the new overhead line cannot be determined until the substation position is fixed. This will be an iterative process whereby the location and design of the substation will determine the positions of the end of the overhead line connection, whilst at the same time the potential impacts of different options for the final section of overhead line will be taken into account in the process of determining the substation location. A graduated swathe has been developed for the routeing zone into Creyke Beck as that substation project is further along in the process of determining the substation location, as explained in **Section 2.5**.

Section 10: A620 – Fledborough

12.3.79 This section of the preliminary preferred corridor is bounded to the north by the A620 Gainsborough Road and extends south to a point approximately 1km from the existing High Marnham 400kV Substation, located on the site of the former High Marnham Power Station Site, as shown in **Figure 12-17** below and on Sheet 11, Sheet 12 and Sheet 13 of **Appendix C**.

12.3.80 The emerging preferred corridor generally parallels the ridge of higher ground located between the rivers Idle and Trent. The corridor is located on the eastern slope of the ridge and crosses local valleys which generally drain east or south-eastwards towards the River Trent.

12.3.81 At the northern end of this section of the corridor are the twin villages of North and South Wheatley. Helping to define the eastern edge of the corridor is the line of villages located on the edge of the Trent valley flood plain, including Sturton le Steeple, North Leverton and South Leverton and Treswell. Further south in this section the smaller settlements of Woodbeck, East Drayton and Darlton all help to inform and constrain the location of the less constrained graduated swathe within the emerging preferred corridor.

Section 10: Eastern and Western Paths between South Wheatley and Treswell

12.3.82 Whilst paths within the graduated swathe are less well defined at the northern end of this section, the presence of farm buildings and a single property on the minor Wheatley Road that runs southeast from South Wheatley means that two alternative paths; one to the east and one to the west of this property have been defined.

12.3.83 South of Wheatley Road, both paths of the graduated swathe cross the consented Wood Lane Solar Farm development site to the south of South Wheatley, although the eastern path has potential to conflict less with this development. In this location an existing 132kV overhead line also crosses the emerging preferred corridor from east to west. Work will be needed to this line in order to allow any new line to be constructed and operated. Subject to discussion with NGED (the owner and operator of the line) and detailed design consideration, this work could involve replacing a section of the existing line with underground cables.

12.3.84 Further south the graduated swathe continues with alternative eastern or western paths either side of properties and businesses on Retford Road, west of South Leverton.

12.3.85 South of this point the two paths recombine into a single swathe, passing to the east of Treswell Wood SSSI and Nature Reserve and to the west of the villages of Treswell and Woodbeck.

Section 10: Eastern and Western Paths south of Woodbeck

12.3.86 South of Woodbeck the swathe again divides into a western and an eastern path, to avoid a small number of properties on Main Street and on Retford Road, East Drayton. Further south, between East Drayton and Darlton, the paths again merge into a single graduated swathe, passing to the east of Darlton.

12.3.87 Between Darlton and the Whimpton Moor mediaeval village Schedule Monument, the swathe again divides into two to provide alternative paths to the east and the west of isolated farmsteads and Long Row Cottages on Main Street, Fledborough.

13. Summary and Next Steps

13.1 Summary of Options Identification and Selection Process (Stage 2)

13.1.1 A detailed Options Identification and Selection Process (Stage 2) (see **Chapter 4**) has been undertaken to identify the proposed corridor for a 400kV electricity transmission connection between new substations to be built in the vicinity of Creyke Beck Substation and the former High Marnham Power Station site, a straight-line distance of approximately 68km. The connection is expected to wholly or largely comprise of a new overhead line. NGET will also need to replace a short section of existing 400kV overhead line with underground cables and commission local changes to the lower voltage distribution networks in order to facilitate the construction of the new overhead line.

13.1.2 For the Project, four preliminary overhead line corridors were identified and appraised (in **Chapter 6** to **Chapter 11**). The four preliminary corridors were divided in sections, links and loops for appraisal and the identification of an emerging preferred corridor. Following the appraisal of the sections, links and loops in isolation an end-to-end solution review was then undertaken between Creyke Beck and High Marnham. This review considered each progressed section, link or loop of the preliminary corridor in the context of the wider end-to-end solution and ensured that the reasoning and justification for progressing one part of the emerging preferred corridor did not incorrectly impact on the decision made for the next section, link or loop of the corridor. The wider end-to-end solution review also incorporated cost performance, reported in **Chapter 10**. The review did not cause any amendments to the preferred emerging corridor.

13.1.3 To summarise the emerging preferred corridor for a new overhead line:

- broadly follows the existing 4ZQ 400kV overhead line from the eastern edge of the Yorkshire Wolds to near Luddington (Lincolnshire) including crossing the River Ouse alongside the existing overhead line river crossing;
- from Luddington, loops west around Keadby Windfarm to pass east of Ealand and then parallels the two existing 400kV overhead lines south from near Beltoft to a point near the crossing of the Warping Drain, south-east of Haxey; and
- from there loops west to pass west of Misterton, then south, passing west of the line of villages along the edge of the Trent valley (Wallingham, Beckingham, Sturton le Steeple, North and South Leverton, Tresswell and Woodbeck) to pass west of East Drayton then approach High Marnham from the north-east.

13.1.4 The conclusion was drawn that routeing the new overhead line closely parallel to existing 400kV network would minimise the overall environmental impacts – concentrating impacts in areas already impacted rather than spreading them more widely. The main exceptions to this are at Keadby with the technical constraints around the Keadby Windfarm and south of Haxey, identifying a new corridor three to four kilometres west of the existing 400kV overhead lines in the Trent Valley where the increasing numbers of existing lines form a broad and complex network.

13.1.5 The emerging preferred corridor broadly looks to close parallel with existing electricity transmission infrastructure. Close paralleling would minimise overall environmental and socio-economic impacts, whilst avoiding areas of highest engineering challenge. The deviations from close parallel make little difference to the overall length of the emerging preferred corridor which is close to the shortest practicable given the constraints posed by the Humber Estuary. Overall, the emerging preferred corridor is considered to offer the optimum balance between environmental, technical, cost and socio-economic considerations.

13.2 Non-statutory Consultation

13.2.1 This report will be used as part of the non-statutory consultation and engagement with key stakeholders, including landowners. The non-statutory consultation will take place in Spring and Summer 2023.

13.2.2 During the non-statutory consultation, feedback will be gathered from consultation events and feedback forms.

13.2.3 The proposed corridor identified in this report, in conjunction with the other elements of the Options Identification and Selection Process (Stage 2), will be kept under review throughout the development of the Project.

13.3 Analysing Non-statutory Consultation Feedback

13.3.1 The feedback from non-statutory consultation, along with information from surveys undertaken to obtain baseline data and ongoing design studies, will inform the further development of the Project.

13.4 Defined Proposal and Statutory Consultation (Stage 3)

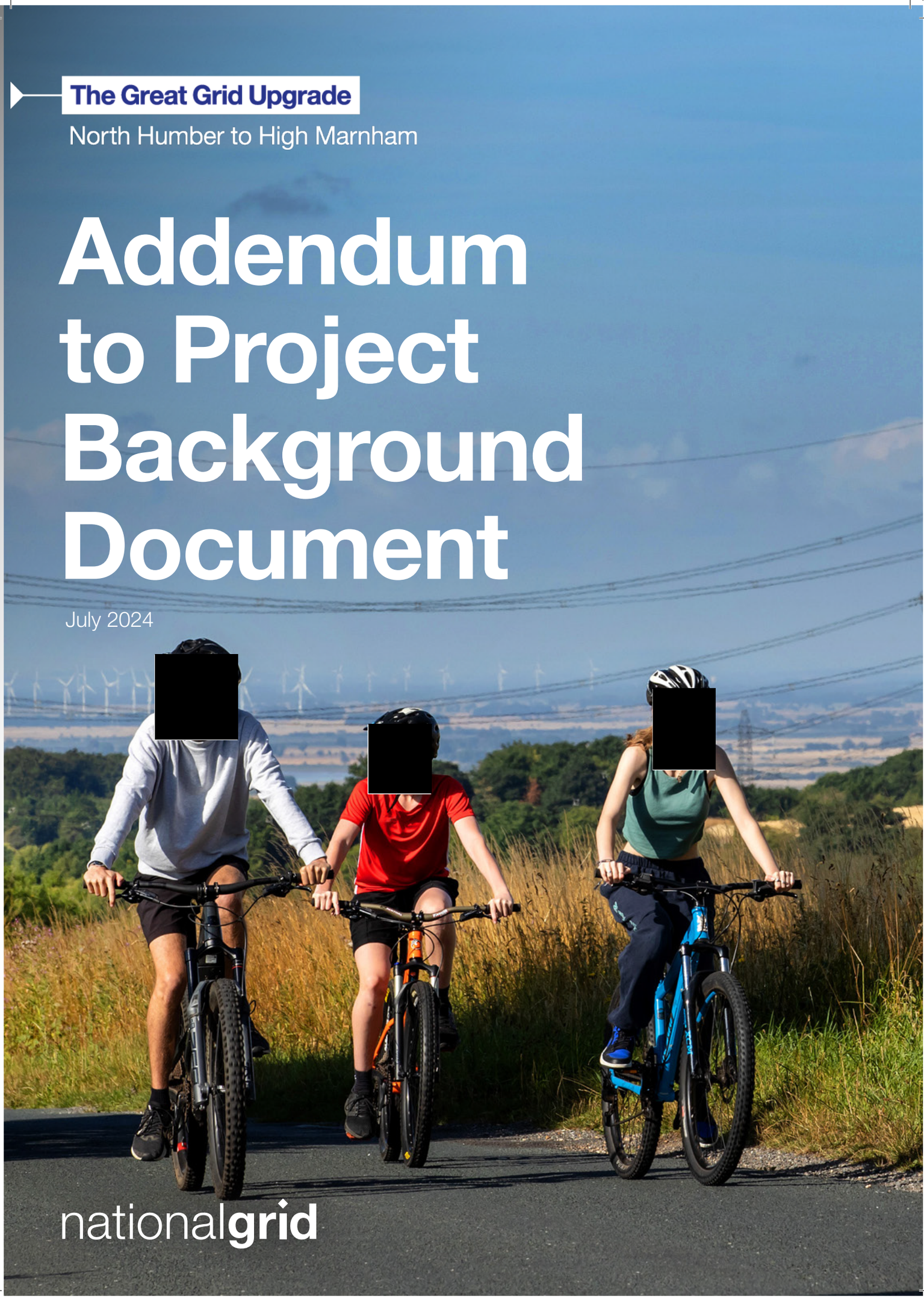
13.4.1 Following the completion of non-statutory consultation in Summer 2023, including the analysis of the consultation feedback, NGET will progress the Defined Proposal and Statutory Consultation Stage (Stage 3). As part of this, the design will be subject to an EIA, further statutory consultation, and integrative design development prior to submission of the application for a DCO.

The Great Grid Upgrade

North Humber to High Marnham

Addendum to Project Background Document

July 2024



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Purpose of this document

This document is an addendum to the North Humber to High Marnham Project Background Document (PBD) originally published in June 2023 as part of our consultation on proposals to reinforce the transmission network in this area.

This Stage 1 consultation took place over an eight-week period between 1 June and 27 July 2023. During this consultation, we introduced the need to build new electricity transmission infrastructure in the area and our early thinking about the proposals.

Since the close of our consultation in July 2023, we have reviewed the consultation feedback received and undertaken a backcheck and review of the Corridor Preliminary Routeing and Siting Study (CPRSS) published in 2023.

Consultation feedback and the backcheck of our previous work has led to the identification of a potential alternative corridor for a section of North Humber to High Marnham between South Wheatley and High Marnham. This potential alternative corridor is referred to as the 'eastern corridor'. To view the map please see Figure 3 on page 19.

Before deciding on an overall preferred corridor and route ahead of Stage 2 (statutory) consultation in 2025, we are seeking people's views about the eastern corridor. As such, the purpose of this addendum is to support a localised non-statutory consultation on the eastern corridor between South Wheatley and High Marnham.

Overview

We are proposing to build a new high voltage electricity transmission line and associated works between a new substation north of Hull at Creyke Beck in the East Riding of Yorkshire and a new substation at High Marnham in Nottinghamshire. This proposed reinforcement is required to increase the capability of the electricity transmission network between the north of England and the Midlands. It is also needed to facilitate the connection of proposed new offshore wind farms that are planned in the area.

This Addendum to the Project Background Document has been prepared to support the localised consultation, which will run from 9 July to 6 August 2024. During this consultation, we are seeking views about the eastern corridor between South Wheatley and High Marnham.Your feedback from this consultation, alongside feedback received during the 2023 consultation, will help inform a decision about the overall preferred corridor within which more detailed proposals will be developed, ahead of a statutory consultation in 2025.

All feedback from consultations will be carefully considered as we further shape our proposals before making an application to the Planning Inspectorate for permission to build, operate and maintain North Humber to High Marnham. For further details on our approach to consultation, please see our Localised Consultation Strategy (2024), which can be found on our website. All documents published as part of this consultation can be found at: **nationalgrid.com/nh-hm** or are available upon request by contacting the project team at **contact@nh-hm.nationalgrid.com** or **0800 051 4430**.

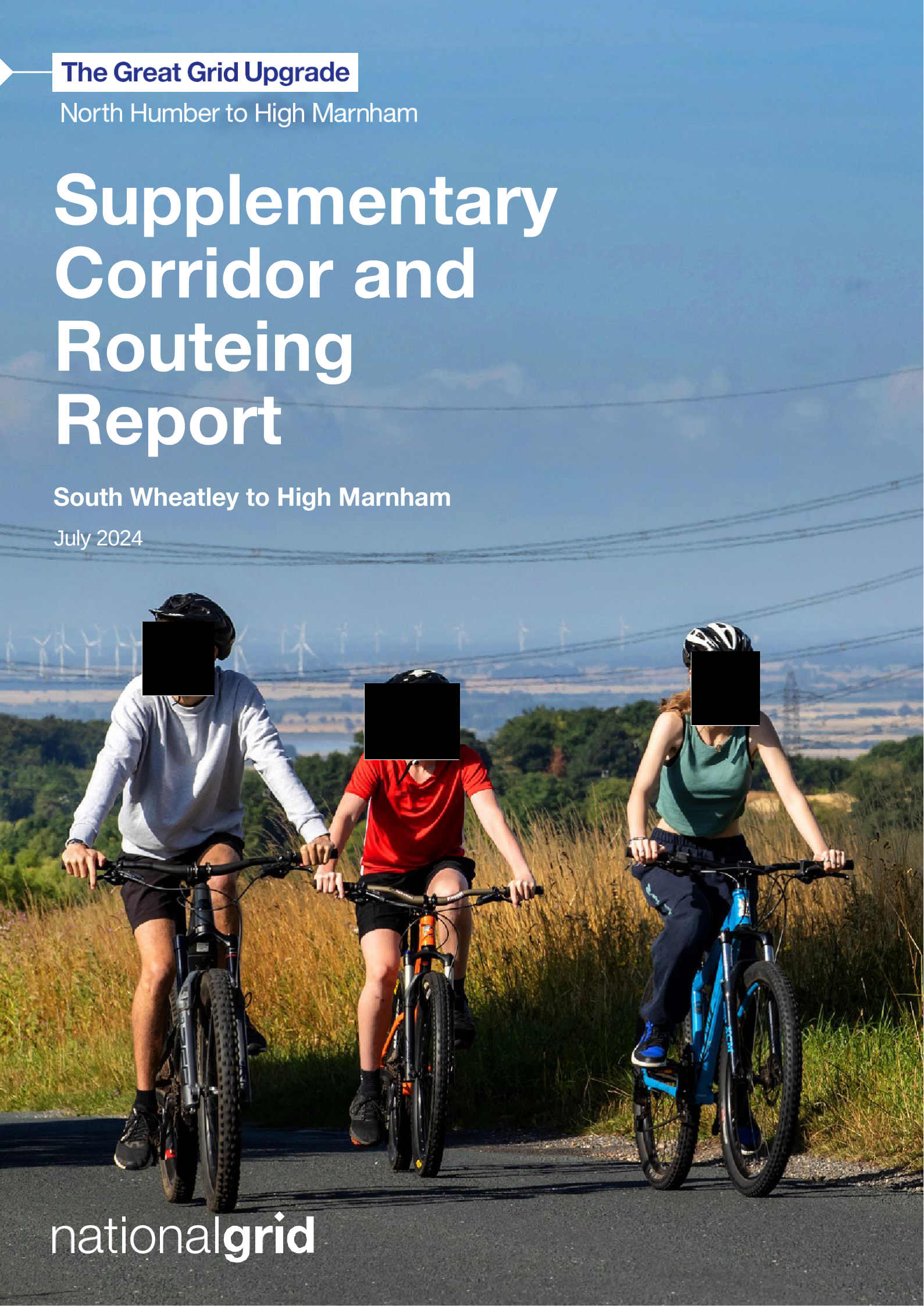
The Great Grid Upgrade

North Humber to High Marnham

Supplementary Corridor and Routeing Report

South Wheatley to High Marnham

July 2024



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Executive summary

National Grid Electricity Transmission plc (NGET) own, build and maintain the high-voltage electricity transmission network in England and Wales. For the purposes of this report NGET is referred to as National Grid. National Grid is responsible for making sure electricity is transported safely and efficiently from where it's produced to where it's needed.

The North Humber to High Marnham Project (the 'Project') is a proposed network reinforcement that is currently being developed by National Grid. The Project, located in the Humber and East Midlands regions, will support the UK's net zero target by reinforcing the electricity transmission network between the north of England and the Midlands and facilitate the connection of planned offshore wind generation and interconnectors with other countries, allowing low carbon energy to be carried on the network.

The reinforcement is needed because National Grid's existing power lines do not have sufficient capacity for all the new sources of electricity that we expect to connect to the network over the next ten years and beyond. Building North Humber to High Marnham, together with other proposals, will help meet this future energy requirement.

National Grid continue to assess and refine the options available in delivery of the Project as a result of feedback received from the non-statutory consultation conducted between 1 June 2023 to 27 July 2023. Consideration of consultation feedback and a subsequent review of the Corridor and Preliminary Routeing and Siting Study (CPRSS) 2023 have led to the identification of a potential alternative corridor between South Wheatley and High Marnham, now referred to as the eastern corridor. This eastern corridor is comprised of some areas of Corridors 2 and 3 from the CPRSS 2023.

This report is the Supplementary Corridor and Routeing Report and has been prepared to support a localised non-statutory consultation on the eastern corridor. To avoid confusion, the section of the 'emerging preferred corridor' located between South Wheatley and High Marnham which was previously consulted on in 2023 is referred to in this report as the 'western corridor'.

For the avoidance of doubt, National Grid has made no decision as to which of the two corridors (eastern or western) in this southern most section of the route should be taken forward. Feedback from both the non-statutory consultation 2023, localised non-statutory consultation 2024 as well as further technical assessments including environmental surveys will be considered when making a decision on the overall preferred corridor and identification of the route alignment ahead of the subsequent statutory consultation.

A graduated swathe has been prepared for the eastern corridor which represents where the Project infrastructure is likely to be located. This will be informed by feedback received during localised non-statutory consultation and therefore there remains the potential for the final design of the Project to extend beyond the graduated swathe. This will be fully considered through the development of the Project, whilst maintaining the principles used to develop the current graduated swathe.

During the localised non-statutory consultation period, National Grid will be inviting feedback from local communities and stakeholders about our work to date, the proposed corridor and graduated swathe and matters that they would like National Grid to have regard to as they further develop more detailed proposals. The feedback from localised non-statutory

consultation, along with information from surveys undertaken to obtain baseline data and ongoing design studies, will inform the further development of the Project.

North Humber to High Marnham is a Nationally Significant Infrastructure Project which means an application for a Development Consent Order will need to be prepared and submitted to the Planning Inspectorate. Ultimately the Secretary of State will be responsible for making the final decision on the application.

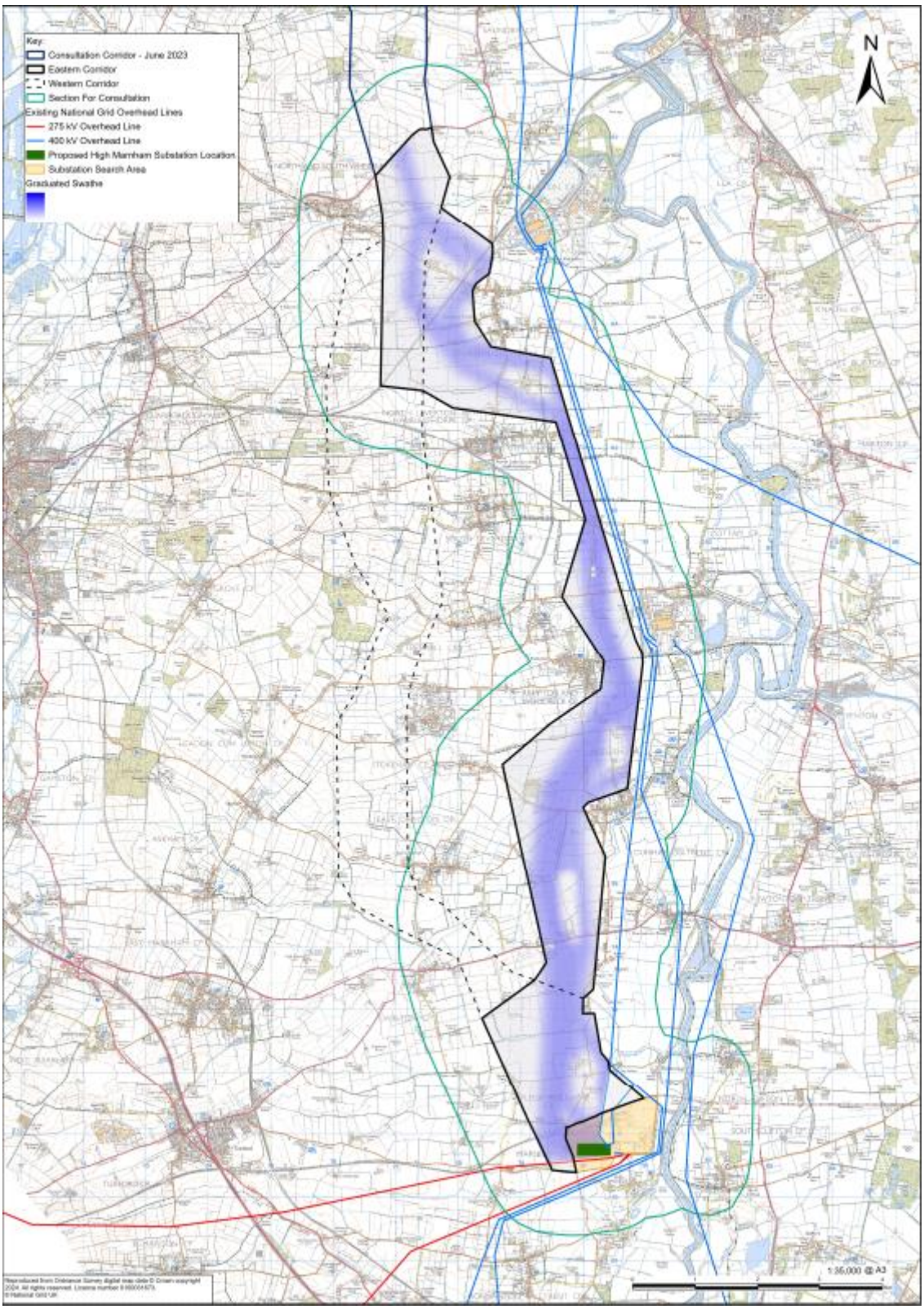


Figure 6-4: Graduated swathe within the eastern corridor

6.8 Appraisal conclusion

6.8.1 On a linear scheme, the Holford Rules may be applied with some flexibility across different locations but must be supported by robust justification. The eastern corridor would position the route in an area already affected by multiple overhead lines and would therefore not alter the character or perception of the landscape and would not

erode tranquillity or rurality. Rule 6, which addresses wirescape, was considered and balanced against spreading the effects of infrastructure across a wider area including areas of unspoilt rural countryside when identifying and appraising the eastern corridor.

