
Steeple Renewables Project

Written Summaries of Oral Submissions - CAH1, ISH2, ISH3

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Steeple Renewables Project: Written Summaries of Oral Submissions 10th – 13th February 2026

1 INTRODUCTION

- 1.1 The purpose of this document is to set out the Applicant's written summary of its oral case for Compulsory Acquisition Hearing 1 (CAH1), Issue Specific Hearing 2 (ISH2) and Issue Specific Hearing 3 (ISH3) requested by the Examining Authority in their Rule 8 letter dated 20 November 2025.
- 1.2 This document does not propose to summarise the oral case of parties other than the Applicant. Summaries of the oral case made by other parties are included only where necessary in order to give context to the Applicant's summary.
- 1.3 Where the ExA requested further information from the Applicant on particular matters, or the Applicant undertook to provide further information during the Hearing, the Applicant's response is set out within this document.
- 1.4 This document follows the order of the agenda published by the ExA on the 3 February 2026.

2 Compulsory Acquisition Hearing 1

- 2.1 A number of parties attended and participated in the CAH1. This summary may not reference all those who took part, but the following are provided acronyms due to extensive interaction during the hearings. The below table also includes commonly used acronyms in the summary.

Applicant / Interest Parties	
Applicant	The Applicant was assisted by [REDACTED] and [REDACTED] of Burges Salmon LLP, and Mr Will Bridges of RES.
NGET	National Grid Electricity Transmission represented by [REDACTED] KC of FTB Chambers
SPC	Sturton Parish Council (represented by Mr Appleyard)
JB	Ms Barlow

Table 2.2: Written summary of Applicant's oral submission at the CAH1

ID	Agenda Item	Submission
1.	Welcome, introductions, arrangements for the hearing.	
2.2	ExA opened the CAH1 and invited introductions to be made.	
2.	Purpose of the issue specific hearing	
2.3	ExA introduced the purpose of CAH1. The Applicant did not make any submissions in relation to this agenda item.	

3. The applicant's case for CA and TP		
<p>3.1</p>	<p>The ExA will ask the applicant to present and justify its case for CA and TP including how the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s.122, s123, s127, s132 and s138) and Department for Communities and Local Government guidance related to CA would be met. Identification of the powers sought and their purpose. The applicant's strategy and criteria for determining whether to seek powers for CA of land, CA of rights or TP of land. Consideration of alternatives to CA and/or TP of land. Human rights considerations.</p> <p>The ExA will invite submissions from APs who wish to raise general matters in relation to the applicant's case for CA and TP.</p>	<p>2.4 The Applicant explained how the statutory and policy tests for compulsory acquisition under the Planning Act 2008, including sections 122, 123, 127, 132 and 138, and relevant government guidance, are met. The Applicant confirmed that it is not seeking temporary possession powers on a plot-by-plot basis, but instead adopts a general approach across the Order Limits which allows the acquisition of lesser rights where appropriate. This approach is intended to benefit both the undertaker and affected landowners by deferring permanent acquisition until it is necessary.</p> <p>2.5 The Applicant confirmed that the Statement of Reasons (SoR) [APP-044] is the primary document demonstrating compliance with the statutory and policy tests. The SoR explains the overall approach to compulsory acquisition, with the public interest case established in the Planning Statement. The Book of Reference identifies the land interests proposed to be acquired, and the justification for each individual plot is set out in Chapter 9 of the SoR. Funding is addressed in the Funding Statement, efforts to acquire land by agreement are evidenced in the Land Rights Tracker, and consideration of reasonable alternatives is set out in the SoR, APP-126 (Alternative Sites) and Chapter 3 of the Environmental Statement [APP-061].</p> <p>2.6 In response to ExA Question EQ1 (8.0.2), the Applicant confirmed that a review of the Book of Reference against HM Land Registry records had been undertaken and that a further refresh is programmed. The updated Book of Reference will be provided as part of the final Annex E update submitted under the Rule 8 timetable.</p>
4. Site specific issues for the applicant		
<p>4</p>	<p>The ExA will ask the applicant to provide a brief update on the progress of negotiations with APs and the timetable for their conclusion.</p> <p>The ExA may ask questions of the applicant about matters arising from written and oral submissions and may require further site-specific information in order to justify proposed CA as a last resort.</p>	<p>2.7 The Applicant provided an update on the progress of negotiations with affected persons, by reference to the Land Rights Tracker [REP3-031] and the Land Plans [APP-006]. The Applicant confirmed that the Examining Authority had been provided with a non-redacted version of the Land Rights Tracker, with redactions applied by the Planning Inspectorate. Since Deadline 3, the Applicant has made progress in negotiations with the [REDACTED], and [REDACTED], with both agricultural tenants currently progressing the surrender of their tenancies. These represent the principal areas of movement recorded in the Land Rights Tracker.</p> <p>2.8 The Applicant explained that discussions remain ongoing in relation to other plots, including reference 88303 (Bradley), which relates to agricultural tenancy interests. Overall, the Applicant has reached agreement in respect of approximately 50% of the land area within the Order Limits in terms of agricultural tenancy arrangements. The Applicant also confirmed that SNSE Limited, as the primary landowner, has granted the Applicant an option for lease. In response to questions on plot usage, the Applicant confirmed that certain plots are required primarily for solar panels, with others relating to environmental mitigation, as set out in Schedule 9 of the Statement of Reasons, which cross-references the relevant work numbers and rights sought under the draft DCO.</p> <p>2.9 In relation to land interests associated with National Grid Electricity Transmission (NGET), the Applicant confirmed that these are primarily located within the West Burton Power Station area and include existing overhead line infrastructure. The Applicant explained that compulsory acquisition of subsoil rights is sought only where necessary to allow crossings beneath</p>

		<p>existing apparatus, without interference with NGET's equipment. The interaction between assets is principally governed by protective provisions, with flexibility to adjust rights by agreement where required.</p> <p>2.10 In response to further questions raised by the ExA in relation to ExQ (8.0.1) regarding unidentified interests, the Applicant confirmed that statutory site notices have been displayed in respect of unregistered land in accordance with statutory requirements. The Applicant undertook to confirm in writing whether any parties have subsequently come forward following publication.</p> <p>2.11 The Applicant also explained its approach to temporary possession under Articles 27 and 28 of the draft DCO. Article 27 reflects standard DCO drafting and enables temporary possession where land has not yet been permanently acquired, allowing early activities such as surveys or preliminary works while landowners retain possession until dispossession is necessary. Article 28 provides a limited five-year period from first export of electricity, during which any remaining land required may be acquired; if not exercised within that period, the right to acquire falls away. The Applicant confirmed that, due to the advanced state of negotiations and the presence of willing landowners, there are no areas within the Order Limits where temporary possession alone is required, and that this approach is proportionate and justified in the circumstances of the Scheme.</p> <p>2.12 In response to queries regarding engagement with subsoil interest holders along Wheatley Road, the Applicant explained that it is standard practice not to negotiate individually for subsoil interests, which are typically of nominal value, but undertook to review the position and respond in writing following further engagement with the affected party, as requested by the Examining Authority.</p>
<p>Action Point CAH1: Applicant to identify whether any further parties have come forward in relation to the Examining Authority's first written questions [PD-005] question 8.0.1 regarding inaccuracies within the Book of Reference [REP1-004].</p> <p>The Applicant has reviewed its correspondence and can confirm that no parties have come forward in relation to the unregistered plots.</p> <p>Action Point CAH2: Applicant to discuss with Mrs Barlow communication regarding acquiring rights and to provide an updated note following the outcome of those discussions.</p> <p>The Applicant has discussed the matters raised during CAH1 direct with Mrs Barlow after the hearing and understands queries relating to the acquisition of land along Wheatley Road have been satisfied.</p>		
<p>5. Site specific representations by APs</p>		
<p>5</p>	<p>The ExA will ask APs to briefly set out, if any, outstanding concerns in relation to CA and/ or TP for the land which they own and/ or occupy that have not been addressed by the Applicant.</p> <p>The ExA will ask questions to the applicant in relation to engagement and any</p>	<p>2.13 In relation to further questions raised in relation to ExQ 8.0.14 concerning land associated with [REDACTED], the Applicant confirmed that the land in question is not required for the proposed development and lies outside the Order Limits. The Applicant explained the Order does not confer any power to carry out works or acquire land outside the red line boundary. The draft Development Consent Order would not permit development beyond the Order Limits, and any such activity would constitute a breach of the Order. In response to concerns regarding potential interference with access to land outside the Order Limits, the Applicant confirmed that access will be maintained, with controls secured through the outline Construction Traffic Management Plan, which will be agreed with the local planning authority prior to commencement. The Applicant also confirmed that areas to the north and south of the Scheme comprise ecological enhancement land only, with no cabling, infrastructure or solar panels proposed.</p>

	outstanding concerns in relation to CA and/ or TP of land.		
6. Site Specific issues for statutory undertakers – Sections 127 and 138 of the Planning Act 2008			
6	<p>The ExA will ask the applicant to provide an update on negotiations with statutory undertakers and the progress of agreeing protective provisions set out in schedule 10 of the draft Development Consent Order (dDCO)</p> <p>The ExA will ask statutory undertakers to set out any outstanding concerns that have not been addressed by the applicant, and the timescales for providing any alternative wording to Schedule 10 of the dDCO if not already provided.</p> <p>The ExA may ask questions of statutory undertakers about matters arising from written and oral submissions.</p> <p>The applicant will be provided with a right of reply.</p>	<p>2.14</p> <p>2.15</p> <p>2.16</p> <p>2.17</p> <p>2.18</p> <p>2.19</p> <p>2.20</p>	<p>The Applicant confirmed that it has been in ongoing engagement over a number of months with Anglian Water, Exolum, Cadent Gas, NGED, UK Industrial Fusion Solutions (UKIFS), EDF and West Burton, and expects to have reached agreement with all of those statutory undertakers by the close of the Examination.</p> <p>In relation to the Trent Valley Internal Drainage Board (IDB), the Applicant explained that it has not been able to establish substantive correspondence since September 2025 and continues to seek engagement and confirmation as to whether the general protective provisions in Part 3 of Schedule 10 of the draft DCO are acceptable. The Applicant noted that it does not anticipate substantive concerns being raised but cannot speak on behalf of the IDB.</p> <p>In respect of Network Rail, the Applicant confirmed that protective provisions are included in Part 10 of Schedule 10 of the draft DCO. These are largely based on Network Rail's standard protective provisions, albeit not adopted in full. The Applicant confirmed that it is actively engaging with Network Rail's legal representatives regarding the proposed amendments and that both parties are working towards agreement. The Applicant confirmed that, where appropriate, it will provide a Section 127 Report at Deadline 5 to identify any remaining areas of disagreement.</p> <p>The Applicant confirmed that protective provisions for EDF remain under negotiation, acknowledging EDF's relevant representation, and stated that discussions are ongoing with the aim of incorporating an agreed position into the draft Order. In relation to UKIFS, the Applicant confirmed that negotiations are at an advanced stage and that agreement is expected before the close of the Examination.</p> <p>Turning to NGET, the Applicant noted that detailed written submissions addressing the interaction between the Steeple project and the North Humber to High Marnham (NHHM) project had already been submitted at earlier deadlines, and that the principal area of disagreement relates to whether the protective provisions should extend to future, unconsented NHHM infrastructure, as opposed to existing NGET assets within the Order Limits. The Applicant confirmed that it was not addressing those substantive matters further at this hearing, as they are to be dealt with at Issue Specific Hearing 3, when the relevant experts and counsel would be present.</p> <p>The Applicant sought clarification from NGET on its use of the words 'neither feasible or practical' on the ability of the schemes to avoid each other. The Applicant considers that it is clear from the D2 and D3 submissions that the issue has become one of a minimisation of the impact and particularly whether NHHM has to run to the East of the railway where it interacts heavily with Steeple's development areas or move West of the railway where it interacts to a lesser extent. The Applicant understands that the position is not one of either Steeple or NHHM, this being no part of the Applicant's position. The Applicant considers that the two schemes are able to coexist and the best way in which they can do so will be in the national interest.</p> <p>The Applicant confirmed that it is prepared to continue engaging with NGET on the drafting of protective provisions and agreed that it would be appropriate for the parties to explore whether a without prejudice version of the NGET protective provisions could be prepared and submitted, without prejudice to the Applicant's position on the principle of protection for future NHHM assets. The Applicant confirmed that it will include a set of NGET protective provisions within the draft DCO in due course, subject to the outcome of ongoing discussions. The Applicant agreed that Deadline 5 would be the appropriate point to update the ExA on progress on reaching agreement with NGET in the s127/s138 Report, even though this did not mark a point preventing further discussions.</p>

Action Point CAH3: Applicant to provide its report setting out its section 127 and 138 (of the Planning Act 2008) case regarding statutory undertaker provisions.

The Applicant will provide this report at Deadline 5.

Action Point CAH5: Applicant and NGET to discuss and agree a way forward regarding the drafting of, without prejudice, protective provisions regarding the North Humber to High Marnham project as a separate part to schedule 10 of the dDCO.

The Applicant will update the ExA on this Action Point at Deadline 5.

7. Review of issues and actions arising

2.21 ExA will publish the action points as soon as they can after the hearing.

8. Any other business

2.22 The Applicant did not raise any AOBs.

9. Closure of the hearing.

2.23 ExA closed the hearing.

3 Issue Specific Hearing 2

3.1 A number of parties attended and participated in the ISH2. This summary may not reference all those who took part, but the following are provided acronyms due to extensive interaction during the hearings. The below table also includes commonly used acronyms in the summary.

Applicant / Interest Parties	
Applicant	The Applicant was assisted by [REDACTED] of Burges Salmon LLP, Will Bridges and Daniel Cole of RES; [REDACTED] of RSK; Laura Day, Laura Garcia, Donald Sutherland, Dale Turner, [REDACTED] of Pegasus; [REDACTED] of BSG Ecology.
EA	Environment Agency
FFF	Fields for Farming (Represented by: [REDACTED])
NCC	Nottinghamshire County Council
NLPC	North Leverton Parish Council
NHHM	North Humber to High Marnham Overhead Line Project

NH	National Highways
NLWCT	North Leverton Windmill Charity Trust (Represented by: James Barlow and Julie Barlow)
SPC	Sturton Parish Council (Represented by Mr Appleyard)
JB	Julie Barlow (Resident)
JBa	James Barlow (Resident)

Table 3.2: Written summary of Applicant’s oral submission at the ISH2

ID	Agenda Item	Submission
<p>1. Welcome, introductions, arrangements for the hearing.</p> <p>3.2 ExA opened the ISH2 and invited introductions to be made.</p>		
<p>2. Purpose of the issue specific hearing</p> <p>3.3 ExA introduced the purpose of ISH2. The Applicant did not make any submissions in relation to this agenda item.</p>		
<p>Action Point ISH2.1: Submit a draft, unsigned if necessary, statement of common ground</p> <p>The Applicant has submitted a draft SoCG, unsigned, at Deadline 4.</p>		
<p>3. Flood Risk, groundwater and contaminated land</p>		
<p>3.1</p>	<p>The ExA will invite the local councils and other interested parties (IPs) to present their main points from the evidence submitted regarding flooding, groundwater and contaminated land matters. It would assist the ExA if as far as possible the various bodies could present their evidence in a co-ordinated manner which avoids repeating points made by others.</p> <p>The ExA will ask the applicant to respond to each of the points made by the local bodies.</p>	<p>3.4 The Applicant responded to questions regarding the effects of the proposed development on flood risk, groundwater and contaminated land, including the potential risks associated with a breach event and the Battery Energy Storage System (BESS). The Applicant explained that the assessment considers a worst-case residual risk scenario, involving a breach coinciding with a 1 in 100-year flood event, including an allowance for an 39% for climate change. The substation is located outside the breach limits, and the focus of the assessment is therefore on the BESS compound, which is located approximately 2 km from the River Trent.</p> <p>3.5 The Applicant confirmed that the identified risk is very low and highly unlikely but nonetheless recognised and assessed. The BESS compound is not intended to be permanently manned, meaning there is very low risk to human receptors. In the event of a breach it would take a significant period of time for floodwater to reach the compound. This would allow for remote monitoring and intervention, including controlled shutdown, via on-site systems. The Applicant explained that the project is at an early design stage and will be subject to further hazard mitigation assessments as the design progresses. The design breach flood scenario will be considered within these assessments. Should these assessments find the BESS facility presents an unacceptable risk to public health during this breach scenario, additional measures would be implemented to reduce risk to As Low As Reasonably Practicable, as defined by the Health and Safety Executive (HSE). Potential measures could include enhanced ingress protection, water detection sensors, automatic disconnection systems, specification of battery modules tested for submersion, and managed discharge of stored electricity in advance of floodwater arrival.</p>
<p>3.2</p>	<p>The applicant to respond to the Environment Agency’s (EA) questions on the need for additional resilience in the event of a breach, and the risks from hazardous chemical pollution (eg to groundwater) from the batteries in the Battery</p>	<p>3.6 In response to questions regarding hazardous substances, the Applicant confirmed that batteries contain hazardous chemicals, the precise nature of which will depend on the final technology selection.</p> <p>3.7 In response to a question on whether any contamination could occur as a result of the battery enclosures being partially submerged during the breach flood event, the Applicant explained that whilst additional measures could be employed if necessary to significantly reduce the likelihood of contamination, it could not be ruled out entirely. The Applicant confirmed that procedures for responding to such events will be included within the Emergency Response Plan.</p> <p>3.8 The Applicant noted the Environment Agency’s position that a breach scenario represents a residual risk rather than a design event, and that the key consideration is site resilience and recoverability. The Applicant confirmed that the Flood Risk</p>

