



Planning Inspectorate

The Planning Act 2008

Steeple Renewables Project

Examining Authority's Report

of Findings and Conclusions

and

Recommendation to the Secretary of State for

for Energy Security and Net Zero

Examining Authority

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10 July 2026

ERRATA

OVERVIEW AND SUMMARY

Application Information Details	
File Ref	EN010163
Application Dated	14 May 2025
Inspectorate Received Data	14 May 2025
Applicant	Steeple Solar Farm Limited
Accepted for examination	11 June 2025
Examination Started	11 November 2025
Examination Closed	10 April 2026
Relevant Secretary of State(s)	Secretary of State for Energy Security and Net Zero
Recommendation Submitted	10 July 2026

The proposed development comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility with an export capacity exceeding 50 megawatts, including a battery energy storage system, other associated infrastructure and an export connection to the National Grid.

SUMMARY OF RECOMMENDATION

The Examining Authority recommends that the Secretary of State should make the Order in the form attached at appendix E.

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1. INTRODUCTION

1.1. BACKGROUND TO THE EXAMINATION

- 1.1.1. An application (the Application) for the Steeple Renewables Project (the proposed development), reference EN010163, was submitted by Steeple Solar Farm Limited (the Applicant) to the Inspectorate on 14 May 2025 under section (s) 37 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of the PA2008 on 11 June 2025 [PD-002]. This report sets out the Examining Authority's (ExA) findings, conclusions and recommendations to the Secretary of State for Energy Security and Net Zero. (SoSESNZ).
- 1.1.2. The legislative tests for whether the proposed development is a Nationally Significant Infrastructure Project (NSIP) were considered by the Secretary of State for Levelling Up, Housing and Communities (SoSLUHC) in its decision to accept the application for examination in accordance with s55 of the PA2008 [PD-002].
- 1.1.3. The proposed development comprises a ground mounted solar photovoltaic (PV) onshore generating station with a gross electrical output of over 50 megawatts (MW), on site Battery Energy Storage System (BESS) and associated infrastructure. It would be located wholly in England. As such, it meets the definition of a NSIP as set out in s14(1)(a) and s15(2) of the PA2008 and requires development consent in accordance with s31 of the PA2008.
- 1.1.4. The [Examination Library](#) (EL) provides a record of all application documents and submissions to the examination, each of which is given a unique reference number, for example [APP-001]. The reference numbers are used throughout this report.
- 1.1.5. This report does not contain extensive summaries of the documents and representations received. Readers are referred to relevant material using linked EL references. Full regard has been had to all such material and to all important and relevant matters arising from it in all conclusions drawn by the ExA and the recommendation made in this report.

1.2. APPOINTMENT OF THE EXAMINING AUTHORITY

- 1.2.1. On 6 August 2025, Max Wiltshire (lead member) and Andrew Robinson were appointed as the ExA for the application under s61 and s65 of PA2008

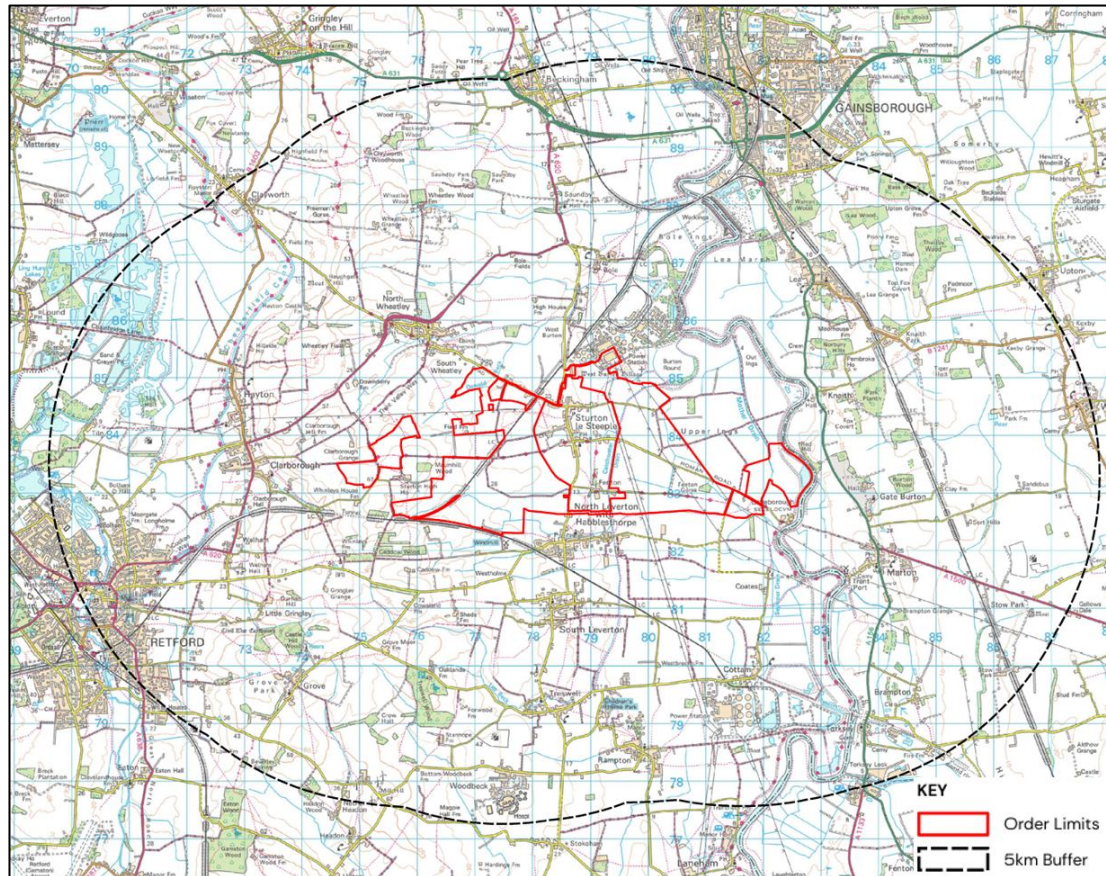
1.3. THE APPLICATION

LOCATION OF THE PROPOSED DEVELOPMENT

- 1.3.1. The location of the proposed development is shown in the Location Plan [APP-147] (extract in Figure 1 below) and the final versions of the Land Plans [REP3-004]. It is divided into two halves (an eastern and western portion) to the east and west of Sturton le Steeple, approximately halfway between

Retford to the west and Gainsborough to the north-east. The site extends to around 888.3 hectares (ha) lying within the Bassetlaw District Council (BDC) administrative area in Nottinghamshire and is wholly in England.

Figure 1: Location Plan



Source: Extract from figure 6.1 of the Environmental Statement [APP-147]

1.3.2. Chapter 3 of the Environmental Statement (ES) [APP-061] (section 3.2), the Design and Access Statement [REP2-042] (section 3) and the Planning Statement [REP6-024] provide a detailed description of the existing site and surrounding area.

1.3.3. In summary, the key characteristics of the site include:

- Primarily agricultural land, comprising over 100 generally large fields as shown on the Field Numbering Plan [APP-010], defined by hedgerow and individual trees
- a general slope down from west to east in the western portion and predominantly flat in the eastern portion
- part of the existing (and currently being demolished) West Burton A Power Station site in the northern part, covering an existing 400kV substation
- a series of Public Rights of Way (PRoW), as shown in ES figure 3.3 - Public Rights of Way Plan [APP-145]
- presence of 5 Local Wildlife Sites

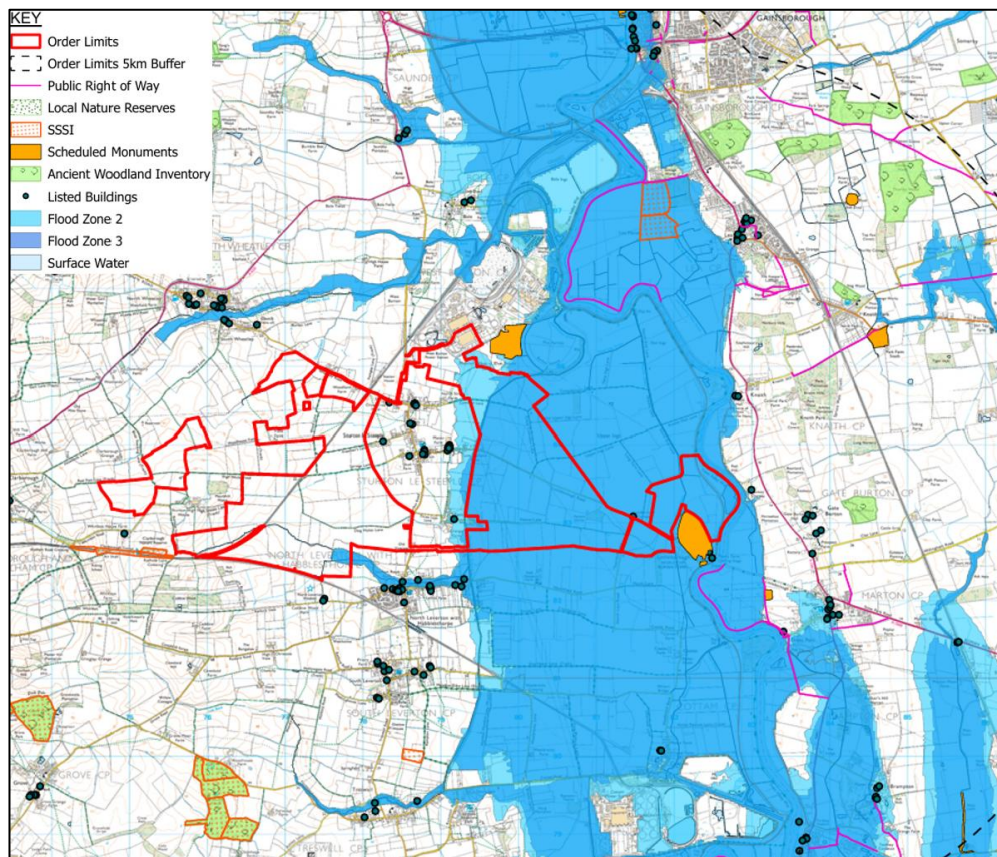
- a number of both overhead electricity transmission/distribution lines, underground fuel, and water pipelines
- a number of local roads, including sections of Wheatley Road, Station Road, Gainsborough Road and Wood Lane in the north-western half of the site and Littleborough Road and Common Lane in the eastern half of the site
- the 'Sheffield to Lincoln' railway line, connecting Retford to Gainsborough, in the western portion
- a number of 'Ordinary Watercourses'

1.3.4. The key characteristics of the surrounding area include:

- nearby settlements of Knaith, North Leverton with Habbleshthorpe, Fenton, South Leverton, Clarborough, North Wheatley, South Wheatley, and Gainsborough
- individual properties located close to the boundaries of the site
- 1 Site of Special Scientific Interest adjacent to the site
- a number of designated heritage assets including scheduled monuments, listed buildings and 2 conservation areas situated within 3 kilometres (km)
- proximity of the River Trent adjacent to the eastern boundary of the site

1.3.5. **Error! Reference source not found.** below shows the key constraints covering the site and the surrounding area. Further site characteristics and constraints are described in the baseline conditions within individual topic sections in [chapter 3](#).

Figure 2: Key Constraints covering the site and surrounding area



Source: Extract from ES figure 3.1 [APP-143]

DESCRIPTION OF THE PROPOSED DEVELOPMENT

1.3.6. The proposed development is a renewable energy scheme comprising ground-mounted solar PV panels, on-site BESS and associated development including underground cable connections between panel areas and the existing National Grid Substation at West Burton Power Station. It has been designed around a 600 megawatt (MW) export alternating current (AC) capacity, anticipated to be shared between the solar element (450 MWAC) and the BESS (150 MWAC). This would correspond with the grid connection offer the applicant has received from National Grid to connect to the existing substation at the West Burton Power Station site. The Note on Scheme Efficiency [REP2-044] provides further detail on the output of the proposed development.

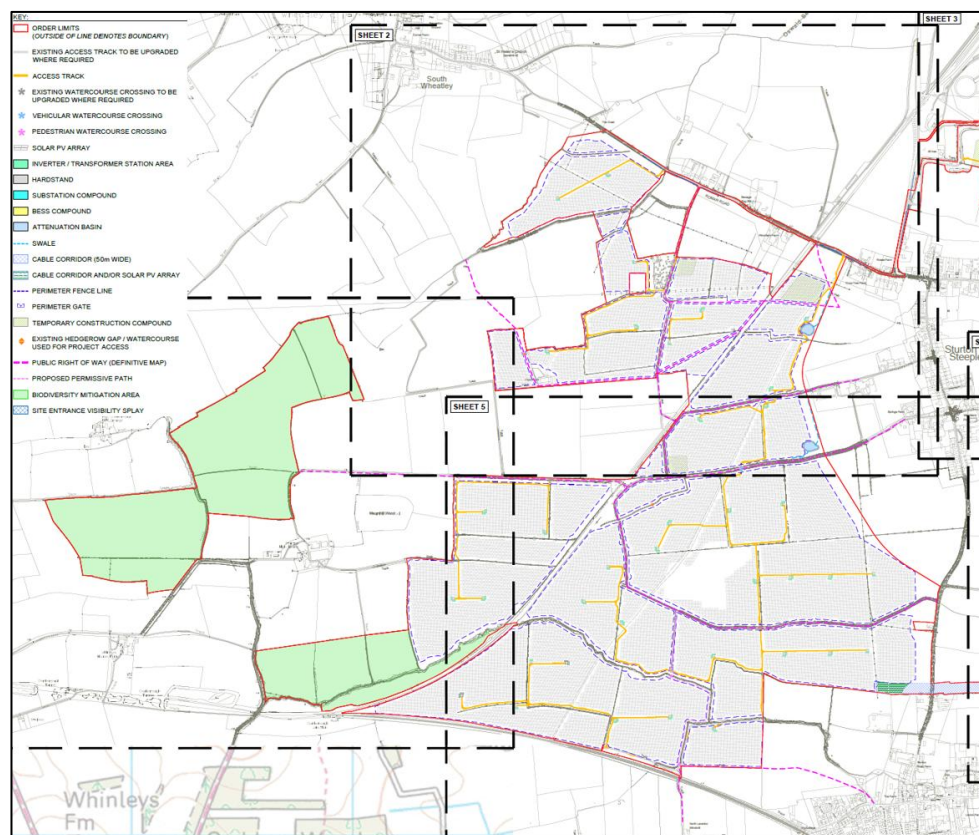
1.3.7. ES Chapter 4 [APP-062] provides a full description of the proposed development and its components. It is proposed for the development to have an operational lifespan of 40 years, after which it would be decommissioned. The proposed development works, as set out in schedule 1 of the draft Development Consent Order (dCO) [REP6-004] can be summarised as follows:

- Work No. 1 - a ground mounted solar photovoltaic generating station
- Work No. 2 - a battery energy storage system compound
- Work No. 3 - works in connection with a new 400/33kV onsite substation

- Work No. 4 - works to install 400kV electrical cables connecting Work No. 3 to Work No. 5
- Work No. 5 - connection and installation works to the existing transmission network substation
- Work No. 6 - works to facilitate project access and cabling
- Work No. 6A - works to install 33kV cabling
- Work No. 7 - general works
- Work No. 8 - works for areas of habitat management
- Work No. 9 - works to implement new permissive paths through Order limits
- Work No. 10 - temporary construction and decommissioning of site compounds
- Further associated development in connection with the construction of the above Work Nos.

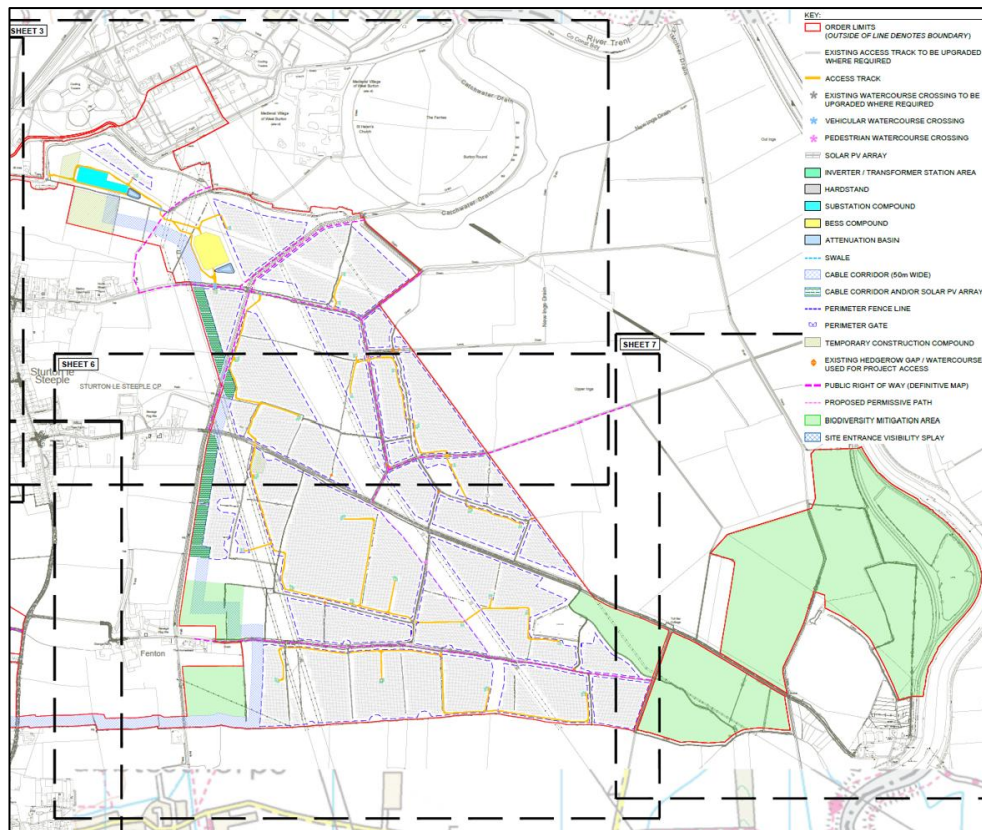
1.3.8. The Work Plans [REP2-004] show the spatial extent of each work number described above. The proposed general layout of the proposed development, including areas for solar PV arrays, substation, BESS compound, cable corridors, biodiversity mitigation areas, attenuation basins, access tracks, construction compounds, permissive paths and fencing are shown in [AS-009], which is reproduced in **Error! Reference source not found.** and Figure 4 below.

Figure 3: Site layout of proposed development - western portion



Source: Extract from [AS-009]

Figure 4: Site layout of proposed development - eastern portion



Source: Extract from [AS-009]

RELEVANT PLANNING HISTORY

- 1.3.9. Section 2.3 of the Planning Statement [REP6-024] does not identify any records of planning history other than the proposed development within the Order limits.
- 1.3.10. However, there is substantial planning history at the adjoining West Burton Power Station, its associated West Burton Bole Ings Ash site and the neighbouring Sturton le Steeple quarry that is set out in Appendix B of the Planning Statement.
- 1.3.11. There is also a significant number of other developments proposed in the locality of the proposed development that would have cumulative interactions. Key sites are listed in table 2.9 in ES chapter 2 [APP-060]. In summary, several other NSIPs and solar farm projects would fall within a 10km radius of the Order limits. Further details of cumulative projects are set out in section 3.13 of this recommendation report, which includes a plan showing the location of sites in Figure 16.
- 1.3.12. ES Chapter 2 [APP-060] includes details of the consultation undertaken and the overall approach to the assessment of the effects of the proposed development. The statutory consultation was held between 20th January 2025 and 3rd March 2025 to enable the public to review the proposed design and provide feedback. In addition meetings were held with a range of statutory and non-statutory consultees and stakeholders.

1.4. THE EXAMINATION

LOCAL AUTHORITIES AND PARISH COUNCILS

1.4.1. The host local authorities relevant to this examination are Bassetlaw District Council and Nottinghamshire County Council. Adjoining local authorities include City of Doncaster Council, Lincolnshire County Council and West Lindsey District Council.

1.4.2. There are also a number of Parish Councils, including:

- North and South Wheatley Parish Council
- Sturton-le-Steeple Parish Council
- North Leverton with Habbleshthorpe Parish Council
- Hayton Parish Council

RELEVANT REPRESENTATIONS

1.4.3. A total of 55 relevant representations (RRs) were submitted, including statutory consultees, the local authorities, parish councils, non-statutory organisations and persons with an interest in the land as well as members of the public. The majority of RRs received from members of the public oppose the proposed development, primarily due to its size and scale and reported effects on various environment matters. These are considered further in the relevant topic sections in [chapter 3](#). All RRs (and all other written submissions) have been fully considered by the ExA.

START OF THE EXAMINATION

1.4.4. The preliminary meeting (PM) took place on 11 November 2025 [EV1-001], [EV1-003] and [EV1-005]. The ExA's procedural decisions (PD) and the examination timetable took full account of matters raised at the PM. They were provided in the Rule 8 Letter [PD-004].

1.4.5. The examination began on 11 November 2025 and closed on 10 April 2026. The principal components of and events around the examination can be seen in the examination timetable [PD-004] and are summarised in the table below.

Table 1: Summary of the principal components of and events around the examination

Written questions and requests for information	EL references
ExA's first written questions	PD-005
ExA's second written questions	PD-008
Requests for further information and comments	PD-010
Hearings	EL references

The following issue specific hearings (ISHs) were held:	ISH1 (12 November 2025): [EV2-001] (agenda) and [EV5-001], [EV5-003], [EV5-005] and [EV5-007] (recordings) ISH2 (11 and 12 February 2026): [EV7-001] (agenda) and [EV7-002], [EV7-004], [EV7-006], [EV7-008], [EV7-010], [EV7-012] (recordings) ISH3 (13 February 2026): [EV8-001] (agenda) and [EV8-002] and [EV8-004] (recordings)
The following compulsory acquisition hearing (CAH) was held:	CAH1 (11 February 2026): [EV6-001] (agenda) and [EV6-002] and [EV6-004] (recordings)
The following open floor hearing (OFH) was held:	OFH1 (11 November 2025): [EV4-001]
Site inspections	EL references
The ExA carried out the following unaccompanied site inspections:	[EV3-001] and [EV9-001]

PROCEDURAL DECISIONS

- 1.4.6. The PDs taken by the ExA are recorded in the EL referenced [PD-001] to and including [PD-011]. They detail the ExA's decisions relating to the procedure of the examination and did not bear on the ExA's consideration of the planning merits of the proposed development. All were broadly discharged as intended and no further reference is made to them in this report.

STATEMENTS OF COMMON GROUND

- 1.4.7. The ExA requested statements of common ground (SoCG) between the applicant and various parties in annex G of its Rule 6 letter [PD-003]. A SoCG was subsequently requested with National Grid Electricity Transmission Ltd (NGET) in the Rule 8 letter [PD-004]. By the end of the examination, the following bodies had concluded and signed SoCG with the applicant:

- Bassetlaw District Council [REP3-047]
- Nottinghamshire County Council [REP6-034]
- City of Doncaster Council [REP2-056]
- Lincolnshire County Council [REP4-028]
- Environment Agency [REP5-044]

- Natural England [REP6-033]
- Historic England [REP6-036]
- National Highways [REP5-042]
- Nottinghamshire Fire and Rescue [REP5-049]
- Nottinghamshire Wildlife Trust [REP5-046]
- Anglian Water [REP6-032]
- Canal and River Trust [REP3-036]
- North Leverton with Habbleshthorpe Parish Council [REP3-040]
- Hayton Parish Council [REP3-041]
- North and South Wheatley Parish Council [REP3-043]
- Sturton-le-Steeple Parish Council [REP3-045]

1.4.8. SoCGs were not received from Network Rail, West Lindsey Council, UK Health Security Agency and Health and Safety Executive. West Lindsey Council and the UK Health Security Agency both advised that they did not wish to participate in the examination. The Health and Safety Executive did not submit comments.

1.4.9. The outstanding issues which remained between the applicant, and Network Rail and NGET at the close of the examination are fully reported in the relevant sections of this recommendation report.

1.4.10. The signed SoCGs have been taken fully into account by the ExA in all relevant sections of this recommendation. No unsigned SoCGs were received.

PROCEDURAL MATTERS

1.4.11. By the close of the examination, some IPs raised concerns regarding the adequacy of consultation undertaken by the applicant and that it was "surface level", such as Sturton-le-Steeple Parish Council (SSPC) [REP6-046]. In addition, SSPC also raised concerns regarding the conduct of hearings, particularly that there was variation in speaking time afforded to different participants. It is also suggested that community members were unfairly reprimanded which contributed to a sense that the process has not been conducted evenly or transparently.

1.4.12. ES Chapter 2 [APP-060] includes details of the consultation undertaken. Statutory consultation was held between 20 January 2025 and 3 March 2025 to enable the public to review the proposed design and provide feedback. In addition, meetings were held with a range of statutory and non-statutory consultees and stakeholders. Furthermore, the applicant's consultation report ([APP-047] to and including [APP-055]) sets out how it undertook consultation and responded to concerns raised by stakeholders. Individual topic chapters in the ES also set this out. As such, the ExA is satisfied that the applicant's approach to consultation during the pre-application stages was satisfactory and complied with the relevant sections of the PA2008 which were in force at the time.

1.4.13. Turning to comments regarding fairness, the ExA confirms that every effort was made to ensure that all parties participating in the examination had a fair

opportunity to contribute. However, it is the responsibility of the ExA to control hearings, ensuring they run efficiently and to appropriately intervene when any comments are made that could be perceived as libellous or unfair by another party. The ExA considers that it sensitively but authoritatively dealt with any such situations on the rare occasions they arose. Ultimately, the ExA is of the view that all parties have had a fair opportunity to participate in the examination process and for their views to be heard. It should also be noted that examinations are primarily a written process.

1.5. UNDERTAKINGS, OBLIGATIONS, AGREEMENTS AND CONSENTS

- 1.5.1. There are no relevant s106 agreements that have been proposed or entered into in connection with the proposed development.
- 1.5.2. Some parties have confirmed that, during the examination, they have reached private agreements with the applicant regarding protection of their assets and/or interests. These are referred to, where relevant, in subsequent sections of this report.
- 1.5.3. In addition to the consents required under the PA2008, the applicant would require other consents to construct, operate and maintain the proposed development. These are identified in the Consents and Agreements Position Statement [REP6-014]

1.6. STRUCTURE OF THIS REPORT

- 1.6.1. The structure of the remainder of this report is as follows:
- [Chapter 2](#) identifies how the application is to be determined and summaries the key legislation and policy context that applies to the decision.
 - [Chapter 3](#) sets out the findings and conclusions in relation to the individual planning issues that arose from the application and during the examination.
 - [Chapter 4](#) summarises considerations arising from habitats regulations assessment.
 - [Chapter 5](#) sets out the balance of planning considerations arising from chapters 2, 3 and 4 in the light of important and relevant factual, legal and policy considerations.
 - [Chapter 6](#) sets out the ExA's examination of land rights and related matters.
 - [Chapter 7](#) considers the implications of the matters arising from the preceding chapters for the DCO.
 - [Chapter 8](#) summarises all relevant considerations and sets out the ExA's recommendation to the SoS.
- 1.6.2. This report is supported by the following appendices:
- Appendix A - Abbreviations list
 - Appendix B - Legislation and policy

- Appendix C - Summary of ExA'S recommended changes to the applicant's final draft Development Consent Order
- Appendix D - ExA's conclusions on protective provisions areas of disagreement
- Appendix E - The ExA's recommended draft Development Consent Order

2. HOW THE APPLICATION IS DETERMINED

2.1. INTRODUCTION

- 2.1.1. This chapter identifies the key legislation, policy and local impact reports (LIRs) that the ExA's recommendations have taken into account. It also includes consideration of the overall adequacy of the applicant's Environmental Impact Assessment, Habitats Regulations Assessment (HRA), and transboundary effects.

2.2. LEGISLATION AND POLICY

PLANNING ACT 2008

- 2.2.1. The Planning Act 2008 (PA2008) provides for two different decision-making processes for Nationally Significant Infrastructure Project (NSIP) applications where a relevant national policy statement (NPS) has effect (under section (s)104) from that where no NPS has effect (under s105).
- 2.2.2. For reasons expanded upon in section 2.3 below, this application falls to be considered under s104 of the PA2008 as more than one NPS has effect in relation to development that is the subject of this application. There are no substantial elements of the proposed development that fall outside the remit of relevant NPS policies and so s105 is not relevant.
- 2.2.3. Section 104(2) of the PA2008 sets out the matters to which the Secretary of State (SoS) must have regard when making its decision. These include:
- any relevant NPS
 - any duly submitted local impact report (LIR)
 - any matters prescribed in relation to the development
 - any other matters the SoS thinks are both important and relevant to the decision
- 2.2.4. Section 104(3) of the PA2008 requires the SoS to decide the application in accordance with any relevant NPS that has effect in relation to this application, subject to the exceptions in s104(4) to (8) as follows:
- where deciding the application in accordance with any relevant NPS would lead to the UK being in breach of any of its international obligations.
 - where deciding the application in accordance with any relevant NPS would lead to the SoS being in breach of any duty imposed on her or him by or under any enactment.
 - where deciding the application in accordance with any relevant NPS would be unlawful by virtue of any enactment.
 - where the adverse impact of the proposed development would outweigh its benefits and/or
 - where any condition prescribed for deciding an application otherwise than in accordance with a NPS is met.

- 2.2.5. This report sets out the ExA's findings, conclusions and recommendations taking these matters into account and applying s104 of the PA2008.

OTHER LEGISLATION

- 2.2.6. A full list of relevant primary and secondary legislation, including but not limited to duties arising under the Equality Act 2010, Human Rights Act 1998 and the Climate Change Act 2008 (as amended), can be found in appendix B of this recommendation. All applicable legislation has been considered by the ExA in its findings and the recommendations are framed so as to identify and enable the SoS to discharge all applicable statutory considerations or duties.

2.3. NATIONAL POLICY STATEMENTS

- 2.3.1. NPSs set out government policy on different types of national infrastructure development. Having regard to the purposes of s104(2)(a) of the PA2008, the ExA considers that the following NPSs are relevant to the application:
- Overarching National Policy Statement for Energy (EN-1).
 - National Policy Statement for Renewable Energy Infrastructure (EN-3).
 - National Policy Statement for Electricity Networks Infrastructure (EN-5).
- 2.3.2. These NPSs are part of a suite of energy infrastructure NPSs that were published in November 2023 and designated on 17 January 2024 (the "2024 NPSs"). They form the primary policy context for this examination.
- 2.3.3. This report sets out the ExA's findings, conclusions and recommendations taking these matters into account and applying the approach set out in s104 of the PA2008. The purpose and broad content of these NPSs are summarised below.

OVERARCHING NATIONAL POLICY STATEMENT FOR ENERGY (EN-1)

- 2.3.4. NPS EN-1 (2024) sets out national policy covering various energy infrastructure. It has effect for decisions on applications for energy developments that are NSIPs. Combined with NPS EN-3 and NPS EN-5, it provides the primary policy for decision making for onshore electricity generating stations. It sets out general principles and generic impacts to be taken into account in considering energy NSIP applications.

NATIONAL POLICY STATEMENT FOR RENEWABLE ENERGY INFRASTRUCTURE (EN-3)

- 2.3.5. NPS EN-3 (2024) details assessment criteria specific to different types of renewable energy infrastructure and should be read alongside the general principles set out in NPS EN-1. Criteria for solar photovoltaic electricity generating stations is set out in section 2.10.

NATIONAL POLICY STATEMENT FOR ELECTRICITY NETWORKS INFRASTRUCTURE (EN-5)

- 2.3.6. NPS EN-5 (2024) contains assessment criteria specific to infrastructure for electricity networks which incorporates transmission systems and distribution

systems. Paragraph 1.6.4 states that the NPS applies to ‘associated infrastructure’, such as substations, where it constitutes associated development for which consent is sought along with an NSIP.

- 2.3.7. In this case, the proposed development includes infrastructure such as a new substation and electrical cabling. As such, NPS EN-5 is relevant within the terms of PA2008 s104(2)(a).

DRAFT NATIONAL POLICY STATEMENTS

- 2.3.8. On 6 January 2026, new versions of NPSs EN-1, EN-3 and EN-5 came into force (“2025 NPSs”). The transitional provisions set out in section 1.6 of NPS EN-1 (2025) state that the 2024 suite of NPSs should have effect for any application accepted for examination before the final publication of the 2025 NPSs. Therefore, the 2024 NPSs holds primacy upon which the ExA has assessed the proposed development against.
- 2.3.9. Paragraph 1.6.3 of NPS EN-1 (2025) states any emerging draft NPSs (or those designated but not yet having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant SoS to consider within the framework of the PA2008 and the specific circumstances of each DCO application.
- 2.3.10. The ExA has considered the 2025 NPSs where relevant to do so in its assessment findings.

OTHER NATIONAL POLICY

- 2.3.11. Other important and relevant government policies, strategies and publications have been taken into account, including the following:
- National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG)
 - Noise Policy Statement for England (2010)
 - The Sixth Carbon Budget – The UK’s Path to Net Zero (Committee on Climate Change December 2020)
 - The National Infrastructure Strategy (November 2020)
 - Net Zero Strategy: Build Back Greener (October 2021)
 - British Energy Security Strategy (April 2022)
 - Environmental Improvement Plan (2023)
 - Powering Up Britain: Energy Security Plan (April 2023)
 - Written Ministerial Statement (WMS) ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ (May 2024)
 - Clean Power 2030 Action Plan (2024)
 - Solar Roadmap: United Kingdom Powered by Solar (30 June 2025)

2.4. LOCAL IMPACT REPORTS

- 2.4.1. Nottinghamshire County Council (NCC) submitted a local impact report (LIR) at deadline 1 [REP1-014] as requested in the rule 6 [PD-003] and rule 8 [PD-

004] letters. A revised copy was submitted at deadline 2 [REP2-063a] with 'draft' labels removed.

- 2.4.2. NCC's LIR covers matters and issues relevant to their statutory function and expertise at an officer level, supplemented by external advice as needed. The LIR identifies local policies which are capable of being important and relevant considerations under the relevant subject topic areas. These and other relevant policies are listed in appendix B.
- 2.4.3. The topic areas covered in the LIR are as follows:
- Historic Environment – Built and Buried
 - Biodiversity
 - Landscape and Visual
 - Waste Management
 - Traffic and Transport
 - Public Rights of Way
 - Local Flood Risk
 - Development Consent Order
- 2.4.4. Overall, the LIR identified several negative or inconclusive effects which NCC considered could be addressed, at least in part, through further assessment work and mitigation measures. The detailed issues raised are considered further under each relevant planning issue in [chapter 3](#) of this report.
- 2.4.5. Despite being requested as host local authority [PD-003] and [PD-004], no LIR was submitted by Bassetlaw District Council. A subsequent Statement of Common Ground was submitted [REP3-047] which covers impacts on various environmental matters.
- 2.4.6. No neighbouring local authority submitted an LIR.
- 2.4.7. LIR content has been considered throughout the examination and in this report. It must be considered during the decision by the SoS pursuant to PA2008 s104(2)(b).

2.5. ENVIRONMENTAL IMPACT ASSESSMENT

- 2.5.1. The applicant provided a notification under Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) of its intention to provide an Environmental Statement (ES). Therefore, under Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 2.5.2. On 19 April 2024, the applicant submitted a scoping report [APP-077] to the SoS under Regulation 10 of the EIA Regulations in order to request an opinion about the scope of the ES to be prepared (a scoping opinion).
- 2.5.3. On 3 June 2024, the Planning Inspectorate provided a scoping opinion [APP-078] on behalf of the SoS.

- 2.5.4. Overall, the ExA is satisfied that the ES, as supplemented with additional information during the examination, is sufficient to enable the SoS to take a decision in compliance with the EIA Regulations.
- 2.5.5. The ExA considers that changes to the documentation, comprising the ES during the examination, did not individually or cumulatively undermine the scope and assessment of the ES. [Chapter 3](#) of this report summarises the environmental effects under each topic section.

2.6. HABITATS REGULATIONS ASSESSMENT

- 2.6.1. The SoS is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). The Habitats Regulations were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 2.6.2. The application was accompanied by a report, Information to Inform a Habitats Regulation Assessment [REP6-012], which concludes that the proposed development is one that has been identified as not giving rise to the potential for likely significant effects on European sites (Special Areas of Conservation, Special Protection Areas or Ramsar Sites).
- 2.6.3. As is the convention, and to inform SoS decisions prepared under the PA2008, a separate record of considerations relevant to HRA has been set out in [Chapter 4](#) of this report.

2.7. TRANSBOUNDARY EFFECTS

- 2.7.1. A transboundary screening under Regulation 32 of the EIA Regulations was undertaken by the Planning Inspectorate on behalf of the SoS on 3 June 2024 following the applicant's request for an EIA scoping opinion. This concluded that the proposed development would be unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area (EEA) member state.
- 2.7.2. A second screening was published on 16 July 2025. Again, no significant effects were identified on the environment in any EEA state.
- 2.7.3. The Regulation 32 duty is an ongoing duty, and on that basis, the ExA has considered whether any facts have emerged to change these screening conclusions, up to the point of closure of the examination. No new information or evidence has come before the examination to alter the transboundary screening decision.

3. THE PLANNING ISSUES

3.1. INTRODUCTION

- 3.1.1. This chapter sets out the Examining Authority's (ExA) findings and conclusions on the planning issues. The section is structured firstly to review the initial assessment of principal issues (IAP1) and explains how the issues identified there have been managed. It then examines matters of principle, including need and alternatives. It then addresses individual planning issues, set out in individual subsections. The order in which these section headings are presented should not be taken to imply any order of merit.
- 3.1.2. In each section, the ExA will identify the policy background, followed by a summary of the application as made. The main issues considered during the examination for each topic are then reported followed by conclusions. In reaching conclusions, the ExA assigns 'positive' or 'negative' weight for or against the making of the Order using the following terms:
- 'Neutral' that does not affect the balance of the Order being made
 - 'A little'
 - 'Moderate'
 - 'Great'
 - 'Very great'
- 3.1.3. The conclusions take account of all relevant legislation and policy, and all written and oral submissions. The topic sections focus on matters that the ExA considers to be important and relevant to the decision and does not necessarily report on matters that are not controversial, are agreed between the parties, or are adequately justified by the applicant.
- 3.1.4. Where a topic has numerous relevant representations (RRs) raising similar concerns, the ExA has listed a small number to provide an example. The ExA wishes to emphasise that the examples cited are a random sample from the RRs and should not be taken as an indication that the ExA considers these RRs are more significant than any other RRs that were submitted. When considering a topic, the ExA has had full regard to all submissions.

INITIAL ASSESSMENT OF PRINCIPAL ISSUES (IAP1)

- 3.1.5. As required by s88 of the PA2008 and Rule 5 of the Infrastructure Planning (Examination Procedure) Rules 2010, the ExA undertook an IAP1 in advance of the preliminary meeting (PM). This was based on the application documents and relevant representations (RR). The list of issues relates to all phases of the proposed development. The IAP1 was raised at the PM with key submissions from parties and the ExA's responses summarised in the Preliminary Meeting Note [EV1-005]. The ExA also confirmed in the Rule 8 letter [PD-004] that the physical relationship between the proposed development and other projects would also be considered, in response to submissions made during the PM. The full IAP1 can be found in Annex C of the Rule 6 letter [PD-003]. The principal issues identified in the IAP1 were as follows:

- Site selection and alternatives
- Biodiversity and Ecology
- Climate
- Cumulative effects
- Historic Environment
- Flood risk, drainage and the water environment
- Land use and soil
- Landscape and visual (including good design)
- Noise and vibration
- Population
- Transport and access

THE PLANNING ISSUES IN THIS REPORT

- 3.1.6. The ExA considers that the issues raised by interested parties (IPs) were broadly in line with the IAPI and were subject to written and oral questioning during the examination. These are the issues that the ExA has used to structure most of the following sections in this chapter which address each issue in turn. To facilitate efficient consideration of the relationships between certain issues and to avoid repetition in analysis, the ExA has varied the order of its consideration of issues arising from the IAPI. It should also be noted that the IAPI is a high-level framework. The ExA has nevertheless had regard to all important relevant matters arising from submissions from IPs and has reported on these, if required, within each chapter below.
- 3.1.7. 'Site selection and alternatives' and 'Climate' which were initially listed as principal issues in the ExA's Rule 6 letter [PD-003]. These are considered within the principle of development section.
- 3.1.8. 'Population' was also listed as a principal issue in the ExA's Rule 6 letter [PD-003]. Further to submissions received during and following the PM, the ExA has re-titled this topic to 'human health' in the sections below to describe the issues raises more accurately.
- 3.1.9. The planning issues considered in this recommendation are as follows:
- Section 3.2: The principle of the development
 - Section 3.3: Good design
 - Section 3.4: Biodiversity and ecology
 - Section 3.5: Flood risk, drainage and the water environment
 - Section 3.6: Historic environment
 - Section 3.7: Landscape and visual
 - Section 3.8: Land use and soil
 - Section 3.9: Noise and vibration
 - Section 3.10: Transport and access
 - Section 3.11: Other planning issues
 - Section 3.12: Human health
 - Section 3.13: Combined, cumulative and interrelated effects

3.2. THE PRINCIPLE OF THE DEVELOPMENT

Introduction

- 3.2.1. This section covers the need for the proposed development, having regard to its overall scope, scale and output as well as the approach taken to site selection and alternatives. The impact of the proposed development on climate change and the reduction in greenhouse gas (GHG) emissions is an intrinsic part of the need case and is therefore also considered below.

Policy Context

- 3.2.2. In addition to the issues arising from the IAPI, the ExA has also given consideration on an overarching basis to the principle of the development in terms of:

- Need
- Conformity with designated NPS policy
- Applicability of other NPS policy
- Applicability of other policy
- Applicability of legislation

NEED

- 3.2.3. This section addresses the overall need for the proposed development, the alternatives considered in the site selection, and the grid connection. The planning balance and the case for development are considered in [Chapter 5](#).
- 3.2.4. The Climate Change Act 2008 sets a target for the year 2050 for the reduction of targeted GHG emissions and to provide for a system of carbon budgeting. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amends the 2050 target in the Climate Change Act 2008 to net zero i.e. that the net United Kingdom (UK) carbon account, in terms of carbon dioxide and other targeted GHG, for the year 2050 is at least 100% lower than the relevant baseline year. A series of Carbon Budgets Orders set the carbon budgets for relevant periods.

NPS EN-1

- 3.2.5. Paragraph 3.2.6 establishes that there is an urgent need for the types of energy infrastructure covered by NPS EN-1. The Secretary of State (SoS) must assess all Development Consent Order (DCO) applications on the basis that this need has already been demonstrated by the government.
- 3.2.6. Paragraph 3.2.7 states that substantial weight should be given to this established need when the SoS considers DCO applications. This reinforces the presumption in favour of approving such projects.
- 3.2.7. Paragraph 4.2.4 highlights the existence of a Critical National Priority (CNP) for delivering nationally significant low-carbon infrastructure. This further strengthens the policy support for projects that contribute to decarbonisation and energy security.

- 3.2.8. These policies collectively mean that energy infrastructure projects, especially those contributing to low-carbon goals, benefit from strong in-principle support under NPS EN-1. The urgent need and CNP status significantly influence the decision-making process in favour of such developments.
- 3.2.9. The applicant in section 6 of the Closing Submissions [REP6-041] outlines that it considers the proposed development is an essential component of the UK's future energy generation mix. It directly supports the key objectives of NPS EN-1 and EN-3, particularly in achieving energy security and reaching net zero emissions. In concluding at paragraph 13.1 [REP6-041] the applicant states that:

"The Scheme will make a significant contribution to decarbonisation, energy security and affordability objectives and, in accordance with the National Policy Statements, that need case should be afforded substantial weight. Where any residual adverse effects remain, the Applicant's position remains that those effects are outweighed in the overall balance by the public benefits of the Scheme."

ALTERNATIVES AND SITE SELECTION

EIA Regulations

- 3.2.10. Regulation 14(2)(d) requires the Environmental Statement (ES) to describe the reasonable alternatives studied by the applicant that are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, considering the effects of the development on the environment.
- 3.2.11. Notwithstanding the EIA Regulations, NPS EN-1 sets out the consideration of reasonable alternatives is addressed in Section 4.3. In broad terms there is no general requirement under EN-1 to consider alternatives or to prove that the proposed project is the best possible option from a policy standpoint (paragraph 4.3.9).
- 3.2.12. At para 4.3.22 and 4.3.23, of NPS EN-1 it states that the SoS should:
- consider alternatives proportionately
 - only alternatives that can meet the objectives of the proposed development need to be considered
 - focus on whether alternatives can realistically deliver the same infrastructure capacity (such as energy security, climate benefits) within the same timeframe.

NPS EN-3

- 3.2.13. Paragraph 2.3.5 outlines that the government does not direct applicants to specific sites. It is up to the developer to decide which sites to bring forward for renewable energy infrastructure. In addition, there is no requirement for a consecutive approach in the consideration of renewable energy projects (paragraph 2.3.9), because renewable energy can only be developed where

the resource exists and is economically viable, and due to the unlimited need established in NPS EN-1.

3.2.14. In relation to site preference, paragraph 2.10.31 outlines that applicants should justify their site selection. There is a preference not a requirement for:

- Brownfield Land
- Industrial Land; or
- low and medium grade agricultural land.

3.2.15. Paragraph 2.10.22 references that the capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.

3.2.16. Finally, paragraph 2.10.67 suggests applicants may wish to replace panels over the course of the lifetime of the proposed development to take into account panel degradation.

Local

3.2.17. Bassetlaw Local Plan (BLP) Policy ST49 – Renewable Energy Generation is relevant to need and states that development that generates, low carbon renewable energy will be supported subject to the satisfactory resolution of all relevant impacts.

CLIMATE CHANGE AND GHG EMISSIONS

3.2.18. The Climate Change Act 2008 (CCA2008) sets a legally binding target for the UK to reduce its net GHG emissions from 1990 levels. This target is currently set at 100% by virtue of the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

3.2.19. Furthermore, the UK is a signatory to the Paris Agreement under the United Nations Framework Convention on Climate Change. This provides a framework to keep global warming well below 2°C, while pursuing efforts to limit the temperature increase to 1.5°C.

3.2.20. Section 4.10 of NPS EN-1 advises that the resilience of the project to climate change should be assessed in the ES accompanying an application and that applicants for new energy infrastructure should demonstrate that they have taken into account the potential impacts of climate change using the latest UK climate projections available at the time the ES was prepared. It makes clear that applicants should assess the impacts on, and from, their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time.

3.2.21. Furthermore, it makes clear that while applications do not need to be assessed in terms of carbon emissions against carbon budgets, proposals for energy infrastructure projects should nevertheless include a GHG assessment as part of their ES. Paragraphs 5.3.8 and 5.3.9 of NPS EN-1 require the SoS to be satisfied that GHG emissions have been assessed for all stages of the development; and that the applicant has taken all reasonable

steps to reduce the GHG emissions of the construction and decommissioning stages.

- 3.2.22. In addition, NPS EN-1 recognises that the Energy White Paper: Powering our net zero future and the British Energy Security Strategy both emphasise the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system.
- 3.2.23. While all steps should be taken to reduce and mitigate climate change impacts, it is accepted that there will be residual emissions from energy infrastructure, particularly during the economy wide transition to net zero, and potentially beyond.
- 3.2.24. Similar guidance can be found in the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) as well as the BLP, all of which seek to minimise carbon dioxide emissions and ensure new development is resilient to the impacts of climate change.

THE APPLICATION

Need

- 3.2.25. The need for large-scale solar projects is set out in Section 5 of the Planning Statement [REP6-024] and is established in NPS EN-1. The principal need for large-scale solar projects is centred on the significant contribution they can make to the three important national energy policy aims including decarbonisation, security of supply and affordability. At paragraph 6.2.4, the applicant identifies the need established in the NPS and considers that substantial weight should be given to this need.
- 3.2.26. The applicant suggests at paragraph 5.1.8 of the Planning Statement [REP6-024] that the proposed development would support the UK's net zero target by generating large scale (approximately 450MW) of low carbon electricity and (approximately 150MW) Battery Energy Storage System (BESS). Additionally, at paragraph 5.1.16 the applicant submits that the proposed development would help deliver the UK Government's objectives of secure, reliable, affordable, net zero energy supply.
- 3.2.27. The applicant points out that national policy identifies large-scale, ground-mounted solar generation as CNP infrastructure. This policy creates a strong presumption in favour of approving such projects, which should be the primary basis for evaluating the proposed development.
- 3.2.28. The applicant considers that one of the biggest constraints when developing a renewable energy scheme is securing a viable point of connection (POC) to the electricity network. The applicant was notified of grid capacity at an existing substation at the West Burton Power Station site, see paragraph 3.5.9; [REP2-045]. This capacity was available due to the closure of the coal fired elements of the West Burton A Power Station site. Due to the immediate availability of this POC, the applicant did not consider any further alternative grid connection points. The applicant therefore made a grid connection

application to National Grid for connection at West Burton A Power Station and an offer was made for 600MW.

- 3.2.29. The POC therefore formed the centre point of the area of search which was used when identifying a suitable site. The applicant deemed appropriate that the area of search around the POC should be at 15km, to find a site that was both technically feasible and minimised potential environmental effects, see paragraph 3.5.13 [APP-061]. Beyond 15km, it was considered that the technical restrictions and associated environmental effects of providing cable routing to the POC would outweigh any potential benefits that a potential site may have.

Site selection

- 3.2.30. The applicant identified three alternative sites during the site selection process and assessed their suitability before selecting the proposed site (see section 3.5 in [APP-061] and ES figure 3.4 [APP-146] for further details). The alternative sites were:

- site A – Land between Worksop and Retford (approximately 1,408 ha)
- site B – Land south of Gringley on the Hill (approximately 754.5 ha)
- site C – Land around Northorpe (approximately 1,159 ha)

- 3.2.31. Sites A, B and C were discounted due to combinations of flood risk, heritage impacts, landscape sensitivity, ecological constraints and, in the case of site B, lack of landowner support. The chosen site was preferred because of its close proximity to the West Burton grid connection point, availability of a willing landowner, large open field pattern and ability to locate key infrastructure outside the highest flood-risk areas.

Grid connection agreement

- 3.2.32. Details of the grid connection agreement and generation licence are provided in section 2.3 of the applicant's Grid Connection Statement [APP-056]. The proposed development would connect to the electricity system via the West Burton Substation which is infrastructure operated by National Grid Electricity Transmission (NGET) on land which is owned by EDF. Due to the generating capacity of the proposed development being greater than 50MW, the applicant made an application to the Office of Gas and Electricity Markets authority for an electricity generation licence under the Electricity Act 1989. Notice was given on the 14 April 2023 that the electricity generation licence had been granted. The applicant has separately secured a grid connection agreement with NGET to import and export the full electrical capacity of the proposed development and has secured a connection date of October 2029.
- 3.2.33. The applicant therefore confirms, see paragraph 2.3.5 [APP-056], that the electricity generated by Work No.1 (the solar photovoltaic panel arrays) and the electricity imported and exported by Work No.2 (the BESS) would be transmitted to the National Grid, via the West Burton Substation.

Climate change and GHG emissions

- 3.2.34. The evaluation of the impact of the proposed development and likely significant effects on climate change are set out in ES Chapter 12 [APP-070]. Chapter 12 estimates that over the 40-year operational life, the proposed development would avoid approximately 1,660,000 tCO₂e of GHG emissions compared with generating the same amount of electricity from the grid.
- 3.2.35. The applicant's assessment methodology is set out in sections 12.3 and 12.12 [APP-070]; this assesses the potential effects of the proposed development on the climate using the latest UK climate projections available, in particular the effect on GHG emissions, and the vulnerability of the proposed development itself to climate change, known as climate change adaptation. An emissions reduction assessment has also been undertaken (see section 12.21 [APP-070]) to quantify the amount of carbon within materials comprising the proposed development, and GHG emissions arising from the proposed development (for example, via construction plant and machinery emissions).
- 3.2.36. Sections 12.7 and 12.16 [APP-070] set out the applicant's assessment of likely significant effects across a range of climate change scenarios, in line with appropriate expert advice and guidance. The results of the emissions reduction assessment have indicated that the potential environmental effects resulting from GHG emissions to the global atmosphere are concluded to be minor adverse (not significant) for both the construction and decommissioning phases, and beneficial (significant) for the operational phase (linked to the production of low carbon energy), both for the proposed development in isolation, and cumulatively.
- 3.2.37. For climate change adaptation, no significant effects have been identified for the relevant topic areas as a result of a changing climate. Additionally, it is not considered that the proposed development could be affected by climate to such an extent that the construction, decommissioning and/or operation could potentially become unviable.

Issues considered during Examination

Need

- 3.2.38. There was limited comment from IPs on the need and policy compliance of the proposed development. The concerns raised primarily focused on the scale and size of the proposed development [RR-010], [RR-018] and [RR-029].
- 3.2.39. In response [REP1-008], the applicant argues that the proposed development is supported by current and authoritative national policy, which highlights an urgent need for new low-carbon energy sources. Solar energy is specifically identified as a key element in the government's strategy for affordable decarbonisation. The development is also said to align with the National Policy Statements and other relevant planning policies.

- 3.2.40. In response to ExQ1, 1.0.5 [PD-005] regarding how the proposed development would align with the measures set out in the 'Solar roadmap' issued by the Department for Energy Security and Net Zero, the applicant provided details in Appendix B of its responses to ExQ1 [REP2-052].
- 3.2.41. In response to the same question, BDC [REP2-062] refer to increased government support for solar energy. NCC's response [REP2-063], focusses on the recycling of the solar panels in relation to the proposed development and other solar schemes, as well as limited landfill capacity. This issue is considered in detail in the waste management subsection in this chapter.
- 3.2.42. In response to ExQ1 2.0.5 [PD-005] regarding the implications of the grid connection agreement if connection is not secured on a connection date of October 2029, the applicant explains the implications for both parties to the agreement of delays and provisions for mitigation [REP2-052]. The applicant concludes that it views the connection date as a critical path priority in its programme and has no reason to consider that the connection date would not be achieved.
- 3.2.43. In response to ExQ2, 2.0.1 [PD-008] regarding the National Energy System Operator's review of grid connections in December 2025, the applicant confirmed that its grid connection agreement remains aligned with the existing contract for operation to commence in October 2029, which accords with the timescales for the proposed development [REP5-048].
- 3.2.44. In their LIR, see paragraph 1.14 [REP2-063a], NCC state that it is pro the creation of secure, affordable and safe energy, but is against the development of large amounts of agricultural land for ground mounted solar. In concluding at paragraph 7.2, NCC state that the LIR has identified several negative or inconclusive effects at this stage which NCC believes can be addressed, at least in part, through further assessment work and mitigation measures. These effects are considered in detail under the individual planning issues subsections in this chapter.

Climate change and GHG emissions

- 3.2.45. In response to ExQ1, 6.0.1 [PD-005] regarding operational GHG emissions and assumptions made by the applicant regarding replacement of product components; the applicant satisfactorily confirmed [REP2-052] the sources and assumptions upon which the details contained in Table 12.9 ES Chapter [APP-070] are based.
- 3.2.46. In response to ExQ1, 6.0.2 [PD-005] regarding decommissioning phase emissions; the applicant provided further details to satisfactorily substantiate the estimated figures in Table 12.11 in ES chapter 12 [APP-070].
- 3.2.47. In response to ExQ2, 6.0.1 [PD-008] regarding a GHG reduction strategy; the applicant confirmed [REP5-048] that the Outline Construction Environmental Management Plan [REP5-019], and Outline Decommissioning Plan [REP5-021] are substituting the requirement of the NPS EN-1 para 5.3.7 that steps taken to minimise and offset emissions are secured under the Development

Consent Order, citing examples of where this approach is aligned with wider industry practice.