6.8.2 The eastern corridor has the potential to have adverse impacts in relation to visual amenity due to the scale of the infrastructure and the potential combination of a new overhead line with existing electricity transmission infrastructure between Sturton le Steeple and Ragnall. However, views are already affected by the existing infrastructure in the Trent Valley.

6.8.3 The Project has the potential to have adverse impacts on historic and ecological sites; however, such impacts could be minimised by careful routeing of the overhead line and siting of pylons.

6.8.4 The majority of the eastern corridor is located within the floodplain of the River Trent, defined by the Environment Agency Flood Zones 2 and 3. Overhead lines can remain operational and safe from flooding over the course the overhead line's lifetime and (accounting for changes anticipated as a result of climate change). Working within a flood zone can pose additional construction challenges and maintenance challenges once operational, namely through potential waterlogging, access restrictions and thus programme delays. Foundations would need to be designed accordingly, as would temporary and permanent drainage mitigation and access routes. The Project can be designed so that there will be no detrimental impacts on flood risk to neighbouring land as a consequence of the Project. National policy EN-1 addresses Flooding and applies a two level approach to allowing development to go ahead, the sequential and exception test are detailed under S5.8.9. and S5.8.10[26].

6.8.5 There may be potential temporary disruption during construction for users of the A57 road network, the Sheffield to Lincoln railway and recreational routes within the corridor. The unlicenced West Burton Airstrip and several proposed solar developments are located partially or fully within the corridor.

6.8.6 Consideration will need to be given to the routeing of the new overhead line and the potential for impacts and interactions with environmental receptors, residential properties, farms and other proposed developments. Consultation with the airstrip and MoD will be required.

6.8.1 From a technical perspective, there are a number of complexities within the eastern corridor including the potential crossing of a NGED 132kV steel lattice overhead line, which would likely require removal of existing pylons and replacing with underground cable and terminal towers with permanent cable sealing end platforms, or permanent re-configuration of the existing overhead line, subject to agreement with NGED.

6.8.2 Triple close parallel routeing may increase technical risk and complexity through restricting the available space for additional infrastructure such as temporary diversions or the placement of machinery to facilitate maintenance of the OHLs.

6.8.3 Foundations would need to be designed accordingly, as would temporary and permanent drainage mitigation and access routes.

6.8.4 Additionally, there are up to two railway crossings which may require additional angle towers to facilitate perpendicular crossings.

[26] NPS Overarching National Policy Statement for Energy 2024.

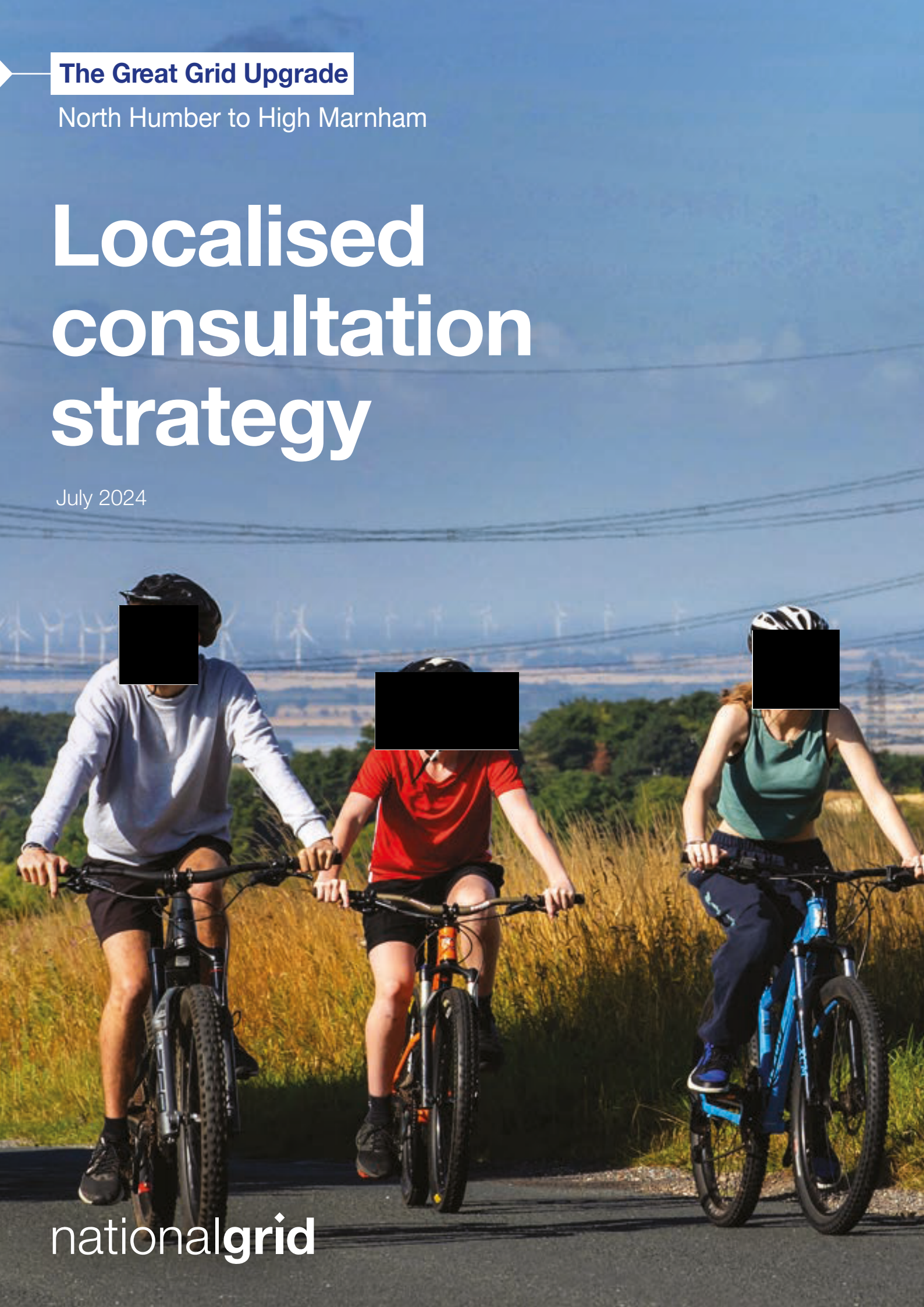
6.8.5 Access limitations may exist for the majority of the eastern corridor due to the absence of main A-roads (excluding the A620 and A57 at the northern and southern ends respectively), the two railway lines and multiple field drains and watercourses.

The Great Grid Upgrade

North Humber to High Marnham

Localised consultation strategy

July 2024



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Online webinars

Table 4: Consultation webinars

Webinar session	Date	Start time
North Humber to High Marnham localised consultation – Our proposals between South Wheatley and High Marnham	Friday 19 July 2024	10am
North Humber to High Marnham localised consultation – Our proposals between South Wheatley and High Marnham	Thursday 25 July 2024	7pm

Team call-back

Stakeholders will be able to request a telephone call from a member of the project team if they would prefer to ask questions over the phone. This provides an alternative option for those who may have restricted access to other engagement channels or are less comfortable with online technology.

Providing feedback on our proposals

We want to make providing feedback on our proposals as easy as possible for all stakeholders. Paper copies of the feedback form will be available at information points along the route and at public information events (as previously listed). Visitors to our project website will be able to fill out and submit a feedback form online or download the PDF form and send it back directly via email or the Freepost address.

Members of the public will also be able to telephone our freephone contact number and request a paper copy of the feedback form, and a Freepost envelope, enabling them to send their feedback to the project team free of charge.

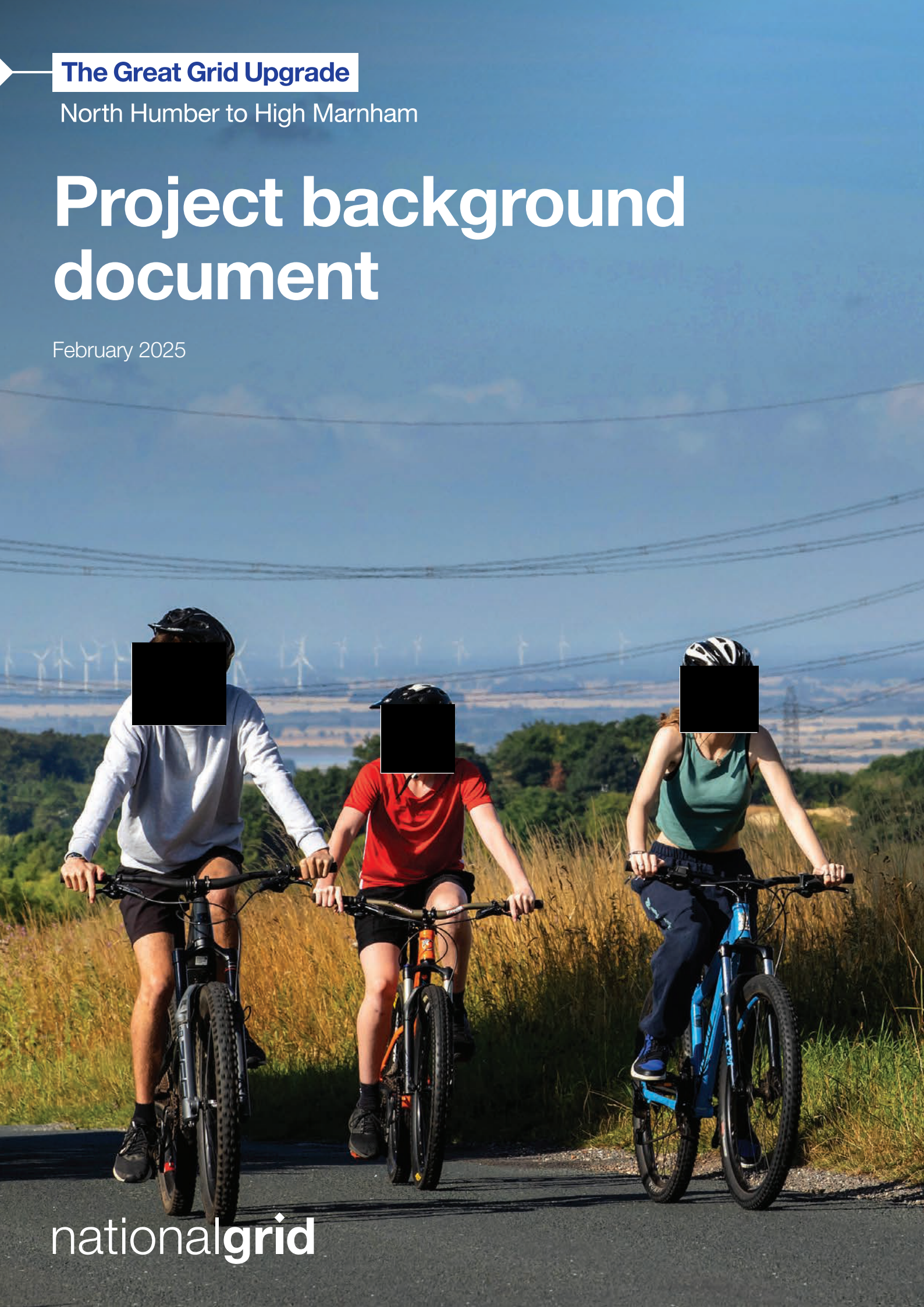
We will review all feedback following the close of consultation and this will be used to inform the development and refinement of our proposals, alongside further assessment and survey work. All feedback provided will be responded to in the Non-Statutory Consultation Feedback Report, which will be published as a part of the stage two (statutory) consultation in early 2025. The Non-Statutory Consultation Feedback Report will report on feedback from both the 2023 and 2024 consultations.

The Great Grid Upgrade

North Humber to High Marnham

Project background document

February 2025



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Our proposals

This section describes our proposals for a new high voltage electricity transmission line and associated works between the new Birkhill Wood substation north of Hull at Creyke Beck in East Riding of Yorkshire and the new High Marnham substation in Nottinghamshire.

This includes a new 400 kilovolt (kV) electricity transmission connection of an overall length of approximately 90 km between two proposed new substations, Birkhill Wood 400 kV substation and High Marnham 400 kV substation.

This proposed reinforcement is required to increase the capability of the electricity transmission network between the north of England and the Midlands. It is also needed to facilitate the connection of proposed new offshore wind farms that are planned in the area.

In our non-statutory consultation held in 2023, we introduced the need to build new electricity transmission infrastructure in the area and presented a 'corridor' showing where the new infrastructure could be built. In 2024 we held a localised non-statutory consultation on a potential alternative corridor known as the 'eastern corridor' between South Wheatley and High Marnham.

Following each consultation we have carefully considered all the feedback received and used it to help inform decisions on the overall preferred corridor and preferred alignment that we are now seeking your views on. We've summarised the process for identifying the preferred alignment in this section, and any changes to the corridor presented at our non-statutory consultation. More information is available in the Design development report.

At our non-statutory and targeted non-statutory consultations, we showed a preferred option corridor. This included a graduated swathe, which indicated an area within which the overhead line could be routed. The corridor area was darker where an alignment was more likely, and lighter where it is less likely.

As part of our statutory consultation, we have developed our preferred option corridor into a preferred route alignment. Where our preferred route alignment deviates from the corridor shown previously, we have explained the reason(s) for the change.

South Wheatley to High Marnham corridor decision

Following our non-statutory consultation in 2023, we reviewed all consultation feedback and undertook a review of our technical work[4] on the corridor route and siting to take into account new information, including consultation feedback and design and assessment work. As a result of this further work, we identified a potential alternative corridor referred to as - 'the eastern corridor' - in the southernmost section of the route, between the villages of South Wheatley and High Marnham. For ease of reference, the section of the emerging preferred corridor between South Wheatley and High Marnham presented during non-statutory consultation in 2023 is referred to as the 'western corridor'.

A localised non-statutory consultation was held in July and August 2024 to obtain feedback on the eastern corridor. To support and inform the localised non-statutory consultation events, an appraisal was undertaken on the eastern corridor which covered a range of criteria such as environmental, socio-economic, technical and cost factors[5].

Further technical and environmental assessment work, together with feedback from both the 2023 and 2024 consultations has informed a decision on the overall preferred corridor between South Wheatley and High Marnham, within which the preferred alignment has been identified and presented for this statutory consultation.

Whilst there would be some reduction in landscape and visual effects routeing within the eastern corridor, largely due to the existing baseline being defined by the presence of existing energy transmission infrastructure, in the absence of landscape designations in either eastern or western corridors it is not considered that the western corridor is unfeasible. Routeing within the western corridor would help to avoid the potential for adverse cumulative impacts with the existing converging and diverging overhead lines as originally concludes in the CPRSS and in accordance with Holford Rule 6. As it is not feasible for the new overhead line to run parallel with the existing overhead lines in the Trent Valley due to existing constraints, any visual benefits associated with a continuous triple parallel alignment in this location cannot be achieved through routeing in the eastern corridor.

Large sections of the eastern corridor are within areas of flood zone 3, compared to the western corridor, which has almost no areas at higher risk of flooding. Routeing within the eastern corridor could increase the risk of programme delays should flood events occur during the construction period and working restrictions be required. Routeing within areas at higher risk of flooding would also likely require complex foundation designs which increases technical complexity resulting in possible programme delays and increase in cost.

The increased presence of consented renewable developments within the eastern corridor compared to the western corridor increases costs from a land rights and compensation perspective due to the need to negotiate with landowners and developers who may have already incurred capital expenditure related to their consented projects. Compensation may be required not only for restrictions on the future development potential of these projects but also to account for investments already made, such as planning, infrastructure, and preliminary construction costs.

National Grid develops its projects in accordance with its statutory duties under the Electricity Act 1989 to be economic, efficient and have regard to the environment and amenity and national planning policy. When balancing the technical, environmental, socio-economic and cost considerations it was considered the western corridor is preferred and would best meet National Grid's duties and obligations.

Further detail on the South Wheatley to High Marnham corridor decision can be found in the Design development report.

[4] More information can be found in the Supplementary corridor routeing report (SCRR) on the Document library section of our website **nationalgrid.com/nh-hm**.

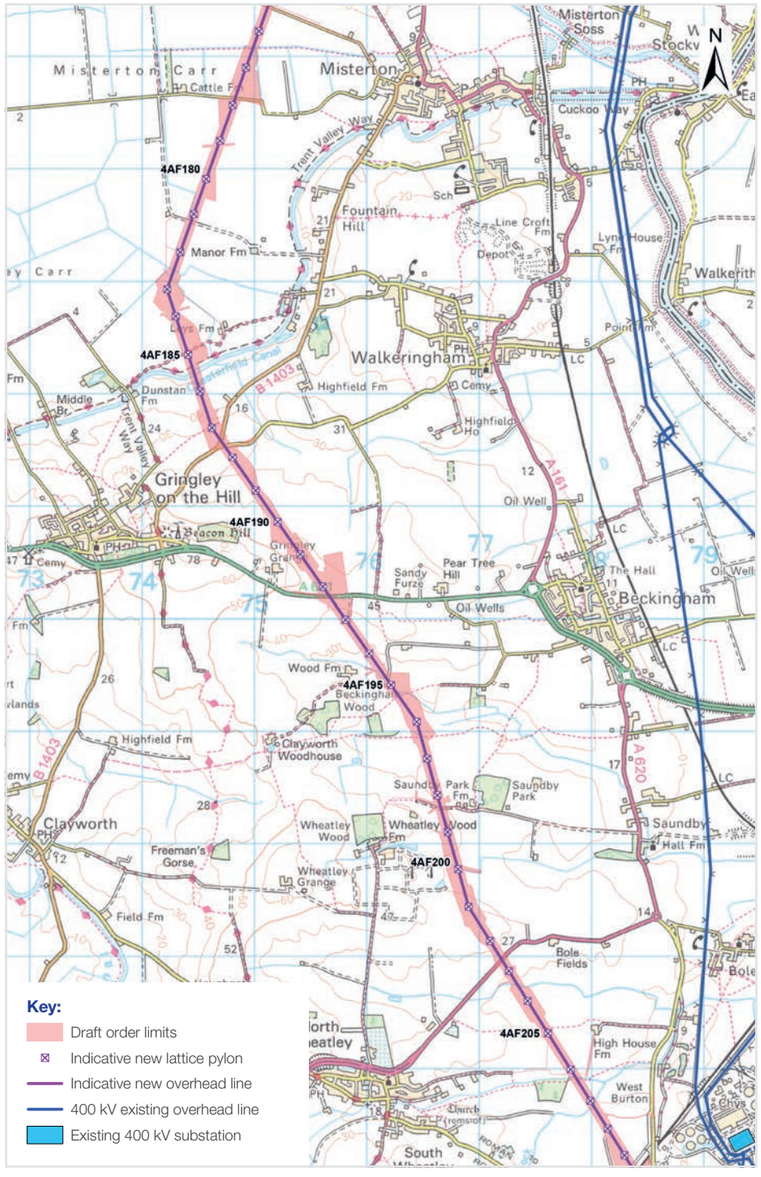
[5] More information can be found in the Corridor preliminary routeing and siting study (CPRSS) on the Document library section on our website at **nationalgrid.com/nh-hm**.

Route section 9
Chesterfield Canal - A620

From the start of Route section 9 at the Chesterfield Canal the preferred alignment is routed in a general southeasterly direction for approximately 6 km to the east of the settlements of Walkeringham and Beckingham and east of the settlement of Gringley on the Hill to the end of the Route Section at the A620. The preferred alignment crosses the B1403, Walkeringham Road, A63 and Wood Lane.

Changes in Route sections 8 and 9 following the non-statutory consultation

The preferred alignment would extend outside of the graduated swathe and across the Carrs area to the north of Gringley. This change has been made to reduce landscape and visual impacts, including to residential amenity, views and local tourism businesses.



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Route section 10
A620 - Fledborough

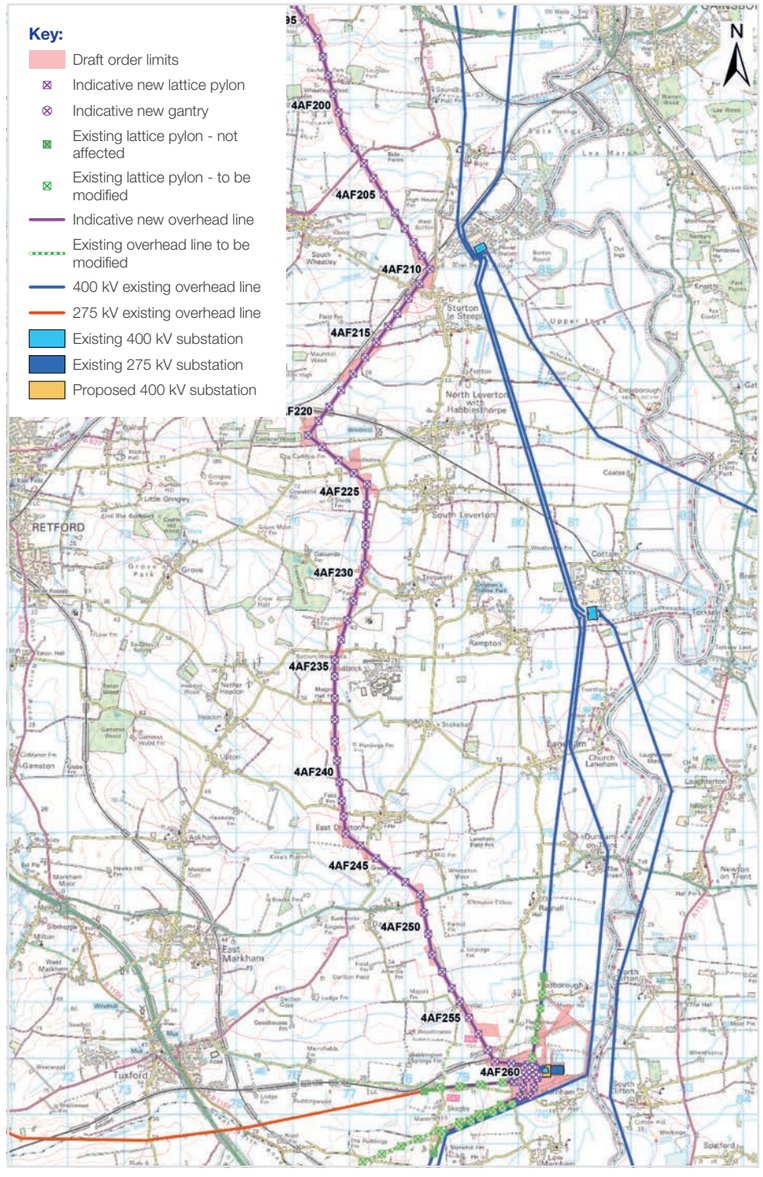
From the start of Route section 10 at A620 Gainsborough Road the preferred alignment is routed southeast to the east of North and South Wheatley for approximately 2.3 km to proposed pylon 4AF209 to the north of Sturton le Steeple.

Changes in Route section 10 following the non-statutory and localised non-statutory consultations

Following the localised non-statutory consultation in 2024 the 'eastern corridor' was discounted and the emerging preferred corridor as presented in 2023 was taken forward for development of the preferred alignment.

The preferred alignment would route to the east, outside the emerging preferred corridor (presented at our non-statutory consultation) to the north of Sturton-le-Steeple, and broadly equidistant between Wheatley and Bole.

This change has been made to avoid interactions with the existing 132 kV overhead line and Wood Lane solar farm which would be unavoidable if the alignment had been within the emerging preferred corridor.



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The Great Grid Upgrade

North Humber to High Marnham

Design Development Report

February 2025



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Overall corridor decision between South Wheatley to High Marnham

5.3.42 Further technical and environmental assessment work, together with feedback from both 2023 and 2024 consultations has informed a Project decision on the overall preferred corridor between South Wheatley and High Marnham.