	Energy Storage System (BESS) from a breach.	<p>Assessment (FRA) is being updated to include additional breach information and will be submitted at Deadline 4, with cross-references to relevant battery safety documentation. The Applicant also confirmed that the assessment considers all sources of flooding, including breach scenarios, and that the proposed mitigation measures are capable of managing heavy rainfall and minor flooding events.</p> <p>3.9 Concerns raised by interested parties regarding regulatory oversight of BESS were acknowledged. The Applicant confirmed that, while there is no single dedicated regulator for BESS, the scheme is subject to oversight through engagement with relevant bodies, including the Environment Agency and Fire and Rescue Services, and through the secured management plans. Matters relating specifically to fire risk were noted as being addressed under a separate agenda item, as agreed with the Examining Authority.</p> <p>3.10 The Applicant noted comments of the Environment Agency that their comments in relation to breach were principally regarding commercial sensitivity of the site, and that the Applicant understands that the Environment Agency do not have any principal concerns relating to the design or siting of the BESS.</p>
3.3	Regarding the EA's review of the Outline Construction Environmental Management Plan reference their outstanding concerns detailed in the SoCG [REP3- 048]. EA to provide update on relevant aspects of the drainage strategy and Pollution Incident and Emergency Response Plan. EA to provide comments on foul water management.	3.11 The Applicant made no submissions on this agenda item.
3.4	The EA state that the Flood Risk Assessment (FRA) should be updated to include an assessment of decommissioning phase flood risk impacts [REP3-048: EA 9.1]. Applicant to respond.	3.12 The Applicant confirmed that an updated FRA has been prepared. The Applicant explained that the updated FRA has not yet been submitted but will be provided at Deadline 4. The Applicant acknowledged that the Environment Agency has not yet had the opportunity to review the updated FRA and confirmed that it will respond to any further comments raised by the Environment Agency following that review.
3.5	Regarding the Contaminated Land Conceptual Site Model (CSM) and associated risks to groundwater detailed in SoCG [REP3-048; EA 11.3]. Applicant and EA to provide an update on contaminated land and associated risks of groundwater pollution with respect to the Phase 1 Geoenvironmental Desk Study Report. With respect to mitigation or remediation measures for contamination, the EA to detail	<p>3.13 The Applicant confirmed that the CSM has been revisited and updated to include contaminants associated with the historic application of sewage sludge on agricultural land, together with a comprehensive list of actual and potential contaminants arising from that activity. The CSM has also been refined to address the small brownfield component of the Site (approximately 1%), principally the former West Burton Power Station, where potential contamination sources linked to historic power generation have been identified. In addition, the CSM now separately categorises the farmyard/green area.</p> <p>3.14 The Applicant confirmed that groundwater risks have been reviewed and that targeted ground investigation will be undertaken along the cable route, which will be installed at a depth of no more than 1 metre. Where contaminants are encountered, standard mitigation measures will be implemented during construction and operation, including appropriate handling, removal or replacement of material. Should investigations within the West Burton Power Station area identify mobile contaminants, such as hydrocarbons or gas oil residues, further groundwater assessment will be undertaken and, where necessary, the Applicant will engage with the relevant landowners to agree measures to prevent mobilisation and to secure a clean corridor for cable installation. The Applicant also confirmed that a previously identified query regarding potential heat effects from the</p>

	amendments to the CSM they consider are appropriate.	<p>cables has been resolved and is now agreed to present a negligible risk, including from the Environment Agency's perspective.</p> <p>3.15 In response to questions regarding how these measures will be secured, the Applicant confirmed that the updated CSM informs the Construction Environmental Management Plan (CEMP) and associated environmental controls, with detailed mitigation measures to be set out within the relevant management plans and subject to approval through the discharge of requirements. The Applicant confirmed that these matters will be secured through the Development Consent Order as legally binding requirements.</p>
3.6	EA to provide an update on their review of the applicant's hydraulic assessment and the need for updated 1d models.	3.16 The Applicant noted the Environment Agency's update on the review of the hydraulic assessment and the need for updated 1D modelling. The Applicant confirmed that the sensitivity testing requested by the Environment Agency has been completed and documented within the hydraulic modelling report. In response to the Environment Agency's request, the Applicant confirmed that the underlying hydraulic model files will be provided at the next Examination deadline, to enable detailed review. The Applicant confirmed that engagement with the Environment Agency will continue beyond that point and that information will be shared as soon as it is available.
3.7	EA to provide an update on their review of the following documents, and with respect to Hydrology, Hydrogeology, Flood Risk and Drainage (Revision 2) [REP2-019], Phase 1 Geoenvironmental Desk Study (Revision 2) [REP2-022], Phase 1 Geoenvironmental Desk Study Appendix (B) Historical Maps [REP2-024 - 028] and Water Framework Directive Assessment (Revision 2) [REP2-037].	3.17 Conversation on this Agenda items was split across other items, and therefore summaries are included elsewhere.
3.8	Regarding local flood risk: Nottinghamshire County Council (NCC) to update on discussions regarding the applicant's response to NCC's Local Impact Report paragraphs 5.8.1 – 5.8.30 [REP2-050] and submission of SoCG (please note that the ExA will be requiring submission of the draft SoCG with NCC by deadline 4).	<p>3.18 In relation to local flood risk, the Applicant confirmed that it has been in ongoing discussions with Nottinghamshire County Council (NCC), as Lead Local Flood Authority, regarding its response to paragraphs 5.8.1–5.8.30 of NCC's Local Impact Report (REP2-050). The Applicant confirmed that these discussions have progressed positively and that matters relating to surface water management will continue to be addressed through the detailed design process.</p> <p>3.19 The Applicant confirmed that a Statement of Common Ground (SoCG) with NCC is currently in preparation and that a draft SoCG will be submitted by Deadline 4, as requested by the Examining Authority, to enable review prior to final sign-off.</p> <p>3.20 The Applicant also confirmed that surface water runoff will be managed in accordance with the drainage strategy, with discharges proposed to ordinary watercourses rather than to main rivers or public sewers. The Applicant confirmed that the consenting and approval process for such discharges is being progressed through engagement with the LLFA and the Internal Drainage Board, and that monitoring of discharge quantity and quality will be secured through the relevant management plans and regulatory controls. The Applicant confirmed that the relevant provisions of the draft Development Consent Order (article 15, discharge of water) do not seek to override the environmental permitting regime and that regulatory requirements will continue to apply in the usual way.</p>

4. Effects on health, safety and wellbeing		
4.1	The ExA will ask questions on the effects of the proposed development on human health, including the long-term wellbeing of the adjacent communities and the risk presented by potential incidents related to the BESS and the effects from noise and dust.	<p>3.21 In response to questions on human health and wellbeing, including risks associated with the Battery Energy Storage System (BESS) and potential effects from noise and dust, the Applicant confirmed that these matters have been assessed comprehensively through the Health Impact Assessment (HIA) [APP-183] and the suite of supporting technical assessments.</p> <p>3.22 The Applicant explained that fire risk associated with the BESS is addressed through the outline Fire Risk Management Plan (FRMP) [REP2-029] submitted with the application. As the project progresses, a detailed FRMP will be developed in consultation with the Fire and Rescue Service, with formal consultation secured through a requirement in Schedule 2 of the draft DCO. Fire safety has been a key consideration in the design of the BESS compound. The Applicant has already engaged with Nottinghamshire Fire and Rescue Service, presenting the proposed design and mitigation measures. The design strategy seeks to minimise the likelihood of fire and prevent fire spread through layout, separation distances and modelling, with emergency services intervention not anticipated to be required but accommodated if necessary.</p> <p>3.23 The Applicant confirmed that mitigation measures include: 3m separation distances between each pair of battery enclosures; siting of the BESS more than 350 metres from the nearest occupied premises and more than 50 metres from the nearest publicly accessible space; access from two public highways in different directions from compound; swept-path-tested access for fire tender vehicles; and provision of a firefighting water supply capable of supporting two hours of firefighting, either via a piped connection or on-site storage. The surface water drainage strategy has been designed so that contaminated fire-water runoff would be contained within an attenuation basin, with a penstock valve closed during a fire event to prevent discharge to watercourses, allowing water to be tested and, if necessary, removed for off-site disposal.</p> <p>3.24 The Applicant confirmed that engagement with the Fire and Rescue Service is ongoing, including in relation to detailed design matters such as access arrangements and consideration of prevailing wind conditions. Where further clarification is required, these matters will be progressed through continued engagement with the relevant authorities.</p> <p>3.25 In relation to health and wellbeing more broadly, the Applicant explained that the HIA assesses both adverse and beneficial effects across construction, operation and decommissioning, drawing on consultation feedback and identifying relevant sensitive receptors and vulnerable groups. Potential adverse effects identified include construction noise and dust, transport and safety impacts, changes in land use, recreational effects, flooding considerations and BESS-related risks. These effects are assessed for their severity and magnitude, with mitigation measures secured through the relevant management plans. The Applicant confirmed that, following mitigation, no significant adverse health and wellbeing effects are minimised as far as is practicably possible during each development phase.</p> <p>3.26 The Applicant also confirmed that noise impacts have been assessed for construction, operation and decommissioning, including cumulative effects. While some audible noise is anticipated, predicted operational noise levels would remain within accepted limits at residential receptors. Noise controls are focused on residential properties, with enforcement through local authority mechanisms where complaints arise. For users of public rights of way, any noise effects would be brief and transient.</p> <p>3.27 The Applicant confirmed that it remains open to further engagement and to considering any additional evidence put forward, with the aim of ensuring that impacts on health, wellbeing and quality of life are minimised through secured mitigation.</p>
4.2	Nottinghamshire and City of Nottingham Fire and Rescue Service will be asked for their comments regarding the acceptability of the applicant's	3.28 The Applicant made no submission on this agenda item.

	proposal relating to fire safety of the BESS.	
<p>Action Point ISH2.3: Applicant to provide further clarity on the access to the proposed BESS from Common Lane, including whether it is a highway; whether it is gated; and respond to the query regarding weight restriction.</p> <p>The Applicant, having discussed with the local highway authority, understands that any route required for access from Common Lane to the BESS is a public highway, is not gated and is not subject to a weight restriction. The Applicant is aware that there may be gates, or weight restrictions along Common Lane further along the lane, but there are no such restrictions before the point at which the Applicant will take access into its site. The Applicant has been engaging with Nottinghamshire Fire and Rescue Service to confirm that they are content with the access arrangements and understand that NCC as local highway authority will be making representations to confirm the status of Common Lane.</p> <p>Action Point ISH2.4: Applicant to provide further response to concerns raised by Mr Fleming (fields for farming) on the fire risk from the BESS from wind direction and chemicals.</p> <p>The Applicant continues to work with Nottinghamshire Fire and Rescue Service to complete an SoCG which will be based upon the separation distances already described; over 50m to nearest public accessible space, and over 350m to nearest property. These separation distances mitigate the risk of harm caused to the public from dispersal of toxic gases (incl. hydrogen fluoride) in the event of a battery fire. As to the question of wind direction and the ability of NFRS to access the site in the event of an emergency, there are two accesses provided which approach the BESS from the northwest and from the south. Whilst it is assessed as extremely unlikely that both access routes could be obscured by smoke, given their opposing directions, the Applicant will ensure NFRS are content with access to the BESS facility as part of the SoCG..</p>		
<p>5. Land use and agriculture</p>		
<p>5.1</p>	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on land use and agriculture, including: The ExA will invite Fields for Farming, the local councils and other IPs to present their main points from the evidence submitted regarding land use, agriculture and socio-economic matters. It would assist the ExA if as far as possible the various bodies could present their evidence in a co-ordinated manner which avoids repeating points made by others.</p> <p>The ExA will ask the applicant to respond to each of the points made by the local bodies.</p>	<p>3.29 The Applicant confirmed that its case on land use and agriculture is set out in ES Chapter 15 (APP-072b) and the Deadline 3 BMV Note [REP3-049], which explains the desk-based method used at site-selection stage to understand likely BMV distribution (see Figure 15.1) pending intrusive BMV surveys; this reflects the level of information available pre-access and is then refined by field surveys at the appropriate stage.</p> <p>3.30 The Applicant stated that site-selection and alternatives were considered at a strategic level using available datasets and constraints mapping, with agricultural land quality one of several relevant factors; the subsequent, more detailed agricultural assessment in ES Chapter 15 sets out land take and effect pathways for agriculture and land use.</p> <p>3.31 On food security and socio-economic matters, the Applicant directed the ExA to its written responses to relevant representations, which summarise the policy context and the anticipated effects (construction employment, supply-chain activity, ongoing land management, and continued agricultural use where compatible) and explain how any adverse effects are mitigated through the application's secured management plans.</p> <p>3.32 The Applicant noted that its agricultural expert evidence was given orally at ISH1; for this hearing, it would answer questions by reference to the submitted materials and take away any further, point-specific queries for a written follow-up through the Examination timetable.</p>
<p>5.2</p>	<p>NCC to update on its position regarding the applicant's proposals for use of agricultural</p>	<p>3.33 The Applicant made no submission on this agenda item.</p>

	land and submission of SoCG (please note that the ExA will be requiring submission of the draft SoCG with NCC by deadline 4).	
5.3	Clarification from the applicant on the amount of agricultural land that may still be permanently lost as a result of the areas used for ecological enhancements as set out in the oSMP (Section 14) [REP3-027] and how this could affect the assessment of the loss of BMV land over 5ha in the ES.	<p>3.34 The Applicant confirmed that the proposed ecological enhancements comprise approximately 1–2 hectares of scrub planting and 12.1 hectares of woodland planting. The Applicant’s position is that these areas do not constitute permanent loss of agricultural land, as they are secured as mitigation for the lifetime of the Scheme only. The Applicant explained that, following decommissioning, it would have no control over the future use of the land, which would revert to the landowner to manage and maintain as they see fit.</p> <p>3.35 On this basis, the Applicant confirmed that these areas are not treated as permanent loss of BMV agricultural land in the Environmental Statement, and that the assessment of BMV land loss exceeding 5 hectares remains unchanged.</p>
5.4	Regarding the absence of agricultural land classification (ALC) survey across the full order limits, including the cable route area, NE and/or the applicant to update on NE’s position following review of the updated oSMP submitted at D3 [REP3-027].	<p>3.36 The Applicant explained that, as set out in the revised outline Site Management Plan (oSMP) (REP3-027), it has committed to undertaking ALC surveys post-consent but prior to commencement, and confirmed that this approach is understood to have been agreed with Natural England. The Applicant confirmed that this reflects established practice where land access constraints limit the ability to undertake intrusive surveys at the application stage.</p> <p>3.37 In response to comments raised by interested parties regarding clarity and the implications for agricultural land, the Applicant directed the Examination to the Best and Most Versatile (BMV) Land Note, which provides a concise summary of the Applicant’s position on BMV land and food security and explains why the relevant policy tests are considered to be met. The Applicant emphasised that this document is intended to present the conclusions in an accessible format.</p> <p>3.38 The Applicant also responded to specific points raised regarding ponds, woodland, fencing and foundations, confirming that these matters are addressed in detail within the oSMP, which sets out step-by-step measures for construction, operation and decommissioning, including soil stripping, storage and reinstatement. The Applicant confirmed that deer fencing is driven into the ground, and that it is not aware of concrete being used for fence posts. The Applicant further confirmed that decommissioning and restoration requirements are secured through the application, with commitments in place to restore the land at the end of the Scheme’s operational life.</p> <p>3.39 The Applicant acknowledged concerns raised about accessibility and clarity of documentation and confirmed that it remains available for engagement, including responding to queries outside the hearing process where helpful, while maintaining that the submitted documents clearly set out the Applicant’s position on agricultural land impacts.</p>
6. Biodiversity and ecology		
6.1	The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on biodiversity and ecology, including concerns raised regarding the adequacy of ecological and habitat surveys undertaken to date (including but not limited to aquatic invertebrate, badgers, February	<p>3.40 In response to the Examining Authority’s questions on the adequacy of ecological and habitat surveys to date and the provision for further surveys (including aquatic invertebrates, badgers, barn owls, bats, breeding and wintering birds, brown hares and great crested newts), the Applicant said that surveys were undertaken in accordance with published guidance and the agreed ES scope, targeting receptors where likely presence and the potential for significant effects warranted detailed assessment; where stakeholders queried gaps or seasonal timing, the Applicant explained that survey windows were selected by receptor (e.g., spring for woodland, summer for grassland, and breeding/wintering periods for relevant bird groups) and that consultees—including Nottinghamshire Wildlife Trust, Bassetlaw District Council and NCC—had confirmed the approach as adequate within the material before the Examination.</p> <p>3.41 In response to concerns about brown hares, the Applicant said a standalone hare assessment was scoped out at ES scoping but hares were not disregarded; presence was recorded during fieldwork and the design incorporates broad swathes of</p>

	<p>2025 barn owls, bats, breeding and wintering birds, brown hares and great crested newts) and whether sufficient provision has been made for further surveys.</p>	<p>seminatural grassland plus approximately 400 mammal movement gaps (around 200–300 mm width and height) in fences to maintain permeability across the site for hares and other mammals, thereby addressing connectivity and foraging. The Applicant confirmed that brown hares are a section 41 species identified under the Natural Environment and Rural Communities Act 2006 and that the section 41 list is used to guide decision-makers in implementing their duty under section 40 of the 2006 Act, to have regard to the conservation of biodiversity in England. The Applicant confirmed that brown hares are not considered a protected species in the same manner as GCN or badgers.</p> <p>3.42 In response to questions about barn owls, the Applicant said surveys of all buildings and trees were undertaken. Any buildings and trees capable of supporting nesting were identified and no nesting evidence was confirmed within the survey period; recognising the species' mobility, the scheme secures construction standoffs and provides extensive foraging grassland, with preconstruction rechecks of all relevant features and ongoing checks during construction so that mitigation remains effective.</p> <p>3.43 In response to queries on bats, the Applicant said a similar pre-construction verification process will confirm buffers and working methods around features and, where necessary, apply method statements to avoid root or roost disturbance.</p> <p>3.44 In response to questions about great crested newts and ponds 15–18, the Applicant said four ponds could not be accessed due to landowner constraints, but when measured to actual disturbance (rather than the Order Limits line), separation distances are materially greater e.g. Pond 15 is 10 m from the boundary but 340 m from the proposed solar area, and Pond 18 is 180 m from temporary cable works and 250 m from the nearest permanent works (security fence)—so the risk of offence in relation to GCN is highly unlikely and temporary works can be timed and managed with pre-construction checks and method statements to avoid realistic offence risk.</p> <p>3.45 In response to points about “local importance” features and whether site level receptors had been dismissed, the Applicant said the assessment applies the standard geographic value hierarchy: features of site importance are still considered within the ES but generally do not trigger policy-led mitigation unless protected or of higher value, with mitigation effort focused on receptors of higher value or legal protection to avoid significant effects or offence. In response to concerns about long-term delivery and enforceability (e.g., mammal gaps, hedgerow establishment, management over 40 years and the position on change of ownership), the Applicant said the Landscape and Ecological Management Plan is secured by a DCO Requirement (Requirement 6), so creation, management and monitoring obligations are legally binding and run with the consent—they apply to any successor operator—and compliance is enforceable by the local planning authority.</p> <p>3.46 In response to specific requests for more detail (such as confirming the number/placement of mammal gaps, ditch weed control interfaces with drainage, and any receptor-specific clarifications), the Applicant said it would provide written clarifications where helpful and continue engagement with NCC's ecologist to ensure ecological and drainage objectives are aligned.</p>
<p>6.2</p>	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on biodiversity and ecology, including skylark and other bird species and the adequacy of mitigation proposed.</p>	<p>3.47 In response to the Examining Authority's questions on the effects of the proposed development on skylark and other bird species, and the adequacy of the proposed mitigation, the Applicant said that the approach to skylark mitigation is set out in APP-115 and secured through the outline Landscape and Ecological Management Plan (oLEMP) [APP-116]. The Applicant explained that the mitigation strategy is based on the continuation of arable farming, combined with the provision of skylark plots—uncropped areas of a minimum size and appropriate density—designed in accordance with guidance from organisations such as the RSPB. The Applicant said that this approach focuses not only on the number of territories but on improving breeding success and habitat quality over time.</p> <p>3.48 In response to concerns raised by Fields for Farming that skylarks are territorial and may not relocate to mitigation land, the Applicant said that research indicates that arable land managed specifically for skylarks can support higher nesting densities. The Applicant explained that the mitigation is intended to compensate for the loss of skylark territories within the development area and that, through increased habitat quality and foraging opportunities, it provides the potential to support as many skylarks as possible. The Applicant acknowledged that the Environmental Statement concludes there will be a residual adverse effect on skylarks, assessed as significant at the local level and cumulatively to district level, and confirmed that the proposed measures on the arable fields are properly characterised as compensation rather than mitigation; and that within</p>