- 3.2.48. In response to ExQ2, 6.0.2 [PD-008] regarding reducing GHG emissions in response to the requirements of paragraph 5.3.9 of NPS EN-1; the applicant provided further details of the steps taken to reduce emissions of the construction and decommissioning stage, and the extent to which the measures would reduce GHG emissions.
- 3.2.49. By the end of the examination NCC's SoCG [REP6-034] confirmed agreement on compliance with planning policy, whilst highlighting individual planning issues not agreed at the end of the examination. These outstanding issues are considered in the individual subsections in this chapter.
- 3.2.50. BDC's engagement during the examination was limited; however its DL3 SoCG [REP3-047] indicated agreement in matters relating to site selection and planning policy. However, in its DL3 SoCG [REP3-043] North and South Wheatley Parish Council (NSWPC) disagreed over the scale and impact on surrounding communities (reference NSWPC 16).

CONCLUSIONS ON NEED, ALTERNATIVES, AND ELECTRICITY GENERATION

Need case, including effects on climate change

- 3.2.51. The ExA set out earlier that the proposed development, as a solar PV electricity generating station with associated development, falls within the scope of NPSs EN-1, EN-3 and EN-5. The ExA considers whether there is a CNP for the proposed development, and the implications of that, in [Chapter 5](#).
- 3.2.52. The ExA finds that the proposed development is low carbon infrastructure in accordance with paragraph 4.2.5 of NPS EN-1 as it would generate electricity without fossil fuel generation, includes power lines and a substation within the scope of NPS EN-5, and has storage infrastructure (the BESS) within the normal definition of 'low-carbon'.
- 3.2.53. The ExA has carefully considered the concerns of those that consider that the proposed development is too large. The ExA is conscious that the proposed size reflects, in part, the grid connection capacity that the applicant has secured.
- 3.2.54. In considering paragraphs 3.2.6, 3.2.7, 3.3.26 and 4.2.2 of NPS EN-1, the ExA find that there is an urgent need for the proposed development that should be given substantial weight, that it is needed for the UK Government to meet its energy security and net zero ambitions, and that the electricity storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher.
- 3.2.55. The ExA agrees with the applicant that there is an urgent need for the development and note that national policy does not exclude the site based

solely on its location. A full assessment of local impacts and benefits will follow, in accordance with relevant laws and policies.

- 3.2.56. NCC and BDC support the proposed provision of renewable energy as set out in local policy.

Alternatives

- 3.2.57. Although alternative locations for solar panels and other ways of generating solar electricity are suggested by some IPs, paragraphs 4.2.21, 4.3.25 and 4.3.9 of NPS EN-1 lead the ExA to conclude that the applicant's approach is reasonable and proportionate and that other alternatives have been considered to the extent that they are important and relevant.
- 3.2.58. The ExA finds that Regulation 14(2)(d) of the EIA Regulations and paragraphs 4.3.15 of NPS EN-1 and 2.10.23 of NPS EN-3 are complied with, as the applicant demonstrates that it has considered reasonable alternatives in the vicinity of the West Burton Power Station and the applicant's selection principles and logic provides sufficient indication of the reasons for their choice. In relation to paragraph 4.3.17 of NPS EN-1, the ExA address any other relevant policy or legal requirement to consider alternatives elsewhere in this report as necessary.
- 3.2.59. The ExA is also satisfied that the applicant's evidence of a grid connection agreement with National Grid is sufficient for the purposes of paragraph 4.11.12 of NPS EN-1.

Climate Change and GHG Emissions

- 3.2.60. The ExA finds that Section 4.10 of NPS EN-1 is complied with, as the applicant demonstrates that it has assessed in the ES [APP-070] the resilience of the proposed development to climate change, using the latest UK climate projections available.
- 3.2.61. Additionally, the applicant has assessed the impact on, and from, the proposed development across a range of climate change scenarios, in line with appropriate expert advice and guidance available. Furthermore, a GHG assessment has been included as part of the ES.
- 3.2.62. The ExA is satisfied that GHG emissions have been assessed for all stages of the development, and that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stages in accordance with NPS EN-1 paragraphs 5.3.8 and 5.3.9.
- 3.2.63. The ExA agrees with the applicant's assessment of no significant adverse effects resulting from GHG emissions and climate change adaptation. Beneficial effects linked to the production of low carbon energy are included within the need case conclusions.

OVERALL CONCLUSIONS ON NEED

- 3.2.64. For the purposes of [chapter 5](#) and the planning balance, the ExA conclude that:

- the proposed development is low carbon infrastructure under paragraph 4.2.5 of NPS EN-1
- paragraphs 3.2.6, 3.2.7 and 4.2.2 of NPS EN-1 establish an urgent need for the proposed development that should be given substantial weight, that it is needed for the UK Government to meet its energy security and net zero ambitions, and that it should be developed at speed
- paragraph 3.3.26 of NPS EN-1 includes that the energy storage provided by the BESS is needed to reduce the costs of the electricity system and increase reliability
- the ES has adequately assessed the implications in relation to climate change and GHG emissions in accordance with section 4.10 of NPS EN-1
- GHG emissions have been assessed for all stages of the development; and all reasonable steps have been taken to reduce the GHG emissions of the construction and decommissioning stages in accordance with NPS EN-1 paragraphs 5.3.8 and 5.3.9
- the combination of the urgent need for the proposed development and beneficial impacts on climate change bring very great/substantial weight for the making of the Order.

3.3. GOOD DESIGN

INTRODUCTION

- 3.3.1. This section considers the overall approach adopted to the design of the proposed development. The topic was initially listed under landscape and visual matters in the IAPI [PD-003]. However, as design is an overarching matter covering the proposed development as a whole, it is deemed more appropriate to consider as a separate topic.

POLICY BACKGROUND

- 3.3.2. The key paragraphs and sections in respect of national and local planning policies include:

- NPS EN-1 (2024): Primarily, but not limited to, section 4.7
- NPS EN-3 (2024): Section 2.5 and paragraphs 2.10.59 and 2.10.98.
- NPS EN-5 (2024): Primarily, but not limited to, section 2.4
- NPPF (2024): Chapter 12
- Bassetlaw Local Plan (BLP) 2020-2038 policy ST33 (Design Quality)
- Sturton Ward Neighbourhood Plan (SWNP) Policy 5: Design principles

- 3.3.3. Whilst not constituting policy, the following guidance documents are important and relevant:

- Nationally Significant Infrastructure Projects (NSIP): Advice on Good Design (Planning Inspectorate - 2024)
- National Design Guide 2021

- 3.3.4. Further consideration of the key policy requirements and guidance is detailed within the conclusions section below.

THE APPLICATION

INTRODUCTION

- 3.3.5. The applicant's overall approach to the proposed design is set out primarily within the following documents:
- Design and Access Statement (DAS) [REP2-042]
 - Design Approach Document (DAD) [REP2-045]
 - ES Chapter 3 - Site Description, Site Selection and Iterative Design Process [APP-061]
 - ES Appendix 4.5: Outline Design Principles [REP2-031]
- 3.3.6. Documents which illustrate the proposed preliminary design, including layout and drawings of structures, include:
- Works Plans [REP2-004]
 - Site Layout [AS-009]
 - ES figure 6.9 - Landscape and Ecological Mitigation Strategy [APP-160]
 - Details of built components of the proposed development [APP-012] to and including [APP-032] and [APP-036] to and including [APP-038].

DESIGN APPROACH

- 3.3.7. The applicant's design approach and design evolution is primarily set out in the DAS [REP2-042]. The DAS contains information regarding design policy and guidance, the order limits and site context, the design vision, the design evolution, the proposed design approach and masterplan, the access strategy, and the commitments to secure the delivery of the final design.
- 3.3.8. Section 3.2 of ES Chapter 3 [APP-061] and section 3 of the DAS [REP2-042] provides a description of the site context and collectively identifies the main site constraints. In addition, the DAS provides a list of factors that have influenced the design in respect of the topics 'Landscape Character and Green Infrastructure', 'Agricultural Land', 'Ecology and Biodiversity', 'Cultural Heritage' and 'Hydrology'. These predominantly include offsetting the proposed distance of infrastructure from identified sensitive features or areas to avoid or reduce impacts, particularly for ecology and cultural heritage.
- 3.3.9. The DAD [REP2-045] consolidates information contained in the DAS [REP2-042] and ES Appendix 4.5 [REP2-031].

DESIGN VISION

- 3.3.10. Section 3 of the DAD [REP2-045] and section 4 of the DAS [REP2-042] state that the applicant's vision for the proposed development is:
- “To make a significant contribution to the production of renewable energy that will assist in tackling the climate emergency, help the UK Government meet its target for net zero emissions by 2050 and reduce UK’s reliance on foreign energy supplies.”

3.3.11. The applicant's vision is then underpinned by 8 design objectives, which the applicant advises have acted as decision making reference points to inform the application. The applicant states these objectives align with the design principles published by the National Infrastructure Commission (NIC) relating to climate, people and places. The applicant explains that the fourth NIC design principle (value) is not addressed through a single design objective but acts as an overarching project aim. The 8 design objectives, and how they relate to the NICs design principles, are as follows:

- Objective 1: Delivery of significant amounts of affordable renewable energy to support policy objectives and national targets for reducing carbon emissions to net zero by 2050 (NIC principle 1: Climate)
- Objective 2: Delivery of improved energy resilience by diversifying energy production and facilitating stored energy (NIC principle 1: Climate)
- Objective 3: Contribution towards strategy improvements to local ecology and biodiversity (NIC principles 1-3: Climate, People and Place)
- Objective 4: Develop a proposed development sensitive to surrounding landscape, limiting impact on views for key landscape receptors, residential properties and recreational routes (NIC principles 2 and 3: People and Place)
- Objective 5: Develop a proposed development sensitive to heritage assets and settings (NIC principles 2 and 3: People and Place)
- Objective 6: Safeguard surrounding hydrological systems and improve resilience to flooding without increasing flood risk elsewhere taking into account impacts of climate change (NIC principles 2 and 3: People and Place)
- Objective 7: Develop a proposed development sensitive to existing land quality (NIC principles 1-3: Climate, People and Place)
- Objective 8: Provide safe access, minimise impact on the local highway network; and protect and enhance existing Public Rights of Way ensuring continued safe use (NIC principles 2 and 3: People and Place)

DESIGN EVOLUTION

3.3.12. The applicant states that the design evolution has been through an iterative process involving consultation with stakeholders, statutory consultees, host authorities, local communities, residents and through the EIA process through 4 stages:

- Stage 1: Non-Statutory Consultation (23 October and 6 December 2023)
- Stage 2: EIA Scoping (19 April to 02 June 2024)
- Stage 3: Statutory Consultation (20 January to 3 March 2025)
- Stage 4: Submission Layout (May 2025)

3.3.13. ES section 3.6 [APP-061] and section 5 of the DAS [REP2-042] provides details of the iterative design process that has been followed and lists the key changes made to the proposed design at stages 2 to 4 following stakeholder feedback.

3.3.14. An indicative design masterplan is set out in section 6 of the DAS, which corresponds with the Landscape and Ecological Mitigation Strategy

presented in ES figure 6.9 [APP-160]. The applicant states the masterplan has considered the baseline study, environmental assessment and input from stakeholders. The applicant considers the masterplan demonstrates how the design objectives have been achieved, and would deliver a solar development providing a significant contribution to renewable energy generation, whilst being sensitive to its environment and mitigating impacts.

DESIGN PARAMETERS AND DCO DESIGN COMMITMENTS

- 3.3.15. Due to the need to manage uncertainty regarding the exact design, layout and evolving technology, the applicant highlights the need for flexibility and states that the proposed development has adopted a maximum design through the Rochdale Envelope and a worse-case scenario to assess environmental effects.
- 3.3.16. Table 2.1 in ES Appendix 4.5: Outline Design Principles [REP2-031] sets out the design parameters and principles for each component of the scheme for 9 of the work numbers listed in Schedule 1 of the dDCO [REP6-004].
- 3.3.17. The detailed design would primarily be secured under requirement 3 of the dDCO. In addition, the detailed design would be supported by various outline management plans and documents intended to be detailed through the discharge of other requirements in the dDCO.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.3.18. No IPs raised specific comments on overall design matters during the examination. Consequently, the main issues derived from the ExA's questions to the applicant, BDC and NCC. Following the ExA's review of the application documents, the main issues considered were:
- The approach to the design
 - Securing the design parameters and principles
 - Need for independent design review process

THE APPROACH TO THE DESIGN

- 3.3.19. The applicant set out further detail in response to ExQ1 Q4.0.1 [PD-005] explaining how the design has incorporated and followed each of the good design processes and outcomes listed in Nationally Significant Infrastructure Projects: Advice on Good Design (Appendix C pages 113-128) [REP2-052]. The response is provided in a table format which also signposts the relevant application documents to the issues listed in annex A of the advice.
- 3.3.20. In particular, the applicant considers that the process has been underpinned by a clear vision and statement of design principles, steered by a multi-disciplinary and transparent approach which has evolved the design. The applicant states that a project design team (rather than a single design champion), comprised of qualified and experienced solar energy specialists, highway and drainage engineers, planners, landscape, heritage consultants and ecologists, has informed the design approach.

- 3.3.21. In terms of outcomes, the applicant explains that the topography and good levels of solar irradiance of the site are well suited for the proposed development, as well as the close proximity to a National Grid connection point. The applicant considers that requirement 3 of the dDCO sets an appropriate framework for securing the detailed design.
- 3.3.22. At the close of the examination, design approach was an agreed matter in the SoCG between the applicant and NCC [REP4-034] (issue NCC 6).

ExA's considerations - The approach to the design

- 3.3.23. The ExA is satisfied that the DAS [REP2-042], supported by the DAD [REP2-045], ES chapter 3 [APP-061] and ES Appendix 4.5 [REP2-031], demonstrates that the proposed development has been guided by an appropriate design approach. A clear vision, underpinned by specific and sensible design objectives, has been produced to inform the design. A transparent and generally collaborative approach has been adopted that has informed the iterative design process as it has evolved.
- 3.3.24. Factors such as siting the proposed substation and BESS adjacent to the existing West Burton Power Station and incorporating minimum separation distances from villages and residential properties are examples whereby consideration has been given to siting of components to less sensitive areas, as encouraged in NPS EN-1 paragraph 4.7.6.
- 3.3.25. For the above reasons, the ExA considers that the applicant has satisfactorily demonstrated how the design process was conducted and how the proposed design has evolved, in accordance with NPS EN-1 paragraph 4.7.7.

SECURING THE DESIGN PARAMETERS AND PRINCIPLES

- 3.3.26. Recognising the absence of reference to the Outline Design Principles [REP2-031] in the dDCO, the ExA sought clarification in ExQ1 Q4.0.3 [PD-005] how the principles and parameters contained within the document would be secured. The applicant considered that the document does not need to be referenced as it would be captured under the definition of 'design parameters and principles' in article 2, which requirement 3 states the detailed design must accord with [REP2-052].
- 3.3.27. In the interests of precision, the ExA queried the reference to 'design parameters', in requirement 3(2)(c) of the dDCO [REP3-005] in ExQ2 Q9.2.2 [PD-008], as it was considered the definition in article 2 referring to the environmental statement was too broad. The ExA suggested reference to ES Appendix 4.5 - Outline Design Principles to more explicitly link requirement 3 with the parameters contained in table 2.1 of that document. The applicant updated the dDCO at deadline 5 to refer to the 'outline design principles' in requirement 3(2)(c), the definition in article 2 and the certified documents.
- 3.3.28. The ExA asked why the Outline Design Principles [REP2-031] was not proposed to be updated to a full design document in the dDCO (ExQ2 Q4.0.2 [PD-008]). The applicant considers this is not necessary as the document would feed into the design and is sufficient to inform the detailed design

process. The applicant also states that requirement 3 would sufficiently control details and the local planning authority can cross check the detailed design against the Outline Design Principles [REP5-048].

ExA's considerations - Securing the design parameters and principles

- 3.3.29. Following the updates to the dDCO at D5, the ExA is satisfied that the need for the detailed design to accord with the design parameters and principles set out in table 2.1 of the Outline Design Principles [REP2-031], and also replicated in table 5.1 of the DAD [REP2-045], would be appropriately secured under requirement 3 of the dDCO [REP6-004].
- 3.3.30. The measures contained in table 2.1 are sufficiently detailed to inform the detailed design. As such, the ExA is satisfied that the Outline Design Principles does not require any further updates to a final document.

NEED FOR INDEPENDENT DESIGN REVIEW PROCESS

- 3.3.31. The ExA asked the applicant in ExQ1 Q4.0.4 whether the design process has been, and also whether any final design would be, subject to an independent design review process [PD-005]. The question also asked BDC and NCC whether provision should be made for a design review process and if so, how they would engage with the process and whether any components of the proposed development would benefit from a design review.
- 3.3.32. The applicant considers that the design of the (temporary) equipment is driven by its functionality as solar infrastructure, resulting in limited scope for altering its form or aesthetic. For this reason, they consider an independent design review process would not be appropriate, beneficial, necessary or add value [REP2-052]. The applicant further states that the DAS [REP2-042], DAD [REP2-045], Outline Design Principles [REP2-031] and ES chapter 3 [APP-061] collectively show how the design process has evolved, taking into account environmental effects, planning and environmental policy objectives, and functionality. Overall, the applicant considers the design process has been thorough and proportionate to the scale of the development.
- 3.3.33. NCC do not consider it essential for the dDCO to mandate a formal independent design review process, provided controls would be secured in respect of detailed design, layout, colours, materials, landscape mitigation and maintenance, construction compounds, access routes and site management. NCC consider mandatory review could introduce uncertainty over how recommendations would be implemented, enforced or weighed against statutory approval processes. However, NCC acknowledge that components including large above-ground elements such as substations, construction compounds and temporary works and landscape mitigation measures could benefit from additional design scrutiny [REP2-063].
- 3.3.34. BDC note the importance of design particularly in mitigating the impact of the proposed development on the landscape, although did not provide a position on the need for design review [REP2-062].

- 3.3.35. The ExA discussed the need for a design review during ISH3 [EV8-001] and [EV8-003]. The applicant stated that the proposed development comprises 'highly functional infrastructure' and the primary design purpose is to mitigate effects rather than achieve architectural expression. The applicant maintained its position that an independent design review panel would add limited value, and the dDCO provides mechanisms for local authority engagement when determining discharge of requirements [REP4-031]. NCC's response to AP8 from ISH3 reiterated its response to ExQ1 Q4.0.4 but considered there would be an opportunity for public consultation as part of the discharge of requirements [REP4-001].
- 3.3.36. When asked by the ExA in ExQ2 Q4.0.1 [PD-008] how the detailed design process would include a formal role for community input, the applicant states that requirement 7(4)(a) provides for a community liaison process. Whilst not the same as consultation, the applicant advises that community liaison can account for adjustments and amendments following community concerns. The applicant strongly disagreed with any suggestion that discharge of requirements should be subject to a process of public consultation, noting that they are not aware of any other DCO that contains such a provision. The applicant considers consultation on discharge of requirements is a matter for statutory consultees related to their statutory functions [REP5-048].
- 3.3.37. Following ISH3, Sturton-le-steeple Parish Council (SSPC) called for a fully independent design review process with meaningful, structured community involvement that demonstrably influences the final design [REP4-003].

ExA's considerations - Need for independent design review process

- 3.3.38. It is disappointing that the applicant has not, and does not consider it necessary to, engage in a process of design review with the Design Council; particularly noting that NPS EN-1 paragraph 4.7.8 and the Planning Inspectorate's Advice on Good Design encourages applicants to use this service.
- 3.3.39. The ExA fully recognises the proposed design has been led by professionals appointed by the applicant, which has been further shaped following consultation with other stakeholders. However, the purpose of design review is to engage and seek independent design advice to obtain impartial, multi-disciplinary and constructive feedback to ensure the proposed development achieves the highest standards of design and sustainability.
- 3.3.40. The ExA does not agree with the applicant's argument that an independent design review process would not be appropriate or beneficial due to the functionality of the proposed development, and considers this takes a somewhat dismissive and restrictive approach. A design review process can provide positive design input for more functional aspects through constructive advice and feedback on matters including siting and landscaping. Other NSIP proposals, such as the made Outer Dowsing Offshore Wind DCO, have included design review process for functional structures such as substations.

- 3.3.41. Whilst the ExA recognises that NCC do not consider a formal independent design review process essential, they nevertheless acknowledge that components including large above-ground elements and landscape mitigation could benefit from additional design scrutiny. Given the importance the PA2008 places on good design and sustainability, that no independent design review has been undertaken to date, and the limited input members of the public would have in the detailed design process, the ExA is firmly of the opinion that detailed design should be subject to an independent design review.
- 3.3.42. Securing an independent design review of large above ground structures including the BESS (Work No. 2) and on-site substation (Work No. 3) and landscape mitigation across the site would be a beneficial and proportionate approach. It would provide assurance to the ExA, the SoS and the local community that the detailed design can achieve the highest standards of design and sustainability, considering both functionality and aesthetics as far as possible.
- 3.3.43. With this mechanism in place, which could be secured by adding additional wording to requirement 3, the ExA considers that the SoS can be satisfied that the detailed design would be as sustainable, attractive, durable and adaptable as it could be in accordance with NPS EN-1 paragraph 4.7.10. In the absence of a design review process, the ExA is not satisfied that the proposed development as a whole would achieve good aesthetics as far as is possible under NPS EN-1 paragraph 4.7.11, and is unable to conclude that the proposed design fully complies with NPS EN-1 paragraphs 4.7.5 and 4.7.8 which, taken together, encourage the use of a design champion and design panel.

CONCLUSIONS

- 3.3.44. The ExA is satisfied that the DAS [REP2-042], supported by the DAD [REP2-045], ES chapter 3 [APP-061] and ES Appendix 4.5: Outline Design Principles [REP2-031], collectively explain how the design process was conducted and how the proposed design has evolved, in accordance with NPS EN-1 paragraph 4.7.7.
- 3.3.45. Through the overall design vision and accompanying 8 design objectives, the applicant has adopted design principles from the outset of the project to guide the development from conception to operation in accordance with NPS EN-1 paragraph 4.7.5. These objectives have shaped the proposed design to respond to the site context and environmental constraints. To deliver these objectives, the applicant has sought to avoid and minimise adverse impacts through siting and design choices and take opportunities to deliver enhancement, such as through biodiversity and landscaping measures and the provision of two additional permissive paths. Going forward, various outline management plans and documents are proposed be developed post any consent to inform the detailed design, which would be guided by the Outline Design Principles [REP2-031]. These would be secured through the discharge of requirements in the dDCO [REP6-004].

- 3.3.46. Measures including siting more visually prominent components in less sensitive locations, providing new supplementary planting, and incorporating minimum separation distances from villages, residential properties and other identified features would act as embedded design measures to minimise potential adverse impacts. These are examples demonstrating good design principles in terms of siting relative to existing landscape character, land form and vegetation in accordance with NPS EN-1 paragraph 4.7.6.
- 3.3.47. The design approach to date and going forward has not included an independent design review to advise on design aspects. The ExA considers that securing an independent design review would ensure that the detailed design would be as sustainable, attractive, durable and adaptable as it could be in accordance with NPS EN-1 paragraph 4.7.10. To achieve this, the ExA recommends additional wording to be added to requirement 3 of the rDCO which is considered further in the chapter 8.
- 3.3.48. The details required under requirement 3 of the recommended dDCO would set an appropriate framework to allow the detailed design to be properly developed in accordance with the design parameters and principles set out in table 2.1 of the Outline Design Principles [REP2-031], and be subject to scrutiny by the relevant planning authority.
- 3.3.49. The ExA is satisfied that, subject to the inclusion of an independent design review process, the proposed design taken as a whole would be in accordance with NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant), the NPPF, the aims of BLP Policy ST33 and all other relevant legislation.
- 3.3.50. In the absence of an independent design review process, the ExA is not satisfied that the proposed development would meet the requirements of NPS EN-1 paragraphs 4.7.5 or 4.7.8. The SoS should consider this aspect noting the content of NPS EN-1 paragraph 4.7.14, which advises the SoS to consider taking independent professional advice on design aspects, suggesting that the Design Council can be asked to provide design review for nationally significant infrastructure projects.
- 3.3.51. Overall, with the recommended addition to the rDCO requiring the detailed design to be subject to an independent design review process, the ExA attaches a little positive weight to design for the making of the order. However, if the SoS decides that this provision is not necessary then the ExA considers design would attract a little negative weight against the making of the order.

3.4. BIODIVERSITY AND ECOLOGY

INTRODUCTION

- 3.4.1. This section considers the effect of the proposed development on biodiversity and ecology, including protected and notable habitats and species and biodiversity net gain. Matters relating specifically to the Habitats Regulations are considered separately in [chapter 4](#).

LEGISLATIVE AND POLICY BACKGROUND

- 3.4.2. The key legislation in relation to biodiversity and ecology includes:
- The Environment Act 2021
 - The Conservation of Habitats and Species Regulations 2017 (as amended)
 - Protection of Badgers Act 1992
 - Wildlife and Countryside Act 1981
 - Natural Environment and Rural Communities Act 2006
 - The Infrastructure Planning (Decisions) Regulations 2010: Regulation 7 - Biological diversity
- 3.4.3. In terms of national and local planning policies, the key paragraphs and sections include:
- NPS EN-1 (2024): Sections 4.6 and 5.4, particularly but not limited to paragraphs 5.4.17, 5.4.19, 5.4.21, 5.4.22, 5.4.33, 5.4.34, 5.4.35, 5.4.36, 5.4.39, 5.4.42, 5.4.43, 5.4.44, 5.4.54 and 5.4.55
 - NPS EN-3 (2024): Paragraphs 2.10.76 to 2.10.90
 - NPPF (2024): Paragraphs 187, 193 and 194.
 - BLP 2020-2038 Policies ST37: Green and Blue Infrastructure, ST38: Biodiversity and Geodiversity and ST39: Trees, woodlands and hedgerows
 - SWNP Policy 2b: Enhancing biodiversity
- 3.4.4. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

INTRODUCTION

- 3.4.5. The applicant's assessment of ecology and biodiversity is covered in ES chapter 7 [REP6-016]. It summarises the baseline of the site, evaluates the likely significant effects (including cumulative) of the proposed development during construction, operation and decommissioning and considers mitigation measures to minimise effects.
- 3.4.6. The chapter is supported by the following documents:
- Appendix 7.1: Relevant Policy, Legislation and Other Instruments [APP-103]
 - Appendix 7.2: Designated Sites [APP-104]
 - Appendix 7.3: Habitat report [APP-105]
 - Appendix 7.4: Breeding bird report [APP-106]
 - Appendix 7.5: Barn owl report (confidential) [APP-107]
 - Appendix 7.6: Wintering bird report [APP-108]
 - Appendix 7.7: Bat report [APP-109]
 - Appendix 7.8: Badger report (confidential) [APP-110]
 - Appendix 7.9: Otter and water vole report [APP-111]

- Appendix 7.10: Great crested newt report [APP-112]
- Appendix 7.11: Aquatic invertebrates report [APP-113]
- Appendix 7.12: Biodiversity Net Gain report [APP-114]
- Appendix 7.13: Skylark Mitigation Strategy [APP-115]
- Appendix 7.14: Outline Landscape Ecology Management Plan [REP6-018]
- Plans of Statutory/Non-Statutory Nature Conservation [AS-004]

BASELINE

- 3.4.7. The site does not contain any international or nationally statutory designated sites. The closest international site, the Birklands and Bilhaugh Special Area of Conservation (SAC), is located approximately 17km to the southwest. The closest national site is the Clarborough Tunnel Site of Special Scientific Interest (SSSI) located approximately 40 metres from the south-western boundary of the order limits, which is designated for its unimproved calcareous grassland. Overall, within a 30km search area, 6 SSSI's, 1 SAC, 1 Special Protection Area (SPA) and 1 Ramsar Site have been identified.
- 3.4.8. For non-statutory designated sites, 30 have been identified within 2km of the site. Seven local wildlife sites (LWS) intersect or are within 100m of the site, which are detailed in ES chapter 7 table 7.2 and mapped on figure 7.2.3 in ES appendix 7.2 [APP-104], where the following 5 are within the site:
- Blue Stocking Lane, Clarborough LWS - Partially within the proposed western biodiversity mitigation area (BMA) (cited for grassland)
 - High House Road Verges, Sturton le Steeple LWS (cited for grass verges)
 - Mother Drain, Upper Ings LWS - Partially within the proposed eastern BMA (cited for aquatic invertebrate interest)
 - Thornhill Lane Drain, Littleborough LWS - Within the proposed eastern BMA (cited for aquatic invertebrate interest)
 - Littleborough Lagoons - Within the proposed eastern BMA (cited for botanic and bird interest)
- 3.4.9. There is no ancient woodland located within or adjacent to the Order limits. One veteran English Oak tree (T493) is identified in the eastern BMA which is proposed to be retained by applying a tree buffer.
- 3.4.10. Section 7.6 of ES chapter 7 [REP6-016] details the baseline conditions which has been informed by desk-based data analysis and site surveys (as detailed in table 7.1). Sources used for the data search include the Nottinghamshire Biodiversity and Geological Records Centre, Lincolnshire Environmental Records Centre and Nottinghamshire Local Biodiversity Action Plan.
- 3.4.11. The predominant site habitat is arable cropland bound by native hedgerows, field margins, trees, ditches and drains. Widespread breeding bird activity was recorded in field surveys, particularly skylark territories, as well as a typical wintering bird assemblage within the eastern part of the site. Other species recorded during surveys include barn owl, badgers, aquatic invertebrate and terrestrial invertebrate.

- 3.4.12. A summary of the ecological evaluation of the baseline conditions and identification of important ecological features carried through to the assessment of effects is contained in ES chapter 7 table 7.3.

CONSTRUCTION PHASE

- 3.4.13. The ES anticipates there would be the potential for habitat loss of agricultural land (arable and grassland pasture) and hedgerow, temporary loss and disturbance of habitats, disturbance of species from noise, light, vibration and destruction of ecological features such as badger setts and active bird nests. It also highlights the potential for habitat gains through creation of permanent grassland under proposed solar arrays as well as through other habitat creation or enhancement measures.
- 3.4.14. In the absence of mitigation, the ES identifies in section 7.8 and summarised in table 7.4 that there is the potential for adverse significant impacts on:
- LWSs within and adjacent to the site (West Burton Meadow; High House Road Verges; Thornhill Lane Drain, Littleborough; and Mother Drain, Upper Ings LWS) up to county level through ecological features contributing to their designation potentially being compromised
 - habitats of principal importance at a site level
 - species including breeding birds (site level), skylark (district level), barn owl (site level), wintering birds (site level), bats (site level), water voles (site level - if present), aquatic invertebrates (county level), reptiles (site level - if present), fish (local level) and other species of principal importance (site level)

OPERATIONAL PHASE

- 3.4.15. The ES identifies the potential for fragmentation and disturbance of habitats and species within and adjacent to the site due to installation of security fencing and from noise, light and the presence of people. Beneficial effects are also anticipated through increased habitat diversity.
- 3.4.16. In the absence of mitigation, ES chapter 7 table 7.4 [REP6-016] identifies the potential for adverse significant impacts at a site level on barn owls and bats. It also identifies the potential for beneficial significant effects at a site level on LWS within and adjacent to the site, habitats of principal importance and fish primarily due to the extent of proposed habitat creation and enhancement measures, changes in land management, and reduction of agricultural chemical run-off into watercourses and waterbodies.

DECOMMISSIONING PHASE

- 3.4.17. The ES notes that potential impacts during decommissioning are very difficult to assess as the future state of the site, as well as its habitat and faunal interest, cannot be predicted. Therefore, impacts on some species cannot be predicted but for other receptors, potential significance has been considered.
- 3.4.18. It is anticipated that removal of solar panels and associated infrastructure would cause temporary habitat disturbance, primarily of permanent grassland

but also fauna. Disturbance or loss of hedgerow is predicted to be minimal. There is not anticipated to be any adverse effects on the two proposed BMA's due to the absence of infrastructure to remove. It is also proposed to retain enhancement and compensation measures such as bat and bird boxes. Overall, the extent or magnitude of impacts are considered likely to be lower than the construction phase. Table 3.1 in ES Appendix 4.2 [REP5-021] sets out measures to minimise the loss of habitats and species and biodiversity impacts during decommissioning.

MITIGATION

- 3.4.19. Section 7.7 in ES chapter 7 [REP6-016] sets out the embedded mitigation measures that have been incorporated into the proposed development. Further detail is also contained in:
- ES Appendix 7.14: Outline Landscape Ecology Management Plan (oLEMP) [REP6-018]
 - ES Appendix 4.1: Outline Construction Environmental Management Plan [REP5-019] (oCEMP) (table 3.3)
 - ES Appendix 4.2: Outline Decommissioning Plan (oDP) [REP5-021] (table 3.1)
 - ES Appendix 4.4: Outline Operational Environmental Management Plan [REP5-025] (oOEMP) (table 3.2)
 - ES Figure 6.9: Landscape and Ecological Mitigation Strategy [APP-160].
- 3.4.20. The principal measure comprises the retention and enhancement of key habitats, such as hedgerows, trees, arable field margins, watercourses, woodland, ponds and scrub. These would be protected by incorporating buffer zones and stand-off features as detailed in ES chapter 7 appendix 1. Other embedded measures include converting arable habitats to modified grassland, incorporating part of the Clarborough Tunnel SSSI site into the western BMA to enhance habitat, retaining trees suitable for bat and barn owl, retaining badger setts and incorporating mammal gaps in fencing.
- 3.4.21. Several further mitigation and enhancement measures are also proposed. This includes an eastern (approximately 100 hectares) and western (approximately 82 hectares) BMA for habitat creation and enhancement measures only, which are illustrated in green on [AS-009] (and **Error! Reference source not found.** above). It is intended that they would provide for a variety of different habitat types including species-rich meadow grassland, native species woodland and scrub creation, permanent ponds and provision of skylark plots, providing benefits to breeding and wintering birds, otters, bats, badgers, terrestrial and aquatic invertebrates and various other mammal species. These measures are illustrated in more detail in ES Figure 6.9 [APP-160].
- 3.4.22. Other enhancement measures include compensating approximately 1.08 km of hedgerow loss through planting of approximately 25km of new species-rich hedgerow and infilling of approximately 8.7km of existing gaps, improved management of retained habitats such as grasslands within the nearby LWS and installation of wildlife features such as bat and bird boxes.

3.4.23. The applicant estimates that, using the statutory biodiversity metric, the habitat creation and enhancement proposals would result in the following biodiversity gain outcomes. Further details are contained in Appendix 7.12: Biodiversity Net Gain report [APP-114]:

- Habitats: +54.93% (+1,163.85 net change in units)
- Hedgerows: +35.53% (+231.27 net change in units)
- Watercourses/rivers: +14.68% (+16.53 net change in units)

RESIDUAL EFFECTS

3.4.24. Overall, no significant adverse effects on designated nature conservation sites or important habitats are considered likely by the applicant. However, locally significant adverse residual effects on skylark, including cumulatively with Cottam, Gate Burton and Tillbridge solar projects, are predicted.

3.4.25. Several significant residual beneficial effects are anticipated following the implementation of mitigation and enhancement measures to the following receptors:

- LWS within and adjacent to the Site within 100m - Site level
- Habitats of principal importance - Site level
- Barn owl - Local level
- Bats - Local level
- Aquatic invertebrates - Local level
- Terrestrial invertebrates - Site level

ISSUES CONSIDERED DURING THE EXAMINATION

3.4.26. Based on the comments raised by IPs and the ExA's review of the application documents, the main issues considered during the examination were:

- adequacy of baseline data and surveys
- effects on and adequacy of mitigation measures for skylarks
- effects on protected, important and notable habitats and species
- adequacy of mitigation measures
- securing and delivering biodiversity net gain

ADEQUACY OF BASELINE DATA AND SURVEYS

3.4.27. IPs such as Fields for Farming Community Group (FfF) ([RR-035] and [REP1-024]), Nottinghamshire Campaign to Protect Rural England [RR-051] and also [RR-010] and [RR-022] raised concerns that the applicant has used outdated information, incorrect baseline data, desk top studies and incomplete surveys conducted at the incorrect times of the year and containing data gaps. FfF raised the following specific concerns on the baseline data and surveys gathered for individual species:

- Badgers: ES appendix 7.8 [APP-110] has incomplete survey coverage, outdated data, limited mitigation details, unclear sett classifications and report inconsistencies.

- Barn owls: Known nests were not identified.
- Bats: Surveys do not include emergence and re-entry surveys for trees and buildings identified as having moderate or high bat roost potential. Static detector surveys were conducted during suboptimal weather conditions.
- Breeding birds: Surveys limited to public rights of way (PROW) with data gaps due to weather disruptions during 2024.
- Brown hares: Not surveyed or reported despite an extensive presence across the project area.
- Great crested newts (GCN): Inaccessible pond locations (ponds 6, 13, 15 and 18) and unassessed ponds near proposed solar areas.
- Otters and water voles: Weather conditions during April 2024 obscured survey signs, potentially lead to misleading evidence. Despite historical records and suitable habitats, there were no confirmed water vole signs.
- Wintering birds: Partial access in two areas surveyed from rights of way and data gaps from surveyed areas.

3.4.28. In addition, NCC [RR-052] queried the methodology used for the aquatic invertebrate surveys. NCC was concerned that undertaking one survey occasion for each waterbody was not sufficient. The applicant explained [REP1-008] that surveys were undertaken on selected watercourses based on the desk study where the aim was to establish a baseline against which future monitoring can be compared to confirm whether and how the proposed development would result in changes to the assemblage. Overall, the applicant considers that there would be a beneficial effect to the aquatic invertebrate assemblage through adjacent land use management changes.

3.4.29. In response to general concerns raised regarding the adequacy of data and surveys, the applicant ([REP1-008] and [REP2-051]) explained that surveys included a 'desk study' element and had been undertaken in line with industry guidance by the Chartered Institute for Ecology and Environmental Management. The surveys had been agreed in consultation with ecological stakeholders including Natural England (NE), both NCC's and Bassetlaw District Council's (BDC) ecology teams and Nottinghamshire Wildlife Trust (NWT). Over a thousand hours of on-site surveying as well as several thousand hours of remote monitoring to inform the ecological baseline had been undertaken. In addition, each ecological baseline report contains a section explaining any potential limitations to the survey methods and whether they were significant. The applicant disagreed that the surveys were both incomplete and conducted at the wrong time of the year.

3.4.30. Further discussion on the adequacy of surveys was undertaken during ISH2 agenda item 6 [EV7-001] and [EV7-006]. NCC confirmed that its previous queries and issues had largely been addressed. Other IPs maintained concerns regarding access to land to undertake surveys and effects at different times of the year that had not been properly considered.

3.4.31. Through [REP1-008], [REP2-051] and during ISH2 agenda item 6 [EV7-001] and [EV7-006], the applicant's responses to the concerns raised by FfF for the individual species can be summarised as follows:

- Badgers: A total of 80 sett features have been recorded with avoidance zones built into the design. A draft licence application to NE would assess realistic worst-case impacts to badgers and their setts.
- Barn owls: Surveys were undertaken in accordance with industry standard for 'stage 1' surveys. All on-site trees were assessed to identify suitability for roosting or nesting barn owls where at least 2 barn owl territories were assessed as being present.
- Bats: All trees and buildings were assessed to ascertain suitability for roosting bats. Thousands of hours of monitoring was undertaken where favourable weather was generally encountered. The Bat Conservation Trust Good Practice Guidelines indicates that no further bat surveys, such as bat emergence surveys, are required where there is no reasonable likelihood that bats could be impacted.
- Breeding and wintering birds: Surveys were repeated in 2024 when complete access to the site was available. The effects of weather conditions in 2024 were considered, as were local records.
- Brown hares: Whilst recorded on site, the need to undertake specific surveys was not identified at the scoping stage as measures, such as the creation of approximately 400 mammal gaps in fences to permit continued movement around the site, to ensure the long-term presence of brown hares were built into the project design to avoid significant effects.
- GCN: Limitations regarding ponds 6, 13, 15 and 18 is set out in paragraph 7.8.196 of ES chapter 7 [REP7-016] where due to distance from proposed construction phase works, no impacts are likely to arise. Updated surveys would be undertaken prior to construction.
- Otters and water voles: Weather conditions were checked ahead of each survey. Field signs of mammals including rat, mouse and small voles were observed during surveys.

3.4.32. At the close of the examination, the adequacy of baseline data and surveys was an agreed matter in the SoCGs between the applicant and BDC [REP3-047], NCC [REP6-034], NE [REP6-033], the EA [REP5-044] and NWT [REP5-046].

ExA's considerations - Adequacy of baseline data and surveys

3.4.33. The ExA acknowledges the strong concerns raised by some IPs on the adequacy of the baseline data and survey work gathered. However, the ExA is satisfied that the applicant's baseline data and surveys form a sufficient basis for the purposes of assessment. That is because surveys have been undertaken in accordance with industry standards, carried out over suitable time periods and clearly outline any limitations in survey work, including access limitations, and how this has been addressed.

3.4.34. Furthermore, the ExA recognises the lack of objections and agreement between the applicant and specialist advisors on this matter in SoCGs. The outline CEMP (table 3.3) [REP5-019] also sets out the need for further survey work for bats, GCN, breeding birds, otter, water vole and badgers during construction, which would be secured under requirements 7(4)(j) and 20 of the dDCO [REP6-004]. Further surveys would also be undertaken as part of the decommissioning phase, secured under dDCO requirement 21(3)(c).

3.4.35. As such, the ExA is satisfied that the applicant's assessment has been informed by an appropriate 'desk study' of existing ecological records, supplemented by survey work, and sets out the need for any further surveys in accordance with NPS EN-3 paragraph 2.10.79.

EFFECTS ON AND ADEQUACY OF MITIGATION MEASURES FOR SKYLARKS

3.4.36. Skylarks are a species of principal importance listed under section 41 of the Natural Environment and Rural Communities Act 2006. They are also included on the Red List under the Birds of Conservation Concern. The Nottinghamshire Local Biodiversity Action Plan lists skylark as 'species of conservation concern'.

3.4.37. ES chapter 7 [REP6-016], accompanied by ES Appendix 7.4: Breeding bird report [APP-106], notes that skylark territories were recorded consistently across the site, primarily within arable fields and occasionally in grassland fields. Table 2 summarises the number of territories recorded in site surveys undertaken during 2023 and 2024 and their locations:

Table 2: Recorded skylark territories during site surveys

Year	Proposed Solar Areas	Eastern BMA	Western BMA
2023	105	11	17
2024	90	14	17

Source: ExA generated using information taken from ES chapter 7 [REP6-017]

3.4.38. The ES (paragraph 7.8.93) predicts all skylark territories within the proposed solar areas identified from the field surveys would be displaced during construction due to nesting deterrence from structures.

3.4.39. Section 4 of ES appendix 7.13 [APP-115] sets out a skylark mitigation strategy. It primarily identifies fields situated within the proposed eastern and western BMA's to create 'skylark plots' to support nesting territories, as illustrated in figures 7.13.1 and 7.13.2 of that document. The applicant estimates that these measures could increase skylark nesting densities in these areas by 58 territories; mitigating approximately 55% (against the 2023 total of 105) to 64% (against the 2024 total of 90) of the territories likely to be displaced from the proposed solar areas. In addition to skylark plots, further habitat creation across the site is proposed to provide secondary benefits. With proposed mitigation, the ES (paragraph 7.8.113) predicts that less than half (32 to 47 territories) of the baseline territories at the site could be displaced.

3.4.40. NCC's RR [RR-052] and LIR [REP2-063a] raised concerns on the adverse residual significant effect, including cumulatively, to skylarks and sought clarification on the proposed further habitat creation, in addition to those proposed in the BMA's, to provide nesting habitat. Due to the shortfall in replacement territories, NWT [RR-055] encouraged additional mitigation measures such as implementing management practices including, amongst other things, use of beetle banks. FfF ([RR-035] and [REP1-024]) considered

that the quantity of proposed mitigation was inadequate. The applicant [REP1-008] referred to the measures in the Skylark Mitigation Strategy [APP-115] and explained that the further habitat creation could create an additional 5 to 6 territories. The applicant also referred to the proposed measures in Feature 11: Arable Land in the oLEMP [REP6-018].

- 3.4.41. In its first written questions (ExQ1) Q.5.0.3 [PD-005], the ExA asked why a higher figure of mitigation than the approximate 55% to 64% of the territories likely to be displaced had not been proposed and the consideration given for delivering a higher figure. The applicant [REP2-052] referred to the factors for determining appropriate fields as set out in paragraph 4.1 of [APP-115]. The applicant also explained the quoted figure of 55-64% was a conservative estimate where the figure could be higher, particularly if accounting for the additional 5 to 6 territories which could take the mitigation range to 60-71%. The assessment also assumes a 100% territory displacement in any field with solar panels as a worst case. The applicant also referred to estimated mitigation figures for skylark proposed in other nearby NSIP schemes (Cottam, West Burton and Gate Burton) which it was stated propose less than the proposed development or did not quantify figures.
- 3.4.42. Further discussion on the effects to skylark and proposed measures was held in ISH2, agenda item 6 ([EV7-001] and [EV7-008]). NCC confirmed they had no further concerns. FfF queried whether the applicant would take on board advice provided by local wildlife specialists such as NWT and also commented that skylarks were territorial, citing concerns that they would not move to newly created areas as a result.
- 3.4.43. The applicant set out its approach to skylark mitigation in more detail during ISH2. It was explained that the mitigation strategy is for a continuation of arable farming combined with the provision of skylark plots with a focus on improving habitat quality over time to support new territories, which would include measures such as beetle banks and hedgerow management. In response to the territorial concerns raised by FfF, the applicant explained research indicates that arable land managed specifically for skylarks can support higher nesting densities [REP4-031] (pages 14 and 15).
- 3.4.44. The applicant also clarified to the ExA during ISH2 that proposed measures on arable fields would be considered 'compensation', with areas avoided in proposed solar areas considered 'mitigation' [REP4-031]. The applicant also stated there is no policy requirement to provide like-for-like or 100% replacement for skylarks (or other section 41 species) and highlighted the balance to be struck in using more agricultural land to provide compensation.
- 3.4.45. When asked to explain whether the proposed mitigation and compensation measures for skylark had fully applied the mitigation hierarchy [PD-010], the applicant explained [REP6-044] that the nature of the development could not avoid open fields, which provide habitat, and set out the mitigation (such as retention of existing areas to support nesting and foraging opportunities) and compensation measures proposed in the eastern and western BMA's. However, with these measures the applicant acknowledged that a residual effect "at a level of significance that is limited to the local level" would remain.

- 3.4.46. The ExA also questioned the applicant during ISH2 on the contingency plans if proposed measures were not delivered and the provision for further mitigation or enhancement to make up any shortfall that could arise. In response to action point 6, the applicant explained that monitoring would be undertaken during operation where measures such as habitat management, increase in density of skylark plots or creation of additional beetle banks and foraging opportunities could be implemented [REP4-031].
- 3.4.47. At the close of examination, the SoCGs between the applicant and BDC [REP3-047], NCC [REP6-034] and NE [REP6-033] did not raise any specific areas of disagreement with the effects on and adequacy of mitigation measures for skylark. NWT [REP5-046] (issue NWT 2) acknowledge the applicant's proposed measures but consider these do not represent adequate compensation for a red listed species.

ExA's considerations - Effects on and adequacy of mitigation measures for skylarks

- 3.4.48. Paragraph 5.4.42 of NPS EN-1 has a general principle for development, in line with the mitigation hierarchy, to avoid significant harm to biodiversity. Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought.
- 3.4.49. Overall, whilst mindful that the applicant's estimated percentages are worst case and the proposed mitigation and compensation have sought to reduce effects within the available order limits, based on the evidence before the ExA the measures would nevertheless not adequately mitigate or compensate the existing skylark territories to be lost. The proposed development would result in a net loss overall of skylark territories in comparison to the baseline figures surveyed.
- 3.4.50. As such, there would be a significant (local level) effect, and therefore significant harm overall, to skylarks. Paragraph 5.4.43 of EN-1 requires the SoS to give significant weight to any significant harm to biodiversity where effects cannot be adequately mitigated or compensated for.
- 3.4.51. The ExA is however satisfied that the mitigation and compensation measures for skylark would be sufficiently secured under feature 11 of the oLEMP [REP6-018]. Table 3.2 in the oOEMP [REP5-025] also provides for surveillance and monitoring. These measures would be adequately secured under requirement 6 of the dDCO [REP6-004].

EFFECTS ON PROTECTED, IMPORTANT AND NOTABLE HABITATS AND SPECIES

- 3.4.52. In addition to skylark, submissions were made throughout the examination on the effects to various other protected and notable habitats and species.

Protected species

Badgers

- 3.4.53. ES chapter 7, supported by Appendix 7.8: Badger report (confidential) [APP-110], identifies badgers on site and within the survey area including the identification of main setts. The applicant aims to retain all identified badger setts where possible although acknowledges that some setts may require closure, under licence, where potential impacts to a sett would be unavoidable following detailed design. There is also the potential for fragmentation of habitat used by badgers during construction. It is proposed for small gaps to be created in fencing to allow badger movement.
- 3.4.54. NCC [RR-052] and FfF [RR-035] sought further clarification of the proposed mitigation, with NCC seeking the identification of buffer zones and gaps in fences on a plan. The applicant [REP1-008] advised that avoidance zones had been defined and locations of mammal gaps in fences would be determined by an appointed ecologist following updated survey data prior to construction. Mitigation measures would also be set out in further detail as part of the licensing process to NE, where NE [RR-054] recommended that a draft licence should be submitted to them.
- 3.4.55. Further concerns were raised by Mr and Mrs Barlow in [REP2-072] and during ISH2, agenda item 6 [EV7-001] and [EV7-008] on the possible effects to Lincoln Red Original Population, a rare breed of native cattle identified to be at risk, from displaced badgers increasing the risk of transmitting bovine tuberculosis (TB). They noted that Sturton le Steeple and North Leverton are in an 'Edge Area' for bovine TB Testing.
- 3.4.56. During ISH2, the applicant clarified that there would be permanent closure of 2 outlier setts and possible temporary closure of a further 2 setts, although the closure of outlier setts was considered less impactful. In response to concerns on Lincoln Red Original Population, the applicant advised that ES chapter 7 is an ecological, not an agricultural, assessment, but minimising the number of sett closures and avoiding any closure of main or annex setts would be the principal means of reducing risk [REP4-031].
- 3.4.57. The applicant provided further details on the likely effects to the Lincoln Red Original Population, including from spread of infection, in response to action point 8 [REP4-031]. It highlights uncertainties regarding TB infections but advises that currently, no badger sett closures are proposed within 1km of the herd. In addition, land closest to the cattle is predominantly cereal crops which is suboptimal foraging habitat for badgers. Overall, the applicant considers that badgers would be unlikely to be significantly disturbed into new areas near the cattle as a result of construction operations.
- 3.4.58. At deadline 5, the applicant submitted a Letter of No Impediment (LoNI) it had received from NE [REP5-054]. NE confirm that following their assessment of the applicant's draft badger mitigation licence application, they see no impediment to a licence to derogate for impacts to badgers being issued, should the DCO be granted.

Other protected species

- 3.4.59. Comments were raised on effects to bats, barn owls, breeding and wintering birds, and GCN, such as by NE [RR-054], NCC ([RR-052] and [REP2-063a]), NWT [RR-055], FfF [RR-035] and [REP4-017].
- 3.4.60. FfF [REP1-024] raised concerns regarding the cumulative effects to bats due to the number of developments in the area and reduced availability of habitat for displaced species to retreat to. The applicant [REP2-051] advised that ES chapter 7 had undertaken a cumulative assessment which did not identify cumulative effects in respect of bats. NE [RR-054] advised that protected species licences for bats, and also GCN, were not likely to be required.
- 3.4.61. FfF [RR-035] and NWT [RR-055] consider that the proposed development could risk disturbing active barn owl nests. The applicant [REP1-008] acknowledged that at least 2 barn owl territories were assessed as being present, with significant adverse effects predicted at the site level during construction, operation and decommissioning stages in the absence of mitigation. After implementing mitigation measures set out in the oCEMP [REP5-019] and the increase in foraging opportunities, the applicant considers there would likely be a residual (locally significant) beneficial effect.
- 3.4.62. In addition to skylark, concerns were also raised by FfF [RR-035] and [REP4-017] on the effects to breeding and wintering birds through displacement from changes to the habitat baseline. FfF particularly noted that the proposed development would threaten 42 conservation-concern species (such as red and amber listed starling, fieldfare and linnet) that are reliant on arable fields and hedgerows. The applicant [REP1-008] explained that the site would not experience adverse habitat changes with impacts to hedgerows being minimised. It was also explained that measures in the eastern BMA, which had been developed in liaison with NWT and ecology officers from the councils, would likely benefit wintering birds.

Important and notable habitats and species

Brown hare

- 3.4.63. In addition to the absence of surveys, IPs also comment on the effects to brown hare through loss of farmland and disruption of nesting sites, such as [RR-035] and [RR-042]. Through [REP1-008], [REP2-051] and during ISH2 [EV7-001], the applicant explained that proposed mammal gaps in fencing would allow continued movement around the site and avoid long-term displacement. Due to these measures, the applicant considers there would be no likelihood of significant effects arising.
- 3.4.64. FfF's deadline 4 submission [REP4-010] challenges the applicant's position made during ISH2 that the hare population would thrive around solar infrastructure, highlighting concerns that solar infrastructure and perimeter fencing would restrict the ability of hares to avoid predators. The applicant's response to FfF (and ExQ2 Q5.0.3) notes the improved habitat for brown hare that would be created by the proposed development, such as increase

in semi-natural grassland and hedges, as well as studies which identify the abundance of brown hare at solar farms [REP5-047] and [REP5-048].

Other habitats and species

- 3.4.65. Various IPs, such as [RR-006], [RR-010], [RR-015], [RR-018], [RR-034], [RR-035] and [RR-042], raised general concerns of the negative impact of the proposed development on local wildlife, protected species and habitat loss. In its response [REP1-008] (section 3.9), the applicant acknowledged the biodiversity value supported at the site but stated that the proposed development would retain, protect and enhance most habitats with increased biodiversity value, such as hedgerows, arable field margins, woodlands, trees, watercourses, and ponds. With mitigation, the applicant noted that no significant adverse effects on designated nature conservation sites, important habitats or species (except for skylark) were likely.
- 3.4.66. In addition, NCC's RR [RR-052] and LIR [REP2-063a] raised concerns regarding a lack of impact assessment for invasive species and fish from directional drilling underneath watercourses. NCC sought the removal of invasive species in ditches as part of a management regime. The applicant advised that construction would be undertaken in accordance with biosecurity controls to be detailed in the final CEMP to minimise risk of spreading invasive species [REP1-008] and [REP2-050]. The applicant also clarified that operational and decommissioning impacts to fish are assessed in paragraphs 7.8.242 to 7.8.245 of ES Chapter 7 [REP6-016]. Further measures are set out in the oCEMP [REP5-019] tables 3.4 and 3.11 to minimise impacts to fish.
- 3.4.67. At the close of examination, the SoCGs between the applicant and BDC [REP3-047], NCC [REP6-034], NE [REP6-033] and NWT [REP5-046] did not raise any substantive areas of disagreement in respect of protected and notable habitats and species.