5.3.43 The eastern and western corridors present different challenges and opportunities for a number of environmental and socio-economic topics as summarised above. Neither the eastern nor western corridors are considered to be unfeasible.

5.3.44 Consultation feedback from both the non-statutory consultation and localised non-statutory consultation commented on a range of local features and noted concerns associated with the eastern and western corridors. Feedback from both consultations is summarised and responded to in the non-statutory consultation feedback report. No feedback received during either consultation provided information to suggest a route within either the eastern or western corridors between South Wheatley to High Marnham would be unfeasible and no clear preference emerged.

5.3.45 Whilst it is recognised there are landscape and visual opportunities to reduce potential effects by routeing within the eastern corridor, largely due to the existing baseline being defined by the presence of existing energy transmission infrastructure, in the absence of landscape designations in either eastern or western corridors it is considered that routeing a new overhead line in either corridor would comply in principle with relevant landscape and visual planning policy.

5.3.46 To realise the full benefits of routeing closer to the existing overhead lines in the Trent Valley, thereby keeping new and existing infrastructure within the same corridor it would be necessary to close parallel with the existing overhead lines for the duration. Due to the need to accommodate sufficient stand-off distance from the existing overhead lines and the presence of a number of existing villages, isolated residential properties and features to the west of the existing overhead lines, a triple close parallel alignment can only be achieved for the sections of the route between North Leverton with Habblesthorpe and South Leverton and between Rampton and Laneham.

5.3.47 It is concluded that routeing within the western corridor would help to avoid the potential for adverse cumulative impacts with the existing converging and diverging overhead lines as originally concluded in the **CPRSS 2023** and in accordance with Holford Rule 6.

5.3.48 When considering flood risk the western corridor is preferred as this avoids an extensive area at high risk of flooding within in the eastern corridor. A route within the western corridor also presents an opportunity to limit traffic impacts during construction as the eastern corridor is further from the main access routes to the west there is the potential for a greater impact from construction traffic through a number of settlements.

5.3.49 Whilst there was a combination of factors including benefits and disbenefits of both the eastern and western corridors from an environmental and socio-economic perspective, it is considered a route within the western corridor remains feasible and policy compliant. In addition, some potential environmental impacts are likely to be reduced by routeing in the western corridor (compared to the eastern corridor) including a number of cultural heritage assets, socio-economic impacts on a number of affected communities and solar farms. Temporary construction phase benefits could be achieved with the western corridor by avoiding routeing through Flood Zones and routeing closer to main access routes to the west.

5.3.50 It is acknowledged that a route within the eastern corridor would keep the new overhead line further east from designated sites including Treswell Wood SSSI and Local Nature

Reserve (LNR). However, it is not considered a route within the western corridor would lead to significant adverse effects on the SSSI. National Grid will continue to engage with relevant consultees such as Natural England regarding any potential impacts on ecological designated sites and discuss any mitigation which may be required.

5.3.51 It is also recognised that a route within the eastern corridor would be preferred by the operators of a number of unlicenced grass airstrips. National Grid, with the support of a specialised aviation advisor, will continue to engage with aviation interests as the Project develops to understand and discuss remaining concerns.

5.3.52 Overall, a route within the western corridor is preferred from a technical perspective due to the increased risks associated with engineering complexity during both construction and maintenance, increased safety risks and high risk to programme delay. The exception to this is in the West Burton area where it is technically preferred to route briefly outside of the western corridor.

5.3.53 Routeing in the eastern corridor has the potential to introduce additional costs due to the increased likelihood of requiring complex foundation designs and seasonal working restrictions due to the eastern corridor containing a large area of Flood Zone 3.

5.3.54 Routeing within the eastern corridor is also likely to result in increased interactions with third party developments, including a number of planned or consented solar farms which could result in increased compensation costs. Where possible and subject to consideration of other constraints and factors, it is preferable to avoid or minimise interactions with third party developments.

5.3.55 National Grid develops its projects in accordance with its statutory duties under the Electricity Act 1989 to be economic, efficient and have regard to the environment and amenity and national planning policy. On balance it is considered the western corridor is preferred and would best meet National Grid's duties and obligations.

5.3.56 Overall, the western corridor emerging preferred corridor (i.e. emerging preferred corridor as presented during the non-statutory consultation 2023) is considered to offer the most appropriate balance between environmental, socio-economic, technical and cost considerations.

5.4 Summary of preferred alignment routeing outside of emerging preferred corridor

5.4.1 The following sections provide a high-level overview of the changes made outside of the emerging preferred corridor, following a review of feedback received during non-statutory consultation, the localised non-statutory consultation and further technical assessment work.

Route Section 2 Skidby to A63 dual carriageway

5.4.2 As a result of further technical assessment work the preferred alignment routes to the north outside the emerging preferred corridor in Route Section 2, to the west of Skidby.

5.4.3 This routeing avoids existing 11kV and 33kV wood pole overhead lines near Little Weighton Road, whilst increasing stand off to the Northern Gas Networks (NGN) high pressure gas pipeline and minimising construction and operational challenges with siting pylons and 400kV overhead cables in close proximity to the high pressure gas pipeline. Furthermore, this routeing provides greater opportunities for a straighter



September 2025

Electricity Transmission Design Principles

Consultation on Principles

NESO
National Energy System Operator

SP2 Environment, Community and Sustainability

Good transmission design understands, assesses, and improves environmental and social outcomes wherever feasible, embedding sustainability considerations at every stage:

- Protect or seek to avoid landscapes, environments and amenities of cultural and community importance, and actively reflect the views of communities and stakeholders wherever practicable.
- Use innovative technology and approaches, where appropriate, to further avoid or minimise environmental and social impacts and to offset residual effects.

SP3 Economics and regulation

Good transmission design delivers value for existing and future consumers by supporting regulatory targets:

- Promote economic, efficient and co-ordinated infrastructure designs and technologies, and support effective project delivery, improving lifetime efficiencies wherever feasible.
- Use innovative technology and approaches, where appropriate, to further efficiency and co-ordination, and to hasten the achievement of the Government's decarbonisation targets.

T1	**Consider the technical feasibility, economic, environmental, community, deliverability, and operability characteristics of all options to deliver the required transmission capacity and address future development need, including both onshore and offshore solutions where appropriate.**

Rationale

Section 9(1) of the UK Electricity Act 1989 places upon any electricity transmission licence holder the duty to "develop and maintain an efficient, co-ordinated and economical system of electricity transmission". This obligation is reflected in Condition B.7 of the Electricity Transmission Standard Licence Conditions (19 10 2021), with which all UK transmission owners must comply. At the same time, Schedule 9 of the same Electricity Act places a duty on the licence holder to preserve amenity: to "have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and" … "shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects." Alongside these factors, transmission asset designers must ensure that people and communities are also considered.

Meeting this diverse set of requirements is a significant challenge for any transmission asset designer. The design of new transmission assets, such as overhead lines and underground cables, along with the selection of their preferred development options, involves many, sometimes conflicting, factors. In order to identify the most appropriate solution, designers should consider a broad range of feasible options, onshore and offshore, against the full range of requirements.

These feasible options should explicitly include consideration of future development needs. Designing for the future may involve moderately higher upfront costs but can deliver long-term savings by avoiding the need for repeated interventions. It also enables faster deployment of

Design considerations

- Transmission capacity need (the need for additional power transfer capability that justifies the new development in the first place).
- Technical (such as the reliability and robustness of the proposed solution, ensuring compatibility with existing and future infrastructure and technology).
- Operability (such as ease of operation and maintenance, flexibility and scalability for future upgrades, and resilience to adverse conditions e.g. wind, snow, pollution).
- Deliverability (such as the feasibility of the site for construction, availability of materials and equipment, technology readiness level of the solution and system access impacts of any outages required).
- Environmental (such as national landscape, ecological and heritage designations, hydrology and natural carbon stores).
- Community (such as visual impact, cultural heritage, amenity, current land uses and settlement dispersion).
- Economical (such as capital costs, operational costs and performance).
- Holistic system needs (such as ensuring all factors are carefully balanced across all options to achieve the optimal overall solution, coordinate with other parts of the transmission network, and with other energy vectors).
- Future development needs (such as those defined through network planning processes).
- Opportunities to install higher voltage equipment and operating at a lower standard voltage in the interim.



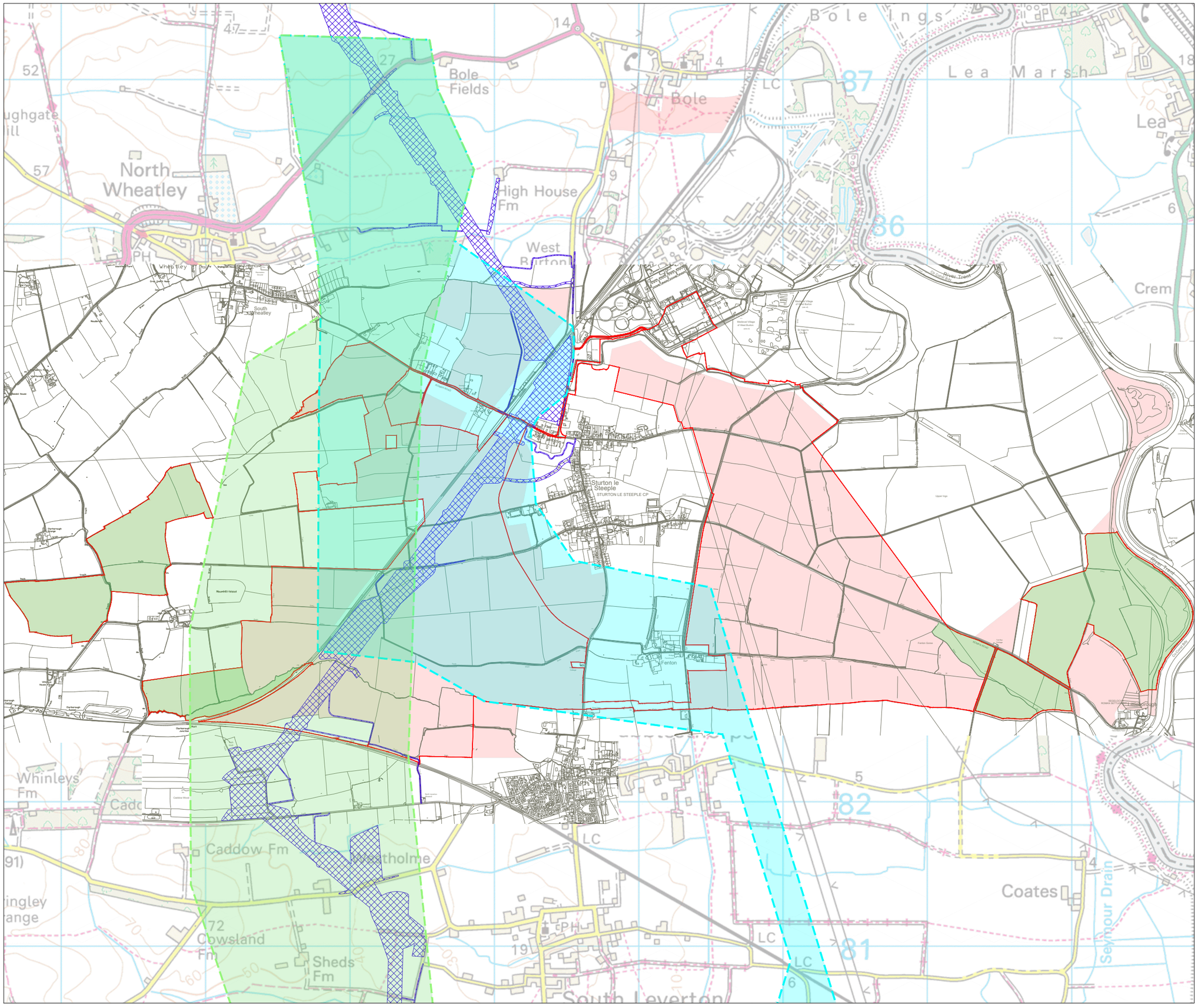
T1	Consider the technical feasibility, economic, environmental, community, deliverability, and operability characteristics of all options to deliver the required transmission capacity and address future development need, including both onshore and offshore solutions where appropriate.
future infrastructure and reduces disruption to communities and the environment over time. The level of detail that goes into considering each option should be proportionate to its potential to meet the project's objectives and support a comprehensive and balanced evaluation to ensure the preferred option(s) is (are) robust and justifiable.	

References

- National Policy Statement for Electricity Networks EN-5, the Department for Energy Security and Net Zero (DESNZ), March 2023, Paragraph 1.1.7, Sections 2.7, 2.8
- UK Electricity Act 1989, Gov.uk, Section 9(1) and Schedule 9
- Electricity Transmission Standard Licence Conditions, Ofgem, June 2025, Condition B.7

Appendix 3:

Drawing Number 04954-RES-LAY-DR-LE-034 Rev 2.



BING MAPS AERIAL IMAGERY
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KEY:

STEEPLE RENEWABLES PROJECT

- ORDER LIMITS (2025)
- MITIGATION AREA
- LAND UNDER CONSIDERATION (2023)

NORTH HUMBER HIGH MARNHAM (NHHM)

- STATUTORY CONSULTATION BOUNDARY - NGET
- WESTERN CORRIDOR - NGET
- EASTERN CORRIDOR - NGET

NHHM COMBINED
SHEET 10 OF 10

ISSUE	DRAWN	CHKD	APPD	DATE	REVISION NOTES
2	FG	JW	WB	05/11/2025	Minor amendment (Key, NHHM corridors)
1	FG	JW	WB	29/10/2025	First Issue

PURPOSE: OTHER	SCALE @ A3: 1:25,000
LAYOUT DRAWING: N/A	T-LAYOUT NO: N/A
COORDINATES: OSGB36/BNG (EPSG:27700)	
PROJECT TITLE: STEEPLE RENEWABLE PROJECTS	
DRAWING TITLE: ORDER LIMITS AND SURROUNDING PROJECTS	
DRAWING NUMBER: 04954-RES-LAY-DR-LE-034	REV: 2

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POWER FOR GOOD

Steeple Renewables Project

Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 2: Response to ExQ1 7.0.4

January 2026



Note – This document should be read together with the following supporting document submitted at Deadline 2:

Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 1 : Analysis of NGET Assessments 2023 to 2025

As part of the ongoing engagement between the applicant and NGET an approach to updating the ExA on progress in relation to the interactions has been agreed by which the applicant will provide detailed written answers to ExQ1 7.0.4 at Deadline 2 with supporting information where necessary and NGET will answer that material with its position in writing at Deadline 3. If an ISH is then required by the ExA on the subject in week commencing 9 February that written material from Deadlines 2 and 3 will then form the basis of the issues to be addressed by the parties in that hearing.

1 THE EXAMINING AUTHORITY'S WRITTEN QUESTION/REQUEST FOR INFORMATION (ExQ1)

1.1 Q7.0.4 of ExQ1, addressed to the applicant and National Grid reads as follows:

With regard to the proposed NHHM NG scheme, referred to briefly in the Interrelationships with other National Infrastructure Projects (REP1-012), pls update the ExA on progress to date and proposed next steps regarding:

- *impact upon the developable area;*
- *alignment of the NHHM scheme;*
- *agreeing protective provisions; and*
- *contingency plans if agreement cannot be reached between the parties.*

2 THE APPLICANT'S RESPONSE TO ExQ1 Q7.0.4

2.1 The applicant provides an answer to each limb of Q7.0.4 below. Two primary concerns will be apparent from those detailed answers:

(a) Routing – the applicant maintains the position that it has held consistently in all its dealings with NGET on NHHM, that the proposed OHL should follow an alignment to the west of the railway line and in doing so cause substantially less adverse impacts to the applicant's proposed development by a design that is otherwise environmentally acceptable; and

(b) Protective Provisions to protect future assets – although not yet finally agreed, there is no disagreement in principle between the parties over the need for protective provisions in respect of *existing* NGET assets that could be affected by the Proposed Development. However, fundamental disagreement exists over extending those protections to *future* NGET assets, the location, design and timing of which are presently uncertain and which will remain uncertain into the future, beyond determination and potentially implementation of the DCO for the Proposed Development.

2.2 In respect of alternative routing to the west of the railway line, the principal landowner in that area (who is also the principal landowner for the Proposed Development to the east of the railway) has proposed an alternative route to NGET that would deliver a straight line route between towers 4AF202 and 4AF221 (the "Landowner Alternative Route" or "LAR"). That route was communicated to NGET on 15th December 2025. For the purposes of the comparative assessment below, the applicant has used this route in its calculations on impacts to the Proposed Development to compare to the impacts of NGET's currently preferred alignment to the west of the railway.

2.3 ExQ1 Q7.0.4, Limb 1: Impact upon developable area

2.4 The following answers are provided on the assumption that NGET's currently preferred route is adopted. These figures are drawn from NGET's own calculations of land areas directly affected. Whilst the applicant reserves its position to provide separate calculations should a difference between the parties become apparent on any point, to date on the propositions listed below the applicant's calculations (of land areas directly affected) broadly align with those of NGET. For the reasons set out below, the applicant sees these areas as minima that will be affected. There are no reasons to suggest the areas could be any smaller, with unforeseen circumstances tending to increase them. Agreement by the parties on the areas directly affected does not extend to agreement on the practical and commercial consequences of those areas being affected.

(a) The total area comprised in NGET's currently preferred route, represented by the area of NHHM's proposed order limits that overlap with the Proposed Development's Order Limits is 40.48ha (100.05ac)

(b) The total footprint of NHHM permanent development plus minimum set-off areas required by NGET within the Proposed Development's Order Limits would result in the following area of land being permanently sterilised from development: 14.89ha (36.81ac)

(c) The practical consequence of the above is that further areas would then also become sterilised because of the inefficiency in attempting to develop what are in effect stranded areas, lying between the NHHM OHL and the railway. In aggregate with (b) above, the total area sterilised from development within the Proposed Development's Order Limits would be 50.23ha (124.14ac).

(d) The consequential effect of the figure in (c) above on loss of energy generation would be 49.9MW or a yield over the lifetime of the project (40yrs) of 1899.1 GWh/yr.

(e) The commercial impact on the Proposed Development from the figure in (c) above would be a loss of circa £2.6m/year in revenue, assuming average revenues of £54/MWh (real 2025) per annum. That is a loss in respect of which NGET is not proposing any compensation. It also assumes a binding commitment by NGET to its currently proposed alignment and no delay to the Proposed Development's currently anticipated construction timescale.

2.5 The figures provided above are compared below with the anticipated impacts in the event the NHHM alignment followed the LAR. These are the applicant's figures as NGET has not undertaken these calculations.

(a) The total area comprised in assumed NHHM LAR order limits that overlaps with the Proposed Development's Order Limits is 12.05ha (29.79ac)

(b) The total footprint of NHHM permanent development plus minimum set-off areas required by NGET within the Proposed Development's Order Limits from the assumed NHHM LAR order limits would result in the following area of land being permanently sterilised from development: 5.33ha (13.18ac).

(c) There are unlikely to be any significant further areas would then also become sterilised because of the inefficiency in attempting to develop what are in effect stranded areas, lying to the west of the NHHM OHL

(d) The consequential effect of the figure in (b) above on loss of energy generation would be 5.9MW or a yield over the lifetime of the project (40yrs) of 269.1 GWh/yr.

(e) The commercial impact on the Proposed Development from the figure in (b) above would be a loss of circa £0.4m/year in revenue, assuming average revenues of £54/MWh (real 2025) per annum. That is a loss in respect of which NGET is not proposing any compensation. It also assumes a binding commitment by NGET to the LAR and no delay to the Proposed Development's currently anticipated construction timescale.

2.6 Effects of uncertainty in extent of land affected by NHHM and timings of development.

2.7 The figures presented above do not represent the worst-case impacts to the Proposed Development. As is apparent from NGET's Relevant Representation, NGET seeks protection over not just its presently proposed order limits but also to any variation of these in the future. The only constraint proposed by NGET is that the protection should be for an OHL between North Humber and High Marnham substations. If granted, that protection would extend to variations to the NHHM alignment before submission of a DCO application and to any variation of that scheme once consented, even if a further DCO application were required.

2.8 With regard to uncertainty in construction programme and effect on the Proposed Development, the applicant's understanding of the NHHM proposed construction timings is that land within the NHHM Order Limits will not be accessible between September 2028 (earliest access date) and October 2030 (last activity date). This would have the resulting impact upon the Proposed Development:

(a) The solar installation in the western half and the medium voltage interconnection would be directly affected in their entirety as the primary compound and site access, required for constructing the western half, falls within the NHHM order limits.

(b) The Proposed Development's civil works are scheduled to start in May 2028, with solar mechanical installation beginning in July 2028 and electrical works in September 2028. The applicant's assumption is that both halves of the project would be built in parallel meaning that for the western half there could be only limited enabling works before a pause in development. That would be a loss of up to some 16 months' work (accounting for mechanical, electrical, interconnection and commissioning) and the western half only be able to start construction after October 2030.

(c) Since the site cannot be fully energized and commissioned until both halves are complete, the outage period would push energization back from October 2030 by 16 months to February/March 2032 with completion

(COD) around August to September 2032. The current programme assumes COD being achieved in April 2030, so this would represent an overall project delay of 28/29 months, i.e. well in excess of two years.

2.9 Even this delay figure should not be considered the worst case as it is the delay period calculated on the dates that NGET has supplied to the applicant. Those dates are however caveated by reference to detailed design and matters such as seasonal restrictions. NGET gives these as reasons why the programme may be amended in future, which the applicant interprets to mean potentially lasting longer and/or starting later. No contingency has been identified between the parties that could be added to the above figures to represent these unknown factors, which leads the applicant to the conclusion that the delay figure is at large and not one for which NGET proposes any upper limit.

2.10 The commercial impacts of this uncertainty as to the final route, detailed design and programme of the NHHM project are different depending on the alignment pursued

(a) Assuming **NGET's preferred alignment** – movement further westwards towards the railway is considered unlikely because of NGET set off distances from the railway. Any movement further eastwards would increase the sterilised areas by an unknown amount. The risk for the developer of the Proposed Development lies in the inability to fix upon a final design envelope while there is a continuing possibility of further areas lost to development.

Delay in construction by a period of in excess of two years inevitably substantially delays the ability of the development to achieve its objective of contributing to the urgent national need for low carbon electricity generation. It also delays by a substantial period any final investment decision (FID) in the project, until these major uncertainties are resolved or capable of finite estimation. During that delay period, delivery of the entire project remains at risk, as is the nature of any postponement of FID.

In its response to ExQ1 2.0.5 the applicant addresses the question of what consequences delay in construction might have for the Proposed Development's grid connection offer. That answer includes reference to a two month grace period that an applicant has before NESO can act upon any missed connection date, which is obviously a much shorter period than the potential delay being referred to above.

(b) Assuming **the LAR alignment** – As with the comment at 2.10a above, any movement further eastwards could increase the sterilised areas by an unknown amount however whatever that worst case was, it would remain

something a developer can more easily accommodate in its build programme than uncertainty in land take to the east of the railway.

Similarly with delay, as the area to the west of the railway line can be developed without consequential delay to the areas east of the railway there is no delay risk to any area east of the railway. These areas can be developed and energised while areas to the west of the railway follow a design and construction programme that accommodates the needs of NHHM.

2.11 ExQ1 Q7.0.4, Limb 2: Alignment of the NHHM scheme

2.12 In this section of its response, the applicant will set out the design history of the NHHM alignment as it has evolved through various stages of consultation. The applicant's consultation responses are included below for completeness and, as referenced above, from December 2025 there is a specific western alignment proposed, the LAR, against which detailed comparisons of route impacts on the Proposed Development can be made.