		<p>the solar development areas where open land has been avoided and has potential for skylark territories this would be classed as mitigation.</p> <p>3.49 In response to questions about the specific measures proposed, including beetle banks and hedgerow management, the Applicant said that beetle banks and hedgerow bottoms will be incorporated and, where feasible, widened to approximately 10–12 metres to increase foraging habitat for skylarks and other ground-nesting birds. The Applicant confirmed that discussions with Nottinghamshire Wildlife Trust (NWT) have taken place and that, where suggested measures are not already included in the oLEMP, their feasibility will be considered in the preparation of the final LEMP. The Applicant stated that it is its clear intention that all agreed measures are carried through into delivery and not lost during implementation.</p> <p>3.50 In response to concerns that other bird species, including linnets, had not been adequately addressed, the Applicant said that the assessment is not limited to skylarks alone and that habitat-based measures, including arable management, grassland provision and hedgerow enhancement, are intended to benefit a wider assemblage of farmland birds. The Applicant confirmed that monitoring requirements are outlined in Feature 11 of the oLEMP, and noted that NWT's position in the Statement of Common Ground has recently moved from "red" to "amber" on the basis that appropriate monitoring is secured.</p> <p>3.51 In response to questions about the extent of compensation, the Applicant said that there is no policy requirement to provide like-for-like or 100% replacement for skylarks or other Section 41 species. The Applicant explained that the level of provision proposed equates to approximately 60–70% replacement, based on two years of survey data and published evidence, and that this represents a balanced approach when weighed against the efficient use of land. The Applicant noted that other NSIP schemes have been accepted with lower levels of provision or without fixed numerical targets, with greater emphasis placed on habitat quality rather than absolute numbers.</p> <p>3.52 In response to questions on monitoring and contingency, the Applicant said that skylark populations naturally fluctuate year-on-year and that monitoring must therefore be framed with sufficient flexibility. The Applicant explained that monitoring will assess both outcomes (such as occupancy trends) and inputs (whether the required skylark plots and habitat measures have been delivered). The Applicant confirmed that there is scope to provide contingency measures, should monitoring indicate that projected outcomes are not being achieved, and agreed to provide further information on contingency measures as requested by the Examining Authority.</p> <p>3.53 In response to questions on construction phase impacts and cumulative effects, including with the NHHM project, the Applicant said that cumulative effects were considered on the basis of the information available at the time of assessment. The Applicant explained that construction impacts would be temporary and phased, such that disturbance would reduce as works progress, and that the breeding bird assessment concluded that significant cumulative effects are unlikely. The Applicant acknowledged that further clarification is required on the timing of skylark measures during construction and confirmed that this will be addressed in writing, as requested by the Examining Authority.</p> <p>3.54 In response to questions about whether mitigation obligations would bind future developers, the Applicant confirmed that the DCO is a form of legislation, and that the requirements securing the LEMP and associated bird mitigation run with the consent and apply to any successor operator or party seeking to rely on it.</p>
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Action Point ISH2.6: The Applicant is to confirm what contingency plans you have if the percentage figures for skylark mitigation are not delivered for whatever reason? Is there provision for further mitigation or enhancement to be delivered within the proposed development to account for any shortfall?

Any contingency actions would be dependent on observations made during monitoring. It is not possible at this stage to define a blanket approach, prior to observing the trends on Site and assessing what measures, if any, might be required. However, some possible examples of contingency actions are outlined below:

- If skylark plots become dominated by relic crops or unwanted plants, the resulting action may be to review 'weed' control measures. For example, a hand-held/tractor-mounted weed wipe may be used to target tall-growing plants during spring/summer with a selective herbicide. Or if an ecologist confirms that no nests are present in a particular plot, cutting may be applied early in the breeding season.
- In the unlikely event that one or more of the skylark plots or beetle banks are not created as planned, the monitoring ecologist will report this to the Operator, and the Operator will contact the farming tenant to take action to spray-off 5x5m minimum patches of crop to create the plots, or spray and drill grassland to create beetle banks or margins. Note "operator" is as per the outline operational management plan [REP3-015].
- If skylarks appear to be favouring specific fields for breeding compared to other fields, the following options may be appropriate: (1) increase the density of skylark plots in the more favoured fields to encourage greater capacity; and / or (2) create additional beetle banks / foraging opportunities to the less favoured fields to increase the amount of close-by foraging was a limiting factor.

The regional and national population trends will be considered by an ecologist to determine whether there may be influences on skylark populations that are outside the control of the Operator. If the ecologist finds that regional and national population trends are not consistent with the site population trends (for example, the site is showing territory declines but the wider populations are not), they will make recommendations to the Operator for consideration, which may include:

- Any / all of the above.
- Consideration of the possibility of increasing the amount of set-aside, or the number of tramlines within the cropland.

Action Point ISH2.7: The Applicant is to confirm how soon measures would be provided to improve skylark population once proposed development is in place (if consented).

Subject to appropriate agreements being in place, the Applicant intends to implement the skylark mitigation measures ("skylark plots") as soon as feasible within the construction programme.

It is noted that the measures require seasonal windows to be implemented (e.g. drilling of grassy margins is generally best done in late autumn or early spring, and sowing of crops is intended to be in spring). The intention would be to have skylark plots, beetle banks and wider field margins in place prior to the start of construction activity where possible or else implemented in the first suitable season of the construction programme.

<p>6.3</p>	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on biodiversity and ecology, including on badgers and Lincoln Red Original Population.</p>	<p>3.55 In response to the Examining Authority's questions on the effects of the proposed development on badgers, the Applicant said that its assessment anticipates no closure of any main badger setts. The Applicant explained that one sett lies relatively close to proposed track improvement works, but any effects would be temporary and short-term. The Applicant confirmed that while there would be the permanent closure of two outlier setts, and potentially the temporary closure of up to two further outlier setts, these do not constitute main or annex setts. Additional mitigation measures may be required for up to 11 further outlier setts in relation to fencing, road construction and cable installation, but such impacts will be avoided through micro-siting and final design where possible. The Applicant said that the closure of outlier setts is generally less impactful, as it is expected to result in a redistribution of activity within the existing clan territory, rather than displacement beyond that territory, and that overall effects on the badger population are therefore limited. The Applicant noted that Nottinghamshire County Council had confirmed it had no outstanding concerns in relation to badgers.</p> <p>3.56 In response to questions regarding the Lincoln Red cattle population and the potential risk of bovine tuberculosis arising from changes in badger behaviour, the Applicant explained that Chapter 7 of the Environmental Statement is an ecology assessment, not an agricultural impact assessment, and therefore does not assess effects on livestock or farming operations. From an ecological perspective, the Applicant said that minimising the number of sett closures and avoiding any closure of main or annex setts is the principal means of reducing risk. The Applicant stated that, on this basis, and given that only outlier setts may be affected, it considers it very unlikely that the proposed works would result in badgers being displaced outside their existing territories or give rise to a significant change in baseline conditions that could affect nearby cattle populations.</p> <p>3.57 In response to questions on licensing, the Applicant confirmed that a draft licence application had been submitted to Natural England on 29 January 2026, and that this application is currently under consideration, subject to any further clarification</p>
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		<p>requests from Natural England. The Applicant also referred to updates made to Chapter 7 of the Environmental Statement at Deadline 3, including paragraph 7.8.158 (REP3-0010), which address matters raised by consultees.</p> <p>3.58 In light of concerns expressed by interested parties regarding potential risks to rare cattle breeds and the movement of badgers, the Applicant acknowledged the request for further clarification and confirmed that it is willing to provide additional information to the Examination. The Applicant confirmed that it will submit further details at Deadline 4, addressing the likely effects on the identified cattle population, together with an explanation of the mitigation measures in place, including how measures across the Environmental Statement and secured management plans act collectively to minimise risk, as requested by the Examining Authority.</p>
<p>Action Point ISH2.8: Applicant to provide an assessment of the likely effects on Lincoln Red Original population; including from possible infection from badgers and deer and the requirement for any mitigation.</p> <p>Nottinghamshire comprises an ‘edge area’¹ for bovine tuberculosis (TB). It is currently unknown if any badgers from the social groups on Site are infected with bovine and the Applicant did not hear any representations during ISH2 that TB outbreaks had occurred in the vicinity in the near past. Badgers can act as a ‘wildlife reservoir’ for bovine TB, as they get infected by the same strain of bacteria that spreads in cattle (<i>Mycobacterium bovis</i>) and the infection can persist in the badger population. Badgers may spread the infection to cattle via direct contact, or where cattle may come into contact with badger excretions.</p> <p>The Lincoln Red herd is understood to graze the fields north of Wheatley Road and Wood Lane, outside the Site. There are currently no badger sett closures proposed within 1km of the herd, meaning that badgers are unlikely to be significantly perturbed into new areas as a result of construction in this area. In addition, the land within the Site that is closest to the Lincoln Red herd is predominantly cereal crops, which is suboptimal foraging habitat for badgers. Therefore, temporary disturbance to this habitat during construction is unlikely displace significant numbers of foraging badgers.</p> <p>During operation, the provision of mammal gaps in the fences of the proposed development will allow badgers to continue to move freely within their territories, meaning that displacement effects are unlikely. It is concluded that the proposed development has a very low risk of causing badger perturbation / redistribution. This means that the risk of creating new vectors for bovine TB transmission is also very low. The draft badger licence application submitted by the Applicant to Natural England includes an assessment of the biosecurity risks associated with bovine TB and badger sett closures, and specifies the measures required of personnel working on badger sett closures to practice good biosecurity controls.</p> <p>Wild deer are also ‘spill-over hosts’ of TB – this means that they are unlikely to hold infection in their population alone, but can become continually infected by cattle or other wildlife. TBhub (2026)² indicate that there are only a few isolated incidences of bovine TB in wild deer each year in Great Britain, but that deer may transmit bovine TB to both deer and cattle where they congregate in high densities, such as in the southwest of England. Deer may be displaced from the proposed solar array areas as they may not fit through the mammal gaps provided in the fences. However, it is noted that the majority of the land in the part of the Site close to the Lincoln Red herd is arable cropland, which means it is not typical foraging habitat for deer, and large congregations of deer are unlikely to be displaced from the Site. Any suspected cases of bovine TB in wild deer should be reported to the Animal & Plant Health Agency for guidance on herd management for neighbouring cattle.</p>		
<p>6.4</p>	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on biodiversity and ecology, including adequacy of proposed mitigation measures set out within the application documents for habitats and species and whether they would be adequately secured</p>	<p>3.59 In response to the Examining Authority’s questions on the adequacy of the proposed mitigation measures for habitats and species, and whether those measures would be securely delivered and effectively maintained over time, the Applicant explained that the mitigation framework is secured through the Development Consent Order (DCO) and, in particular, through the outline Landscape and Ecological Management Plan (oLEMP).</p> <p>3.60 The Applicant said that the oLEMP sets the framework for delivery and will be developed into a final LEMP through the discharge of requirements, with approval by the relevant local authorities. The Applicant emphasised that the mitigation measures are not discretionary: they are legally binding requirements under the DCO, and any party seeking to implement or operate the scheme must comply with them. The Applicant explained that developers take compliance with DCO</p>

¹ The Edge Area is the buffer zone between the High Risk Area (HRA) and Low Risk Area (LRA) which contains local disease fronts advancing from the HRA towards the LRA – as defined by the Agriculture and Horticulture Development Board (2025) *Bovine TB Risk Map for Great Britain* [online] Available at: <https://tbhub.co.uk/preventing-tb-breakdowns/bovine-tb-risk-map/> [accessed 07 January 2026].

² TBhub (2026) *Wild Deer* [online] available at: <https://tbhub.co.uk/tb-in-wildlife/wild-deer/> Accessed 17 February 2026.

	and effectively maintained thereafter.	<p>requirements extremely seriously, given the risk of enforcement action, and that the level of investment involved in the scheme means that non-compliance would not be acceptable.</p> <p>3.61 The Applicant confirmed that Requirement 6 of the DCO secures the LEMP and that the oLEMP already identifies 14 ecological features, each supported by a structured approach setting out the existing baseline, the proposed enhancements or new habitat creation, the management prescriptions, and the outline monitoring methodology to assess success. The Applicant explained that, while some monitoring parameters are currently set out in draft form, these will be finalised through the detailed LEMP and agreed as part of the discharge process.</p> <p>3.62 In response to concerns about long-term accountability and succession, the Applicant explained that a DCO has the status of legislation, and its requirements run with the consent. As a result, any successor in title or future operator would be bound by the same mitigation, monitoring and management obligations. The Applicant said that this provides the necessary assurance that mitigation measures will not fall away over time or following any change in ownership.</p> <p>3.63 The Applicant also acknowledged the role of the local authorities in overseeing delivery and confirmed that Nottinghamshire County Council has indicated it is satisfied that the proposed monitoring and management arrangements are adequately addressed within the oLEMP and can be secured through the DCO requirements. The Applicant confirmed that engagement with the local authorities will continue as the management plans are refined, and that consultation on the detailed measures will be undertaken where appropriate as part of the discharge of requirements process.</p>
7. Transport and access		
7.1	The Applicant to update on its discussions with National Highways and NCC regarding the adequacy of the traffic assessment, with particular regard to construction related traffic.	<p>3.64 In response to the Examining Authority's request for an update on discussions with National Highways and NCC, regarding the adequacy of the traffic assessment, with particular regard to construction-related traffic, the Applicant provided the following update.</p> <p>3.65 The Applicant confirmed that a meeting with National Highways took place on 10 February, following National Highways' relevant representation, which reflected its position after submission of the highway technical note on 17 October. The Applicant explained that, following the February meeting, the majority of matters raised by National Highways have now been resolved. The only remaining outstanding issue relates to SoCG NH3, concerning junction capacity assessment. The Applicant confirmed that discussions have been positive and that additional technical notes have been provided and incorporated into the draft Statement of Common Ground returned to National Highways. Engagement is ongoing, and further informal information may be provided if required. The Applicant confirmed that agreement has been reached on SoCG NH4, relating to abnormal and indivisible loads, with the relevant contractor to engage through the outline Construction Traffic Management Plan (oCTMP). In relation to SoCG NH2, the Applicant confirmed that agreement has now been reached that National Highways will remain a consultee on the oCTMP.</p> <p>3.66 In relation to NCC, the Applicant explained that formal consultation commenced in October, and that a subsequent meeting took place with NCC on 10 February. The Applicant confirmed that NCC's comments have been addressed through the Applicant's response to the Local Impact Report [REP2-050]. For the majority of NCC's comments, it has been agreed that assurances, controls and processes will be secured through the oCTMP, allowing NCC's concerns to be addressed at the appropriate stage. Where NCC raised matters requiring a greater level of design detail—such as Road Safety Audits, signage and detailed access arrangements—the Applicant explained that the scheme has not yet reached a sufficient level of design for these matters to be finalised.</p> <p>3.67 The Applicant confirmed that it is proposed to include additional wording within the oCTMP to provide NCC with the necessary assurances, and that both parties have committed to progressing this for Deadline 5.</p> <p>3.68 The Applicant also explained that, at the time of submission of the application, additional survey data was still being finalised. As a result, three technical notes were submitted at Deadline 2 under the document titled "Applicant's additional traffic and PRoW survey data submitted at Deadline 2" (REP2-058). These included the PRoW Management Plan, additional highway</p>

		<p>data to support the Transport Impact Assessment, and an update to ES Chapter 13 (Transport and Access), all of which provided further supporting evidence.</p> <p>3.69 In response to the Examining Authority's questions on how disruption would be managed, the Applicant confirmed that a key construction access strategy has been identified, making use of the Strategic Road Network and Major Road Network as far as possible before accessing the site. The Applicant acknowledged that while a number of access points and haulage routes have been identified, detailed arrangements will be confirmed as the project progresses into detailed design. At this stage, the Applicant explained that NCC is seeking comfort through the oCTMP, which will secure appropriate procedures, controls and compliance with relevant guidance. The Applicant confirmed that preliminary access plans, including access geometries, visibility splays and vegetation removal, are contained within the Transport Assessment and the oCTMP, and that discussions with NCC will continue as the detailed access and construction arrangements are developed.</p>
7.2	<p>The ExA will invite the local councils and other IPs to present their main points from the evidence submitted regarding transport and access. It would assist the ExA if as far as possible the various bodies could present their evidence in a co-ordinated manner which avoids repeating points made by others.</p> <p>The ExA will ask the applicant to respond to each of the points made by the local bodies.</p> <p>The ExA will invite NCC and Bassetlaw District Council the opportunity to respond.</p>	<p>3.70 In response to concerns regarding interactions between construction traffic and PRow users, the Applicant explained that section 7 of the outline Construction Traffic Management Plan (oCTMP) includes a dedicated PRow Management Plan, which has been discussed with Nottinghamshire County Council (NCC) and NCC's PRow officers. The Applicant confirmed that additional information on PRow usage was gathered through surveys undertaken on weekdays and weekends, and that this information informed the additional submissions made at Deadline 2. The Applicant explained that construction traffic volumes crossing PRowS would be low on a daily basis, with activity spread over an approximate two-year construction period, and that PRow users would retain priority at all times. Mitigation measures proposed include the use of banks people, temporary refuges or lay-bys, parallel waiting areas for horses, and a maximum construction traffic speed of 10 mph at PRow crossings. The Applicant confirmed that, where possible, smaller vehicles would be used, with indivisible loads treated as an exception, and that the majority of construction movements would take place via fields and haul roads, rather than along PRowS.</p> <p>3.71 In response to concerns regarding routing and potential use of Sturton le Steeple as a faster route, the Applicant confirmed that the oCTMP sets out a routing strategy agreed with NCC and National Highways, which directs construction traffic from the north via the A1, travelling south and making use of the Strategic Road Network and Major Road Network as far as practicable before accessing the site. The Applicant confirmed that avoidance of Sturton le Steeple village is an explicit requirement within the oCTMP and will be secured through Requirement 8 of the DCO. The Applicant explained that routing compliance would be actively managed and enforced by the developer and its contractors, with procedures including formal warnings for non-compliance and, where necessary, removal of contractors or drivers from site, noting that such measures have been successfully implemented on other projects.</p> <p>3.72 In response to queries regarding policing and enforcement, including movements along Wheatley Road, the Applicant confirmed that some decanting of materials between construction compounds would be required and that the relevant numbers are set out in the Applicant's submitted spreadsheet. The Applicant confirmed that, following the Examining Authority's request, it will provide detailed vehicle numbers for movements along Wheatley Road between Primary Compound B and Secondary Compound C in writing, as an action point. The Applicant also confirmed that automatic traffic count data has been collected and that this data will be provided at Deadline 5.</p> <p>3.73 In response to questions regarding junctions, the Applicant confirmed that the North Leverton junction was not included in the Transport Assessment, as construction traffic is not proposed to use that junction. In relation to the Wheatley Road T-junction, the Applicant confirmed that this matter was addressed at Deadline 2, using the most up-to-date personal injury collision data provided by NCC and assessed in accordance with relevant guidance. The Applicant explained that the data does not identify the route as unsafe and that mitigation measures—including signage, routing controls, driver briefings and warnings—will be implemented to maintain safety at existing levels. The Applicant confirmed that additional measures, such as banks people or temporary traffic signals, could be deployed if required.</p> <p>3.74 In response to concerns regarding cumulative impacts, including the quarry access on Gainsborough Road, the Applicant confirmed that quarry traffic has been included within the cumulative assessment. The Applicant confirmed that the quarry</p>

		<p>access would be used where necessary, with mitigation measures applied to manage vehicle movements, and that minor alterations to the internal junction layout could be made if required to facilitate safe operation.</p> <p>3.75 The Applicant concluded that the controls proposed through the Transport Assessment, oCTMP and Requirement 8, together with continued engagement with NCC and National Highways, provide a robust and enforceable framework to manage construction traffic, protect PRow users, minimise disruption to local communities, and address concerns raised by Interested Parties.</p>
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Action Point ISH2.9: Applicant to provide details of traffic numbers from spreadsheets relating to Wheatley Road.