ExA's considerations - Effects on protected, important and notable habitats and species

- 3.4.68. ES chapter 7 clearly sets out the effects on protected species and habitats, and other habitats and species of principal importance, in accordance with NPS EN-1 paragraph 5.4.17. Whilst table 7.4 in ES chapter 7 identifies habitats and species that would experience adverse impacts, these would be temporary during construction, operation until mitigation measures mature and potentially during decommissioning.
- 3.4.69. Other than skylarks, the ExA is satisfied that there would be no residual significant adverse effects or overall harm to any other habitat or species. That is because sufficient measures have been proposed in the ES and control documents to ensure that any adverse effects would be appropriately mitigated and managed. As set out in ES table 7.4 and above, several species and habitats are anticipated to experience beneficial effects.
- 3.4.70. Whilst not a species or habitat falling within the remit of ES chapter 7, the ExA is nevertheless satisfied that the proposed measures to badgers, which

would be further scrutinised as part of the required licensing process to NE, would be sufficient to reduce the potential for adverse effects to the Lincoln Red Original Population. The ExA particularly note that no badger sett closures are proposed within 1km of the herd and the lack of suboptimal foraging habitat for badgers on land closest to the cattle. The ExA has not been presented with any substantive evidence to dispute those matters.

- 3.4.71. Whilst the ExA generally welcome the proposals to include gaps in fencing to support species movement throughout the site, as encouraged in paragraph 5.4.22 of NPS EN-1, the ExA nevertheless share the concerns of IPs that the installation of fencing could adversely constrain the movement of species and mammals, even with accounting for the creation of mammal gaps. This is due to the current open characteristics of the site which the proposed development would fundamentally change.

ADEQUACY OF MITIGATION MEASURES

- 3.4.72. NCC [RR-052] and [REP2-063a] requested alterations to parts of the oCEMP seeking additions in respect of cutting vegetation and undertaking hand searches for amphibians and reptiles, submission of a buffer plan for the site to aid understanding for contractors and production of a dark corridor plan. NCC also requested proposals for areas of tussocky grassland and provisions of more barn owl foraging habitat across the site in the oLEMP and alterations to ES figure 6.9 [APP-160] to remove two scrub blocks and consolidate grassland areas in the Eastern BMA. In addition, NCC requested enhancements for water vole, such as the commitment to the control of mink.
- 3.4.73. The applicant updated the oCEMP at deadline 3 [REP3-011] to include the provision of a buffer plan and dark corridor plan. In respect of NCC's other comments, the applicant [REP1-008] did not consider it necessary to update the oCEMP due to measures already contained in table 3.3. In terms of measures in the oLEMP, the applicant considers 'feature 1' provides a suitable framework for grassy margins. No changes were considered necessary to ES figure 6.9. Whilst the applicant accepted that the proposed measures would not maximise the use by ground nesting birds, they would provide other benefits, such as the opportunity to enhance the interest of the Mother Drain LWS and in respect of scrub, enhance the area for aquatic invertebrates.
- 3.4.74. The applicant clarified [REP1-008] that a network of drainage ditches in the eastern BMA had been the preferred choice to provide enhancements for water vole as direct enhancements to ditches could have possible implications on water conveyance and flood risk. Further consideration would be given to providing mink control measures but was not likely to be feasible in drains used for flood conveyance. For those reasons, the applicant did not include measures to control mink as an enhancement measure.
- 3.4.75. NWT [RR-055] made numerous suggestions for additional mitigation measures for various species and habitats. In response, the applicant [REP1-008] (table 2-22) largely referred to existing information or measures contained in the application documents or "noted" comments that had been

raised. When asked by the ExA during ISH2 how the applicant would incorporate constructive comments from NWT, the ExA was advised that agreeing a SoCG with NWT was still ongoing.

- 3.4.76. Other IPs questioned the likely success of proposed mitigation measures during the examination. FfF [RR-035] and [REP1-024] raised concerns that the applicant would not introduce adequate mitigation, had not provided a credible mitigation strategy nor a credible or enforceable pathway to biodiversity gain, to protect many at risk species. FfF also commented [REP1-030] that the cumulative impact on biodiversity had not been adequately mitigated. The applicant [REP1-008] and [REP2-051] disagreed with FfF's comments, referring to the mitigation and compensation measures outlined in the ES chapter 7 (section 7.7) [REP6-016], the oLEMP [REP6-018], ES Figure 6.9 [APP-160] and the oCEMP [REP5-019] all of which would be secured under requirements in the dDCO [REP6-004].
- 3.4.77. During ISH2 (item 6) [EV7-008], the applicant explained (as summarised in [REP4-031]) the purpose of the oLEMP and how each of the identified features would be taken forward and developed through consultation. In response to concerns from IPs on managing measures throughout the lifetime of the development, the applicant explained the legislative status of a DCO and the obligations on any successors. The applicant also explained the role of local authorities in overseeing delivery and monitoring.
- 3.4.78. At the close of examination, the adequacy of proposed mitigation measures was an agreed matter in the SoCGs between the applicant and BDC [REP3-047], NCC [REP6-034], NE [REP6-033], the EA [REP5-044] (specifically fish and non-native species) and NWT [REP5-046] (except in respect of skylark). NSWPC [REP3-043] consider that the measures in the oLEMP do not mitigate 'industrialisation of the landscape'.

ExA's considerations - Adequacy of mitigation measures

- 3.4.79. The ExA acknowledges the principal embedded measure to retain and enhance existing habitats and the schedule of buffers set out in appendix 1 of ES chapter 7 to retain habitat and allow for habitat connectivity. In addition, amongst other measures significant new planting and habitat creation is also proposed across the site, as detailed in ES Figure 6.9 [APP-160], which the ExA is satisfied would reduce adverse effects to habitats and species.
- 3.4.80. Overall, the ExA is satisfied that the measures outlined in section 7.7 in ES chapter 7 [REP6-016], the outline LEMP, ES figure 6.9, the oCEMP, the oOEMP and oDP would constitute appropriate avoidance, mitigation, compensation and enhancement measures in accordance with NPS EN-1 paragraph 5.4.35. These would all be adequately secured by requirements 4, 6, 7, 9 and 21 of the dDCO [REP6-004].

SECURING AND DELIVERING BIODIVERSITY NET GAIN

- 3.4.81. NE [RR-054] commented that despite the calculated BNG being significantly in excess of 10%, as noted in paragraph 3.4.23 above, requirement 6 of the dDCO is "limited" to securing only a minimum 10% BNG. Whilst NE welcome

the commitment to deliver a minimum of 10%, they encourage securing gains greater than this minimum [REP6-033] (issue NE5).

- 3.4.82. NCC ([RR-052] and [REP2-063a]) consider the BNG proposals are well considered and detailed. They also confirm, in response to ExQ1 Q.5.0.5, that having reviewed the metric, they are satisfied the proposals in terms of habitat creation and enhancements are appropriate and are of a suitable achievable level [REP2-063].
- 3.4.83. NSWPC, in their SoCG with the applicant [REP3-043], consider the BNG calculations fail to account for changes in habitat from open land to 'industrialised infrastructure'. They also question the qualitative value of 10% as they consider creating wildlife corridors would negatively change local biodiversity characteristics. Other IPs raise more general comments on BNG, such as [RR-035] and [RR-042] where the latter comments that they could not understand how the project would achieve a significant BNG. The applicant's responses to these comments refer to the findings in ES Appendix 7.12 [APP-114] which concludes an overall BNG at least 10%.
- 3.4.84. The ExA questioned the adequacy of requirement 6 of the dDCO and whether it should stipulate a greater percentage than 10% in ExQ1 Q9.4.5 [PD-005] and during ISH3 agenda item 5 ([EV8-001] and [EV8-002]), noting the higher BNG calculations in [APP-114]. The applicant's responses [REP2-052] and [REP4-031] essentially confirmed that they had committed to securing the minimum 10% only due to an absence of a national policy requirement for anything further. They consider this amount to be reasonable and requested that the ExA do not take into account or give any additional weight to any excess gain over 10%.
- 3.4.85. At the close of examination, securing and delivering BNG was an agreed matter in the SoCGs between the applicant and BDC [REP3-047], NCC [REP6-034], NE [REP6-033] and the EA [REP5-044]. NWT [REP5-046] believe the BNG target should be ambitious and refer to a 20% target for BNG in Nottinghamshire and other NSIP schemes delivering in excess of 10%. BNG remains an area of disagreement with NSWPC [REP3-043].

ExA's considerations - Securing and delivering biodiversity net gain

- 3.4.86. The ExA is satisfied that the proposed habitat creation and enhancement measures, creation of new hedgerow and watercourses would be sufficient to ensure that the proposed development would achieve a minimum of 10% BNG. That is because ES appendix 7.12 [APP-114], which uses the statutory biodiversity metric in accordance with paragraph 4.6.7 of NPS EN-1, satisfactorily demonstrates how the proposed development would deliver the habit, hedgerow and watercourse units.
- 3.4.87. The requirement to deliver a minimum of 10% through the LEMP would be secured under requirement 6(2)(e) of the dDCO [REP6-004]. Noting that the proposed development is predicted to deliver well in excess of 10%, it is disappointing that the applicant has not committed to securing a higher percentage than a minimum 10% on the face of the order. This is particularly

the case noting the higher commitments secured in other similar NSIP proposals, and paragraph 4.6.6 of NPS EN-1 which seeks opportunities to provide net gains for biodiversity and the wider environment where possible.

- 3.4.88. Nevertheless, the ExA acknowledges the applicant's position that delivering a minimum of 10% BNG is not, and was not at the close of the examination, a statutory requirement. As such, the ExA finds the applicant's approach to BNG acceptable.

OTHER MATTERS

- 3.4.89. The ExA sought further clarification from the applicant on the effects of operational lighting in ExQ1 Q5.0.2 [PD-005]. The ExA queried how a lighting strategy would be secured and the steps taken to minimise impacts to species. The applicant [REP2-052] referred to measures contained in the 'oOEMP' [REP5-025] and the outline design principles [REP2-031] which it considers would provide appropriate strategies to mitigate operational phase lighting and which would be secured under requirement 9 of the dDCO.
- 3.4.90. The ExA sought clarification from the applicant (ExQ2 Q5.0.1 [PD-008]) as to how the aims and goals of the Environmental Improvement Plan 2023 would be met. The applicant provided a detailed response [REP5-048] setting out how the proposed development would align with each of the 10 goals (where relevant), particularly referring to the primary ecological mitigation, compensation and enhancement measures to improve nature which form part of the proposed design.

ExA's considerations - Other matters

- 3.4.91. The ExA is satisfied the applicant has considered how lighting may impact local ecology. The measures set out within the oOEMP [REP5-025] (notably paragraphs 2.10-2.20 inclusive) and outline design principles [REP2-031], which stipulate the need for downward permanent lighting for work numbers 2 and 3, would provide sufficient control to ensure that the use of lighting would be minimised and directed away from habitat areas in accordance with NPS EN-3 paragraph 2.10.82. These measures would be adequately secured under requirements 3 and 9(2)(a) of the dDCO [REP6-004].
- 3.4.92. The ExA is satisfied that the applicant's response to ExQ2 Q5.0.1 [REP5-048] sufficiently demonstrates how the proposed development would contribute to the aims and goals of the government's Environmental Improvement Plan 2023, which NPS EN-1 paragraphs 4.3.20 and 5.4.39 requires the SoS to have regard to.

CONCLUSIONS

- 3.4.93. The ExA has had regard to biological diversity, in accordance with regulation 7 of The Infrastructure Planning (Decisions) Regulations 2010 in its consideration of biodiversity matters.
- 3.4.94. ES chapter 7 [REP6-016] clearly sets out any effects on internationally, nationally, and locally designated sites of ecological importance as well as

protected and important species and habitats in accordance with paragraph 5.4.17 of NPS EN-1. The ExA is therefore satisfied that biodiversity and ecology matters have been adequately assessed in the ES.

- 3.4.95. The proposed development would not adversely affect any internationally or nationally designated sites of ecological or geological conservation importance nor any ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases. Whilst a temporary adverse effect on LWSs within and adjacent to the site would potentially occur during construction, following the implementation of habitat creation and enhancement measures, these would result in residual (site level) beneficial effects.
- 3.4.96. Residual significant (local level) effects, including cumulatively, are identified for skylark. Whilst mindful that the applicant's mitigation and compensation measures have sought to reduce the impacts from displacement of territories, the proposed measures would not adequately mitigate or compensate the loss of baseline territories. Noting the conservation (red listed) status of skylarks, and the content of NPS EN-1 paragraph 5.4.43, the ExA attaches significant weight to the residual harm to skylarks.
- 3.4.97. Other than skylark, no residual significant (or not significant) adverse effects are identified in respect of other habitats and species. The lack of harm on this matter neither weighs for nor against the proposal recognising the general policy principle in NPS's EN-1 and EN-3 to avoid significant harm to biodiversity interests. Table 7.4 in ES chapter 7 however identifies several beneficial residual effects to habitats and species following the implementation of proposed mitigation and enhancement measures which attract positive weight.
- 3.4.98. Suitable measures are set out within ES chapter 7 section 7.7 [REP6-016], the oLEMP [REP6-019], ES figure 6.9 [APP-160], the oCEMP [REP5-019], the oOEMP [REP5-025] and the oDP [REP5-021] to mitigate the effects on protected, important and notable species and habitats and provide sufficient habitat creation and enhancement proposals. These would be secured under requirements 4, 6, 7, 9 and 21 of the dDCO [REP6-004]. Taken together, these measures demonstrate that the proposed development has taken advantage of reasonable opportunities to enhance biodiversity and include appropriate avoidance, mitigation, compensation and enhancement measures in accordance with NPS EN-1 paragraphs 5.4.19, 5.4.35, 5.4.36 5.4.46 and 5.4.47.
- 3.4.99. The proposed development would deliver a minimum of 10% BNG. However, noting that paragraph 5.4.46 of NPS EN-1 states that any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited. Noting that securing 'a minimum 10% biodiversity net gain' under requirement 6(2)(e) of the dDCO would not necessarily preclude a higher figure, the proposed approach to BNG would nevertheless bring positive weight in favour.

- 3.4.100. Overall, the ExA is satisfied that the proposed development is in accordance with NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant), the NPPF, the main aims of BLP Policies ST38 and ST39 and all other relevant legislation. There are no other important or relevant considerations.
- 3.4.101. Taking into account the negative and positive aspects, including significant weight to the residual harm to skylarks, the ExA concludes that there would be an overall net improvement in the biodiversity and ecology of the site in the long-term. As such, the ExA attaches a little positive weight for the making of the order in respect of biodiversity and ecology matters.

3.5. FLOOD RISK, DRAINAGE AND THE WATER ENVIRONMENT

INTRODUCTION

- 3.5.1. This section considers the effect of the proposed development on flood risk, drainage and the water environment, including water quality and resources. Climate change adaptation is considered in section 3.2, the Principle of the Development.

LEGISLATIVE AND POLICY BACKGROUND

- 3.5.2. The key legislation in relation to flood risk drainage and the water environment includes:
- The Environment Act 2021
 - The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
 - Environmental Permitting (England and Wales) Regulations 2016
 - Nitrate Pollution Prevention Regulations 2015
 - Flood and Water Management Act 2010
 - Flood Risk Regulations 2009
 - The Groundwater (England and Wales) Regulations 2009
 - Control of Pollution (Oil Storage) (England) Regulations 2001
 - Water Resources Act 1991
 - Land Drainage Act 1991
 - Water Industry Act 1991
- 3.5.3. In terms of national and local planning policies, the key paragraphs and sections are as follows:
- NPS EN-1 (2024): Sections 4.10, 5.8 and 5.16
 - NPS EN-3 (2024): Section 2.10.
 - NPS EN-5 (2024): Paragraph 2.3.2
 - NPPF (2024): Chapter 14
 - BLP 2020-2038 Policies ST50: Flood Risk and Drainage, and ST51: Protecting Water Quality and Management

- 3.5.4. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

- 3.5.5. The applicant's assessment of hydrology, hydrogeology, flood risk and drainage is covered in ES chapter 8 [REP2-018]. The assessment summarises the baseline of the site, provides an assessment of the likely significant effects (including cumulative) of the proposed development during construction, operation and decommissioning and considers measures to minimise effects.

- 3.5.6. The chapter is supported by the following documents:

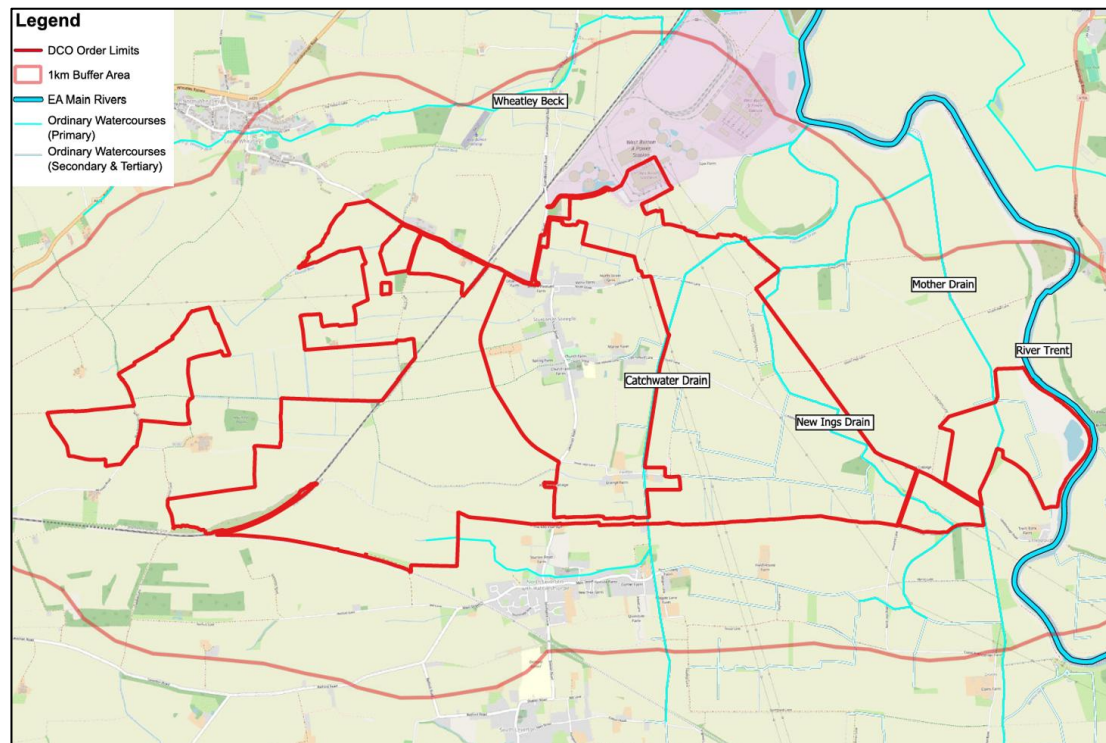
- Flood Risk Sequential Assessment and Exception Test [APP-186 to 189]
- Appendix 8.1 Flood Risk Assessment (FRA) [REP5-009]
- Appendix 8.1: Flood Risk Assessment Appendix (E) Hydraulic Modelling - 1D Model Results [REP2-013]
- Appendix 8.1: Flood Risk Assessment Appendix (G) Modelling Report [REP2-014]
- Appendix 8.2 Surface Water Drainage Strategy [REP5-031]
- Appendix 8.2 Surface Water Drainage Strategy Appendix (B) - Existing Levels Contours [REP2-035]
- Appendix 8.2 - Surface Water Drainage Strategy - Appendix G - BESS SW Design Calcs plus Fire Event Check [REP3-023]
- Appendix 8.2 - Surface Water Drainage Strategy Appendix H - Substation Prelim SW Design Calcs [REP3-024]
- Appendix 8.2 - Surface Water Drainage Strategy Appendix L - BESS and Substation Exceedance Flow Plan [REP3-025]
- Appendix 8.2 - Surface Water Drainage Strategy Appendix M - Drainage Construction Details [REP3-026]
- Appendix 8.3 Water Framework Directive (WFD) Assessment [REP2-036]

BASELINE

- 3.5.7. Section 8.6 of ES chapter 8 [REP2-018] details the baseline conditions. A 1km zone of influence has been defined as the area around the proposed development where potential effects could occur. This has been assessed for surface water, groundwater and flood risk receptors; the assumption is that beyond this distance significant effects would be unlikely to occur. The assessment has been supported by publicly available mapping and modelled flood data from the Environment Agency (EA). A targeted visual inspection of key hydrological features was undertaken in July 2024.
- 3.5.8. Key potential receptors identified within the assessment include the River Trent to the east and the Ordinary Watercourses (these are rivers, streams and ditches not classified as “main river” status) crossing the proposed development (as shown in Figure 5); underlying groundwater; existing areas of flood risk; and local water supplies. Table 8.1 [REP2-018] provides criteria for defining the sensitivity or importance of receptors. Using these criteria, the

key receptors to impacts associated with the proposed development and their 'sensitivity / importance' are identified in Table 8.6 [REP2-018].

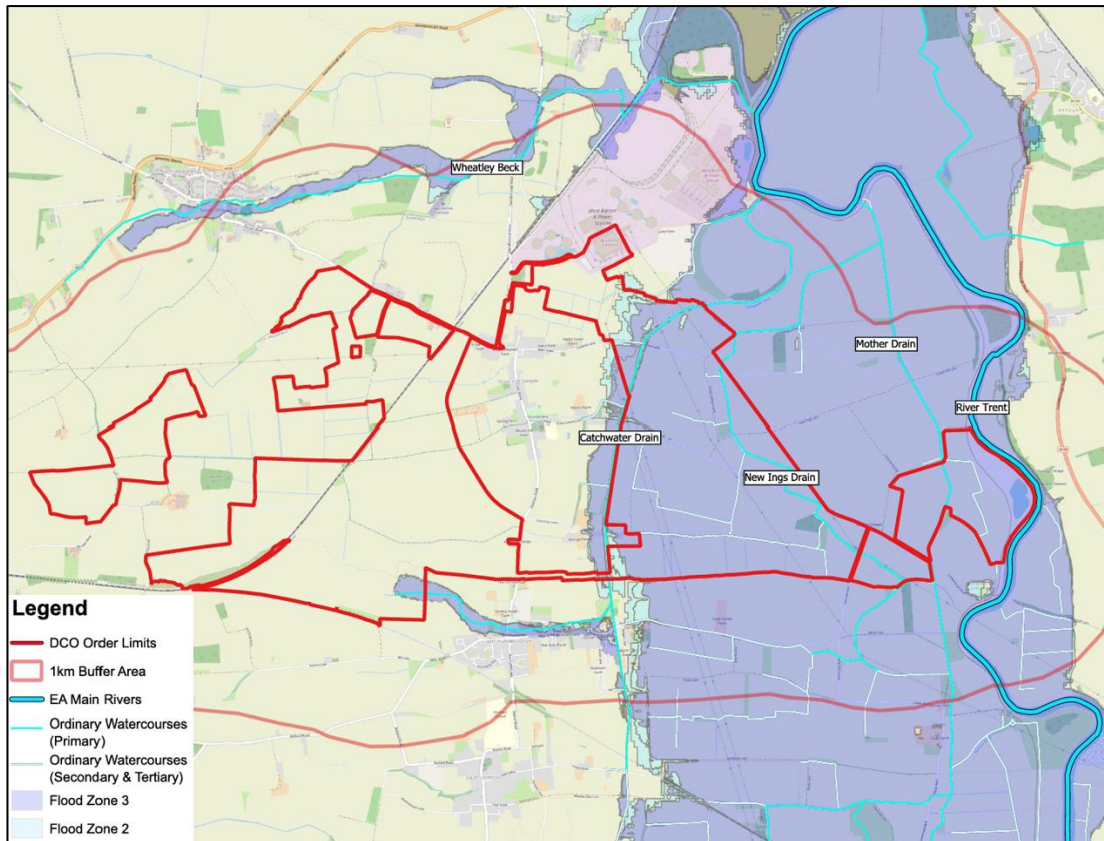
Figure 5: Watercourses



Source: Extract from ES Figure 8.1 [APP-161]

- 3.5.9. The latest EA published Flood Zone map shows that the western half of the proposed development lies within Flood Zone 1, representing a less than 1 in 1000 annual probability of fluvial (river risk related) or tidal flooding. A central band of the proposed development (affecting approximately 5% of the proposed development) lies within Flood Zone 2, representing a 1 in 100 to 1 in 1000 annual probability of fluvial flooding or a 1 in 200 to 1 in 1000 annual probability of tidal flooding. The eastern half of the proposed development (approximately 45%) falls within Flood Zone 3 with a greater than 1 in 100 annual probability of fluvial flooding or a greater than 1 in 200 annual probability of tidal flooding. The flood risk in this area is primarily fluvial but there is a degree of tidal influence on the River Trent. Flood defences are present along the River Trent. Figure 6 shows flood zones within the local vicinity of the proposed development.

Figure 6: Flood zones



Source: Extract from ES Figure 8.2 [APP-162]

- 3.5.10. The Sequential Test has been applied to the proposed siting of the development, and that alternative sites have been considered on a sequential basis, prior to applying the Exception Test to justify the proposed development in a flood risk area [APP186 to APP189].
- 3.5.11. The applicant argues in paragraph 6.1 of [APP-186] that the Sequential Test is passed. However, as a proportion of the DCO Order limits is located in Flood Zone 3, the applicant states that the Exception Test must be applied to the development in accordance with paragraph 5.8.9 of EN-1.
- 3.5.12. The applicant outlines in its Exception Test [APP-186] in section 7 a number of benefits resulting from the proposed development, as well as engineering proposals to ensure safe operation during flood events, concluding that the terms of the Exception Test have been met.

ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

- 3.5.13. Section 8.7 [REP2-018] provides an assessment of the potential impacts on the identified receptors for the construction, operational and decommissioning phases, taking into account proposed embedded mitigation measures. Embedded design features include:
- Siting of construction compounds away from watercourses.
 - All works near watercourses to be undertaken in accordance with the relevant consents.

- Use of rainwater harvesting where possible to minimise water demand.
- A targeted ground investigation to identify and mitigate areas of contamination.
- Design of watercourse crossings to maintain existing flows.
- Inclusion of a Surface Water Drainage Strategy (SWDS) [REP5-031] to protect against an increase in the rate of runoff from the proposed development whilst maintaining the quality of runoff discharged. The SWDS also describes how permeable access tracks are proposed, and proposed SuDS are used to control runoff.

3.5.14. The WFD Assessment [REP2-036] concludes that the proposed development would not cause a deterioration in status of WFD bodies.

3.5.15. The applicant states that construction and decommissioning activities have the potential to result in the release of chemicals, concrete washout and silt laden runoff which could enter via overland flow or through local drainage features into nearby watercourses. Open cut trenching for cable laying could also result in the release of sediment if not undertaken with appropriate control measures. The oCEMP [REP5-019] and oDP [REP5-021] include best practice measures to minimise the effects of these activities.

3.5.16. During the operational phase, the applicant identifies the potential for water quality impacts to local watercourses due to accidental releases of chemicals or contaminated runoff, for example associated with chemical use within the Battery Energy Storage System (BESS) compound and onsite substation compound. The applicant has sought to minimise these effects through embedded design features such as fire safety features within BESS enclosures and a drainage strategy for the BESS area.

MITIGATION

3.5.17. Additional mitigation measures have been proposed to reduce the significance of identified effects. Additional mitigation proposed to reduce construction, operational and decommissioning phase impacts include the provision of management plans including:

- oCEMP [REP5-019]
- oOEMP [REP5-025]
- Outline Soil Management Plan (oSMP) [REP3-027]
- Outline Fire Risk Management Plan (oFRMP) [REP5-023]
- oDP [REP5-021]

3.5.18. These documents would be secured by requirements 7, 9, 11, 10, and 21 of the dDCO [REP6-004].

3.5.19. Two surface water detention basins have been proposed to the west of Sturton le Steeple to help reduce known flooding issues within the village. The applicant acknowledges that this is not a policy requirement and is not required to mitigate the effects of the proposed development, and is additional to and separate from the required SuDS measures.

- 3.5.20. Flood risk from all sources has been considered in the allocation of land uses within the proposed development. Details of the sequential approach applied to minimise risk by directing the most vulnerable uses to areas of lowest flood risk is contained within Appendix 8.1 FRA [REP5-009].

RESIDUAL EFFECTS

- 3.5.21. Taking into account proposed mitigation, the applicant has assessed the overall adverse effects as not significant for all phases of the proposed development. A minor beneficial effect has been identified relating to the proposed creation of surface water detention basins.
- 3.5.22. Potential cumulative effects have been assessed in relation to other developments within the identified zone of influence for water impacts. The applicant concludes that the cumulative effect of other development considered together with the proposed development would not have a significant effect.
- 3.5.23. No significant combined effects are identified in relation to hydrological, hydrogeological, flood risk and drainage receptors [REP2-018] (paragraph 8.11.8).
- 3.5.24. The applicant concludes that no significant effects have been identified in relation to hydrology, hydrogeology, flood risk or drainage.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.5.25. Based on the comments raised by IPs and the ExA's review of the application documents, the main issues considered during the examination were:
- flood risk assessment
 - management and maintenance
 - pollution control
 - fire risk

FLOOD RISK ASSESSMENT

- 3.5.26. The EA [RR-025] raised concerns regarding the adequacy of the FRA, requesting further details to understand the following aspects of flood risk:
- impacts of any structures on site beyond 2069, which is the end of the operational lifetime of the development
 - the impacts of, and resilience to, an extreme flood event, arising from a breach in the River Trent defences
 - further clarity regarding the assessment of flood risk from ordinary watercourses
- 3.5.27. In response to ExQ1 Q1.0.13 and Q3.0.1 [PD-005], the applicant submitted updated documents including the details requested by the EA at DLs 2 and 3.
- 3.5.28. The EA also commented on the flood risk modelling undertaken regarding the Catchwater Drain [RR-025]. Further to ExQ1 3.0.1, the applicant provided
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updated details [REP2-052]. The EA suggested it would be useful if the applicant could provide a copy of the updated 1 dimensional (1d) models described in the model report so that the EA could validate the associated flood risk impacts as described in the report [REP3-052]. Further discussion on the adequacy of the modelling was undertaken during ISH2 agenda item 3 [EV7-001]. In response to the EA's request, the applicant confirmed that the underlying hydraulic model files would be provided. Further to ExQ2 Q10.0.6 the EA confirmed that their comments have been addressed [REP5-056].

- 3.5.29. The EA requested that summaries of borehole data be provided [RR-025]. Further to ExQ1 Q3.0.1, the applicant submitted updated documents [REP2-052]. The EA confirmed this issue was resolved [REP4-004].
- 3.5.30. A number of IPs raised negative comments on flood risk, ground & surface water matters, for example [RR-009], [RR-010], [RR-015], [RR-017], [RR-018], [RR-022], [RR-028] and [RR-042].
- 3.5.31. FfF ([RR-035] and throughout the examination raised concerns regarding the risk of flooding within Sturton le Steeple and the surrounding areas.
- 3.5.32. NCC, as Lead Local Flood Authority, provided review comments regarding the applicant's flood risk assessment and drainage strategy in their LIR [REP1-014]. The applicant responded to these comments [REP2-050]. NCC confirmed agreement to flood risk and surface and foul water drainage strategy items in their SoCG with the applicant [REP4-032].
- 3.5.33. In response to ExQ1 Q.10.0.1, regarding the suitability of the applicant's sequential assessment for flood risk and the Exception Test, NCC confirmed that the sequential test has been satisfied [REP4-032]. No other party raised any substantive comments on the suitability of the applicant's Sequential and Exception Test.
- 3.5.34. Regarding flood risk in the decommissioning phase, the EA commented that the FRA does not include any consideration of flood risk from infrastructure remaining in place beyond the end of 2069 [RR-025]. The applicant updated the FRA at DL2 [REP2-011] to include consideration of the decommissioning phase, concluding that floodplain impact would be negligible.
- 3.5.35. The EA stated that the FRA should be updated to include an assessment of decommissioning phase flood risk impacts and include an assessment of floodplain volume loss due to infrastructure within the 100 year plus 39% climate change extent [REP3-048]. In response to ExQ2, Q10.0.5, the applicant amended the FRA to provide the assessment of decommissioning phase impacts requested by the EA [REP5-048], also confirming the EA's agreement to these amendments through a signed SoCG [REP5-044].
- 3.5.36. At the close of the examination, the SoCGs between the applicant and BDC [REP3-047], NCC [REP6-034], and the EA [REP5-044] raised no areas of disagreement with the adequacy of the FRA. Areas of disagreement remain in the SoCGs with North Leverton with Hablesthorpe Parish Council (NLHPC) [REP3-040] and NSWPC [REP3-043].

ExA's considerations - FRA

- 3.5.37. As required by paragraph 5.8.36 of NPS EN-1, the ExA is satisfied that the application is supported by an appropriate FRA and that the Sequential Test has been applied and satisfied as part of site selection. A sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk, such as the sub-station and the BESS. Additionally, the ExA considers that the proposed development has incorporated SuDS where appropriate.
- 3.5.38. As required by paragraph 5.16.8 of NPS EN-1, the ExA is satisfied that additional mitigation measures to reduce construction, operational and decommissioning phase impacts are codified in the management plans provided. The ExA is satisfied that these measures would be secured in requirements 7, 9, 10, 11, and 21 of the dDCO, as required by paragraph 5.16.16 of NPS EN-1.
- 3.5.39. Overall, the ExA is satisfied that the applicant has assessed the risk of flooding appropriately, and no significant effects have been identified.

MANAGEMENT AND MAINTENANCE

- 3.5.40. The EA raised a number of concerns regarding water used in firefighting in the event of a fire in the BESS unit. These included the drainage system around the BESS site to be infilled with gravel [RR-025], and the potential for secondary release of contaminants from firewater which could bind to the gravel and not be tested or pumped out after a fire event.
- 3.5.41. In response to ExQ1 3.0.1 [PD-005] the applicant confirmed that the SWDS had been revised to include management and maintenance details for the gravel lining drainage features [REP2-052].
- 3.5.42. In addition, the EA was concerned that testing of the automatic shutdown valve to be installed at the BESS downstream manhole was not included as a maintenance activity [RR-025].
- 3.5.43. In response to ExQ1 3.0.1, the applicant confirmed [REP2-052] that the SWDS had been revised to include the testing of the penstock valve as a maintenance activity.
- 3.5.44. The issue of the BESS drainage design and how contaminated firewater would be managed was the subject of further discussion during ISH2, agenda item 3 [EV7-001]. In post hearing submissions the EA [REP4-004] requested that the SWDS should include the following matters:
- type and design of storage tanker
 - treatment of firewater
 - gravel cleaning
 - source of firefighting water
- 3.5.45. Further to EXQ2 Q10.0.2 and Q10.0.3 [PD-0008] the applicant confirmed revision of the OFRMP [REP5-023], Outline Fire Risk Management Layout

Plan [REP5-004] and Surface Water Drainage Strategy [REP5-031] to address the comments from the EA regarding BESS water used in firefighting and BESS drainage [REP5-048], also confirming the EA's agreement to these amendments through a signed SoCG [REP5-044].

- 3.5.46. At the close of the examination, the signed SoCG between the applicant and the EA [REP5-044] raised no areas of disagreement regarding management and maintenance. Areas of disagreement remain in the SoCGs with NLHPC [REP3-040] and NSWPC [REP3-043].

ExA's considerations - Management and maintenance

- 3.5.47. Overall, the ExA is satisfied that the applicant has addressed management and maintenance issues by revising the drainage and fire risk management documents to include the EA's requested maintenance and firewater management measures, resulting in no remaining areas of disagreement with the EA at the close of the examination.

POLLUTION CONTROL

- 3.5.48. The EA submitted comments on the content of the oCEMP regarding the temporary construction drainage strategy [REP4-004]. In particular, the EA requested inclusion of further detail including treatment methods, infrastructure layout, runoff management, monitoring parameters, and spill response procedures, to ensure compliance with water quality standards. Further to ExQ2 Q10.0.4 [PD-008] the applicant confirmed revision of the oCEMP [REP5-035] to address the comments from the EA, also confirming the EA's agreement to these amendments through a signed SoCG [REP5-044].
- 3.5.49. Given the criticality of the BESS, the EA submitted comments regarding site recoverability following a breach flood event [REP3-048]. The issue of unexpected contamination was the subject of further discussion during ISH2, agenda item 3 [EV7-001]. In post hearing submissions the EA [REP4-004] requested further details regarding procedures in the event of unexpected contamination to be included in the application documents.
- 3.5.50. Further to ExQ2 Q10.0.1 [PD-008] regarding unexpected contamination, the applicant confirmed revision of the oCEMP [REP5-035], oOEMP [REP5-025] and oDP [REP5-021] to address the comments from the EA.
- 3.5.51. The EA were not satisfied that the Phase 1 Geoenvironmental Desk Study Report [APP-082] used all relevant information in the data search, and that the Conceptual Site Model (CSM) may not identify all possible risks for potential soil and groundwater contamination associated with West Burton Power Station [REP2-023]. The EA suggested amendments were required to the CSM with respect to mitigation or remediation measures for contamination.
- 3.5.52. Further to the EA's comments, the applicant amended the Geoenvironmental Desk Study Section 4.0 (Conceptual Site Model) and Section 5.0

(Conclusions and Recommendations) [REP2-022], the EA confirmed this matter resolved [REP4-004].

- 3.5.53. Article 15(9) of the draft DCO [REP6-004] concerns consent for the discharge of water. The applicant and parties were asked to comment on awareness of the deemed consent provision, as well as the 28-day period specified for issuing a decision (ExQ1 Q9.2.19 [PD-005]). The applicant responded that there were no proposed discharges to main rivers or public sewers, and therefore the EA and Severn Trent Water had not been consulted [REP2-052]. The EA confirmed it was satisfied with the applicant's response [REP4-004].
- 3.5.54. Further to EXQ2 Q10.0.7 [PD-008] regarding how the flood risk assessment has included for possible pump failure and the impact on local watercourses, the applicant confirmed that the FRA [REP5-009] had been updated at section 5.2.22 to include an assessment of the impacts of a pump failure on local watercourses. The risk associated with a pump failure has been assessed as less severe than a breach flood event from the River Trent. The applicant stated that the measures proposed to mitigate against a breach flood event will therefore also be effective against a pump failure event.
- 3.5.55. At the close of the examination, the signed SoCG between the applicant and the EA [REP5-044] raised no areas of disagreement regarding pollution control. Areas of disagreement remain in the SoCGs with NLHPC [REP3-040] and NSWPC [REP3-043].

ExA's considerations - Pollution control

- 3.5.56. As required by paragraph 5.16.8 of NPS EN-1, the ExA is satisfied that additional mitigation measures to reduce pollution risks are codified in the management plans provided.
- 3.5.57. Regarding whether the proposed development would have an adverse effect on the achievement of the environmental objectives established under the WFD Regulations, the ExA notes that this was an agreed matter in the SoCG with the EA [REP5-044] (issue EA 14). No other party raised concerns with the findings in ES appendix 8.3. For those reasons, and in the absence of substantive evidence to indicate otherwise, the ExA is satisfied that the proposed development would not have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, as required under paragraph 5.16.12 of NPS EN-1.
- 3.5.58. Overall, the ExA is satisfied that the applicant has satisfactorily dealt with pollution control issues.

FIRE RISK

- 3.5.59. The EA submitted comments regarding accommodating water for firefighting purposes [RR-025]. The applicant agreed to update the oFRMP [REP2-029] to include the drainage basin and penstock valve. Additionally, regarding the BESS compound surface finish, the applicant stated deliverables would be

updated where appropriate to specify a gravel compound surface finish only [REP1-008]. The EA subsequently confirmed that it is satisfied with the applicant's response [REP4-004].

- 3.5.60. Fire risk associated with the BESS was discussed further during ISH2, agenda item 4 [EV7-001]. The applicant confirmed that engagement with Nottinghamshire Fire and Rescue (NFR) is ongoing, including in relation to detailed design matters such as access arrangements and consideration of prevailing wind conditions [EV7-004].
- 3.5.61. In response to action point 3 from ISH 2 [EV7-014] regarding access to the proposed BESS from Common Lane, the applicant confirmed that there are no restrictions before the proposed site access point [REP4-031]. In addition, the applicant confirmed its engagement with NFR to confirm that they are content with the access arrangements.
- 3.5.62. In response to action points 4 from ISH 2 regarding fire risk from the BESS from wind direction and chemicals, the applicant confirmed that it continues to work with NFR to complete a SoCG which will be based upon the separation distances already described [REP4-031]. Additionally, the applicant confirmed that it would ensure NFRS are content with access to the BESS facility as part of the SoCG.
- 3.5.63. At the close of the examination, the signed SoCGs between the applicant and the EA [REP5-044], and NFR [REP5-049] raised no areas of disagreement regarding fire risk. Areas of disagreement remain in the SoCGs with NLHPC [REP3-040] and NSWPC [REP3-043].

ExA's considerations - Fire risk

- 3.5.64. The ExA considers that there is safe and satisfactory access to the proposed BESS via Common Lane with no restrictions; as confirmed in the SoCG with NFR [REP5-049]. Therefore, as required by paragraph 5.8.36 of NPS EN-1, the ExA is satisfied that the proposed development includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development.
- 3.5.65. Overall, the ExA is satisfied that the applicant has satisfactorily dealt with fire risk issues.

CONCLUSIONS

- 3.5.66. The ExA is satisfied that the assessment set out in the ES regarding flood risk, drainage and the water environment meets the requirements of NPS EN-1 and NPS EN-3, with particular reference to the following paragraphs.

NPS EN-1

- 3.5.67. With regard to paragraph 4.10:

- the measures outlined in the FRA to manage flood risk have taken account of projected impacts to climate change over the lifetime of the proposed development

3.5.68. With regard to paragraph 5.8.9 and 5.8.10:

- the applicant has undertaken a Flood Risk Sequential Assessment and Exception Test ([APP-186] to and including [APP-189]), concluding that the Sequential Test is passed, as well as that the terms of the Exception Test have been met.

3.5.69. With regard to paragraph 5.8.36:

- the application is supported by an appropriate FRA
- the Sequential Test has been applied and satisfied as part of site selection
- a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk
- the proposed development has incorporated SuDS where appropriate
- the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development

3.5.70. With regard to paragraphs 5.16.8 and 5.16.16:

- additional mitigation measures to reduce the likelihood of flooding during construction, operational and decommissioning phases, as well as to reduce pollution risks are codified in the management plans provided, and would be secured in the dDCO by requirements 7, 9, 10, 11, and 21

3.5.71. With regard to paragraph 5.16.12:

- the proposed development is not anticipated to have an adverse effect on the achievement of the environmental objectives established under the WFD Regulations

3.5.72. The ExA therefore considers that the effect of flooding from the proposed development would be neutral and does not weigh for or against the making of the Order. The minor beneficial effect identified relating to the proposed creation of surface water detention basins is discounted because this is not a policy requirement.

3.6. HISTORIC ENVIRONMENT

INTRODUCTION

3.6.1. This section considers the effect of the proposed development on the historic environment. It includes designated heritage assets (DHA) which in this case includes listed buildings and schedule monuments (SM) and non-designated heritage assets (NDHA) including above ground heritage assets (HA) and below ground archaeological features.

LEGISLATIVE AND POLICY BACKGROUND

- 3.6.2. The key legislation in relation to historic environment includes:
- The Infrastructure Planning (Decisions) Regulations 2010: Regulation 3 - Listed buildings, conservation areas and scheduled monuments
 - Ancient Monuments and Archaeological Areas Act 1979
- 3.6.3. In terms of national and local planning policies, the key paragraphs and sections include:
- NPS EN-1 (2024): Section 5.9, particularly but not limited to paragraphs 5.9.1, 5.9.7, 5.9.9 to 5.9.13, 5.9.16, 5.9.18, 5.9.21 to 5.9.33 and 5.9.36
 - NPS EN-3 (2024): Paragraphs 2.10.107 to 2.10.119
 - NPS EN-5 (2024): Paragraph 2.9.19
 - NPPF (2024): Particularly but not limited to paragraphs 202 and 207-219 and associated Planning Practice Guidance on Historic Environment
 - BLP 2020-2038 Policies ST40 (The Historic Environment) and 41 (Designated and Non-Designated Heritage Assets)
 - SWNP Policy 6: Protecting the historic environment
- 3.6.4. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

INTRODUCTION

- 3.6.5. The applicant's assessment on the historic environment is contained in ES Chapter 9 - Cultural Heritage [APP-067]. The assessment describes the assessment methodology, baseline conditions, the likely significant effects (including cumulative) during construction, operation and decommissioning on HAs, proposed mitigation and enhancement measures to minimise effects and overall residual effects.
- 3.6.6. The chapter is supported by the following documents:
- Appendix 9.1: Cultural Heritage Technical Baseline [APP-122]
 - Appendix 9.2: Magnitude Surveys Geophysical Survey Interim Report [REP5-033] (part 1) and [REP5-034] (part 2)
 - Appendix 9.3: Archaeological Mitigation Statement [APP-124]
 - Appendix 9.4: Outline Written Scheme of Investigation for Pre-Determination Trial Trenching [APP-125]
 - Appendix 9.5: Outline Written Scheme of Investigation for Post-Consent Archaeological Works [REP6-022]
 - Figure 9.1: Heritage Assets Considered within the ES [APP-165]
 - Figure 9.2: Designated Heritage Assets within study area [APP-166]
 - Figures 9.3-9.7: Nottinghamshire Historic Environment Record Monuments within relevant study area [APP-167], [APP-168], [APP-169], [APP-170] and [APP-171]
 - Figure 9.8: Important Hedgerows (Heritage) [APP-172]

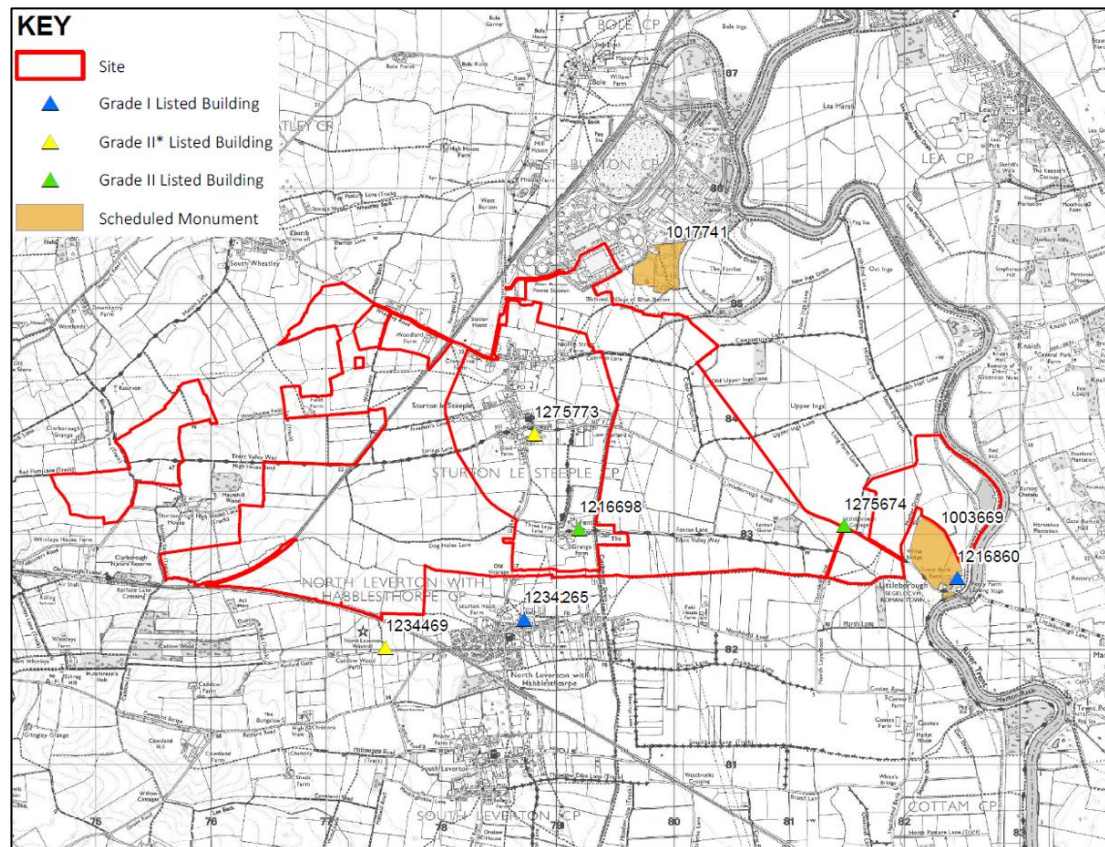
METHODOLOGY

- 3.6.7. The assessment adopts a 3km study area for DHAs and a 1km search area for identifying NDHAs. The assessment also utilises the Screened Zone of Theoretical Visibility, prepared as part of ES chapter 6, to establish where there may be theoretic visibility and ensure HAs are not excluded.
- 3.6.8. The assessment has been carried out following Historic England (HE) guidance and advice notes, particularly the five stepped approach outlined in Good Practice Advice 3: The Setting of Heritage Assets. ES appendix 9.1 [APP-122] contains a detailed assessment of the heritage baseline with the DHAs which do not have the potential to have their settings affected, as detailed in appendix 1, being scoped out from further consideration.
- 3.6.9. The assessment of likely significant effects has been established combining the value and sensitivity of a HA (using criteria in ES chapter 9 table 9.1) with the magnitude of change (using criteria in ES chapter 9 table 9.2). The assessment considers 'major' effects and in some cases 'moderate', subject to professional judgement, to constitute significant effects.
- 3.6.10. In addition to establishing likely significant effects, ES chapter 9 also provides an assessment of harm and a judgement of whether the proposed development results in no harm, less than substantial harm or substantial harm to the significance of HAs.

BASELINE

- 3.6.11. No DHAs are situated within the Order limits and no registered parks and gardens, registered battlefields or World Heritage Sites are located within 3km. Within 3km of the Order limits includes the following DHAs:
- 6 scheduled monuments
 - 9 Grade I listed buildings
 - 8 Grade II* listed buildings
 - 123 Grade II listed buildings
 - 2 conservation areas.
- 3.6.12. After following steps 1 and 2 of the five stepped approach, the following DHA's were taken forward for detailed assessment in ES chapter 9, with their locations illustrated in Figure 7 below:
- Segelocum Roman Town Scheduled Monument (NHLE ref. 1003669)
 - Medieval Settlement and Open Field System Immediately South East of Low Farm Scheduled Monument (NHLE ref. 1017741)
 - Grade I Listed Church of St Nicholas (NHLE ref. 1216860)
 - Grade I Listed Church of St Martin (NHLE ref. 1234265)
 - Grade II* Listed Church of St Peter and St Paul (NHLE ref. 1275773)
 - Grade II* North Leverton Windmill (NHLE ref. 1234469)
 - Grade II* Listed Burton Chateau (NHLE ref. 1064085)
 - Grade II Listed Littleborough Cottage (NHLE ref. 1275674)
 - Grade II Listed Manor Farmhouse (NHLE ref. 1216698)

Figure 7: Location of designated heritage assets considered in the ES



Source: Extract from ES Figure 9.1 [APP-165]

- 3.6.13. A geophysical survey [REP5-033] and [REP5-034] has been undertaken which identifies several discrete, but not widespread, areas of archaeological potential, including possible clusters of rectilinear and/or curvilinear enclosures and associated linear features. The survey states these are likely to be Romano-British remains while others could be of late-prehistoric and/or Roman date. These have been identified in the north-east, east and south-east of the Order limits.

CONSTRUCTION PHASE

- 3.6.14. The ES does not identify direct physical impacts to any DHAs although works such as piling, cable trenching and plant movement have the potential to impact on buried archaeological remains. The ES notes current evidence indicates that archaeological remains within areas of the proposed development would be of low significance although areas of moderate and high significance could be encountered.
- 3.6.15. The ES identifies the following effects to non-designated HAs in the absence of mitigation, with respect to their value:

- Low value: minor/moderate adverse effect (not significant)
- Moderate value: moderate adverse effect (not significant)
- High value: major adverse (significant effect)

OPERATIONAL PHASE

3.6.16. There would only be indirect effects to DHAs during the operational phase. The ES does not anticipate significant effects arising to any DHA although does anticipate adverse effects to the following DHAs due to changes to views within their setting:

- Segelocum Roman Town Scheduled Monument - minor adverse
- Medieval Settlement and Open Field System Immediately South East of Low Farm Scheduled Monument - minor adverse
- Grade I Listed Church of St Martin - minor adverse
- Grade II* Listed Church of St Peter and St Paul - moderate adverse
- Grade II* North Leverton Windmill - minor adverse
- Grade II Listed Manor Farmhouse - minor adverse

3.6.17. The ES considers that these identified effects would give rise to 'less than substantial harm' to the significance of each asset.

DECOMMISSIONING

3.6.18. The ES does not identify any physical effects resulting to DHAs during the decommissioning phase. Any direct effects to NDHAs, particularly areas of buried archaeology, are identified in the ES to be similar to that experienced during the construction phase.

3.6.19. Beneficial, not significant, effects upon the significance of the 6 DHAs above where adverse impacts are anticipated during the operational phase are predicted in the ES due to the removal of the proposed development and restoration of the baseline.

MITIGATION AND ENHANCEMENT MEASURES

3.6.20. Where areas of significant archaeological potential have been identified in the geophysical survey, areas of solar arrays have been omitted from the proposed layout. Targeted trial trenching has been undertaken on 'fixed' areas of development in the northern part of the proposed development, as set out in the Archaeology Strategy Note [REP2-053] and Trial Trench Evaluation [REP2-060]. It is proposed for further trial trenching to be carried out post determination to establish an appropriate mitigation strategy, which is further outlined in ES appendix 9.5 [REP6-022].

RESIDUAL EFFECTS

3.6.21. For each identified HA, Table 9.5 in ES chapter 9 [APP-067] sets out a summary of the likely significant effects, mitigation and enhancement measures and residual effects following mitigation during the construction, operation and decommissioning phases. No significant effects are identified either in isolation or in combination with any cumulative developments.

ISSUES CONSIDERED DURING THE EXAMINATION

3.6.22. Based on the comments raised by IPs and the ExA's review of the application documents, the main issues considered during the examination were:

- Effects on DHAs
- Effects on buried archaeology with regard to extent of pre-determination trial trenching undertaken
- Effects on Sturton le Steeple's Christian heritage
- Cumulative effects

EFFECTS ON DESIGNATED HERITAGE ASSETS

3.6.23. The DHAs subject to substantive comments by IPs during the examination related to the following, each considered in turn below:

- Grade II* Listed North Leverton Windmill (NHLE ref. 1234469)
- Grade II* Listed Church of St Peter and St Paul (NHLE ref. 1275773)
- Grade II Listed Crow Tree Farm (NHLE ref. 1216936)
- Grade II Listed North Leverton Manor House (NHLE ref. 1234342)
- Grade II* Listed Burton Chateau (NHLE ref. 1064085)

North Leverton Windmill (Grade II* listed)

3.6.24. The windmill is situated approximately 260m to the south of the western parcel of the Order limits. It is accessed off the northern side of Mill Lane, just to the west of North Leverton with Habbleshthorpe.

3.6.25. Details of the significance of the windmill is contained in ES chapter 9, paragraph 9.7.18 [APP-067] and ES Appendix 9.1, paragraphs 6.47 to 6.51 [APP-122]. These state that the asset's significance is primarily derived from its physical fabric, having historic and architectural interest as an example of an early-19th century mill, that is still in working use. It further states that setting contributes to the asset's significance, but to a lesser degree than is derived from its form, with the key elements of the windmill's setting being the associated mill cottage to the south-east and the surrounding yard, along with the adjacent Mill Lane which provides access. The windmill shares a functional relationship with the surrounding arable landscape, with grain from the surrounds having been milled at the windmill. Due to its height, the ES acknowledges that the windmill is visually prominent in the landscape.