2.13 However, whilst the applicant has consistently made clear its preference for a western route with supporting reasons, it is important to be clear on NGET's own process of assessment and route refinement. It is NGET that is seeking project specific protections on the face of the DCO for the Proposed Development to protect its currently preferred route, accordingly the onus lies on NGET to justify why it is appropriate to impose its proposed protective provisions, the effect of which would be to delay and sterilise a key part of the Proposed Development.

2.14 The applicant has sought to narrate a path through NGET's past assessment work, which is presented in the standalone document *Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 1 : Analysis of NGET Assessments 2023 to 2025*.

2.15 A brief synopsis of that report is presented in paragraphs (a) to (c) below for ease of reference:

(a) **June 2023 Non-Statutory Consultation.** This consultation was based upon NGET's evidence-based route options assessment. It was supported by NGET's FEED Contractor and environmental and landscape specialists. By this process a *western corridor* was identified as the emerging preferred option after a balanced appraisal of environmental, technical, socio-economic and cost considerations.

In terms of interactions with the Proposed Development, this corridor lay to the west of the railway, avoided key settlements and minimised impacts on proposed energy projects. Whilst maintaining appropriate separation

from existing overhead lines it accepted as a routine interaction the possibility of crossing overhead lines. The western corridor was considered by NGET to represent the optimal balance of constraints.

(b) **July 2024 Localised Consultation.** In July 2024, NGET introduced a potential *eastern corridor* as an alternative for assessment albeit in doing so it expressed no preference for that eastern route over the western route.

(c) **February 2025 Statutory Consultation.** In this consultation, so far as it affected the Proposed Development, despite NGET discounting the eastern corridor over the majority of the proposed NHHM route, NGET advanced a "hybrid" route that deviates eastwards from the western corridor as it approaches the Proposed Development from the north. Two principal reasons were given for doing so, to avoid interactions with an existing 132 kV line and the Wood Lane Solar Farm. The acceptability of wider environmental considerations of this western corridor remained unchanged from NGET's June 2023 non-statutory consultation assessment. It is this eastward deviation that takes the NHHM alignment to the east of the railway and through the most densely developed western half of the Proposed Development.

2.16 The principal reasons advanced by NGET for the hybrid route are operational/engineering-based, not environmental. The first contradicts the earlier 2023 statements that crossings of 132 kV lines were *routine* and *unavoidable*. The second reason which purportedly treats other proposed developments as relevant constraints fails to give any consideration to the Proposed Development, despite it being public since October 2023.

2.17 In addition to the hybrid route unnecessarily sterilising land within the Proposed Development order limits that would otherwise be contributing to UK national decarbonisation targets, that approach fails to account for proposed development contrary to Holford Rule 7's supporting Notes.

2.18 It also fails to meet NESO's emerging Route Planning Principle T1, which requires consideration of future development needs, including renewable generation.

2.19 Detail on the Holford Rules and NESO's emerging Route Planning Principles can be found in *Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 1 : Analysis of NGET Assessments 2023 to 2025*.

2.20 The full text of the applicant's responses to each of the consultation stages described above can be found in Appendices 1 to 3 of this document. These show a consistent and clear message from the applicant to NGET that routing to the

west of the railway was preferable and that routing to the east would be especially damaging to the Proposed Development.

2.21 The applicant recognises that commentary on the detail of the NHHM alignment is unusual in that it is addressing an NSIP that is not before this Examination. Were NHHM presently in examination, the applicant would of course be making these points as part of that process. However, NHHM is not in examination and NGET's approach of seeking protective provisions to protect future assets within the DCO of the Proposed Development means that the applicant necessarily has to make these points now.

2.22 ExQ1 Q7.0.4, Limb 3: Agreeing protective provisions

2.23 The applicant contends there is a clear distinction between protective provisions for existing assets (which the applicant remains confident will either be capable of resolution or in respect of which each party can clearly set out their preferred formulations) and protective provisions to protect future assets/projects.

2.24 Negotiations on the detail of protective provisions in respect of existing assets are ongoing between the parties but it is the applicant's belief that there are no outstanding issues in relation to these that need to be examined in detail by the ExA in an ISH and so they are not commented on further here.

2.25 In respect of future asset protection attached at Appendix 4 to this report is a comparison of the protective provisions preferred by the applicant for the Proposed Development and those preferred by NGET both in terms of how they affect the interaction with NHHM. That comparison also includes an assessment of the protective provisions in the Awel y Mor (AyM) and Mona DCOs that have been referred to by NGET. The comparison also includes a commentary on the Viking CCS protective provisions dealing with NGET future assets.

2.26 The key propositions the applicant would direct the ExA to in this comparison are that

(i) In AyM and Mona the interactions were between the windfarm grid connections as they approached the onshore NGET substations where they were to connect, once those substations had been extended. The substation extensions were in both cases necessitated by the windfarm developments. The protections sought by NGET in those cases simply regulated a matter that the parties would in any event need to have agreed upon i.e. the detail by which the substation connection would be achieved. Those protections could have no adverse effect on the energy generation elements of the two windfarms.

(ii) The position in those cases is very different from the present case. The Proposed Development has no functional reliance on NHHM, however the protections sought by NGET would adversely affect the energy generating capacity of the Proposed Development and impose a significant delay risk to the entire development, both of which are capable of being significantly reduced or avoided entirely whilst still allowing NHHM to progress simply by requiring NGET to return to its previously favoured route, to the west of the railway.

(iii) The Viking CCS DCO decision is instructive as an example where similar claims by NGET as to the need for protective provisions to protect future assets was rejected by the decision maker on the basis that these other proposals were insufficiently advanced. It is quite clear that the NHHM proposal is still at a stage where its final routing can be altered in the way sought by the applicant without compromising the NGET development.

(iv) The full effect of any protective provisions from previous decisions cannot in any event be known without reference to any side agreement that may be in place that recorded confidential arrangements between the parties that allowed them to agree wording to be included on the face of the DCO.

2.27 The applicant's position is accordingly that the precedents advanced by NGET are materially different and so do not provide solutions that should be adopted here when considering future NGET assets.

2.28 It also needs to be understood when considering NGET's request for protective provisions in respect of future assets is that it runs counter to the general position that if the applicant were to secure the DCO it seeks (or any applicant were to secure such a DCO) and the NHHM scheme came forward thereafter, the NHHM promoter would have to justify any CA powers over the land affected and would be obliged to pay compensation. In contrast, NGET's current approach is to seek protective provisions to safeguard land for a future project without having to establish a compelling case in the public interest, demonstrate that it has explored alternatives and without payment of any compensation.

2.29 Finally, the ExA posed a question at ISH1 as to whether the protective provisions sought by NGET PPs could materially alter the development to be delivered. The applicant does not believe this question can be answered in the abstract as questions over adequacy of material before the decision maker on which they can make a judgement, in this case about the appropriate wording of protective provisions to be included within the DCO sought, can only be judged when the

decision maker has all of the relevant material submitted during examination before them.

2.30 ExQ1 Q7.0.4, Limb 4 : Contingency plans if agreement cannot be reached between the parties

2.31 The applicant believes it unlikely that agreement will be reached in relation to protective provisions to protect future assets. However, it might be possible to do so on the basis of an alignment of NHHM to the west of the railway if NGET is willing to accept alternative routing for the NHHM project.

2.32 The applicant therefore believes a hearing should be scheduled to explore the issues set out in the applicant's response to ExQ1 Q7.0.4.

2.33 It may also be the case that further Written Questions will be required on this topic following a hearing.

2.34 On the present state of progress there is a likelihood that each party will have to set out its position and the ExA / SofS will have to determine the issue, hence the need for the fullest examination of the issue to provide sufficient information to support that determination.

Appendices

Appendix 1

Response to NGET non-statutory consultation

6 August 2024

RES
Beaufort Court, Egg Farm Lane, Kings Langley
Hertfordshire WD4 8LR, United Kingdom

National Grid Electricity Transmission
Email: contact@nh-hm.nationalgrid.com

6th August 2024

Dear National Grid Electricity Transmission plc

Objection to Alternative Corridor for North Humber to High Marnham between South Wheatley and High Marnham (the "Eastern Corridor")

Renewable Energy Systems (RES), that via its project company Steeple Solar Farm Limited, is promoting the Steeple Renewables Project (the "Steeple Project"). RES objects to the proposed Eastern Corridor. For the avoidance of doubt, RES does not object to the principle of the North Humber to High Marnham Overhead Line, which is critical infrastructure to the delivery of clean energy in the United Kingdom. This objection is specific to the proposed Eastern Corridor.

The Importance of the RES and NGET Projects

RES wishes to bring the following considerations to National Grid Electricity Transmission plc ("NGET")'s attention:

1. RES has identified a viable site for the Steeple Project to deliver a renewable energy development with capacity of up to 400MW of solar energy generation and 200MW of battery energy storage on which it is due to undertake statutory consultation later this year, with submission of a DCO application to the Planning Inspectorate in 2025. Following the outcome of recent surveys and the preparation of its Preliminary Environmental Information Report, the Steeple Project's impacts are predicted to be well within the limits of acceptability.

2. As NGET will be aware, solar is the cheapest and quickest form of energy generation and is a Critical National Priority Infrastructure, as defined within section 4.2 of National Policy Statement EN-1. It is anticipated that on current programming, the Project will be capable of delivery before the North Humber to High Marnham Overhead Line.

3. The proposed site of the Steeple Project, on land at Sturton-le-Steeple, Nottinghamshire (the "Site") directly abuts the 400kV connection point at West Burton Power Station (plan indicating location of Steeple Renewables Project, Eastern Corridor and Western Corridor is attached), and RES has secured a grid connection offer with NGET for October 2029, offering highly efficient access to the National Grid.

4. RES has secured the necessary land rights to construct, operate and decommission the Steeple Project, significantly de-risking its delivery. No impediments to its delivery have been identified should it obtain development consent next year.

Impacts of the Eastern Corridor on the Steeple Project

If the Eastern Corridor were brought forward, the proposed solar arrays along that route would need to be removed from the Steeple Project that would involve a near 40% increase in land take of the Site compared to NGET's proposed Western Corridor (as referenced in NGET's Supplementary Corridor and Routeing Report, July 2024 and shown hatched black on Figure 1-3: Eastern and Western corridors of the same), comprising approximately 42 acres of developable land within the Site being lost, with potentially 20MW of panel capacity. This would inevitably result in a significant reduction in the amount of power generated by the Steeple Project and electricity delivered to the National Grid.

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Registered in England & Wales Number 1589961 | Registered office: Beaufort Court, Egg Farm Lane, Kings Langley, WD4 8LR | www.res-group.com

The Eastern Corridor would also create substantial challenges for the construction of the Steeple Project as it bisects two large parcels of the Site, such that the proposed internal haul road for the Steeple Project would be severely impacted leading to an overall increase in construction traffic to the Site, and in Sturton-le-Steeple village, due to how construction deliveries would need to be redirected to access the Site.

Impacts of the Western Corridor on the Steeple Project

We have commented above on the impacts of the Eastern Corridor as that is the proposal being consulted upon by NGET however RES wishes to make clear that the case has not been made out, and so is not accepted, that the Western Route is required to allow the NGET development to proceed. On the contrary, RES believes there is no need for any of its development site to accommodate the proposed grid route and avoiding the Site would prevent any reduction in development area for solar panels. RES accordingly objects to any route that traverses the Site and causes a loss in developable area for its Steeple Project.

Cumulative Impacts between the Eastern Corridor and the Project

Whilst RES recognises that some cumulative impacts between the North Humber to High Marnham Overhead Line and the Steeple Project are unavoidable with either Eastern or Western Corridor, the Eastern Corridor would result in more significant cumulative impacts, such as those on the local villages arising from increased construction traffic together with impacts on visual amenity and the landscape.

RES recognises the national need for the North Humber to High Marnham Overhead Line however, this should not be at the cost of another Critical National Priority infrastructure scheme being significantly harmed in the benefits it can deliver or made harder to deliver due to cumulative impacts.

The potential cumulative impacts between the Steeple Project and the Western Corridor are predicted to be far less, and so between the two options, the Eastern Corridor is the less favourable however: RES objects to any routing of NGET's corridor through the Site for the reasons given above.

An alternative routing corridor should be explored that avoids the Site, and all impacts with the Steeple Project, to allow both the Steeple Project and the North Humber to High Marnham Overhead Line, two nationally significant low carbon infrastructure schemes of critical national priority, to be delivered with greatest overall benefits and least overall impacts.

RES welcomes the opportunity to engage further on the proposals and find a mutually acceptable solution that best supports the delivery of these critical developments.

Yours sincerely

[redacted]
Will Bridges
Project Manager

[redacted]@res-group.com
M [redacted]

Enc. Location Plan

Appendix 2

Response to NGET non-statutory consultation

15 April 2025

RES
Beaufort Court, Egg Farm Lane, Kings Langley
Hertfordshire WD4 8LR, United Kingdom

National Grid Electricity Transmission
Email: contact@nh-hm.nationalgrid.com

15th April 2025

Dear National Grid Electricity Transmission plc

Objection to North Humber to High Marnham statutory consultation

Renewable Energy Systems (RES), that via its project company Steeple Solar Farm Limited, is promoting the Steeple Renewables Project (the "Steeple Project") **objects** to the proposed route, specifically Route Section 10. For the avoidance of doubt, RES does not object to the principle of the North Humber to High Marnham Overhead Line, which is critical infrastructure for the delivery of clean energy in the United Kingdom. This objection is specific to the proposed routing in Section 10.

The Importance of the RES and NGET Projects

As stated in our letter of 6th August 2024, RES wishes to bring the following considerations to National Grid Electricity Transmission plc ("NGET")'s attention:

1. RES identified a viable site for the Steeple Project, back in 2023, to deliver a renewable energy development with capacity of up to 450MW of solar energy generation and 150MW of battery energy storage on which statutory consultation was undertaken for 6 weeks in January – March this year. The DCO submission is progressing well and will be submitted to the Planning Inspectorate at the end of this month (April 2025). Following the conclusion of the Environmental Impact Assessment, the Steeple Project's impacts are predicted to be well within the limits of acceptability.

2. As NGET will be aware, solar is the cheapest and quickest form of energy generation and is a Critical National Priority Infrastructure, as defined within section 4.2 of National Policy Statement EN-1. It is anticipated that on current programming, the Project will be capable of delivery well before the North Humber to High Marnham Overhead Line.

3. The proposed site of the Steeple Project, on land at Sturton-le-Steeple, Nottinghamshire (the "Site") directly abuts the 400kV connection point at West Burton Power Station. Enclosed is the Steeple Order Limits for ease of reference. RES has secured a grid connection offer with NGET for October 2029, offering highly efficient access to the National Grid.

4. RES has secured the necessary land rights to construct, operate and decommission the Steeple Project, significantly de-risking its delivery. No impediments to its delivery have been identified should it obtain development consent next year.

Impacts of the proposed route in section 10 on the Steeple Project

If the proposed North Humber to High Marnham route alignment were brought forward and formed the basis of a DCO application, the proposed solar arrays within its Order Limits would need to be removed from the Steeple Project. This would involve a minimum land take of 99 acres and sterilisation of a further circa 20 acres, with approximately 45MW of installed capacity being taken out. This is nearly 10% of the projects installed capacity. This would inevitably result in a significant reduction in the amount of power generated by the Steeple Project and clean renewable electricity delivered to the National Grid.

In addition to the loss in development and therefore energy generation, the Order Limits would also create substantial challenges for the construction of the Steeple Project. The main construction access for the whole of the western parcel of the Steeple Project Order Limit, is from the north of the Site, fronting Station

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Road. As such the proposed internal haul road for the Steeple Project would be severely impacted and highly likely be rendered unusable. This has a real probably of leading to an overall increase in construction traffic to the Site, and specifically to the village of Sturton-le-Steeple, due to construction deliveries needing to be redirected to access the Site.

Misrepresentation of Steeple Project

It is noted that the purpose of the National Grid "Design Development Report-February 2025" is:

"*The purpose of this report is to describe how the North Humber to High Marnham Project (the 'Project') has evolved since the non-statutory consultation, which comprised of a first-round of non-statutory consultation across the whole route in June and July 2023, followed by a localised non-statutory consultation on a potential alternative corridor between South Wheatley and High Marnham, which was held between July and August 2024. The Project has evolved in response to feedback collected during these consultation periods and further environmental and engineering studies.*"

This document sets out how, and why, the project has evolved resulting in the alignment that has been presented for this statutory consultation. Paragraphs 7.7.3-7.7.7 describe the section of overhead line that intersects the Steeple Project. There is no mention at all in the text of the Steeple Project. However, Figure 7-14, reproduced below for ease, does indicate the Steeple Project but only half of the site area. This is extremely disappointing as National Grid were provided with the boundary of the Steeple Project, as a shapefile, in December 2023, with minutes of the meeting between the two parties containing an overlay produced by National Grid showing how the then graduated swathe would impact the western half of the Steeple Project.

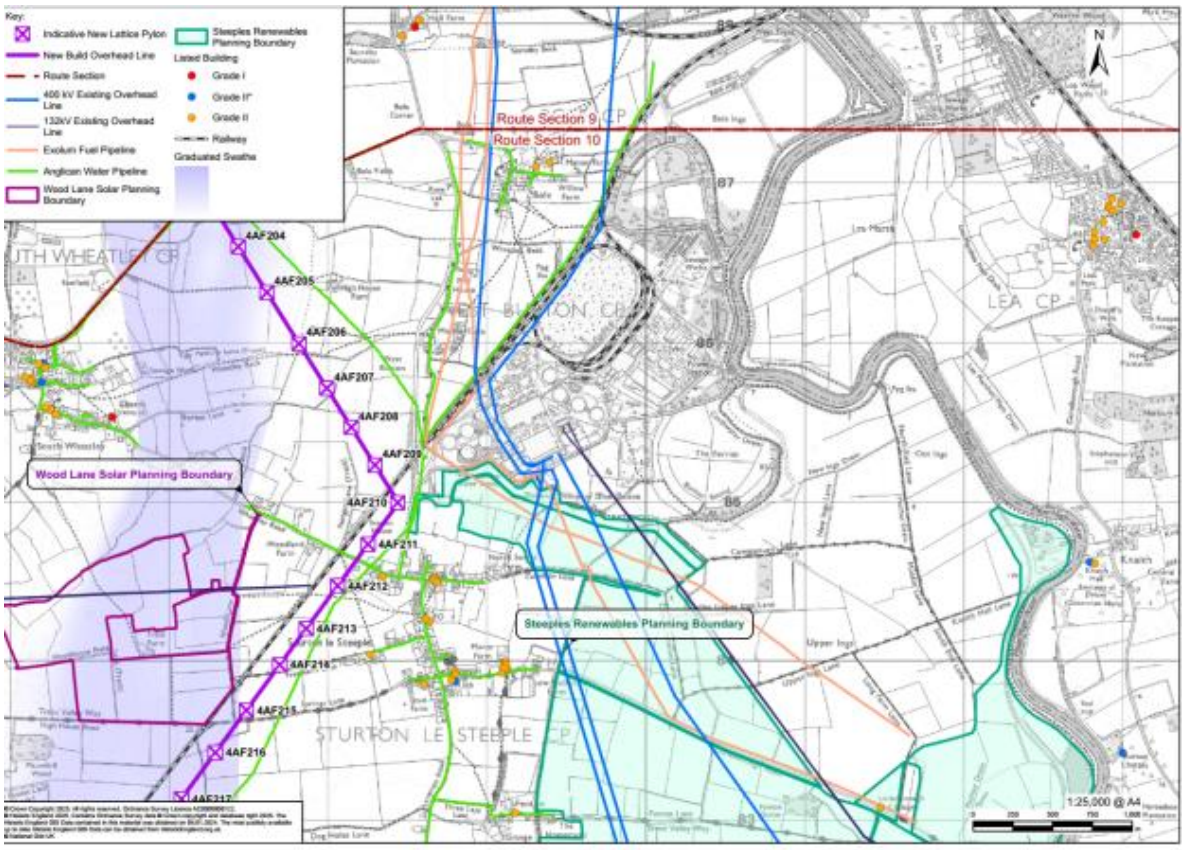


Figure 7-14 Preferred alignment between South Wheatley and North Leverton

The interaction between the two projects was also shown graphically in our submission to the local consultation of 6th August 2024. As such it can only be concluded that the decision making for the Section 10 alignment has been based on incomplete information and should be backchecked and reviewed in light of the facts continually presented to National Grid, and further reiterated in this letter.

Cumulative Impacts

Whilst RES recognises that some cumulative impacts between the North Humber to High Marnham Overhead Line and the Steeple Project are unavoidable, the alignment as currently presented would result in far greater cumulative impacts, such as those on the local villages arising from increased construction traffic together with impacts on visual amenity and the landscape. Routing the overhead line further to the west, outside the Steeple Project Order Limits, would reduce these impacts considerably.

RES recognises the national need for the North Humber to High Marnham Overhead Line, however, this should not be to the detriment of another Critical National Priority infrastructure scheme. It should not result in significant impact to that other Project, the benefits it can deliver, the ability for it to be delivered and result in an increase on cumulative impacts for the local community in terms of traffic.

RES objects to any routing of National Grid's corridor through the Steeple Projects Order Limits for the reasons given above.

An alternative routing alignment should be explored that avoids the Order Limits, and the impacts mentioned with the Steeple Project in this letter, to allow both the Steeple Project and the North Humber to High Marnham Overhead Line, two Nationally Significant, low carbon, Infrastructure Schemes of critical national priority, to be delivered with greatest overall benefits and least overall impacts.

As always, RES welcomes the opportunity to engage further on the proposals and find a mutually acceptable solution that best supports the delivery of both of these critical developments.

Yours sincerely

[redacted]

Will Bridges
Project Manager

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M [redacted]

Enc. Location Plan

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2025 LICENCE NUMBER AC0000808122.

KEY:

- RES ORDER LIMITS
- NHHM ORDER LIMITS

REFERENCES:

[1] REFERENCE

[2] REFERENCE

[3] REFERENCE

0	FG				First Issue
ISSUE	DRAWN	CHKD	APPD	DATE	REVISION NOTES

PURPOSE: OTHER	COORDINATES: OSGB 1936
SCALE: 1:25,000 @A3	DATUM: N/A
LAYOUT DRAWING: N/A	LAYOUT NO: N/A
PROJECT TITLE: STEEPLE RENEWABLES PROJECT	
DRAWING TITLE: COMBINED ORDER LIMITS & NATIONAL GRID PROPOSAL	
RES DRAWING NUMBER: 04954-RES-LAY-DR-XX-002	REV: 0

DRAFT 10.01.25

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Appendix 3

Response to NGET non-statutory consultation

16 July 2025

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Our ref: PR01/JB13/43997.16/ROBIN

16 July 2025

Objection to North Humber to High Marnham Statutory Consultation

Dear NGET

We act for RES in respect of its Steeple Renewables Project DCO.

The Steeple DCO is a proposal for 450MW of solar and 150MW of BESS that benefits from a grid offer to connect to the adjacent West Burton 400kV substation. Steeple is currently awaiting commencement of examination, following acceptance as a valid NSIP application by PINS on 11 June 2025. Section 56 formalities have been initiated with the Relevant Representation period due to run until 28 August 2025. It is in every respect a live application moving forward quickly in the confirmation process with the prospect of early consent, construction and energisation.

The NHHM proposal is at an early stage in comparison with Steeple. NHHM is now considering the responses to Statutory Consultation, whereas the Steeple examination will certainly have closed and quite likely the Secretary of State's decision issued before NHHM is ready to be submitted as an application to PINS.

RES has however engaged fully with the NHHM consultation, including lodging a written representation dated 15 April 2025 objecting strongly to the routing of the OHL through the Order Limits and highlighting the opportunity to route through much less constrained land to the West. The Steeple site is a well advanced CNI proposal that has very limited impacts which is far ahead of the NGET DCO and so deserves a high level of protection when considering subsequent development proposals, such as the NHHM OHL.