This action point was taken further to comment raised regarding traffic routing on Wheatley Road from Primary Compound B to Secondary Compound C.

The Outline Construction Traffic Management Plan (oCTMP) [APP-129] states that delivery vehicle arriving to "Primary Compound B will decant and distribute loads to Secondary Compounds B and C and individual fields within the Western Parcel through internal haul routes" (para 4.19, page 12).

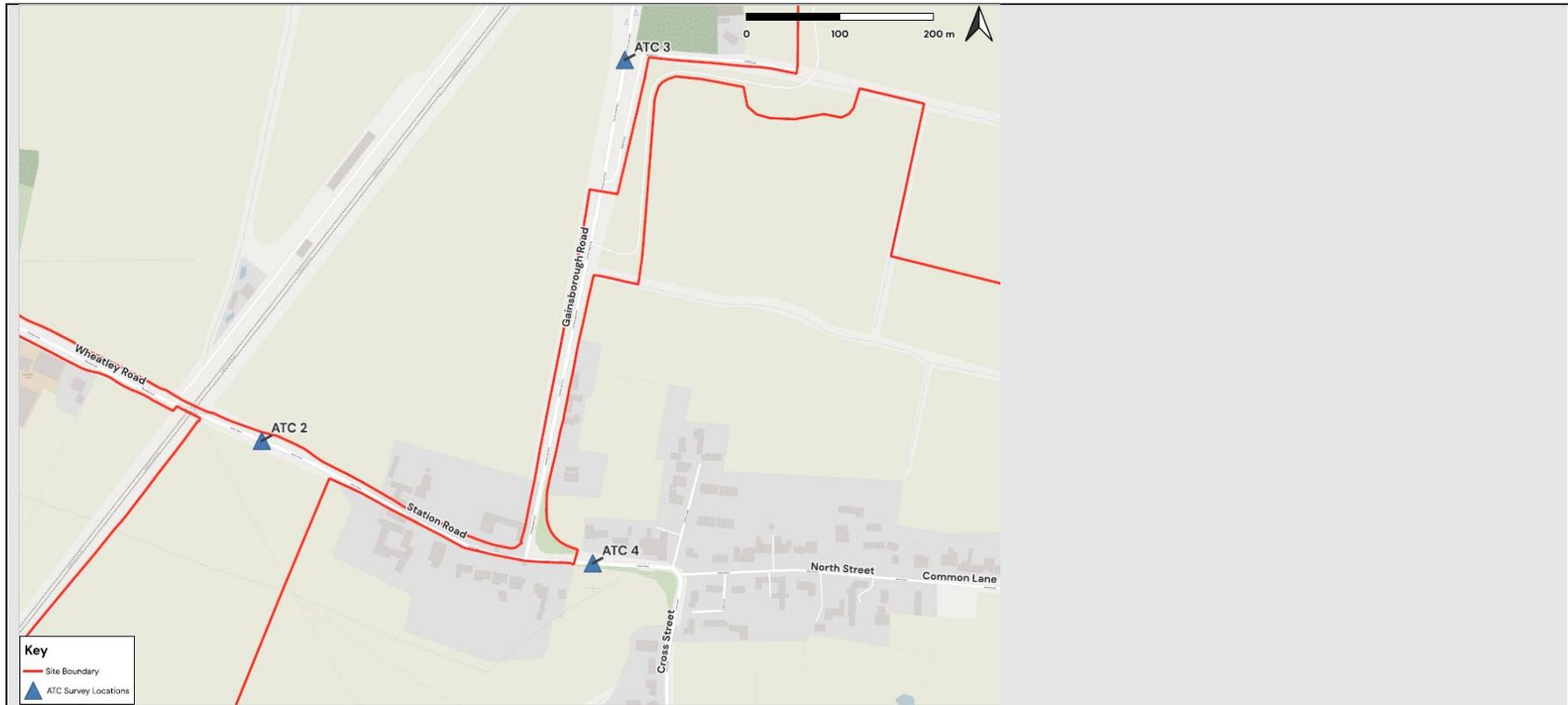
Therefore, there will be some trips on Wheatley Road between Access points 3 (Primary Compound B) and Access 2 (Secondary Compound C).

It is estimated that 1,174 decanted vehicle movements will need to traverse along Wheatley Road over the entire 24-month construction programme. This equates to an average of approximately 49 decanted trips per month or around 2 trips per day.

Action Point ISH2.10: Applicant to provide traffic count data.

A request was made for the provision of speed data collected from the automatic traffic counts near to the Gainsborough Road/Wheatley Road junction within the vicinity of the development site. In response to interested parties' queries, this data has been provided. Automatic Traffic Counters (ATCs) were installed within the vicinity of the Station Road / Gainsborough Road junction as shown on **Plate 1** below.

Plate 1 – ATC locations



Source: *OpenStreetMaps*

Data was collected over a continuous two-week monitoring period. The recorded 7-day (00:00-00:00) average speeds recorded by the ATCs are summarised below:

ATC 2:

- Mean speed: 26.09 mph
- 85th percentile speed: 31.79 mph

ATC 3:

- Mean speed: 49.74 mph
- 85th percentile speed: 57.11 mph

ATC 4:

- Mean speed: 26.82 mph
- 85th percentile speed: 30.76 mph

The Applicant has submitted ATCs separately as excel files into examination.

8. Historic environment

<p>8.1</p>	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on the historic environment, including the current position of parties in respect of the need, or otherwise, for further pre-determination trial trenching and the adequacy of proposals to undertake further trenching, as set out in ES Appendix 9.5 - Outline Written Scheme of Investigation for Post-Consent Archaeological Works [APP-126].</p>	<p>3.76 In response to the Examining Authority's questions on the need for further pre-determination trial trenching and the adequacy of the proposed approach, the Applicant said that a proportionate, staged archaeological strategy has been adopted and that there is no policy requirement for pre-determination trial trenching in all circumstances. The Applicant explained that the baseline has been informed by a comprehensive programme of desk-based assessment, walkover survey, LiDAR analysis and geophysical survey across the Order Limits, supplemented by targeted trial trenching where appropriate. The results of those investigations have demonstrably informed the scheme design, including the exclusion of areas of higher archaeological potential from development to preserve remains in situ, which is a recognised principle of archaeological mitigation. The Applicant explained that this is a direct application and demonstration of how footnote 94 of NPS EN-3 is intended to operate.</p> <p>3.77 In response to NCC's position that further pre-determination trial trenching is required to establish significance, the Applicant said that geophysical survey has been effective in identifying the presence and distribution of archaeological features, particularly within alluvial deposits, and that this has been "ground-truthed" through trenching in fixed areas of the layout to test the reliability of the geophysical results. The Applicant explained that geophysics is capable of identifying areas of activity and informing mitigation decisions without the destructive impact inherent in trial trenching, and that unnecessary trenching would permanently remove archaeological evidence that could otherwise be preserved.</p> <p>3.78 In response to the ExA's questions on how the Secretary of State can be satisfied as to heritage significance without additional pre-determination trenching, the Applicant said that the Environmental Statement assesses known and potential archaeological assets, the likely effects of the Scheme, and the effectiveness of mitigation, and that this approach is consistent with national policy. The Applicant emphasised that the Scheme is not comparable to extractive development, such as quarrying, where archaeology would be permanently removed, and that the limited ground disturbance associated with solar development allows archaeology to be managed and mitigated effectively through a post-consent Written Scheme of Investigation (WSI). The Applicant also noted that as demonstrated within Appendix 1 of the Archaeology Strategy Note (REP2-053) there are a number of DCO and TCPA applications where no intrusive trenching has taken place and where the information presented was considered sufficient to inform decision-making.</p> <p>3.79 In response to NCC's concern that reliance on post-consent evaluation places an unreasonable burden on future developers, the Applicant said that the post-consent archaeological strategy is secured through the DCO, is legally binding, and provides clear mechanisms for further evaluation, preservation in situ or excavation and recording, as appropriate. The Applicant explained that the outline WSI already sets out the mitigation framework and that post-determination trenching would be undertaken in consultation with the local planning authority and NCC, targeted to the areas identified through the Examination material, allowing archaeological significance to be properly understood before construction proceeds.</p> <p>3.80 In response to suggestions that additional pre-determination trenching is essential to identify nationally significant remains, the Applicant said that trial trenching does not itself determine national significance, but merely provides further data, and that the same evaluative process would apply whether trenching is undertaken before or after determination. The Applicant stated that the current approach provides the decision-maker with sufficient information to understand the likely impacts and mitigation, and that flexibility is required to address archaeology proportionately and responsibly as the Scheme is implemented. The Applicant also stated that the Scheme already has considered potentially nationally significant remains</p>
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		<p>through the removal of the area of dense archaeological anomalies identified through the geophysical survey to the south of the Scheduled Monument of Segelocum Roman Town.</p> <p>3.81 Finally, in response to the ExA's invitation to draw matters together, the Applicant confirmed that this is a difference of professional judgement, not a failure of assessment, and that it will provide a written submission setting out its position on policy compliance, the adequacy of the evidence base, and why further pre-determination trial trenching is not necessary to support determination of the application.</p>
8.2	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on the historic environment, including effects on the setting of Crow Tree Farm, West End Farm and the Church of St Peter & St Paul and the requested removal of the area of solar arrays by NCC.</p>	<p>3.82 In response to the Examining Authority's questions on NCC's request to remove areas of solar arrays to preserve the settings of Crow Tree Farm, West End Farm and the Church of St Peter & St Paul, the Applicant said that the relevant public rights of way (Footpaths 19 and 20) are not heritage assets in their own right, and that views from them are only material insofar as they contribute to the significance of the heritage assets.</p> <p>3.83 In relation to Crow Tree Farm, the Applicant said that the principal elevation faces north, and that views from the east are limited to the southern elevation; the former associated barns to the west are now converted and in separate residential curtilage, such that there is no strong historic functional or visual association between the buildings. The Applicant said that longer-distance views do not read the buildings as a coherent farmstead group and that the proposed development would not alter the way the asset is experienced or understood. The Applicant also noted that the views of Crow Tree Farm when moving along FP19 and FP20 are in the context of modern detached and semi-detached dwellings along Station Road with solar panels on their rooves. The Applicant described how by the time Crow Tree Farm is appreciated when moving east and southeast along these pathways, the Scheme is far behind the viewer. When moving northwest and west, the views have Crow Tree Farm have gone before one reaches or appreciates the Scheme.</p> <p>3.84 In relation to West End Farm (Grade II), the Applicant said that the principal elevation faces east, with the northern elevation presenting as blank and austere. From the relevant footpaths, the asset does not present as a farmhouse in longer-distance views, and the approach to the building would remain through an agrarian setting, with the proposed development well behind the viewer. The Applicant said that the setting of West End Farm would therefore not experience material change.</p> <p>3.85 In relation to the Church of St Peter & St Paul, the Applicant said that views from Footpath 20 already allow glimpsed views of the church as one moves along the route, and that this experience would remain broadly unchanged. The Applicant said that the open field setting which contributes to the church's significance would be retained, and that the proposed development would not interrupt or compete with key views that allow appreciation of the church as a heritage asset.</p> <p>3.86 In response to NCC's concern about a perceived "tunnel effect" along the footpaths, the Applicant said that the solar arrays are set back from the routes, enclosed by hedgerows, and are visually permeable, allowing views of the ground between panels. The Applicant stated that an agricultural character would still remain appreciable. The Applicant said that the development should not be characterised as industrial in this context, particularly given the existing mixed character of the area, including modern residential development at Caddows View, the presence of West Burton Power Station, pylons and the railway corridor. The Applicant said that, while the proposed planting would soften views over time, the existing character would remain legible, and the setting of the heritage assets would be preserved.</p> <p>3.87 In response to the Examining Authority's query on Historic England's comments, the Applicant confirmed that it has reviewed Historic England's Deadline 3 submissions and is able to provide a written response on the relationship between the churches and their setting, as requested. The Applicant also noted NCC's reference to the potential future designation of a conservation area at Sturton, but said that this is not currently designated and therefore does not alter the assessment undertaken.</p> <p>3.88 On this basis, the Applicant concluded that the removal of the identified areas of solar arrays is not necessary, as the proposed development would preserve the settings of Crow Tree Farm, West End Farm and the Church of St Peter & St Paul, and would not give rise to harm requiring further design amendment.</p>

Action Point ISH2.11: The Applicant to provide comments in response to Historic England responses to ExQ1 [REP2-065] or signpost to where this is provided in the D3 submissions.

The Applicant continues to seek a signed SoCG with Historic England, and will provide this once available. Please see below a response against Historic England's stated positions in relation to ExQ1

ID	ExQ1	HE Comment	Applicant Response
REP2-065/1	Q11.0.2	<p>In response to part 2 of the question, Historic England can advise that as of 08th January 2026, we have not received an application to review any proposed amendments to the scheduling of 'Segelocum Roman town' (NHLE: 1003669). Thus, we cannot provide a timescale for implementation or specific areas referred to, as we have not received an application to consider. We are not actively reviewing the extent of the scheduling.</p> <p>In regard to general current position, conversation with the Applicant is ongoing as part of the development of the Statement of Common Ground in regards to appropriate mitigation and detailed design requirements on land parcels considered to retain non-designated archaeological features that contribute to the significance of the Scheduled Monument; extensions of the ribbon road side settlement for example. We envisage that appropriate mitigation and protective measures will be secured through the AMS/oWSI and the CEMP, in consultation with both Historic England and NCC.</p>	<p>Appropriate mitigation and protective measures have been included within the ES Appendix 9.3 Archaeological Mitigation Statement [APP-124]. Further details have been provided in discussions with Historic England and this is will be covered in the Statement of Common Ground.</p>
REP2-065/2	Q11.0.3	<p>In response to part 3 of the question above, Historic England present our position in regard to the effect on North Leverton Windmill (NHLE: 1234469).</p> <p>Firstly, we note and acknowledge the existing set back (by 1 field) of the infrastructure from the windmill. However, in terms of the assessment of the impact to the significance of the windmill via change in its setting, we consider that the applicant has applied a rather reductive approach in only considering the significance derived from the design intent. We consider that North Leverton Windmill not only derives significance from its design intent, but also the kinetic views that are experienced on approach to and from the asset, observable and readily appreciated in both short and long ranging views. Despite modern built form that has subsequently been added to the landscape, the windmill can be understood in its agricultural setting, as it would have been historically.</p> <p>Historic England suggest development as proposed would result in a moderate level of less than substantial harm to the significance of the highly graded asset as a result of change in its setting. We consider that further detailed visual assessment may be helpful, including further visualisation.</p>	<p>There is general agreement between the Applicant and Historic England in that the asset is anticipated to experience a level of impact/less than substantial harm to its significance as a result of the Scheme. This will be confirmed in the Statement of Common Ground.</p>
REP2-065/3	Q11.0.4	<p>Historic England have reviewed the effects to this asset again in light of the applicant's response to our relevant representations. Thank you for the invitation to re-address this issue. We note that in our response to the PEIR as follows:</p> <p>"With specific reference to the Grade II* listed Church of St Peter and St Paul (NHLE: 1275773) within Sturton le Steeple, the PEIR NTS notes some visible built form in the wider surrounds of the asset, and recognises that it will impact some longer distance views towards the church tower, but suggests that this would no impact the significance of the asset, this would need to be carefully evidenced against our published guidance regarding the setting of Heritage assets. Further to this, Chapter 9 of the PEIR states that views are considered as part of the ZTV, and it is however acknowledged that the setting of an asset does not rely wholly on visibility, therefore further assessment should be considered."</p> <p>The applicant's response was as follows:</p>	<p>There is general agreement between the Applicant and Historic England in that the asset is anticipated to experience a level of impact/less than substantial harm to its significance as a result of the Scheme. This will be confirmed in the Statement of Common Ground.</p> <p>The Applicant disagrees with the emphasis placed on the relationship between the Scheduled Medieval settlement and open field system immediately south east of Low Farm</p>

		<p>'detailed assessment of potential impacts to the significance of the asset is provided in the Cultural Heritage Technical Baseline (Appendix 9.1, [EN010163/APP/6.3.9]). The key and contributory elements of the asset's setting (both visual and non-visual) are considered in this ES Chapter at paragraph 9.7.14.'</p> <p>In Appendix 9.1 - Cultural Heritage Technical Baseline, it is acknowledged that 'the prominent church tower is a highly visible feature within the surrounding landscape', and that 'the Proposed Development is anticipated to result in some visible built form in the wider surrounds of the asset, and will impact some longer distance views towards the church tower, with the Scheme appearing in the foreground of longer-range views of the tower'.</p> <p>The basis of the applicant's assessment is on the basis that 'the significance of this asset is formed primarily by its architectural and historic interest which is best demonstrated by its physical fabric. The setting of the asset also makes a contribution to its significance, although this contribution is much less than that made by its physical fabric'. While we would agree that its built form comprises a large part of its significance, however, we would suggest that its setting contributes a lot more significantly than is suggested in this text. The prominent nature of the tower, and the way it is visible both now, despite modern form in the landscape, retains the ability to understand the dominance of church and state in the medieval period.</p> <p>There is also a clear landscape level relationship and line of sight from the church and The Scheduled Monument comprising the Medieval settlement and open field system immediately south east of Low Farm (NHLE ref. 1017741).</p> <p>This clear relationship demonstrates a clear interrelationship in the medieval landscape that is currently legible and should be protected. It is noted that there is a set back of panels from the Scheduled Monument, however, we suggest the introduction of both panel and BESS in this area, could obscure the intervisibility of the two assets, and this fracture the historical relationship between the two, resulting in harm to significance of both assets. Refinement of detailed design here would reduce the level of harm to both assets and should be carefully considered.</p> <p>Many of the photos and montages show the tower quite clearly in long ranging views, and the introduction of the panels entirely obscures this view from certain ground level views, which as identified above would present, what we would consider a moderate level of less than substantial harm to the significance of the highly graded asset as a result of change in its setting.</p> <p>We note the content of Q11.0.1 and suggest that our response above could be considered relevant to this question also.</p>	<p>(NHLE ref. 1017741). This was a distinct settlement which, as the list entry identifies, had its own church. There are no designed or focussed views from the Church of St Peter and St Paul in the direction of the Scheduled Monument.</p>
<p>8.3</p>	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on the historic environment, including North Leverton Manor House and North Leverton Windmill and the requested removal of the area of solar array by NCC.</p>	<p>3.89 In relation to North Leverton Manor House, the Applicant said that while the asset is Grade II listed and of Georgian origin, its historic rural context has already been substantially eroded by surrounding modern development being located in a modern cul-de-sac surrounded by modern built form. The Applicant explained that the principal façade faces south, away from the proposed development, and that views towards the site from the manor are limited and filtered. The Applicant noted that the asset is best appreciated in views from Main Street looking north – views which would not contain the Scheme. The Applicant noted that although Footpath 24 appears close to the asset on plan, users are in practice well separated, with intervening hedgerows restricting views. The Applicant said that views north-west along Footpath 24 are either peripheral, screened, or blocked, and that any visibility of the scheme would be limited from the outset and further reduced as planting matures. From the vicinity of the Manor House itself, the proposed development would not be visible, and views eastwards would continue to read as open field. On this basis, the Applicant concluded that the setting of the Manor House would be preserved, and that removal of the identified field would not materially change the assessment of effect.</p> <p>3.90 In relation to North Leverton Windmill, the Applicant acknowledged its high significance and landmark qualities, but said that the requested removal of the field would not materially alter the level of effect identified. The Applicant explained that key</p>	