3.6.26. Concerns on the impact to the setting of the windmill was a matter raised by IPs in RRs, such as [RR-002], [RR-035], [RR-040], [RR-050] and [RR-052], and throughout the examination. The ExA examined the effects to the windmill during ISH1 agenda item 6.3 ([EV2-001] and [EV5-007]), ExQ1 Q11.0.3 [PD-005] and ExQ2 Q11.0.6 [PD-008].

3.6.27. NCC's LIR [REP2-063a] considers the assessment in the ES does not provide a fair representation of the role of the Trent Valley landscape in the appreciation of the windmill as a HA, nor recognises the significant landmark status of the windmill in wider landscape views. NCC consider impacts on its

setting are likely to be at the highest end of the 'less than substantial harm' category with regards to the NPPF. NCC also consider there would be 'substantial harm' to the windmill's financial viability. In its response to ExQ1 Q11.0.3 [REP2-063], NCC clarified this was based on the extent of landscape change and erosion of rural attractiveness that would likely affect visitor numbers that has the potential to result in 'substantial' direct harm.

3.6.28. Furthermore, NCC's LIR [REP2-063a] recommends the removal of an area of solar panels beside footpath (FP) 24 to better preserve the rural setting of HAs in North Leverton. In its response to ExQ1 Q11.0.6, ([REP2-063], appendix 3) and during ISH2 [EV7-012], NCC confirmed this includes the windmill (in addition to North Leverton Manor House considered further below) to ensure views to the north would be preserved and provide a further 'buffer' of impacts to the setting of the windmill from proposed solar arrays.

3.6.29. North Leverton Windmill Charitable Trust (NLWCT) provided significant submissions throughout the examination. Its key concerns raised in [RR-002], [REP1-036], [REP1-037], [REP1-051], [REP2-070] and during the open floor hearing ([EV4-001] and [REP1-037]) and ISH 1 ([EV2-001] and [EV5-007]) can be summarised as follows:

- The applicant has ignored the windmill as an important tourist attraction and has not properly considered the visual impact of the proposed development, including views out to the north over the proposed development.
- Concerns on the effect of longer-range views towards the windmill, such as from Retford Road where the windmill would be read against a backdrop of solar panels.
- NLWCT disagree with the applicant's statement in ES paragraph 9.7.18 [APP-067] stating "windmills were not designed purposefully to be seen from great distances". The windmill sails historically acted as a method of communication to the community, which would be compromised.
- Setting is not limited to immediate surroundings and can include important views towards and away from assets, which contribute to how the asset's significance is understood and appreciated.
- The windmill's visual setting is part of its heritage value and a critical part of its appeal which should be protected.
- The proposed development would industrialise the rural view and the ES "greatly underestimates" the visual impacts of the proposed development on the setting of the windmill, particularly noting the absence of adequate visuals in ES appendix 6.2.
- The windmill is a HA of significant importance, a tourist attraction, and a focal point of the community which hosts events that brings direct and indirect economic benefits. The proposed development would degrade the windmill's historic context.

3.6.30. The Society for the Protection of Ancient Buildings Mills Section raises concerns regarding the effects to the sails due to impacts on the surrounding airflow from planted hedgerows [RR-040].

- 3.6.31. In its response to the comments raised by NCC and NLWCT [REP1-008] (table 2-21) and [REP2-050] the applicant disagrees that its assessment inaccurately describes the significance of the windmill. The applicant states the ES has considered views to and from the asset but considers that longer range views from the asset are incidental rather than by any design intent. The applicant also considers there is a lack of evidence to justify there would be a reduction in tourist numbers. The applicant does not consider there would be an impact on the functional use of the windmill.
- 3.6.32. The ExA questioned the applicant's judgement of 'negligible' impacts to the windmill in ISH1 [EV5-007]. The applicant explained the immediate setting of the HA (surrounding yard and cottages) would not experience any change although the wider agricultural surroundings, once historically associated with the windmill, make a 'minor' contribution to the asset which would experience change. As a result, the applicant maintains the level of change is negligible, resulting in a minor adverse temporary effect [REP1-009].
- 3.6.33. For similar reasons, the applicant also rejected NCC's request to remove an area of solar arrays beside FP24, commenting during ISH2 [EV7-012] that any removal would not materially alter the identified effects. It explained key views from FP24 south towards the windmill, and the appreciation of its open agricultural setting including the adjacent cottage, would remain [REP4-031].
- 3.6.34. In response to concerns on views from the Trent Valley Way, the applicant's position is that the route is not a HA and has no connection to the windmill, with resulting views being incidental. In its response to NLWCT, the applicant considers that the use of sails as a messaging tool is an ancillary function [REP1-009]. Furthermore, the applicant considers that windows in the windmill are for letting light in for internal workings, not for views out and therefore does not contribute to its significance.
- 3.6.35. The ExA asked the applicant to provide further reasoning that there would be no impact on the functional use of the windmill, and associated viability, in ExQ2 Q11.0.6 [PD-008]. The applicant [REP5-048] maintains the physical fabric of the windmill, including the moving sails, would not be adversely affected and the proposed development's location in surrounding fields would not prevent the windmill from sourcing grain to mill into flour. The applicant states that the historical functional association between the windmill and the surrounding landscape, and the sourcing of grain from this land, is acknowledged in ES Appendix 9.1 paragraph 6.50 [APP-122].
- 3.6.36. The ExA sought comments from Historic England (HE) in ExQ1 Q11.0.3 [PD-005] regarding its position on the effects to the windmill. HE considers the applicant's assessment of the impact to setting has applied a reductive approach in only considering the significance derived from the design intent. HE also identifies the windmill's significance derives from kinetic views to and from the asset in its agricultural setting, both at short and long range. HE considers the proposed development would result in a 'moderate level' of 'less than substantial harm' to the significance of the windmill due to change in its setting [REP2-065].

- 3.6.37. At the close of the examination, the final positions of NCC and HE on impacts to the windmill was not reflected in their respective SoCGs with the applicant. It is assumed the positions they adopted throughout the examination remain unchanged. SSPC's SocG (issue S-L-SPC 19) [REP3-045] disagreed with the applicant's assessment of less than substantial harm to all DHAs.

ExA's considerations - North Leverton Windmill

- 3.6.38. Under NPS Policy EN-1 paragraph 5.9.30, the Grade II* listed windmill is a building of the highest significance. Substantial harm to or loss of significance should be wholly exceptional.
- 3.6.39. The ExA is satisfied there would be no harm to the physical fabric of the windmill due to the separation distance to the proposed development. This includes potential impacts on the sails and surrounding airflow from planted hedgerows in the absence of substantive evidence to demonstrate the likelihood of this occurring.
- 3.6.40. Turning to setting, the ExA considers the contribution of the surrounding open countryside to the setting of the windmill is stronger than asserted by the applicant. From its own observations during site inspections and the evidence presented, it is clear the windmill is an important historical feature and attraction in the locality. It forms a prominent feature from many vantage points in the locality across open rural countryside, such as from the Trent Valley Way. The presence of the windmill in that rural setting is readily apparent. As such, the ExA concludes that the surrounding agricultural fields make a moderate contribution to its significance as a windmill situated in a rural setting.
- 3.6.41. After visiting the inside of the windmill [EV9-001], the ExA considers views out of the asset do not materially contribute to its significance. That is because views over agricultural fields do not contribute to the significance of the physical form of the windmill and its visual prominence situated in a rural setting is also not fully appreciated from views out. The windows were most likely installed for the functional reasons of letting light in as alluded to by the applicant, rather than designed for views over the landscape.
- 3.6.42. Whilst views towards the windmill and its position within an agricultural setting would undoubtedly be diminished by the presence of solar panels, such as along FP41 represented by VP17 [REP3-019] and [REP3-020] as illustrated in the figure below, they would not be entirely eliminated. The windmill would remain a prominent feature from other viewpoints across the landscape where its agricultural setting would be retained, particularly in closer range views aided by the proposed set back of panels. Overall, the ExA considers that the magnitude of change would be higher than 'negligible' as assessed by the applicant in ES paragraph 9.7.18 and would be low using the criteria in ES table 9.2.

Figure 8: Changes in views at baseline, year 1 and year 15 towards North Leverton Windmill in its rural setting from FP41, represented by VP17



Extract from ES Appendix 6.2 - Photomontages Part 2 Winter (with annotations added showing location of the windmill) [APP-098]

- 3.6.43. The ExA has considered NCC's requested removal of an area of solar arrays proposed beside FP24. The ExA has concluded views out of the windmill do not materially contribute to its significance and therefore finds no justification to request removal on those grounds. In terms of setting, the suggested increase in buffer between the windmill and proposed arrays would be very minor and would not materially affect the assessment findings given the remaining extent of adjoining proposed solar panels. Fundamentally, as FP24 runs to the south of the referred to area, removal of solar panels would make no material difference to views towards the windmill as the appreciation of its rural setting from this FP would remain. For these reasons, the ExA is not persuaded that removal of the suggested area by NCC would be justified to further preserve the windmill's setting.
- 3.6.44. Overall, the ExA finds that the proposed development would give rise to a greater adverse effect than 'minor', as presented in the ES, and considers the adverse effects would be moderate but not significant using the criteria in ES table 9.3. In terms of harm, the ExA concludes that there would be a

moderate level of less than substantial harm to the significance of the windmill by virtue of the extent of change in its agricultural setting.

Church of St Peter and St Paul (Grade II* listed)

- 3.6.45. The church is situated in Sturton le Steeple, bounded by Church Street and Leverton Road. Details of the significance of the church is contained in ES chapter 9, paragraph 9.7.17 [APP-067] and ES Appendix 9.1, paragraphs 6.41 to 6.44 [APP-122]. These identify the significance of the asset is formed primarily by its architectural and historic interest but setting also makes a contribution to its significance, albeit much less than its physical fabric. Key elements of the asset's setting comprise the associated churchyard and settlement of Sturton le Steeple. The church tower is a highly visible feature within the surrounding landscape, including from areas within the site. The ES considers the agricultural land surrounding Sturton le Steeple makes a very minor contribution to the asset's significance.
- 3.6.46. NCC ([RR-052], [REP2-063a] and during ISH2 [EV7-010]) raises concern on the impact from FP20, where it considers open views form a key part of the setting of the church (in addition to Crow Tree Farm and West End farm which is considered below). NCC considers the proposed solar arrays beside the FP, as illustrated in appendix 2 of [REP1-014], would fail to preserve the setting of the building and recommends they are removed.
- 3.6.47. The applicant disagrees with NCC's position, stating FP20 allows glimpsed views of the church which are not key or important where the location of the proposed development to the west of the FP would not materially alter visibility of the church. Furthermore, the applicant states the open field setting which contributes to the church's significance would be retained and the proposed development would not interrupt key views that allow appreciation of the church as a HA. The applicant does not consider the removal of panels is necessary [REP1-008] and [REP4-031].
- 3.6.48. The ExA sought clarification from HE whether the ES has appropriately assessed effects to this asset (ExQ1 Q11.0.4 [PD-005]). HE [REP2-065] notes the applicant's acknowledgment that setting contributes to the significance of the asset, but disputes this would be "much less than that made by its physical fabric" as stated by the applicant and considers setting contributes more significantly to the asset. HE states the prominent nature of the church tower, despite the presence of modern form in the landscape, retains the ability to understand the dominance of church and state in the medieval period. HE argues that the presence of solar panels would entirely obscure certain views resulting in a moderate level of 'less than substantial' harm to the significance of the highly graded asset.
- 3.6.49. HE also states there is an interrelationship between the church and the Medieval Settlement and Open Field System Immediately South East of Low Farm SM (NHLE ref. 1017741). HE suggests that the proposed solar panel areas and BESS could obscure this relationship, resulting in harm to the significance of both assets, and recommends the refinement of detailed design to reduce harm [REP2-065].

- 3.6.50. In its response to action point 12 from ISH2, the applicant agrees there would 'less than substantial harm' to the church, but disagrees on the emphasis HE places on the relationship with the SM. The applicant comments that the SM was a distinct settlement which, as the list entry identifies, had its own church. The applicant does not consider there to be designed or focussed views from the Church in the direction of the SM [REP4-031].
- 3.6.51. In its rule 17 letter [PD-010], the ExA asked HE to clarify whether it was satisfied with the applicant's response. HE notes the two assets sit in a shared historic landscape setting where views to the tower of St. Peter and St. Paul Church provides both orientation and a point of contrast and reflection between the abandoned (at West Burton) and living settlements. HE considers it regrettable that the applicant did not explore those issues earlier in the pre-application process and considers that an opportunity to address avoidable harm to DHAs of national importance, by relocating the BESS and elements of the solar array, remains unaddressed in the scheme design [REP6-048]
- 3.6.52. In addition to NCC and HE, other IPs, such as [RR-035] consider the proposed development would have a negative impact on the church. The applicant accepts the ES assesses there would be a moderate adverse, not significant indirect temporary effect on the church [REP1-008].
- 3.6.53. At the close of the examination, there was agreement between the applicant and NCC in their SoCG regarding the assessment in the ES and that the asset would experience a level of adverse impact and less than substantial harm [REP6-034].
- 3.6.54. The SoCG between the applicant and HE (issue HE 5) notes disagreement over the relationship between SM and the church [REP6-036].

ExA's considerations - Church of St Peter and St Paul

- 3.6.55. It is regrettable that disagreement between the applicant and HE over the relationship between the church and the Medieval Settlement and Open Field System Immediately South East of Low Farm SM only became apparent in their final SoCG [REP6-036] and not earlier in the examination. This would have allowed greater examination time to explore the potential for further mitigation by design and the extent to which re-locating the BESS to preserve keys lines of sight between the assets would have been achievable.
- 3.6.56. Viewpoint 7B in [APP-095] and [REP3-017] shows baseline photographs from FP1 looking towards the church adjacent to the SM, which the ExA also observed during site inspections [EV3-001]. The prominence of the church on the skyline is apparent at this location, despite being somewhat eroded by overhead transmission line infrastructure. It is therefore likely that the proposed BESS would negatively disrupt the visual relationship between the church and the SM referred to by HE. However, both assets are already predicted to experience harm through change within their setting. The ExA has not been presented with substantive evidence to demonstrate the extent to which any harm would be reduced through re-siting the proposed BESS.

- 3.6.57. The ExA observed views towards the church from FP20 during site inspections [EV9-001]. The proposed solar arrays would be visible to the right of the FP whilst walking towards Sturton le Steeple and are unlikely to obscure views of the church due to their orientation away from the main line of sight. The ability to appreciate the architectural significance of the church and open field setting in the foreground to the church would largely remain and, at most, be very slightly diminished by the adjacent presence of solar panels. Overall, the ExA does not consider the removal of the proposed solar panels to preserve views towards this asset would be necessary.
- 3.6.58. The ExA agrees that an appreciation of the prominence and rural setting of the church from many longer distance vantage points on FPs surrounding Sturton le Steeple would diminish. However, the immediate setting including the church grounds within the Sturton le Steeple would be unharmed. Overall, the ExA finds that a moderate level of less than substantial harm would arise to its significance due to the extent of change in its rural setting.

Crow Tree Farm and West End Farm (both Grade II listed)

- 3.6.59. The Grade II listed DHA is located on the southern side of Wheatley Road in Sturton le Steeple beside the north-eastern corner of the western parcel of the Order limits. West End Farm is situated on the southern side of Freeman's Lane on the western edge of Sturton le Steeple.
- 3.6.60. ES Appendix 9.1 [APP-122] states the significance of the DHAs is defined by their architectural, historic and artistic interest primarily formed by their physical fabric. It further states that setting is formed by associated farmyard buildings (some of which are curtilage listed in respect of Crow Tree Farm) and immediately adjacent agricultural land. The applicant considers that the site does not form part of the setting of either DHA and makes no contribution to their significance. Whilst it is acknowledged that the building and former farmyard buildings associated with Crow Tree Farm may have once shared a functional relationship with the adjoining agricultural land, the ES states that relationship is no longer legible.
- 3.6.61. NCC's LIR [REP2-063a] (paragraph 5.1.4) raises concerns on the effects to the setting of these assets from the proposed solar arrays adjacent to FP20, where prominent views towards them exist. NCC recommends the proposed area of solar arrays to the north of an annotated dotted line illustrated in appendix 2 of its response to ExQ1 Q11.0.5 [REP2-063] should be removed to better preserve the setting of the listed buildings, in addition to the Church of St Peter & St Paul referred to above.
- 3.6.62. The ExA sought further clarification from NCC how setting and views towards Crow Tree Farm contribute to its significance and allow it to be appreciated (ExQ1 Q11.0.5 [PD-005]). NCC clarified their concerns relate to both the primary listed farmhouse and associated curtilage buildings from both FP20 and FP19. NCC explains the farmstead contributes to the agrarian character of Sturton le Steeple and is crucial to understanding the appreciation of the significance of the farm as an historic farmstead. NCC argues that removal of the proposed solar array would preserve existing views across the agrarian

setting from FP20 and an appreciation of the rural setting of the DHAs from FP19 [REP2-063], which it further explained during ISH2 [EV7-010].

- 3.6.63. The applicant disagrees with NCC, stating that consideration should be whether change (either physical or via a change in 'setting') alters the contribution to which the former steading buildings make to the whole designation. The applicant considers their change to residential use has diminished the connection with the primary farmhouse. The applicant argues that the setting of the primary farmhouse comprises associated gardens and paddocks to the south, historically associated agricultural buildings and, to a lesser degree, the immediately surrounding agricultural land to the south, which provides rural context. The applicant considers the proposed development would not affect these factors [REP1-008].
- 3.6.64. Furthermore, during ISH2 ([EV7-010] and [REP4-032]) the applicant explained that the principal elevations of both DHA's face away from the site. The applicant maintains that views towards the assets from FPs 19 and 20 would not fundamentally change, primarily as the proposed development and assets would not be viewed together, and they would remain appreciable in their agrarian setting.
- 3.6.65. At the close of the examination, the recommended removal of panels by NCC to preserve the setting of the DHAs remained an area of disagreement between the applicant and NCC in their SoCG [REP6-034] (issue NCC 16).

ExA's considerations - Crow Tree Farm and West End Farm

- 3.6.66. The ExA observed views towards both DHAs from FPs 19 and 20 during site inspections [EV9-001]. From its observations, the ExA considers that the immediate rural setting of the assets closest to their boundaries makes a small contribution to their setting, which diminishes further with distance.
- 3.6.67. When traversing FP20 in both directions, the agricultural setting of both assets would not be materially harmed due to the proposed separation distance with the solar array areas. For a significant portion of FP20, uninterrupted views of the assets where proposed panels would not be seen in the same angle of view would remain.
- 3.6.68. In respect of FP19 when traversing towards Sturton le Steeple, views towards Crow Tree Farm are partially obstructed by existing rising topography with full views only possible when already beyond the area of proposed panels. The presence of solar panels would clearly disrupt views towards West End Farm from further along the western portion of FP19. However, the removal of the area of panels requested by NCC would not fundamentally reduce or alter this effect.
- 3.6.69. For these reasons, the ExA is not persuaded that removal of the requested panels is necessary to preserve an appreciation of the rural setting of the DHA's. Overall, the ExA is satisfied that the proposed development would not harm the significance of either DHA as there would be sufficient separation distance to solar panels to ensure their immediate agricultural agrarian

setting, which most fundamentally contributes to their significance, would remain.

North Leverton Manor House (Grade II listed)

- 3.6.70. The DHA is located in a residential cul-de-sac of Manor Grove leading off the northern side of Main Street in North Leverton with Habbleshthorpe. It is a large detached residential property situated beside more modern detached dwellings with agricultural land beyond to the north and north-west.
- 3.6.71. ES Appendix 9.1, appendix 1 [APP-122] states the significance of the DHA is defined by its architectural, historic and artistic interest primarily formed by its physical fabric. It further states that setting is formed by historically associated buildings and grounds, and the settlement of North Leverton. The applicant considers there is no historic association, visual connection or other functional relationship with the agricultural land to the north or the site.
- 3.6.72. NCC's LIR [REP2-014] (paragraph 5.1.5), its response to ExQ1 Q11.0.6 [REP2-063] and comments during ISH2 [EV7-012] notes the contribution of the open countryside to the rural setting of the Manor House. NCC raises concern that views out from the asset over open fields would become dominated by solar arrays. It also argues that walkers on FP24 would no longer be able to appreciate the significance of the DHA in its agrarian setting, which NCC considers to be a clear component. In its current form, NCC considers the proposed development would give rise to harm to the significance of the DHA. It recommends the removal of an area of solar panels as denoted in appendix 3 of [REP2-063] to preserve north-western views from the asset and views in its agrarian setting from FP24 (in addition to North Leverton Windmill).
- 3.6.73. Through its comments in [REP1-008], [REP3-039] and ISH2 (EV7-012) and [REP4-031]), the applicant considers that primary views from the Manor House face away from the Order limits and notes its modern residential surroundings has substantially eroded its historic context. The applicant considers the asset is best appreciated from Main Street in North Leverton as intervening hedgerows along FP24 restrict views, which would be strengthened through proposed planting. The applicant notes that the proposed development would not be visible from the vicinity of the Manor House. Overall, the applicant considers the setting of the Manor House would be preserved.
- 3.6.74. At the close of the examination, the recommended removal of panels by NCC to preserve the setting of the DHA remained an area of disagreement between the applicant and NCC in their SoCG [REP6-034] (issue NCC 16).

ExA's considerations - North Leverton Manor House

- 3.6.75. The ExA observed views towards the Manor House from FP24 during site inspections [EV9-001]. The ExA considers that the adjacent rural setting of the Manor House makes a very small contribution to its significance.

- 3.6.76. When walking towards North Leverton along FP24, views towards the Manor House are blocked by the presence of hedgerow. The Manor House becomes visible when moving beyond the area of proposed panels recommended for removal by NCC. Overall, the significance of the Manor House within its rural setting, which has been largely eroded by more modern dwellings, would remain unaffected. Views out of the asset are not directly towards the proposed development and therefore the ExA is not persuaded that views would become dominated by the presence of solar panels such that it would harm its significance.
- 3.6.77. Overall, the ExA considers that the proposed development would not result in harm to the significance of the Manor House. Therefore, the ExA does not consider that removal of the area of panels suggested by NCC would be justified to preserve the setting of the DHA.

Burton Chateau (Grade II* listed)

- 3.6.78. The Chateau is situated on raised ground on the eastern side of the River Trent in Lincolnshire, opposite the proposed eastern biodiversity mitigation area. Its primary elevation facing south-eastwards towards Gate Burton.
- 3.6.79. Details of the significance of the DHA is contained in ES Appendix 9.1, paragraphs 6.52 to 6.57 [APP-122]. The ES states significance is formed primarily by its physical fabric, having historic and architectural interest as an example of an 18th-century folly. Setting contributes to the asset's significance but stated to be a far lesser degree than is derived from its form. The key element of the asset's setting is considered in the ES to comprise the landscaped park which has a historic association with the folly. Agricultural land surrounding the park is considered to make a very minor contribution to the asset's significance. Overall, the ES considers that land within the Order limits does not contribute to the asset's significance.
- 3.6.80. NCC's LIR [REP2-063a], response to ExQ1 Q11.0.7 [REP2-063] and comments during ISH2 [EV7-012] considers the proposed development would be visible within the design landscape views from the asset. NCC disagrees with the applicant's removal of fully assessing effects on the asset in the ES and considers there would be a change in the landscape and a degree of harm caused. NCC also raise concerns that the proposed development has the potential to impact on the financial viability and thereby the 'optimum use' of the asset causing direct harm. NCC confirmed during further discussions in ISH2 that its position remained unchanged.
- 3.6.81. Through its responses to NCC, the ExA's questions in ExQ1 Q11.0.8 [PD-005] and during ISH2 [EV7-012], the applicant does not anticipate any visibility of the proposed development from the asset except for the potential for theoretical visibility of the BESS. The applicant also does not consider that views across the park or down the River Trent from the asset would be impacted as these do not face in the direction of the proposed development. Furthermore, the applicant considers there is no evidence to suggest that tourist numbers or the financial viability of the asset would be affected by the proposed development, noting the lack of objection from the Landmark Trust

who operate the building [REP2-050], [REP2-052], [REP3-039] and [REP4-031]. The applicant's final position is there would be no harm to the significance of the asset, also noting the lack of concern by HE [REP6-041].

- 3.6.82. The applicant also confirmed in response to ExQ1 Q11.0.9 [PD-005], which questioned the potential for cumulative effects on the asset from other proposed developments, that the ES for the Gate Burton Energy Park development concluded that there would be a neutral effect on the HA from that scheme. As the applicant has not predicted any effects from the proposed development, it considers there would be no cumulative effects.

ExA's considerations - Burton Chateau

- 3.6.83. The ExA visited the chateau during site inspections [EV9-001] and observed the architectural form, setting of the asset and views out over the Trent Valley from immediately beside the asset and within the landscape garden.
- 3.6.84. The ExA considers there is sufficient separation distance between the proposed development and the DHA to ensure that no harm would arise to its significance. Views towards the proposed development from the asset and within its landscape gardens were largely obscured by existing vegetation. Furthermore, the principal facades of the chateau face away from the Order limits. Whilst surrounding agricultural land forms a very minor part of the asset's setting, the ExA does not consider this extends to the application site.
- 3.6.85. For these reasons, and also recognising the lack of comments from HE, Lincolnshire County Council and the Landmark Trust, the ExA considers no harm would arise to the significance of the asset due to change within its setting. That is primarily due to the separation distance to the proposed development and limited views towards the site. Furthermore, the ExA has not been presented with substantive evidence to demonstrate that the financial viability of the asset would be adversely affected.

Other DHA's

- 3.6.86. FfF [RR-035] notes the presence of several other listed buildings adjacent to the site it considers would be negatively impacted by the proposed development and their connection to the historic landscape, in addition to those covered above. These are identified as West Burton Village (SM), Tollbar Cottage, Habbleshthorpe Manor and Corner Farm pump and buildings, and churches including the Norman/Saxon church of St Nicholas in Littleborough and St Martin in North Leverton. SSPC [RR-029] also explains the historic importance of Littleborough containing the Segelocum Roman town SM and associated Roman Road.
- 3.6.87. The applicant [REP1-008] confirms it has assessed the effects on these assets in ES chapter 9 [APP-067] as follows, acknowledging that "some harm" would arise to HAs:
- Church of St Nicholas - Grade I Listed (NHLE ref. 1216860): Neutral, not significant effects assessed in ES paragraph 9.7.15 and Table 9.5

- Church of St Martin - Grade I Listed (NHLE ref. 1234265): Minor adverse, not significant effects assessed in ES paragraph 9.7.16 and Table 9.5
- Segelocum Roman town Scheduled Monument (NHLE ref. 1003669): Minor adverse, not significant effects (including cumulative) assessed in ES paragraphs 9.7.13 and 9.10.5 and Table 9.5 [APP-067]
- Medieval settlement and open field system immediately south east of Low Farm Scheduled Monument (NHLE ref. 1017741): Minor adverse, not significant effects (including cumulative) assessed in ES paragraphs 9.7.14 and 9.10.5 and Table 9.5 [APP-067].

3.6.88. The applicant states the following assets were considered in ES Appendix 9.1 [APP-122] but not taken forward for further assessment in ES chapter 9 [APP-067] as no harm to their significance was anticipated:

- Habbleshthorpe Manor - Grade II Listed (NHLE ref. 1234262)
- Corner Farm pump and buildings - Grade II Listed (NHLE ref. 1234321)

3.6.89. The applicant comments that the presence of a solar farm in proximity to HAS does not necessarily result in harmful effects and is not an approach advocated in HE's Good Practice Advice in Planning 3: The Setting of Heritage Assets. The applicant states its assessment has followed the staged approach advocated by HE.

ExA conclusions - Other DHA's

3.6.90. The ExA is satisfied that ES chapter 9 [APP-067] and ES appendix 9.1 [APP-122] has appropriately assessed the DHAs referred to by FfF and SSPC and identifies where adverse effects and harm to their significance would arise. Where minor adverse effects are identified, the ExA concludes these would result in 'less than substantial harm' to their significance at the lower end of the scale, by virtue of change that would affect their setting.

3.6.91. Whilst the applicant did not directly respond to FfF's comments in respect of Tollbar Cottage (known as 'Littleborough Cottage' in HE's listing (NHLE ref. 1275674)), the ExA notes the asset has been assessed in ES paragraph 9.7.11 and ES appendix 9.1 [APP-122] paragraphs 6.58 to 6.62. Based on this assessment and what the ExA observed during site inspections [EV3-001], the ExA is satisfied that the proposed off-set of the proposed development from the asset would not harm the significance of its physical fabric nor the ability to appreciate its rural setting.

EXTENT OF PRE-DETERMINATION TRIAL TRENCHING

3.6.92. The applicant has undertaken targeted pre-determination trial trenching in the northern part of the site, focused on 'fixed' large-scale areas comprising the BESS and substation compounds where harm would be unavoidable. The Outline Written Scheme of Investigation (WSI) for Pre-Determination Trial Trenching [APP-125] states 16 trenched areas for the trial trenching was guided by footprint of the elements and the results of the geophysical survey, desk-base analysis, review of Light Detection and Ranging (LiDAR) and review of aerial photographs as well as review of previous archaeological fieldwork undertaken in the vicinity.

- 3.6.93. The applicant's analysis across the remainder of the Order limits has been supported by desk-based analysis and geophysical survey to identify areas of archaeological potential.
- 3.6.94. The extent of the applicant's pre-determination trial trenching was a considerable area of disagreement between the applicant and NCC throughout the examination. Both parties raised detailed submissions presenting their respective positions. It ultimately remained an area of disagreement between the parties in their SoCG [REP6-034] at the close of the examination (issues NCC 18, 19 and 21).
- 3.6.95. Through its RR [RR-052], LIR [REP2-063a] and submissions during ISH1 [EV5-005] and ISH2 [EV7-010], NCC raises fundamental concerns on the extent of trial trenching that has been undertaken. The key points raised across those submissions can be summarised as follows:
- To properly assess the impact of a development upon archaeology, the applicant should provide sufficient desk-based research, non-intrusive survey and intrusive field evaluation to adequately understand the archaeological resource. The trial trenching undertaken is inadequate and limited to approximately 0.01% of the Order limits.
 - There are known areas of high archaeological potential and sensitivity within and around the Order limits including late Iron Age and Roman settlements. The applicant's submission relies primarily upon desk-based work and non-intrusive geophysical surveys which has not identified the full extent, state of preservation, depth, date and significance of archaeology.
 - There are profound concerns that the applicant's approach is 'highly' flawed and does not meet planning policy, such as NPS EN-3 footnote 94 which is very clear in asserting that: "The results of pre-determination archaeological evaluation inform the design of the scheme and related archaeological planning conditions."
 - The removal of 4 identified areas of high archaeological potential identified in the Geophysical Survey from the proposed development is welcomed. However, it is likely that areas of high potential extend further than indicated in the survey results, which should be determined through targeted trial trench evaluation.
 - Geophysical surveys can provide unreliable results with certain periods of archaeology showing more prevalently.
 - Further pre-determination trial trenching of the areas highlighted in response to ExQ1 Q.11.0.11 [REP2-063] (appendix 4) should be undertaken, which are areas of high archaeological potential identified in the geophysical survey [APP-123] and the Council's own records. Without this, the significance of areas of high potential cannot be established.
 - Whilst a programme of post-consent investigative work has been proposed in [APP-126], its content is vague and of little value due to the lack of trial trench evaluation to date. The statements at sections 2.4, 2.6 and 2.7 are strongly refuted.
 - Where areas are not evaluated pre-determination, provision must be made at a later stage through an appropriate WSI.

- The outline WSI for Post-Consent Archaeological Works [REP6-022] is based on limited data, is vague and uninformed at best on the likely extent of work requirements post-consent. It also contains questionable statements and caveats including a reductive interpretation of policy.
- Overall, the applicant's approach to assessment of buried heritage is fundamentally flawed, it does not meet policy requirements and lacks the necessary detail required to provide a reliable assessment of significance and impact. The Council's position is the proposed development would have a significant, adverse and negative impact on the site's archaeological resource, including during decommissioning.

3.6.96. The applicant provided a detailed rebuttal of NCC's position through its submissions in [REP1-008], [REP2-050] and [REP3-039]. The applicant sets out why it considers its approach to trial trenching is appropriate, primarily in [REP2-053] and [REP6-041] and during ISH1 ([EV5-005] and [REP1-009]) and ISH2 ([EV7-010] and [REP4-031]). The key points raised by the applicant during those submissions can be summarised as follows:

- The programme of trial trench evaluation undertaken on areas of fixed development associated with the proposed BESS and substation, focusing on areas that would be harmed, is an appropriate and proportionate response to archaeological investigation.
- The applicant's assessment of effects has been supported by various data collection including the Council's Historic Environment Record, site walkovers, LIDAR, historic maps and aerial photography, in accordance with policy and approaches to archaeological assessment.
- The report describing the results of the trial trenching to the 16 areas [REP2-060] did not identify any remains pre-dating the post-medieval period and none of the features excavated were of archaeological significance. The findings correlate with the results of the Geophysical Survey, demonstrating its accuracy.
- The applicant disagrees that areas of high archaeological potential must be subject to trial trench evaluation. There is no requirement in NPS EN-3 (paragraphs 2.10.113 - 2.10.115) that trial trenching is required to support an application or a reference to an appropriate percentage of the site to trench (also see Mallard Pass DCO recommendation and decision).
- Footnote 94 of NPS EN-3 is clear that pre-determination evaluation should inform design of the scheme and related archaeological planning conditions, which the geophysical survey achieves. A review of other schemes [REP2-053] shows that the applicant's approach is consistent with other large solar schemes.
- Trial trenching permanently removes archaeology, disturbing a large area and substantially more than would be disturbed by solar arrays. The guiding principle of archaeology is preservation in situ and there is a move away from undertaking extensive trenching pre-determination, recognising the low impact of solar where investigation would be unjustified if consent was not forthcoming. Trenching a sample of 1% of the site area, approximately 88,830 sqm, would not be a proportionate level of disturbance.

- Draft Guidance 'The Archaeology and Solar Farms: Good Practice Guide' [REP5-052] strongly supports a proportionate approach to intrusive fieldwork, highlighting the need for a staged approach focussing on non-invasive survey. It also highlights the flexible nature of solar schemes and the disproportionate level of disturbance from evaluation relative to solar panel insertion, with a preference for trial trenching post-determination. Reference is made to principles 4, 5, 7 and 8 and paragraphs 3.8.2 to 3.8.4 of the draft guidance.
- The proposed layout has been influenced by the archaeological evaluation process, in accordance with NPS EN-3 paragraph 2.10.116. Excluding 4 areas of high archaeological significance, identified in the Geophysical Survey [REP6-020] and [REP6-021] as areas A to D, from the proposed site layout demonstrates the applicant has avoided areas with the highest potential for significant remains through its design process. This approach, preserving remains in situ, accords with footnote 94 in NPS EN-3.
- The flexible nature of solar development, giving rise to fewer below ground impacts, facilitates a dynamic and flexible approach with the ability to microsite elements, in accordance with NPS EN-3 paragraph 2.10.137.
- Proposed planting would be less harmful than the current ploughing regime, which would not occur during the proposed development.
- Further archaeological works through post-consent trial trench evaluation are proposed, as outlined in ES Appendix 9.5 [REP6-022], which would be undertaken in consultation with the Council. The evaluation would continue to inform the proposed design and layout, and also evaluate and mitigate archaeological risk. This would be secured via requirement 17 in the dDCO.
- The applicant disagrees with the assertion by NCC that a reductive interpretation of policy has been applied in the oWSI [REP6-022], which has not been clarified or evidenced.
- Overall, the applicant considers that further pre-determination trial trenching is not necessary to support determination of the application.

3.6.97. The applicant's response to NCC's LIR agrees that the "state of preservation, depth, date and significance [of areas of high archaeological potential] has not been established" in its geophysical survey. The ExA asked the applicant in ExQ2 Q11.0.2 [PD-008] how the SoS can appropriately seek to identify and assess the particular significance of areas of high archaeological potential that may be affected, including setting, as required in NPS EN-1 paragraph 5.9.22.

3.6.98. The applicant [REP5-048] explains that the geophysical survey has used 'informed professional judgment' using evidence gathered to identify the significance of high areas of archaeological potential, providing examples of how this has been applied. The applicant explains paragraph 5.9.22 in NPS EN-1 states that the "Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development". The applicant states the importance of establishing significance is relevant only to those elements which would impact buried archaeology, and cannot be moved or built in such a way that avoids harm.

As the applicant has avoided areas of high archaeological potential (areas A to D) the applicant argues an assessment of significance to inform the impact is not required. The applicant also states that its further evaluation works proposed post any consent would also establish significance.

- 3.6.99. HE raised initially concerns on the extent of trial trenching undertaken by the applicant in [RR-045] and during ISH1 [EV5-005]. HE notes there is the potential for confirmation bias from geophysical surveys. Also, it comments that undertaking trenching later into the process can reduce capacity to respond to adaptive design. During ISH1, HE supported NCC's comments and encouraged the applicant to undertake further trenching, but also drew attention to considering the extent of archaeological setting and the effects from mitigation planting on archaeology. Following updates to documentation and the applicant's comments throughout the examination, with a commitment for further trial trenching, the approach to archaeology was an agreed matter in the SoCG between the applicant and HE [REP6-036 (issues HE 6 to HE 12)].

ExA's considerations - Extent of pre-determination trial trenching

- 3.6.100. Targeted trial trenching has been undertaken in the areas of the proposed BESS and substation, which the ExA is satisfied has not established any HAs of archaeological significance. The ExA considers the omission of the 4 areas from the proposed layout, due to their identified archaeological significance in the geophysical survey, is a sensible approach demonstrating that the applicant's design has been informed by the pre-determination archaeological evaluation, in accordance with the provisions of NPS EN-3 paragraphs 2.10.10 and 2.10.116.
- 3.6.101. Turning to the remaining areas of the site, the ExA accepts that neither NPS EN-1 or EN-3 explicitly states trial trenching is required to support an application. However, they also do not exclude the possibility of such works being required. Most notably, paragraph 5.9.11 in NPS EN-1 and paragraph 2.10.113 in NPS EN-3 refers to the potential for field evaluations. Paragraph 2.10.114 refers to the possibility of trial trenching being required beyond boundaries to assess ground disturbance, including for 'mounting supports for solar panels on archaeological assets'. Fundamentally, the key policy is establishing significance of assets and in turn, extent of impact and harm. The need for trial trenching to establish significance should be determined on a case-by-case basis.
- 3.6.102. The ExA notes the applicant's interpretation of paragraph 5.9.22 in EN-1 although is not persuaded that establishing significance only applies to those assets that 'would' be impacted. Rather it applies to assets that 'may' be affected by the proposed development, including by development affecting their setting. As NCC and HE allude to in their submissions, the geophysical survey does not necessarily identify the extent of setting for any buried archaeology. The application documentation identifies areas of high archaeological potential, although it does not identify the significance, depth, date, character, state of preservation and relative complexity of archaeological assets that could be affected in areas where solar panels are

proposed. Rather that they are areas of "lesser significance" [REP6-041], paragraph 9.19. Therefore, the potential effects on the significance of buried assets in those areas that could be impacted has not been fully established.

- 3.6.103. The ExA considers pre-determination trial trenching of all the areas recommended by NCC's response to ExQ1 Q.11.0.11 [REP2-063] highlighted in green would be excessive. However, recognising the potential for further areas of archaeological significance, the ExA considers that trenching of smaller targeted areas would have been beneficial to verify the results of the geophysical survey and better inform actual significance.
- 3.6.104. The ExA has considered the draft Archaeology and Solar Farm: Good Practice Guide [REP5-052] which advocates targeted and sustainable pre and post-determination trial trenching but with a preference for post-determination trenching. Whilst the guide acknowledges the intrusive nature of trenching it states its purpose is to gather information on the presence or absence of buried archaeological remains and if present, to understand the significance, depth, date, character, state of preservation and relative complexity of archaeological remains.
- 3.6.105. Paragraph 3.8.3 of the guide recognises the relatively low impact of panel supports and the high level of flexibility in the design of solar farms, as stated by the applicant. It recognises that elements such as cable trenches, transformers and connectors can be re-located, even post-determination. It also states targeted pre-determination trenching of the fixed areas provides decision makers with additional confidence where desk-based and non-intrusive work has suggested the possible presence of archaeological remains in those areas. The ExA is satisfied that the applicant's pre-determination trial trenching has achieved this.
- 3.6.106. Overall, whilst the ExA considers the applicant has not fully established the significance of buried assets in those areas that could be impacted by solar infrastructure, the ExA is nevertheless satisfied the evidence strongly suggests that risk of harm to buried archaeological assets of significance can be appropriately managed. The ExA also takes confidence that areas of high archaeological significance that have been excluded from the proposed layout would further reduce risks.
- 3.6.107. The uncertainty of the full significance of known areas of high archaeological potential and sensitivity means that, in order to reduce the risk of harm to buried archaeological assets of high significance and increase the likelihood of them being preserved, further trial trenching is essential prior to any consented development taking place. This would afford the opportunity for flexibility in the final detailed layout and any required micro-siting, in accordance with NPS EN-3 paragraph 2.10.137.
- 3.6.108. Importantly, requirement 17 of the dDCO [REP6-004] would secure the need for a scheme for additional trial trenching to be undertaken in consultation with the planning authority. The ExA is satisfied that the oWSI in ES Appendix 9.5 [REP6-022] provides an appropriate framework to support this. Whilst the ExA notes disagreement between the applicant and NCC on the

content of the oWSI [REP6-034] (issue NCC 22), requirement 17 requires further WSI's to be developed where any identified shortcomings can be addressed through that process.

- 3.6.109. Given the intrinsic link to the suitability of the final proposed layout, it is important that the detailed layout submitted under requirement 3 has full regard to the provisions of requirement 17. Therefore, the ExA has recommended adding explicit reference to that effect in requirement 3 subparagraph (2) of its rDCO.

STURTON LE STEEPLE'S CHRISTIAN HERITAGE

- 3.6.110. SSPC provided detailed comments throughout the examination explaining the importance of Sturton le Steeple's Christian heritage [RR-029], [REP1-039] and [REP4-037]. In particular, SSPC states that Sturton le Steeple and its landscape are integral to key individuals that were associated with the Baptist and Mayflower Pilgrim movement. Similar comments were made in [RR-026].
- 3.6.111. SSPC's submissions in [RR-029] and [REP1-039] consider the proposed development would destroy the original landscape enjoyed by prominent figures associated with the movement and reduce the attraction of the area's heritage. The submissions highlight the popularity of the historic links to tourists that SSPC are seeking to maintain and enhance, which it considers the proposed development would undermine.
- 3.6.112. The applicant acknowledges that Sturton le Steeple's Christian heritage can contribute to the significance of an asset where relevant but is not a HA. The applicant states the Pilgrim Trail is not a HA but a local route which encompasses a series of historic sites associated with the origins of the Mayflower Pilgrims. The applicant maintains the route is not a walking trail and there is nothing specific about the landscape around the settlements that forms part of the trail; rather it is about the settlements themselves, key buildings within, and their associations with key people linked to the Mayflower Pilgrims. The applicant argues the site will not change any aspects of the Pilgrim Trail [REP1-008].
- 3.6.113. The ExA sought further comments from the applicant as to whether the significance of HAs in the ES had considered Christian heritage, and also sought comments from the BDC, NSS and HE on SSPC's concerns (ExQ1 Q11.0.12 [PD-005]). The applicant acknowledges that there is a historic relationship between the Church of St. Peter and St. Paul and individuals associated with the Pilgrim movement. However, the applicant argues this relationship does not extend to the proposed site. In addition, the applicant explains that the concerns raised by SSPC does not raise any conflict with regards to the Equality Act, primarily as the proposed development would not prevent or prejudice the ability to understand the religious foundations of the Pilgrim movement [REP2-052]
- 3.6.114. NCC acknowledge that the Pilgrim Trail is a significant component of the visitor economy and contributes to tourism [REP2-063]. BDC queried the

precise route of the trail [REP2-062]. HE did not provide any comments [REP2-065].

3.6.115. SSPC set out a more detailed submission in [REP4-037] of the importance of Christian heritage to the significance of HAs in and around Sturton le Steeple. Amongst other matters, it argues that significance of HAs resides not only in the fabric of churches and historic sites, but in the experience of moving through a largely rural landscape whose character still allows the Mayflower story to be read. It argues the proposed development would materially diminish that significance by repatterning the landscape, interrupting key views and routes, weakening the interpretive experience, and undermining an established and expanding tourism economy. Furthermore, it would erode the ability of the public to apprehend the heritage values in situ. SSPC states the proposed development would conflict with the heritage and landscape objectives in the Neighbourhood Plan and the requirement to give great weight to the conservation of HAs and their settings in the NPPF.

3.6.116. The key points raised in the applicant's response to SSPC's DL4 submission can be summarised as follows:

- The proposed development would not repattern the landscape, but sits within the existing field patterns and existing or historic hedgerow lines.
- The proposed development would not interrupt views and routes between HAs related to Christian heritage. There are no tangible HAs within the site or study area which are directly related to the Pilgrim heritage and understanding of the evolution of the Pilgrim and Baptist faith.
- The interpretative experience is not relevant to the assessment of heritage assets as it cannot be directly linked to a tangible HA illustrating the Pilgrim movement.
- There is no evidence that economic factors such as the tourism economy will be affected by the proposed development.
- Due to the intangible element of Christian Heritage not being a HA, the relevant policy considerations for HA under the NPS EN-1 (notably paragraph 5.9.28) do not apply.

3.6.117. At the close of the examination, the effects on Sturton le Steeple's Christian Heritage was an outstanding area of disagreement in the SoCG between the applicant and SSPC [REP3-045] (issues S-I-SPC 16 and 18).

ExA's considerations - Sturton le Steeple's Christian heritage

3.6.118. The ExA agrees that Christian heritage itself would not fall in the definition of a HA as defined in Annex 2 of the NPPF. However, the ExA considers that Christian heritage and the historical association of the Baptist and Mayflower Pilgrim movement can contribute to the historical significance of HAs, such as the Church of St. Peter and St. Paul.

3.6.119. The ExA does not consider the Pilgrim Trail constitutes a HA in the absence of substantive evidence to demonstrate otherwise. The ExA acknowledges that the significance of HA's can be appreciated from designated footpaths

that may form the Pilgrim trail. However, the ExA considers those effects have been sufficiently considered in the ES and in the assessment above.

- 3.6.120. For example, the ES identifies that the Church of St. Peter and St. Paul would experience moderate adverse effects through change in its rural setting. Whilst the ExA considers the proposed development has the potential to undermine the experience of receptors appreciating the heritage values associated with the Baptist and Mayflower Pilgrim movement, the ExA is satisfied that any effects to understanding the historical links associated with the movement would not give rise to any additional adverse effects than already assessed in the ES.
- 3.6.121. Landscape and visual effects have been considered separately which includes the effects on users of footpaths where views towards HAs are experienced. A number of significant adverse effects have been identified to visual receptors using public footpaths by the ExA in that section.
- 3.6.122. The extent to which the proposed development could affect tourists appreciating the movement is a social economic matter. However, whilst the ExA fully acknowledges the positive efforts SSPC and the local councils are doing to promote the Pilgrim Trail for visitors, the ExA has not been presented with substantive evidence to demonstrate that the tourist numbers would materially change as a consequence of the proposed development.

CUMULATIVE EFFECTS

- 3.6.123. FfF [REP1-030] and [REP1-036] raise concerns with the applicant's approach to assessing cumulative effects on HAs. FfF argues impacts have been assessed individually rather than collectively, thereby failing to capture holistic, heritage landscape-scale effects. FfF further states the combined effect of multiple projects would fundamentally alter the historic character and setting of the wider rural, agricultural landscape which contributes to the significance of HAs. It considers there would be an unmitigated, cumulative qualitative shift in the historic environment that the applicant's fragmented assessment fails to address.
- 3.6.124. The applicant [REP2-051] refers to the cumulative assessment carried out in individual chapters and the assessment of cumulative and in combination effects in ES Chapter 18 [REP5-017].

ExA's considerations - Cumulative effects

- 3.6.125. The ExA notes the content of section 9.10 in ES chapter 9 [APP-067] which provides an assessment of cumulative effects from proposed projects on HAs. The asset identified to experience adverse effects is Burton Chateau which is addressed above. The ExA is satisfied that other proposed solar schemes would not result in any additional effects to HA over and above those already identified for the proposed development.
- 3.6.126. Where other projects are further behind, such as STEP or NHHM, it would be for their respective EIAs to assess cumulative effects with the proposed development.

CONCLUSIONS

- 3.6.127. In reaching its considerations and conclusions on historic environment, the ExA has had regard to the desirability of preserving any listed building, its setting or features of special architectural or historic interest, and in addition preserving scheduled monuments or their setting (Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010).
- 3.6.128. The ExA is satisfied that the applicant's assessment of HAs in ES chapter 9 [APP-067] and ES appendix 9.1 [APP-122] has appropriately assessed the likely significant impacts of the proposed development, in accordance with paragraph 5.9.9 of NPS EN-1.
- 3.6.129. For DHAs, the applicant has also appropriately described the significance of HAs affected by the proposed development, including any contribution made by their setting (paragraph 5.9.10 of NPS EN-1).
- 3.6.130. In respect of effects to DHAs, the ExA finds that the following adverse effects, and harm to significance due to the impacts to their setting which contributes to their significance, would arise:
- Segelocum Roman Town Scheduled Monument (Littleborough): Minor adverse (not significant) effects and less than substantial harm to its significance at the lower end of the scale.
 - Medieval Settlement and Open Field System Immediately South East of Low Farm Scheduled Monument (West Burton): Minor adverse (not significant) effects and less than substantial harm to its significance at the lower end of the scale.
 - Grade I Listed Church of St Martin (North Leverton with Hablesthorpe): Minor adverse (not significant) effects and less than substantial harm to its significance at the lower end of the scale.
 - Grade II* Listed Church of St Peter and St Paul (Sturton le Steeple): Moderate adverse (not significant) effects and less than substantial harm to its significance of moderate level.
 - Grade II* North Leverton Windmill (North Leverton with Hablesthorpe): Moderate adverse (not significant) effects and less than substantial harm to its significance of moderate level.
 - Grade II Listed Manor Farmhouse (Fenton): Minor adverse (not significant) effects and less than substantial harm to its significance at the lower end of the scale.
- 3.6.131. Whilst areas of archaeological significance for buried archaeological remains have been identified through desk-based analysis and a non-intrusive geophysical survey, the full extent of significance for areas of the Order limits that could be impacted by non-fixed elements has not been fully established. The ExA is however satisfied that a programme of further post-determination trial trenching is proposed that would reduce the risk of harm to, and increase the likelihood of preserving, buried archaeological assets of high significance (paragraphs 5.9.25 and 5.9.28 of NPS EN-1). The ExA recognises however that the possibility of harm to assets and their significance cannot be entirely ruled out.

- 3.6.132. Section 9.8 in ES chapter 9 [APP-067] sets out mitigation measures which includes off-setting development from assets, undertaking further trial trenching, and employing various management measures through construction, operation and decommissioning. Further details of the measures are contained in ES Appendices 9.3 [APP-124] and 9.5 [REP6-022]. The ExA is satisfied that the measures contained in these documents would provide adequate control and mitigation for archaeological purposes. They would be adequately secured under requirement 17 of the dDCO [REP6-004].
- 3.6.133. Overall, the proposed development would result in adverse effects and harm to the significance of a number of DHA's both individually and collectively. Under paragraph 5.9.27 of NPS EN-1, the SoS must give great weight to an asset's conservation and the more important the asset, the greater the weight should be. As such, the ExA affords any harm to DHAs great weight. In accordance with NPS EN-1 paragraph 5.9.32 the identified less than substantial harm to the significance of DHA's is to be weighed against the public benefits of the proposal.
- 3.6.134. Given the requirement to undertake a separate balancing exercise for heritage harm, the ExA's consideration of the weight to be attached to the effects of the proposed development on historic environment, and overall compliance with policy, is deferred to chapter 5.

3.7. LANDSCAPE AND VISUAL INTRODUCTION

- 3.7.1. This section considers the landscape and visual effects of the proposed development. This also includes the effects on residential visual amenity. Whilst there is close interaction, design matters are covered in section 3.3. above. Glint and glare is considered separately under other planning issues in section 3.11 as it covers matters wider than landscape and visual matters.