RES has just received the minutes of the meeting held with you, by phone on 29 May, a call initiated by NGET in response to that RES Statutory Consultation representation of 15 April 2025. In that call NGET conceded there had been misleading details included in the consultation material in relation to the Steeple site. The Western half of the Order Limits was omitted from the key diagrams on the Design Development Report. A report specifically produced to aid consultees understand the reasons routing decisions have been made. As a result of that misleading information those reading the consultation would have been under the mistaken impression that the proposed route in Section 10 had successfully managed to avoid any major development constraints. That is very definitely not the case, as the route would heavily impact the western portion of the Steeple site.

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The cause of this remains unclear as the shapefile supplied by RES in advance of NGET's Statutory Consultation on commencing, containing the Steeple Order Limits included the full boundary and would need to have been modified to represent only part of the Site.

It is difficult to see what remedial steps could be undertaken that would adequately remedy the prejudice caused to this consultation and the legitimate interests of RES in having its project properly recognised as a development constraint to be avoided. A situation has now been created where an alternative route that would be far less constrained and for which landowner support is significantly more likely than for the present proposal has been mis-reported. This is a situation which if left unresolved would create an obvious challenge risk both to the confirmation of a DCO in respect of this section of works and very definitely to any proposed compulsory acquisition of land as part of that DCO, as a clear preferable route exists.

Whilst RES must necessarily reserve its position on the extent of that harm and action in response that might be needed in the future, including judicial review challenge proceedings as regulated by s118 of the Planning Act 2008, in the short term we urge that detailed discussion now be prioritised between NGET and RES to investigate how to avoid the harm that would result from the Section 10 route.

We look forward to your immediate confirmation of receipt of this letter and your considered response to continued discussions with RES on resolution of this important issue.

Yours sincerely

[redacted]

[redacted]
Consultant

Appendix 4

Commentary on Protective Provisions proposed at Steeple with selected as made DCOs

8 January 2026

Steeple/NGET PP Comparison and Analysis (inc AyM, Mona, Viking) for Deadline 2

1 COMPARISON OF STARTING POSITIONS

1.1 The first two columns of the table in Appendix 4.1 highlight the Applicant's view of important elements of difference between RES and NGET on each party's preferred protective provisions, omitting content that is considered by the Applicant not to create issues.

1.2 No commentary is provided on possible content of any side agreement between the parties that would be speculative at this stage and any event would be expected to be confidential were any terms to be agreed.

2 COMPARISON WITH OTHER "AS MADE" DCO PROTECTIVE PROVISIONS

2.1 Columns three to five of Appendix 4.1 provide a corresponding description and analysis of the PPs contained in as made DCOs in two cases referred to by NGET (Awel y Mor and Mona) and to a case that RES wishes to refer to (Viking CCS).

2.2 Reference cannot be made with any certainty to whether in any of these three cases side agreements were entered by the parties in question and if so, whether they materially affected how the PPs would apply between the parties.

Steeple/NGET PP Comparison and Analysis (inc AyM, Mona, Viking)

Appendix 4.1

1 The text in the following table summarises the content of each set of PPs and in the lower section of each column offers a commentary on the effect of that wording on the ability of the developer to proceed with its development in light of the protections afforded to NGET. The full text of each set of PPs referred to can be found in the relevant appendix.

RES NGET PPs (Appx 4.2)	**NGET RR PPs (Appx 4.3)**	**Awel y Mor (Appx 4.4)**	**Mona (Appx 4.5)**	**Viking (Appx 4.6a and 4.6b)**
3. NGET on street apparatus protected 6. No acquisition of NGET land without agreement. 7. NGET apparatus in land protected unless replaced. 7. NGET prior approval needed to works affecting its apparatus. 11. Undertaker pays for replacement of NGET apparatus. 11, 12. Indemnity for loss caused to NGET from damage to apparatus. 14. Parties to co-operate 15. No interference with access to NGET apparatus without	In addition to the protections for NGET existing apparatus and land in RES preferred PPs : 3. Undertaker to use reasonable endeavours not to impede NHHM. 7. No undertaker acquisition of land forming part of NHHM without consent. 12. Undertaker to provide security for costs and insurance. 15. Undertaker not to obstruct access to NGET apparatus or NHHM.	22. U/d to use reasonable endeavours not to impede Bodelwyddan Project (a project involving extension of an existing substation, diversion of a gas pipeline and an OHL upgrade, all of which are necessary to allow AyM, and other projects) to connect to the grid). 23. No AyM grid connection works (comprising identified DCO work numbers) near to Bodelwyddan without NGET consent. 25. NGET consent can contain conditions "*in connection with the safe, economic and efficient construction,*	81. U/d to use reasonable endeavours not to impede Bodelwyddan and Connah's Quay Projects (two parts of the same project, also including a substation expansion, gas pipeline diversion and OHL upgrade and to allow Mona to connect to the grid). 82. No Mona works in identified numbers near to Bodelwyddan without NGET consent. 84. NGET consent can contain conditions "*in connection with the safe, economic and efficient construction, commissioning, operation and, maintenance and future*	As made Appx 4.6a: DCO as made PPs reflect the RES preferred PPs in column 1. Definition of "apparatus" in those PPs is limited to electric lines or plant belonging to or maintained by NGET i.e. in existence at the time the PPs are operative. NGET proposed Appx 4.6b: NGET proposed PPs (not adopted by the SoS in the as made DCO) included within the definition of "apparatus" electrical lines or plant within the Proposed NGET Projects" that

suitable alternative access in place		*commissioning, operation and, maintenance and future decommissioning…or otherwise for the protection of*" the Bodelwyddan project. 26. Works undertaken without consent can be removed at U/d expense. 30. No compulsory acquisition by U/d of land forming part of Bodelwyddan site without NGET consent, not to be unreasonably withheld. 38. No obstruction to Bodelwyddan apparatus or site without suitable alternative access.	*decommissioning…or otherwise for the protection of*" the Bodelwyddan project. 85. Works undertaken without consent can be removed at U/d expense. 89. No compulsory acquisition by U/d of land forming part of Bodelwyddan site without NGET consent, not to be unreasonably withheld. 97. No obstruction to Bodelwyddan apparatus without suitable alternative access.	comprised Eastern Greenlink 3 and 4 Projects and the Grimsby to Walpole OHL. Plus – U/d to use reasonable endeavours not to impede any Proposed NGET Project; U/d not to acquire any land forming part of a Proposed NGET Project site; and U/d not to prevent access to any Proposed NGET Project Site without suitable alternative access provided.
Commentary				
Any NGET apparatus in existence at the time of exercise of the RES DCO rights are protected from any interference by RES works. Any land owned by NGET at the time of exercise of RES DCO rights is protected from	NGET drafting protects any of its existing apparatus from the Steeple development, including any future design of the NHHM line. RES design approach from this point onwards would be	See Mona analysis – comparable effect for AyM. AyM access restriction in PP38 is wider than in Mona PP97 – limiting access to the Bodelwyddan site, not	The chief practical distinction of the effect of this wording from that NGET seeks at Steeple is that the controls only affect the area of land around the substation connection. Mona is an offshore windfarm, so the revenue	As made The effect of the PPs on Viking will be as predicted for the RES preferred PPs – namely Viking must design around any existing NGET apparatus it

acquisition except with NGEt consent. RES would still expect co-operation from NGET in identifying solutions to design issues where RES works could impact NGET apparatus. In practical terms, NHHM would need to have been built or be in construction by the time Steeple commences construction in order for these protective provisions to allow the NHHM line to take precedence over the Steeple construction.	that it has to avoid impacts to NHHM. Obligation is limited to "reasonable endeavours only", the usual interpretation of that phrase being that it does not require the party in question to act to its commercial disadvantage. NGET PP drafting can only be intended to protect the NHHM order limits from Steeple solar development. No clarification of this PP wording is apparent on the level of protection intended. The assumption operated under until unequivocally stated otherwise is that NGET's intention is to sterilise its route from other development. In addition to any areas lost to development, RES will be under pressure to delay design and construction until all risk from the NHHM programme is past, regardless of duration or resulting costs. Restraint on RES development from NHHM	just to NGET apparatus on that site.	generating part of the development is entirely unaffected by the PPs. The Mona onshore grid connection and its point of connection to Bodelwyddan is clearly an important part of the Mona development and the necessity to take steps in design and carrying out of Mona works to assist the construction of the Bodelwyddan extension could involve the Mona undertaker in additional expense and delay, by requiring work not contemplated in the Mona DCO, including work outside of its order limits and by preventing acquisition of land within Mona's authorised CA powers. However the need for such works, however costly, should also be seen as a necessity for Mona, in order to allow for the grid connection that it needs. Similarly, any delay to Mona's development programme while designs	encounters or land owned by NGET. NGET proposed: Had the NGET PPs been imposed, the effect on Viking would have been the same as with Mona and AyM with these two differences : It is hard to predict the physical accommodations that Viking might need to have made to its development and therefore the cost impact of those works and effect upon the scheme, although in principle, the Viking pipeline would be able to still proceed, even if the construction cost of doing so might have been higher. Construction delay to Viking while it accommodated the Proposed NGET Projects is a more predictably certain outcome but again not one that would mean

	also exists via the PP on land acquisition which simply protects NGET landtake for its project even while it continues to evolve, within the RES CA order limits, overriding RES rights to acquire (by agreement or compulsion). Similarly the protection of access to NHHM increases the practical consequences for RES of accommodating any NHHM build programme. Protection of access to NHHM also provides a restraint of unpredictable effect as NGET could at any point identify land that it is treating as access to NHHM and seek to protect it from development without an alternative access being provided. Overall project impact on Steeple from the NGET PPs also has to be considered by reference to the full submissions in *Steeple/North Humber High Marnham Interactions, Applicant's Deadline 2 Update Part 2 : Response to ExQ1 7.0.4*.		are approved by NGET for the Bodelwyddan connection should also be seen as unavoidable in any event as the development cannot begin generation without that substation upgrade and connection. It is also unknown to what extent NGET and the Mona applicant entered side agreement terms that modified the effect of the PPs as between the parties. It would be wrong for NGET to maintain to the SoS these PPs should be imposed on RES on the basis that they were agreed by the Mona Applicant without at a minimum acknowledging whether any terms existed that privately altered the effect of the PPs.	Viking could not in principle proceed. It can therefore be concluded the adverse effect of the NGET PPs on Viking would have be less than they would be at Steeple because of the overall project risk that delay and uncertainty in design/overall development area will cause at Steeple.

Burges Salmon LLP

08 January 2026

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

SCHEDULE 1

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC ELECRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER

Application

1.(1) For the protection of National Grid Electricity Transmission Plc as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc.

[(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc, where the benefit of this Order is transferred or granted to another person under article [ ] (*consent to transfer benefit of Order*) –

(a) any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between National Grid Electricity Transmission Plc and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Grid Electricity Transmission Plc on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid Electricity Transmission Plc (but without prejudice to 11(3)b).]

Interpretation

2. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

(a)

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of National Grid Electricity Transmission Plc to enable National Grid Electricity Transmission Plc to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus”

(a) electric lines or electrical plant as defined in the 1989 Act, belonging to or maintained by National Grid Electricity Transmission Plc together with any replacement apparatus; and

such other apparatus constructed pursuant to the Order that becomes operational apparatus of the undertaker for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or must be lodged or which gives or will give access to apparatus; “authorised works” has the same meaning as is given to the term “authorised development” in article [2(1)] of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

(a)

“commence” and “commencement” in this Part of this Schedule shall include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Grid Electricity Transmission Plc (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Grid Electricity Transmission Plc's approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid Electricity Transmission Plc: construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Grid Electricity Transmission Plc” means National Grid Electricity Transmission Plc (Company Number 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which:

(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 8(2) or otherwise; and/or

may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 8(2) or otherwise;"undertaker" means the undertaker as defined in article 2(1) of this Order;

On Street Apparatus

3. —Except for paragraphs 5 (*apparatus in stopped up streets*), 10 (*retained apparatus: protection*), 11 (*expenses*) and 12 (*indemnity*) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid Electricity Transmission Plc, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid Electricity Transmission Plc are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Grid Electricity Transmission Plc in stopped up streets

4.—(1) Where any street is stopped up under article [ ] [(*permanent stopping up, restriction of use and construction of streets, public rights of way and private means of access*)], if National Grid Electricity Transmission Plc has any apparatus in the street or accessed via that street National Grid Electricity Transmission Plc has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Grid Electricity Transmission Plc, or procure the granting to National Grid Electricity Transmission Plc of, legal easements reasonably satisfactory to National Grid Electricity Transmission Plc in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Grid Electricity Transmission Plc to require the removal of that apparatus under paragraph 8 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 10.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article [ ] [(*temporary stopping up and restriction of use of streets*)], National Grid Electricity Transmission Plc is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

5.—The undertaker, in the case of the powers conferred by article [ ] [(protective work to buildings)], must exercise those powers so as not to obstruct or render less convenient the access to any apparatus or to the North Humber to High Marnham Project without the written consent of National Grid Electricity Transmission Plc.

Acquisition of land

6.— (1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or ((b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Grid Electricity Transmission Plc otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid Electricity Transmission Plc and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid Electricity Transmission Plc or affect the provisions of any enactment or agreement regulating the relations between National Grid Electricity Transmission Plc and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid Electricity Transmission Plc reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid Electricity Transmission Plc and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid Electricity Transmission Plc unless otherwise agreed by National Grid Electricity Transmission Plc, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) Save where otherwise agreed in writing between National Grid Electricity Transmission Plc and the undertaker the undertaker and National Grid Electricity Transmission Plc agree that

where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid Electricity Transmission Plc and/or other enactments relied upon by National Grid Electricity Transmission Plc as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(4) Any agreement or consent granted by National Grid Electricity Transmission Plc under paragraph 10 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid Electricity Transmission Plc to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid Electricity Transmission Plc in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid Electricity Transmission Plc advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid Electricity Transmission Plc reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Grid Electricity Transmission Plc to its satisfaction (taking into account paragraph 9(1) below) the necessary facilities and rights

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid Electricity Transmission Plc may in its sole discretion, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Grid Electricity Transmission Plc to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid Electricity Transmission Plc and the undertaker.

(5) National Grid Electricity Transmission Plc must, after the alternative apparatus to be provided or constructed has been agreed, and subject to a written diversion agreement having been entered into between the parties and the grant to National Grid Electricity Transmission Plc of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid Electricity Transmission Plc facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for

apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National and must be no less favourable on the whole to National Grid Electricity Transmission Plc than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid Electricity Transmission Plc.

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid Electricity Transmission Plc than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 16 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid Electricity Transmission Plc as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection

9. —(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid Electricity Transmission Plc a plan of the works to be executed and seek from National Grid Electricity Transmission Plc details of the underground extent of their electricity assets.

(2) In relation to specified works the plan to be submitted to National Grid Electricity Transmission Plc under sub-paragraph (1) must include a method statement and describe—

(a) the exact position of the works;

(b) the level at which these are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation, positioning of plant;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes; and

(g) an assessment of risks of rise of earth issues.

(h) a ground monitoring scheme, where required.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing; -

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities of trenches;

(d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;

(f) written details of the operations and maintenance regime for any cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid Electricity Transmission Plc's engineers; and

(h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to and including 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid Electricity Transmission Plc has given written approval of the plan so submitted.

(5) Any approval of National Grid Electricity Transmission Plc required under sub-paragraphs (4)—

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs

(b) or (8); and must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid Electricity Transmission Plc may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid Electricity Transmission Plc and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (5) or (8) by National Grid Electricity Transmission Plc for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid Electricity Transmission Plc will be entitled to watch and inspect the execution of those works.

(8) Where National Grid Electricity Transmission Plc requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid Electricity Transmission Plc's satisfaction prior to the commencement of any authorised development (or any relevant part thereof) for which protective works are required and National Grid Electricity Transmission Plc shall give notice its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid Electricity Transmission Plc in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 8(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised development, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Grid Electricity Transmission Plc notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances

Expenses

11.(1) Save where otherwise agreed in writing between National Grid Electricity Transmission Plc and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Grid Electricity Transmission Plc within 30 days of receipt of an itemised invoice or claim from National Grid Electricity Transmission Plc all charges, costs and expenses

reasonably anticipated within the following three months or reasonably and properly incurred by National Grid Electricity Transmission Plc in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

(a) any costs reasonably incurred by or compensation properly paid by National Grid Electricity Transmission Plc in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid Electricity Transmission Plc as a consequence of National Grid Electricity Transmission Plc;

(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 8(3); or

(ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid Electricity Transmission Plc;

(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;

(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;

(d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 16 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid Electricity Transmission Plc by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid Electricity Transmission Plc in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid Electricity Transmission Plc any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

12. —(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid Electricity Transmission Plc, or there is any interruption in any service provided, or in the supply of any goods, by National Grid Electricity Transmission Plc, or National Grid Electricity Transmission Plc becomes liable to pay any amount to any third party, the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid Electricity Transmission Plc the cost reasonably and properly incurred by National Grid Electricity Transmission Plc in making good such damage or restoring the supply; and

(b) indemnify National Grid Electricity Transmission Plc for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid Electricity Transmission Plc, by reason or in consequence of any such damage or interruption or National Grid Electricity Transmission Plc becoming liable to any third party and including STC Claims or an Incentive Deduction other than arising from any default of National Grid Electricity Transmission Plc.

(2) The fact that any act or thing may have been done by National Grid Electricity Transmission Plc on behalf of the undertaker or in accordance with a plan approved by National Grid Electricity Transmission Plc or in accordance with any requirement of National Grid Electricity Transmission Plc or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid Electricity Transmission Plc fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) shall impose any liability on the undertaker in respect of-

(a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid Electricity Transmission Plc, its officers, servants, contractors or agents;

(b) any authorised works and/or any other works authorised by this Part of this Schedule carried out by National Grid Electricity Transmission Plc as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article [x] *consent to transfer benefit of Order*) subject to the proviso that once such works become apparatus ("new apparatus"), any authorised works yet to be executed and not falling within this sub-section 3(b) will be subject to the full terms of this Part of this Schedule including this paragraph 12; and/or

(c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable;

(4) National Grid Electricity Transmission Plc must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Grid Electricity Transmission Plc must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

Enactments and agreements

13. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Grid Electricity Transmission Plc and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid Electricity Transmission Plc in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

14.(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid Electricity Transmission Plc requires the removal of apparatus under paragraph 8(2) or National Grid Electricity Transmission Plc makes requirements for the protection or alteration of apparatus under paragraph 10, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid Electricity Transmission Plc's undertaking and National Grid Electricity Transmission Plc shall use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Grid Electricity Transmission Plc's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

15. If in consequence of the agreement reached in accordance with paragraph 7(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Grid Electricity Transmission Plc to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

16. Save for differences or disputes arising under paragraph 8(2), 8(4) 9(1) and 10 any difference or dispute arising between the undertaker and National Grid Electricity Transmission Plc under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc, be determined by arbitration in accordance with article [●] (*arbitration*).

Notices

17. Notwithstanding article [ ] (service of notices), any plans submitted to National Grid Electricity Transmission Plc by the undertaker pursuant to paragraph 10 must be submitted using the LSBUD system (https://lsbud.co.uk/) or to such other address as National Grid Electricity Transmission Plc may from time to time appoint instead for that purpose and notify to the undertaker in writing.

End Note:

Incentive Deduction

The "Incentive Deduction" refers to an incentive in NGET's Electricity Transmission Licence concerning maintaining a continuous supply to demand customers (those parties that take load from the system) by ensuring that its system is functioning fully and efficiently. If there are system issues that prevent supply from reaching demand customers then these customers will be restricted and the incentive is reduced based on the restriction window. Essentially, it is a financial incentive for NGET to ensure its system works efficiently and without faults. The Protective Provisions look to address the scenario where the works that the counterparty is carrying out over or near NGET's system damages that system or otherwise causes it to not function correctly and therefore restrict this supply. In this scenario the counterparty would cover any related deductions to this incentive.

STC Claims

The STC Claims relate to "Interruption Payments" under the electricity codes – the System Operator Transmission Owner Code (STC) and Connection and User of Systems Code (CUSC). These codes were agreed and are updated by Stakeholders (including the energy regulator Ofgem). These payments cover when an event on NGET's transmission system causes generation or interconnectors to be unable to export their load to the system. If a successful claim is made by a generator or interconnector for interruption, NGET pays the Interruption Payment to NGESO (as system operator) who in turn pays the generator or interconnector. Again, the purpose of including this in the PP is to cover where the counterparty's actions damage or alter NGET's transmission system and this causes generation to be constrained and interruption payments to be made. The counterparty would cover these payments.

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

SCHEDULE 1
PROTECTIVE PROVISIONS

PART 1
FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC ELECRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER

Application

1.(1) For the protection of National Grid Electricity Transmission Plc as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc.

[(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc, where the benefit of this Order is transferred or granted to another person under article [ ] (*consent to transfer benefit of Order*) –

(a) any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between National Grid Electricity Transmission Plc and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Grid Electricity Transmission Plc on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid Electricity Transmission Plc (but without prejudice to 11(3)b).]