		<p>views of the windmill, particularly from Footpath 24 moving south and when emerging from the railway crossing, would remain clear and unaffected, with the windmill and its cottage continuing to be experienced against an open agricultural foreground. The Applicant said that the presence of other large-scale infrastructure in the wider landscape, including the railway and West Burton Power Station, already forms part of the visual context. While the scheme would be visible in longer-distance views, these would be incidental to the appreciation of the asset's significance, and the removal of the field would not prevent or materially reduce that visibility.</p> <p>3.91 In response to NCC's position that removal would provide a buffer to both assets, the Applicant said that, although there is a difference of professional opinion, the assessment concludes that the effect on the Windmill is minor adverse and for North Leverton Manor House – no effect/harm. The removal of the proposed solar array area would not change that conclusion. The Applicant therefore maintained that the further reduction of the Scheme through the removal of the identified field has no justification.</p>
8.4	The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on the historic environment, including on the setting of Grade II* listed Burton Chateau.	<p>3.92 The Applicant confirmed that the asset's setting and views have been well assessed within the Environmental Statement and that the Applicant maintains its position that no harm arises. The Applicant does not accept that the asset has been scoped out noting that it has been subject to full assessment in the baseline and was not included in the ES Chapter as no adverse impacts were identified. The Applicant explained that it does not accept that there is visibility of the BESS from the asset, noting that any suggestion of visibility is theoretical only and does not take account of existing vegetation and woodland, which historically formed part of the asset's setting and continues to restrict views. On that basis, the Applicant confirmed that it does not agree with NCC's position that harm would occur.</p> <p>3.93 In response to the Examining Authority's question regarding whether the financial viability and use of the asset as visitor accommodation contributes to its significance, the Applicant said that the Landmark Trust has not objected to the application. The Applicant noted that the asset's published description emphasises views southwest across the River Trent, and that its successful operation as a holiday destination already coexists with energy infrastructure in the wider landscape, including West Burton Power Station, which is explicitly referenced in the asset's promotional material. The Applicant said that this demonstrates that the presence of energy infrastructure is not incompatible with the asset's significance or continued use, and that there is no evidence before the Examination to suggest that the proposed development would adversely affect its viability or special interest.</p> <p>3.94 The Applicant, therefore, concluded that, notwithstanding NCC's stated disagreement the assessment properly considers the asset's setting and significance, no harmful change to key views would occur and that the proposed development would not undermine the heritage value or ongoing use of the asset.</p>
8.5	The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on the historic environment, including on Sturton le Steeple's Christian heritage and the Pilgrim Trail - The ExA wishes to further understand the issues raised by IP's and the applicant's responses on this matter; particularly in relation to the contribution made to the significance of heritage assets. Chateau.	<p>3.95 In response to points raised by Interested Parties and Nottinghamshire County Council regarding the Pilgrim Trail, the Applicant said that the Pilgrim Trail itself is not a designated heritage asset and does not form part of the significance of any designated heritage asset assessed in the Environmental Statement. The Applicant explained that the Trail is a modern, curated route, not a historic pilgrimage route in its own right, and does not have an intrinsic heritage value comparable to established pilgrimage routes. The Applicant further explained that the Trail functions as a settlement-to-settlement narrative, focused on the historic places themselves rather than the intervening landscape, and that the land within the application site does not make a specific or meaningful contribution to an understanding of historic Christian pilgrimage or the religious beliefs of the Pilgrims.</p> <p>3.96 In response to concerns about Christian heritage, the Applicant said that this has been addressed through the assessment of designated heritage assets, in particular the Church of St Peter & St Paul, whose significance, setting and contribution to local Christian heritage have been assessed in the historic environment chapter of the Environmental Statement. The Applicant explained that the majority of the church's significance derives from its architectural, historic and communal value and from its role within the settlement, rather than from views or experiences across the wider agricultural landscape within the Order Limits.</p>

		<p>3.97 In response to points raised regarding tourism and visitor economy impacts, the Applicant said that these matters are addressed within the socio-economic assessment (Chapter 10) of the Environmental Statement, which considers tourism at a strategic level. The Applicant acknowledged the Examining Authority's suggestion that the relationship between the Pilgrim Trail and the visitor economy could be considered further, and confirmed that it will review this matter as an action point, to determine whether any additional clarification is required within the socio-economic evidence.</p> <p>3.98 The Applicant concluded that the Pilgrim Trail does not contribute to the significance of the heritage assets assessed, that the Christian heritage of Sturton le Steeple has been properly considered through the assessment of relevant designated assets, and that there is no heritage-based justification for additional mitigation or scheme amendment arising from the Pilgrim Trail.</p>
8.6	The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on the historic environment, including on the approach to mitigating effects and the drafting of dDCO requirement 17 – archaeology.	3.99 The Applicant made no submission on this agenda point.
<p>Action Point ISH2.12: Applicant to explain the extent to which effects on the historic character of the locality has been considered in the assessment of socioeconomics in ES chapter 10 [APP-068]. Or provide further assessment on this matter if not.</p> <p>The Applicant notes that the Socioeconomics ES chapter 10 [APP-068] does not include consideration of effects on the historic character of the locality. The assessment scope proposed at scoping stage extended to consideration of effects specific to socioeconomic receptors only. There was no subsequent request for the scope of the socioeconomic assessment to be extended to include potential effects on historic character during scoping, or indeed during any of the statutory or non-statutory consultation rounds. The scope of assessment presented in Socioeconomics ES chapter 10 [APP-068] is considered appropriate and proportionate to the scale, nature and location of the scheme in respect of potential for socioeconomic effect, and is typical in scope of other socioeconomic assessments undertaken for schemes of similar scale, nature and location. Furthermore, the Cultural Heritage ES chapter 9 [APP-067] considers the effects of the Proposed Development on historic character in detail. The Cultural Heritage ES chapter [APP-067] finds that there are “no significant effects upon surrounding sensitive receptors” during the construction or operational phases of the Proposed Development. In conclusion, the Applicant considers that assessment of effects on historic character has been sufficiently assessed within the context of the Cultural Heritage ES chapter 9 [APP-067] and no further assessment of such effects is required within the context of the Socioeconomics ES Chapter 10 [APP-068].</p>		
<p>9. Landscape and visual</p>		
9.1	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on landscape and visual, including: the applicant's deadline 2 and deadline 3 submissions.</p> <p>The ExA will allow parties the opportunity to provide comments on the additional information and responses to questions provided by the applicant, and the extent to</p>	<p>3.100 In responding to points raised by NCC, the Applicant noted that the points replicated what was provided in the NCC LIR. The Applicant confirmed it had responded to NCC's LIR and that the methodology used is robust and can be relied upon. Furthermore, it was noted that the further material submitted since ISH1 serves to illustrate the conclusions of the LVIA can be relied upon and that there should be no concerns regarding the approach that we has been taken to the development of the mitigation strategy, or to the design of the proposed development. There has been direct avoidance of effects in relation to woodland and trees, there has been mitigation in the form of the offsets that have been included from the settlements, residential properties and footpaths and where residual effects remain, we have provided mitigation planting.</p> <p>3.101 In response to NCC's position on proper assessment of landscape character effects and concerns of the approach the Applicant has taken the character of openness and tranquillity etc. in their assessment. The Applicant responded to state that the LVIA does identify a significant impact on landscape character but this is not shown to extend beyond the bounds of the site such that it would be on the wider landscape character areas and in part this is due to the screening effects of the layers of hedgerows and the reduced height of the panels so there is reduced visibility in the wider landscape.</p>

	<p>which previous concerns have or have not been addressed. The applicant will be provided the opportunity to respond to any of the points made.</p>	
9.2	<p>The ExA will ask questions and seek responses to matters relating to the effects of the proposed development on landscape and visual, including the assessment of cumulative effects and whether further assessment is required, noting NCC's response to ExQ1 Q13.3.3 [REP2-063] and the applicant's response to NCC [REP3-039].</p>	<p>3.102 In response to NCC's discussion of the potential for sequential cumulative effects, the Applicant advised that this had been discussed during ISH1 and that consideration had been given to the potential for sequential cumulative effects. The Applicant also reiterated that visual effects that may occur as a result of visibility other cumulative projects, but where the Proposed Development was not itself visible, were not cumulative effects relating to the Proposed Development.</p>
<p>10. Review of issues and actions arising</p> <p>3.103 ExA publish actions points as soon as possible.</p>		
<p>11. Any other business</p> <p>3.104 The Applicant did not raise any AOBs.</p>		
<p>12. Closure of the hearing.</p> <p>3.105 ExA closed the hearing.</p>		

4 Issue Specific Hearing 3

4.1 A number of parties attended and participated in the ISH3. This summary may not reference all those who took part, but the following are provided acronyms due to extensive interaction during the hearings. The below table also includes commonly used acronyms in the summary.

Applicant / Interest Parties	
Applicant	The Applicant was assisted by [REDACTED] of FTB Chambers, [REDACTED] of Burges Salmon, and Mr Bridges of RES.
NCC	[REDACTED]
NGET	Represented by [REDACTED] of FTB Chambers
SSNE / SSNED	[REDACTED] of FTB Chambers
Sturton Parish Council (SPC)	Represented by [REDACTED]
JB	[REDACTED]
CW	[REDACTED]

Table 3: Written summary of Applicant's oral submission at the ISH3

ID	Agenda Item	Submission
1. Welcome, introductions, arrangements for the hearing.		
4.2	ExA opened the ISH3 and invited introductions to be made.	
2. Purpose of the issue specific hearing		
4.3	ExA introduced the purpose of ISH3.	
3. The draft Development Consent Order		
3.1	The Applicant may be asked to provide a very brief overview (no more than 5 minutes) of the draft DCO and the approach taken to its drafting.	4.4 In response to the Examining Authority's request for a brief overview of the draft Development Consent Order (dDCO) and the approach taken to its drafting, the Applicant explained that the most recent clean version of the dDCO is submitted at REP3-005, with a tracked-changes version against the Deadline 2 draft provided at REP3-006.
		4.5 The Applicant explained that the dDCO has been prepared in accordance with Planning Inspectorate guidance and best practice, including Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects (DLUHC, April 2024) and Advice Note 15: Drafting Development Consent Orders (Planning Inspectorate, March 2025). In addition, the Applicant has drawn on industry practice from other made DCOs, including former

		<p>model provisions (now withdrawn), with the influence of those provisions explained in the Explanatory Memorandum submitted at REP2-009 and REP2-010 (tracked).</p> <p>4.6 The Applicant explained that, for the purposes of the Order, the Applicant is the “undertaker”, and the proposed development is the “authorised development”. The draft Order, proposed to be titled the Steeple Renewables Project Order, would grant development consent for the construction, operation, maintenance and decommissioning of the authorised development, comprising the works described in Schedule 1.</p> <p>4.7 The Applicant confirmed that the dDCO comprises 44 Articles, arranged into 7 Parts, and is supported by 12 Schedules. The Articles contain the primary operative powers, including powers to construct, operate, maintain and decommission the authorised development. Additional powers are provided across Parts 3, 4, 6 and 7, including powers relating to highways, trees and hedgerows, water, surveying and access.</p> <p>4.8 The Applicant explained that Part 5 of the dDCO contains the compulsory acquisition powers, including powers to acquire land permanently or to acquire rights over land. These powers must be read alongside the Land Plans (REP3-004) and the Book of Reference (REP1-004), which together set out the Applicant’s land acquisition strategy in full.</p> <p>4.9 Turning to the Schedules, the Applicant explained that each Schedule is linked to its enabling Article by a shoulder number, and that the Schedules contain the detailed controls and safeguards secured by the Articles. In particular, Schedule 2 sets out the Requirements, which operate as the planning conditions for the Order, while Schedule 10 contains the protective provisions for statutory undertakers and other affected parties.</p> <p>4.10 The Applicant emphasised that the dDCO secures a suite of certified documents, including management plans referenced in Schedule 2, which together function to mitigate and control the impacts of the authorised development. The Applicant concluded that the structure and drafting of the dDCO are intended to provide a clear, coherent and proportionate consent framework, consistent with national policy and established DCO practice.</p>
4. Articles		
4.1	The ExA will ask questions in respect of Article 2 (Interpretation) – Definitions of “maintenance” and “site preparation works”.	<p>4.11 In response to the Examining Authority’s questions on the amended definition of “maintenance”, the Applicant explained that the wording was updated at Deadline 2 to improve consistency and simplicity, and to align the drafting more closely with the assumptions assessed in the Environmental Statement (ES). The Applicant confirmed that the amendment was not intended to expand the scope of maintenance works, but to ensure clarity and avoid inconsistency between the DCO and the ES. The Applicant clarified that there was no specific concern about the breadth of the previous wording; rather, the change reflects a drafting refinement to mirror the assessed position.</p> <p>4.12 In response to questions about the relationship between maintenance and phasing, the Applicant clarified that these are distinct concepts. Phasing, as referred to in the Requirements, relates solely to the phasing of construction works. Maintenance, by contrast, relates to the operational phase and reflects the assumptions, set out in the operational chapters of the ES, that over the lifetime of the Scheme there will be a low-level, residual need to replace or repair components, including solar panels and other equipment. The Applicant confirmed that such maintenance activities are within the scope of the assessed development.</p> <p>4.13 Turning to the definition of “site preparation works”, the Applicant explained that the purpose of the definition is to clarify what works may be undertaken prior to the discharge of certain requirements, provided those works comply with any applicable pre-commencement requirements. The Applicant acknowledged NCC’s concern that the definition should not permit extensive works likely to give rise to significant environmental effects without prior approval. The Applicant explained that this concern is addressed through the structure of the DCO, particularly in relation to highways matters, which are governed by Requirement 8(4).</p>

		<p>4.14 The Applicant explained that the definition of “commence” includes site preparation works, including division and layering of services, to the extent that a Construction Traffic Management Plan (CTMP) is required for those works. Where works are undertaken within the public highway, the carve-out relating to division and layering of services does not apply, ensuring that such works remain subject to appropriate control and approval. The Applicant understood that NCC acknowledged and accepted this explanation.</p> <p>4.15 In response to the Examining Authority’s question on the inclusion of demolition of buildings within the definition of site preparation works, the Applicant explained that this wording was included as a precautionary and proportionate measure. At the current stage of design, the precise extent of works required is not fully fixed. The inclusion ensures that, if demolition is required, and noting that it would still need to fall within the Rochdale envelope assessed in the ES, and would not permit works beyond what has been assessed, it could be done under this phase of works.</p> <p>4.16 Finally, in response to concerns raised about large-scale maintenance or replacement of solar panels, the Applicant explained that the approach would depend on the facts and scale of any damage. The DCO does not preclude large-scale replacement where necessary, and this is considered a sensible and proportionate position, as it would be inappropriate for the operator to be prevented from repairing or maintaining the authorised development, potentially leaving stranded infrastructure. The Applicant confirmed that the maintenance provisions are tied back to the assumptions assessed in the ES, ensuring that the scope of maintenance remains within an assessed envelope.</p>
<p>4.2</p>	<p>The ExA will ask questions in respect of Article 6 (Application and modification of legislative provisions) – Clarification for legislation to be disapplied.</p>	<p>4.17 In response to the Examining Authority’s questions on Article 6, and in particular the disapplication of certain provisions of the Land Drainage Act, the Applicant explained the current position in relation to consents and protective provisions. The Applicant confirmed that, in this case, consent under section 23 of the Land Drainage Act is required from both the Lead Local Flood Authority (LLFA) and the Trent Valley Internal Drainage Board (IDB). The Applicant confirmed that LLFA consent was obtained on 7 January 2026, and that evidence of this consent would be submitted to the Examination. The Applicant further confirmed that consent from the Trent Valley IDB remains outstanding, but that engagement with the IDB is ongoing and active, and that a further update is expected shortly. The Applicant confirmed that it will continue to keep the Examining Authority informed of progress.</p> <p>4.18 In response to the Examining Authority’s question on the approach to protective provisions, the Applicant explained that the protective provisions are intended to operate alongside relevant byelaws to strike an appropriate and proportionate balance. The Applicant clarified that the disapplication of statutory provisions under Article 6 is a related but distinct issue, reflecting the statutory mechanism by which the DCO modifies or disapplies primary legislation where necessary. Both elements form part of the same overall regulatory framework, but address different legal functions.</p> <p>4.19 The Applicant noted that Nottinghamshire County Council confirmed it is satisfied with the provisions contained in Article 6.</p> <p>4.20 In relation to the proposed modification of regulation 6 of the Hedgerow Regulations, the Applicant explained that the intention of the modification is to ensure that the DCO and the Hedgerow Regulations operate coherently alongside one another, given that a DCO has the power to modify or disapply primary legislation. The Applicant acknowledged the Examining Authority’s question as to whether the modification is strictly necessary, given the scope of powers already conferred by Article 34 of the draft DCO, and confirmed that it will give further consideration to this point. The Applicant confirmed that it will provide a written submission addressing whether the proposed modification is required, as requested by the Examining Authority.</p>
<p>Action Point ISH3.2: Article 6 (Disapplication and modification of legislative provisions): Provide clarification on the necessity of the proposed modification to regulation 6 of the Hedgerow Regulations 1997, which provides exemptions to planning permissions, in paragraph (2) applying to a development consent order.</p> <p>The Applicant has considered the concern raised by the ExA. The Applicant would note that the wording it has proposed has been used elsewhere, such as the Heckington Fen Solar Park Order 2025 (article 6(3)), Little Crow Solar Park Order 2022 (article 6(1)), Mallard Pass Solar Farm Order 2024 (article 6(3)), Oaklands Farm Solar Park Order 2025 (article 6(2)), Stonestreet Green Solar Order 2025 (article 8(2)), Tillbridge Solar Order 2025 (article 6(3)). Wider than solar orders, highway order such as (not limited to) M5 Junction 10 Development Consent Order 2025 (article 3(2)).</p>		