POLICY BACKGROUND

- 3.7.2. The key paragraphs and sections in respect of national and local planning policies include:
- NPS EN-1 (2024): Section 5.10, particularly but not limited to paragraphs 5.10.5, 5.10.6, 5.10.13, 5.10.14, 5.10.16, 5.10.19, 5.10.27 and 5.10.35
 - NPS EN-3 (2024): Paragraphs 2.10.94 to 2.10.101
 - NPS EN-5 (2024): Paragraphs 2.9.9 to 2.9.11 and 2.9.19
 - NPPF (2024): Paragraph 187
 - BLP 2020-2038 Policies ST35 (Landscape Character), ST37 (Green and Blue Infrastructure) and ST39 (Trees, woodlands and hedgerows)
 - SWNP Policy 2a: Protecting the Landscape Character
- 3.7.3. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

INTRODUCTION

- 3.7.4. The applicant's assessment of landscape and visual impact and residential amenity is provided in ES chapter 6 [APP-064]. It considers the effects on landscape features, landscape designations, landscape character and visual amenity. The assessment describes the assessment methodology, baseline conditions, the likely significant effects (including cumulative) during construction, operation and decommissioning and the proposed mitigation and enhancement measures to minimise effects and the residual effects.
- 3.7.5. The chapter is supported by the following documents:
- Appendix 6.1: Viewpoint photographs [REP3-017] and [REP3-018]
 - Appendix 6.2: Photomontages [APP-097], [REP3-019], [APP-098] and [REP3-020]
 - Appendix 6.3: Viewpoint Assessment [REP5-027]
 - Appendix 6.4: Residential Visual Amenity Assessment [APP-100]
 - Appendix 6.5: Arboricultural Impact Assessment [APP-101]
 - Appendix 6.6: Assessment of Public Rights of Way [REP5-029]
 - Appendix 7.14: Outline Landscape and Environmental Management Plan (oLEMP) [REP6-018]
 - Figure 6.1: Site Location Plan [APP-147]
 - Figure 6.2: Landscape Designations [APP-148]
 - Figure 6.3: Topography [APP-149]
 - Figure 6.4: Landscape Character [APP-150]
 - Figure 6.5a: Visual Receptors (Settlements, A Roads, B Roads and Long Distance Routes) [AS-015]
 - Figure 6.5b: Visual Receptors (Settlements, A Roads, B Roads and PROWs) [APP-151]
 - Figure 6.5c: Visual Receptors (Settlements, A Roads, B Roads and Minor Roads) [APP-152]
 - Figure 6.6a: Screened Zone of Theoretical Visibility (SZTV) and viewpoint (VP) Locations (10km radius) [APP-153]
 - Figure 6.6b: SZTV and VP Locations (5km radius) [APP-154]
 - Figure 6.6c: SZTV and VP Locations (2km radius) [APP-155]
 - Figure 6.7: SZTV and Landscape Character [APP-156]
 - Figure 6.8a: SZTV and Visual Receptors (Settlements, A Roads, B Roads and Long Distance Routes) [APP-157]
 - Figure 6.8b: SZTV and Visual Receptors (Settlements, A Roads, B Roads and PROW) [APP-158]
 - Figure 6.8c: SZTV and Visual Receptors (Settlements, A Roads, B Roads and Minor Roads) [APP-159]
 - Figure 6.9: Landscape and Ecological Mitigation Strategy [APP-160]
 - Cumulative SZTV [REP2-054]

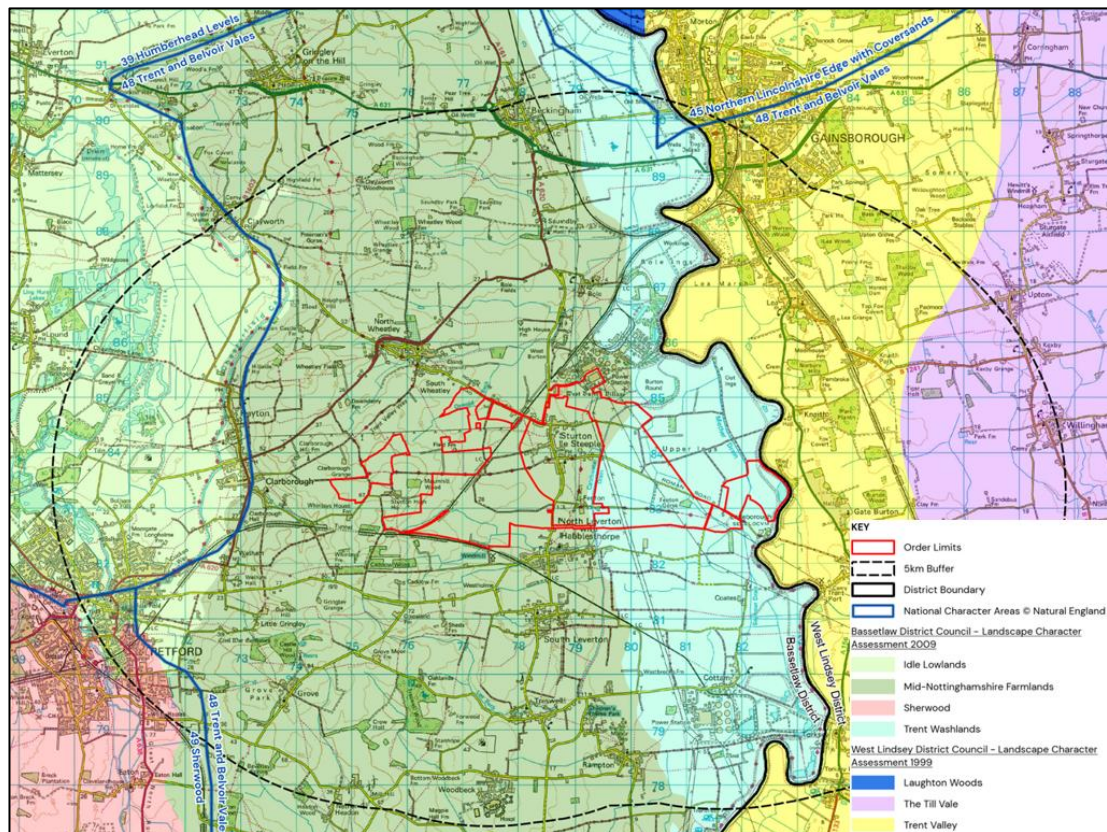
METHODOLOGY

- 3.7.6. ES chapter 6 [APP-064] contains a landscape and visual impact assessment (LVIA) primarily undertaken following the Guidelines for Landscape and Visual Assessment (GLVIA) 3. The aim of the LVIA is to:
- establish the landscape character and landscape features of the site
 - determine the sensitivity of the landscape
 - identify potential visual receptors
 - identify and assess landscape, visual and cumulative effects
 - identify and describe mitigation measures to avoid, reduce and compensate effects
 - evaluate residual effects
- 3.7.7. Section 6.3 sets out the criteria adopted for assessing landscape and visual effects. In summary, it establishes the sensitivity of individual receptors (landscape features, landscape character and visual receptors) by combining its susceptibility to change and its value which is described as very high, high, medium, low or very low. The magnitude of effect at each of these receptors is also established using a similar description. Types of effect are then assigned which can be beneficial, adverse or neutral. Consideration is also given the duration of effect (short, medium and long term) and the reversibility of the effect (permanent or non-permanent).
- 3.7.8. Significance is determined by combining the judgements of sensitivity, magnitude of change, duration of effect and reversibility. The residual effects account for mitigation measures. The relative level of effect is described using a 5-point scale as major, major/moderate, moderate, moderate/minor, minor or minor/no effect. Those effects described as major, major/moderate and in some cases moderate have been assigned significant effects. However, some moderate effects are considered not significant.

BASELINE

- 3.7.9. The application site is not covered by any landscape designations at a national, regional or local level. No ancient woodlands lie close to the site. The nearest landscape designation is an Area of Great Landscape Value in the district of West Lindsey located on the opposite side of the River Trent.
- 3.7.10. At a national level, the site falls within National Character Area (NCA) 48: Trent and Belvoir Vales. ES chapter 3 [APP-147] (paragraph 3.2.16) describes the NCA, in part, as "gently undulating and low-lying landform in the main, with low ridges dividing shallow, broad river valleys, vales and flood plains". Furthermore, it notes that "Immense coalfired power stations in the north exert a visual influence over a wide area, not just because of their structures but also the plumes that rise from them and the pylons and power lines that are linked to them".
- 3.7.11. At a local level, the site lies across both the 'Mid Notts Farmlands' and 'Trent Washlands' Landscape Character Areas (LCA). Figure 9 illustrates the boundaries of the NCA and LCAs.

Figure 9: Boundaries of national and local landscape character areas



Source: Extract from ES Figure 6.4 [APP-150]

- 3.7.12. The LVIA divides the characteristics of the site into two halves; the eastern section comprising fewer hedgerows on low-lying land in a flat landscape more associated with the Trent Valley and the western half comprising a stronger network of hedgerows with more undulating ground generally rising upwards to the west.
- 3.7.13. The landscape receptors forming the baseline and taken forward for assessment are categorised as follows:
- landscape features, which includes:
 - vegetation and ground cover which is further split between 'woodland and 'individual trees', 'hedgerows' and 'ground cover'
 - topography
 - drainage and water features
 - landscape character, including:
 - NCA 48: Trent and Belvoir Vales
 - LCAs of 'Mid Notts Farmlands' and 'Trent Washlands'
 - landscape character of the site
 - landscape designations, including West Lindsey District Area of Great Landscape Value.

- 3.7.14. In terms of visual receptors, these comprise residential receptors, users of publicly accessible bridleways and footpaths, and users of the transport network (mainly nearby A, B and minor roads).
- 3.7.15. A total of 26 viewpoints (VPs) have been produced to provide representative views towards the proposed development from the surrounding landscape. The locations of these, along with theoretical visibility within 2km, is shown in [APP-155] with further details provided in ES chapter 6 table 6.4 [APP-064]. Visualisations in the form of photomontages have been produced for VPs 1, 2, 6, 12, 13, 14, 17 and 20.

CONSTRUCTION PHASE

- 3.7.16. The LVIA states short-term impacts on landscape features from construction activities associated with plant, construction compounds and moving machinery would arise. It considers there would be significant landscape effects due primarily to loss of farmland and combined removal of 1070m of hedgerows. In terms of visual effects, the LVIA reports the potential for some additional effects on visual receptors (residential properties, public rights of way and roads) beyond those identified for the operational phase.
- 3.7.17. In summary, the LVIA identifies the following significant effects during construction:
- Landscape features - Hedgerows: Major to moderate adverse
 - Landscape features - Ground cover: Major to moderate adverse
 - Landscape character of the site: Major to moderate adverse
 - Visual receptors - Users of publicly accessible bridleways and footpaths:
 - Major adverse: Bridleway BW5 [Sturton le Steeple] and footpaths FP19, FP21 and FP22 [Sturton le Steeple]
 - Major-moderate adverse: Trent Valley Way, Footpaths FP15, FP16, FP20, FP24, FP38, FP39, FP41 (also VP 17) [all Sturton le Steeple], FP18 [North Leverton], Bridleway BW23 [Sturton le Steeple] and restricted byway RB31 [Sturton le Steeple]
 - Moderate adverse: Footpath FP1 [West Burton] (also VP7)
 - Visual receptors - Users of the transport network:
 - Major adverse on Thornhill Lane (VP 12)
 - Major to moderate adverse on Three Keys Lane/Fenton Lane

OPERATIONAL PHASE

- 3.7.18. The LVIA reports that significant adverse effects upon the landscape character of the site and visual effects to receptors using publicly accessible bridleways and footpaths and minor roads would continue into year 1. Following the maturity of mitigation planting, all significant visual effects identified at year 1 are predicted to reduce to not significant at year 15.
- 3.7.19. The significant effects identified during year 1 would be the same as those identified during construction, except for 'landscape features' where effects would reduce to minor beneficial, not significant effects.

3.7.20. The LVIA identifies the following significant effects during year 15:

- Landscape features - Hedgerows: Moderate beneficial
- Landscape character of the site: Moderate adverse

DECOMMISSIONING PHASE

3.7.21. The LVIA expects the decommissioning phase to experience similar effects as during construction. No hedgerow removal would occur and reinstatement would be carried out to ensure that new hedgerow and tree planting continue following decommissioning works. ES chapter 6 Table 6.5 [APP-064] sets out the effects on receptors, with one major/moderate adverse effect predicted to the landscape character of the site.

MITIGATION AND ENHANCEMENT

3.7.22. ES section 6.8 [APP-064] provides details of the proposed landscape and ecological mitigation and enhancement measures. It highlights primary mitigation is embedded within the proposed design, which has sought to minimise effects through the proposed layout and siting of components away from sensitive receptors and through retention and enhancement of existing landscape features (see design objective 4 [REP2-042] and [REP2-045]).

3.7.23. The proposed mitigation generally includes measures to manage existing hedgerows, planting of over 25km of new hedgerows (native and species rich), species rich grassland under solar arrays, trees and woodland, enhancements to watercourses and new footpath links. Figure 6.9 [APP-160] illustrates the locations of existing hedgerow and new planting. Specifications of proposed new planting and maintenance measures are set out in the oLEMP [REP6-018].

CUMULATIVE LANDSCAPE AND VISUAL EFFECTS

3.7.24. The assessment of cumulative effects is set out in ES section 6.10 [APP-064]. It uses information of other existing, approved or proposed schemes set out in ES Appendix 2.3 [APP-088] containing the long and short list of cumulative sites. ES Table 6.6 [APP-064] identifies 13 shortlisted sites situated within a 10km LVIA zone of influence, of which 6 are solar farms.

3.7.25. The assessment considers cumulative effects on landscape character and views and visual amenity. It then considers the totality of combined effects when the proposed development is considered alongside other operational, consented, and proposed developments.

3.7.26. The LVIA states the potential for significant cumulative effects on landscape character would be limited, arguing that the wider landscape would already be characterised by the presence of energy development if other consented and proposed schemes were implemented. It further considers the proposed development and other consented and proposed development would each give rise to 'localised' effects on landscape character and the proposed development would serve to consolidate existing effects. The LVIA predicts

the proposed development would give rise to negligible additional cumulative effects to landscape character.

- 3.7.27. Similarly, the LVIA states the potential for cumulative visual effects would be low due to the limited visibility of the proposed development from much of the wider landscape. Whilst there may be some in combination and sequential views with other development, the LVIA argues such instances would be rare and limited to glimpses. It further states that mitigation planting proposed for individual projects would also limit potential effects as well as the separation distance with other development. The LVIA predicts the proposed development would give rise to negligible additional cumulative visual effects.
- 3.7.28. On the overall totality of effects, the LVIA acknowledges there is the potential for relatively notable effects on landscape character, and to a lesser extent visual amenity. It also notes that mitigation associated with individual projects would serve to limit the geographical extent of impacts. The LVIA recognises that NCA 48 would contain the majority of cumulative schemes and experience the greatest impact on landscape character, becoming characterised, in part, by solar energy developments. However, the LVIA argues the proposed development would form a minor element of the NCA and would serve to continue the existing presence of energy development. Overall, the LVIA concludes that there would be a medium magnitude of impact to a medium sensitivity character area, resulting in moderate, non-significant combined effects for NCA 48 and both the 'Mid Notts Farmlands' and 'Trent Washlands' LCAs.

RESIDENTIAL VISUAL AMENITY

- 3.7.29. The Residential Visual Amenity Assessment (RVAA) [APP-100] has been prepared separately following guidance in 'Residential Visual Amenity Assessment (RVAA) - Technical Guidance Note 02/19', Landscape Institute (2019). The purpose of the RVAA is to identify if any significant changes in private views would be so great that they would breach the residential visual amenity threshold (RVAT).
- 3.7.30. The assessment adopts a four-step approach which includes:
- Step 1: Defining properties located within a 500m study area from built elements
 - Step 2: Evaluating the baseline
 - Step 3: Assessing change to visual amenity of properties through desktop study and field appraisal to judge magnitude of change
 - Step 4: Undertaking a detailed assessment of those properties which step 3 has identified as having the greatest magnitude of change ('high' or 'very high'), such that the RVAT may be engaged
- 3.7.31. Steps 2 and 3 assess a total of 40 property groups, with the findings presented in table 1 of the RVAA [APP-100]. Due to the design process seeking to avoid overbearing visual effects by proposing sufficient separation distances between dwellings and proposed built development, step 3 has not identified any properties that would experience a high or very high magnitude

of change, or overall significant effect. As no dwelling would meet the RVAT, the RVAA has not included a step 4 assessment.

RESIDUAL EFFECTS

- 3.7.32. The applicant's assessment of effects set out above incorporates embedded mitigation. Therefore, no further separate assessment of residual effects is provided as they are already reported in the assessment findings.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.7.33. Based on the comments raised by IPs and the ExA's review of the application documents, the main issues considered during the examination were:

- LVIA methodology
- Landscape effects
- Visual effects
- Cumulative effects
- RVAA findings
- Effectiveness and securing of landscape mitigation

LVIA METHODOLOGY

Assessment of moderate 'not significant' effects

- 3.7.34. NCC considers the LVIA [APP-064] is generally thorough, providing a clear analysis and identification of landscape and visual effects. However, they disagree with several judgements where 'moderate' effects are judged as 'not significant', citing inconsistency with the methodology set out in ES paragraph 2.10.8 [APP-060] that deems moderate effects as 'significant'. Whilst accepting differences of approach for individual topics, NCC argues the inconsistency has not been justified and may understate the true number and extent of significant effects.
- 3.7.35. The ExA questioned the applicant on its assessment of moderate effects, and why it had adopted a different approach than for other environmental topics, in ISH1 (agenda item 5) [EV2-001] and [EV5-003].
- 3.7.36. Through its responses in ISH1 and to NCC's concerns, the applicant stated ES section 6.3 [APP-064] clearly explains the methodology for judging significant effects, referring to the 5-point scale which identifies each level of effect. The applicant referred to the content of paragraphs 3.32 and 3.33 in GLVIA3 which notes the absence of 'hard and fast rules' regarding what effects should be deemed 'significant', but LVIA's should clearly distinguish between significant and non-significant effects. In addition, the Landscape Institute's technical guidance (August 2024) reiterates the need for LVIA's to explain which aspects of landscape and visual change are more important to a decision and why. The applicant considers its LVIA clearly identifies significant effects from those which are not [REP1-008], [REP1-009] and [REP2-050]. For those reasons, in response to ExQ1 Q13.0.1 [PD-005], the applicant does not consider the LVIA underplays any effects [REP2-052].

- 3.7.37. The applicant also explained during ISH1 that 'moderate' effect is a range between 'major-moderate' and 'moderate-minor' (a 'moderate spectrum'), with those effects closer to 'major-moderate' being 'significant' and those closer to moderate-minor being 'not significant' [REP1-009]. They applied professional judgement to determine the range based on a combination of the narrative text and the overarching assessment criteria, rather than following a table such as that in ES chapter 2 section 2.10 [APP-060].
- 3.7.38. Using VP 20 as an example [APP-098], the ExA asked the applicant during ISH1 how the 'medium to low' magnitude of change was judged following the narrative in ES paragraph 6.3.35 and how the assessed 'moderate effect' in ES appendix 6.3 [REP5-027] is 'not significant'. The applicant explained there were part categories within each of the five magnitudes of change criteria which represents more of a scale than five specific points. Where an impact is judged to sit between two levels, using professional judgement not fully set out on paper, a 'medium to low' or a 'medium to high' category is used. To establish magnitude, the applicant explained they consider factors such as views in all directions, seasonal changes to vegetation, the size and scale of proposed development likely to be visible and proposed mitigation. The applicant confirmed that the written narrative for receptors explains the nature of change.
- 3.7.39. In response to the applicant's explanation, NCC stated moderate effects are usually judged as significant in their experience. They were concerned there could be an overuse of professional judgement without clear explanations.
- 3.7.40. In response to ExQ1 Q13.1.4 and Q13.2.1 [PD-005], the applicant provided further narrative explaining the low-medium or medium-low magnitude of impact and moderate (not significant effects) for a number of landscape and visual receptors identified by the ExA [REP2-052]. In summary, the applicant considers that the magnitude of effects at those receptors would be greater than low but less than medium, resulting in a moderate effect which lies closer towards moderate-minor than moderate-major with effects therefore 'not significant'. No IPs provided any substantive written comments on the applicant's response although during ISH2 [EV7-001], NCC confirmed that their previous concerns remain.
- 3.7.41. At the close of examination, the inconsistent treatment of moderate effects as 'not significant' remained a matter of disagreement in the SoCG between the applicant and NCC [REP6-034] (issue NCC 25).

Other methodology matters

- 3.7.42. In the SoCG between BDC and the applicant [REP3-047] (issue BDC 19), BDC queries the methodology for ZTV creation, adherence to GLVIA3 guidance notes, inconsistencies with photographic record pages and integration with other topic disciplines such as historic environment. The applicant advises that these matters are addressed in table 6.3 in ES chapter 6 [APP-064]. The SoCG does not confirm whether BDC was satisfied with the applicant's response.

- 3.7.43. SSPC comments that the LVIA fails to have regard to the cultural heritage and historic significance of the site and surrounding area, noting this concern was raised during the consultation process [RR-029], [REP1-039] and [REP3-045]. The applicant notes the differences between an LVIA and cultural heritage assessment and explains that ES paragraph 6.3.19 [APP-064] recognises that heritage importance is one factor contributing to landscape value [REP1-008] and [REP2-051]. The failure of the LVIA to adequately have regard to the cultural heritage and historic significance of the site and surrounding area remained an area of disagreement in the SoCG with SSPC [REP3-045] (issue 16).

ExA's considerations - LVIA Methodology

- 3.7.44. Noting the content of GLVIA3, it is accepted that an identified 'moderate' effect does not automatically constitute a significant effect and is dependent on the specific methodology adopted for an individual topic. This approach is supported in GLVIA3 and explained in ES chapter 2 section 2.10 [APP-060].
- 3.7.45. GLVIA3 paragraphs 3.32 and 3.33 does not fully advocate a matrix system for identifying significant effects but is nevertheless clear that LVIAs "should always distinguish clearly between what are considered to be the significant and non-significant effects". Whilst the LVIA clearly states which moderate effects are significant or not, the way in which that professional judgement has been reached is at times, not clearly explained.
- 3.7.46. For example, there are many instances in the assessment findings whereby judgements relating to magnitude of change are considered 'low to medium'. However, the accompanying written narrative lacks clarity explaining why certain findings are considered to fall into the low-medium spectrum bracket; particularly as the five stepped approach set out in section 6.3 does not contain a written description for 'low to medium'. Whilst mindful that professional judgement has been applied, the lack of clarity provides uncertainty in fully understanding how judgements have been arrived at.
- 3.7.47. The ExA is satisfied that ES table 6.3 [APP-064] provides a clear response to each of the concerns raised by both BDC and SSPC. On the matter of historic character, there is a degree of cross over between what is relevant to assess between the LVIA and historic environment chapters of the ES. The LVIA (paragraphs 6.3.19 and 6.3.22) refers to heritage matters as being a factor contributing to landscape value and the sensitivity of visual receptors accounts for historical features and associations. As an example, VP 19 in ES appendix 6.3 [REP5-027] recognises recreational visitors to the Grade II* listed North Leverton Windmill as a receptor which has been considered as part of the assessment at that VP. Furthermore, ES chapter 9 [APP-067] (paragraph 9.6.19) and ES Appendix 9.1 [APP-122] (paragraphs 5.68 to and including 5.73) assesses historic landscape character.
- 3.7.48. Overall, the ExA is satisfied that the LVIA [APP-064] follows the principles in GLVIA3 and forms a sufficient basis for the purposes of identifying likely significant landscape and visual effects. However, the written narrative explaining how judgements have been reached would have benefitted from

clearer reasoning to support the assessment findings between significant and not significant moderate effects. The findings of landscape and visual effects on receptors is considered further detail below.

LANDSCAPE EFFECTS

- 3.7.49. The adverse effect on landscape character was a matter of concern raised by several IPs, such as [RR-006], NWPC [RR-018], SSPC [RR-029], NLHPC [RR-033], FfF [RR-035] and [RR-051]. Comments note the negative effect on the countryside and the domination, industrialisation and harm to the landscape due to the scale of the proposed development. FfF [RR-035] consider the proposed development would diminish the character and quality of the local area.
- 3.7.50. The applicant's response to IPs acknowledges that ES chapter 6 [APP-064] identifies some localised significant effects to landscape character, but argues that carefully considered mitigation would integrate the proposed development into the landscape setting [REP1-009] (section 3.16).
- 3.7.51. NCC highlight that changes would occur to land use over a wider area, affecting openness, tranquillity and agricultural character which they consider are defining landscape characteristics. NCC express concern with the landscape baseline in that it fails to explicitly assess the change from open arable farmland to large-scale solar infrastructure and that the selection of landscape features appears to favour elements unaffected by the proposed development or forms part of proposed mitigation. NCC consider that the reasoning behind judgements on value and susceptibility (forming sensitivity) and magnitude of effects is insufficiently explained for landscape receptors.
- 3.7.52. Overall, NCC considers there would be significant adverse landscape effects at all stages, resulting in long-term and effectively permanent changes to local landscape character. They challenge the prediction of beneficial effects on landscape features at year 1, due to the immaturity of planting, and instead anticipate significant adverse effects on both landscape features and local landscape character at year 15 [RR-052] and [REP2-063a].
- 3.7.53. The ExA explored landscape effects during ISH1 [EV2-001] and [EV5-003], focusing on the assessment of landscape features, particularly ground cover, and landscape character areas.
- 3.7.54. The applicant explained all landscape features within the site had been considered, stating that ground cover includes agricultural or pastoral use. The assessed residual minor beneficial effect for ground cover at year 1 is due to planting of grassland, wildflowers and a more species rich environment than the current lower value arable or pastoral fields. The applicant considered that grassland grows well under panels, which would also extend to field margins, and therefore did not consider grassland being planted under panels would diminish its quality [EV5-003] and [REP1-009].
- 3.7.55. The ExA asked NCC in ExQ1 13.1.5 [PD-005] to highlight the landscape effects it disagreed with and where it required greater transparency on how

levels of significance had been determined. NCC advised their biggest concern was the assessment of landscape features (woodland, individual trees, hedgerows and ground cover) and sought greater transparency on how sensitivity, magnitude of change and threshold of significance had been applied. In addition to concerns previously raised, NCC also argued that land use changes would result in significant adverse effects to the 'Mid Notts Farmlands' LCA and the site at all phases [REP2-063].

3.7.56. In its reply to NCC's LIR and responses to ExQ1, the applicant explained that sections 6.3 and 6.6 of the LVIA [APP-064] sets out how sensitivity, magnitude of change and threshold of significance has been established and provides a description of the landscape baseline. It does not agree that the LVIA has omitted change from open arable farmland to large-scale solar infrastructure, citing this feature is assessed under 'ground cover' as well as 'landscape character of the site'. The applicant reiterated the latter of these would experience significant effects at all stages due primarily to the change in existing land use. The applicant confirms that no existing woodland or trees would be lost. Regarding hedgerow, the applicant considers the net increase of 23km would represent a minor beneficial effect at year 1 rising to a moderate, significant effect at year 15 [REP2-050] and [REP3-039].

3.7.57. Turning to effects on LCAs, the ExA asked the applicant in ExQ1 13.1.4 [PD-005] to describe how the 'low-medium' magnitude of change for both the 'Mid Notts Farmlands' and 'Trent Washlands' LCAs, which informs the finding of a moderate, not significant effect, had been reached. For 'Mid Notts Farmlands', the applicant advised [REP2-052] that the following factors had informed its judgement that magnitude fell part way between the 'low' and 'medium' levels of change described in ES paragraph 6.3.33 [APP-064]:

- siting of proposed onsite substation and BESS adjacent to existing energy infrastructure
- impacts including visibility occurring across a 'limited proportion' of the LCA which would limit perceptual change of the landscape
- no or very limited loss of important landscape features (woodland, trees and hedgerows)
- planting of new species rich grassland in and around solar panels

3.7.58. When combining the 'low-medium' magnitude of change with a medium sensitivity, the applicant states this would result in a non-significant moderate effect as it was at the "lower end of the moderate level". A similar process was adopted for the 'Trent Washlands' LCA, with the applicant highlighting the presence of existing overhead lines and pylons crossing through the LCA contributing to its judgement.

3.7.59. NCC confirmed during ISH2 (agenda item 9) [EV7-001] and [EV7-012] that the additional information had not changed its position, in that there had not been a proper assessment of landscape character effects. NCC maintained that replacing open agricultural fields with extensive solar infrastructure would result in a substantial and long-term change to openness, tranquillity and rural land use. The applicant maintained that significant effects on the landscape character of the site had been identified in the LVIA.

- 3.7.60. At the close of the examination, disagreement remained in the SoCG between the applicant and NCC [REP6-034] (issue NCC 25) over the predicted beneficial effects for the landscape features of 'hedgerows' and 'ground cover', beneficial effects for planting at year 1 and the inconsistent treatment of moderate landscape effects as 'not significant'. No specific areas of disagreement were highlighted on landscape effects in the SoCG with BDC [REP3-047] (issue BDC 19). Adverse landscape effects remained an area of disagreement in the SoCG with NLHPC [REP3-040] (issues NLWHPC 2, 3 and 4) who disputed the "localised and limited" harm to landscape and cited conflict with policies in the SWNP.

ExA's considerations - Landscape effects

- 3.7.61. It is acknowledged that loss of agricultural land has not been included as an individual receptor under 'landscape features' in ES table 6.7. Nevertheless, the ExA is satisfied that it has been appropriately assessed in the LVIA. Notably, loss of agricultural land has been considered under 'landscape character of the site' in paragraphs 6.7.25 and 6.7.48 with loss of arable farmland considered under 'ground cover' in paragraphs 6.7.13 and 6.7.36 [APP-064]. No substantive suggestions advising of other landscape features that have been omitted from the LVIA was put before the ExA.
- 3.7.62. In terms of establishing sensitivity, the ExA notes the absence of written narrative explaining the criteria for very high, high, medium, low or very low sensitivity for landscape character and landscape features in ES paragraphs 6.3.17 to 6.3.21. Whilst ES paragraph 6.3.18 states that descriptions for susceptibility and value of individual landscape features has been described, the assessments in ES section 6.7 do not provide this, instead providing a judgment for overall sensitivity. That is not the case for landscape character however, as these factors are set out in ES section 6.6. For these reasons, the judgements on value and susceptibility (forming sensitivity) for landscape receptors is lacking. Nevertheless, the 'medium' and 'high' sensitivity judgements assigned to landscape receptors in ES Table 6.7 are considered reasonable, particularly in the absence of known landscape designations. No substantive evidence has been submitted to dispute this. Therefore, the ExA sees no reason to disagree with the applicant's judgements in this respect.
- 3.7.63. Turning to effects on hedgerows, the proposed net change of approximately 23km would result in a substantial increase to the baseline. However, it is unlikely that planting would be significantly mature to justify a change from the 'major - moderate adverse' effects during construction to 'minor beneficial' effects at year 1 and significant adverse effects would likely remain. At year 15, it is likely that the extent of new hedgerow planting over the baseline conditions would be sufficiently mature to result in beneficial effects, particularly where improving or reinforcing existing hedgerow gaps. Such effects would not be significant however as a key factor for new hedgerow planting is to mitigate visual effects, which as reported below would result in a distinct change to the existing open baseline character in certain locations.
- 3.7.64. For 'ground cover', the proposed development would result in a significant loss of arable or pastoral farmland during the operation period. Whilst

proposed planting of new species rich grassland across the site could be considered a higher landscape feature, this needs to be balanced against the significant loss of the baseline farmland. The ExA considers the findings in ES paragraph 6.7.36 underplays the extent of harm and long-term alteration of arable or pastoral farmland during operation. It is unlikely that the planting of a more species rich environment would be sufficiently established to justify a change from 'major - moderate adverse' effects during construction to 'minor beneficial' effects at year 1 and significant adverse effects would likely remain. At year 15, when balancing the extent of loss of arable or pastoral farmland against the proposed planting of grassland over the site (including areas not under proposed solar arrays), and recognising that effects would be reversible, the ExA finds that the overall level of effect would more likely be neutral.

- 3.7.65. Taking into account the above findings, the ExA finds that the effects on landscape features during the operation stage described in ES paragraphs 6.7.31 and 6.7.32 [APP-064] has overplayed the extent of beneficial effects that would be experienced against the extent of harm and long-term alteration of arable or pastoral farmland. Nevertheless, when taking all assessed landscape features in table ES table 6.7 together, the ExA finds that there would not be a significant adverse effect overall.
- 3.7.66. Turning to landscape character, the landscape character of the site would experience significant effects at all phases. The ExA does not dispute those findings as the proposed development would result in a significant change to its agricultural rural character and overall land use.
- 3.7.67. Whilst noting the applicant's comments regarding effects to the 'Mid Notts Farmlands' and 'Trent Washlands' LCAs, the ExA considers adverse effects during construction and operation year 1 would be significant. Although sensitivity may not be as high as woodland, trees and hedgerows, the loss of agricultural land would be a key characteristic of the LCA. Furthermore, whilst the landscape is characterised by energy infrastructure, the proposed solar farm would result in a different characteristic, spread across a more extensive surface area resulting in a noticeable and widespread perceptual change to landscape character. Therefore, using the criteria in ES paragraph 6.3.33, there would be at least a medium magnitude of change when balancing the large scale of the proposed development against the size of the LCA, tipping effects to significant.
- 3.7.68. At year 15, whilst adverse effects would remain due to the presence of a large-scale solar infrastructure, those effects would not be significant. This is due, in part, to landscaping proposals that would become sufficiently more established to reduce the perceptual change of the proposed development in the LCA's in comparison to baseline conditions than those experienced during construction and year 1. For those reasons, the ExA agrees with the 'moderate/minor' effects identified in ES table 6.7 for the 'Mid Notts Farmlands' and 'Trent Washlands' LCAs [APP-064].
- 3.7.69. The ExA accepts that the nature of the proposed development would conflict with the aim of the landscape policies within the SWNP, which amongst other

things require development proposals to protect the positive attributes of the open countryside and landscape character. However, as an NSIP the policies in the NPSs take primacy. The ExA is mindful of paragraph 5.10.12 of NPS EN-1, which states locally valued landscapes should not be used in themselves to refuse consent as this may unduly restrict acceptable development. Nevertheless, the harm to the local landscape is considered in the ExA's overall conclusions and weighting.

VISUAL EFFECTS

- 3.7.70. Numerous IPs, such as [RR-003], [RR-019], [RR-022], [RR-026], NLHPC [RR-033], FfF [RR-035] and submissions in OFH1 [EV4-001] raise concerns with the visual effect of the proposed development. Comments consider that it would be an eyesore, result in industrialisation and have a negative effect on countryside views from PRoW, roads and residential properties. FfF [RR-035] particularly note that the proposed development would result in a significant and negative transformation of views.
- 3.7.71. In addition, SSPC [RR-029], [REP1-039] and [REP6-046] question the assumption that screening views of the proposed development with planting of large hedgerows would reduce negative effects. They consider that in some instances, referring to the photomontages in VPs 17B, 17C and 17D [APP-097] and [APP-098] as an example, closing off a previously open view across the landscape would be harmful. Furthermore, SSPC consider that the scale of change in views experienced by residents would be overbearing, not 'low', 'minor', or 'moderate'. FfF [RR-035] comment that proposed hedgerow mitigation would result in footpaths and lanes becoming "akin to walking through a maze or within a prison compound".
- 3.7.72. The applicant's response to IPs [REP1-009] (section 3.16) acknowledges that ES chapter 6 [APP-064] identifies some localised significant effects on visual amenity. The applicant refers to its design process which it states sought to reduce effects through the siting and design of proposed built infrastructure, which would be further reduced when proposed mitigation planting matures.
- 3.7.73. NCC [RR-052] and [REP2-063a] acknowledges the significant adverse effects that would arise during construction and early operation, primarily to visual receptors using PRoW and roads, but disagrees that all significant visual effects would dissipate at year 15. They argue that proposed mitigation planting would alter the baseline character of views, often foreshortening open vistas and potentially introducing new landscape elements that may appear out of character in the landscape. NCC consider several residential properties within 500m would also experience significant adverse visual effects, as opposed to none predicted in the LVIA. NCC also claim that transparency on the value and susceptibility of visual receptors is lacking.
- 3.7.74. In its reply to NCC's LIR, the applicant maintains that proposed planting would reduce adverse visual effects to a non-significant level, as views of the proposed development would largely be screened by vegetation. Whilst the applicant accepts that hedgerow vegetation could adversely affect open

views, it does not agree that views of hedgerows would be prominent as they are already an established feature of the baseline conditions [REP2-050].

- 3.7.75. The ExA explored visual effects in ISH1 [EV2-001] and [EV5-003], focusing on the LVIA findings at Fenton Lane along the Trent Valley Way represented by photomontages at VP 13 [APP-097] and [APP-098]. The ExA asked the applicant to explain the magnitude of effect and how the planting of hedgerows would reduce identified significant effects. The applicant stated that there would be a 'very low' magnitude of change, described as a negligible change in views in ES chapter 6 paragraph 6.3.35, due to the 200m separation distance, the 3-metre height of panels and existing character of the landscape comprising energy infrastructure [REP1-009].
- 3.7.76. In responding to the ExA's queries during ISH1 about how hedgerow planting would reduce significant effects further to the east of VP 13, the applicant explained the intention is to plant hedgerows to sections where none are present to help screen any visibility of the panels. The applicant considered that a 15-metre offset between the footpath and planting on each side would result in a sufficiently wide corridor, and broader than some existing routes which comprises hedgerows on either side, to allow receptors to retain an open experience. In respect of VP 12, shown in Figure 10 below, the applicant clarified that the planting would not remove adverse effects but would reduce significant effects as the proposed panels would be screened and a wide-open corridor would remain.

Figure 10: Comparison between baseline views, year 1 and year 15 at Thornhill Lane (VP 12) during summer



Extract from ES Appendix 6.2 - Photomontages Part 1 (Summer) [REP3-019]

3.7.77. Following ISH1, the ExA asked NCC in ExQ1 Q13.2.3 [PD-005] to highlight the visual effects which it disagreed with in the ES and where greater transparency on significance judgements was required. NCC reiterated their concerns regarding 'moderate' effects being assessed as 'not significant' and the overreliance upon mitigation to reduce effects with limited consideration of the effect of screen planting on existing views. NCC's biggest concerns on this matter related to visual receptors represented by VPs 2A, 2B, 2C, 6B, 12, 13A, 14A, 17A, 17B, 17C and 17D [REP2-063].

3.7.78. The ExA asked the applicant in ExQ1 13.2.1 [PD-005] to provide a more detailed narrative explaining how the 'low-medium' magnitude of change and resultant moderate, not significant effects at a number of visual receptors had been reached. The applicant provided a response for each receptor [REP2-052] stating that the following factors had informed its judgement that magnitude would lie part way between 'low' and 'medium':

- distances from proposed built infrastructure
- proposed maximum panel height not exceeding 3 metres, reduced from previously proposed 3.6m

- presence of existing planting and vegetation between the proposed development and properties
- proposed development being seen in the context of a former power station and existing pylons
- extent of visibility in all directions taken together at each viewpoint

3.7.79. NCC advised during ISH2 (agenda item 9) [EV7-001] and [EV7-012] that the additional information had not changed its position, in that significant residual visual effects would remain and the overreliance on mitigation planting in reducing effects.

3.7.80. At the close of the examination, disagreement remained in the SoCG between the applicant and NCC [REP6-034] (issue NCC 25) over the inconsistent treatment of moderate effects as not significant and whether residual significant adverse effects would remain. No specific areas of disagreement were highlighted on visual effects in the SoCG with BDC [REP3-047] (issue BDC 19).

3.7.81. Adverse visual effects remained an area of disagreement in the SoCG with NLHPC [REP3-040] who cited conflict with policies in the SWNP. NSWPC [REP3-043] (issues NSWPC 27, 28 and 29) maintain in their SoCG that the sensitivity of visual receptors (residents and walkers) has been underestimated, disagree that effects would be localised and limited, and planting would enclose PRowS. SSPC [REP3-045] (issue S-I-SPC 13) disagree that effects would be highly localised and maintain that closing open views with landscaping would be harmful.

ExA's considerations - Visual effects

3.7.82. The ExA recognises IPs comments on the lack of transparency on the value and susceptibility of visual receptors and agrees that judgements on these factors are not clearly set out in ES section 6.7 [APP-064]. Nevertheless, ES paragraph 6.3.22 sets out a written narrative for each of the 5 sensitivity criteria for visual receptors. Residential receptors and all users of each of the PRow are assigned a 'high' sensitivity with users of transport networks considered 'medium'. These judgements are considered reasonable, given the absence of very high value designations in the locality, and no substantive evidence has been submitted to dispute this. Therefore, the ExA sees no reason to disagree with the applicant's judgements in this respect.

3.7.83. The ExA has considered the applicant's reasons for explaining why the planting of hedgerows is considered to reduce all previously identified significant visual effects to not significant at year 15. However, based on the evidence the ExA has read and heard and from observations during site inspections, which included walking the length of the Trent Valley Way through the site and other PRowS [EV3-001] and [EV9-001], the ExA is not persuaded that all significant effects would be reduced.

3.7.84. There are areas throughout the order limits where hedgerow planting along footpaths, lanes and roads is a clear characteristic. However, there are locations where mitigation planting would result in a significant change to the

baseline where open views across an agricultural landscape is an inherent characteristic where little hedgerow planting or views over existing planting exists. This includes the VP locations raised by NCC but also other footpath locations, such as but not limited to footpaths 19 and 20. Whilst proposed planting would largely mitigate views of solar panels, depending on the success of maturity, it would not necessarily remove the perception of large-scale solar infrastructure for receptors. The ExA therefore shares the concern of IPs that the presence of proposed planting, in addition to proposed solar infrastructure, would diminish the recreational value on some routes.

- 3.7.85. Taking each of the VPs of concern raised by NCC, it is accepted at VPs 2A, 2B, 2C, 6B, and 13A [APP-097] and [APP-098] that proposed mitigation planting would result in change where currently open views exist in some orientations. However, proposed planting would largely be read against established hedgerows located either side of lanes or would form a continuation of existing hedge and more distant tree planting. Whilst changes would be more pronounced during summer periods, most notably at VP 6, proposed planting would not appear unduly out of character. Furthermore, the LVIA predicts no significant adverse effects at all stages at these VPs. Therefore, proposed planting would not result in a material difference to the assessment findings where adverse, but not significant, effects would arise.
- 3.7.86. At VP 14 (Leverton Road), the proposed panels would be seen in full at short range views over existing hedgerow at year 1. As such, the magnitude of change at construction and year 1 would be higher than 'low' (as assessed in [APP-064] and [REP5-027]), particularly during winter seasons, and more appropriately 'medium' as the change in view would be clearly notable. This combined with the medium sensitivity would result in moderate, and in the ExA's opinion, significant effects noting the prominence of panels in the view.
- 3.7.87. The proposed increase in height of existing hedgerow planting along the western side of Leverton Road would reduce views, and the prominence, of the proposed development at year 15, albeit not entirely. Leverton Road is characterised by hedgerow planting on both sides with sections along the eastern side noticeably taller in comparison. The hedgerow planting at VP 14 would therefore not appear unduly out of character with its surroundings nor significantly change views in comparison to baseline conditions. If planting successfully establishes, the prominence of panels would reduce resulting in a 'low' magnitude of change and not significant adverse effects. If planting does not successfully establish in accordance with the measures set out in the oLEMP [REP6-018], then significant adverse effects at this VP and further along Leverton Road would likely remain.
- 3.7.88. At VP 12, which was discussed during ISH1 and illustrated in Figure 10 above, whilst hedgerow planting does exist along sections of the eastern side of Thornhill Lane and within fields, the baseline is predominantly characterised by open views across the site. The proposed development, including the extent and height of new planting, would fundamentally change the open character in this location, such that the magnitude of change would be higher than 'low' at year 15 and more appropriately 'medium' as the change in view from the baseline would be clearly notable. It is noted that the

sensitivity at VP 12 has been classed as 'medium' due to the receptor group being listed as road users although given the VP is also on a public footpath (FPs 6 and 18), then the sensitivity would also be 'high'. For these reasons, the ExA finds that significant residual effects would be experienced by receptors.

- 3.7.89. Along FP41 (Dog Holes Lane) represented by VP17 [REP3-019] and [REP3-020], it is acknowledged that the route is characterised by hedgerow planting to both or individual sides. Nevertheless, open views across the landscape in all orientations including towards Sturton le Steeple and North Leverton with Hablesthorpe is a clear and notable characteristic. Whilst planting would reduce the prominence of solar infrastructure, a fundamental change to the baseline conditions would still be experienced by receptors. The presence of increased planting would not remove the perception of walking through solar infrastructure that would be present on both sides of the FP. For those reasons, the magnitude of change would be higher than 'low' at year 15 and as a minimum be 'medium' as the change in view from the baseline would be clearly notable. For those reasons, the ExA finds that significant residual effects would be experienced by receptors represented along FP41.
- 3.7.90. For similar reasons, the ExA finds that significant residual effects would arise at additional VPs 1 (illustrated in Figure 11 below) and 2 [REP3-050] along the Trent Valley Way at Springs Lane and Fenton Lane, and along FP19. This is due to the presence of solar infrastructure that would remain perceptible either side of footpaths where the extent and height of proposed planting would result in a fundamental change to the baseline conditions experienced by receptors. Along FP19, views towards the village of Sturton le Steeple and the Grade II* listed Church of St Peter and St Paul would be adversely affected. The magnitude of change would be higher than 'low', as reported in ES paragraphs 6.7.80 and 6.7.84 and paragraph 45 of ES appendix 6.6 [REP5-026], and as a minimum be 'medium', as the change in view from the baseline would remain clearly notable.

Figure 11: Comparison between baseline views, year 1 and year 15 looking east at Fenton Lane (additional VP 1C) during winter



Extract from Additional Photomontages Winter [REP3-050]

- 3.7.91. With respect to VP 20 along the Trent Valley Way at High House Road (BW 26) (reported in the methodology section above), its elevated nature allows for widespread easterly views of the landscape over existing hedgerow planting. The applicant's response to ExQ1 Q13.2.1 [REP2-052] states there would be "some visibility of the panels in the view to the north-east" although the ExA considers the proposed development would be clearly noticeable and prominent across a wide area in views to the north-east and south-east.
- 3.7.92. The ExA therefore finds at VP 20 that the magnitude of change during construction and year 1 would be higher than 'medium/low' and more likely 'medium', being towards the higher end of the spectrum explained by the applicant during ISH1 (particularly during winter periods), resulting in significant adverse effects. No additional planting is proposed and there would therefore be little discernible change between years 1 and 15. As the magnitude of change would remain the same, the ExA finds there would be significant adverse residual effects at year 15.
- 3.7.93. Overall, there would be reductions in receptors experiencing significant effects at year 15 through the establishment of mitigation planting over 15 years. However, in the locations identified above, the ExA finds that the LVIA
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understates judgements in respect of magnitude of change and in turn, significant effects at year 15.

- 3.7.94. The applicant's approach of proposing landscape mitigation to reduce the prominence of the proposed development has sought to minimise harm to the landscape, in accordance with paragraph 5.10.6. Nevertheless, the ExA finds the LVIA has over relied on mitigation planting in reducing identified significant effects without fuller recognition of the significant change in character and openness, and ultimately harm, to visual amenity. VPs 12, 14, 17, 20, additional VPs 1 and 2 and FP 19 most pertinently demonstrate this where the ExA considers the magnitude of change would be higher than set out in the LVIA, with resulting significant adverse residual effects.

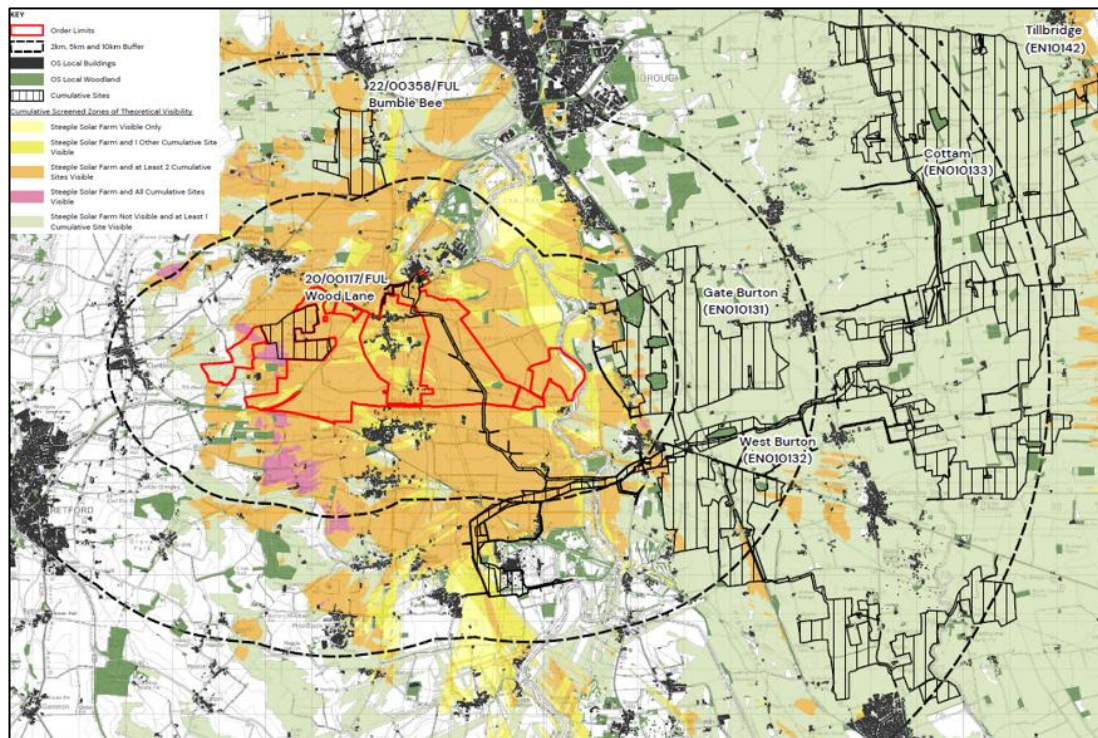
CUMULATIVE EFFECTS

- 3.7.95. In addition to general cumulative effect concerns reported in section 3.13, IPs raised specific comments on cumulative landscape and visual effects.
- 3.7.96. NCC note the lack of significant cumulative effects identified in the LVIA although considers the scale of renewable and grid-related projects in Nottinghamshire and Lincolnshire presents a substantial risk of cumulative and sequential change at regional levels and likely to become defining characteristics. The LIR raises concern with sequential effects for users of PRow and road users and the lack of a cumulative ZTV [RR-052] and [REP2-063a].
- 3.7.97. SSPC commented on a lack of visualisations showing cumulative effects. They also consider the assessment of cumulative effects is 'very surface level', with a concern that effects have been downplayed on the basis that the landscape has already been negatively impacted by existing energy development. SSPC do not believe that existing harmful development should excuse further harmful development. They refer to VP 20B [APP-097] and [APP-098] as an example showing how a single detracting feature in an otherwise open, agricultural landscape (in this case the existing West Burton Power Station) can be compounded by further development, rendering the entire view industrial in nature [RR-029] and [REP1-039].
- 3.7.98. FfF consider that the combined effect of multiple solar farms and associated battery storage facilities is leading to the industrialisation of a rural, agricultural landscape, which fundamentally alters the area's character; an effect cumulatively that is significant and adverse [REP1-030].
- 3.7.99. The applicant noted that NCC's LIR does not specifically state that the proposed development would give rise to significant effects. The applicant considers the 'limited' and 'localised' extent of the proposed development would limit the totality effects on landscape character [REP2-050]. The applicant also commented that there are very limited locations whereby other cumulative schemes would be visible alongside the proposed development. The applicant maintained its position that the proposed development would continue the existing presence of energy development in the landscape,

which is acknowledged in the published landscape character assessments for the area [REP1-008] and [REP2-051].

- 3.7.100. The ExA asked questions on the assessment of cumulative effects in ISH1 agenda item 5 [EV2-001] and [EV5-005]; in particular, why no significant adverse landscape or visual cumulative effects would arise. NCC and FfF [REP1-025] questioned the findings of no significant cumulative effects due to the number of different developments in the locality.
- 3.7.101. Whilst the applicant acknowledged that there would be the potential for cumulative effects, those effects were not assessed in the LVIA as significant. The applicant explained this was due in part to the distance between the proposed development and other developments, the very limited visual envelope of the proposed development and the presence of energy infrastructure being a characterising element of the landscape [REP1-009].
- 3.7.102. On the latter point, when asked by the ExA whether the notion that a proposed development consolidating existing similar development would mean significant adverse cumulative effects would never arise, the applicant did not consider that the presence of existing projects would restrict significant effects arising. However, the aforementioned factors would avoid significant effects for the proposed development [REP1-009].
- 3.7.103. The applicant explained that the LVIA has considered sequential effects in addition to simultaneous and successive effects. However, due to the assessed limited visibility from roads and footpaths beyond the site, the applicant argued the proposed development would not form an important component in views where other developments could be visible. Therefore, no further sequential assessment, to that contained in ES paragraph 6.10.22, providing a detailed assessment of routes was undertaken [REP1-009].
- 3.7.104. Following ISH1, the applicant submitted a cumulative SZTV [REP2-054] in response to ExQ1 Q13.3.1 [PD-005] illustrating theoretical visibility of the identified tier 1 solar schemes in ES table 6.6 [APP-064], which is reproduced in Figure 12 below. The applicant stressed that the plan is an overestimation of the extent of likely visibility of the projects as it does not account for hedgerows. In response to ExQ1 Q13.3.2, the applicant submitted an updated version of the viewpoints and photomontages with annotations showing where any cumulative schemes would be visible [REP3-017], [REP3-018], [REP3-019] and [REP3-020].

Figure 12: Cumulative SZTV of proposed solar farms



Extract from [REP2-054]

3.7.105. In its response to ExQ1 13.3.3 [PD-005], NCC sought further detailed assessment along several PROW and key roads to understand cumulative sequential effects [REP2-063]. NCC also reiterated its position during ISH2 that further cumulative assessment, particularly sequential, was required (agenda item 9) [EV7-001] and [EV7-012] as it maintained concerns that the combined effects of multiple projects had been underrepresented. The ExA subsequently asked the applicant in ExQ2 Q13.0.1 [PD-008] to update both ES Appendices 6.3 and 6.6 to provide written commentary on the combined and sequential cumulative effects. The updated appendices [REP5-027] and [REP5-029] did not identify any significant cumulative effects. No substantive comments were raised by IPs on these findings at deadline 6.

3.7.106. At the close of the examination, disagreement remained in the SoCG between the applicant and NCC [REP6-034] (issue NCC 25) over no significant effects being identified in the LVIA. No specific areas of disagreement were highlighted on cumulative effects in the SoCG with BDC [REP3-047] (issue BDC 19). The SoCG with SSPC [REP3-045] (issue S-I-SPC 11) disagrees with the assessment of cumulative effects with SSPC considering effects have been downplayed. NSWPC [REP3-043] (issues NSWPC 31 and 32) consider cumulative effects would be significantly adverse and not localised.

ExA's considerations - Cumulative effects

3.7.107. The ExA is not persuaded that the size and scale of the proposed development would give rise to a 'negligible' additional cumulative effect on NCA 48. A number of the consented schemes listed in ES table 6.6 [APP-064] would lie within NCA 48: Trent and Belvoir Vales which includes 6 solar

farms. The proposed development would result in further large solar development added to the cumulative baseline, extending further to the west.

- 3.7.108. The ExA recognises the existing energy character of the landscape but considers that the scale and size of solar development would result in a different characteristic, spread across a more extensive surface area resulting in a noticeable, widespread and harmful perceptual change to the predominant agricultural landscape character. The applicant's position that the proposed development would 'consolidate' the existing presence of energy development somewhat underplays the change to the existing rural landscape to a more industrialised landscape that would become dominated by solar panels and associated infrastructure. The ExA therefore considers that the totality of effects on NCA 48 would be significant.
- 3.7.109. The ExA also considers that the proposed development would give rise to a greater than 'negligible' additional cumulative effect on the 'Mid Notts Farmlands' LCA noting its larger scale in comparison to the Bumblebee and Wood Lane solar farms. However, the additional cumulative effect is unlikely to be significant noting the different scale of proposals and more contained nature within the LCA where effects would be experienced.
- 3.7.110. Recognising the limited presence of cumulative development within the Trent Washlands LCA, and the contained nature of those developments, the ExA agrees that the proposed development would give rise to a limited additional cumulative effect on this LCA that would not result in significant effects.
- 3.7.111. Turning to cumulative visual effects, the Cumulative SZTV [REP2-054] shows the potential for theoretical visibility of the proposed development to be visible alongside at least 2 cumulative sites. This would mainly be contained to within and 2km from the order limits. From the site inspections, the ExA considers that factors such as the flat topography of the landscape, existing and proposed planting and separation distances from other developments would limit the potential for intervisibility and for significant cumulative effects including sequential between the proposed development and other cumulative development.
- 3.7.112. The greatest potential for significant cumulative visual effects would be in the western part of the site around VP 20. This is an elevated location with widespread open views to the east. The Cumulative SZTV [REP2-054] shows theoretical visibility for the proposed development and all cumulative sites around this location. In particular, whilst not referred to in the Viewpoint Assessment [REP5-027], it is likely that Wood Lane Solar Farm would be visible in the foreground alongside the proposed development noting that it would be situated in the adjacent fields to the VP. Given the findings above considering there would be significant visual effects at this VP, and the potential for all schemes to be visible when traversing in an easterly direction, the ExA considers it likely that there would be significant cumulative effects, albeit such effects would be for a short duration.
- 3.7.113. Overall, in contrast to the LVIA, the ExA finds that there would significant cumulative landscape effects on the landscape character of NCA 48: Trent

and Belvoir Vales and for significant cumulative visual effects along the Trent Valley Way at VP 20.

RVAA FINDINGS

- 3.7.114. NCC's Landscape and Visual Review contained in its first LIR [REP1-014] and its response to ExQ1 Q13.4.6 [PD-005] queries 12 property groups assessed in the RVAA [APP-100] as having moderate but not significant effects. The review states that the properties would have close range views of the proposed development and further explanation is required explaining how adverse visual effects would not be experienced, particularly as baseline views would be changed with mitigation planting foreshortening views.
- 3.7.115. The applicant noted that NCC refer to only one property (St Ives) as having a significant effect [REP2-050]. The applicant explained that factors including the presence of existing vegetation and hedgerows within and outwith the property curtilage, a minimum 200m offset between the property and elements of the proposed development, and primary orientation of the property away from the proposed development led to its judgement that significant effects would not arise. Furthermore, the applicant explained all residential properties are located at least 100m from built elements of the proposed development, with several of the properties listed by NCC lying over 300 or 400 metres distant [REP3-039]
- 3.7.116. The applicant provided further explanation for its RVAA findings in responses to ExQ1 Q13.4.1 to and including Q13.4.5 explaining the 0.5km study area, extent of site inspections undertaken, how vegetation would mitigate effects from upper floor windows and why the RVAA does not consider cumulative effects [REP2-052]. In respect of Q13.4.3, the applicant provided further detail explaining how the 'low/medium' magnitude of change had been classed at the properties identified by NCC, noting that judgements include proposed offsets and intervening screening.
- 3.7.117. At the close of the examination, the finding of no residents identified as experiencing significant effects remained an area of disagreement in the SoCG between the applicant and NCC [REP6-034] (issue NCC 25).