Interpretation

2. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

"acceptable credit provider" means a bank or financial institution with a credit rating that is not lower than: (i) "A-" if the rating is assigned by Standard & Poor's Ratings Group or Fitch Ratings; and "A3" if the rating is assigned by Moody's Investors Services Inc.;

"acceptable insurance**"** means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than £50,000,000.00 (fifty million pounds) per occurrence or series of occurrences arising out of one event. Such insurance shall be maintained (a) during the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an "acceptable credit provider", such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Grid Electricity Transmission Plc

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than

£10,000,000.00 (ten million pounds) per occurrence or series of occurrences arising out of one event or £20,000,000.00 (twenty million pounds) in aggregate;

"acceptable security**"** means either:

(a) a parent company guarantee from a parent company in favour of National Grid Electricity Transmission Plc to cover the undertaker's liability to National Grid Electricity Transmission Plc to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Grid Electricity Transmission Plc and where required by National Grid Electricity Transmission Plc, accompanied with a legal opinion confirming the due capacity and authorisation of the parent company to enter into and be bound by the terms of such guarantee); or

(b) a bank bond or letter of credit from an acceptable credit provider in favour of National Grid Electricity Transmission Plc to cover the undertaker's liability to National Grid Electricity Transmission Plc for an amount of not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Grid Electricity Transmission Plc);

"alternative apparatus" means appropriate alternative apparatus to the satisfaction of National Grid Electricity Transmission Plc to enable National Grid Electricity Transmission Plc to fulfil its statutory functions in a manner no less efficient than previously;

"apparatus"

(a) electric lines or electrical plant as defined in the 1989 Act, belonging to or maintained by

National Grid Electricity Transmission Plc together with any replacement apparatus; and

(b) such other apparatus constructed pursuant to the Order that becomes operational apparatus of the undertaker for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or must be lodged or which gives or will give access to apparatus; and

(c) any electrical lines or electrical plant as defined in the 1989 Act, any mains, pipes, plant or other apparatus belonging to, operated or maintained by National Grid Electricity Transmission Plc for the purposes of the construction, operation and maintenance of the North Humber to High Marnham Project or whether temporary or permanent, and includes, where the context so requires, apparatus constructed as part of the authorised development and intended for the beneficial use by National Grid Electricity Transmission Plc ("North Humber to High Marnham apparatus");

"authorised works" has the same meaning as is given to the term "authorised development" in article [2(1)] of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

"North Humber to High Marnham Project" means the proposed new high voltage electricity transmission line and associated works between a new substation at Creyke Beck in the East Riding of Yorkshire and a new substation at High Marnham in Nottinghamshire to be undertaken by National Grid Electricity Transmission Plc; " North Humber to High Marnham Site" includes –

(a) land on which any North Humber to High Marnham apparatus is situated; and

(b) land on which North Humber to High Marnham apparatus is anticipated to be situated which is necessary for the construction, use or maintenance of the North Humber to High Marnham Project (in so far as the same has been notified by National Grid Electricity Transmission Plc in writing to the undertaker)

"commence" and "commencement" in this Part of this Schedule shall include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

"functions" includes powers and duties;

"ground mitigation scheme" means a scheme approved by National Grid Electricity Transmission Plc (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

"ground monitoring scheme" means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Grid Electricity Transmission Plc's approval a ground mitigation scheme;

"ground subsidence event" means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

"Incentive Deduction" means any incentive deduction National Grid Electricity Transmission Plc Electricity Transmission plc receives under its electricity transmission licence which is caused by an event on its transmission system that causes electricity not to be supplied to a demand customer and which arises as a result of the authorised works;

"maintain" and "maintenance" shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid Electricity Transmission Plc: construct, use, repair, alter, inspect, renew or remove the apparatus;

"National Grid Electricity Transmission Plc" means National Grid Electricity Transmission Plc (Company Number 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

"NGESO" means as defined in the STC;

"plan" or "plans" include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

"parent company" means a parent company of the undertaker acceptable to and which shall have been approved by National Grid Electricity Transmission Plc acting reasonably;

"specified works" means any of the authorised works or activities undertaken in association with the authorised works which:

(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 8(2) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 8(2) or otherwise; and/or

(c) includes any of the activities that are referred to in development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

"STC" means the System Operator Transmission Owner Code prepared by the electricity Transmission Owners and NGESO as modified from time to time;

"STC Claims" means any claim made under the STC against National Grid Electricity Transmission Plc arising out of or in connection with the de-energisation (whereby no electricity can flow to or from the relevant system through the generator or interconnector's equipment) of a generator or interconnector party solely as a result of the de-energisation of plant and apparatus forming part of National Grid Electricity Transmission Plc's transmission system which arises as a result of the authorised works;

"Transmission Owner" means as defined in the STC;

"undertaker" means the undertaker as defined in article 2(1) of this Order;

3.—Interaction with the North Humber to High Marnham Project

Without limiting any other provision of this Part of this Schedule, the undertaker must use reasonable endeavours to avoid any conflict arising between the construction, maintenance and operation of the authorised development and the North Humber to High Marnham Project. For the purposes of this paragraph, "reasonable endeavours" means—

(a) undertaking consultation on the detailed design and programming of the National Grid Electricity Transmission Plc connection works and all works associated with or ancillary to the National Grid connection works to ensure that the design and programme for the National Grid Electricity Transmission Plc connection works does not unreasonably impede or interfere with the North Humber to High Marnham Project;

(b) having regard to the proposed programme of works for the North Humber to High Marnham Project as may be made available to the undertaker by National Grid Electricity Transmission Plc and facilitating a co-ordinated approach to the programme, land assembly, and the carrying out of the National Grid Electricity Transmission Plc connection works and the North Humber to High Marnham Project;

(c) providing a point of contact for continuing liaison and co-ordination throughout the construction and operation of the authorised development; and

(d) keeping National Grid Electricity Transmission Plc informed on the programme of works for the authorised development.

On Street Apparatus

4. —Except for paragraphs 5 (*apparatus in stopped up streets*), 10 (*retained apparatus: protection*), 11 (*expenses*) and 12 (*indemnity*) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid Electricity Transmission Plc, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid Electricity Transmission Plc are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Grid Electricity Transmission Plc in stopped up streets

5.—(1) Where any street is stopped up under article [ ] [(*permanent stopping up, restriction of use and construction of streets, public rights of way and private means of access*)], if National Grid Electricity Transmission Plc has any apparatus in the street or accessed via that street National Grid Electricity Transmission Plc has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Grid Electricity Transmission Plc, or procure the granting to National Grid Electricity Transmission Plc of, legal easements reasonably satisfactory to National Grid Electricity Transmission Plc in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Grid Electricity Transmission Plc to require the removal of that apparatus under paragraph 8 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 10.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article [ ] [(*temporary stopping up and restriction of use of streets*)], National Grid Electricity Transmission Plc is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

6.—The undertaker, in the case of the powers conferred by article [ ] [(protective work to buildings)], must exercise those powers so as not to obstruct or render less convenient the access to any apparatus or to the North Humber to High Marnham Project without the written consent of National Grid Electricity Transmission Plc.

Acquisition of land

7.— (1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or ((b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Grid Electricity Transmission Plc otherwise than by agreement.

(2) Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not unless otherwise agreed in writing with National Grid acquire any land forming part of the North Humber to High Marnham Project (such agreement not to be unreasonably withheld or delayed)

(3) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid Electricity Transmission Plc and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid Electricity Transmission Plc or affect the provisions of any enactment or agreement regulating the relations between National Grid Electricity Transmission Plc and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid Electricity Transmission Plc reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid Electricity Transmission Plc and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid Electricity Transmission Plc unless otherwise agreed by National Grid Electricity Transmission Plc, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(4) Save where otherwise agreed in writing between National Grid Electricity Transmission Plc and the undertaker the undertaker and National Grid Electricity Transmission Plc agree that

where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid Electricity Transmission Plc and/or other enactments relied upon by National Grid Electricity Transmission Plc as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(5) Any agreement or consent granted by National Grid Electricity Transmission Plc under paragraph 10 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

8.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid Electricity Transmission Plc to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid Electricity Transmission Plc in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid Electricity Transmission Plc advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid Electricity Transmission Plc reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Grid Electricity Transmission Plc to its satisfaction (taking into account paragraph 9(1) below) the necessary facilities and rights

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid Electricity Transmission Plc may in its sole discretion, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Grid Electricity Transmission Plc to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid Electricity Transmission Plc and the undertaker.

(5) National Grid Electricity Transmission Plc must, after the alternative apparatus to be provided or constructed has been agreed, and subject to a written diversion agreement having been entered into between the parties and the grant to National Grid Electricity Transmission Plc of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

9.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid Electricity Transmission Plc facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for

apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National and must be no less favourable on the whole to National Grid Electricity Transmission Plc than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid Electricity Transmission Plc.

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid Electricity Transmission Plc than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 16 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid Electricity Transmission Plc as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection

10.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid Electricity Transmission Plc a plan of the works to be executed and seek from National Grid Electricity Transmission Plc details of the underground extent of their electricity assets.

(2) In relation to specified works the plan to be submitted to National Grid Electricity Transmission Plc under sub-paragraph (1) must include a method statement and describe—

(a) the exact position of the works;

(b) the level at which these are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation, positioning of plant;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes; and

(g) an assessment of risks of rise of earth issues.

(h) a ground monitoring scheme, where required.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing; -

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities of trenches;

(d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;

(f) written details of the operations and maintenance regime for any cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid Electricity Transmission Plc's engineers; and

(h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to and including 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid Electricity Transmission Plc has given written approval of the plan so submitted.

(5) Any approval of National Grid Electricity Transmission Plc required under sub-paragraphs (4)—

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and,

(b) may be given subject to such reasonable requirements as National Grid may have in connection with the safe and efficient construction, commissioning, operation and maintenance of the North Humber to High Marnham Project

(c) and must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid Electricity Transmission Plc may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid Electricity Transmission Plc and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6) or (8) by National Grid Electricity Transmission Plc for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid Electricity Transmission Plc will be entitled to watch and inspect the execution of those works.

(8) Where National Grid Electricity Transmission Plc requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid Electricity Transmission Plc's satisfaction prior to the commencement of any authorised development (or any relevant part thereof) for which protective works are required and National Grid Electricity Transmission Plc shall give notice its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid Electricity Transmission Plc in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 8(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised development, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(11) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Grid Electricity Transmission Plc notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances and

comply with sub-paragraph (11) at all times.

(12) At all times when carrying out any works authorised under the Order, the undertaker must comply with National Grid Electricity Transmission Plc's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

Expenses

11.(1) Save where otherwise agreed in writing between National Grid Electricity Transmission Plc and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Grid Electricity Transmission Plc within 30 days of receipt of an itemised invoice or claim from National Grid Electricity Transmission Plc all charges, costs and expenses

reasonably anticipated within the following three months or reasonably and properly incurred by National Grid Electricity Transmission Plc in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

(a) any costs reasonably incurred by or compensation properly paid by National Grid Electricity Transmission Plc in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid Electricity Transmission Plc as a consequence of National Grid Electricity Transmission Plc;

(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 8(3); or

(ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid Electricity Transmission Plc;

(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;

(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;

(d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 16 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid Electricity Transmission Plc by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid Electricity Transmission Plc in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid Electricity Transmission Plc any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

12.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid Electricity Transmission Plc, or there is any interruption in any service provided, or in the supply of any goods, by National Grid Electricity Transmission Plc, or National Grid Electricity Transmission Plc becomes liable to pay any amount to any third party, the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid Electricity Transmission Plc the cost reasonably and properly incurred by National Grid Electricity Transmission Plc in making good such damage or restoring the supply; and

(b) indemnify National Grid Electricity Transmission Plc for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid Electricity Transmission Plc, by reason or in consequence of any such damage or interruption or National Grid Electricity Transmission Plc becoming liable to any third party and including STC Claims or an Incentive Deduction other than arising from any default of National Grid Electricity Transmission Plc.

(2) The fact that any act or thing may have been done by National Grid Electricity Transmission Plc on behalf of the undertaker or in accordance with a plan approved by National Grid Electricity Transmission Plc or in accordance with any requirement of National Grid Electricity Transmission Plc or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid Electricity Transmission Plc fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) shall impose any liability on the undertaker in respect of-

(a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid Electricity Transmission Plc, its officers, servants, contractors or agents;

(b) any authorised works and/or any other works authorised by this Part of this Schedule carried out by National Grid Electricity Transmission Plc as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article [x] *consent to transfer benefit of Order*) subject to the proviso that once such works become apparatus ("new apparatus"), any authorised works yet to be executed and not falling within this sub-section 3(b) will be subject to the full terms of this Part of this Schedule including this paragraph 12; and/or

(c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable;

(4) National Grid Electricity Transmission Plc must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Grid Electricity Transmission Plc must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Grid Electricity Transmission Plc must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid Electricity Transmission Plc's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid Electricity Transmission Plc's control and if reasonably requested to do so by the undertaker National Grid Electricity Transmission Plc must provide an explanation of how the claim has been minimised, where relevant.

(7) Not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Grid Electricity Transmission Plc or in respect of which National Grid Electricity Transmission Plc has an easement or wayleave for its apparatus or any other interest or to carry out any works within [15] metres of National Grid Electricity Transmission Plc's apparatus until the following conditions are satisfied:

(a) unless and until National Grid Electricity Transmission Plc is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has first provided the acceptable security (and provided evidence that it shall maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid Electricity Transmission Plc has confirmed the same to the undertaker in writing; and

(b) unless and until National Grid Electricity Transmission Plc is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has procured acceptable insurance (and provided evidence to National Grid Electricity Transmission Plc that it shall maintain such acceptable insurance for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid Electricity Transmission Plc has confirmed the same in writing to the undertaker.

(8) In the event that the undertaker fails to comply with 12(7) of this Part of this Schedule, nothing in this Part of this Schedule shall prevent National Grid Electricity Transmission Plc from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

13. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Grid Electricity Transmission Plc and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid Electricity Transmission Plc in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

14.(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid Electricity Transmission Plc requires the removal of apparatus under paragraph 8(2) or National Grid Electricity Transmission Plc makes requirements for the protection or alteration of apparatus under paragraph 10, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid Electricity Transmission Plc's undertaking and National Grid Electricity Transmission Plc shall use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Grid Electricity Transmission Plc's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

15. If in consequence of the agreement reached in accordance with paragraph 7(1) or the powers granted under this Order the access to any apparatus or the North Humber to High Marnham Project is materially obstructed, the undertaker must provide such alternative means of access to such apparatus or to the North Humber to High Marnham Project as will enable National Grid Electricity Transmission Plc to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

16. Save for differences or disputes arising under paragraph 8(2), 8(4) 9(1) and 10 any difference or dispute arising between the undertaker and National Grid Electricity Transmission Plc under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc, be determined by arbitration in accordance with article [●] (*arbitration*).

Notices

17. Notwithstanding article [ ] (service of notices), any plans submitted to National Grid Electricity Transmission Plc by the undertaker pursuant to paragraph 10 must be submitted using the LSBUD system (https://lsbud.co.uk/) or to such other address as National Grid Electricity Transmission Plc may from time to time appoint instead for that purpose and notify to the undertaker in writing.

End Note:

Incentive Deduction

The "Incentive Deduction" refers to an incentive in NGET's Electricity Transmission Licence concerning maintaining a continuous supply to demand customers (those parties that take load from the system) by ensuring that its system is functioning fully and efficiently. If there are system issues that prevent supply from reaching demand customers then these customers will be restricted and the incentive is reduced based on the restriction window. Essentially, it is a financial incentive for NGET to ensure its system works efficiently and without faults. The Protective Provisions look to address the scenario where the works that the counterparty is carrying out over or near NGET's system damages that system or otherwise causes it to not function correctly and therefore restrict this supply. In this scenario the counterparty would cover any related deductions to this incentive.

STC Claims

The STC Claims relate to "Interruption Payments" under the electricity codes – the System Operator Transmission Owner Code (STC) and Connection and User of Systems Code (CUSC). These codes were agreed and are updated by Stakeholders (including the energy regulator Ofgem). These payments cover when an event on NGET's transmission system causes generation or interconnectors to be unable to export their load to the system. If a successful claim is made by a generator or interconnector for interruption, NGET pays the Interruption Payment to NGESO (as system operator) who in turn pays the generator or interconnector. Again, the purpose of including this in the PP is to cover where the counterparty's actions damage or alter NGET's transmission system and this causes generation to be constrained and interruption payments to be made. The counterparty would cover these payments.

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(4) Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and DC in respect of any DC apparatus laid or erected in land belonging to the undertaker on the date on which the Order is made.

(5) DC must use its reasonable endeavours to mitigate in whole or in part and to minimise any claims, costs, expenses, losses, damages, demands, and penalties to which the indemnity under this paragraph 19 applies. If requested to do so by the undertaker, DC must provide an explanation of how the claim has been minimised. The undertaker will only be liable under this paragraph 19 for claims reasonably incurred by DC.

PART 3

For the protection of National Grid

Application

20. The provisions of this Part have effect for the protection of National Grid unless otherwise agreed in writing between the undertaker and National Grid.

Interpretation

21.—(1) In this Part—

"alternative apparatus" means appropriate alternative apparatus to the satisfaction of National Grid to enable National Grid to fulfil its statutory functions in a manner no less efficient than previously;

"apparatus" means:

(a) electric lines or electrical plant as defined in the 1989 Act, belonging to or maintained by National Grid together with any replacement apparatus; and

(b) such other apparatus constructed pursuant to the Order that becomes operational apparatus of the undertaker for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or must be lodged or which gives or will give access to apparatus; and

(c) any electrical lines or electrical plant as defined in the 1989 Act, any mains, pipes, plant or other apparatus belonging to, operated or maintained by National Grid for the purposes of the construction, operation and maintenance of the Bodelwyddan Project, whether temporary or permanent, and includes, where the context so requires, apparatus constructed as part of the authorised development and intended for the beneficial use by National Grid ("Bodelwyddan apparatus");

"authorised development" has the same meaning as in article 2 (interpretation) of this Order (unless otherwise specified) and includes any associated development authorised by the Order and for the purposes of this Part includes the use and maintenance of the authorised development and construction of any works authorised by this Schedule;

"Bodelwyddan Project" means the proposed extension of the Bodelwyddan substation, diversion of gas pipeline and overhead electricity line upgrade to be undertaken by National Grid and any temporary construction compound and laydown area for such works;

"Bodelwyddan Site" includes—

(a) land on which any Bodelwyddan apparatus is situated; and

(b) land on which Bodelwyddan apparatus is anticipated to be situated which is necessary for the construction, use or maintenance of the Bodelwyddan Project (in so far as the same has been notified by National Grid in writing to the undertaker);

"commence" has the same meaning as in article 2 of this Order and commencement shall be construed to have the same meaning;

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"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

"functions" includes powers and duties;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

"maintain" and "maintenance" include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid including construct, use, repair, alter, inspect, renew or remove the apparatus;

"National Grid" means National Grid Electricity Transmission PLC (Company No. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor company;

"National Grid connection works" means any part of Work Nos. 36, 39, 39A, 40 and 41 as described in Schedule 1 of this Order (authorised development);

"plan" or "plans" include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed; and

"specified works" means any of the authorised development or activities undertaken in association with the authorised development which—

(a) will or may be situated over, or within 15 metres measured in any direction of, any apparatus the removal of which has not been required by the undertaker under paragraph 31(2) or otherwise;

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 31(2) or otherwise; or

(c) includes any of the activities that are referred to in National Grid's publication "Development near overhead lines "ENA 43-8 and HSE's guidance note 6 "Avoiding Danger from Overhead Lines" and HSE's guidance note HSG47 "Avoiding danger from underground services".

Interaction with the Bodelwyddan Project

22. Without limiting any other provision of this Part of this Schedule, the undertaker must use reasonable endeavours to avoid any conflict arising between the construction, maintenance and operation of the authorised development and the Bodelwyddan Project. For the purposes of this paragraph, "reasonable endeavours" means—

(a) undertaking consultation on the detailed design and programming of the National Grid connection works and all works associated with or ancillary to the National Grid connection works to ensure that the design and programme for the National Grid connection works does not unreasonably impede or interfere with the Bodelwyddan Project;

(b) having regard to the proposed programme of works for the Bodelwyddan Project as may be made available to the undertaker by National Grid and facilitating a co-ordinated approach to the programme, land assembly, and the carrying out of the National Grid connection works and the Bodelwyddan Project;

(c) providing a point of contact for continuing liaison and co-ordination throughout the construction and operation of the authorised development; and

(d) keeping National Grid informed on the programme of works for the authorised development.

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National Grid connection works

23. The undertaker must not except with the agreement of National Grid carry out the National Grid connection works, or any part of it.

24.—(1) Before beginning to construct any National Grid connection works, or any part of it, the undertaker must submit to National Grid plans of the relevant National Grid connection works (or part of it) and such further particulars available to it as National Grid may request within 21 days of receipt of the plans reasonably requested.

(2) Any National Grid connection works must not be constructed except in accordance with such plans as may be approved in writing by National Grid.

25.—(1) Any approval of National Grid required under this Schedule—

(a) must not be unreasonably withheld or delayed;

(b) in the case of a refusal must be accompanied by a statement of grounds or refusal; and

(c) may be given subject to such reasonable requirements as National Grid may have in connection with the safe, economic and efficient construction, commissioning, operation, maintenance and future decommissioning of the Bodelwyddan Project or otherwise for the protection of Bodelwyddan apparatus,

provided always that in relation to a refusal under sub-paragraph (b) or any requirements requested pursuant to sub-paragraph (c) the undertaker shall be permitted to refer such matters to dispute resolution pursuant to paragraph 39.

(2) National Grid must employ reasonable endeavours to respond to the submission of any plans within a period of 56 days from the date of submission of the plans. If National Grid require further particulars, such particulars must be requested by National Grid no later than 21 days from the submission of plans and thereafter National Grid must employ reasonable endeavours to respond to the submission within 56 days from receipt of the further particulars.

26.—(1) The undertaker must give to National Grid not less than 14 days' notice in writing of its intention to commence construction of any National Grid connection works and notice in writing of its completion not later than 7 days after the date on which it is completed and National Grid will be entitled by its officer to watch and inspect the construction of such works.

(2) If any part of the National Grid connection works is constructed otherwise than in accordance with paragraph 24(2) above National Grid may by notice in writing identify the extent to which the National Grid connection works do not comply with the approved details and request the undertaker at the undertaker's own expense carry out remedial works so as to comply with the requirements of paragraph 24(2) of this Schedule or such alternative works as may be agreed with National Grid or as otherwise may be agreed between the parties.

(3) Subject to sub-paragraph (4), if within a reasonable period, being not less than 28 days beginning with the date when a notice under sub-paragraph (2) is served upon the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, National Grid may execute the works specified in the notice and any reasonable expenditure incurred by National Grid in so doing will be recoverable from the undertaker.

(4) In the event of any dispute as to whether sub-paragraph (2) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, National Grid will not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 39.

On Street Apparatus

27. Except for paragraphs 28 (apparatus of National Grid in streets subject to temporary stopping up), 33 (retained apparatus: protection of National Grid as electricity undertaker), 35 (expenses) and 35 (indemnity) of this Schedule, the other provisions of this Schedule do not apply

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to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus of National Grid in streets subject to temporary stopping up

28.—(1) Without prejudice to the generality of any other protection afforded to National Grid elsewhere in the Order, where any street is stopped up under article 12 (temporary restriction of use of streets), if National Grid has any apparatus in the street or accessed via that street National Grid is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker will grant to National Grid, or will procure the granting to National Grid of, legal easements reasonably satisfactory to National Grid in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Grid to require the removal of that apparatus under paragraph 31 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 33.

(2) Notwithstanding a temporary restriction under article 12 (temporary restriction of use of streets), National Grid is at liberty at all times to take all necessary access across any such street or to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion is in that street.

Protective works to buildings

29. The undertaker, in the case of the powers conferred by article 16 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus or to the Bodelwyddan Site without the written consent of National Grid which will not unreasonably be withheld.

Acquisition of land

30.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference, the undertaker may not (a) acquire or take temporary possession of any land interest or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement or other interest of National Grid otherwise than by agreement (such agreement not to be unreasonably withheld or delayed).

(2) Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not unless otherwise agreed in writing with National Grid acquire any land forming part of the Bodelwyddan Site (such agreement not to be unreasonably withheld or delayed).

(3) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised development (or in such other timeframe as may be agreed between National Grid and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development.

(4) The undertaker and National Grid agree that where there is any inconsistency or duplication between the provisions set out in this Part relating to the relocation or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences

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granted, used, enjoyed or exercised by National Grid as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(5) Any agreement or consent granted by National Grid under paragraph 33 or any other paragraph of this Part must not be taken to constitute agreement under sub-paragraph 30(1).

Removal of apparatus

31.—(1) If, in the exercise of the powers conferred by this Order the undertaker acquires any interest in or possesses temporarily any Order land in which any apparatus is placed, that apparatus must not be removed under this Part and any right of National Grid to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraphs (2) to (5).

(2) If, for the purpose of executing any works comprised in the authorised development in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid a minimum of 56 days' advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Grid to its satisfaction (taking into account paragraph 32(1) below) the necessary facilities and rights—

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to do so.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part must be constructed in such manner and in such line or situation as may be agreed between National Grid and the undertaker.

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to a written diversion agreement having been entered into between the parties and the grant to National Grid of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part.

Facilities and rights for alternative apparatus

32.—(1) Where, in accordance with the provisions of this Part, the undertaker affords to or secures National Grid facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless agreed by National Grid.

(2) If the facilities and rights to be afforded by the undertaker and agreed with National Grid under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to

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National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the matter may be referred to arbitration under paragraph 39 (arbitration) and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case. In respect of the appointment of an arbitrator under this sub-paragraph, article 44 (arbitration) applies.

Retained apparatus: Protection of National Grid as Electricity Undertaker

33.—(1) Not less than 56 days before the commencement of any specified works, the undertaker must submit to National Grid a plan of the works to be executed and seek from National Grid details of the underground extent of their electricity tower foundations.

(2) In relation to works which will or may be situated on, over, under or within (i) 15 metres measured in any direction of any apparatus, or (ii) which involve embankment works within 15 metres of any apparatus, the plan to be submitted to National Grid under sub-paragraph (1) must include a method statement and describe—

(a) the exact position of the works;

(b) the level at which they are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation and positioning of plant;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes; and

(g) an assessment of risks of rise of earth issues.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more adjacent electricity towers which are within the Order limits or within 10 metres of the Order limits, the plan to be submitted under sub-paragraph (1) must in addition to the matters set out in sub-paragraph (2) include a method statement describing—

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities of trench supporting structures;

(d) details of cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of the cable route;

(f) written details of the operations and maintenance regime for the cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid's engineers; and

(h) evidence that trench collapse resistance and supporting structures bearing capacity are to be designed to support overhead line construction traffic of at least 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraph (2) or (3) applies until National Grid has given written approval of the plan so submitted.