The wording used by the Applicant is therefore considered reasonable and established. The Applicant has no intention in this drafting of disapplying the Hedgerows Regulations 1997 without the controls placed on the Applicant by the article 34. To the extent that the ExA would wish for enhanced clarity on the interplay between the Hedgerows Regulations 1997 and the Order, the Applicant would suggest the following wording:

“Article 6(2)

Regulation 6 of the Hedgerows Regulations 1997 is modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j) the following—

“(k) or for the carrying out of works permitted pursuant to article 34 of the Steeple Renewables Project Order 202[5]”

<p>4.3</p>	<p>The ExA will ask questions in respect of Article 9 - (Application of the 1991 Act) – Reasons for adding this article as opposed to a Permit Scheme requested by Nottinghamshire County Council.</p>	<p>4.21 In response to the Examining Authority’s questions on Article 9 (Application of the 1991 Act) and Nottinghamshire County Council’s preference for the application of a permit scheme, the Applicant explained the rationale for the approach adopted in the draft Development Consent Order.</p> <p>4.22 The Applicant explained that permit schemes operate under the Traffic Management Act 2004, providing an alternative to the earlier New Roads and Street Works Act 1991 regime, and are designed primarily to regulate street works carried out by statutory undertakers under permitted development rights. Those schemes introduce an additional consent-based layer of control, enabling highway authorities to manage timing, coordination and disruption on the highway network.</p> <p>4.23 The Applicant emphasised that the position for a DCO scheme is materially different. The DCO regime is intended to provide a single, unified consent framework for nationally significant infrastructure, rather than layering multiple consenting regimes on top of one another. The Applicant’s position is that applying a permit scheme in addition to the controls already secured through the DCO would result in unnecessary duplication of approvals, without delivering additional substantive control.</p> <p>4.24 The Applicant explained that equivalent outcomes to a permit scheme are secured through the draft Order and the Construction Traffic Management Plan (CTMP). An outline CTMP has been submitted and is governed by Requirement 8, which prevents commencement of the authorised development, or any phase of it, unless a detailed CTMP has been submitted to and approved by the local planning authority, in consultation with the highway authority. The Applicant explained that the CTMP can and will include clear processes for coordination, timing of works, traffic management measures and engagement with relevant stakeholders, and that the more the outline CTMP is refined during the Examination, the stronger the “hooks” will be to ensure compliance at the detailed stage.</p> <p>4.25 By way of example, the Applicant referred to the Tilbridge Solar Order, where the application of a permit scheme introduced an additional approval layer alongside existing DCO controls. The Applicant’s position is that such an approach cuts across the principle of streamlining consents which underpins the DCO regime, particularly where policy support exists for the efficient delivery of nationally significant infrastructure which is critical national priority.</p> <p>4.26 In response to questions about whether the draft DCO would achieve the same practical outcomes as a permit scheme, the Applicant confirmed that it would. The Applicant explained that there is no reason why the CTMP cannot secure the same level of control over timing, safety and coordination of highway works, including avoiding sensitive periods, without the need to apply a separate statutory permit regime. The Applicant acknowledged NCC’s desire to manage works through its established operational systems, but maintained that this can be achieved through the CTMP and the consultation and approval mechanisms already embedded in the Order.</p> <p>4.27 Finally, the Applicant noted that the approach proposed in Article 9 is not novel, and that the majority of DCOs adopt similar provisions without applying a permit scheme. The Applicant therefore maintained that the inclusion of Article 9, rather than a permit scheme, represents a proportionate and appropriate approach, consistent with the purpose of the DCO regime and sufficient to protect the interests of the highway authority and local residents.</p>
<p>4.4</p>	<p>The ExA will ask questions in respect of Article 10 (Power to</p>	<p>4.28 In response to the Examining Authority’s questions on the additions made to Article 10 at Deadline 2, the Applicant explained how paragraphs (4) to (7) are intended to operate in practice. The Applicant confirmed that the detailed information and</p>

	<p>alter layout, etc., of streets) – Additions of paragraphs (4) to (7) at deadline 2.</p>	<p>consents required under Article 10(4) will be addressed through the Construction Traffic Management Plan (CTMP), which will be prepared following engagement with Nottinghamshire County Council. The Applicant explained that the CTMP will set out both the process to be followed and the schedule of information to be provided to the highway authority at the relevant stage. The Applicant said that it is not possible or appropriate to prescribe that level of detail within the Article itself, as the requirements will depend on the specific circumstances of each proposed alteration.</p> <p>4.29 In response to the Examining Authority’s question as to whether Article 10 provides a sufficient link to the CTMP, the Applicant confirmed that, while the Article does not expressly reference the CTMP, the CTMP can cross-refer back to Article 10 and make clear what information must be submitted where an application is made under that Article. The Applicant explained that expressly tying the Article to a particular management plan could introduce unnecessary inflexibility, whereas the current approach allows the Applicant and NCC to agree the appropriate level of detail pragmatically through the CTMP or other route as necessary. The Applicant noted that NCC did not raise any objection to the proposed additions at this stage and will provide any further comments, if required, at Deadline 4.</p> <p>4.30 In response to the Examining Authority’s questions on the scope of Article 12, and in particular the interpretation of the word “any” in paragraph (1), the Applicant explained that the term should be given its ordinary meaning and is not limited to the Order Limits. The Applicant confirmed that this reflects standard drafting and must be read in the context of the Development Consent Order as a whole.</p> <p>4.31 The Applicant emphasised that Article 12 does not confer powers to carry out works or to acquire land outside the Order Limits. Rather, it provides a procedural mechanism to allow for the temporary stopping up or restriction of streets or public rights of way outside the Order Limits where this is necessary to facilitate the authorised development. The Applicant explained that the provision is concerned with regulatory control and coordination, not with expanding the substantive powers granted by the DCO.</p>
<p>4.5</p>	<p>The ExA will ask questions in respect of Article 34 (Felling or lopping of trees or removal of hedgerows) – Changes made at deadline 2 and interpretation of “near any part”.</p>	<p>4.32 In response to the Examining Authority’s questions on Article 34, and in particular the interpretation of the phrase “near any part of the authorised development”, the Applicant explained that the wording must be read in context and as a whole, rather than in isolation. The Applicant said that the phrase “near any part” is not the operative wording within the Article; instead, the operative limitations are contained within sub-paragraphs (a) to (c), which define the circumstances in which the power may be exercised. The Applicant explained that it is not possible or appropriate to define a fixed spatial distance for “near any part”, as its application will depend on the factual circumstances relevant to the criteria in those sub-paragraphs, including whether vegetation is obstructing or interfering with the authorised development.</p> <p>4.33 In response to the Examining Authority’s suggestion that the wording could be made more precise—such as by limiting it to works within the Order Limits or by using alternative wording found in other Orders—the Applicant confirmed that it will take the point away and respond in writing. The Applicant explained that the provision is not generally limited to the Order Limits because vegetation located outside the Order Limits may still obstruct or interfere with construction, operation or maintenance of the authorised development. The Applicant also noted that an alternative approach could be to remove the words “near any part” entirely, given that the substantive safeguards and limitations are already set out in sub-paragraphs (a) to (c), and confirmed that it will consider this further.</p> <p>4.34 In response to a question as to whether the Applicant could fell a tree simply because it was “in the way”, the Applicant explained that Article 34 reflects standard provisions found in the Town and Country Planning Act regime, where planning permission can disapply the need for separate consents for works to trees and hedgerows in defined circumstances. The Applicant explained that, under sub-paragraph (a), a tree or shrub may only be felled or lopped where the undertaker reasonably believes it to be necessary and where it is obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development.</p> <p>4.35 In response to questions about process, the Applicant explained that Schedule 9 of the DCO identifies works affecting trees and hedgerows, and that there is an established process of engagement with the local planning authority through the discharge of Requirements, in particular on the arboricultural method statement secured in Schedule 2. The Applicant confirmed that the</p>

		<p>relevant authority for engagement and enforcement would be the local authority responsible for enforcing the Development Consent Order, as confirmed by the Examining Authority.</p> <p>4.36 Finally, in response to comments from Sturton le Steeple Parish Council regarding community concerns, the Applicant stated that it considers the position set out in the DCO to be reasonable and proportionate, and confirmed that it remains committed to engagement with the local planning authority through the statutory processes provided for in the Order.</p>
<p>Action Point ISH3.5: Applicant to consider Article 34 (Felling or lopping of trees or removal of hedgerows): Review other orders regarding the content of paragraph (1) and whether ‘near any part’ can be more precisely defined.</p> <p>The Applicant appreciates that other Orders, such as the East Yorkshire Solar Farm Order 2025, and Tillbridge Solar Order 2025, do include the wording “within or overhanging the authorised development” or “within or overhanging the order limits”.</p> <p>However, the Applicant does not consider this wording necessary. This article is not routinely limited to the order limits of an authorised development. The Applicant’s drafting flows a convention established by the model provisions. Notwithstanding the model provisions withdrawal, the volume of other Orders that have followed this example demonstrates the inherent acceptability of the Applicant’s approach.</p> <p>Fundamentally, the Applicant is seeking a power that is already adequately mitigated and balanced by the operation of article 34(1)(a)-(c) which function to apply the strict criteria in which works to trees or shrubs can take place. In addition article 34(2) applies that an undertaker may do no unnecessary damage, all works are to be carried out to a reasonable standard in accordance with relevant recommendations of appropriate British Standards or other more suitable recognised codes of good practice provided these meet or exceed the appropriate British Standards; and pay compensation to any person for any loss or damage arising from such activity.</p> <p>These controls are considered appropriate and, crucially, highly standard. The Applicant does not consider it necessary to limit these to the Order limits. It is appropriate in the context of the DCO for this power to be able to be applied outside of the Order limits in case that is appropriate. It is not considered that this is likely, but it would not be proportionate to restrict the operation of this article to the Order limits out of concern of unreasonable exercise of its powers given the explicit controls contained in the article itself. These controls ensure that even should the undertaker require exercise of the power outside of the order limits then it is able to do so, and thus avoid recourse to obtaining secondary consents outside of the DCO, subject always to the stringent requirements of that article.</p>		
<p>4.6</p>	<p>The ExA will ask questions in respect of Article 35 (Operational Land) – Applicant’s response to ExQ (9.2.28).</p>	<p>4.37 In response to the Examining Authority’s questions on Article 35 (Operational Land) and the Applicant’s response to ExQ (9.2.28), the Applicant explained the intended operation and effect of the Article.</p> <p>4.38 The Applicant confirmed that Article 35 is based on standard model provisions, but accepted the Examining Authority’s point that the Explanatory Memorandum requires clearer explanation of how the Article operates in practice. The Applicant confirmed that it will update the Explanatory Memorandum to explain plainly what the Article does, how operational land is identified, and how the Article is intended to function once the Order is made.</p> <p>4.39 In response to the Examining Authority’s query regarding permitted development rights, the Applicant acknowledged that this is an important issue requiring careful consideration. The Applicant confirmed that it will respond in writing on the scope and application of any permitted development rights arising from Article 35, in order to provide a precise and accurate explanation of their extent and limitations.</p> <p>4.40 The Applicant noted the Examining Authority’s concern that there are areas within the Order Limits where no solar panels are proposed, and the potential implication that such land could nonetheless benefit from permitted development rights if treated as operational land. The Applicant confirmed that it will address this point directly in its written response, including whether it is necessary or proportionate for all such land to be treated as operational land, and whether there is a mechanism to more tightly control the extent of any associated permitted development rights.</p> <p>4.41 The Applicant further confirmed that its written response will address the definition and scope of “operational land”, including in relation to land at the eastern extent of the site, and will explain whether, and on what basis, such land is considered to be</p>

			used for the purposes of the authorised development, and therefore capable of being treated as operational land for the purposes of the DCO.
<p>Action Point ISH3.6: Article 35 (Operational Land): Provide clarification regarding applicability of permitted development rights and need for this to apply across all of the order limits. Explanatory memorandum to be updated to more clearly explain the powers that would be authorised under this article..</p> <p>Firstly, the Applicant would point to Article 3 (permitted development) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) which states at sub-paragraph (10) that Schedule 1 or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”) is not permitted by permitted development rights contained in the 2015 Order, except where a number of exceptions apply at (a)-(c) of that sub-paragraph. None of those exceptions apply in this case.</p> <p>What this means is that if the undertaker were to wish to exercise PD rights for development which was functionally linked so that it could be said to form part of the development of the DCO, then PD rights would not apply in that case. In this case, the undertaker of the order would be seeking to rely on the authorised development description set out in Schedule 1.</p> <p>Where an undertaker wishes to exercise PD rights for development which is not functionally linked, ie is not required to complete or enable the use or operation of any part of the development authorised by the Order, then provided those works are not in and of themselves barred from PD by separate exception, then they would be permitted. This is on the same basis as any planning permission granted under the Town and Country Planning Act 1990, which is to say that the Order (as expressly stated at article 43) does not bar the undertaker from further development within the Order limits under the terms of a relevant planning permission.</p> <p>Regarding the appropriateness of the spatial extent of the operation of article 35, and whether it grants wider powers to exercise permitted development rights than would be necessary, the Applicant would point to the fact that fundamentally article 35 does not operate to demonstrably change the position established for the undertaker elsewhere.</p> <p>Regardless of the spatial extent of article 34, for the purposes of Part 14 Class B(d)(e)and (f), any land of the holder of a licence under section 6 of the Electricity Act 1989 is treated as operational land if it would be operational land within section 263 of the Act (meaning of “operational land” if such licence holders were statutory undertakers for the purpose of that section. The undertaker is required to obtain an electricity generation licence under section 6 of the Electricity Act 1989. The Applicant has already acquired this as per its Consents and Licences Position Statement, on the 12th June 2023. This means that in relation to a number of the PD rights, these would apply regardless of article 34.</p> <p>For the residual points on permitted development, i.e Class B(a-c), these permitted development rights are not limited to “operational land” in the way that (d-f) are. Therefore, the operation of article 34 is not relevant.</p> <p>In summary, the implication of article 34 in relation to permitted development rights is limited to none; with permitted development rights being acquired by other means regardless.</p> <p>The purpose of article 34 then is more in relation to other effects of “operational land” within the meaning of the 1990 Act, including but not limited to section 267 TCPA 1990, which states that “notwithstanding anything in Part III planning permission to develop operational land of statutory undertakers shall not except with their consent be granted, subject to conditions requiring (a) that any buildings or works authorised by permission has be removed, or (b) that any use of the land so authorised shall be discontinued at the end of a specified period.” Section 267 operates to protect the interests of the statutory undertaking, and therefore the spatial extent of article 34 would be appropriate to apply across the entire Order limits.</p>			
<p>5. Schedule 2 - Requirements</p>			
5.1	The ExA will ask questions in respect of Requirement 3 (Detailed design approval) – Whether provision should be made for a design review process.	4.42 4.43	<p>In response to the Examining Authority’s questions on Requirement 3 (Detailed design approval), the Applicant explained the purpose and operation of the requirement and addressed whether provision should be made for a design review process.</p> <p>In response to the Examining Authority’s query on Requirement 3(2) and the requirement for submitted details to accord with the Site Location Plan, the Applicant explained that the purpose of this provision is to ensure that any detailed design remains consistent with the consented red line boundary and the approved spatial parameters of the scheme. The Applicant acknowledged the Examining Authority’s question as to whether an explicit reference should also be made to the Site Layout Plan (AS-009) and confirmed that it will consider this point and respond in writing, as requested, on whether an additional reference would provide clarity or certainty.</p>

		<p>4.44 In response to the Examining Authority’s question on whether an independent design review process should be included, the Applicant explained that such a process is not advocated by Nottinghamshire County Council in its Local Impact Report. The Applicant’s position is that the key design elements of the Scheme, including layout, external appearance and landscaping, are already tightly controlled through Schedule 2, in particular via the Landscape and Ecological Management Plan (LEMP) secured by Requirement 6. Requirement 3 itself also controls matters of external appearance and landscaping, ensuring that design considerations are embedded within the DCO framework.</p> <p>4.45 The Applicant emphasised that the authorised development comprises highly functional infrastructure, which represents the elements with the greatest potential to give rise to effects, and that the role of design in this context is primarily to mitigate those effects, rather than to achieve architectural expression. The Applicant therefore considers that an independent design review panel would add limited value, given the existing controls, and that the DCO already provides clear mechanisms for local authority engagement through the approval and discharge of requirements.</p> <p>4.46 In response to NCC’s comments on the importance of landscape assessment and local-level design consideration, the Applicant acknowledged the value of continued engagement and noted that NCC has undertaken to review its position and confirm by Deadline 4 whether it wishes to pursue the inclusion of a design review process or propose alternative wording.</p> <p>4.47 Finally, in response to NCC’s query as to whether Requirement 3(1) should expressly require consultation with the local highway authority, the Applicant explained that the purpose of Requirement 3 is to mitigate planning harm, rather than to approve technical highway matters, which are addressed through separate controls and requirements within the DCO. The Applicant confirmed that it will take instructions on the suggested wording change and respond accordingly.</p>
<p>Action Point ISH3.7: Requirement 3 (Detailed design approval): Explain the purpose of the details to be submitted having to accord with the 'site location plan' and whether reference is also required to the “site layout plan”.</p> <p>Tillbridge Solar Order 2025 requirement 3 (2) only binds detailed design in accordance with the outline design principles statement and the outline drainage strategy. The Stonestreet Green Solar Order 2023 binds at requirement 3 only the design principles, Oaklands Farm Solar Park Order 2025 binds the site location plan, works plan and design parameters. The Mallard Pass Order 2024 does not bind detailed design at requirement 6 in relation to any particular site layout plan. Little Crow Solar Park Order 2022 binds detail design against the works plan and the principles set out in the environmental statement. The Heckington Fen Solar Park Order 2025, at requirement 6 does not bind the detailed design process in relation to a site layout plan.</p> <p>The Applicant uses the above examples to demonstrate that it is not typical for an order to bind detailed design process in relation to a site layout plan. This is because the site layout plan is an indicative plan only. The plan which the Applicant is to be held to is the works plan. The reference to site location plan has been taken from other orders to provide geographical context. There is an argument to state that the reference to “site location plan” is not necessary. However, the Applicant would strongly resist any suggestion that site location plan should be substituted with “site layout plan”. These are fundamentally different plans, with different contexts.</p>		
<p>5.2</p>	<p>The ExA will ask questions in respect of Requirement 6 (Landscape and ecological management plan (LEMP))–</p> <ul style="list-style-type: none"> ▪ Whether the full potential of BNG would be secured ▪ Time period for maintenance 	<p>4.48 In response to the Examining Authority’s questions on Requirement 6 (Landscape and Ecological Management Plan), and in particular whether the full potential of Biodiversity Net Gain (BNG) would be secured and for what time period the habitats would be maintained, the Applicant set out its position.</p> <p>4.49 The Applicant explained that there is no legislative requirement under the Development Consent Order regime to secure a mandatory 10% BNG, unlike the position under the Town and Country Planning Act regime. This means, following case law on the point, that weight can be attributed to the 10% gain, as it is not something which the Applicant is legally required to provide. Notwithstanding that, the Applicant confirmed that it has submitted BNG calculations which demonstrate the potential to deliver BNG in excess of 10% across the Scheme. However, the Applicant stated that it has exercised its discretion to commit, through the draft Order, to securing a minimum of 10% BNG only, as this is the level of provision that is secured and enforceable through Requirement 6 and the approved LEMP.</p> <p>4.50 The Applicant emphasised that, for the purposes of the Examining Authority’s Recommendation Report and the Secretary of State’s decision-making, weight should be attributed only to the BNG that is secured through the Order, namely the minimum 10% BNG. The Applicant expressly cautioned against placing any weight on a higher BNG figure referenced in supporting</p>