ExA's considerations - RVAA findings

- 3.7.118. The ExA is satisfied that factors including offsets and oblique angles between properties and the proposed development, and existing vegetation and proposed planting, would be sufficient to ensure the assessed properties in table 1 of the RVAA [APP-100] would not experience significant visual effects.
- 3.7.119. In respect of St Ives (property number 1), the ExA noted during its site inspection to VP5 [EV3-001] that the primary orientations of this single-storey dwelling are to the south-west and north-east, away from the nearest elements of the proposed development. Boundary treatment in the form of timber fencing and hedge planting surrounds the property and therefore it is unlikely that proposed planting to the south and east of the property would make a material difference to the existing outlook. For these reasons, as well

as the separation distances to elements of the proposed development, the ExA is satisfied that this property would not experience significant adverse visual effects from the proposed development.

- 3.7.120. In the absence of any properties being assessed as experiencing a very high magnitude of change, the ExA is satisfied that the proposed development would not breach the residential amenity threshold at any property.

EFFECTIVENESS AND SECURING OF LANDSCAPE MITIGATION

- 3.7.121. FfF [RR-035] questioned the effectiveness of mitigation measures, such as screening and buffering to address the scale of the visual intrusion in the long term.
- 3.7.122. NCC [RR-052], [REP2-063a], [REP4-032] (issue NCC 25) and during ISH2 [EV7-001] and [EV7-012] calls for an appropriate period of landscape maintenance for a minimum of 15 years to secure long term management and post-establishment monitoring programme. In response to ExQ2 Q13.0.3 [PD-008], NCC confirmed their desire to see this secured as part of the dDCO and oLEMP [REP6-018] and provided example wording [REP5-055].
- 3.7.123. The applicant comments that the proposed landscape mitigation has been carefully considered and includes the provision of offsets from receptors during the design process, as well as proposed new planting [REP1-009]. Furthermore, the applicant considers that the initial 5-year maintenance period is sufficient due to the very low risk of plant failure beyond year 5 [REP2-050]. The applicant also considers that 100% survival of planting is not necessary for mitigation planting to be successful and the ES assumptions to be met. The applicant advises that the oLEMP [REP6-018] commits to management of hedgerows at paragraph 9.7 and a monitoring programme in table 6 [REP6-040].
- 3.7.124. At the close of the examination, the request for a minimum 15-year period for management and monitoring remained an area of disagreement in the SoCG between the applicant and NCC [REP6-034] (issue NCC 25). No specific areas of disagreement were highlighted in the SoCG with BDC [REP3-047] (issue BDC 19).

ExA's considerations - Effectiveness and securing of landscape mitigation

- 3.7.125. The ExA is satisfied that the ES figure 6.9 illustrates a comprehensive landscape mitigation scheme. In terms of landscape maintenance, the oLEMP [REP6-018] provides an appropriate framework for proposed habitat establishment, management and monitoring measures throughout the proposed 40-year operational period. Table 6 sets out comprehensive measures in respect of enhancing hedgerows which proposes to undertake annual monitoring for the first 5 years, then at years 10, 15, 20, 25, 30 and Year 40 thereafter. There is also a requirement for the LEMP to be reviewed periodically (paragraph 19.11).

- 3.7.126. Whilst requirement 4 in the dDCO stipulates a 5-year period for replacing any trees or shrubs, requirement 6(d) requires the final LEMP to contain a timetable for the landscape management of the land. The final LEMP is also required to accord with the oLEMP, which includes measures such as those specified in table 6. Maintenance for the lifetime of the development would be secured under requirement 6(3). Therefore, the ExA is satisfied that the dDCO [REP6-004] and the oLEMP [REP6-018] provides a suitable framework to ensure that hedgerows would be monitored and maintained throughout the operational period, such that it is not necessary to explicitly stipulate a 15 year long term management and post-establishment monitoring programme on the face of the dDCO.
- 3.7.127. For the above reasons, the ExA is satisfied that the proposed habitat establishment, management and monitoring measures complies with NPS EN-3 paragraph 2.10.100.

OTHER MATTERS

- 3.7.128. Concerns were raised regarding the applicant's VP selection, such as by NCC [REP2-063a], SSPC [REP1-039] and FfF [REP1-025] and [REP1-026]. The ExA also questioned the applicant on the choice of VPs during ISH1 [EV2-001] and [EV5-003], particularly the purpose of VP18 in illustrating effects from the Trent Valley Way. The applicant explained its approach to VP selection and noted that very few comments were received on locations during the scoping stage. The applicant stated that the VPs provide an adequate representation to aid the assessment of effects [REP1-009].
- 3.7.129. The ExA requested two additional VPs along Trent Valley Way in ExQ1 Q13.0.3 [PD-005] to better understand the written narrative of effects described along this route in ES chapter 6. These were submitted by the applicant at deadline 3 [REP3-050]. The ExA also asked IPs in ExQ1 Q13.0.4 [PD-005] whether there were any specific locations which should be included in the viewpoints and photomontages. Other than general comments criticising the choice of locations, no substantive additional locations were suggested by IPs.

ExA's considerations - Other matters

- 3.7.130. Following submission of additional VPs and the ExA's observations during site inspections, the number and choice of locations provided in the submitted visualisations provides an appropriate and proportionate representation of the effects likely to be experienced by receptors as reported in the LVIA, in accordance with paragraph 2.10.97 of NPS EN-3.

CONCLUSIONS

- 3.7.131. The area within the Order limits is not covered by any statutory landscape designations. Nevertheless, the ExA recognises the strength of concern raised by IPs over the large scale and extent of the proposed development which would result in a fundamental change to the landscape character and visual amenity around the local villages that residents and other receptors clearly value.

- 3.7.132. The ExA is satisfied that ES chapter 6 [APP-064] contains an LVIA in accordance with paragraphs NPS EN-1 5.10.16 and 5.10.17, notwithstanding its findings that assessment of effects would have benefited from clearer reasoning to support professional judgements between significant and not significant moderate effects. The methodology has been produced following GLVIA3 and there is sufficient information to inform the baseline and identify the likely significant effects on landscape and visual receptors.
- 3.7.133. The LVIA concludes that the landscape character of the site would experience significant effects at all phases. In addition, the ExA finds that the LVIA has overplayed the extent of beneficial effects of proposed landscaping against the extent of harm to landscape character and landscape features, particularly the long-term alteration of arable or pastoral farmland. The ExA finds that significant effects would occur to the 'Mid Notts Farmlands' and 'Trent Washlands' LCAs during construction and operation year 1 although remaining adverse effects would reduce to 'not significant' at year 15.
- 3.7.134. For landscape features, significant effects would remain at year 1 for hedgerows as planting is unlikely to be significantly mature. By year 15, the extent of new planting would result in slight beneficial not significant effects. For ground cover, significant effects would remain at year 1 for similar reasons to hedgerow although effects at year 15 are likely to be neutral when balancing the extent of loss of arable or pastoral farmland against the proposed planting of species rich grassland over the site.
- 3.7.135. The ExA fully recognises the concerns raised by IPs on the adverse impacts to the local landscape from the proposed development. However, NPS EN-1 paragraph 5.10.12 states locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development. NPS EN-1 paragraph 5.10.35 requires the SoS to judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. This is considered further in chapter 5.
- 3.7.136. Contrary to the LVIA, the ExA finds that significant residual effects would remain for receptors represented at VPs 12, 14, 17, 20, additional VPs 1 and 2 and FP 19. This is largely due to the harm that would arise to the openness of the local landscape. The presence of mitigation planting to screen the proposed development would result in a fundamental change, and significant harm to, the outlook and recreational value of the PRow where open views across an agricultural landscape is an inherent characteristic. The ExA is conscious that the residual significant effects that would remain would be largely contained to areas within or close to the order limits. These effects would be temporary, albeit long-term, and would be reversible following decommissioning.
- 3.7.137. By virtue of its nature and scale, and as recognised in NPS EN-1 paragraph 5.10.35, the proposed development would be visible across a wide area, particularly from higher ground to the west. However, as NPS EN-1 paragraphs 5.10.5 and 5.10.13 recognises, virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape and

many visual receptors around proposed sites. Under NPS EN-1 paragraph 5.10.14, a judgment is required as to whether the visual effects on sensitive receptors and other receptors outweigh the benefits of the project. This is considered further in chapter 5.

- 3.7.138. The ExA finds that the totality of effects of the proposed development with other proposed and consented cumulative schemes would give rise to significant cumulative effects on the landscape character of NCA 48: Trent and Belvoir Vales. The scale and size of solar development, spread across a large surface area, would change the existing rural landscape to a more industrialised landscape, dominated by solar panels and associated infrastructure. Some significant adverse cumulative visual effects would arise on a section of the Trent Valley Way on higher ground in the west of the Order limits, represented at VP 20, for a short duration.
- 3.7.139. ES figure 6.9 [APP-160] illustrates a comprehensive landscape mitigation scheme to guide the future detailed landscape design. An appropriate framework for proposed habitat establishment, management and monitoring measures is set out in the oLEMP [REP6-018]. Both these documents would be secured under requirement 6 of the dDCO [REP6-004]. Whilst the ExA finds that the proposed mitigation has not managed to avoid significant effects in all places due to the open character of the landscape, it would nevertheless reduce the prominence of solar infrastructure. The ExA is therefore satisfied that the applicant's approach to minimising and mitigating the landscape and visual effects would be reasonable and follows the approach advocated in NPS EN-1 paragraphs 5.10.6, 5.10.26-5.10.28 and 5.10.37 and EN-3 paragraphs 2.10.95 and 2.10.98.
- 3.7.140. Overall, despite the harm that would be caused, the ExA is satisfied that the proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant), the NPPF, the main aims of BLP Policies ST35, ST37 and ST39 and all other relevant legislation. Whilst the ExA acknowledges that the nature of the proposed development would not protect the open countryside and landscape character, in accordance with the SWNP Policy 2a, this does not override the policy provisions in the designated NPSs. These negative effects are however fully considered in the ExA's weighting below.
- 3.7.141. Taking into account the residual significant adverse landscape and visual effects, including cumulative, that would remain through the operational period and the significant harm that would arise to the local landscape and visual amenity for receptors, the ExA attaches great negative weight against the making of the order in respect of landscape and visual matters. The balance as to whether adverse impact on the landscape and visual effects outweighs the benefits of the project is undertaken in chapter 5.

3.8. LAND USE AND SOIL

INTRODUCTION

- 3.8.1. This section considers the effect of the proposed development on land use and soil, including agricultural land as a resource, on soils as a resource, and on land-based rural businesses as an economic activity.

LEGISLATIVE AND POLICY BACKGROUND

LEGISLATION

- 3.8.2. In terms of national and local planning policies, the key paragraphs and sections are as follows:
- NPS EN-1 (2024): Section 5.11
 - NPS EN-3 (2024): Section 2.10.28 to 2.10.34 and 2.10.145
 - NPPF (2024): Paragraphs 187 and 188
 - BLP 2020-2038 Policy ST49: Renewable Energy Generation
 - Nottinghamshire Minerals Local Plan (NMLP) (adopted March 2021): Policies S04, SP7, MP2 and MP2c
- 3.8.3. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

- 3.8.4. The applicant's assessment of Land Use and Agriculture is covered in ES chapter 15 [REP5-015]. The assessment summarises the baseline of the site, provides an assessment of the likely significant effects (including cumulative) of the proposed development during construction, operation and decommissioning and considers mitigation measures to minimise effects.
- 3.8.5. The chapter is supported by the following documents:
- Appendix 15.1 Agricultural Land Classification Report [APP-131]
 - Appendix 15.2 Outline Soil Management Plan [REP3-027]

BASELINE

- 3.8.6. Section 15.6 of ES chapter 15 details the baseline conditions.
- 3.8.7. The proposed development mostly comprises agricultural land in farming use. Agricultural land quality is assessed by use of Natural England's Agricultural Land Classification (ALC) system. The ALC system divides land into grades 1 to 5, with grade 3 divided into subgrades of 3a and 3b. The National Planning Policy Framework (NPPF) (2024) places Grades 1, 2, and subgrade 3a within the definition of the 'Best and Most Versatile' (BMV) agricultural land.
- 3.8.8. The proposed development involves approximately 888.3 ha of agricultural land. The area to be occupied by solar panels extends to 467 ha and comprises a mixture of Grades 1, 2, 3a and 3b land. The composition of the

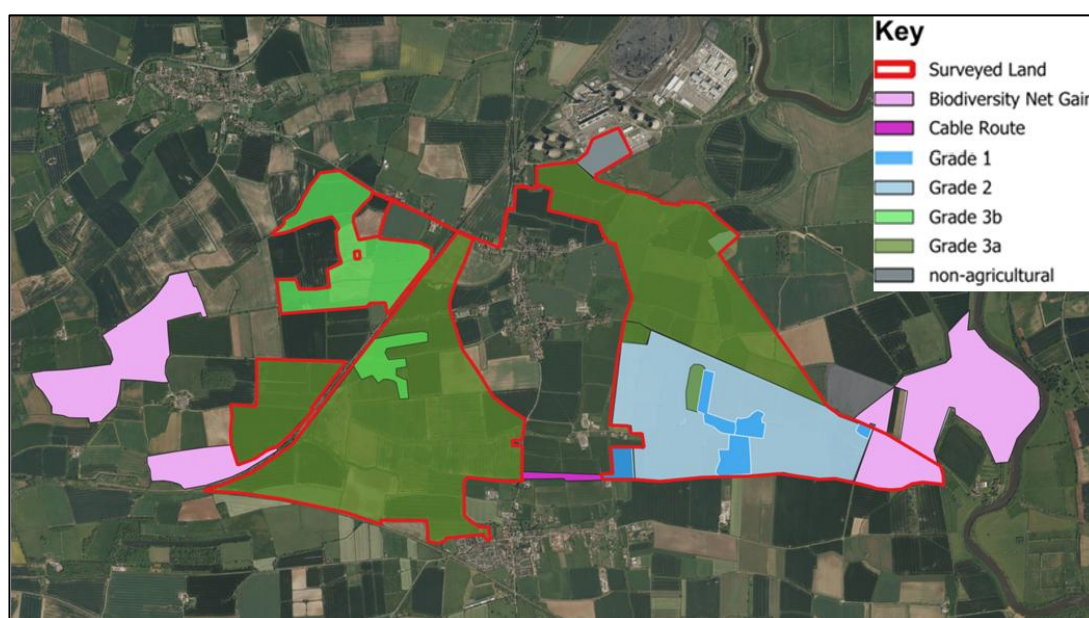
proposed development is set out in Figure 13. See Figure 14 for a map of the agricultural land classification grading.

Figure 13: Composition of ALC grades across the Order limits

ALC GRADE	DESCRIPTION	AREA (HA)	PROPORTION (%)
1	Excellent	56	6.3
2	Very good	154	17.3
3a	Good	430	48.5
3b	Moderate	82	9.2
4	Poor	0	0
5	Very poor	0	0
NA	Non-agricultural	0	0
NS	Not surveyed (ecological enhancement)	166	18.7
Total		888	100.0

Source: Non-Technical Summary Table 1 [REP5-013]

Figure 14: Plan showing ALC grades across the Order limits



Source: Extract from appendix 1 in ES Appendix 15.1 [APP-131]

ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

- 3.8.9. Section 15.7 [REP5-015] provides an assessment of the potential impacts on the identified receptors for the construction, operational and decommissioning phases taking into account the proposed mitigation measures.

- 3.8.10. The proposed development comprises a large proportion of BMV land; the applicant considers this a sensitive receptor. The applicant assesses the impact of the proposed development as temporary because the lifetime is 40 years from the start of operation. The applicant concludes that although the change of use of BMV land to solar development does have implications on the ability to farm the land for arable uses, these effects are not considered to be a permanent loss of land within a wider agricultural use and effects are generally considered to be 'not significant'.
- 3.8.11. The applicant has consulted with Natural England (NE) regarding the matter of potential effects arising from provision of new woodland and ponds. In a worst-case scenario, the permanent loss of approximately 1 ha of agricultural land for proposed ponds and the potentially permanent downgrading of approximately 12.1 ha of mostly BMV land for woodland planting, would be a medium magnitude impact, on land of high sensitivity, which would result in an effect of moderate adverse significance. The applicant concludes that taking this worst-case assessment the effect is therefore 'significant'.
- 3.8.12. While the soil is temporarily taken out of arable rotation, the applicant maintains that the impact on the land is low. The applicant argues this is because solar projects typically involve minimal ground disturbance and can provide a break from intensive agricultural practices associated with arable rotation. This fallow period can allow the soil to recover from the constant cultivation, chemical inputs, and compaction associated with modern farming practices.
- 3.8.13. The farm businesses within the proposed development are full time arable enterprises; the applicant maintains that they are resilient to a degree of change. The applicant concludes that effects on farm businesses will be significant, but in terms of the wider environmental assessment, the effect would be minor adverse and 'not significant'. Once the proposed development is decommissioned the land would be returned to its current condition and returned to the landowner.

MITIGATION

- 3.8.14. Measures have been included within the Outline Soil Management Plan (oSMP) [REP3-027], which is proposed to be secured via DCO requirement 11, to minimise effects. Example measures include:
- best practice methodology for soil handling
 - seed mixes for stockpiles of soil
 - the use of appropriate construction equipment to avoid unnecessary damage to soils

RESIDUAL EFFECTS

- 3.8.15. Taking into account the proposed mitigation, the applicant has assessed the overall adverse effects as not significant for all phases of the proposed development, with the exception of the adverse effect on land quality that results from woodland planting [REP5-015], paragraph 15.11.3.

- 3.8.16. Potential cumulative effects have been assessed in relation to other developments such as Cottam Solar Project; One Earth Solar, as detailed in Table 15.18 [[REP5-015]. The applicant maintained that the land loss from the proposed development is limited to the fixed infrastructure and it is intended that these areas be restored fully on decommissioning. The applicant concluded that this applies to the other solar developments in the area. The applicant concluded [REP5-015], paragraph 15.10.2, that the cumulative effect of land loss is not significant, as all developments are temporary, resulting in minor adverse effects, and so are not significant. However, these effects would give rise to harm which has been weighed in the planning balance.
- 3.8.17. No significant in-combination effects with other environmental disciplines are identified in relation to land use and agriculture receptors.
- 3.8.18. The applicant concludes overall, no significant, adverse residual or cumulative effects have been identified in relation to land use and agriculture.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.8.19. Based on the comments raised by IPs and the ExA's review of the application documents, the main issues considered during the examination were:

- soil surveys
- loss of BMV land
- effects on farm businesses
- mineral safeguarding

SOIL SURVEYS

- 3.8.20. NE [RR-054] raised concerns regarding the adequacy of the soil surveys undertaken by the applicant, including:
- cable route and enhancement areas should be included in ALC surveys
 - the oSMP should be amended to include consultation with NE
 - that all land disturbed temporarily during construction would be restored to the same ALC grade
- 3.8.21. An IP raised negative comments on the adequacy of the soil surveys, relating to the land quality being under assessed [RR-010].
- 3.8.22. In response to the Examining Authority's First Written Questions (ExQ1) 12.0.1 and 12.0.2, [REP2-052] regarding recording and protecting soil during cabling works, and lack of ALC survey in areas proposed for pond creation and woodland planting, the applicant confirmed that it was engaging with NE on these matters and intended to submit a revised oSMP.
- 3.8.23. The absence of ALC survey across the full order limits, including the cable route area, and NE's position following review of the updated oSMP was discussed under item 5.4 at ISH2 [EV-006]. The applicant explained that, as set out in the revised outline 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 NE [REP4-031].

- 3.8.24. Fields for Farming questioned how the top soil to be removed to enable construction of the proposed development can be taken away and stored for 40 years and then reinstated and be suitable for farming [REP4-010]. In response to the Examining Authority's Second Written Questions (ExQ2) 12.0.1, [REP5-048] the applicant provided details of the areas involved as described in ES Chapter 15: Land Use and Agriculture [APP-072], as well as the principles of moving and storing soil without adverse effects as set out in the oSMP [REP3-027]. This includes moving and storing soil without adverse effects by stripping and handling it in suitable dry conditions, keeping horizons separate, minimising compaction, storing it in stable, vegetated bunds close to its source, and maintaining aerobic conditions to preserve structure and biological activity.
- 3.8.25. At the close of the examination, the SoCG between the applicant and NE [REP6-033] recorded that either the NE's concerns had been addressed or it considered them unlikely to make a material difference to the outcome of the decision-making process regarding ALC survey methodology.
- 3.8.26. Areas of disagreement remain including soil handling and reinstatement and the ability to return the land to agricultural use, in the SoCGs with NLHPC [REP3-040], NSWPC [REP3-043] and SSPC [REP3-045].

ExA's considerations - Soil surveys

- 3.8.27. The applicant has undertaken an ALC as part of the ES, Appendix 15.1 Agricultural Land Classification Report [APP-131]. Although NE raised concerns regarding the adequacy of the soil surveys undertaken by the applicant, at the close of the examination these had either been addressed or NE considered them unlikely to make a material difference to the outcome of the decision-making process.
- 3.8.28. As required by paragraph 5.11.14 of NPS EN-1 the applicant has developed an oSMP [REP3-027] to help minimise potential land contamination.
- 3.8.29. Overall, the ExA is satisfied that the applicant has undertaken an adequate survey to classify the agricultural land. In addition, the oSMP should help to minimise potential soil contamination through measures to reduce contamination by preventing soil mixing, limiting disturbance and compaction, controlling erosion and runoff, and maintaining conditions that support natural breakdown of pollutants.

LOSS OF BMV LAND

- 3.8.30. NE [RR-054] requested further details on the steps taken by the applicant to avoid BMV land, in line with the NPPF mitigation hierarchy and NPS EN-1 paragraph 5.11.12.

- 3.8.31. In its ExQ1 Q.12.0.3 [PD-005], the ExA asked the applicant to detail the steps taken to avoid BMV land including:
- how the applicant has sought to avoid BMV land
 - how the proposed development aligns with the Written Ministerial Statement ('WMS') published in May 2024 on 'Solar and protecting our Food Security and Best and Most Versatile ('BMV') Land'
 - the applicant was also requested to set out the economic and other benefits of that land, and the extent to which the existing land within the order limits is used for grazing
- 3.8.32. In response [REP2-052] the applicant provided commentary and further details including how the scheme minimises impacts on BMV land by prioritising lower quality land, siting infrastructure along field edges and near existing connections, and only using BMV land where unavoidable for operational reasons or temporary works, with justification based on practical constraints and policy alignment.
- 3.8.33. In its comments on DL2 submissions NE stated [REP3-055] that no further information had been provided regarding the amount of BMV agricultural land that may still be permanently lost as a result of the ecological enhancements. Where the amount of BMV that could be permanently lost is over 5ha, this may alter the assessment conclusions in the ES at 15.11.3 [APP-072B], as per the magnitude and significance criteria set out in Tables 15.1-15.3 in [APP-072B]. NE requested clarity on the ecological enhancement areas that have been included in the updated oSMP section 14.
- 3.8.34. The issue of the amount of agricultural land that may still be permanently lost as a result of the areas used for ecological enhancements and how this could affect the assessment of the loss of BMV land over 5ha in the ES was the subject of further discussion during ISH2, agenda item 5.3 [EV7-006]. 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. On this basis, the applicant confirmed that these areas are not treated as permanent loss of BMV agricultural land in the ES, and that the assessment of BMV land loss exceeding 5 hectares remains unchanged [REP4-031].
- 3.8.35. Sturton le Steeple Parish Council [RR-029] consider that the proposals would result in a significant and harmful loss of productive farmland which carries with it associated food security risks and a loss of jobs for farmers and supporting industries.
- 3.8.36. NSWPC [RR-018] consider the proposals would result in loss of agricultural land along with its food production potential. It considers that solar farms often render land unsuitable for arable farming for decades, and argues that the land is unlikely to return to viable food production after decommissioning.

- 3.8.37. A number of other IPs raised negative comments on loss of BMV land and food security, such as removal of good farming land, and ability to produce sufficient food [RR-001], [RR-003], [RR-006], [RR-008], [RR-010], [RR-014], [RR-017], [RR-026], [RR-028], [RR-034], [RR-036], [RR-037], [RR-038], [RR-039], [RR-041], [RR-042], [RR-050], and [RR-051].
- 3.8.38. The applicant's common response to RRs regarding food security [REP1-008] states:
- "The Proposed Development can still be used for grazing and can support continued food production. The independent National Food Strategy Review shows that solar farms do not in any way present a risk to the UK's food security. Indeed, the reverse is true: the solar industry is working closely with Britain's farmers to reduce their energy costs and improve the sustainability of their operations. Further, where a solar farm is installed on land which has been intensively farmed, it enables the ground underneath to recover. Solar farms also help regenerate soil quality and so are helping to ensure the continued availability of high-quality agricultural acreage for future generations."
- 3.8.39. In response to ExQ1 12.0.4 [PD-005] and subsequently ExQ2 12.0.4 [PD-008] the applicant addressed the two parts of the question as follows [REP5-048]:
- regarding food security, the applicant referenced food security reports noting that food production levels could be moderately increased alongside the land use change required to meet net zero and Environment Act targets and commitments
 - with regard to working with farmers, the applicant states that it is not working closely with farmers on this particular development in respect specifically of reducing energy costs and increasing the sustainability of their operations
- 3.8.40. At the close of the examination, the SoCG between the applicant and NE [REP6-033] recorded that either NE's concerns had been addressed or it considered them unlikely to make a material difference to the outcome of the decision-making process regarding development design and avoidance of BMV land, and limited consideration of avoidance of BMV land (issue NE13). Furthermore, NE's risk and issues log [REP6-050] concluded that with regard to the potential permanent loss of BMV land from pond, scrub and woodland creation, using a worst case scenario approach that there is a potential adverse effect of moderate significance (NE12).
- 3.8.41. Areas of disagreement remain in the SoCGs with NLHPC [REP3-040], NSWPC [REP3-043] and SSPC [REP3-045], including use of BMV land for purposes other than growing crops and the residual effect of loss of BMV land.

ExA's considerations - Loss of BMV land

- 3.8.42. Paragraphs 5.11.12 and 5.11.34 of NPS EN-1, 2.10.29 and 2.10.30, and 2.10.145 of NPS EN-3 seek to minimise impacts on BMV agricultural land,

preferring to use land in areas of poorer quality. Applicants are required to justify siting schemes on BMV land and take into account the economic and other benefits of this land. In addition the SoS should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils.

- 3.8.43. The ExA is satisfied that the applicant has sought to minimise impacts on the BMV land within the proposed development where possible by prioritising lower quality land, careful siting of infrastructure, and only using BMV land where unavoidable for operational reasons or temporary works. The applicant has developed an oSMP [REP3-027], including principles for soil handling and management to minimise disturbance with the aim of restoring land to the same ALC grade following construction works or decommissioning. This would be secured by requirement 11 in the dDCO, which the ExA is satisfied puts forward appropriate mitigation measures to minimise impacts on soils.
- 3.8.44. The applicant has assessed the impact of the proposed development as temporary because the lifetime of the scheme is 40 years, and although recognising the change of use of BMV land to solar development has implications on arable farming the applicant does not consider these effects to be permanent loss of land and are generally considered to be 'not significant'. The ExA is not persuaded that the impact is temporary nor the effects 'not significant'.
- 3.8.45. However, the majority of land occupied by the proposed development is on BMV land, see Figure 14. NE have expressed concerns regarding the use of BMV land, and concluded a potential permanent loss of BMV land from pond, scrub and woodland creation. The economic and other benefits of the BMV land are considered further in the following section on farm businesses.
- 3.8.46. Overall, the ExA considers that there is a potential adverse effect of moderate significance on the BMV land for the whole order limits.

EFFECTS ON FARM BUSINESSES

- 3.8.47. Fields for Farming Community Group [RR-035] highlighted the socio-economic impacts for farmers and associated businesses, disputing the applicant's assessment and maintaining that at least four farms would no longer be viable, with others needing to operate on a reduced basis.
- 3.8.48. Sturton le Steeple Parish Council [RR-029] consider that the proposals would result in a loss of jobs for farmers and supporting industries.
- 3.8.49. A number of other IPs referenced the negative effects on farmers and their businesses including [RR-001], [RR-006], [RR-007], [RR-010], [RR-014], [RR-017].
- 3.8.50. In response to ExQ2 12.0.3 [REP5-048] the applicant provided an update to Chapter 15 of its ES setting out the effects on farm businesses [REP5-015]. The applicant states at paragraph 15.7.8 that some of the farm businesses will be significantly affected by the operational phase of the proposed

development, with negotiations currently underway between landlords and tenants. The effects on the farms are described in table 15.10 [REP5-015], concluding at paragraph 15.7.74 (3) that:

"The effects on occupying farm businesses are mostly of medium or low magnitude, on holdings of low sensitivity, leading to overall effects of minor or negligible significance, which is not significant. One farm business will, without mitigation, experience a moderate adverse effect, which is significant."

- 3.8.51. Areas of disagreement remain in the SoCGs with NLHPC [REP3-040], NSWPC [REP3-043] and SSPC [REP3-045], including loss of jobs for farmers and supporting industries.

ExA's considerations - Effects on farm businesses

- 3.8.52. Paragraphs 5.11.34 of NPS EN-1, and 2.10.145 of NPS EN-3 requires the SoS to take into account the economic and other benefits of that land.
- 3.8.53. The applicant has considered the effects on farm businesses in the ES, concluding overall effects of minor or negligible significance, which is not significant. However, one farm business would, without mitigation, experience a moderate adverse effect, which is significant.
- 3.8.54. Overall, the ExA considers that there is a potential adverse effect of moderate significance on farm businesses.

MINERAL SAFEGUARDING

- 3.8.55. NCC, as the minerals and waste planning authority, notes the eastern portion of the proposed development lies within a mineral safeguarding and consultation area for sand and gravel. In its LIR [REP2-063a], NCC raised concerns that the applicant had not submitted a mineral resource assessment to assess the effects the application may have on resources and the nearby Sturton le Steeple Quarry.
- 3.8.56. The ExA asked the applicant to submit such an assessment in ExQ1 Q12.0.6 [PD-005], which was received at DL3 [REP3-037]. In summary, the assessment concludes that there are no allocated minerals sites within the Order limits and there would be a separation distance of 300 metres between the proposed development and Sturton le Steeple quarry. The only interaction with the quarry would be sharing a private access road. The applicant confirms that any minerals present within the Order limits would be able to be extracted at a future post decommissioning date if required and consented. The applicant therefore concludes that the proposed development would not sterilise mineral resources, complying with policy SP7 of the Nottinghamshire Minerals Local Plan.

ExA's considerations - Mineral Safeguarding

- 3.8.57. The ExA is satisfied that the information contained in the Mineral Resource Assessment [REP3-037] is sufficient to address the concerns raised by NCC in its LIR, confirming that the proposed development would not sterilise

mineral resources. No substantive comments were received raising any concerns on the applicant's assessment and mineral safeguarding was not a matter of disagreement at the close of the examination in the SoCG between NCC and the applicant [REP6-034].

CONCLUSIONS

- 3.8.58. The ExA is satisfied that the assessment set out in the ES regarding land use and soil meets the requirements of NPS EN-1 and NPS EN-3; with particular reference to the following paragraphs.

NPS EN1

- 3.8.59. With regard to paragraph 5.11.12:

- where practicable within the proposed development the applicant has sought to minimise impacts on the BMV agricultural land by prioritising lower quality land, careful siting of infrastructure, and only using BMV land where unavoidable

- 3.8.60. With regard to paragraph 5.11.14:

- the applicant has developed an oSMP, which is secured via requirement 11 in the draft DCO, which could help minimise potential land contamination through measures to prevent soil mixing, limiting disturbance and compaction, controlling erosion and runoff, and maintaining conditions that support natural breakdown of pollutants

- 3.8.61. With regard to paragraph 5.11.19:

- the applicant, through its Mineral Resource Assessment [REP3-037] has demonstrated that it would safeguard mineral reserves on the site as far as possible and has taken into account the long-term potential of the land use after any future decommissioning has taken place

- 3.8.62. With regard to paragraph 5.11.34:

- the applicant has sought to justify siting the proposed development on the BMV agricultural land. Through its updates to ES chapter 15, the applicant has provided a more comprehensive assessment taking into account the economic and other benefits of that land by considering the effects on farm businesses, acknowledging that adverse effects would arise

NPS EN3

- 3.8.63. With regard to paragraphs 2.10.29, and 2.10.30:

- the applicant has sought to minimise impacts on the BMV land within the proposed development where practicable by prioritising lower quality land, careful siting of infrastructure, and only using BMV land where unavoidable. However, the majority of land occupied by the proposed development is on BMV land

3.8.64. With regard to paragraph 2.10.145:

- applicant has taken into account the economic and other benefits of the BMV agricultural land by considering effects on farm businesses, concluding overall not significant effects. Mitigation measures have been included within the oSMP to minimise impacts on soils. However, one farm business will, without mitigation, experience a moderate adverse effect, which is significant

3.8.65. Taking into account the potential adverse effects on the BMV land and on farm businesses that would remain through the operational period, the ExA attaches moderate negative weight against the making of the order in respect of land use and soil matters.

3.9. NOISE AND VIBRATION

INTRODUCTION

3.9.1. This section considers the effect of the proposed development on noise and vibration. It considers noise associated with changes in traffic and proposed equipment to be installed including inverters, transformers, substation and the BESS.

LEGISLATIVE AND POLICY BACKGROUND

3.9.2. The key legislation in relation to noise and vibration includes:

- Environmental Protection Act 1990
- Control of Pollution Act 1974
- Noise Policy Statement for England (NPSE)

3.9.3. In terms of national and local planning policies, the key paragraphs and sections are as follows:

- NPS EN-1 (2024): Section 5.12
- NPPF (2024)

3.9.4. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

3.9.5. The applicant's assessment of noise and vibration is covered in ES chapter 11 [APP-069]. The assessment summarises the baseline of the site, provides an assessment of the likely significant effects (including cumulative) of the proposed development during construction, operation and decommissioning and considers measures to minimise effects.

3.9.6. The chapter is supported by the following figures:

- Figure 11.1: Assessment Locations and Daytime Specific Sound Levels [APP-175]

- Figure 11.2: Assessment Locations and Night-time Specific Sound Levels [APP-176]

BASELINE

- 3.9.7. Section 11.6 of ES chapter 11 details the baseline conditions. Potential residential receptors and users of PRowS have been considered and assessed within 2km.
- 3.9.8. The applicant states that the existing environment at the majority of properties neighbouring the proposed development is typical of a rural area and consists of sound generated by moving vehicles on the local and more distant wider road network, birds and wildlife, farm machinery, localised human activities and aircraft overhead with some industrial sound from existing industry located to the north.
- 3.9.9. Existing sources of vibration are identified to primarily emanate from traffic movements in the area, from Heavy Goods Vehicles (HGVs) in particular. Some existing vibration may also result from the very occasional tremor during the demolition works at the West Burton A Power Station site.

ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

- 3.9.10. Section 11.7 [APP-069] provides an assessment of likely significant effects.
- 3.9.11. The main activities that have the potential to generate noise and vibration during the construction and decommissioning phase are the formation or removal of the access tracks, installation and removal of solar panel frame supports (which may involve piling), construction and breaking-up of hard standing, horizontal direction drilling, cable trenching and landscaping, when occurring in proximity to neighbouring residences. Furthermore, the construction of the BESS and any ancillary equipment, the installation of a transmission connection, and the installation of ecological and landscape mitigation measures.
- 3.9.12. However, the applicant states that the majority of these works would be undertaken at distances of more than 200m away from neighbouring properties. Therefore effects arising from the construction and decommissioning phases are not anticipated to be significant by the applicant, when incorporating the adoption of measures set out within the oCEMP [REP5-019].
- 3.9.13. The applicant acknowledges that occasional temporary noise and vibration generated during the construction phase may well be perceptible to users of PRowS within and surrounding the proposed development without the implementation of mitigation measures.
- 3.9.14. The applicant considers that traffic generated during construction, decommissioning, maintenance and general operational requirements of the proposed development is likely to result in relatively small increases in average daily traffic noise. This aspect is therefore also considered not significant.

- 3.9.15. Due to the nature of the proposed development, the applicant considers that no significant effects are anticipated upon residential receptors during the operational phase.
- 3.9.16. With regard to users of PRowS during the operational phase, the applicant considers that perceived effects would be subjective. The applicant states that resultant operational noise would be at a level for which it would be easy to hold a conversation, even when positioned directly adjacent to any electrical equipment. Further, the applicant states there is no evidence to suggest that the typical acoustic levels of onsite operational noise would result in any potential health impacts. No significant effects are therefore anticipated.

MITIGATION

- 3.9.17. Section 11.6 [APP-069] describes mitigation and enhancement.
- 3.9.18. The following construction noise and vibration mitigation measures would be implemented where appropriate and proportionate, facilitated via the oCEMP [REP5-019] (table 3.6):
- consideration would be given to noise and vibration emissions when selecting or modifying the plant and equipment to be used, with quieter variants given preference
 - plant and equipment would be used in accordance with manufacturers' instructions, maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable
 - where noise generated from a specific activity is expected to be directional, steps would be taken to orientate the equipment such that noise is directed away from any sensitive areas
 - stationary sources of noise would be sited as far away as reasonably possible from residential properties and consideration given as to whether it is necessary to install acoustic barriers to provide screening
 - the movement of vehicles to and from the proposed development would be controlled and employees instructed to ensure compliance with the noise control measures adopted
 - reducing the number of construction activities occurring simultaneously
 - the re-routing and/or temporary closure of relevant PRowS
 - restricting activities being performed within a certain distance of sensitive locations
 - minimising the level of construction traffic.

RESIDUAL EFFECTS

- 3.9.19. The applicant considers that the construction and decommissioning phases of the cumulative schemes, including the decommissioning of the West Burton A Power Station, would be unlikely to result in any substantial cumulative impacts when occurring at the same time as the proposed development. Standard controls and mitigation for construction noise and vibration would apply as each cumulative scheme would be required to

mitigate its own effects. No significant cumulative effects are therefore anticipated ([APP-069] paragraph 11.10.1).

- 3.9.20. With regard to the operational phase, the cumulative assessment demonstrates that the predicted levels of noise at all receptors would not be significant ([APP-069] paragraphs 11.10.3 to 11.10.10).
- 3.9.21. No significant in-combination effects are identified in relation to noise and vibration receptors ([APP-069] paragraph 11.10.2).
- 3.9.22. The applicant acknowledges that construction and decommissioning noise could temporarily affect nearby residents, but states these impacts would be mitigated through a CEMP and best-practice measures, reducing residual effects to moderate/minor and not significant. For operation, the proposed development has been designed to minimise noise, with predicted effects assessed as low to negligible, such that no additional mitigation is required and residual effects are not significant.
- 3.9.23. Overall, the applicant considers that the potential isolated and cumulative noise and vibration impacts associated with the proposed development during the construction, operation and decommissioning phases would not be significant following the implementation of mitigation measures.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.9.24. The main issue regarding noise and vibration was raised by FfF [RR-035] and [REP2-068]. FfF state that Sturton le Steeple is a quiet rural area and the proposed development would significantly increase noise during both construction and operation. Concerns include a two-year construction period, nighttime noise from the BESS, transformers and inverters, and reports of noise issues at other solar developments. FfF also argue that insufficient information is available on equipment noise and that developers may not use quieter technology due to cost. It contends that increased noise could adversely affect residents' health and amenity, reduce enjoyment of public rights of way, and negatively impact wildlife by disrupting behaviour, habitat use and reproduction. Overall, FfF believes the proposed development could have long-term adverse effects on local tranquillity, quality of life and biodiversity.
- 3.9.25. In response [REP3-039] the applicant acknowledges that the project may generate some noise and vibration during construction, operation and decommissioning. However, the ES concludes that these effects, including those associated with the BESS, would not be significant. The applicant also refers to noise mitigation and management measures proposed through the oCEMP [REP5-019], oOEMP [REP5-025], and oDP [REP5-021] and secured through dDCO requirements to reduce impacts.
- 3.9.26. Additionally, the applicant states that it cannot comment on noise issues reported at other solar developments and is committed to ensuring operational noise remains within low-level criteria at nearby sensitive receptors. It also argues that there is no evidence that the expected noise

levels would harm human health or wildlife, and that existing background noise from natural sources and road traffic is already higher than the noise predicted from the proposed development.

- 3.9.27. At the close of the examination areas of disagreement remain with SSPC [REP6-046]. It disagrees that noise impacts would be insignificant, citing complaints from residents near the Tiln solar farm who report disturbance from operational noise affecting the use of gardens and local footpaths. It argues that the proposed development, being larger and closer to homes, would have even greater impacts. SSPC is concerned that noise from inverters and transformers would be noticeable in the quiet rural setting, reducing residents' enjoyment of their properties, outdoor spaces and public rights of way, and altering the area's rural character.

ExA's considerations

- 3.9.28. ES chapter 11 [APP-069] predicts that construction and operational noise would be audible at nearby receptors; however, the applicant's assessment concludes that, with embedded design measures and construction mitigation, noise levels would remain below the SOAEL (Significant Observed Adverse Effect Level) and, for operation, within the NOAEL (No Observed Adverse Effect Level) category of being "present and not intrusive". Construction impacts would be reduced through the oCEMP and best-practicable-means mitigation, while operational impacts are predicted to be low or negligible and not significant. Overall, the ExA considers that the applicant has provided an adequate assessment of noise and vibration.
- 3.9.29. Noise mitigation and management measures are proposed through the oCEMP [REP5-019]; oOEMP [REP5-025]; and oDP [REP5-021] and secured through dDCO requirements.
- 3.9.30. The ExA considers that mitigation measures over and above those proposed both for operational and construction noise are not required, because construction noise is reduced to not significant through the CEMP, while operational noise remains low to negligible and within the NOAEL.

CONCLUSIONS

NPS EN-1

- 3.9.31. With regard to paragraph 5.12.13 and 5.12.17:
- The applicant has proposed appropriate and proportionate construction noise and vibration mitigation measures via the oCEMP [REP5-019]; oOEMP [REP5-025]; and oDP [REP5-021]. Operational noise and vibration mitigation measures would not be appropriate because operational noise levels are predicted to be low to negligible, remain within the NOAEL, and result in no significant effects at residential receptors or users of PRowS.

- 3.9.32. The ExA therefore considers that the effect of noise and vibration from the proposed development would be neutral and does not weigh for or against the making of the Order.

3.10. TRANSPORT AND ACCESS

INTRODUCTION

- 3.10.1. This section considers the effect of the proposed development on transport and access.

LEGISLATIVE AND POLICY BACKGROUND

- 3.10.2. In terms of national and local planning policies, the key paragraphs and sections are as follows:

- NPS EN-1 (2024): Section 5.14
- NPS EN-3 (2024): Section 2.10.
- Nottinghamshire's Local Transport Plan 2011-2026
- BLP 2020-2038 Policy ST52: Transport and Infrastructure

- 3.10.3. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

- 3.10.4. The applicant's assessment of transport and access is covered in ES chapter 13 [APP-071]. The assessment summarises the baseline of the site, provides an assessment of the likely significant effects (including cumulative) of the proposed development during construction (operational and decommissioning phases was 'scoped out' at the EIA Scoping Stage) and considers measures to minimise effects.

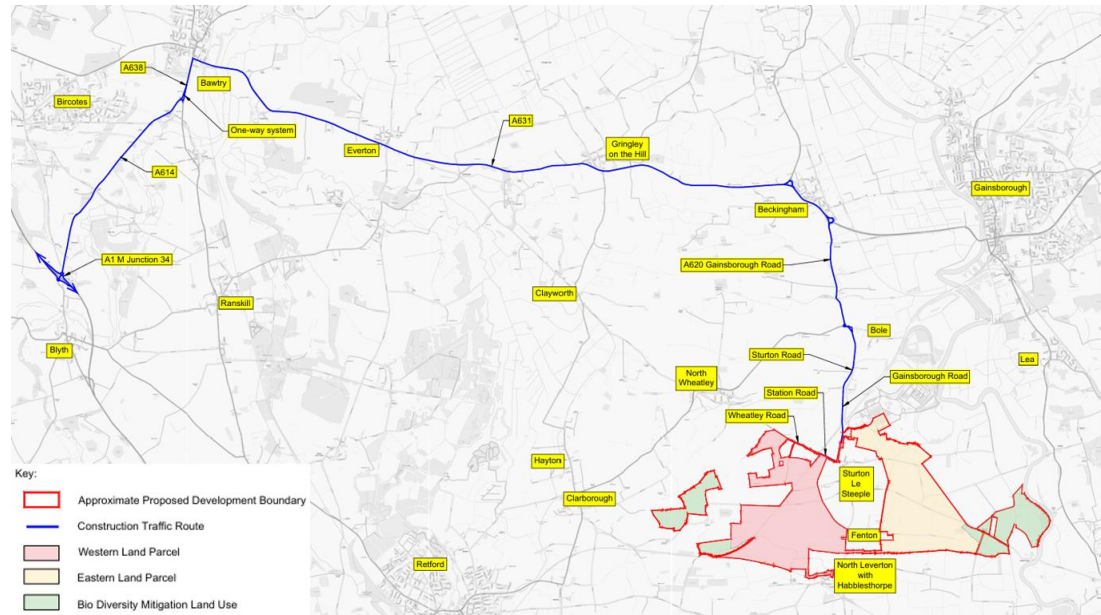
- 3.10.5. The chapter is supported by the following documents:

- Appendix 13.1 Transport Assessment (TA) [APP-128]
- Appendix 13.2 Outline Construction Traffic Management Plan (oCTMP) [REP5-035]

BASELINE

- 3.10.6. Section 13.6 of ES chapter 13 details the baseline conditions. Existing traffic and transport information is collected through sources such as Automatic Traffic Count Surveys, Highway Search, Personal Injury Collision Data and Base Mapping. The local highway network to the proposed development includes the A638/A614, A631, A620 (Gainsborough Road / Saundby Road), Sturton Road / Gainsborough Road, Station Road / Wheatley Road, Cross Street, Leverton Road and Main Street. The proposed routing of vehicles to the proposed development is illustrated in Figure 15. Each of the highway and PRow links scoped into the assessment show no links assumed to be particularly sensitive to traffic related impacts.

Figure 15: Proposed routing plan to site



Source: Extract from ES Appendix 13.1: Transport Assessment [APP-128]

ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

- 3.10.7. Section 13.7 [APP-071] provides an assessment of likely significant effects. The applicant states that professional transport and access assessment guidance sets out that a significant effect could occur where traffic flows increase by 30%, or more than 10% where the highway link is of high sensitivity, with specific environmental or population sensitivities in close proximity.
- 3.10.8. Using the Institute of Environmental Management and Assessment's (IEMA) Environmental Assessment of Traffic and Movement (2023) methodology, the sensitivity of each road link is assessed individually. No road links were identified as sensitive. However, Link 2 (Station Road West) is examined in greater detail because it is expected to experience HGV traffic associated with the construction phase of the proposed development.
- 3.10.9. The HGV traffic flow on this link is considered by the applicant to have a not significant effect, with mitigation measures in place through adopting best practices set out in the oCTMP [REP5-035], which aims to minimise the effect of the construction phase on local residents, businesses, and the local and strategic highway network and it contains a package of mitigation measures such as the timing of deliveries into the proposed development to avoid congestion on the highway network.
- 3.10.10. Based on the low accidents recorded in the vicinity of the proposed development, impacts arising from the construction phase on accidents and safety have been assessed as not significant. Further, the proposed development falls into the lowest category for fear and intimidation, and therefore effects on fear and intimidation are anticipated to be not significant. The proposed development is not anticipated to be associated with any hazardous loads.

MITIGATION

- 3.10.11. Section 13.8 [APP-071] describes mitigation, enhancement and residual effects.
- 3.10.12. Standard measures and the adoption of construction best practice methods to avoid, minimise, or manage adverse environmental effects have been incorporated into the approach to the construction methodology and design of the proposed development. In particular, the requirements for deliveries and workforce to route to the proposed development from the north through the restricted construction traffic route.
- 3.10.13. An oCTMP [REP5-035], including a PRoW Management Plan and Construction Worker Travel Plan (CTWP), would be implemented during the construction phase. It aims to restrict construction vehicles to defined routes, limiting the impact on villages and urban areas. It also includes measures such as restricting deliveries during peak periods, staggered timing of inbound and outbound construction traffic movements and appropriate signage and traffic control.
- 3.10.14. The PRoW Management Plan seeks to mitigate the effect of the proposed development on the PRoW routes which cross and abut the proposed development, and the potential impact on non-motorised users. The PRoW Management Plan would also remain applicable and would be implemented throughout the operational phase. The CWTP aims to encourage lift sharing, minibuses and restricted routing for deliveries and workforce. These would be agreed with the Local Highways Authority and National Highways (NH) prior to the commencement of the construction phase and would be secured via dDCO requirement 8 [REP6-004].
- 3.10.15. Paragraph 13.8 9 [APP-071] references two new permissive paths which would be provided as an enhancement measure. These paths would be embedded within the proposed site layout and would remain available for the 40-year operational life of the scheme, providing additional access opportunities beyond the existing PRoW network.

RESIDUAL EFFECTS

- 3.10.16. The residual effects of the construction phase are considered by the applicant to be 'negligible' and therefore 'not significant' on a typical construction day, following the implementation of mitigation measures for all transport impacts identified in this ES, reference paragraph 13.8.10 [APP-071].
- 3.10.17. Section 13.9 [APP-071] contains a review of other local developments, either allocated, consented, or recently constructed, to determine the cumulative effect of these schemes with the proposed development on the local and strategic highway network in the 2027 and 2029 future year scenarios, with the proposed development in operation. The cumulative assessment concluded that neither total traffic flows nor HGV movements on any transport link met or exceeded the IEMA thresholds for significant effects, and therefore no significant cumulative transport impacts were identified.

- 3.10.18. No significant in-combination effects are identified in relation to transport and access receptors.
- 3.10.19. The applicant concludes that no significant effects are anticipated, following the implementation of mitigation measures.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.10.20. Based on the comments raised by IPs including [RR-032], [RR-003], [RR-006], [RR-015], [REP1-017], [REP1-035], and the ExA's review of the application documents, the main issue considered during the examination was access for construction traffic, as well as cumulative traffic effects. NCC's request that its Permit Scheme is incorporated into the DCO is considered in Chapter 7.

CONSTRUCTION TRAFFIC ACCESS

- 3.10.21. The ExA undertook an unaccompanied site inspection on 15 October 2025, during which it drove the proposed access route for construction traffic [EV3-001].
- 3.10.22. NCC as the highway authority raised issues relating to transport matters in its draft LIR [REP1-014] (final version submitted at DL2 [REP2-063a]), which the applicant responded to at DL2 [REP2-050]. The principal matter of disagreement relates to a request by NCC Highways for a full survey and capacity assessment of the entire length of the A631 to review for potential capacity issues with the highway.
- 3.10.23. The applicant's response included three technical notes [REP2-058], two of which related to traffic impact. These technical notes included assessment work which utilised traffic survey data which was collected in April 2025. The applicant's position is that the request for the surveys is not necessary, and disproportionate to the impact of the proposed development.
- 3.10.24. The applicant also submitted a transport technical note at DL5 [REP5-051], produced at the request of NH [REP1-018]. This concluded that the potential traffic impact is not considered to be significant, and that no further assessment is necessary because the potential development traffic impacts during construction peak times are temporary, low in magnitude, acceptable to NH, and can be mitigated through construction traffic management measures.
- 3.10.25. The issue of traffic impact on local lanes was raised by FfF [REP2-068], suggesting that these are not wide enough to take two HGVs passing. Additionally, FfF considered that the cumulative effect of the proposed development and traffic associated with other projects had not been adequately assessed [REP1-035].
- 3.10.26. The applicant maintains that cumulative traffic, transport and access effects have been assessed against all sufficiently advanced local developments, finds no significant unassessed cumulative transport impacts, and argues that projects such as STEP cannot yet be included because there is

insufficient design information to undertake a meaningful assessment [REP1-008].

- 3.10.27. NLHPC questioned how increased traffic flows are going to be managed in its SoCG, reference HLWHPC 27 to HLWHPC 31 [REP3-040].
- 3.10.28. Transport and access was discussed further during ISH2, agenda item 7 [EV7-001]. The applicant provided an update on discussions with NH and NCC, regarding the adequacy of the traffic assessment, with particular regard to construction-related traffic [EV7-008] and [EV7-010]. The applicant explained that the controls proposed through the TA, oCTMP and Requirement 8 of the dDCO, provide a robust and enforceable framework to manage construction traffic, protect PRow users, and minimise disruption to local communities.
- 3.10.29. In response to ExQ2, question 17.0.1 [PD-008], requesting how the construction traffic management plan will include a formal role for community representatives to input into the plan, the applicant stated that community liaison will be secured through Requirement 7(4)(a) of the dDCO, which requires the detailed CEMP to include arrangements for community liaison approved by BDC [REP5-048].
- 3.10.30. In its closing submission [REP6-041], paragraphs 10.12 to 10.27, the applicant considers transport matters; particularly the matter of disagreement with NCC. The applicant states at paragraph 10.9, that it considers that the principal matter of disagreement in relation to the transport assessment is that NCC are requesting survey work over the length of the A631. The applicant considers this unnecessary as the construction traffic numbers are low in real terms.
- 3.10.31. The applicant goes on to state, paragraph 10.19 [REP6-041] that:
- " The oCTMP submitted at Deadline 5 [REP5-035] (which has been agreed with NCC, as per the SoCG) shows traffic numbers for the development on an hour by hour basis, and confirms that traffic will not be arriving and departing the Order Limits in the weekday peak periods and so it will instead be spread out across the day. Traffic will be routed along suitable routes that have already been agreed with NCC Highways under the oCTMP."
- 3.10.32. The applicant concludes at paragraph 10.27 of its closing submission [REP6-041] that the comments and additional requests raised by NCC are not proportional to the forecast traffic impact of the proposed development.
- 3.10.33. At the close of the examination, the signed SoCGs between the applicant and NH [REP5-042], and Bassetlaw District Council [REP3-047] raised no areas of disagreement regarding transport and access. Areas of disagreement remain in the SoCGs with NLHPC [REP3-040] and NCC [REP6-034].

ExA's considerations

- 3.10.34. The ES includes a TA [APP-128], using the Department for Transport's (DfT) 'Transport Analysis Guidance'.
- 3.10.35. The applicant has consulted with NH and the local highway authority, in this case NCC. The ExA notes that the signed SoCG between the applicant and NH [REP5-042] raised no areas of disagreement regarding transport and access.
- 3.10.36. One area of disagreement remains with NCC relating to additional traffic survey work which the applicant considers unnecessary because they are not proportional to the forecast traffic of the proposed development. The ExA considers that that the justification provided by the applicant that construction traffic will be spread throughout the day, avoiding weekday peak periods, and will use routes agreed with NCC, is adequate to conclude that the additional survey work is not required.
- 3.10.37. The ExA is satisfied with the applicant's response regarding FfF's concerns about width of local lanes, and NLHPC's concerns regarding managing increased traffic flows, are addressed through agreed routing, traffic management measures, avoidance of peak-hour movements, and relatively low temporary traffic levels that are not expected to create significant highway impacts.