(5) Any approval of National Grid required under sub-paragraph (4)—

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (6) or (8);

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(b) may be given subject to such reasonable requirements as National Grid may have in connection with the safe and efficient construction, commissioning, operation and maintenance of the Bodelwyddan Project; and

(c) and must not be unreasonably withheld or delayed.

(6) In relation to a work to which sub-paragraph (2) or (3) applies, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraph (2) or (3) must only be executed in accordance with the plan submitted under sub-paragraph (1) or as relevant sub-paragraph (6) as approved or as amended from time to time by agreement between the undertaker and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (5), (6), (8) or (9) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid is entitled to watch and inspect the execution of those works.

(8) Where under sub-paragraph (6) National Grid requires any protective works to be carried out either by itself or by the undertaker (whether of a temporary or permanent nature) such protective works must be carried out to National Grid's satisfaction prior to the commencement of any authorised development (or any relevant part thereof) for which protective works are required and National Grid must give 56 days' notice of its requirement for such works from the date of submission of a plan in line with this paragraph (except in an emergency).

(9) If National Grid in accordance with sub-paragraph (6) or (8) and in consequence of the works proposed by the undertaker reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, sub-paragraphs 1 to 3 and 6 to 8 applies as if the removal of the apparatus had been required by the undertaker under paragraph 31(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised development, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must—

(a) comply with sub-paragraphs (6), (7) and (8) in so far as is reasonably practicable in the circumstances; and

(b) comply with sub-paragraph (12) at all times.

(12) At all times when carrying out any works authorised under the Order, the undertaker must comply with National Grid's policies for development near overhead lines ENA 43-8 and the Health and Safety Executive's guidance note 6 "Avoiding danger from overhead power lines".

Expenses

34.—(1) Save where otherwise agreed in writing between National Grid and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably and properly incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus or alternative apparatus which may be required in consequence of the execution of any such works as are referred to in this Part including without limitation—

(a) any costs reasonably incurred by or compensation properly paid by National Grid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid as a consequence of National Grid:

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(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 31(3); or

(ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid.

(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;

(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;

(d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works; and

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement settled by arbitration in accordance with article 44 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid by virtue of sub-paragraph will be reduced by the amount of that excess save where it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

35.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part or in consequence of the construction, use, maintenance or failure of any of the authorised development by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by

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it) in the course of carrying out such works (including without limitation works carried out by the undertaker under this Part or any subsidence resulting from any of these works), any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purpose of those works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party, the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid the cost reasonably and properly incurred by National Grid in making good such damage or restoring the supply; and

(b) indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party as aforesaid other than arising from any default by National Grid.

(2) The fact that any act or thing may have been done by National Grid on behalf of the undertaker or in accordance with a plan approved by National Grid or in accordance with any requirement of National Grid as a consequence of the authorised development or under its supervision does not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of sub-paragraph (1), unless National Grid fails to carry out and execute the works properly with due care and attention and in a skilful and workmanlike manner or in a manner that does not materially accord with the approved plan or as otherwise agreed between the undertaker and National Grid.

(3) Nothing in sub-paragraph (1) will impose any liability on the undertaker in respect of—

(a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, employees, contractors or agents; and

(b) any authorised development or any other works authorised by this Part carried out by National Grid as an assignee, transferee or lessee of the undertaker with the benefit of this Order pursuant to section 156 of the 2008 Act or article 6 (benefit of the Order) subject to the proviso that once such works become apparatus ("new apparatus") any works yet to be executed and not falling within this sub-paragraph (b) are subject to the full terms of this Part including this paragraph in respect of such new apparatus.

(4) National Grid must give the undertaker reasonable notice of any claim or demand and no settlement, admission of liability or compromise or demand must be made, unless payment is required in connection with a statutory compensation scheme, without first consulting the undertaker and considering its representations.

(5) National Grid must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

Enactments and agreements

36. Save to the extent provided for to the contrary elsewhere in this Part or by agreement in writing between the undertaker and National Grid, nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

37.—(1) Where in consequence of the proposed construction of any part of the authorised development the undertaker or National Grid requires the removal of apparatus under paragraph 31(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 33, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of

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National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.

(2) Whenever National Grid's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker, or the taking of action by the undertaker is required, it must not be unreasonably withheld or delayed.

Access

38. If in consequence of the agreement reached in accordance with paragraph 30(1) or the powers granted under this Order the access to any apparatus or the Bodelwyddan Site is materially obstructed, the undertaker must provide such alternative means of access to such apparatus or the Bodelwyddan Site as will enable National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

39. Save for differences or disputes arising under paragraphs 31(2), 31(4), and 33 any difference or dispute arising between the undertaker and National Grid under this Part must, unless otherwise agreed in writing between the undertaker and National Grid, be determined by arbitration in accordance with article 44 (arbitration).

Notices

40. The plans submitted to National Grid by the undertaker pursuant to this Part must be submitted to https://lsbud.co.uk/ or such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 4

For the protection of SP Manweb as electricity undertaker

Application

41. The following provisions have effect for the protection of SP Manweb unless otherwise agreed in writing between the undertaker and SP Manweb.

Interpretation

42. In this Part of this Schedule—

"alternative apparatus" means appropriate alternative apparatus to enable SP Manweb to fulfil its statutory functions in a manner no less efficient than previously (to the reasonable satisfaction of SP Manweb);

"apparatus" means electric lines or electrical plant as defined in the 1989 Act, belonging to or maintained by SP Manweb together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of SP Manweb for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

"authorised development" has the same meaning as is given to the term "authorised development" in article 2 of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised development and construction of any works authorised by this Part of this Schedule;

"commence" has the same meaning as in article 2 of this Order and commencement must be construed to have the same meaning;

Maintenance

78. The undertaker must maintain the apparatus in a good state of repair and condition. The undertaker must if required place and maintain within the limits of the said highway suitable permanent signs of a type and in positions to be approved by the WM for the purpose of indicating as nearly as possible the exact position under the highway in which the said apparatus is laid.

PART 7

For the protection of National Grid Electricity Transmission Plc as electricity undertaker

Application

79.— (1) For the protection of National Grid Electricity Transmission Plc as referred to in this Part of this Schedule he following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc, where the benefit of this Order is transferred or granted to another person under article 7 (B*enefit of Order*) –

(a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Grid Electricity Transmission Plc and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Grid Electricity Transmission Plc on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid Electricity Transmission Plc (but without prejudice to paragraph 11(3)b).

Interpretation

80.— In this Part of this Schedule —

"1991 Act" means the New Roads and Street Works Act 1991;

"acceptable credit provider" means a bank or financial institution with a credit rating that is not lower than: (i) "A-" if the rating is assigned by Standard & Poor's Ratings Group or Fitch Ratings; and "A3" if the rating is assigned by Moody's Investors Services Inc.;

"acceptable insurance**"** means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than a sum to be notified to the undertaker by National Grid Electricity Transmission Plc and agreed in writing between the parties. Evidence of that insurance must be provided to National Grid Electricity Transmission on request. Such insurance shall be maintained (a) during the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an "acceptable credit provider", such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Grid Electricity Transmission Plc

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than a sum to be notified to the undertaker by National Grid Electricity Transmission Plc and agreed in writing between the parties;

“acceptable security**”** means either:

(a) a parent company guarantee from a parent company in favour of National Grid Electricity Transmission Plc to cover the undertaker’s liability to National Grid Electricity Transmission Plc to a total liability cap in an amount to be notified to the undertaker by National Grid Electricity Transmission Plc and agreed in writing between the parties (in a form reasonably satisfactory to National Grid Electricity Transmission Plc and where required by National Grid Electricity Transmission Plc, accompanied with a legal opinion confirming the due capacity and authorisation of the parent company to enter into and be bound by the terms of such guarantee); or

(b) a bank bond or letter of credit from an acceptable credit provider in favour of National Grid Electricity Transmission Plc to cover the undertaker’s liability to National Grid Electricity Transmission Plc for an amount to be notified to the undertaker by National Grid Electricity Transmission Plc and agreed in writing between the parties (in a form reasonably satisfactory to National Grid Electricity Transmission Plc);

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of National Grid Electricity Transmission Plc to enable National Grid Electricity Transmission Plc to fulfil its statutory functions in a manner no less efficient than previously;

"apparatus" means:

(a) any electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by National Grid Electricity Transmission Plc together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Grid Electricity Transmission Plc for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

(b) any electrical lines or electrical plant as defined in the 1989 Act, any mains, pipes, plant or other apparatus belonging to, operated or maintained by National Grid for the purposes of the construction, operation and maintenance of the Bodelwyddan Project, whether temporary or permanent, and includes, where the context so requires, apparatus constructed as part of the authorised development and intended for the beneficial use by National Grid ("Bodelwyddan apparatus"); and

(c) any electrical lines or electrical plant as defined in the 1989 Act, any mains, pipes, plant or other apparatus belonging to, operated or maintained by National Grid for the purposes of the construction, operation and maintenance of the Connah's Quay Project, whether temporary or permanent ("Connah's Quay apparatus");

“authorised works” has the same meaning as is given to the term “authorised development” in article 2 (interpretation) of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

"Bodelwyddan Project" means the proposed extension of the Bodelwyddan substation, diversion of gas pipeline and overhead electricity line upgrade to be undertaken by National Grid and any temporary construction compound and laydown area for such works;

"Bodelwyddan Site" includes –

(a) land on which any Bodelwyddan apparatus is situated; and

(b) land on which Bodelwyddan apparatus is anticipated to be situated which is necessary for the construction, use or maintenance of the Bodelwyddan Project (in so far as the same has been notified by National Grid in writing to the undertaker);

"Connah's Quay Project" means the proposed reconductoring works to three existing ended circuits (Bodelwyddan, Connah's Quay and Pentir 1 & 2) from towers 4ZB167 to 4ZB255 to be undertaken by National Grid, including any temporary construction compound, access and laydown area for such works;

"Connah's Quay Site" includes –

(a) land on which any Connah's Quay apparatus is situated; and

(b) land on which Connah's Quay apparatus is anticipated to be situated which is necessary for the construction, use or maintenance of the Connah's Quay Project (in so far as the same has been notified by National Grid in writing to the undertaker);

"commence" and "commencement" in this Part of this Schedule shall include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

"functions" includes powers and duties;

"ground mitigation scheme" means a scheme approved by National Grid Electricity Transmission Plc (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

"ground monitoring scheme" means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Grid Electricity Transmission Plc's approval a ground mitigation scheme;

"ground subsidence event" means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

"Incentive Deduction" means any incentive deduction National Grid Electricity Transmission Plc Electricity Transmission plc receives under its electricity transmission licence which is caused by an event on its transmission system that causes electricity not to be supplied to a demand customer and which arises as a result of the authorised works;

"maintain" and "maintenance" shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid Electricity Transmission Plc: construct, use, repair, alter, inspect, renew or remove the apparatus;

"Mona project works" means any part of Work Nos. 22, 22a, 23, 24, 25, 26, 27, 29, 30, 35 or 38 as described in Schedule 1 of this Order (authorised development);

"National Grid Electricity Transmission Plc" means National Grid Electricity Transmission Plc (Company Number. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

"NGESO" means as defined in the STC;

"plan" or "plans" include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

"parent company" means a parent company of the undertaker acceptable to and which shall have been approved by National Grid Electricity Transmission Plc acting reasonably;

"specified works" means any of the authorised works or activities undertaken in association with the authorised works which—:

(a) will or may be situated over, or within 15 metres measured in any direction of, any apparatus the removal of which has not been required by the undertaker under paragraph 90(2) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 90(2) or otherwise; and/or

(c) includes any of the activities that are referred to in "development near overhead lines" EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines"

"STC" means the System Operator Transmission Owner Code prepared by the electricity Transmission Owners and NGESO as modified from time to time;

"STC Claims" means any claim made under the STC against National Grid Electricity Transmission Plc arising out of or in connection with the de-energisation (whereby no electricity can flow to or from the relevant system through the generator or interconnector's equipment) of a generator or interconnector party solely as a result of the de-energisation of plant and apparatus forming part of National Grid Electricity Transmission Plc's transmission system which arises as a result of the authorised works;

"Transmission Owner" means as defined in the STC;

"undertaker" means the undertaker as defined in article 2(1) of this Order;

Interaction with the Bodelwyddan Project and the Connah's Quay Project

81. Without limiting any other provision of this Part of this Schedule, the undertaker must use reasonable endeavours to avoid any conflict arising between the construction, maintenance and operation of the authorised development and the Bodelwyddan Project and the Connah's Quay Project. For the purposes of this paragraph, "reasonable endeavours" means –

(a) undertaking consultation on the detailed design and programming of the Mona project works and all works associated with or ancillary to the Mona project works to ensure that the design and programme for the Mona project works does not unreasonably impede or interfere with the Bodelwyddan Project and/or the Connah's Quay Project;

(b) having regard to the proposed programme of works for the Bodelwyddan Project and/or the Connah's Quay Project as may be made available to the undertaker by National Grid and facilitating a co-ordinated approach to the programme, land assembly, and the carrying out of the Mona project works and the Bodelwyddan Project and/or the Connah's Quay Project;

(c) providing a point of contact for continuing liaison and co-ordination throughout the construction and operation of the authorised development; and

(d) keeping National Grid informed on the programme of works for the authorised development.

Mona project works

82. The undertaker must not except with the agreement of National Grid carry out the Mona project works, or any part of it.

83.—(1) Before beginning to construct any Mona project works, or any part of it, the undertaker must submit to National Grid plans of the relevant Mona project works (or part of it) and such further particulars available to it as National Grid may request within 21 days of receipt of the plans reasonably requested.

(2) Any Mona project works must not be constructed except in accordance with such plans as may be approved in writing by National Grid.

84.—(1) Any approval of National Grid required under this Schedule—

(a) must not be unreasonably withheld or delayed;

(b) in the case of a refusal must be accompanied by a statement of grounds or refusal; and

(c) may be given subject to such reasonable requirements as National Grid may have in connection with the safe, economic and efficient construction, commissioning, operation, maintenance and future decommissioning of the Bodelwyddan Project and/or the Connah's Quay

Project or otherwise for the protection of Bodelwyddan apparatus and/or the Connah's Quay apparatus,

provided always that in relation to a refusal under sub-paragraph (b) or any requirements requested pursuant to sub-paragraph (c) the undertaker shall be permitted to refer such matters to dispute resolution pursuant to paragraph 21.

(2) National Grid must employ reasonable endeavours to respond to the submission of any plans within a period of 56 days from the date of submission of the plans. If National Grid require further particulars, such particulars must be requested by National Grid no later than 21 days from the submission of plans and thereafter National Grid must employ reasonable endeavours to respond to the submission within 56 days from receipt of the further particulars.

85.—(1) The undertaker must give to National Grid not less than 14 days' notice in writing of its intention to commence construction of any Mona project works and notice in writing of its completion not later than 7 days after the date on which it is completed and National Grid will be entitled by its officer to watch and inspect the construction of such works.

(2) If any part of the Mona project works is constructed otherwise than in accordance with paragraph 84(2) above National Grid may by notice in writing identify the extent to which the Mona project works do not comply with the approved details and request the undertaker at the undertaker's own expense carry out remedial works so as to comply with the requirements of paragraph 84(2) of this Schedule or such alternative works as may be agreed with National Grid or as otherwise may be agreed between the parties.

(3) Subject to sub-paragraph (4), if within a reasonable period, being not less than 28 days beginning with the date when a notice under sub-paragraph (2) is served upon the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, National Grid may execute the works specified in the notice and any reasonable expenditure incurred by National Grid in so doing will be recoverable from the undertaker.

(4) In the event of any dispute as to whether sub-paragraph (2) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, National Grid will not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 99.

On Street Apparatus

86. Except for paragraphs 88 (apparatus *in temporarily closed streets*), 93 (retained apparatus: protection of National Grid Electricity Transmission Plc as electricity undertaker), 94 (expenses) and 95 (indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid Electricity Transmission Plc, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid Electricity Transmission Plc are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus in temporarily closed streets

87.—(1) Where any street is closed under article 12 (*temporary restriction of use of streets*), if National Grid Electricity Transmission Plc has any apparatus in the street or accessed via that street National Grid Electricity Transmission Plc has the same rights in respect of that apparatus as it enjoyed immediately before the closure and the undertaker must grant to National Grid Electricity Transmission Plc, or procure the granting to National Grid Electricity Transmission Plc of, legal easements reasonably satisfactory to National Grid Electricity Transmission Plc in respect of such apparatus and access to it prior to the closure of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Grid Electricity Transmission Plc to require the removal of that apparatus under paragraph 85 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 9.

(2) Notwithstanding the temporary closure or diversion of any highway under the powers of article 12 (*temporary restriction of use of streets*), National Grid Electricity Transmission Plc is at liberty at all times to take all necessary access across any such closed highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the closure or diversion was in that highway.

Protective works to buildings

88. The undertaker, in the case of the powers conferred by article 18 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus, the Bodelwyddan Site and/or the Connah's Quay Site without the written consent of National Grid Electricity Transmission Plc which will not unreasonably be withheld.

Acquisition of land

89.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Grid Electricity Transmission Plc otherwise than by agreement (such agreement not to be unreasonably withheld or delayed).

(2) Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not unless otherwise agreed in writing with National Grid acquire any land forming part of the Bodelwyddan Site and/or the Connah's Quay Site (such agreement not to be unreasonably withheld or delayed).

(3) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid Electricity Transmission Plc and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid Electricity Transmission Plc or affect the provisions of any enactment or agreement regulating the relations between National Grid Electricity Transmission Plc and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid Electricity Transmission Plc reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid Electricity Transmission Plc and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid Electricity Transmission Plc, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(4) Save where otherwise agreed in writing between National Grid Electricity Transmission Plc and the undertaker, the undertaker and National Grid Electricity Transmission Plc agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid Electricity Transmission Plc and/or other enactments relied upon by National Grid Electricity Transmission Plc as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(5) Any agreement or consent granted by National Grid Electricity Transmission Plc under paragraph 87 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

90.—(1) If, in the exercise of the powers conferred by this Order the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid Electricity Transmission Plc to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of National Grid Electricity Transmission Plc in accordance with sub-paragraph (2) to (5)

(2) If, for the purpose of executing any works comprised in the authorised development in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid Electricity Transmission Plc a minimum of 56 days' advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid Electricity Transmission Plc reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Grid Electricity Transmission Plc to its satisfaction (taking into account paragraph 8(1) below) the necessary facilities and rights—

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid Electricity Transmission Plc may in its sole discretion, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Grid Electricity Transmission Plc to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid Electricity Transmission Plc and the undertaker.

(5) National Grid Electricity Transmission Plc must, after the alternative apparatus to be provided or constructed has been agreed, and subject to any necessary legal agreements having been entered into between the parties and the grant to National Grid Electricity Transmission Plc of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

91.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid Electricity Transmission Plc facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Grid Electricity Transmission Plc and must be no less favourable on the whole to National Grid Electricity Transmission Plc than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid Electricity Transmission Plc.

(2) If the facilities and rights to be afforded by the undertaker and agreed with National Grid Electricity Transmission Plc under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid Electricity Transmission Plc than the facilities and rights

enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 98 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid Electricity Transmission Plc as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case. In respect of the appointment of an arbitrator under this sub-paragraph, article 45 (arbitration) applies.

Retained apparatus: Protection of National Grid Electricity Transmission Plc as Electricity Undertaker

92.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid Electricity Transmission Plc a plan of the works to be executed and seek from National Grid Electricity Transmission Plc details of the underground extent of their electricity assets.

(2) In relation to specified works the plan to be submitted to National Grid Electricity Transmission Plc under sub-paragraph (1) must include a method statement and describe—

(a) the exact position of the works;

(b) the level at which these are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation, positioning of plant;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes;

(g) an assessment of risks of rise of earth issues; and

(h) a ground monitoring scheme, where required.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must in addition to the matters set out in sub-paragraph (2) include a method statement describing—; -

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities;

(d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;

(f) written details of the operations and maintenance regime for any cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid Electricity Transmission Plc's engineers; and

(h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to and including 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid Electricity Transmission Plc has given written approval of the plan so submitted.

(5) Any approval of National Grid Electricity Transmission Plc required under sub-paragraphs (4) -

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and

(b) may be given subject to such reasonable requirements as National Grid may have in connection with the safe and efficient construction, commissioning, operation and maintenance of the Bodelwyddan Project and/or the Connah's Quay Project; and

(c) must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid Electricity Transmission Plc may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid Electricity Transmission Plc and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6), or (8) by National Grid Electricity Transmission Plc for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid Electricity Transmission Plc will be entitled to watch and inspect the execution of those works.

(8) Where National Grid Electricity Transmission Plc requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid Electricity Transmission Plc's satisfaction prior to the commencement of any authorised development (or any relevant part thereof) for which protective works are required and National Grid Electricity Transmission Plc shall give 56 days' notice of its requirement for such works from the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid Electricity Transmission Plc in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 79 to 81 and 84 to 86 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised development, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(11) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Grid Electricity Transmission Plc notice as soon as is reasonably practicable and a plan of those works and must—

comply with sub-paragraphs (6), (7) and (8) in so far as is reasonably practicable in the circumstances and

comply with sub-paragraph (12) at all times.

(12) At all times when carrying out any works authorised under the Order, the undertaker must comply with National Grid Electricity Transmission Plc's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

Expenses

93.—(1) Save where otherwise agreed in writing between National Grid Electricity Transmission Plc and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Grid Electricity Transmission Plc within 30 days of receipt of an itemised invoice or claim from National Grid Electricity Transmission Plc all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly

incurred by National Grid Electricity Transmission Plc in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

(a) any costs reasonably incurred by or compensation properly paid by National Grid Electricity Transmission Plc in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid Electricity Transmission Plc as a consequence of National Grid Electricity Transmission Plc:

(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 85(3); or

(ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid Electricity Transmission Plc.

(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no legal agreement is otherwise in place;

(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;

(d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 45 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid Electricity Transmission Plc by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid Electricity Transmission Plc in respect of works by virtue of sub-paragraph (1) will, if the works

include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid Electricity Transmission Plc any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

94.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid Electricity Transmission Plc, or there is any interruption in any service provided, or in the supply of any goods, by National Grid Electricity Transmission Plc, or National Grid Electricity Transmission Plc becomes liable to pay any amount to any third party, the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid Electricity Transmission Plc the cost reasonably and properly incurred by National Grid Electricity Transmission Plc in making good such damage or restoring the supply; and

(b) indemnify National Grid Electricity Transmission Plc for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid Electricity Transmission Plc, by reason or in consequence of any such damage or interruption or National Grid Electricity Transmission Plc becoming liable to any third party and including STC Claims or an Incentive Deduction other than arising from any default of National Grid Electricity Transmission Plc.

(2) The fact that any act or thing may have been done by National Grid Electricity Transmission Plc on behalf of the undertaker or in accordance with a plan approved by National Grid Electricity Transmission Plc or in accordance with any requirement of National Grid Electricity Transmission Plc or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid Electricity Transmission Plc fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan

(3) Nothing in sub-paragraph (1) shall impose any liability on the undertaker in respect of—

(a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid Electricity Transmission Plc, its officers, servants, contractors or agents;

(b) any authorised works and/or any other works authorised by this Part of this Shcedule carried out by National Grid Electricity Transmission Plc as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article 7 (benefit of the Order) subject to the proviso that once such works become apparatus ("new apparatus") any authorised works yet to be executed and not falling within this sub-section 3(b) will be subject to the full terms of this Part of this Schedule including this paragraph 89; and/or

(c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable;

(4) National Grid Electricity Transmission Plc must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Grid must Electricity Transmission Plc, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Grid Electricity Transmission Plc must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid Electricity Transmission Plc's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid Electricity Transmission Plc's control and if reasonably requested to do so by the undertaker National Grid Electricity Transmission Plc must provide an explanation of how the claim has been minimised, where relevant.