		<p>documents, as those higher figures are not guaranteed by the draft Order and therefore should not form part of the planning balance.</p> <p>4.51 In relation to maintenance, the Applicant confirmed that the delivery and ongoing management of BNG habitats are secured through Requirement 6, which requires the submission and approval of a final LEMP. The LEMP will set out the management prescriptions and monitoring arrangements for the habitats delivered as part of the Scheme and will ensure that those habitats are maintained for the relevant period specified in the approved plan, in accordance with the requirements of the Order.</p>
5.3	The ExA will ask questions in respect of Requirement 17 (Archaeology).	<p>4.52 In response to the Examining Authority's questions on Requirement 17 (Archaeology) and NCC's concerns regarding the drafting of the Requirement, the Applicant explained how the archaeological mitigation framework is intended to operate following consent. The Applicant said that Requirement 17(3) expressly refers to the Outline Written Scheme of Investigation (OWSI), and that the archaeological mitigation strategy is embedded within the WSI, rather than being set out as a standalone document. The Applicant explained that this approach reflects standard practice, whereby the WSI provides the overarching framework for evaluation, mitigation, recording and preservation, including the ability to respond appropriately to the results of post-consent trial trenching.</p> <p>4.53 The Applicant further explained that the WSI framework is designed to allow flexibility following post-consent evaluation, so that the scope and nature of archaeological mitigation can be refined once the results of trial trenching are known. The Applicant's position is that an express separate reference to an "archaeological mitigation strategy" within Requirement 17 is not necessary, as the mitigation strategy forms an integral part of the WSI that must be submitted for approval and implemented in accordance with the Requirement.</p> <p>4.54 In response to Nottinghamshire County Council's comments, the Applicant acknowledged that NCC has suggested revised drafting to make clearer reference to the role of the archaeological mitigation strategy in a post-consent scenario, particularly where trial trenching informs subsequent mitigation. The Applicant noted that this wording had been shared earlier that day and confirmed that it will consider NCC's proposed amendments carefully.</p> <p>4.55 The Applicant confirmed that it will respond formally to NCC's suggested wording by Deadline 4, as requested by the Examining Authority, and will explain whether any amendments to Requirement 17 are considered necessary or appropriate to ensure clarity, proportionality and effective delivery of archaeological mitigation through the post-consent phase.</p>
<p>Action Point ISH3.9: Requirement 17 (Archaeology): Revised wording has been provided by NCC to the applicant. Applicant to submit details of the wording and provide its comments on its suitability.</p> <p>The Applicant has received the below wording from NCC for consideration as a substitute requirement 17:</p>		
<p>(1) No development may commence until an Archaeological Mitigation Strategy has been submitted and approved by the relevant Planning Authorities, such approval to be in consultation with Historic England. This shall include:</p> <p>(a) a scheme for additional trial trenching which has been submitted to and approved by the relevant planning authorities, in consultation with Historic England;</p> <p>(b) additional trial trenching has been carried out in accordance with the scheme approved under sub-paragraph (a); and</p> <p>(c) updates are made to the Archaeological Mitigation Strategy to account for the results of the additional trial trenching carried out and the updated Archaeological Mitigation Strategy is submitted to and approved in writing by both relevant planning authorities and Historic England.</p> <p>(2) The authorised development must be carried out in accordance with the updated Archaeological Mitigation Strategy approved under sub-paragraph 1(c).</p> <p>(3) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a supporting Written Scheme of Investigation for that phase (which must accord with the revised final Mitigation Strategy) has been submitted to and approved in writing by the relevant Planning Authorities</p> <p>(4) The approved scheme must identify—</p>		

(a) areas where archaeological work is required; and
(b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found including unexpectedly during construction (i.e. preservation in situ, preservation by record or mix of these elements).

(5) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with the approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant Planning Authority.”

The issue with the above wording is that it does not respect the structure of the documents provided into examination. It appears to reflect a structure of requirement found in other Orders, but the Applicant’s position is that the requirement should be drafted on the basis of the specific structure of control documents it has already put in place rather than propose an entirely new structure of control documents at this stage. In addition, there are repeated references to “relevant planning authorities” and in this case, the Order only has one local planning authority. However, the Applicant is keen to ensure that NCC are satisfied that the programme of post-determination trial trenching will be carried out and its findings appropriately incorporated into design management. Therefore, the Applicant has provided the below mark-up of the requirement for consideration by NCC:

(1) No ~~phase of the authorised~~ development, ~~and no part of the site preparation works for that phase~~, may commence until an ~~archaeological written scheme of investigation (WSI) Archaeological Mitigation Strategy~~ ~~for that phase~~ has been submitted and approved by the ~~local planning authority~~ relevant Planning Authorities, such approval to be in consultation with the county archaeologist ~~Historic England~~.

(2) Any archaeological works or programme of archaeological investigation carried out under the approved WSI must be carried out by an organisation registered within the Chartered Institute for Archaeologists or by a member of that Institute, and the nominated organisation and its relevant specialists will be identified and agreed within the WSI.

(3) ~~This~~ The WSI shall include:

- (a) a scheme for additional trial trenching setting out where archaeological work is required;
- (b) ~~measures for post-excavation analysis, reporting, publication and archiving for appropriate archaeological remains;~~
- (c) ~~measures for protection and preservation for appropriate archaeological remains; and~~
- (d) ~~and shall be in substantial accordance with the outline WSIs~~

~~which has been submitted to and approved by the relevant planning authorities, in consultation with Historic England;~~

~~(b) additional trial trenching has been carried out in accordance with the scheme approved under sub-paragraph (a); and~~

~~(c) updates are made to the Archaeological Mitigation Strategy to account for the results of the additional trial trenching carried out and the updated Archaeological Mitigation Strategy is submitted to and approved in writing by both relevant planning authorities and Historic England.~~

(4) ~~The authorised development~~ Any archaeological works must be carried out in accordance with the updated Archaeological Mitigation Strategy approved WSI, including any ~~post-excavation analysis, reporting, publication and archiving~~ under sub-paragraph 1(e).

(3) No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase may start, until a supporting Written Scheme of Investigation for that phase (which must accord with the revised final Mitigation Strategy) has been submitted to and approved in writing by the relevant Planning Authorities			
(4) The approved scheme must identify – (a) areas where archaeological work is required; and (b) the measures to be taken to protect, record or preserve any significant archaeological remains that may be found including unexpectedly during construction (i.e. preservation in situ, preservation by record or mix of these elements).			
(5) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with the approved Written Scheme of Investigation and any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant Planning Authority."			
5.4	The ExA will ask questions in respect of Requirement 19 (Construction hours) – How the provisions in subparagraphs (2) and (3) would be interpreted and applied in practice.	4.56	The Applicant acknowledged the Examining Authority's observation that the Construction Environmental Management Plan (CEMP) refers, at paragraphs 2.5, 2.6 and Table 3.6, to certain works that may be required outside standard working hours. The Applicant explained that these provisions are intended to provide operational flexibility to respond to circumstances where works outside normal hours may be necessary, such as for safety-critical activities, emergency response, or works that must be timed to avoid greater environmental or community disruption.
		4.57	The Applicant discussed the term "emergency works" and highlighted that this was a term used throughout legislation. It was not appropriate to provide a definition for these works as it was important the term was flexible enough to react to different situations. Discussing why such a term was necessary in general, the Applicant stated it was important that there wasn't a consent procedure for the operation of emergency works in order for it to react quickly for the safety of plant, personnel and local residents.
		4.58	In response to the Examining Authority's request for greater clarity, the Applicant confirmed that it will take the point away and consider whether additional precision could be provided within Requirement 19, including whether it would be helpful to specify categories or examples of works that may be undertaken outside standard hours, as has been done in some other Development Consent Orders. The Applicant also confirmed that it will consider whether the current drafting in relation to the 72-hour period could be refined to provide clearer expectations for affected parties.
		4.59	In response to a question regarding emergency arrangements, the Applicant confirmed that matters relating to emergency response and evacuation procedures are addressed through the Fire Risk Management Plan, which includes a requirement for an Emergency Response Plan to be prepared. The Applicant confirmed that this plan, and any associated documents, will be produced in conjunction with the local planning authority and secured through the relevant management plan approvals.
Action Point ISH3.10: Requirement 19 (Construction hours): Review wording to clarify whether 'emergency works' can be more clearly defined to aid understanding of the type of works this would cover. Explain whether a shorter notification period than the 72 hours specified in subparagraph (3) would be more appropriate			
The Applicant is firmly of the position that "emergency works" cannot and should not be defined lest the vital measures in relation to emergency works be drafted too restrictively to allow the undertaker of the Order to react flexibly to emergencies as and when they arrive. The Applicant does note the list of works set out in paragraph 2.5 of the oCEMP, and for clarity will add this wording into the Order as requested by the ExA at the hearing.			
72 hours is considered an appropriate period. It should be noted that it is not linked to a "consent" procedure, and rather is a post-action notice requirement to ensure that the local planning authority is aware of the actions taken under emergency powers and is able to input as to the reasonableness of those actions for future reference or otherwise consider			

whether enforcement action should be taken in respect of what they might consider a breach of the order. In this way, immediate notice is not required and 72 hours is considered an appropriate period would also function to consider a weekend gap between works and notice.

<p>5.5</p>	<p>The ExA will ask questions in respect of Requirement 21 (Decommissioning and restoration) – Applicant to initially set out how the requirement would work in practice, followed by questions from the ExA.</p>	<p>4.60 In response to the Examining Authority's request, the Applicant explained how Requirement 21 (Decommissioning and restoration) would operate in practice. The Applicant confirmed that the requirement establishes a maximum operational lifespan of 40 years from the Date of Final Commissioning, which is defined in Article 2 of the draft Development Consent Order and notified to the local planning authority in accordance with Requirement 2(4). No later than six months before the 40th anniversary of that date (or within three months of any earlier decommissioning date chosen by the undertaker), the undertaker must submit to the local planning authority a Decommissioning Plan and Decommissioning Traffic Management Plan for approval.</p> <p>4.61 The Applicant explained that no decommissioning works may commence until those plans have been approved, following consultation with the Environment Agency and Natural England. The requirement provides a maximum six-month period for agreement of the decommissioning plans, which the Applicant considers to be more than sufficient, while also allowing the undertaker to submit the plans earlier should it wish to secure certainty well in advance. Decommissioning must commence no later than the 40-year point, and must then be completed within two years, or such other period as may be agreed in writing with the local planning authority.</p> <p>4.62 In response to the Examining Authority's question on how site restoration would be secured in the event of insolvency or liquidation, the Applicant confirmed that a Development Consent Order has the status of legislation, and that its requirements and obligations run with the consent. Any insolvency practitioner, successor company or party stepping into the undertaker's position would therefore be legally bound to comply with Requirement 21, ensuring that decommissioning and restoration cannot be avoided and that the site would not be left in situ without lawful authority. The Applicant undertook to confirm this position in writing, as requested.</p> <p>4.63 In response to questions on whether the 40-year period is fixed, the Applicant confirmed that it represents a maximum lifespan. The Applicant further explained that the Environmental Statement assumes full restoration of the land, and that the undertaker will be held to those principles through the approved decommissioning plans. Following completion of decommissioning and restoration, the land would revert to the landowner, who would determine its future use.</p> <p>4.64 Finally, in response to a specific question from the Examining Authority, the Applicant confirmed that the Environmental Statement assumes total removal of cabling as part of decommissioning, unless otherwise agreed through the approved decommissioning plan.</p>
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Action Point ISH3.11: Requirement 21 (Decommissioning and restoration): Explain further the process of how the site would be restored if the undertaker went into liquidation and how an insolvency practitioner would take on the responsibility of restoring the site if the proposed development was no longer required within the 40-year period..

Should an undertaker of the Order become insolvent, questions of enforcement of Requirements remain directed to the person or body that has day to day control of the land on which the operating development is situated, whether that is temporary control during the insolvency (such as when an administrator or liquidator is appointed) or permanent arrangements following insolvency (such as when the assets of a distressed party have been disposed of as part of an administration or liquidation)

What remains the case in any eventuality, is that the terms of the Order, and therefore the residual liability inherent in the land subject to the Order, requiring decommissioning must occur by a particular date ie 40 years after Date of First Commissioning. Whether then the authorised development, after default of the undertaker, vests in the landowner, official receiver, or a potential third party purchaser, any person seeking to benefit from the authorised development must comply with its terms. The undertaker of the order must be formally transferred to that person and therefore that person is responsible for ensuring that decommissioning takes place in accordance with the requirements. It is to those parties to manage their liabilities in relation to this residual risk inherent in the land in the same way as the original undertaker will do through their own discretion whether by insurance, security or otherwise. Any local planning authority has powers of enforcement that include provisions for injunctions to be served in relation to development contrary to the Order.

<p>5.6</p>	<p>The ExA will ask questions in relation to the procedures</p>	<p>4.65 The Applicant said that responsibility for the discharge of requirements should rest with the local planning authority, with consultation undertaken with other relevant = local authorities, such as Nottinghamshire County Council, where that authority</p>
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	<p>around the discharge of requirements, including local authority roles, listed in Schedule 2, part 2.</p>	<p>has statutory functions or specialist expertise. The Applicant acknowledged NCC's role and expertise in certain subject areas but explained that retaining sign-off with the local planning authority provides clarity, consistency and efficiency in the operation of the DCO.</p> <p>4.66 The Applicant further explained that the drafting of the Order should not seek to anticipate potential future changes in local government structure, such as the creation of a unitary authority, and that a clear and consistent approach to discharge is necessary to support effective delivery of the authorised development. The Applicant confirmed that, while NCC may be county planning authority for education or minerals, in relation to matters such as highways planning considerations are made by the local planning authority, supported by consultation with NCC where required on technical matters.</p> <p>4.67 The Applicant noted the Examining Authority's request for further clarification from NCC regarding fee arrangements and the interaction between individual requirements and Requirement 31 (Fees) and confirmed that it will consider NCC's further submission on these matters when provided at Deadline 4.</p>
<p>Action Point ISH3.12: Applicant to confirm whether 'in consultation with local highway authority' should be added to requirements which cover NCC's remit.</p> <p>The Applicant has considered this request further and has determined that it does not consider it necessary for NCC as local highway authority to be consultee to requirement 3, and that all technical approval requirements for any highways aspects will be covered in the oCTMP which the Applicant is discussing with the NCC. The Applicant would also consider that it is not necessary for NCC as county planning authority to be consultee as the approval process is already with the local planning authority, and the development in question does not feature as a relevant statutory function of the county planning authority.</p> <p>The Applicant is not aware of any other particular request by NCC in relation to other requirements. NCC are noted as consultee as local highway authority for requirement 8 and 13. The County Archaeologist will also be consulted on requirement 17.</p>		
<p>6. Schedule 10 – Protective Provisions: Relationship with the proposed North Humber to High Marnham project (NHHM)</p>		
<p>6.1 and 6.2</p>	<p>The ExA will ask the applicant to provide a brief update on their current positions (no more than 5 minutes each).</p> <p>The ExA will lead a discussion and ask questions on the need, or otherwise, for any protective provisions relating to the relationship between the proposed development and the proposed North Humber to High Marnham project, noting the content of the applicant's deadline 2 submission [REP2-052] (electronic pages 239 to 409) and NGET's deadline 3 submission [REP3-053].</p>	<p>4.68 To ensure clarity on the matters addressed under these agenda items 6.1 and 6.2, the Applicant has submitted Ms Tafur's speaking note as Appendix [B] to these submissions in place of a written summary.</p>
<p>Action Point ISH3.14 Confirm whether the proposed protective provisions for North Humber to High Marnham would trigger the tests in sections 127 & 138 of the Planning Act 2008.</p> <p>The Applicant noted that it would be useful to see NGET's written position on the applicability of Section 127 and 138 on future assets. The Applicant's position can be found in the speaking notes of Ms Isabella Tafur at Appendix A.</p>		

7. Consents, licences and other agreements			
7.1	The applicant will be asked to provide an update of progress and timescales for completion of the consents, licences and agreements listed in the Consents and Agreements Position Statement [REP1-006].	4.69	the Applicant confirmed that the only material update is that a draft application for a EPS licence in order to obtain a Letter of No Impediment (LONI) was submitted to Natural England at the end of January 2026. The Applicant stated that it expects confirmation and receipt of the LONI by early March 2026. The Applicant confirmed that no further updates are required at this stage.
8. Review of issues and actions arising			
4.70	Actions from this hearing which will be published.		
9. Any other business			
4.71	The Applicant did not raise any AOBs.		
Action Point ISH3.15: Parties to advise on how improved engagement with local residents will be taken forward.			
The Applicant has contacted NCC to discuss how to manage stakeholder engagement during construction of the authorised development.			
10. Closure of the hearing.			
4.72	ExA closed the hearing.		

APPENDIX A – SPEAKING NOTE OF [REDACTED] (COUNSEL FOR THE APPLICANT)

Agenda item 6: Protective Provisions (PPs): Relationship with the proposed North Humber to High Marnham (NHHM) project

The ExA will ask the Applicant and NGET to provide a brief update on their current positions (no more than 5 minutes each)

1. In the Applicant's Deadline 2 submissions [REP2-052 pdf 240 – 266], it explained the evolution of NGET's preferred route from non-statutory consultation in June/July 2023; through to localised consultation in July/August 2024 and statutory consultation in February-April 2025. In summary:
 - a. NGET's original preference was for a route (referred to as the "graduated swathe") which ran to the west of the railway line;
 - b. Through its localised consultation, it introduced a potential alternative route known as the eastern corridor but at that stage had made no decision on whether to pursue the eastern or western corridor; and
 - c. In its statutory consultation (Feb – April 2025), it identified as its preferred option a hybrid route following part of the eastern and part of the western corridors.
2. NGET's current preferred route for Section 10 runs to the east of the railway line between Pylons 4AF211 and AF220 and interacts with a significant proportion of the Applicant's proposed solar arrays. The extent of the interaction is shown in the Applicant's Deadline 2 submissions at [REP2-052 pdf 311]. NGET has selected that as the preferred route in spite of the fact that the Steeple Project had been in the public domain since October 2023.
3. The Applicant has objected to that route consistently since August 2024, when it submitted its response to the localised consultation. The Applicant understands that the landowner has also consistently objected to the eastern route and has proposed a number of potential alternatives routes, running to the west of the railway line since March 2025 or possibly even before that.
4. It does not sit well for NGET now to claim that a change to its preferred route would delay its project by 6-months when the concerns relating to the eastern route have been raised by both the Applicant for at least the last 18-months.
5. The impact of NGET's currently preferred alignment on the Steeple Project is described in the Applicant's response to WQ7.0.4 [REP2-052] (from pdf 312).
6. The way that the issue manifests in this Examination is that NGET seeks to secure protection not only of its existing assets but also *future* assets that will be comprised in the NHHM project by, for example, preventing the Applicant from exercising compulsory acquisition powers over land that NGET does not own but envisages will be comprised in the NHHM

project without its express consent and by requiring the Applicant to avoid any development e.g. solar panels, within the proposed NHHM Order Limits where they would impede that development.