CONCLUSIONS

- 3.10.38. The ExA is satisfied that the assessment set out in the ES regarding transport and access meets the requirements of NPS EN-1 and NPS EN-3; with particular reference to the following paragraphs.

NPS EN-1

- 3.10.39. With regard to paragraph 5.14.5:
- the applicant's ES includes a transport appraisal, in this case a TA has been prepared and is included [APP-128].
- 3.10.40. With regard to paragraph 5.14.6:
- the applicant has consulted with NH and the local Highway Authority as appropriate.
- 3.10.41. With regard to paragraphs 5.14.9, and 5.14.21:
- paragraph 5.14.9 refers to the provision of active travel facilities and paragraph 5.14.21 indicates that provision should be made for adequate active, public or shared transport access and provision. This has been considered in the oCTMP [REP5-035] and ES Chapter 13 [APP-128].
- 3.10.42. With regard to paragraph 5.14.18:

- the applicant has sought to mitigate impacts on the surrounding transport infrastructure, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility. This has been considered in the oCTMP [REP5-035] through measures including agreed HGV routing, delivery scheduling to avoid peak periods, signage, banksmen, driver management procedures, workforce travel planning, and traffic control measures.

NPS EN-3

3.10.43. With regard to paragraph 2.10.42:

- The applicant has sought to design the layout and appearance of the site to ensure continued recreational use of PRoW where possible during construction, and in particular during operation of the site. The PRoW Management Plan seeks to mitigate the effect of the proposed development on the PRoW routes.

3.10.44. The ExA therefore considers that the effect of transport and access from the proposed development would be neutral and does not weigh for or against the making of the Order. The benefit provided through the two Permissive Paths is considered less than a little, and insufficient to alter the overall 'neutral' weighting.

3.11. OTHER PLANNING ISSUES

INTRODUCTION

3.11.1. This section considers other planning matters which the ExA did not include as separate topics in the IAPI [PD-003]. They cover matters identified in legislation, the NPSs, NPPF or development plan policies which require consideration in the decision-making process. The following topics are considered:

- Air quality
- Electromagnetic fields
- Glint and glare
- Major accidents and disasters
- Socio-economics
- Telecommunications and Utilities
- Waste management

AIR QUALITY

INTRODUCTION

3.11.2. This section examines the effects on air quality from pollutants, including nitrogen dioxide (NO₂) and particulate matter of 10 or 2.5 micrometre or less in diameter particles (PM₁₀ or PM_{2.5}).

3.11.3. Emissions from carbon dioxide (CO₂) and other greenhouse gas emissions are considered in section 3.2 (principle of development) of this report. Any

effects on ecological receptors from air quality are covered in section 3.4 (biodiversity and ecology).

LEGISLATIVE AND POLICY BACKGROUND

3.11.4. The key legislation relevant to air quality includes:

- The Environment Act 1995
- Air Quality (England) Regulations 2000
- Air Quality Standards Regulations 2010
- The Environment Act 2021
- The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023

3.11.5. The key paragraphs and sections in respect of national and local planning policies, and any relevant guidance, include:

- NPS EN-1 (2024): Sections 5.2 and 5.7
- NPPF: Paragraph 199
- BLP 2020-2038: Policies ST42 (Promoting Healthy, Active Lifestyles), 46 (Protecting Amenity), ST48 (Reducing Carbon Emissions, Climate Change Mitigation and Adaptation)
- SWNP Policy 12: Energy efficiency, renewable energy and climate change
- Interim Planning Guidance on the consideration of the Environment Act PM2.5 targets in planning decisions (Department for Environment, Food and Rural Affairs (DEFRA) 4 October 2024)

3.11.6. Further consideration of the key legislative and policy requirements is detailed within the conclusions section below.

THE APPLICATION

Introduction

3.11.7. The applicant's assessment of air quality is contained in ES chapter 14 [REP2-020]. It covers dust emissions during construction, and emissions from road traffic and plant during construction, operation and decommissioning.

3.11.8. The chapter is also supported by ES Appendix 14.1 [APP-130] which sets out details on the key legislative and policy provisions (in addition to section 14.2 in [REP2-020]), such as the statutory Air Quality Objectives (AQOs) or limit values for the key air pollutants of NO₂, PM₁₀ and PM_{2.5} (Table A14.1). It also contains more details on the construction dust assessment.

3.11.9. The ES highlights that the pollutants of concern for road traffic are NO₂ and particulate matter PM₁₀ and PM_{2.5}. It also identifies the potential for impacts to occur during construction from dust soiling and elevated PM₁₀ emissions.

3.11.10. The methodology for assessing emissions relating to construction traffic, non-road mobile machinery, dust emissions and road traffic is set out in ES section 14.3 [REP2-020].

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Baseline

- 3.11.11. Baseline conditions are described in ES section 14.6. It states there are no Air Quality Management Areas or Clean Air Zones within and around the Order limits, or within the Bassetlaw council area. In addition, it states no automatic monitoring of NO₂, PM₁₀ or PM_{2.5} is undertaken by BDC and there are no passive diffusion tube monitoring locations in the immediate vicinity of the Order limits.
- 3.11.12. The location of, and recorded annual mean NO₂ concentrations, at the passive diffusion tube monitoring stations that have informed the assessment in the ES are shown in ES figure 14.2 and table 14.5 [REP2-020]. Monitored concentrations do not show any exceedances in the statutory AQO's.
- 3.11.13. ES table 14.6 illustrates data provided by the DEFRA predicts that background concentrations at the application site are below the respective AQO limits for pollutants NO₂, PM₁₀ and PM_{2.5} in 2023 (the baseline year).

Assessment of effects

- 3.11.14. The applicant does not predict any significant effects in respect of dust emissions following the implementation of mitigation measures during construction to minimise emissions, as set out in the oCEMP [REP5-019].
- 3.11.15. Furthermore, the applicant does not predict any significant effects arising from traffic emissions during the construction or decommissioning phases, particularly following the implementation of mitigation measures outlined in the oCTMP [REP5-035] and the oCEMP [REP5-019].
- 3.11.16. Turning to cumulative effects, an assessment has been made against 6 other nearby schemes which, either in part or entirely, would use the same construction route as the proposed development. The applicant argues that as ES table 14.6 [REP2-020] shows background concentrations in the vicinity of the site considerably below AQOs for NO₂, PM₁₀ and PM_{2.5}, it would take a substantial change in concentrations to lead to a significant effect or cause an exceedance of AQOs, which it considers would be unlikely. Therefore, the applicant does not anticipate any cumulative effects arising.
- 3.11.17. As residual effects on air quality associated with the construction and operational phases of the proposed development are predicted to be negligible, the applicant states that combined effects on receptors caused by air pollution would not be significant.
- 3.11.18. A summary of the overall effects on receptors is presented in ES table 14.7 [REP2-020].

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.19. No direct concerns were raised by IPs in either RRs or WRs on the applicant's assessment of air quality or questioned the accuracy of the assessment findings.

- 3.11.20. Comments raised by IPs during the examination were more generalised, raising concerns on pollution, such as [RR-018], and the potential for dust, such as [REP1-046], [REP1-053] and [REP2-068]. The applicant's responses [REP1-008], [REP2-051] and [REP3-039] refers to the assessment findings in ES chapter 14 [REP2-020] and the dust mitigation measures detailed in Table 3.10 of the oCEMP [REP5-019] to minimise effects.
- 3.11.21. BDC in their SoCG with the applicant [REP3-047] (issue BDC 11) consider the risk of significant dust impacts to be low, provided that the applicant's proposed mitigation measures (which BDC agree with) would be implemented effectively and monitored throughout the construction period.
- 3.11.22. The ExA asked the applicant in ExQ1 Q18.1.2 [PD-005] to further justify its conclusion that the potential for concurrent construction activities between the proposed and other cumulative development would be unlikely. The applicant [REP2-052] confirms it has reviewed construction programmes for the nearest 3 potential cumulative sites, which did not identify the potential for overlaps.
- 3.11.23. The ExA also asked the applicant how it has considered PM_{2.5} emissions and the measures considered to reduce PM_{2.5} exposure for development users and nearby receptors (ExQ2 Q18.1.1 [PD-008]), noting the targets set out in the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 and the interim guidance published by DEFRA.
- 3.11.24. The applicant [REP5-048] explains the site was selected prior to the publication of the interim guidance but considers that it has appropriately mitigated against the risk of dispersal of PM_{2.5} through the commitments set out in the oCEMP [REP5-019]. Furthermore, the applicant states there are not expected to be any occupants, or any activities generated, on site relevant to the PM_{2.5} AQO and therefore there would be no risk of exposure during operation.
- 3.11.25. At the close of the examination, there were no substantive outstanding issues in respect of air quality matters.

EXA'S CONCLUSIONS

- 3.11.26. The ExA is satisfied that ES chapter 14 [REP2-020] provides an adequate assessment of effects relating to air quality emissions from the pollutants NO₂, PM₁₀ and PM_{2.5}, in accordance with paragraphs 5.2.8 to 5.2.11 of NPS EN-1. This also includes in relation to dust in accordance with NPS EN-1 paragraphs 5.7.5 and 5.7.6. No substantive evidence has been provided that would lead the ExA to disagree with the applicant's findings that the proposed development would result in negligible residual effects or lead to any exceedances in the relevant AQO's.
- 3.11.27. The ExA considers that the measures set out in the oCEMP [REP5-019], particularly table 3.10, would satisfactorily minimise risks from dust pollution, particularly to human receptors. This would be secured in requirement 7(4)(c) of the dDCO [REP6-004]. For these reasons, and recognising that there

would be a negligible effect on existing air quality, the ExA finds that the proposed development would not lead to a deterioration in air quality in accordance with NPS EN-1 paragraph 5.2.16, such that it would adversely affect human health receptors.

- 3.11.28. The ExA finds that the proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant) and BLP Policies ST42, 46, ST48 and ST49 relating to air quality matters. There are no other important and relevant considerations.
- 3.11.29. Overall, in the absence of any identified negative or positive effects, the ExA concludes that air quality neither weighs for or against the making of the order.

ELECTROMAGNETIC FIELDS

- 3.11.30. This section considers the assessment of potential electric, magnetic and electromagnetic fields (EMFs).

POLICY BACKGROUND

- 3.11.31. The key paragraphs and sections in respect of national and local planning policies include:

- NPS EN-5 (2024): Paragraphs 2.9.54, 2.9.55 and 2.11.9 - 2.11.16

THE APPLICATION

- 3.11.32. The applicant's assessment of EMFs is contained in ES Chapter 17, section 17.3 [APP-074]. It states EMFs arise from generation, transmission, distribution and the use of electricity and are inevitable wherever electricity is produced, distributed and used, including electrical substations, power lines and electric cables.
- 3.11.33. The scope of the applicant's assessment is limited to consideration of any cables associated with the proposed development which would exceed 132kV. The only element that would exceed this voltage is the proposed underground export cable between the proposed development and the existing West Burton Power Station substation, which would be an underground 400kV cable system.
- 3.11.34. The ES notes that any effects would only likely occur during the operational phase from the 400kV underground export cable. This would be located on private land with the nearest residential receptor located over 100 metres away from the likely final route. Due to this distance, that the highest EMFs produced by underground cables would be located directly above buried cables, and consideration against the International Commission on Non-Ionizing Radiation Protection (ICNIRP) limit values, the ES does not predict any effects on local residents.

- 3.11.35. The applicant has not identified the need for specific mitigation measures due to the distance between potential residential receptors and the underground export cable.
- 3.11.36. The ES also does not identify any significant effects with other cables proposed to connect into the West Burton Substation.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.37. No substantive concerns were raised by IPs in either RRs or WRs on EMF matters.
- 3.11.38. NLHPC in their SoCG with the applicant [REP3-040] (issues NLWHPC 16 to NLWHPC 20) raise concerns on the effects from EMFs. NLHPC state that whilst exposure levels may fall within current technical guideline limits, it does not make the impact acceptable in planning terms. The Parish Council considers the assessment has overlooked wider effects of introducing high-voltage electrical infrastructure into open countryside and raises concerns regarding the 'industrialisation' of the rural landscape. In response, the applicant explained its assessment findings in ES chapter 17 [APP-074].
- 3.11.39. Effects from EMFs remained a matter of disagreement in the SoCG between the applicant and NLHPC [REP3-040]. No other substantive areas of disagreement on EMF matters remained with other IPs

EXA'S CONCLUSIONS - ELECTROMAGNETIC FIELDS

- 3.11.40. The ExA is satisfied that ES chapter 17 [APP-074] provides an adequate assessment of effects from EMFs. Ultimately, it follows guidelines produced by the ICNIRP and concludes that EMF exposure from the proposed underground 400kV cable that would connect to the West Burton Substation would not be above public and occupational guidelines.
- 3.11.41. The ExA notes the concerns from NLHPC but considers the effects of introducing high-voltage electrical infrastructure into open countryside is a wider concern that is considered in other environmental topics, such as landscape and visual. The ExA is satisfied that the applicant's evidence firmly suggests that exposure from EMFs to residential properties would fall within the relevant ICNIRP exposure limits.
- 3.11.42. Overall, the ExA is satisfied that the proposed development has followed the requirements in NPS EN5 (2024); most notably paragraphs 2.11.9 - 2.11.16. No statutory consultee has identified any risk from EMF effect (paragraph 2.11.15). There is no substantive evidence before the ExA to suggest that the proposed development would not meet the requirements of paragraph 2.11.12, such that the SoS should not grant consent.
- 3.11.43. Overall, in the absence of any identified negative effects the ExA concludes that EMF neither weighs for or against the making of the order.

GLINT AND GLARE

INTRODUCTION

- 3.11.44. This section covers the effects of glint and glare during the operation of the proposed development. As glint and glare can give rise to effects covering more than one topic, for example aviation in addition to landscape and visual, it has been considered holistically in one section.

POLICY BACKGROUND

- 3.11.45. The key paragraphs and sections in respect of national and local planning policies include:
- NPS EN-3 (2024): Paragraphs 2.10.27, 2.10.102 - 106, 2.10.134 - 2.10.136 and 2.10.158 - 2.10.159
 - BLP 2020-2038 policy ST49 (Renewable Energy Generation)

THE APPLICATION

Introduction and baseline

- 3.11.46. The applicant's assessment of glint and glare is contained in ES chapter 16 [APP-073], which is supported by ES Appendix 16.1: Solar Photovoltaic Glint and Glare Study [APP-133]. ES chapter 16 states that glint and glare can be defined as:
- Glint - a momentary flash of bright light typically received by moving receptors or from moving reflectors
 - Glare - a continuous source of bright light typically received by static receptors or from large reflective surfaces
- 3.11.47. The ES states there is no formal planning guidance for assessing solar reflections from solar panels and has therefore followed guidance produced by Pager Power. Amongst other matters, the ES states published guidance shows the intensity of solar reflections from solar panels are equal to or less than those from water. Furthermore, it states reflections from solar panels are significantly less intense than many other reflective surfaces, which are common in an outdoor environment.
- 3.11.48. The assessment is based on the proposed solar panels facing south (azimuth angle of 180°) with an incline between 10° to 30° above the horizontal. It also considers baseline conditions which is stated to include existing vegetation, intervening terrain and existing non-residential buildings which would provide a level of mitigation for reflecting panels, reducing the effects upon identified receptors.
- 3.11.49. The receptors considered are described in detail in ES paragraphs 16.3.13 to 16.3.62, which include:
- road users
 - residential dwellings
 - PRoW, bridleways and waterways

- railway operations and infrastructure
- aviation activity which includes air traffic control (ATC) towers and approach paths

Assessment of effects

3.11.50. ES section 16.7 [APP-073] provides an assessment of effects against the 5 receptors, the findings of which can be summarised as follows:

- Road safety - reflections would be geometrically possible towards an approximate 200m section of Gainsborough Road. However, baseline conditions (existing screening) are predicted to obstruct views of reflecting panels for the 200m section of road. Effects would be negligible and not significant.
- Residential amenity - a medium magnitude of change would be geometrically possible towards 212 residential dwellings. However, baseline conditions would obscure views for 200 dwellings. The remaining 12 could experience marginal views giving rise to minor adverse, not significant effects.
- Railway operations and infrastructure - a 'medium' magnitude of change upon sections of railway is geometrically possible due to solar reflections occurring within a train driver's main field-of-view. However, baseline conditions are predicted to obstruct views of reflecting panels for train drivers. Effects would be negligible and not significant.
- Aviation activity: Effects were considered at the following 4 receptors:
 - West Burton Airfield and Grove Farm Airfield - Glare intensity is predicted to be greater than the accepted threshold for aviation receptors and give rise to a moderate adverse temporary effect. Glare is however considered in context of the activity at the airfield and is deemed operationally accommodatable as no training exercises are understood to take place. Therefore, effects would not be significant but continued engagement with stakeholder is proposed to determine if effects would be significant.
 - Forwood Farm Airfield - Minor adverse, not significant, effects that would be temporary and direct in nature.
 - Carr Farm Airfield, Darlington Gliding Club, Headon Airfield, Retford Gamson Airfield, Stow Airfield, Sturgate Airfield, Willow Farm Airfield and RAF Scampton - Minor adverse, not significant, effects that would be temporary and direct in nature.
 - ATC Tower at RAF Scampton, Retford Gamson Airport and Robin Hood Doncaster Sheffield Airport - Views would be obstructed by baseline conditions and effects would be negligible and not significant.
- PRow, bridleways and waterways - both the sensitivity of the receptor and magnitude of change is low and no mitigation would be required. Any effects to receptors would be transient, time and location sensitive, whereby a pedestrian could easily move beyond a reflection zone.

Existing baseline conditions would further reduce visibility. Any effects would be minor adverse and not significant

- 3.11.51. In addition to the above, the ES states that landscape mitigation measures proposed in ES Figure 6.9 [APP-160] and the oLEMP [REP6-018] would further reduce any effects, such that residual effects are predicted to be negligible.

Combined and cumulative effects

- 3.11.52. As no residual significant effects are predicted, the ES does not anticipate any significant combined glint and glare effects on receptors with other environmental disciplines. Climate change could give rise to increased solar duration and intensity and has therefore been assessed as a minor, not significant effect. Due to proposed mitigation planting, the potential for combined effects from glint and glare and landscape and visual effects is considered not significant.
- 3.11.53. Cumulative effects have been considered with the projects identified in ES table 16.6 [APP-073]. Effects are considered geometrically possible with the adjacent Wood Lane Solar Farm to the west. No additional significant effects are however predicted.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.54. No substantive concerns were raised by IPs in either RRs or WRs on glint and glare matters.
- 3.11.55. Matters relating to glint and glare was an agreed matter in the applicant's SoCG with NCC [REP6-034] (issue NCC 26) and the Canal and River Trust [REP3-036].
- 3.11.56. BDC, in their SoCG with the applicant [REP3-047] (issue BDC 20), do not anticipate significant glare impacts for residents, road users or aviation interests. BDC do not raise any substantive concerns with the applicant's assessment of effects and consider the risk of glare nuisance to be low. It did however advise that Doncaster Sheffield Airport should be consulted.
- 3.11.57. No comments were received by Doncaster Sheffield Airport in response to ExQ2 Q13.0.4 [PD-008] which queried whether they had any concerns. The applicant [REP5-048] provided a detailed response outlining the process the City of Doncaster Council, as a lease holder of the airport, has undertaken to reintroduce the controlled airspace previously established by Doncaster Sheffield Airport prior to its closure. The applicant referred to its assessments in ES chapter 16 [APP-073] and ES appendix 16.1 [APP-133] which do not identify any glint and glare effects to the airport, primarily due to the intervening distance with the proposed development. The applicant advised that engagement with the City of Doncaster Council [REP2-056] and the Civil Aviation Authority has not raised any concerns.
- 3.11.58. NLHPC, in their SoCG with the applicant [REP3-040] (issues NLWHPC 11 - NLWHPC 15), consider glint and glare effects are easily dismissed by the

applicant where effects have only considered air traffic. NLHPC states there would be impacts on views from PRow which would contravene a number of policies and objectives in the SWNP. The applicant refers to its findings in the ES [APP-073] and [APP-133] which does not identify significant glint and glare effects impacts upon various receptors.

- 3.11.59. Glint and Glare remained a matter of disagreement in the SoCG between the applicant and NLHPC [REP3-040]. No substantive areas of disagreement on glint and glare matters remained with other IPs.

EXA'S CONCLUSIONS - GLINT AND GLARE

- 3.11.60. The ExA is satisfied that the ES chapter 16 [APP-073] and ES Appendix 16.1 [APP-133] provides an appropriate assessment of the likely glint and glare effects on road safety, residential amenity, railway infrastructure and operations, aviation activity, RRoW, and bridleways and waterways. No substantive evidence has been submitted to the examination to dispute the applicant's findings that no significant adverse effects would arise to receptors.
- 3.11.61. The ExA is satisfied that current baseline conditions, plus additional landscaping mitigation proposed in the oLEMP [REP6-018] that would be secured under requirement 6 of the dDCO [REP6-004], would sufficiently reduce the potential for significant adverse effects. Where adverse effects are predicted to residential amenity, aviation and PRow receptors, the ExA is satisfied that these are likely to be minor and for a temporary duration.
- 3.11.62. Overall, the ExA considers that the proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant) and BLP Policy ST49. Whilst the ExA acknowledges that some conflict with the overarching aims of the SWNP may arise, the ExA is nevertheless satisfied that the proposed development has followed the policy requirements in the designated NPSs. Any negative effects are factored into the ExA's overall weighting below.
- 3.11.63. Taking into account the potential for minor adverse, albeit not significant effects, the ExA attaches a little negative weight against the making of the order in respect of glint and glare matters.

MAJOR ACCIDENTS AND DISASTERS

INTRODUCTION

- 3.11.64. This section considers the potential for major accidents and disasters arising from the proposed development. It primarily considers risks associated with health and safety at work, railway accidents and design of equipment; most notably fire from the proposed BESS.

LEGISLATIVE AND POLICY BACKGROUND

- 3.11.65. The key legislation relevant to air quality includes:

- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 - particularly Schedule 4 paragraph 5(d)
- 3.11.66. The key paragraphs and sections in respect of national planning policies, and any relevant guidance, include:
- NPS EN1 (2024): Sections 4.4 and 4.13
- 3.11.67. The Institute of Environmental Management and Assessment has produced relevant guidance in 'Major Accidents and Disasters in EIA: A Primer'.

THE APPLICATION

Introduction and baseline

- 3.11.68. The applicant's assessment of major accidents and disasters is contained in ES chapter 17, section 17.6 [APP-074]. It states 'accidents' relate to uncontrolled developments during construction, operation or decommissioning (for example fires) and 'disasters' occur due to natural events (such as landslides).
- 3.11.69. ES section 17.6 identifies 9 potential major accidents and disasters that could be relevant to the proposed development and its location in table 17.7. The table cross-refers to the relevant chapters in the ES where assessment is provided elsewhere for factors that could result in accidents and disasters, for example flooding in ES chapter 8 [REP2-018] and risk of rail and aviation accidents from glint and glare in ES chapter 16 [APP-073].
- 3.11.70. ES Paragraph 17.6.10 [APP-074] identifies the baseline receptors which could be vulnerable to major accidents or disasters, due to their proximity to the proposed development or their importance to the surrounding area. Amongst other things, this includes villages, farms, and residential homes.

Assessment of effects

- 3.11.71. The assessment of effects in ES section 17.6 focuses on health and safety at work, railway accidents and design of equipment. In respect of health and safety, no significant effects are identified as the proposed development would follow relevant health and safety considerations, assessments and procedures in accordance with legislation, such as the Health and Safety at Work Act 1974. No significant effects are also identified for railway accidents as proposed underground cabling would follow Network Rail's requirements (further agreed through PPs as detailed in chapter 7 of this report) and the lack of effects identified for glint and glare (in [APP-073]).
- 3.11.72. In respect of design of equipment, the main risk identified is from fire; particularly the proposed BESS (Work No.2). No expected effects from fires are predicted during the construction or decommissioning phases. During operation, the applicant identifies the potential for hazards, such as a thermal runaway fire event in a BESS enclosure due to an electrical or battery fault, arson or lightning strike. Pollution from runoff water from BESS infrastructure in a flood event is also identified by the applicant, although the likelihood is

considered to be low (these matters are considered further under flood risk in section 3.5).

- 3.11.73. The applicant considers that the likelihood of a fire event occurring would be rare and its focus is on prevention and mitigation if an event occurred. It outlines mitigation measures that have been incorporated into the design to decrease effects to receptors, such as including buffer zones around BESS enclosures to reduce spread of fire and installing fire protection battery technologies. An outline Fire Risk Management Plan (oFRMP) [REP5-023], which would act as a working document throughout the operational period, has also been produced which sets out various measures to reduce the risk of fire and propagation within the BESS Compound. This would be secured under requirement 10 of the dDCO [REP6-004].
- 3.11.74. Overall, the applicant acknowledges that there is the potential for significant effects if an event does occur given the nature of accidents and disasters identified. However, the applicant considers the risk of events occurring would be low. Accounting for mitigation measures proposed in the oFRMP [REP5-023], the oCEMP [REP5-019] and oDP [REP5-012], the applicant concludes there would be no significant residual significant effects, including cumulatively with other developments and combined with other ES topics.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.75. The key concerns raised in submissions by IPs on accidents and disasters related to fire risk from the BESS, such as [RR-015], [RR-028], [REP1-053], FfF ([REP1-029] and [REP2-068]) and SSPC [REP6-046]. This included during ISH1 agenda item 4 [EV7-005], particularly by FfF.
- 3.11.76. The applicant's response to concerns in [REP1-008] (common response c in section 3.4) states BESS is a "safe and proven technology" and refers to measures proposed in the oFRMP. In its response to the concerns raised by FfF [REP2-068], and its submissions during ISH2 [EV7-005] and [REP4-031] the applicant refers to proposed measures within the oFRMP, being developed in consultation with NFR, such as equipment spacing, incorporation of fire protection systems, location of BESS away from premises, providing suitable access for emergency services and providing sufficient water supply to mitigate effects.
- 3.11.77. A signed SoCG between the applicant and NFR was received at DL5 [RPE5-049]. NFR confirms agreement on all matters within its remit, particularly noting the requirement to produce a finalised FRMP that would be secured under requirement 10 of the dDCO [REP6-004]. NFR also confirms that it is not seeking PPs requiring a payment of sums towards its services.
- 3.11.78. BDC confirms in its SoCG [REP3-046] (issue BDC 9) that it is satisfied with fire subject to liaison with NFR. The EA also confirms in its SoCG that it is satisfied with fire water management relating to the BESS [REP5-044] (issue EA 10.3).

EXA'S CONCLUSIONS

- 3.11.79. The ExA understands the concerns raised from IPs regarding the risk of fire from BESS infrastructure. Whilst the ExA accepts that the probability of a fire occurring in the BESS would likely be low, the consequence of such an event would nevertheless not be insignificant if it were to occur.
- 3.11.80. However, the ExA is mindful that NFR has provided input into the preparation and suitability of the measures contained in the oFRMP [REP5-023], and would be involved in the preparation and suitability of the final FRMP that would be secured under requirement 10 of the dDCO [REP6-004]. Overall, the ExA is satisfied that the application contains sufficient information to understand the effect of BESS safety, management and mitigation and importantly contains suitable measures to minimise risks associated with any fire event that may occur.
- 3.11.81. Other than fire to BEES, no other substantive issues were raised relating to accidents and disasters from other matters.
- 3.11.82. Overall, whilst the risk of accidents and disasters cannot be ruled out, there is nothing substantive before the ExA to indicate that significant effects in relation to major accidents and disasters would likely occur during the construction, operation and decommissioning phases. There is also nothing to suggest that the proposed development would not comply with the policy provisions surrounding safety in NPS EN-1.
- 3.11.83. The ExA concludes that major accident and disasters neither weighs for or against the making of the order.

SOCIO-ECONOMICS

INTRODUCTION

- 3.11.84. This section considers the potential socio-economic effects of the proposed development. It primarily focuses on employment, economic contribution (gross value added (GVA) impacts) and impact on accommodation demand.
- 3.11.85. Other factors that have a recognised link to socio-economics matters are considered elsewhere in this report, such as negative effects on employment in agriculture and to BMV land (section 3.8), negative visual effects from PRoW (section 3.7), creation of two permissive paths (section 3.10) and creation of two surface water detention basins (section 3.5).

POLICY BACKGROUND

- 3.11.86. The key paragraphs and sections in respect of national and local planning policies include:
- NPS EN-1 (2024): Sections 4.3 and 5.13
 - NPS EN-3 (2024): Paragraph 2.10.69

THE APPLICATION

Introduction and baseline

- 3.11.87. The applicant's assessment of socio-economics is contained in ES chapter 10 [APP-068]. It is also supported by an outline Supply Chain, Employment and Skills Plan (oSCESP) in ES appendix 10.1 [REP2-038].
- 3.11.88. ES chapter 10 determines the baseline socio-economic conditions and considers the likely effects on social and economic receptors during construction, operation and decommissioning.
- 3.11.89. The study area has been defined based on local and wider economic geographies. It identifies a primary (Bassetlaw District) and secondary (Nottinghamshire County) impact zone which are illustrated in ES figures 10.1 [APP-173] and 10.2 [APP-174] respectively, where the assessment of effects has been assessed for each zone.
- 3.11.90. The applicant's baseline information draws on population, employment, economic activity and tourism data that is described in ES section 10.6.

Assessment of effects

- 3.11.91. During construction, the proposed development would result in economic benefits primarily through the creation of approximately 382 temporary jobs (164 directly on-site and 218 indirect) over a 24-month construction programme. The applicant estimates that the proposed development could generate £29.5 million GVA per annum over this period. In addition, construction would likely result in a demand on serviced (such as hotels) and non-serviced (such as apartments) accommodation. These are predicted by the applicant to result in both beneficial significant and not significant effects.
- 3.11.92. During operation, no permanent jobs would be created and any assessed beneficial effects in the ES are primarily related to business rates.
- 3.11.93. Through decommissioning, the applicant predicts activities would be less labour intensive than during construction by approximately 50%. It is estimated that approximately 82 direct jobs, and around 109 temporary indirect jobs in the wider economy, could be created during a 12-month decommissioning programme. This is considered by the applicant to result in a significant beneficial effect within Bassetlaw (primary impact zone) and a beneficial, not significant effect in Nottinghamshire (secondary impact zone).
- 3.11.94. Cumulatively, the applicant considers the proposed development would see significant beneficial cumulative effects in terms of employment and economic contribution. A significant adverse effect has been identified, in a very worst-case scenario, due to the potential for cumulative accommodation demand effects. The applicant considers that effects would, in reality, be less severe.
- 3.11.95. An overall summary of the residual effects during each of the 3 phases within the primary and secondary zones is provided in ES table 10.21.

Mitigation

- 3.11.96. As no significant adverse effects are anticipated, the applicant has not proposed any mitigation. However, measures are proposed through the oSCESP [REP2-038] to enhance opportunities for skill development and employment for local residents during the construction and decommissioning phases. Such measures include:
- Use of local labourers where possible
 - Maximising the diversity of the workforce
 - Use of work placements

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.97. The key issues raised in submissions by IPs during the examination related to jobs and effects to tourism.
- 3.11.98. IPs questioned the beneficial effect of jobs to be created by the proposed development, primarily due to their short-term nature during construction and lack of employment creation during the operational period in contrast to farmland, for example [RR-006], [RR-018], [RR-035], [RR-050], [REP1-030], [REP1-039] and [REP1-047] and during OFH1 [EV4-001].
- 3.11.99. Concerns were also raised by IPs on the negative effects to businesses that benefit from tourist numbers, such as North Leverton Windmill and tourist trails including the Pilgrim and Mayflower routes, for example [RR-002], [RR-029], [RR-050], [REP1-030], [REP1-036], [REP1-039]. The applicant notes the concerns but does not agree with the perception that the proposed development could impact tourism numbers, citing amongst other things a lack of evidence to substantiate such claims [REP1-008] and [REP2-051].
- 3.11.100. In the SoCGs between the applicant and BDC [REP3-047] (issue BDC 21) and NCC [REP6-034] (issue NCC 27), employment and particularly the securing of the oSCESP [REP2-038] was an agreed matter at the close of the examination.
- 3.11.101. Local economic benefit was a matter of disagreement in the SoCG between the applicant and NSWPC [REP3-043] (issues NSWPC 37 to 41), who disputed the economic benefits. In particular, NSWPC states jobs would be temporary during construction and considers the oSCESP is aspirational, with jobs unlikely to go to local residents or local contractors.

EXA'S CONCLUSIONS

- 3.11.102. The ExA considers that the applicant has undertaken an adequate assessment of socio-economic effects in ES chapter 10 [APP-127] in accordance with NPS EN-1 paragraphs 4.3.3 and 5.13.2. In particular, the assessment methodology has adequately considered the details required under NPS EN-1 paragraph 5.13.4.
- 3.11.103. The ExA agrees that there would be local and regional economic benefits associated with jobs generated during the construction and decommissioning

period, even recognising their temporary nature. Furthermore, the ExA is satisfied that the oSCESP [REP2-038] could successfully facilitate supply chain, employment, training and learning opportunities available during the construction, operation and decommissioning of the proposed development. This would be developed further into a skills, supply chain and employment plan secured under requirement 22 of the dDCO [REP6-004].

- 3.11.104. On the matter of effects to tourism, the ExA has not been presented with substantive evidence to demonstrate that tourist numbers would be materially affected by the proposed development. Effects to individual assets, such as harm to the significance of North Leverton Windmill as a heritage asset, are considered separately in other sections of this report.
- 3.11.105. Overall, the proposed development would comply with the policies on socio-economic matters contained in NPS EN-1 and EN-3. There are no other important and relevant considerations.
- 3.11.106. Taking into account the potential for beneficial, albeit short term benefits limited to the construction and decommissioning periods, and cumulative adverse effects on accommodation demand, the ExA attaches a little positive weight for the making of the order in respect of socio-economic matters.

TELECOMMUNICATIONS AND UTILITIES

THE APPLICATION

Introduction and baseline

- 3.11.107. The applicant's assessment is contained in ES chapter 17, section 17.4 [APP-074]. It highlights that the proposed development has the potential to affect existing telecommunications and utility infrastructure below ground.
- 3.11.108. ES paragraphs 17.4.6 - 17.4.13 detail the baseline conditions of existing telecommunication, television and utility infrastructure constraints within and adjacent to, the Order limits. ES figure 17.2 [APP-177] provides a plan identifying the utility infrastructure assets within and around the Order limits.

Assessment of effects

- 3.11.109. In respect of telecommunications, the applicant states that offsets would be implemented to maintain access, and minimise the potential for conflicts, to assets. Due to the low height of proposed infrastructure, the applicant does not anticipate any effects to television reception.
- 3.11.110. The applicant identifies the potential for utilities to be affected during the construction and decommissioning periods through inadvertent damage caused by excavation and engineering operations. Without any precautionary measures to avoid damage to utilities, the applicant states this could lead to short-term adverse effects. However, the following measures are proposed to minimise risks:

- Locating infrastructure outside of utilities protected zones.

- The use of ground penetrating radar before excavation to identify any unknown utilities.
- Consultation and agreement with relevant utility operators regarding construction and demobilisation methods prior to works commencing.
- Adopting good construction working practices.

- 3.11.111. The applicant acknowledges the presence of a high-pressure gas pipeline in the eastern portion of the Order limits. It is stated that the design of the proposed development would incorporate any buffers requested by operators to ensure no proposed infrastructure would be sited in those areas. By adopting these measures, the applicant considers there would be no significant effects during construction and decommissioning to utilities.
- 3.11.112. During operation, the applicant identifies the potential for effects on utilities caused by maintenance operations. However, as proposed infrastructure would be sited outside of utilities' protected zones and the lack of required below ground work, the applicant considers the risk of impacts would be unlikely.
- 3.11.113. Overall, the applicant does not predict any residual significant effects, including cumulatively.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.114. No substantive concerns were raised by IPs in either RRs or WRs on telecommunication, television and utility infrastructure during the examination.
- 3.11.115. Whilst various comments were made by statutory undertakers seeking protection of their assets, such as [RR-011], [RR-013], [RR-047] and [RR-049] these are requested by way of protective provisions (PPs). Many of these, including the referred to high pressure gas pipeline, were agreed by the close of the examination. Where PPs were not agreed, these are considered further in [chapter 6](#) and [chapter 7](#) of this report.

EXA'S CONCLUSIONS

- 3.11.116. The ExA is satisfied that ES chapter 17 [APP-074] provides an adequate assessment of effects on telecommunication infrastructure and existing utilities.
- 3.11.117. Following the implementation of mitigation measures identified above, and set out further in the oCEMP [REP5-019] (table 3.14) which would be secured through requirement 7 of the dDCO [REP6-004], the ExA considers that the proposed development would not result in any significant residual effects, either in isolation or cumulatively, during any development phase to telecommunications, television reception and utilities. No substantive evidence has been provided that would lead the ExA to disagree with the applicant's findings.
- 3.11.118. There are no directly relevant policies in the relevant NPSs, the NPPF or the BLP relating to telecommunications, television reception and utilities. As

such, the ExA finds that the proposed development would not result in any conflict on those matters.

- 3.11.119. Overall, in the absence of any identified negative or positive effects, the ExA concludes that telecommunications and utilities neither weighs for or against the making of the order.

WASTE MANAGEMENT

INTRODUCTION

- 3.11.120. This section considers the likely waste streams during each phase of the proposed development and the measures to manage waste.

LEGISLATIVE AND POLICY BACKGROUND

- 3.11.121. The key legislation relevant to waste management includes:
- The Waste Framework Directive (WFD) 2008
 - The Waste (England and Wales) Regulations 2011
- 3.11.122. The key paragraphs and sections in respect of national and local planning policies include:
- NPS EN1 (2024): Section 5.15
 - Nottinghamshire and Nottingham Waste Local Plan (NNWLP) (2025): Policies SP1: Waste Prevention and Re-use and SP8: Safeguarding and Waste Management Sites

THE APPLICATION

Introduction and baseline

- 3.11.123. The applicant's assessment of waste is contained in ES chapter 17, section 17.5 [APP-074]. It states that waste can include surplus spoil, scrap, recovered spills, unwanted surplus materials, packaging, office waste, wastewater, broken, worn-out, contaminated or otherwise spoiled plant, equipment and materials.
- 3.11.124. Waste at the site is stated by the applicant to currently be associated with agricultural practice. Such waste streams include left over crop and straw bales, fertiliser sacks and chemical containers. During construction, it is stated that agricultural uses would cease within the main development areas.

Assessment of effects

Construction

- 3.11.125. No demolition waste is identified in the ES [APP-074] due to the agricultural baseline of the site. Construction and assembly waste is also predicted to be minimal due to infrastructure being manufactured offsite and delivered to the Order limits. The applicant considers that waste arising from construction activities can be managed through effective site practices, such as proper storage and handling of materials, and using materials that would be capable

of being recycled with landfill used as a last resort. Overall, the applicant predicts that the overall recovery rate from landfill diversion would be at least 60 to 89% of materials, resulting in not significant effects.

Operation

- 3.11.126. The applicant predicts that waste would be substantially less than the construction phase. It would likely include welfare facility waste, replaced equipment, waste materials and general waste. The applicant notes that the materials comprising solar PV modules, such as aluminium frames, copper wiring and silicon cells, can largely be recycled. The applicant predicts that the overall recovery rate and landfill diversion is expected to be at least 60-89% and not significant.

Decommissioning

- 3.11.127. The applicant considers waste streams are expected to include, but not be limited to, solar infrastructure, batteries, cables, welfare facility waste, waste metals, and wastewater. The applicant states it is committed to ensuring that as much equipment would either be reused or recycled (in accordance with the Waste Hierarchy) and considers that most waste would be capable of being recycled. The applicant predicts that the overall recovery rate and landfill diversion is expected to be at least 60-89% and not significant.

Cumulative and combined effects

- 3.11.128. The applicant acknowledges that waste from other developments could create pressure on local landfill and recycling sites. The applicant considers emerging recycling practices for solar panels and management measures set out in the oCEMP [REP5-019] and oDP [REP5-021] would manage cumulative volumes of waste.
- 3.11.129. As no significant effects are identified on waste in isolation, the applicant considers there would be no combined effects with other environmental topics.

Mitigation

- 3.11.130. The applicant outlines various measures to minimise waste during construction and decommissioning, including:
- Maximising the use of reclaimed materials
 - Maximising recycling opportunities
 - Use prefabricated and standardised components
 - Segregation of construction waste on site to maximise potential for reuse or recycling
 - Use suppliers who collect and reuse or recycle packaging materials
- 3.11.131. Further management measures are outlined in the oCEMP [REP5-019], oOEMP [REP5-025], oDP [REP5-021] and oSMP [REP3-027].

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.11.132. Some concerns were raised in [RR-008] that solar PV panels could not be recycled. In response, the applicant [REP1-008] notes that 95% of the materials used to make PV solar panels can be recovered and recycled.
- 3.11.133. NCC ([RR-052] and [REP2-063a]) acknowledges the applicant's preference to recycle or reuse waste although advises that recycling facilities for PV panels are yet to be established, particularly at the scale required when factoring cumulative schemes. NCC considered the applicant's assessment on waste was insufficient, and sought further details considering local and regional landfill capacity assessed against an absolute worst-case scenario.
- 3.11.134. Due to the concerns raised by NCC, and recognising the lack of detail contained in ES section 17.5, the ExA asked the applicant in ExQ1 Q.12.0.7 [PD-005] to provide an assessment of local and regional landfill capacity.
- 3.11.135. The applicant submitted its assessment at DL3 [REP3-038]. Amongst other things it provides further details of the baseline conditions at a national and regional level, a more detailed assessment of likely effects from different waste sources from the proposed development and a more detailed assessment of cumulative effects with other schemes. The assessment concludes that the overall quantities of decommissioning waste anticipated to be sent to landfill, including cumulative, would be below 1% of regional inert and non-hazardous landfill capacity and less than 0.1% of national hazardous landfill capacity, resulting in not significant effects.
- 3.11.136. Both NCC [REP6-034] and Lincolnshire County Council (LCC) [REP4-028], who initially raised concerns in its draft SoCG [REP3-044] on the lack of information in the ES, welcomed the content of the Regional Landfill Capacity Assessment. NCC notes concerns that the assessment does not promote recycling of material but welcomes the commitment to develop a Site Waste and Materials Management Plan as part of the oCEMP [REP5-019].
- 3.11.137. At the close of the examination, waste was an agreed matter in the applicant's SoCGs with BDC [REP3-047] (issue BDC 12), NCC [REP6-034] (issues NCC 12, 13 and 14), the EA [REP5-044] (issue EA 15) and LCC [REP4-028] (issue LCC 1). No other substantive areas of disagreement remained with other IPs.

EXA'S CONCLUSIONS

- 3.11.138. The ExA is satisfied that the applicant's assessment in ES chapter 17 [APP-074] and the local and regional landfill capacity [REP3-038] adequately assesses the likely waste that would arise from the proposed development. The ExA notes and welcomes the applicant's intention to source recycled or reused materials in accordance with the Waste Hierarchy, and use low carbon materials, sustainable sources and local suppliers. In addition, the applicant intends to use construction best practices to store materials to prevent waste.

- 3.11.139. Based on the evidence before it, the ExA considers that the proposed development would not result in any significant residual waste effects during construction, operation or decommissioning, in isolation or when considered cumulatively with other developments. In addition, appropriate measures to manage waste are set out in the oCEMP [REP5-019], oOEMP [REP5-025], oDP [REP5-021] and oSMP [REP3-027], which would be secured under requirements 7(4)(d), 9, 11 and 21 of the dDCO [REP6-004].
- 3.11.140. Overall, the proposed development would comply with the policies on waste management contained in section 5.15 of NPS EN-1, as well as policies SP1 and SP8 in the NNWLP. There are no other important and relevant considerations.
- 3.11.141. In the absence of any identified positive or negative effects, the ExA concludes that waste management neither weighs for or against the making of the order.

3.12. HUMAN HEALTH

INTRODUCTION

- 3.12.1. This section considers the applicant's Health Impact Assessment (HIA) [APP-183] and concerns raised by IPs.

LEGISLATIVE AND POLICY BACKGROUND

- 3.12.2. The key paragraphs and sections in respect of national planning policies, and any relevant guidance, include:
- NPS EN1: Section 4.4.
- 3.12.3. These paragraphs state that generally aspects of energy infrastructure which are most likely to have a detrimental impact on health are subject to separate regulation, for example air pollution. Additionally, where health impacts will not be mitigated by regulation, these may be accounted for when setting requirements relating to a range of impacts, such as noise.
- 3.12.4. Therefore, the ExA considers that any impacts on health from environmental matters, such as noise or air quality, are considered within the individual topic areas in the above section.

THE APPLICATION

INTRODUCTION AND BASELINE

- 3.12.5. The HIA assesses the potential health and wellbeing effects of the proposed development during construction, operation and decommissioning, identifying positive and negative impacts and recommending mitigation and enhancement measures.
- 3.12.6. The HIA takes a broad view of health, considering social, economic and environmental determinants of wellbeing. Drawing on national and local policy and guidance, it assesses potential effects on employment, green

space, transport, environmental quality, community cohesion, mental wellbeing and health inequalities.

3.12.7. Using the Welsh Health Impact Assessment Support Unit methodology, the HIA assesses impacts on vulnerable groups across six themes: lifestyle, community, environment, economy, access to services and sustainability. Impacts are evaluated according to their significance, with mitigation proposed where required.

3.12.8. The baseline assessment shows that Bassetlaw has an ageing population, relatively low deprivation and lower diversity than regional and national averages. Despite broadly comparable health outcomes, higher levels of poor health, mental health issues and suicide are identified. Children, older people, low-income and unemployed residents, and those affected by pregnancy and maternity are considered the most vulnerable groups.

ASSESSMENT OF EFFECTS

3.12.9. The HIA identifies temporary impacts during construction and decommissioning from noise, dust, traffic and disruption to local amenity, particularly affecting vulnerable groups. However, these effects are assessed as minor to moderate and capable of mitigation. The project is also expected to provide significant economic benefits, including approximately 382 temporary jobs.

3.12.10. During operation, the HIA concludes that impacts from noise, air quality, BESS, flooding, glint and glare, and electromagnetic fields would be negligible or not significant with mitigation in place. Some indirect effects on wellbeing may result from landscape and visual changes, but these are expected to reduce over time through landscaping, ecological enhancement and maintained public access.

3.12.11. Overall, the HIA concludes that the project would not cause significant adverse health effects. While some localised impacts on wellbeing are identified, these are considered manageable through mitigation, with benefits including employment, biodiversity gains, climate change mitigation, improved access and economic contributions.

ISSUES CONSIDERED DURING THE EXAMINATION

3.12.12. Concerns were raised in submissions by IPs such as [RR-015], [RR-018], [RR-026], [RR-028] regarding health and wellbeing.

3.12.13. In its RR [052] NCC stated:

“This comprehensive assessment has meticulously evaluated the potential effects of the proposed development on the health and wellbeing of the local population, adhering to national guidance and best practices to ensure that health considerations are seamlessly integrated into the planning and decision-making process.”

- 3.12.14. Additionally, SSPC provided comments on the applicant's HIA [REP5-062]. It argues that the proposed development could harm local health and wellbeing through construction disturbance, traffic, pollution, loss of rural tranquillity, reduced recreation opportunities, stress and potential BESS safety risks. It contends that the applicant's HIA does not adequately reflect local conditions, vulnerable groups, cumulative effects or existing health inequalities in Bassetlaw.
- 3.12.15. It also argues that the HIA fails to comply with relevant guidance and legislation, citing shortcomings in its assessment of risks, mitigation measures and protected groups. It considers the HIA unreliable and calls for a new independent assessment, improved consultation and stronger mitigation supported by public health bodies.
- 3.12.16. In response, the applicant [REP6-040] rejects SSPC's criticism of its HIA, maintaining that it has been prepared by professional advisers in accordance with relevant legislation, policy and guidance. The applicant states that the assessment draws on recognised data sources, including ONS, Public Health England, Census data, the Index of Multiple Deprivation and NHS datasets. It highlights that NCC describes the HIA as a comprehensive assessment that follows national guidance and best practice, and notes that informal feedback from Public Health Wales found the HIA to be well presented, clearly reported and free from legal or procedural irregularities. The applicant therefore argues that the HIA has been accepted by both local and national public health stakeholders and disputes claims that it is inadequate or non-compliant.
- 3.12.17. In its closing summary [REP6-046], SSPC reiterated the concerns expressed regarding the applicant's HIA in its previous submission [REP5-062]. Effects on Health and wellbeing were also matters of disagreement in the SoCGs between the applicant and NSWPC [REP3-043] (issues NSWPC 42 to 46) and SSPC [REP3-045] (issues S-I-SPC 25 to 29) at the close of the examination.

EXA'S CONCLUSIONS

- 3.12.18. The applicant's HIA [APP-183] concludes that the project may cause temporary construction impacts such as increased noise, traffic and disturbance, although these can be mitigated through management plans. These impacts are considered under the appropriate planning issue topics above and are not considered again here to avoid any potential double counting of effects in the ExA's overall weighting.
- 3.12.19. In the long term, the scheme is expected to deliver net benefits through renewable energy generation, economic investment, biodiversity enhancement and support for climate goals, with most health effects assessed as minor, negligible or beneficial.
- 3.12.20. In addition the ExA notes that NCC describes the HIA as a comprehensive assessment that follows national guidance and best practice.

- 3.12.21. The ExA concludes that the proposed development complies with NPS EN-1, with health effects appropriately assessed and mitigated, adverse effects generally not significant, and wider benefits delivered through biodiversity enhancement, improved access, employment opportunities and support for net zero objectives.
- 3.12.22. The ExA concludes that human health neither weighs for or against the making of the order.

3.13. COMBINED, CUMULATIVE AND INTERRELATED EFFECTS

INTRODUCTION

- 3.13.1. This section considers both the cumulative and combined effects of the proposed development, which includes:
- Combined (or in-combination) effects: The combined effect of different environmental disciplines, such as air quality, noise and landscape, from the proposed development on a single receptor which together generate a greater impact than effects in isolation
 - Cumulative effects: The effects of the proposed development together with other 'reasonably foreseeable' developments on a single receptor
- 3.13.2. This section also considers general interrelationships with specific projects.

LEGISLATIVE AND POLICY BACKGROUND

- 3.13.3. The key legislation in relation to cumulative and combined effects includes The Infrastructure Planning (Environment Impact Assessment) Regulations 2017 (EIA Regs), particularly regulation 5(2)(e) and paragraph 5(e) of Schedule 4.
- 3.13.4. In terms of national and local planning policies, the key paragraphs and sections include:
- NPS EN-1 (2024): Section 4 and notably paragraphs 4.1.5, 4.2.12, 4.3.3, 4.11.7, 4.12.15 and section 5 within individual topic sections
 - NPS EN-3 (2024): Paragraphs 2.10.26, 2.10.94, 2.10.126, 2.10.141 and 2.10.157
 - NPS EN-5 (2024): Paragraphs 2.7.1 and 2.9.10

THE APPLICATION

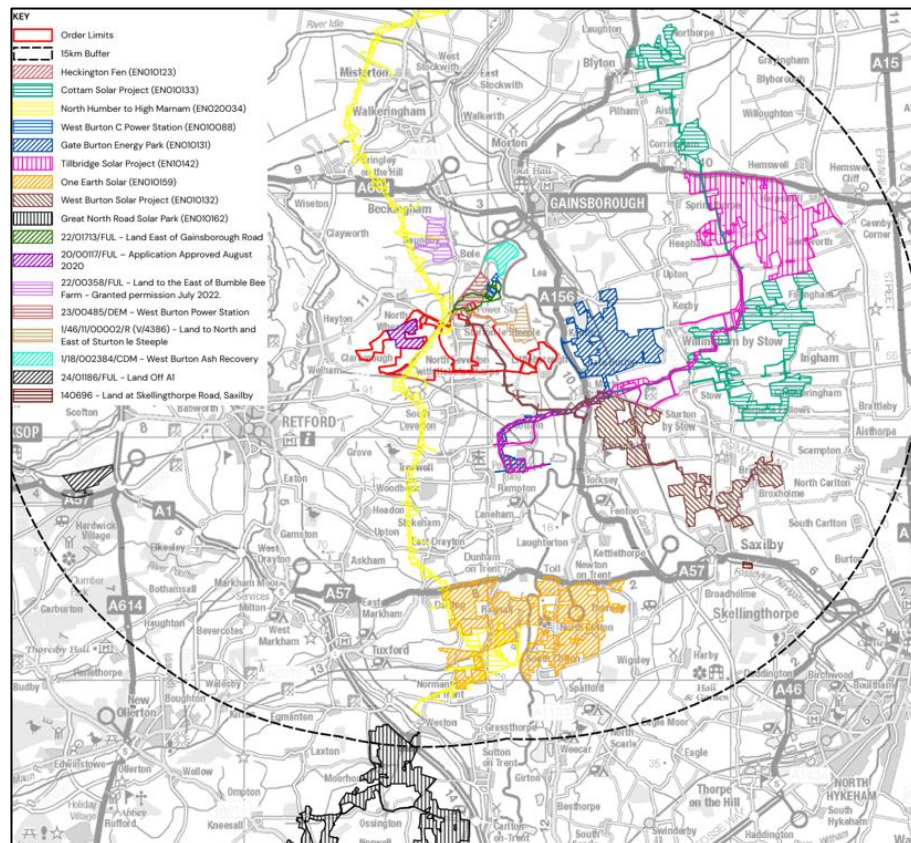
INTRODUCTION

- 3.13.5. The overarching assessment of cumulative effects is contained in ES chapters 2 [APP-060] and 18 [REP5-017]. ES chapter 2 section 2.15 describes the general assessment methodology undertaken for both cumulative and 'in-combination' effects. ES chapter 18 reports the cumulative and 'in-combination' effects associated with the construction, operation and decommissioning of the proposed development.

CUMULATIVE EFFECTS

- 3.13.6. The individual topic specific chapters in the ES (chapters 6-17) assesses cumulative effects with consented or other reasonably foreseeable proposed developments for each of those disciplines. Each discipline sets an individual zone of influence for assessing effects, which are set out in ES chapter 2 table 2.8 [APP-060].
- 3.13.7. ES chapter 2 is supported by ES Appendix 2.3 [APP-088] which contains a long list and short list of cumulative sites considered as part of the cumulative assessment. It uses the four-stage approach for establishing a long and short list of developments followed by assessment, as advocated in the Planning Inspectorate's [Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment](#).
- 3.13.8. The applicant confirms in ES Appendix 2.3 it is aware of the Spherical Tokamak for Energy Production (STEP) prototype fusion energy plant, confirmed by the UK Government at the West Burton Power Station site. However, it has not been assessed in the ES due to the early stages of the project and an absence of detail. Notwithstanding, the applicant understands the proposed development would not cause risk to the connection capacity at the National Grid West Burton Substation for the STEP project as each project is subject to separate grid connections.
- 3.13.9. A plan showing the location of the short-listed sites is shown below.