(7) Not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Grid Electricity Transmission Plc or in respect of which National Grid Electricity Transmission Plc has an easement or wayleave for its apparatus or any other interest or to carry out any works within 15 metres of National Grid Electricity Transmission Plc's apparatus until the following conditions are satisfied:

(a) unless and until National Grid Electricity Transmission Plc is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has first provided the acceptable security (and provided evidence that it shall maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid Electricity Transmission Plc has confirmed the same to the undertaker in writing; and

(b) unless and until National Grid Electricity Transmission Plc is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has procured acceptable insurance (and provided evidence to National Grid Electricity Transmission Plc that it shall maintain such acceptable insurance for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid Electricity Transmission Plc has confirmed the same in writing to the undertaker.

(8) In the event that the undertaker fails to comply with 89(7) of this Part of this Schedule, nothing in this Part of this Schedule shall prevent National Grid Electricity Transmission Plc from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

95. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Grid Electricity Transmission Plc and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid Electricity Transmission Plc in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

96.—(1) Where in consequence of the proposed construction of any part of the authorised works the undertaker or National Grid Electricity Transmission Plc requires the removal of apparatus under paragraph 85(2) or National Grid Electricity Transmission Plc makes requirements for the protection or alteration of apparatus under paragraph9, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid Electricity Transmission Plc's undertaking and National Grid Electricity Transmission Plc shall use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Grid Electricity Transmission Plc's consent, agreement or approval is required in relation to plans, documents or other information submitted

by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

97. If in consequence of the agreement reached in accordance with paragraph 84(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Grid Electricity Transmission Plc to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

98. Save for differences or disputes arising under paragraphs 90(2), 90(4), 91(1) and 92 any difference or dispute arising between the undertaker and National Grid Electricity Transmission Plc under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid Electricity Transmission Plc, be determined by arbitration in accordance with article 45 (arbitration).

Notices

99. Notwithstanding article 42 (*service of notices*), any plans submitted to National Grid Electricity Transmission Plc by the undertaker pursuant to paragraph 97 must be submitted using the LSBUD system (https://lsbud.co.uk/) or to such other address as National Grid Electricity Transmission Plc may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 8

For the protection of Network Rail Limited

100. The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and Network Rail and, where paragraph 114 applies, any other person on whom rights or obligations are conferred by that paragraph.

101. In this Part—

"asset protection agreement" means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail;

"construction" includes execution, placing, alteration and reconstruction and "construct" and "constructed" have corresponding meanings;

"engineer" means an engineer appointed by Network Rail for the purposes of this Order;

"network licence" means the network licence, as the same is amended from time to time, granted to Network Rail by the Secretary of State in exercise of powers under section 8 of the Railways Act 1993(**a**);

"Network Rail" means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at 1 Eversholt Street, London NW1 2DN) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition "associated company" means any company which is (within the meaning of section 1159 of the Companies Act 2006(**b**)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited; and any successor to Network Rail Infrastructure Limited's railway undertaking:

(**a**) 1993 c. 43.
(**b**) 2006 c. 46.

(6) Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 3

For the protection of National Grid Electricity Transmission plc as electricity undertaker

Application

15.—(1) For the protection of National Grid as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid, where the benefit of this Order is transferred or granted to another person under article 7 (benefit of the Order):

(a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Grid and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Grid on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid (but without prejudice to paragraph 25(3)(b)) of this Part of this Schedule.

Interpretation

16. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

"acceptable credit provider" means a bank or financial institution with a credit rating that is not lower than: (i) "A-" if the rating is assigned by Standard and Poor's Ratings Group or Fitch Ratings; and "A3" if the rating is assigned by Moody's Investors Services Inc.;

"acceptable insurance" means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than £50,000,000.00 (fifty million pounds sterling) per occurrence or series of occurrences arising out of one event. Such insurance shall be maintained (a) for the duration of the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an "acceptable credit provider", such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Grid;

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than £10,000,000.00 (ten million pounds) per occurrence or series of occurrences arising out of one event or £20,000,000.00 (twenty million pounds) in aggregate;

"acceptable security" means a bank bond or letter of credit from an acceptable credit provider in favour of National Grid to cover the undertaker's liability to National Grid for an amount of not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Grid);

"alternative apparatus" means appropriate alternative apparatus to the satisfaction of National Grid to enable National Grid to fulfil its statutory functions in a manner no less efficient than previously;

"apparatus" means any electric lines or electrical plant as defined in the Electricity Act 1989(**a**), belonging to or maintained by National Grid, together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Grid for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

"authorised works" has the same meaning as is given to the term "authorised development" in article 2(1) of this Order and includes any ancillary works as defined in article 2(1) of this Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

"commence" and "commencement" in this Part of this Schedule shall include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

"functions" includes powers and duties;

"ground mitigation scheme" means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

"ground monitoring scheme" means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Grid's approval a ground mitigation scheme;

"ground subsidence event" means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

"Incentive Deduction" means any incentive deduction National Grid Electricity Transmission plc receives under its electricity transmission licence which is caused by an event on its transmission system that causes electricity not to be supplied to a demand customer and which arises as a result of the authorised works;

"maintain" and "maintenance" shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid: construct, use, repair, alter, inspect, renew or remove the apparatus;

"National Grid" means National Grid Electricity Transmission Plc (company number 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

"NESO" means as defined in the STC;

"plan" or "plans" include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

"specified works" means any of the authorised works or activities undertaken in association with the authorised works which:

(**a**) 1989 c. 29.

(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 21(2) or otherwise; and/or

(c) includes any of the activities that are referred to in National Grid's document "Development near overhead lines" EN43-8 and the Health and Safety Executive's (HSE) Guidance Note GS6 "Avoiding Danger from Overhead Power Lines";

"STC" means the System Operator Transmission Owner Code prepared by the electricity Transmission Owners and NESO as modified from time to time;

"STC Claims" means any claim made under the STC against National Grid Electricity Transmission plc arising out of or in connection with the de-energisation (whereby no electricity can flow to or from the relevant system through the generator or interconnector's equipment) of a generator or interconnector party solely as a result of the de-energisation of plant and apparatus forming part of National Grid Electricity Transmission plc's transmission system which arises as a result of the authorised works;

"Transmission Owner" means as defined in the STC;

"undertaker" means the undertaker as defined in article 2(1) of this Order.

On Street Apparatus

17. Except for paragraphs 18 (apparatus of statutory undertakers in temporarily restricted streets), 23 (retained apparatus: protection of electricity undertakers), 24 (expenses) and 25 (indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of statutory undertakers in temporarily restricted streets

18. Notwithstanding the temporary stopping up or diversion of any highway under article 13 (temporary restriction of use of streets), National Grid may at all times take all necessary access across any such highway and execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the restriction or diversion was in that highway.

Protective works to buildings

19. The undertaker, in the case of the powers conferred by article 21 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus without the written consent of National Grid.

Acquisition of land

20.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Grid otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected

in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) Save where otherwise agreed in writing between National Grid and the undertaker, the undertaker and National Grid agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid and/or other enactments relied upon by National Grid as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(4) Any agreement or consent granted by National Grid under paragraph 23 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

21.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraphs (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Grid to its satisfaction (taking into account paragraph 22(1) below) the necessary facilities and rights—

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid may in its sole discretion, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid and the undertaker.

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to a written diversion agreement having been entered into between the parties and the grant to National Grid of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative

apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

22.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid.

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 29 (arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of electricity undertaker

23.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid a plan of the works to be executed and seek from National Grid details of the underground extent of their electricity assets.

(2) In relation to specified works, the plan to be submitted to National Grid under sub-paragraph (1) must include a method statement and describe—

(a) the exact position of the works;

(b) the level at which these are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation, positioning of plant;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes;

(g) an assessment of risks of rise of earth issues; and

(h) a ground monitoring scheme, where required.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing; —

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities of trenches;

(d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;

(f) written details of the operations and maintenance regime for any cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid's engineers; and

(h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to and including 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid has given written approval of the plan so submitted.

(5) Any approval of National Grid required under sub-paragraph (4)—

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and,

(b) must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6) or (8) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid will be entitled to watch and inspect the execution of those works.

(8) Where National Grid requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid's satisfaction, prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required and National Grid shall give notice of its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 15 to 17 and 19 to 21 apply as if the removal of the apparatus had been required by the undertaker under paragraph 21(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(11) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances and comply with sub- paragraph (12) at all times.

(12) At all times when carrying out any works authorised under the Order, the undertaker must comply with National Grid's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

Expenses

24.—(1) Save where otherwise agreed in writing between National Grid and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly

incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

(a) any costs reasonably and properly incurred by or compensation properly paid by National Grid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid as a consequence of National Grid;

(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 21(3); or

(ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid;

(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;

(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;

(d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 29 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to

confer on National Grid any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

25.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid the cost reasonably and properly incurred by National Grid in making good such damage or restoring the supply; and

(b) indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party and including STC Claims or an Incentive Deduction other than arising from any default of National Grid.

(2) The fact that any act or thing may have been done by National Grid on behalf of the undertaker or in accordance with a plan approved by National Grid or in accordance with any requirement of National Grid or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) shall impose any liability on the undertaker in respect of-

(a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, servants, contractors or agents;

(b) any authorised works and/or any other works authorised by this Part of this Schedule carried out by National Grid as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article 7 (benefit of the Order) subject to the proviso that once such works become apparatus ("new apparatus"), any authorised works yet to be executed and not falling within this sub-paragraph (3)(b) will be subject to the full terms of this Part of this Schedule including this paragraph 25; and/or

(c) any indirect or consequential loss of National Grid or any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable.

(4) National Grid must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Grid must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Grid must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid's reasonable ability and control to do so and which expressly excludes

any obligation to mitigate liability arising from third parties which is outside of National Grid's control and if reasonably requested to do so by the undertaker National Grid must provide an explanation of how the claim has been minimised, where relevant.

(7) Not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Grid or in respect of which National Grid has an easement or wayleave for its apparatus or any other interest or to carry out any works within 15 metres of National Grid's apparatus until the following conditions are satisfied:

(a) unless and until National Grid is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has first provided the acceptable security (and provided evidence that it shall maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid has confirmed the same to the undertaker in writing; and

(b) unless and until National Grid is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has procured acceptable insurance (and provided evidence to National Grid that it shall maintain such acceptable insurance for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid has confirmed the same in writing to the undertaker.

(8) In the event that the undertaker fails to comply with paragraph 25(7) of this Part of this Schedule, nothing in this Part of this Schedule shall prevent National Grid from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

26. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Grid and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

27.—(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid requires the removal of apparatus under paragraph 21(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 23, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Grid's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

28. If in consequence of the agreement reached in accordance with paragraph 20(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

29. Save for differences or disputes arising under paragraphs 21(2), 21(4), 22(1) and 23 any difference or dispute arising between the undertaker and National Grid under this Part of this

Schedule must, unless otherwise agreed in writing between the undertaker and National Grid, be determined by arbitration in accordance with article 48 (arbitration).

Notices

30. Notwithstanding article 45 (service of notices), any plans submitted to National Grid by the undertaker pursuant to this Part must be submitted using the LSBUD system (https://lsbud.co.uk/) or to such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 4

For the protection of National Gas Transmission plc as gas undertaker

Application

31.—(1) For the protection of National Gas as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Gas.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Gas, where the benefit of this Order is transferred or granted to another person under article 7 (benefit of the Order)—

(a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Gas on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Gas (but without prejudice to paragraph 41(3)(b)).

Interpretation

32. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

"acceptable credit provider" means a bank or financial institution with a credit rating that is not lower than: (i) "A-" if the rating is assigned by Standard and Poor's Ratings Group or Fitch Ratings; and "A3" if the rating is assigned by Moody's Investors Services Inc.;

"acceptable insurance" means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than £50,000,000.00 (fifty million pounds) per occurrence or series of occurrences arising out of one event. Such insurance shall be maintained (a) during the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an "acceptable credit provider", such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Gas

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than £10,000,000.00 (ten million pounds) per occurrence or series of occurrences arising out of one event or £20,000,000.00 (twenty million pounds) in aggregate;

"acceptable security" means either:

(a) a parent company guarantee from a parent company in favour of National Gas to cover the undertaker's liability to National Gas to a total liability cap of £50,000,000.00 (fifty

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

SCHEDULE 1
PROTECTIVE PROVISIONS

PART 1
FOR THE PROTECTION OF NATIONAL GRID ELECRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER

Application

(1) For the protection of National Grid as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid, where the benefit of this Order is transferred or granted to another person under article 7 *(benefit of Order*) –

(a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Grid and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Grid on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid (but without prejudice to 25(3)b).]

Interpretation

15. In this Part of this Schedule—

"1991 Act" means the New Roads and Street Works Act 1991;

"acceptable credit provider" means a bank or financial institution with a credit rating that is not lower than: (i) "A-" if the rating is assigned by Standard and Poor's Ratings Group or Fitch Ratings; and "A3" if the rating is assigned by Moody's Investors Services Inc.;

"acceptable insurance**"** means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than £50,000,000.00 (fifty million pounds) per occurrence or series of occurrences arising out of one event. Such insurance shall be maintained (a) for the duration of the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an "acceptable credit provider", such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Grid

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than £10,000,000.00 (ten million pounds) per occurrence or series of occurrences arising out of one event or £20,000,000.00 (twenty million pounds) in aggregate;

"acceptable security**"** means a bank bond or letter of credit from an acceptable credit provider in favour of National Grid to cover the undertaker's liability to National Grid for an amount of

not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Grid);

"alternative apparatus" means appropriate alternative apparatus to the satisfaction of National Grid to enable National Grid to fulfil its statutory functions in a manner no less efficient than previously;

"apparatus" means

any electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by National Grid together with any replacement apparatus; and

such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Grid for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus; and

any electrical lines or electrical plant as defied in the Electricity Act 1989, any mains, pipes, plant or other apparatus belonging to, operated or maintained by National Grid for the purposes of the construction, operation and maintenance of the Proposed NGET Projects , whether temporary or permanent, and includes, where the context so requires, apparatus constructed as part of the authorised development and intended for the beneficial use by National Grid ("Proposed NGET Projects apparatus");

"authorised works" has the same meaning as is given to the term "authorised development" in article 2(1) of this Order and includes any ancillary works as defined in article 2(1) of this Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

"commence" and "commencement" in this Part of this Schedule shall include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

"EGL3" means the Eastern Greenlink 3 Project;

"EGL4" means the Eastern Greenlink 4 Project;

"functions" includes powers and duties;

"ground mitigation scheme" means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

"ground monitoring scheme" means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Grid's approval a ground mitigation scheme;

"ground subsidence event" means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

"Grimsby to Walpole" means the Grimsby to Walpole Project;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

"Incentive Deduction" means any incentive deduction National Grid Electricity Transmission plc receives under its electricity transmission licence which is caused by an event on its transmission system that causes electricity not to be supplied to a demand customer and which arises as a result of the authorised works;

"maintain" and "maintenance" shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid: construct, use, repair, alter, inspect, renew or remove the apparatus;

"National Grid" means National Grid Electricity Transmission Plc (company number 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

"NGESO" means as defined in the STC;

"plan" or "plans" include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

"parent company" means a parent company of the undertaker acceptable to and which shall have been approved by National Grid acting reasonably;

"Proposed NGET Projects" means together: EGL3, EGL4 and Grimsby to Walpole;

"Proposed NGET Projects Sites" include –

(a) land on which any Proposed NGET Projects apparatus is situated; and

(b) land on which Proposed NGET Projects apparatus is anticipated to be situated (in so far as the same has been notified by National Grid in writing to the undertaker);

"specified works" means any of the authorised works or activities undertaken in association with the authorised works which:

(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 21(2) or otherwise; and/or

(c) includes any of the activities that are referred to in National Grid's document 'Development near overhead lines EN43-8' and the Health and Safety Executive's (HSE's) Guidance Note GS6 'Avoiding Danger from Overhead Power Lines".

"STC" means the System Operator Transmission Owner Code prepared by the electricity Transmission Owners and NGESO as modified from time to time;

"STC Claims" means any claim made under the STC against National Grid Electricity Transmission plc arising out of or in connection with the de-energisation (whereby no electricity can flow to or from the relevant system through the generator or interconnector's equipment) of a generator or interconnector party solely as a result of the de-energisation of plant and apparatus forming part of National Grid Electricity Transmission plc's transmission system which arises as a result of the authorised works;

"Transmission Owner" means as defined in the STC;

"undertaker" means the undertaker as defined in article 2(1) of this Order;

Interaction with the Proposed NGET Projects

Without limiting any other provision of this Part of this Schedule, the undertaker must use reasonable endeavours to avoid any conflict arising between the carrying out, maintenance and operation of the authorised development and the Proposed NGET Projects . For the purposes of this paragraph, "reasonable endeavours" means –

(a) undertaking consultation with National Grid on detailed design and programming of works for the authorised development, taking into account such reasonable representations as National Grid may provide in relation to proposed plans and timetables and ensuring the plans as submitted for approval

under the requirements do not unreasonably impede or interfere with the construction of the Proposed NGET Projects;

(b) having regard to the anticipated programme of works for the Proposed NGET Projects and facilitating a co-ordinated approach to construction programming, land assembly, and the carrying out of works (including construction traffic management) in connection with the authorised development and the Proposed NGET Projects where reasonably possible;

(c) undertaking consultation on the detailed design and programming of the authorised development to ensure that the design and programme for the authorised development does not unreasonably impede or interfere with the NGET Projects;

(d) where possible, undertaking the placing of ducting or making provision for the Proposed NGET Projects] and

(e) providing a point of contact for continuing liaison and co-ordination throughout the construction and operation of the authorised development.

On Street Apparatus

16. Except for paragraphs 18 (*apparatus of statutory undertakers in temporarily restricted streets*), 23 (*retained apparatus: protection of electricity undertakers*), 24 (*expenses*) and 25 (*indemnity*) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of statutory undertakers in temporarily restricted streets

—Notwithstanding the temporary stopping up or diversion of any highway under article 12 (*temporary restriction of use of streets*), National Grid may at all times take all necessary access across any such highway and execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the restriction or diversion was in that highway.

Protective works to buildings

17. The undertaker, in the case of the powers conferred by article 20 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus without the written consent of National Grid.

Acquisition of land

18. (1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or ((b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Grid otherwise than by agreement.

(2) Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not unless otherwise agreed in writing acquire any land forming part of a Proposed NGET Projects Sites.

(3) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(4) Save where otherwise agreed in writing between National Grid and the undertaker the undertaker and National Grid agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid and/or other enactments relied upon by National Grid as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(5) Any agreement or consent granted by National Grid under paragraph 23 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

19.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Grid to its satisfaction (taking into account paragraph 22(1) below) the necessary facilities and rights

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid may in its sole discretion, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid and the undertaker.

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to a written diversion agreement having been entered into between the parties and the grant to National Grid of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

20.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid.

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 15 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of electricity undertaker

21—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid a plan of the works to be executed and seek from National Grid details of the underground extent of their electricity assets.

(2)In relation to specified works the plan to be submitted to National Grid under sub-paragraph (1) must include a method statement and describe—

(a) the exact position of the works;

(b) the level at which these are proposed to be constructed or renewed;

(c) the manner of their construction or renewal including details of excavation, positioning of plant;

(d) the position of all apparatus;

(e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;

(f) any intended maintenance regimes;

(g) an assessment of risks of rise of earth issues; and

(h) a ground monitoring scheme, where required.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing; -

(a) details of any cable trench design including route, dimensions, clearance to pylon foundations;

(b) demonstration that pylon foundations will not be affected prior to, during and post construction;

(c) details of load bearing capacities of trenches;

(d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;

(e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;

(f) written details of the operations and maintenance regime for any cable, including frequency and method of access;

(g) assessment of earth rise potential if reasonably required by National Grid's engineers; and

(h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to and including 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid has given written approval of the plan so submitted.

(5) Any approval of National Grid required under sub-paragraph (4)—

(a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and,

(b) must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6) or (8) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid will be entitled to watch and inspect the execution of those works.

(8) Where National Grid requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid's satisfaction prior to the commencement of any specified works(or any relevant part thereof) for which protective works are required and National Grid shall give notice of its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 15 to 17 and 19 to 21 apply as if the removal of the apparatus had been required by the undertaker under paragraph 21(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(11)The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances and comply with sub-paragraph (11) at all times.

(11) At all times when carrying out any works authorised under the Order, the undertaker must comply with National Grid's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

Expenses

21.(1) Save where otherwise agreed in writing between National Grid and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

(a) any costs reasonably and properly incurred by or compensation properly paid by National Grid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid as a consequence of National Grid;

using its own compulsory purchase powers to acquire any necessary rights under paragraph 21(3); or

exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid;

(b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;

(c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;

(d) the approval of plans;

(e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

(f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 29 (*Arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

22.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party the undertaker will—

(a) bear and pay on demand accompanied by an invoice or claim from National Grid the cost reasonably and properly incurred by National Grid in making good such damage or restoring the supply; and

indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party and including STC Claims or an Incentive Deduction other than arising from any default of National Grid.

The fact that any act or thing may have been done by National Grid on behalf of the undertaker or in accordance with a plan approved by National Grid or in accordance with any requirement of National Grid or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(2) Nothing in sub-paragraph (1) shall impose any liability on the undertaker in respect of-

any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, servants, contractors or agents;

any authorised works and/or any other works authorised by this Part of this Schedule carried out by National Grid as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article 8 (*consent to transfer benefit of Order*) subject to the proviso that once such works become apparatus ("new apparatus"), any authorised works yet to be executed and not falling within this sub-section 3(b) will be subject to the full terms of this Part of this Schedule including this paragraph 11; and/or

any indirect or consequential loss of National Grid or any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable;

National Grid must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

National Grid must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

National Grid must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid's reasonable ability and control to do so and which expressly excludes any obligation

to mitigate liability arising from third parties which is outside of National Grid's control and if reasonably requested to do so by the undertaker National Grid must provide an explanation of how the claim has been minimised, where relevant.

Not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Grid or in respect of which National Grid has an easement or wayleave for its apparatus or any other interest or to carry out any works within [15] metres of National Grid's apparatus until the following conditions are satisfied:

unless and until National Grid is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has first provided the acceptable security (and provided evidence that it shall maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid has confirmed the same to the undertaker in writing; and

unless and until National Grid is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has procured acceptable insurance (and provided evidence to National Grid that it shall maintain such acceptable insurance for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Grid has confirmed the same in writing to the undertaker.

In the event that the undertaker fails to comply with 25(7) of this Part of this Schedule, nothing in this Part of this Schedule shall prevent National Grid from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

23. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Grid and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

24.(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid requires the removal of apparatus under paragraph 21(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 23, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Grid's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed

(3) National Grid shall supply the undertaker with regular updates in relation to the Proposed NGET Projects and the Proposed NGET Project Sites including providing plans for the Proposed NGET Projects.

Access

25. If in consequence of the agreement reached in accordance with paragraph 6(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

If as a result of the authorised development National Grid's access to the Proposed NGET Projects or to any Proposed NGET Projects Sites are materially obstructed, the undertaker must

provide such alternative means of access that will allow National Grid to maintain apparatus or use apparatus no less efficiently than was possible before the obstruction.

Arbitration

26. Save for differences or disputes arising under paragraph 21(2), 21(4) 22(1) and 23 any difference or dispute arising between the undertaker and National Grid under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid, be determined by arbitration in accordance with article 48 (*arbitration*).

Notices

27. Notwithstanding article 45 (service of notices), any plans submitted to National Grid by the undertaker pursuant to this Part must be submitted using the LSBUD system (https://lsbud.co.uk/) or to such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.