7. The Applicant recognises the need to secure protective provisions to protect *existing* NGET assets and is engaged in negotiations with a view to agreeing those. Both parties consider that agreement is likely to be reached in respect of existing assets during the course of the Examination.
8. However, the Applicant resists the imposition of protective provisions to protect future assets, the routing and programme of which is, as yet, uncertain given that NGET does not expect to submit its application until later this year and is clearly facing very live issues over the appropriate alignment, not only from the Applicant but also from the landowner and potentially others. It is important to acknowledge that NGET does not have consent, or even a live application for the NHHM project and does not own the land or rights necessary to deliver it. Even after submission of an application, there may be scope for further design changes to the NHHM project which only exacerbates the uncertainty.
9. The Applicant notes that NGET made representations on this issue at the Compulsory Acquisition Hearing on Wednesday 11 February 2026, under the agenda item relating to sections 127 and 138 of the Planning Act. That may simply have been a matter of administrative convenience. However, it is important to note that neither s.127 nor 138 apply to land or apparatus that may be owned by a Statutory Undertaker *in the future*.
 - a. Section 127 specifically applies to land “*that has been acquired by a SU for the purpose of their undertaking*” and
 - b. Section 138 applies where a DCO authorises compulsory acquisition and “*there is*” relevant apparatus on, under or over the land.
10. NGET has not acquired land for the purposes of the NHHM project and nor is there any relevant apparatus for that project on, under or over any of the land that the Applicant proposes to acquire.
11. The Applicant's position is that:
 - a. It is not appropriate to impose protective provisions to protect future, and as yet uncertain, NGET infrastructure. In the event that NGET does continue with its preferred alignment, the correct and appropriate procedure is for it to seek the necessary compulsory acquisition powers through its own DCO application in due course, which would require justification in the public interest and which, if confirmed, would trigger the requirement to pay compensation. It is clear from its Deadline 3 submissions [**REP3-053 pdf 15**] that NGET recognises that this is an option open to it, because it has said “*In the absence of suitable PPs.....the NHHM project would need to address the interaction between the 2 projects through its own DCO application*”. It is not appropriate for NGET, in practical terms, to safeguard or seek to compulsorily acquire land by the back door through protective provisions on this DCO without having established a case for doing so in the public interest and which, on NGET's preferred terms, would not engage any requirement to pay compensation.
 - b. In response to the Applicant's objections, NGET has sought to emphasise the importance of the NHHM project. The Applicant does not dispute its importance but considers that there are preferable alternatives. Its case is that it will be for NGET to justify its proposed route choices and compulsory acquisition powers through its own DCO application. Through that process, the Applicant will have the opportunity to make representations about alternative routes that are available and would minimise impacts on the Steeple project. Plainly it is not possible to resolve NGET's route selection process through this examination and would be inappropriate to do so, given that other

affected parties will almost certainly have representations to make – including potentially, the promoters of the schemes which the landowners have referred to in its submissions – the data centre and STEP fusion energy plant. However, a flavour of the points the Applicant will make as part of the NHHM examination is set out in the Applicant's response to WQ7.0.4 [\[REP2-052\]](#) from **pdf 240**.

12. So, to be clear, it is not a question of this ExA choosing between the relative importance of the projects. NGET will have every opportunity to justify its preferred route and to secure such powers as it considers necessary through its own DCO application and that is the appropriate course.

The ExA will lead a discussion and ask questions about the need, or otherwise, for any PPs relating to the relationship between the proposed development and the proposed NHHM project, noting the content of the applicant's deadline 2 submissions [REP2-052] (electronic pages 239 – 409) and NGET's deadline 3 submissions [REP3-053].

Comments on NGET's proposed PPs

13. The Applicant's commentary on the protective provisions proposed by NGET is at **REP2-052, Appendix 4.1, pdf 337**. As is apparent from that document and from the Applicant's response to NGET's Relevant Rep [\[REP1-008\]](#) (from pdf 166), the fundamental issue between the parties relates to the protection of future assets.
14. With reference to the protective provisions proposed by NGET in their RR [\[RR-049\]](#) **pdf 10** (which are the same in all regards to those submitted by NGET at D3 save for some formatting issues which mean the original version is somewhat easier to read):
- a. **Clause 1** defines:
 - i. "apparatus" to include any electrical lines, mains, pipes, plant or other apparatus owned or operated by NGET for the purposes of the construction, operation and maintenance of the NHHM project
 - ii. NHHM project is defined simply as a new high voltage transmission line and associated works between Creyke Beck in Yorkshire and High Marnham in Nottinghamshire. The precise route is not specified or defined in the proposed PPs but the Project is defined to include land on which NHHM apparatus is situated and land on which such apparatus is anticipated to be situated for the construction, use or maintenance of the project. It will be immediately apparent that the scope of the definition is extremely broad and would encompass any future design changes to the project.
 - iii. "Specified works" are defined as any of the works authorised by the DCO which will or may be situated over, or within 15 metres of any apparatus [remembering that apparatus includes proposed apparatus associated with the NHHM project] or which may, in any way, adversely affect any apparatus.
 - b. **Clause 3** requires the undertaker to use reasonable endeavours to avoid any conflict with the NHHM project. That includes ensuring that the design and programme for connection works do not unreasonably impede or interfere with the NHHM Project and facilitating a coordinated approach to the programme, land assembly and carrying out of the projects.

- c. **Clause 7(2)** prevents the undertaker from acquiring any land forming part of the NHHM project without NGET's consent. The extent of that land is not specified or defined by reference to any plan because NGET does not yet know how much land it will require and is yet to undertake its detailed design.
 - d. **Clause 10** prevents the undertaker from carrying out any specified works – which includes those that may be within 15 m or adversely affect *future* apparatus associated with the NHHM project, without NGET's written approval. Any approval may itself be subject to conditions imposed by NGET, including conditions to facilitate the construction, commissioning, operation and maintenance of the NHHM project (Clause 10(4)(b)). Again, it is not possible for NGET to say at this stage where any relevant apparatus will be located.
 - e. **Clause 15** requires the undertaker not to impede access to the NHHM project or to provide alternative access.
15. Taken together, NGET's proposed protective provisions would prevent the undertaker, without NGET's consent, from acquiring any land which may be needed for a future project, the final routing and design of which are uncertain or from carrying out any works which may be within a certain distance of or adversely affect future apparatus, the location of which is unknown. They would require the undertaker to take positive steps to ensure that its design and programme does not impede that future project, the construction programme for which remains uncertain, and to ensure access to that project, whenever it may come forward.
16. If NGET were to be afforded that level of protection, the certain effect is that at a minimum, the Applicant would only be able to commit to a final design and commence construction in an as-yet undefined overlap area, with NGET's approval. The obligation on NGET not to unreasonably withhold consent affords it ample opportunity to require the Applicant to defer detailed design and construction of a significant part of its Project until NGET has secured its own DCO and completed its detailed design.
17. The Applicant's proposed protective provisions are at **REP2-052 pdf 342**. Their effect is to ensure that any NGET apparatus in existence at the time of the exercise of the rights granted by this DCO would be protected. Any land owned by NGET at the time of the exercise of DCO rights would also be protected from acquisition except with NGET's consent. In practical terms, the effect of the Applicant's PPs is that any land apparatus that is owned by NGET and exists at the time the powers are implemented would be protected in the normal way.

Other DCO precedents

18. NGET has disputed the Applicant's submissions that the protective provisions imposed on the Awel y Mor DCO (September 2023) and the Mona DCO (July 2025) are materially different from the circumstances of the present case. However, as explained in the Applicant's comments on NGET's Relevant Rep **[REP1-008 pdf 173]** and in its Deadline 2 submissions **[REP2-052 para 2.26, pdf 320]** the circumstances in which PPs were imposed on the Awel y Mor and Mona DCOs *are* materially different from the circumstances of this case for a number of reasons:
- a. First, in both of those cases the protective provisions were *agreed* with the applicants (not least because the future NGET projects were extensions to substations that the wind farms were reliant upon to connect to the grid). This means that there was no dispute for the ExA or Secretary of State to resolve.

- b. Second, in both of those cases, the protective provisions protected a future fixed node to a connection point which meant there was little or no variation as to the area to be protected which reduced the risk of uncertainty. By contrast, the protective provisions in the present case relate to an area of land in the middle of a proposed 90km overhead line route which may yet be subject to change.
 - c. Third, the areas subject to protection for future works did not affect the generating capacity of those schemes and did not prevent or delay the applicants from progressing the design or construction of the offshore wind turbine arrays; and
 - d. Fourth, neither the Applicant nor the ExA is privy to any other arrangements that were agreed between the parties on those cases which may operate alongside the protective provisions to render them acceptable to the undertakers.
19. By contrast, here, NGET seeks to secure PPs to safeguard an as-yet uncertain route in the middle of a 90km overhead line where the prospect of change is much higher and where the route directly impacts the generating capability of the scheme and means the Applicant cannot carry out its detailed design or construction until such time as NGET has carried out its own detailed design and confirmed the areas of overlap.
20. The Applicant considers that, in contrast to the Awel y Mor and Mona DCOs, the Viking CCS DCO is a relevant and important precedent. In that case, NGET proposed protective provisions (which are reproduced at **REP2-052, from pdf 399**) the effect of which was similar to those proposed in this case. In particular, in that case NGET proposed
- a. A definition of “apparatus” to include that associated with specified future projects;
 - b. A requirement that the undertaker should use reasonable endeavours not to impede those future projects;
 - c. A provision preventing the undertaker from acquiring any land forming part of the future projects without NGET’s consent;
 - d. A provision requiring the undertaker not to impede access to the future projects.
21. So far as the Applicant aware, this is the only case where a statutory undertaker proposed protective provisions to protect future assets which were disputed at the end of the examination such that a determination was required by the Secretary of State. It came after the Awel y More DCO, which NGET relied on as a precedent in that case yet the ExA accepted the applicant’s position that future projects which would not be determined for some time should not impinge on the Viking DCO [see Viking DCO ExA Recommendation Report, paragraph 6.8.25]. The Secretary of State agreed.
22. The protective provisions imposed by the Secretary of State are reproduced at **REP2-052 from pdf 389**. It is clear from those provisions that the definition of “apparatus” only applied to overhead lines etc in existence at the time the protective provisions became operative and there was no protection for NGET’s future projects.
23. NGET has said in its D3 submissions that the position was different in the Viking DCO because the NGET projects had only been subject to stage 1 consultation whereas the NHHM project has been subject to stage 1 and 2 consultation. The Applicant does not accept that to be a relevant distinction. As in Viking, it is clear that any DCO application submitted by NGET will not be determined for some time.
24. Furthermore, at this stage, the final route of the NHHM project remains unclear. No doubt that is why NGET has not proposed a specific area to be subject to protection through its preferred PPs.

25. NGET carried out statutory consultation in 2025 and has recently undertaken further consultation which closed only this week. The Applicant has objected to NGET's preferred Section 10 route and so has the landowner. We would be interested to hear from NGET whether others have objected – including the promoters of other schemes such as STEP fusion energy plant or the data centre.
26. The outcome of those consultation exercises is not yet known because no application has been submitted and the consultation reports have not been published. However, for the statutory and recent consultation to be lawful, they must have been undertaken at a time when the NHHM proposals were at a formative stage and all responses must conscientiously be taken into account in finalizing the proposals. Plainly that means there must be scope for changes to the route alignment to change. Indeed, NGET's own website commentary on the recent localised consultation confirms that the NHHM proposals may yet change once account has been taken of the feedback received.

Compensation

27. As to the issue of compensation, NGET's Deadline 3 submissions suggest that it would be willing to pay compensation but this is not secured through its proposed protective provisions. Instead, any compensation would be reliant on a commercial side-agreement between NGET and the Applicant. The ExA will be aware from the respective submissions that there is ongoing dispute as to the extent of the impact on the Steeple scheme. There can be no certainty that this issue will be resolved to allow for a mechanism to be agreed for the assessment of compensation. Indeed, given the parties' positions, there can be no certainty that *any* commercial agreement will be reached. Even if there is, it is not one to which the ExA will be privy. So the ExA is being asked to impose protective provisions that give NGET rights over land it does not own and in respect of which its public interest justification, including route selection and assessment of alternatives has not been properly interrogated; rights that would indisputably sterilize parts of the Steeple development without securing any right to compensation. That would be an extremely draconian step to countenance.

NGET route selection for the NHHM project

28. In summary, and as explained in NGET's Deadline 2 submissions [**REP2-52 from pdf 240**]:
- a. NGET carried out non-statutory consultation in June – July 2023.
 - i. At that stage, NGET identified a "graduated swathe" (essentially a visual representation of NGET's preferred option corridor, indicating where the OHL alignment could be routed. The shading is darker where the alignment is more likely (having regard to environmental factors and other constraints) and lighter where it is less likely.
 - ii. In the vicinity of the Project, the Graduated Swathe was to the west of Sturton le Steeple and North Leverton and to the west of the railway line.
 - iii. NGET recognised that some existing 132kV OHL would need to be undergrounded to facilitate the preferred route. This was not treated as an obstacle to the route.
 - iv. NGET expressed a preference for close parallel routing with existing OHL. Where this could not be achieved, the preference was to keep the new OHL completely separate to reduce landscape and visual impacts. The preferred western alignment achieved separation from existing OHL feeding into the former West Burton Power Station.
 - v. The graduated swathe was said to offer the optimum balance between environmental, technical, cost and socio-economic considerations.

- b. In July – August 2024, NGET carried out localised consultation.
 - i. At this stage, NGET presented a potential alternative corridor between South Wheatley and High Marnham, referred to as the “eastern corridor”. This ran closer to the west of Sturton le Steeple than the previous western corridor and then passed to the east of North Leverton (rather than to the west, as previously).
 - ii. NGET made it clear that it had made no decision on whether to progress the eastern or western corridors.
- c. In February – April 2025, NGET carried out statutory consultation.
 - i. For the first time, NGET showed an amended route which passed through part of the eastern corridor (shown in 2024 localised consultation) and part of the western corridor (shown in the 2023 non-stat consultation).
 - ii. The reasons for selecting this new hybrid route are not clear. The Design Report explained that:
 - 1. The eastern and western corridors presented different challenges and opportunities and that neither route was considered to be unfeasible.
 - 2. 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.
 - 3. In the absence of landscape designations in either the eastern or western corridors, routing a new OHL through either corridor would comply in principle with relevant landscape and visual amenity planning policy.
 - 4. 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.
 - iii. 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.
 - iv. The only reasons given for the proposed section 10 alignment were;
 - 1. To avoid interactions with existing 132kV OHL
 - 2. To avoid interaction with Wood Lane solar farm
 - 3. Subsidiary points were to minimise impacts on the Church of St Helens; take the most direct route to minimise landscape/visual impacts; and minimise impacts on setting of listed building (North Leverton Windmill)

29. The Applicant's view (which it will be making forcefully to the NHHM examination) is that none of those reasons justify the route selection choice NGET has made or justifies the impact on the Steeple scheme.

- a. Interaction with 132kV OHL:

- i. Interaction with 132kV lines has not been treated as a major constraint in earlier stages of consultation. NGET now claims this would add c£7m to the cost of the project but outage will be required on the existing 132kV line in any event, so the cost should not be double-counted. Furthermore, the alternative route proposed by the landowners would be 1km shorter. Given the costing provided in NGET's [NHHM corridor preliminary routing and siting study](#) (June 2023) (p.191), that would suggest a cost reduction of at least £3.8m. We also understand that the landowner has offered to come to favourable terms on the compensation that would be payable if NGET pursues a western corridor, which would further reduce project costs.

- b. To avoid interaction with Wood Lane solar farm:
 - i. It is not clear to the Applicant why the priority should be to avoid that scheme which has a capacity of 49.9MWac rather than the Steeple scheme which is nationally significant with a capacity of 600MWac.

 - ii. Adopting western route would interact with Wood Lane solar farm to some degree but there would be less energy generation lost.

 - iii. Permission was granted for the Wood Lane solar farm in 2020. The interest in the site was sold by Elgin to Scottish Power in 2023. While the permission has been implemented, no development has taken place and the grid connection has now lapsed so it could not be connected to the grid until such time as a new grid connection offer is secured. The lease in favour of Scottish Power has lapsed and the Applicant understands that the landowner served notice such that Scottish Power now has no interest in that land at all. The land belongs to the landowner and his expressed preference is to route the NHHM project through that site.

- c. To minimise impacts on heritage assets:
 - i. NGET says that its preferred option would minimise harm to heritage assets but there is a balance of considerations here.

 - ii. The landowner option lies to the west of the railway line, within NGET's previously preferred options. This route is closer to the scheduled and Grade I listed Remains of Church of St Helen southeast of South Wheatley, but that asset is well-screened by vegetation and outward views are limited. This asset is already experienced in the context of overhead cables in views eastwards. The views outwards from this asset do not make any major contribution to the significance of this asset given its enclosed and intimate in its setting. While this route would likely give rise to some less than substantial heritage harm, given the current context, lack of designed views and preservation of those areas from which the key elements of the significance of this asset can be appreciated (its physical fabric and surrounding graveyard), this harm would be at the lower end of the scale.

 - iii. By contrast, NGET's currently preferred route runs in very close proximity to the Grade II listed Crow Trees Farmhouse. Pylons in this location would be likely to cause a high level of less than substantial harm to the significance of the asset through changes to views of and from the asset.

 - iv. The preferred route runs close to the western edge of Sturton le Steeple and OHL would be visible and affect the experience of walkers travelling along Footpaths 19 and 20 be prominent in views towards the Grade II* listed Church and St Peter in Paul (in Sturton le Steeple) which can be seen from the footpaths. This would likely cause less than substantial harm to the significance of the Church through changes in views which make some contribution to its significance.

- v. If pylons are also located in this area, they would result in harm to the significance of the Grade II West End Farmhouse and Wash House, located along Freemans Lane by introducing tall and prominent power infrastructure in views north of the asset and by causing a large-scale change in character to the experience of moving along Footpath 20. This would likely result in less than substantial harm at the middle of the range.
- d. Landscape impacts
- i. As explained in NGET's own Design Report (published with its statutory consultation), in the absence of landscape designations in either the eastern or western corridors, routing a new OHL through either corridor would comply in principle with relevant landscape and visual amenity planning policy.