Figure 16: Plan showing cumulative schemes



Extract from ES Figure 2.2 [APP-142]

3.13.10. A summary of the significant residual cumulative effects identified for each topic is provided in ES chapter 18 Table 18.4 [REP5-017] with summary conclusions provided in section 18.5. The identified significant cumulative effects, which have also been reported in the individual topics in this chapter, can be summarised as follows:

- Ecology and biodiversity: Significant local to district level significant adverse cumulative effects for breeding skylark birds
- Socio-economics:
 - Significant beneficial effects on employment and economic contribution with other proposed developments
 - Significant adverse cumulative effect for accommodation demand during construction phase
- Climate change: Significant beneficial cumulative effects with other projects during operation reducing emissions

COMBINED EFFECTS

3.13.11. ES chapter 18.6 [REP5-017] reports the 'in-combination' effects (hereafter referred to as 'combined' effects) associated with the construction, operation and decommissioning of the proposed development. It reviews the residual effects presented in the individual ES topic chapters to identify receptors that could be subject to one or more types of effect. The applicant states this is to ensure that interrelationships between different aspects of the environment likely to be affected has been properly evaluated and considered.

3.13.12. The assessment identifies the following receptor groups that have the potential to experience combined effects:

- Employment
- Local area
- Residential receptors
- PRow receptors
- Road receptors

3.13.13. ES Table 18.5 provides an assessment of combined effects between different topic disciplines, such as landscape and visual combined with cultural heritage, during construction and decommissioning at identified receptor groups. Table 18.6 provides the same during operation. The assessment does not identify any significant combined effects between different topics on receptors during any phase, mainly due to mitigation measures that would be adopted or because an additional adverse effect on another topic is considered unlikely to generate a significant effect.

3.13.14. It should be noted that some of the ES topics intrinsically assess combined effects as part of their assessment. For example, effects on ecological receptors in ES chapter 7 [REP6-016] considers disturbance relating to noise or changes in water quality. The ES topics that intrinsically assess combined effects as part of their assessment is set out in ES chapter 2 Table 2.11

[APP-060]. The findings in ES Tables 18.5 and 18.6 provides an assessment of combined effects not already captured within individual topic chapters.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.13.15. Based on the comments raised by IPs and the ExA's review of the application documents, the main issues considered during the examination were:

- Cumulative effects with existing and proposed projects
- Interrelationships with existing and proposed projects, including North Humber to High Marnham

CUMULATIVE EFFECTS WITH EXISTING AND PROPOSED PROJECTS

- 3.13.16. Cumulative effects with existing and proposed projects was a matter of significant concern raised by numerous IPs throughout the examination. This includes in over 20 RR's such as [RR-006], [RR-010], [RR-022], [RR-028], [RR-037] and [RR-042], during OFH1 [EV4-001] and in written representations.
- 3.13.17. In summary, the concerns focused on the significant number of projects proposed which residents consider is overwhelming, excessive and negatively affecting the character of the locality. IPs consider the cumulative assessment has failed to consider the effects from the construction of various projects. Residents also feel that they are struggling to engage and respond to all projects due to the volume of information provided.
- 3.13.18. FfF ([RR-035], [REP1-030] and [REP1-034]) submitted detailed concerns regarding the applicant's cumulative effects assessment and processes relating to consultation. In addition to the issues as outlined above, FfF draws attention to the lack of assessment in respect of the STEP project and the "National Great Grid Upgrade". Other concerns by FfF are reported in other topic sections in this report chapter.
- 3.13.19. SSPC [RR-029], [REP1-039] and [REP5-062] are particularly critical of the adequacy of the cumulative assessment. It highlights there are currently more than 14 development projects (4 of which are NSIPs) proposed with varying levels of impact on the parish. The RR identifies 3 areas of the assessment SSPC considers to be inadequate:
- Failure to assess the cumulative impacts of the construction phases of various proposed projects - local residents are concerned about the cumulative impact of multiple industrial projects which would become increasingly disruptive over time.
 - The exclusion of the proposed STEP project from the assessment of cumulative impacts due to it still being in the early stages - Even if limited detail is available, this does negate the need to assess long-term effects on the community.
 - Failure to produce any visualisations of cumulative effects as part of the Landscape and Visual Impact Assessment - The assessment of

cumulative effects in the Landscape chapter in the ES is very surface level (this point is covered in the Landscape and Visual Impacts section).

- 3.13.20. The applicant's responses to IPs concerns is provided in section 3.5 of its response to RRs [REP1-008] and also [REP2-052]. In summary, the applicant recognises the extent of projects proposed in the locality and considers its ES, including individual topic chapters and ES appendix 2.3 [APP-088], has fully assessed the potential cumulative effects. The applicant states cumulative effects assessment can only cover developments which are consented or have a progressed design, which is not the case for the STEP project. The applicant notes EIA's for other developments would have to consider the cumulative impacts of that project with others in the area.
- 3.13.21. In additional comments to SSPC, the applicant states [REP1-008] it is sympathetic to issues raised surrounding consultation fatigue, highlighting previous consultation events it has held. Reference is also made to measures outlined in the ES, such as the oCEMP [REP5-019], to mitigate cumulative effects particularly during construction.
- 3.13.22. The ExA sought comments on the suitability of the sites included in the long list and short list in ES appendix 2.3 [APP-088] (ExQ1 Q7.0.2 and Q7.0.3 [PD-005]). Both NCC [REP2-063] and BDC [REP2-062] confirm they are satisfied with the list of sites in ES appendix 2.3 [APP-088].
- 3.13.23. At the close of the examination, cumulative effects remained an area of disagreement in the SoCGs between the applicant and the following parish councils:
- SSPC [REP3-045] (issues S-I-SPC 6 to S-I-SPC 10)
 - NLHPC [REP3-040] (issues HLWHPC 32 to HLWHPC 36)
 - NSWPC [REP3-043] (issues NSWPC 31 to NSWPC 35)

ExA's considerations - Cumulative effects with existing and proposed projects

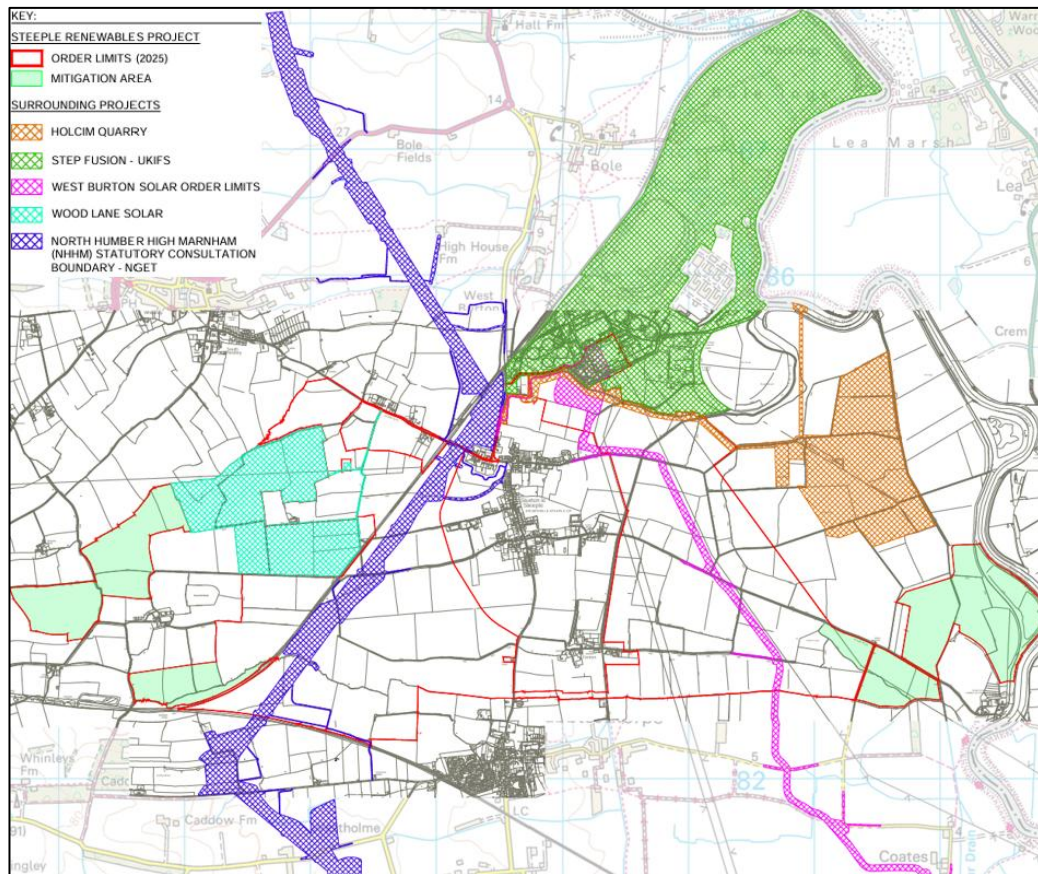
- 3.13.24. The ExA fully understands the concerns of IPs regarding the unprecedented extent of cumulative development proposed in the locality. From a legislative and policy perspective however, the ExA is nevertheless satisfied that the ES provides a satisfactory assessment of cumulative effects in accordance with the EIA Regs and NPS EN-1 and EN-3.
- 3.13.25. Most notably, the assessment has been prepared in accordance with the Planning Inspectorate's [Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment](#). In addition, both NCC and BDC have confirmed that the long list and short list in ES appendix 2.3 [APP-088] adequately assesses all relevant sites. Individual topics and Table 18.4 in ES chapter 18 [REP5-017] provides a clear assessment of the interproject cumulative effects, where the suitability of the assessment findings is considered separately in the individual topic sections in this chapter.
- 3.13.26. The ExA recognises the concerns raised by IPs regarding the omission of the STEP project from the cumulative assessment. However, the ExA is satisfied

with the applicant's reasons for not assessing this project due to uncertainties of the extent of effects that would arise. Ultimately, it would be a matter for any EIA associated with the STEP project to undertake its own cumulative assessment of other proposed projects, including the proposed development.

INTERRELATIONSHIPS WITH EXISTING AND PROPOSED PROJECTS, INCLUDING NORTH HUMBER TO HIGH MARNHAM

- 3.13.27. As requested in annex E of the ExA's Rule 6 letter [PD-003], the applicant submitted a Report on the Interrelationships with other National Infrastructure Projects ([REP1-012] and updated [REP3-033]). This sets out the information requested in section 3 of annex G of the Rule 6 letter. Appendix 1 contains a plan showing overlapping and adjoining proposed infrastructure projects with the proposed development, which is reproduced below:

Figure 17: Plan showing overlapping and adjoining proposed infrastructure projects with the proposed development



Extract from [REP3-033], appendix 1

- 3.13.28. The ExA examined the interrelationships between the proposed development and other proposed projects in ISH1 agenda item 4 ([EV2-001] [EV5-001] and [EV5-003]). In particular, the applicant summarised the interactions with the STEP, Holcim Quarry, Wood Lane solar, West Burton solar and North Humber to High Marnham (NHHM) projects, which are illustrated on Figure 17 above and individually shown in more detail on maps in [AS-022]. Other than the NHHM project, which is covered further below, the applicant did not

identify any concerns regarding physical interactions which could not be resolved separately by way of PPs.

- 3.13.29. The ExA sought comments from IPs on the suitability of the applicant's Report on the Interrelationships with other National Infrastructure Projects [REP1-012] (ExQ1 Q7.0.2 [PD-005]). NCC [REP2-063] confirmed that the report was sufficient at a high-level but does not address strategic cumulative landscape effects [REP2-063]. FfF consider the report should be updated to reflect the actual cumulative impact of projects [REP2-068].
- 3.13.30. Significant submissions were made during the examination on the proposed NHHM project. By way of brief background, NHHM is a proposed overhead line being developed by National Grid Electricity Transmission Plc (NGET) to increase the capability and capacity of the electricity transmission network between the north of England and the Midlands as part of the "Great Grid Upgrade". The route is proposed to be approximately 90km in length running from proposed new substations at High Marnham in Nottinghamshire to Birkhill Wood in the East Riding of Yorkshire. It would be an NSIP due to its proposed length and is currently at pre-application stage.
- 3.13.31. Further details of the current position of the project, including consultation undertaken and route alignment, is contained in NGET's submissions [RR-049] and [REP3-053]. Of note, NGET advises that NHHM would have "a number of extensive interactions" with the proposed development, the preferred route of which is illustrated in blue in Figure 17 above that would cross through the Order limits.
- 3.13.32. The applicant advised in its response to procedural deadline A [PDA-001] that the proposed routing of the NHHM project was a matter of disagreement to them, and it was seeking an alternative route further westwards to avoid adverse interactions with the proposed development. That was in response to comments made by NGET in its RR [RR-049] requesting the need for PPs to be attached to the dDCO for the benefit of NGET in safeguarding land for the NHHM project.
- 3.13.33. The applicant sets out a detailed summary of the NHHM project and the interactions with the proposed development in its response to ExQ1 Q.7.0.4 [REP2-052] (electronic page 239 onwards). In particular, the applicant highlights why it is objecting to NGET's preferred route and advocating for the route to be directed further west.
- 3.13.34. SNSE Limited and SNSD Limited, who are landowners for both the proposed development and parts of the NHHM project, outlined its objections to NGET's preferred route through the Order limits during ISH3 [EV8-004], followed by written evidence at DL4 [REP4-013] and responses to ExQ2 in [REP5-061].
- 3.13.35. Examination matters around the disagreement regarding the suitability of attaching PPS in respect of interactions between the proposed development and NHHM is reported in detail in chapter 7.

ExA's considerations - Interrelationships with existing and proposed projects, including North Humber to High Marnham

- 3.13.36. The ExA is satisfied that the Report on the Interrelationships with other National Infrastructure Projects [REP3-033] provides a sufficient overview highlighting the projects where interactions would exist with the proposed development.
- 3.13.37. Turning to the interactions with NHHM, the application has yet to be submitted and the proposed route has yet to be finalised. Therefore, there is uncertainty regarding the actual interactions with the proposed development. Whilst the ExA notes the submissions from the applicant and SNSE Limited and SNSED Limited over its concerns regarding the proposed route alignment of NHHM, the suitability, and disagreement, of the proposed NHHM route is ultimately a matter solely for any examination of that application to consider. The ExA can only consider the merits of the proposed development subject of this examination.
- 3.13.38. The ExA is satisfied that the applicant's assessment on the potential for cumulative interactions of NHHM is proportionate based on the current level of uncertainty regarding the final route. The full extent of cumulative effects with the proposed development would largely be a matter to be considered in any EIA submitted as part of the NHHM project.

CONCLUSIONS

- 3.13.39. The ExA is satisfied that the applicant has adequately assessed both combined and cumulative effects in accordance with the EIA Regs, NPS EN-1 paragraph 4.3.3 and NPS EN-3 paragraph 2.10.26.
- 3.13.40. The ExA has assessed cumulative effects under each of the planning topics in this chapter, including significant effects that the ExA has identified in addition to those reported by the applicant (such as landscape and visual). To avoid any potential double counting, the ExA has not included a weighting in this section for interproject cumulative effects as these have been incorporated in the ExA's weighting for individual topics.
- 3.13.41. Very few substantive comments were raised specifically questioning the detailed assessment findings for combined effects, which has not identified any effects that would generate a significant effect. In the absence of any evidence to the contrary, the ExA concurs with the conclusions reached by the applicant.
- 3.13.42. Recognising that there are instances where the combined effect of different topics on a single receptor would result in additional (albeit not significant) negative adverse effects, such as landscape and visual combined with noise and vibration, that are not captured within the individual topic chapters in the ES, the ExA considers that there is likely to be additional combined adverse effects even if not significant. As such, the ExA attaches a little negative weight against the making of the Order relating to the overall negative combined effects not already considered for each respective planning topic.

4. HABITATS REGULATION ASSESSMENT

4.1. INTRODUCTION

- 4.1.1. This Chapter sets out the Examining Authority's (ExA's) summary conclusions relevant to habitats regulations assessment (HRA). This will assist the Secretary of State (SoS), as the competent authority, in performing their duties under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').
- 4.1.2. For the purposes of this recommendation, in line with the Habitats Regulations and relevant government policy, the term 'European sites', includes:
- Special areas of conservation (SACs), candidate, and proposed SACs
 - Special protection areas (SPAs) and potential SPAs
 - Listed and proposed Ramsar sites
 - any sites identified or required as compensatory measures for adverse effects on any of these sites
- 4.1.3. The ExA has been mindful throughout the examination of the need to ensure that the SoS has the information reasonably required to carry out their duties as the competent authority. We sought evidence from the applicant and any relevant interested parties (IPs), such as Natural England (NE) as the appropriate nature conservation body (ANCB), through written questions and issue-specific hearings (ISHs).
- 4.1.4. In accordance with the precautionary principle embedded in the Habitats Regulations, consent for this proposed development may be granted only after having ascertained that it will not adversely affect the integrity of European site(s) and no reasonable scientific doubt remains (Court of Justice of the European Union (CJEU) Case C-127/02 Waddenzee, 7 September 2004).
- 4.1.5. Where it relates to a European Site, a likely significant effect is referred to as a LSE and an adverse effect on integrity is referred to as an AEoI in this chapter.

Report on the Implications for European Sites (RIES) and Consultation

- 4.1.6. The applicant set out its assessment in the Information to Inform a Habitats Regulations Assessment report [APP-180], referred to as the 'No Significant Effects Report' (NSER) in this report, which was subsequently updated at deadline 2 [REP2-016], deadline 5 [REP5-011], and a final revised version at deadline 6 [REP6-012] for the reasons set out below.
- 4.1.7. NE's submission at Deadline 1 [REP1-020] confirmed agreement with the applicant's conclusions with regard to the European sites assessed and their qualifying features.
- 4.1.8. Submissions from the Environment Agency ([RR-025], [REP1-016] and the first draft Statement of Common Ground (SoCG) with the applicant [REP3-STEPPLE RENEWABLES PROJECT (EN010163)]
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048]) raised no matters of concern with regard to the European sites assessed and their qualifying features.

- 4.1.9. No other substantive evidence or comment against the conclusions of the NSER was submitted by any other party, and we therefore decided that a RIES compiling HRA-relevant information would not be required.

4.2. INFORMATION AND EVIDENCE

- 4.2.1. The proposed development is not directly connected with, or necessary to, the management of a European site. The implications of the proposed development with respect to adverse effects on potentially affected European sites however must be assessed by the SoS.
- 4.2.2. Only UK European sites are addressed in this report, as the applicant did not identify any LSE on non-UK European sites in European Economic Area States in its NSER and no such impacts were raised for discussion by any IPs during the examination.
- 4.2.3. The applicant's assessment of effects is presented in the following application documents:
- Information to Inform a Habitats Regulations Assessment report [APP-180]
 - Information to Inform a Habitats Regulations Assessment report (revised) [REP6-012]
 - Environmental Statement Chapter 7 - Ecology and Biodiversity [REP6-016]

4.3. SUMMARY OF MATTERS CONSIDERED

- 4.3.1. Seven European sites and their qualifying features were considered in the applicant's assessment of LSE and these are:
- Hatfield Moor SAC
 - Thorne and Hatfield Moors SPA
 - Humber Estuary SPA
 - Humber Estuary SAC
 - Humber Estuary Ramsar
 - Thorne Moor SAC
 - Birklands and Bilhaugh SAC
- 4.3.2. The European sites set out in Table 2 of the NSER [REP6-012] are based on the applicant's initial spatial scoping of European sites to identify which sites should potentially be considered at screening (Stage 1) of the HRA process. Table 2 also provides a summary of the initial spatial scoping rationale for each of the European sites.
- 4.3.3. The European sites and qualifying features that are considered in the applicant's HRA screening assessment are presented in Table 3 of the NSER.

- 4.3.4. Birklands and Bilhaugh SAC was not taken forward to Stage 1 of the HRA screening process as the applicant considered that the nature of the proposed development, the location of the site and its 17km separation distance from the SAC, and as such the applicant considered that would be highly unlikely to result in direct or indirect impacts to its interest feature. NE concurred with the assessment set out in Table 2 of the NSER for the Birklands and Bilhaugh SAC [REP1-020] and agreed that no further consideration was required.
- 4.3.5. NE as the ANCB agreed that the correct sites had been identified and included in the applicant's HRA Report with appropriate supporting evidence provided [REP1-020] and no IPs disagreed with the selection of European sites during the examination.
- 4.3.6. No additional European sites, impact pathways or qualifying features were identified by NE or other IPs for inclusion within the assessment.
- 4.3.7. During the examination we raised questions about errors and omissions in the text within the NSER. The NSER [APP-180] referred in Table 3 to Stage 2 of the HRA process, and we asked the applicant (Q5.1.1 of ExQ1 [PD-005]) to clarify whether the information in Table 3 should refer to Stage 1 of the HRA process and, if so, to rectify this. The applicant submitted a revised NSER at deadline 2 [REP2-016] which amended Table 3 to reflect the correct HRA stage.
- 4.3.8. The revised NSER [REP2-016] omitted information originally submitted in appendices 1 and 2 of the NSER [APP-180] and we asked (Q5.0.2 of ExQ2 [PD- 008]) for the omitted information to be included in a subsequent full updated version of the NSER for completeness and to avoid uncertainty. The NSER was subsequently updated with this information at deadline 5 [REP5-011]. A further version of the NSER was submitted at deadline 6 [REP6-012] in response to our rule 17 letter [PD-010] as the deadline 5 version had omitted figures 1 and 2.
- 4.3.9. We considered submissions from NE and any other IPs where relevant during the examination with respect to the HRA.
- 4.3.10. NE concluded [RR-054] that all relevant impact pathways to the European sites had been considered by the applicant in section 5 of the NSER [REP6-012].
- 4.3.11. Regarding survey methods, NE stated it was satisfied with the methods used for the ornithological survey. Due to the distance separating the proposed development from the relevant designations and the numbers of qualifying species recorded in the survey, NE confirmed that a single year's wintering bird survey was satisfactory for the assessment. NE made no further comments regarding survey methods in relation to European sites apart from this [RR-054].
- 4.3.12. Due to the use of air quality screening thresholds, and standard best practice measures through the Construction Environmental Management Plan

(CEMP) [REP5-019], NE considered it appropriate that the impact from both air quality and water quality were ruled out for all European sites in the HRA. NE agreed with the applicant that this would avoid LSE [RR-054].

- 4.3.13. Furthermore, NE also considered that the distance of the proposed development from the European sites meant that any pollution arising from the proposed development would be unlikely to cause a 'perceptible' effect on the European sites, as reflected in paragraph 5.23 of the NSER.
- 4.3.14. NE considered [RR-054] that loss or disturbance to Functionally Linked Land (FLL) could potentially be a key impact on the European sites but concurred with the survey results in the NSER that the Order limits are unlikely to comprise important FLL for the qualifying features of the European sites considered. NE stated that this is due to the physical separation, low numbers, frequency of use by relevant species, and the development design which includes enhancement of the most frequently used area of the site for biodiversity, known as the 'Eastern Biodiversity Mitigation Area'.
- 4.3.15. With regard to protected lamprey species, NE noted in [RR-054] that the proposed development's design avoids the creation of additional barriers to migration within the River Trent and its tributaries. Furthermore, the SoCG between the applicant and the EA [REP5-044] confirms that the EA are satisfied that the potential for impacts to arise on river lamprey and sea lamprey species has been assessed in section 5 of the NSER. The EA agree that no impact pathway to the Humber Estuary SAC or to lamprey specifically has been identified.
- 4.3.16. No other substantive HRA matters were raised by NE or other IPs during the examination with respect to the European sites and their qualifying features.
- 4.3.17. Overall, the main HRA matters considered by the ExA were:
- the applicant's conclusions of physical loss and change of habitats on which interest features depend for all relevant European sites
 - the applicant's conclusions of disturbance of interest features of all relevant European sites (noise, visual, killing or injury of interest features or their prey)
 - the applicant's conclusions of changes to air quality and deposition for all relevant European sites
 - the applicant's conclusions of hydrology and water quality changes for all relevant European sites
- 4.3.18. The conclusions on LSE regarding the European sites in the HRA process are considered below.

4.4. SUMMARY OF FINDINGS IN RELATION TO LSE

LSE FROM THE PROPOSED DEVELOPMENT ALONE

- 4.4.1. The applicant identified potential impacts of the proposed development alone and considered whether these have the potential to result in LSE in section 5 of the NSER [REP6-012].

- 4.4.2. The impact pathways relevant to each of the European sites' qualifying features are set out in Table 3 of the NSER which summarises HRA Stage 1 with the screening of LSE.
- 4.4.3. The applicant considered the following impact pathways for all the identified European sites and their qualifying features, as summarised in Table 3 of the NSER.

PHYSICAL LOSS AND CHANGE OF HABITATS ON WHICH INTEREST FEATURES DEPEND

- 4.4.4. Physical loss and change to habitats have been considered in paragraphs 5.4 to 5.10 of the NSER [REP6-012]. The NSER identifies that the proposed development site and adjacent land are not part of a European site and no loss of habitats within a European site would occur.
- 4.4.5. The construction phase of the development would result in the construction and replacement of culverts at crossing points, but no structures would affect the River Trent or the water flow in any of the larger drains on the proposed development site. The NSER states that culverts would be designed to maintain existing flows and, in light of the distance upstream to the proposed development site from the European sites, the NSER considers that it would be very unlikely that any barrier to the migration of the Lamprey species associated with the Humber Estuary SAC and Ramsar upstream in the River Trent and its tributaries to spawn would occur. NE concurred with this conclusion in [RR-054], [REP1-020] and [REP6-050].

DISTURBANCE OF INTEREST FEATURES OF EUROPEAN SITES (NOISE, VISUAL, KILLING / INJURY OF INTEREST FEATURES OR THEIR PREY)

- 4.4.6. This impact is considered in paragraphs 5.11 to 5.16 of the NSER [REP6-012].
- 4.4.7. Noise and visual disturbance during construction and decommissioning are considered to have the potential to disturb birds that may be sensitive to noise and visual disturbance and which are interest features of the European sites.
- 4.4.8. The NSER states that the effects of visual disturbance would be limited to localised areas within the proposed development site and immediately adjacent fields, and includes disturbance from artificial lighting, where used.
- 4.4.9. No LSE were concluded for European sites and their qualifying features. NE concurred with this conclusion in [RR-054] and [REP6-033].

CHANGES TO AIR QUALITY AND DEPOSITION

- 4.4.10. This is considered in paragraphs 5.17 to 5.21 of the NSER [REP6-012].
- 4.4.11. Construction dust, construction traffic emissions, and emissions from on-site (Non-Road Mobile Machinery have been considered, with reference to the supporting information in chapter 7 of the ES [REP6-016].

- 4.4.12. No LSE were concluded for European sites and their qualifying features. NE concurred with this conclusion in [RR-054] and [REP6-033].

HYDROLOGY AND WATER QUALITY CHANGES

- 4.4.13. These effects are considered in paragraphs 5.22 to 5.24 of the NSER [REP6-012].
- 4.4.14. NE advised that the proposed development is hydrologically connected to the Humber Estuary (SAC and Ramsar) but that the distance to the Humber Estuary and the use of appropriate construction management methods is likely to avoid any appreciable effects on the qualifying features of the Humber Estuary sites through changes to water quality.
- 4.4.15. No LSE were concluded for European sites and their qualifying features. NE concurred with this conclusion in [RR-054] and [REP6-033].

FUNCTIONALLY LINKED LAND TO EUROPEAN SITES

- 4.4.16. The impact on FLL for the European sites has been considered by the applicant in the NSER [REP6-012] as part of the assessment of physical loss or change to habitats with respect to Thorne and Hatfield Moors SPA, Humber Estuary SPA and Humber Estuary Ramsar.
- 4.4.17. NE provided additional advice in appendix 2 of the NSER that the proposed development site is unlikely to be functionally linked to the Humber Estuary SPA and Ramsar so that a LSE could be ruled out. NE also stated that the proposed development lies well beyond the usual 2km foraging distance of Nightjar, the sole qualifying feature of Thorne and Hatfield Moors SPA so that impacts to this designation are unlikely, and it was also confirmed that Nightjar were not recorded during any bird surveys to date.
- 4.4.18. The applicant's NSER concluded that there would be no LSE from the proposed development alone on any of the qualifying features of the European sites included in the assessment.
- 4.4.19. No LSE were concluded based on the assessment summarised in Table 3 of the NSER for all the relevant European sites considered. NE concurred with this conclusion in [RR-054] and [REP6-033].

LSE FROM THE PROPOSED DEVELOPMENT IN-COMBINATION

- 4.4.20. The applicant addressed potential in-combination effects arising from the proposed development within section 6 of the NSER [REP6-012].
- 4.4.21. The applicant concluded that an in-combination assessment was not required as the NSER had assessed that the proposed development alone would not give rise to any adverse effects and therefore makes no material contribution to any type of adverse effect on the features of the identified European sites which could act in-combination with other proposed developments.

- 4.4.22. NE concurred with this approach to the HRA in their submissions in [RR-054] and [REP6-050] and no other IPs raised any concerns over this approach taken in the NSER.
- 4.4.23. Section 6 of the NSER concludes that the project would not cause LSE on any European sites alone or in-combination.
- 4.4.24. The applicant states in the NSER that there was no requirement to progress to Stage 2 of the HRA process with appropriate assessment and the test of AEoI because of the screening process in the NSER. NE concurred with this conclusion in [REP6-033] and [REP6-050].
- 4.4.25. The applicant's overall conclusions of no LSE were not disputed during the examination by NE or any other IP.

OVERALL SUMMARY

- 4.4.26. In light of conclusions provided by the applicant at deadline 6 [REP6-012], and taking into account the reasoning set out above, the ExA considers that the proposed development is not likely to have a significant effect on the qualifying features of the European sites identified when considered alone, or in combination with other plans or projects.

4.5. HRA CONCLUSIONS

- 4.5.1. The ExA is satisfied that the correct European sites and qualifying features have been identified for the purposes of HRA assessment, and that all potential impacts which could give rise to significant effects have been identified.
- 4.5.2. The ExA has considered the applicant's assessment as well as any comments submitted by IPs throughout the examination. This has included the advice provided by NE during the examination in their relevant representation [RR-054] and subsequent submissions at deadlines 1 [REP1-020], 5 [REP5-059] and 6 [REP6-033] and [REP6-050] respectively, and from the EA at [REP3-048] and [REP5-044].
- 4.5.3. The applicant concludes in section 6 of the NSER [REP6-012] that the proposed development would not be likely to give rise to significant effects, either alone or in combination with other projects or plans.
- 4.5.4. The ExA agrees with that assessment and are satisfied that no LSE exist either alone or in-combination with other plans and projects.
- 4.5.5. The ExA therefore considers that there is sufficient information before the SoS to enable them to fulfil their duty under the requirements of the Habitats Regulations.

5. CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT

5.1. INTRODUCTION

5.1.1. This chapter provides an evaluation of the planning merits of the proposed development. It does so in the light of the legal and policy context set out in [chapter 2](#) and individual applicable legal and policy requirements identified in [chapter 3](#). Whilst the Habitats Regulations Assessment (HRA) has been documented separately in [chapter 4](#), relevant facts and issues set out in that chapter are taken fully into account.

5.1.2. The Examining Authority (ExA) has taken into account all relevant National Policy Statements (NPS) (listed at paragraph 2.3.1), all relevant representations, written representations, responses to written questions [PD-005] and [PD-008] and a rule 17 request for further information [PD-010], as well as all other representations made during the course of the examination including those during hearings and the Local Impact Report (LIR) from Nottinghamshire County Council ([REP1-014] and [REP2-063a]).

5.2. SUMMARY OF THE MAIN PLANNING ISSUES

5.2.1. This sub-section summarises the conclusions on the main planning issues.

Need Case and Alternatives

5.2.2. The ExA concludes, notwithstanding the consideration of project-specific issues, that the overarching need argument for the proposed development is very strong in terms of meeting the urgent need for renewable energy generation of all types and established by NPS EN-1; paragraphs 3.2.6; 3.2.7 and 4.2.4. Large scale solar generation will be part of the mix of infrastructure and technology that it is anticipated will deliver this, in line with wider energy and climate objectives and this weighs heavily in favour of making the order and carries very great weight in the planning balance.

5.2.3. In meeting this need, the ExA has found that the proposed development would be implemented with relative urgency. It would therefore be able to support the Government ambition of a five-fold increase in combined ground and rooftop solar deployment by 2035. This is part of the mix of technologies that can support the delivery of a low carbon, secure and affordable UK energy supply into the future. In this regard an important and relevant consideration is the commitment set out in 2024 NSP EN-1 to the provision of low carbon infrastructure as a critical national priority. It adds strong emphasis to the need case that this proposed development would meet. The search for alternative sites has been explored and it has been demonstrated that the order limits are appropriate in policy terms when assessed against National Policy Statements, and the NPPF. It is apparent that the Point of Connection (PoC) to the National Electricity Transmission System (NETS) at West Burton Power Station and the need for substantial land areas to accommodate the solar arrays, have been the basis for the applicant's search.

Climate change and GHG emissions

- 5.2.4. The ExA is satisfied that the applicant has considered the potential impacts of climate change and has identified appropriate mitigation or adaptation measures in line with section 4.10 of NPS EN-1 and that there should not be any significant adverse effects in relation to climate change resilience from the proposed development.
- 5.2.5. Because of the nature of the proposed development, the applicant's assessment concludes that the effects of the proposal on climate change are beneficial (significant); these are included within the need case conclusions. The proposed development's construction emissions are a very small component of national carbon budgets, and when considering the whole life GHG emissions, the proposed development will result in a net reduction in GHG emissions through provision of renewable electricity, reducing demand for fossil fuel use.
- 5.2.6. The applicant's assessment found that there are no significant effects on the proposed development due to future climate change. The assessment found that cumulative effects with respect to climate resilience are not significant.
- 5.2.7. Overall, the proposed development will result in a net reduction in GHG emissions through provision of renewable electricity, reducing demand for fossil fuel use.

THE PRINCIPLE OF THE DEVELOPMENT

- 5.2.8. The ExA concludes that the proposed development:
- makes a positive contribution to addressing the need for new nationally significant electricity infrastructure by using photovoltaic cells and battery storage
 - has generating capacity greater than 50MW available to export to the electricity distribution network via a secured connection to West Burton Power Station
 - will result in a net reduction in GHG emissions through provision of renewable electricity, reducing demand for fossil fuel use
 - proposes an appropriate and proportionate system for managing traffic, waste, air quality, dust, safety, flooding, and drainage from the construction, operation and decommissioning of the proposed development
 - proposes an appropriate and proportionate method for mitigating impacts on biodiversity and provides a minimum 10% BNG
 - proposes an appropriate and proportionate method for mitigating impacts on the landscape both from the local environment, and users of the PROW network
 - proposes an appropriate and proportionate system for mitigating harm on heritage assets including any potential archaeological remains
 - proposes appropriate measures to ensure the operational safety and security of the proposed development and associated BESS, and addresses the requirement

- 5.2.9. The ExA concludes, notwithstanding the consideration of project-specific issues, that the overarching need argument for the proposed development is very strong in terms of meeting the urgent need for renewable energy and this weighs heavily in favour of making the order and carries very great/substantial weight in the planning balance.

ENVIRONMENTAL IMPACT ASSESSMENT

- 5.2.10. The ExA is satisfied that the environmental statement (ES) provides sufficient information to enable the Secretary of State (SoS) to understand the environmental effects of the proposed development during construction, operational and decommissioning periods. It adequately describes the Rochdale Envelope for the proposed development and to secure its delivery within that envelope through the provisions of a made DCO. Furthermore, updates during the examination do not individually or cumulatively prejudice the adequacy of the ES.
- 5.2.11. The ExA has taken full account of all environmental information in its consideration of this application. Chapter 3 of this report summarises the environmental effects for individual topics, including the measures proposed to mitigate identified likely significant effects.
- 5.2.12. Overall, the ExA considers that the ES, as supplemented with additional information during the examination, is sufficient to enable the SoS to take a decision in compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).

HABITAT REGULATION ASSESSMENT CONSIDERATIONS

- 5.2.13. The SoS is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The Habitats Regulations were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 5.2.14. As reported in chapter 4, the ExA is satisfied that the correct European sites and qualifying features have been identified for the purposes of HRA assessment, and that all potential impacts which could give rise to significant effects have been identified. The ExA concludes that no likely significant effects exist, either alone or in-combination with other plans and projects.
- 5.2.15. The ExA considers that there is sufficient information before the Secretary of State for Energy Security and Net Zero to enable them to undertake an appropriate assessment in order to fulfil their duty under the requirements of The Habitats Regulations.

GOOD DESIGN

- 5.2.16. The Design and Access Statement [REP2-042], supported by the Design Approach Document [REP2-045], ES chapter 3 [APP-061] and ES Appendix 4.5: Outline Design Principles [REP2-031], collectively explain how the design process was conducted and how the proposed design has evolved, in accordance with NPS EN-1 paragraph 4.7.7.

- 5.2.17. Through the overall design vision and accompanying 8 design objectives, the applicant has adopted design principles from the outset to guide the development from conception to operation in accordance with NPS EN-1 paragraph 4.7.5. These objectives have shaped the proposed design to respond to the site context and environmental constraints. Proposed measures relating to the siting of visually prominent components in less sensitive locations, providing new supplementary planting, and incorporating minimum separation distances from sensitive receptors demonstrate good design principles in accordance with NPS EN-1 paragraph 4.7.6.
- 5.2.18. The design approach to date and going forward has not included an independent design review, contrary to NPS EN-1 paragraphs 4.7.5 and 4.7.8. For the reasons stated in section 3.3 and chapter 7, the ExA recommends that securing an independent design review in requirement 3 of its recommended dDCO would ensure that the detailed design would be as sustainable, attractive, durable and adaptable as it could be in accordance with NPS EN-1 paragraph 4.7.10.
- 5.2.19. The details required under requirement 3 of the recommended dDCO would set an appropriate framework to allow the detailed design to be properly developed in accordance with the design parameters and principles set out in table 2.1 of the Outline Design Principles [REP2-031].
- 5.2.20. Subject to the inclusion of an independent design review process, the proposed design taken as a whole would accord with NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant), the NPPF, the aims of BLP Policy ST33 and all other relevant legislation.
- 5.2.21. In the absence of an independent design review process, the ExA is not satisfied that the proposed development would meet the requirements of NPS EN-1 paragraphs 4.7.5 or 4.7.8.
- 5.2.22. Overall, with the recommended addition to the rDCO requiring a further design review, the ExA attaches a little positive weight to design for the making of the order. However, if the SoS decides that this provision is not necessary then the ExA considers design would attract a little negative weight against the making of the order

BIODIVERSITY AND ECOLOGY

- 5.2.23. The ExA is satisfied that the ES chapter 7 [REP6-016] clearly assesses impacts on designated ecological sites, protected species, and habitats in accordance with NPS EN-1 paragraph 5.4.17.
- 5.2.24. The proposed development would not harm internationally or nationally designated sites, ancient woodland, or other irreplaceable habitats during construction or operation. Whilst there may be temporary adverse effects on Local Wildlife Sites during construction, these are expected to be offset by habitat creation and enhancement measures, resulting in overall beneficial residual effects at the site level.

- 5.2.25. There would be significant adverse residual effects on skylark populations at the local level, including cumulatively. Although mitigation and compensation measures have been proposed in the form of creating 'skylark plots', this would not adequately mitigate or compensate the loss of baseline territories. Given the red-listed conservation status of skylarks, this harm is given significant weight in accordance with NPS EN-1 paragraph 5.4.43. No other significant adverse effects on habitats or species are identified.
- 5.2.26. Several beneficial outcomes are anticipated to habitats and species following proposed mitigation and enhancement measures set out in ES chapter 7 section 7.7 [REP6-016], the oLEMP [REP6-019], ES figure 6.9 [APP-160], the oCEMP [REP5-019], the oOEMP [REP5-025] and the oDP [REP5-021], which attracts positive weight. These measures, which would be secured under requirements 4, 6, 7, 9 and 21 of the dDCO [REP6-004], include appropriate avoidance, mitigation, compensation and enhancement measures in accordance with NPS EN-1 paragraphs 5.4.19, 5.4.35, 5.4.36 5.4.46 and 5.4.47.
- 5.2.27. Furthermore, the proposed development would deliver a minimum of 10% biodiversity net gain, which would be secured under requirement 6(2)(e) of the dDCO.
- 5.2.28. Overall, the ExA is satisfied that the proposed development is in accordance with NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant), the NPPF, the main aims of BLP Policies ST38 and ST39 and all other relevant legislation.
- 5.2.29. Taking account of the negative residual harm to skylarks, the ExA concludes that there would nevertheless be an overall net improvement in the biodiversity and ecology of the site over the long-term. As such, the ExA attaches a little positive weight for the making of the order in respect of biodiversity and ecology matters

FLOOD RISK, DRAINAGE AND THE WATER ENVIRONMENT

- 5.2.30. The ExA is satisfied that the FRA [REP5-009] appropriately assesses the risks for the construction and operation of the proposed development within a flood risk area in line with NPS EN-1 and that the sequential and exception tests have been appropriately applied and met.
- 5.2.31. The ExA agrees with the EA that the applicant has appropriately assessed the impacts of climate change within the FRA in line with the NPS EN-1, paragraph 4.10 and the ExA is satisfied that the flood risk elements of the proposed development have been appropriately considered and mitigated, in accordance with the tests in NPS EN-1. The ExA is therefore satisfied that there are no implications for the WFD in line with Section 5.16 of NPS EN-1.
- 5.2.32. The ExA is satisfied that the embedded mitigation measures in the ES, FRA [REP5-009], plus the required obligations in the oCEMP [REP5-019], oOEMP [REP5-025], oSMP [REP3-027], oFRMP [REP5-023] and oDP [REP5-021] that would be secured by Requirements 7, 9, 11, 10, and 21 of

the dDCO [REP6-004] separately, would be sufficient in mitigating any negative impacts to an acceptable level. The ExA is satisfied that the applicant has engaged with the EA from an early stage and that the EA agrees with this finding as confirmed by the signed SoCG [REP5-044].

- 5.2.33. The ExA considers that there should not be any significant adverse effects in relation to flood risk, drainage and water environment from the proposed development. Taking all matters into account, the ExA concludes that the effect would be neutral and does not weigh for or against the order being made.

HISTORIC ENVIRONMENT

- 5.2.34. The ExA is satisfied that the applicant's assessment of heritage assets (HAs) in ES chapter 9 [APP-067] and ES appendix 9.1 [APP-122] has appropriately assessed the likely significant impacts of the proposed development and has appropriately described the significance of HAs that would be affected by the proposed development, including any contribution made by their setting, in accordance with paragraphs 5.9.9 and 5.9.10 of NPS EN-1.
- 5.2.35. In respect of effects to designated HAs, no significant effects have been identified although paragraph 3.6.130 identifies minor adverse effects to 4 assets and moderate adverse effects to 2 assets. This would give rise to less than substantial harm to their significance, ranging between a moderate level and towards the lower end of the scale, due to impacts within their setting which contributes to their significance. The extent of harm is considered further in the heritage balance below.
- 5.2.36. Areas of significant archaeological potential have been identified across the Order limits. In those areas, solar arrays have been omitted from the proposed layout to avoid direct harm to those assets. In other areas, whilst the full extent of significance of buried archaeological remains that could be impacted has not been fully established, the ExA recognises that a programme of further post-determination trial trenching is proposed to reduce the risk of harm to, and increase the likelihood of preserving, buried archaeological assets of high significance in accordance with paragraphs 5.9.25 and 5.9.28 of NPS EN-1. However, such measures would not entirely rule out the possibility of harm to assets and their significance.
- 5.2.37. Section 9.8 in ES chapter 9 [APP-067] sets out mitigation measures which includes off-setting development from assets, undertaking further trial trenching, and employing various management measures through construction, operation and decommissioning. Further details of the measures are contained in ES Appendices 9.3 [APP-124] and 9.5 [REP6-022]. The ExA is satisfied that the measures contained in these documents would provide adequate control and mitigation for archaeological purposes. They would be adequately secured under requirement 17 of the dDCO [REP6-004].
- 5.2.38. Overall, the proposed development would result in adverse effects and harm to the significance of a number of DHA's both individually and collectively.

Given the requirement to undertake a separate balancing exercise for heritage harm, the ExA's consideration of the weight to be attached to the effects of the proposed development on historic environment, and compliance with policy, is considered in section 5.3 below.

LANDSCAPE AND VISUAL

- 5.2.39. The ExA is satisfied that ES chapter 6 [APP-064] contains an LVIA in accordance with NPS EN-1 paragraphs 5.10.16 and 5.10.17. Whilst the information provided is sufficient to identify likely landscape and visual significant effects, the assessment findings would have benefitted from clearer reasoning to support the professional judgements between significant and not significant moderate effects.
- 5.2.40. The ExA finds that the LVIA has underestimated the number of significant adverse landscape and visual effects that would arise, including cumulatively with other development.
- 5.2.41. In terms of landscape effects, the LVIA predicts that the landscape character of the site would experience significant adverse effects at all phases. In addition, the ExA finds significant adverse landscape effects would occur to the following:
- 'Mid Notts Farmlands' and 'Trent Washlands' landscape character areas during construction and operation year 1. However, remaining adverse effects would reduce to 'not significant' at year 15.
 - Landscape features (hedgerows): Significant effects would remain at year 1 as planting is unlikely to be significantly mature. By year 15, the extent of new planting would result in slight beneficial (not significant effects) as opposed to moderate significant beneficial effects predicted in the LVIA.
 - Landscape features (ground cover): Significant adverse effects would remain at year 1 as planting is unlikely to be significantly mature. Effects at year 15 are likely to be neutral when balancing the loss of arable or pastoral farmland against proposed planting of species rich grassland.
- 5.2.42. Turning to visual effects, the LVIA predicts numerous significant adverse effects during construction and year 1, as reported in paragraph 3.7.17. However, no significant residual adverse effects are predicted following mitigation planting. Contrary to the LVIA, the ExA finds that significant residual effects would remain for receptors represented at VPs 12, 14, 17, 20, additional VPs 1 and 2 and FP 19. This is largely due to proposed mitigation planting to screen the proposed development that would result in a fundamental change, and significant harm to, the open outlook across the landscape and recreational value for receptors at these locations.
- 5.2.43. Whilst the LVIA does not identify any cumulative effects, the ExA finds that the totality of effects of the proposed development with other cumulative schemes would give rise to significant cumulative effects on the landscape character of NCA 48: Trent and Belvoir Vales, due in part to the scale and size of solar development, spread across a large surface area.

- 5.2.44. As NPS EN-1 makes clear (paragraphs 5.10.5 and 5.10.13), all proposed energy infrastructure is likely to have landscape and visual effects. The ExA is also mindful that significant effects would be temporary, albeit long-term, and would be reversible following decommissioning. Nevertheless, residual significant effects would be experienced by the local community for many years to come during the 40-year operational period. These matters weigh greatly against the proposed development.
- 5.2.45. ES figure 6.9 [APP-160] contains a comprehensive proposed landscape mitigation scheme to guide the future detailed landscape design. Whilst proposed mitigation has not managed to avoid significant effects in all places, it would nevertheless reduce the prominence of proposed solar infrastructure. The ExA is satisfied that the applicant's approach to minimising and mitigating the landscape and visual effects would be reasonable and follows the approach advocated in NPS EN-1 paragraphs 5.10.6, 5.10.26-5.10.28 and 5.10.37 and EN-3 paragraphs 2.10.95 and 2.10.98.
- 5.2.46. Overall, despite the harm that would be caused, the ExA is satisfied that the proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant), the NPPF, the main aims of BLP Policies ST35, ST37 and ST39 and all other relevant legislation
- 5.2.47. Taking into account the residual significant adverse landscape and visual effects, including cumulative, that would remain through the operational period and the significant harm that would arise to the local landscape and visual amenity for receptors, the ExA attaches great negative weight against the making of the order in respect of landscape and visual matters.
- 5.2.48. The balance as to whether adverse impact on the landscape and visual effects outweighs the benefits of the proposed development is undertaken below.

LAND USE AND SOIL

- 5.2.49. The ExA considers that where practicable the applicant has sought to minimise the impacts on BMV agricultural land in line with NPS EN-1 paragraph 5.11.12. However, the majority of land occupied by the proposed development is on BMV land.
- 5.2.50. The applicant has sought to justify the use of BMV land, considering the economic and other benefits of that land, whilst acknowledging that adverse effects would arise.
- 5.2.51. The applicant has developed an oSMP [REP3-027], which is secured via requirement 11 in the draft DCO, which could help minimise potential land contamination.
- 5.2.52. Taking into account the potential adverse effects on the BMV land and on farm businesses that would remain through the operational period, the ExA attaches moderate negative weight against the making of the order in respect of land use and soil matters.

NOISE AND VIBRATION

- 5.2.53. The applicant has proposed appropriate and proportionate construction noise and vibration mitigation measures via the oCEMP [REP5-019]. Operational noise and vibration mitigation measures would not be appropriate.
- 5.2.54. The ExA therefore considers that the effect of noise and vibration from the proposed development would be neutral and does not weigh for or against the making of the Order.

TRANSPORT AND ACCESS

- 5.2.55. The applicant's ES includes a transport appraisal [APP-128]. Additionally, the applicant has consulted appropriately with NH and the local Highway Authority.
- 5.2.56. The applicant has sought to mitigate impacts on the surrounding transport infrastructure, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility. This has been considered in the oCTMP [REP5-035].
- 5.2.57. The applicant has sought to design the layout and appearance of the site to ensure continued recreational use of PRow where possible during construction, and in particular during operation of the site, through the PRow Management Plan.
- 5.2.58. The ExA considers that the effect of transport and access from the proposed development would be neutral and does not weigh for or against the making of the Order.

OTHER PLANNING ISSUES

Air Quality

- 5.2.59. ES chapter 14 [REP2-020] provides an adequate assessment of effects relating to air quality emissions from the pollutants NO₂, PM₁₀ and PM_{2.5}, in accordance with paragraphs 5.2.8 to 5.2.11 of NPS EN-1. The proposed development would result in negligible residual effects on air quality and would not lead to any exceedances in the relevant AQO's.
- 5.2.60. Measures set out in the oCEMP [REP5-019], particularly table 3.10, would satisfactorily minimise risks from dust pollution and would be secured under requirement 7(4)(c) of the dDCO [REP6-004]. The proposed development would not lead to a deterioration in air quality in accordance with NPS EN-1 paragraph 5.2.16, such that it would adversely affect human health receptors.
- 5.2.61. The proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant) and BLP Policies ST42, 46, ST48 and ST49 relating to air quality matters. There are no other important and relevant considerations.

- 5.2.62. Overall, in the absence of any identified negative or positive effects, the ExA concludes that air quality neither weighs for or against the making of the order

Electromagnetic fields

- 5.2.63. ES chapter 17 [APP-074] provides an adequate assessment of effects from EMFs where no adverse effects from EMFs are identified.
- 5.2.64. The ExA is satisfied that the proposed development has followed the requirements in NPS EN5 (2024); most notably paragraphs 2.11.9 - 2.11.16.
- 5.2.65. In the absence of any identified negative or positive effects, the ExA concludes that EMF neither weighs for or against the making of the order

Glint and glare

- 5.2.66. ES chapter 16 [APP-073] and ES Appendix 16.1 [APP-133] provides an appropriate assessment of the likely glint and glare effects on road safety, residential amenity, railway infrastructure and operations, aviation activity, public rights of way, and bridleways and waterways. Minor adverse effects to residential amenity, aviation and PRoW receptors are predicted although the ExA is satisfied that these are likely to be minor and for a temporary duration. The ExA is satisfied that no significant adverse effects would arise.
- 5.2.67. The proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant) and BLP Policy ST49. Whilst some conflict with the overarching aims of the Sturton Ward Neighbourhood Plan (SWNP) may arise, the ExA considers that the proposed development has followed the relevant policy requirements in the designated NPSs.
- 5.2.68. Taking into account the potential for minor adverse, albeit not significant effects, the ExA attaches a little negative weight against the making of the order in respect of glint and glare matters

Major accidents and disasters

- 5.2.69. The most common concerns raised by IPs was the risk of fire from BESS infrastructure. The ExA accepts that the probability of a fire occurring in the BESS would likely be low although the consequence of such an event, if it were to occur, would nevertheless not be insignificant.
- 5.2.70. The ExA is satisfied that the application contains sufficient information to understand the effect of BESS safety, management and mitigation. Importantly, suitable measures to minimise risks associated with any fire event that may occur are set out in the oFRMP [REP5-023] (that has been reviewed by Nottinghamshire Fire and Rescue), which would be secured under requirement 10 of the dDCO [REP6-004].
- 5.2.71. There is nothing substantive before the ExA to indicate that significant effects in relation to major accidents and disasters are likely to occur during the construction, operation and decommissioning phases. There is also nothing
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to suggest that the proposed development would not comply with the policy provisions surrounding safety in NPS EN-1.

- 5.2.72. The ExA concludes that major accident and disasters neither weighs for or against the making of the order.

Socio-economics

- 5.2.73. ES chapter 10 [APP-127] provides an adequate assessment of socio-economic effects in accordance with NPS EN-1 paragraphs 4.3.3, 5.13.2 and 5.13.4.
- 5.2.74. There would be local and regional economic benefits associated with jobs generated during the construction and decommissioning period. Furthermore, the outline Supply Chain, Employment and Skills Plan [REP2-038] would facilitate supply chain, employment, training and learning opportunities available during the construction, operation and decommissioning of the proposed development. This would be developed further into a skills, supply chain and employment plan secured under requirement 22 of the dDCO [REP6-004].
- 5.2.75. The ExA has not been presented with substantive evidence to demonstrate that the proposed development would materially affect tourism.
- 5.2.76. Overall, the proposed development has followed the requirements in NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant).
- 5.2.77. Taking into account the potential for beneficial, albeit short term benefits limited to the construction and decommissioning periods, and cumulative adverse effects on accommodation demand, the ExA attaches a little positive weight for the making of the order in respect of socio-economic matters.

Telecommunications and Utilities

- 5.2.78. ES chapter 17 [APP-074] provides an adequate assessment of effects on telecommunication infrastructure and existing utilities.
- 5.2.79. Following the implementation of mitigation measures set out in the oCEMP [REP5-019] (table 3.14), which would be secured through requirement 7, the ExA finds that the proposed development would not result in any significant residual effects, either in isolation or cumulatively, during any development phase to telecommunications, television reception and utilities.
- 5.2.80. No policy conflict with the relevant NPSs, the NPPF or the BLP relating to telecommunications, television reception and utilities would arise.
- 5.2.81. Overall, in the absence of any identified negative or positive effects, the ExA concludes that telecommunications and utilities neither weighs for or against the making of the order.

Waste management

- 5.2.82. The ExA is satisfied that the applicant's assessment in ES chapter 17 [APP-074] and the local and regional landfill capacity [REP3-038] adequately assesses the likely waste that would arise from the proposed development.
- 5.2.83. No significant residual waste effects during construction, operation or decommissioning, in isolation or when considered cumulatively with other developments would arise. Appropriate measures to manage waste are set out in the oCEMP [REP5-019], oOEMP [REP5-025], oDP [REP5-021] and oSMP [REP3-027], which would be secured under requirements 7(4)(d), 9, 11 and 21 of the dDCO [REP6-004].
- 5.2.84. There would be no policy conflict with NPS EN-1 or policies in the Nottinghamshire and Nottingham Waste Local Plan relating to waste.
- 5.2.85. The ExA concludes that waste management neither weighs for or against the making of the order.

HUMAN HEALTH

- 5.2.86. The applicant's HIA [APP-183] concludes that the project may cause temporary construction impacts such as increased noise, traffic and disturbance, but these can be mitigated through management plans. These impacts are considered under the appropriate planning issue topic.
- 5.2.87. The ExA concludes that human health neither weighs for or against the making of the order.

COMBINED, CUMULATIVE AND INTERRELATED EFFECTS

- 5.2.88. The ExA is satisfied that the applicant has adequately assessed both combined and cumulative effects in accordance with the EIA Regs, NPS EN-1 paragraph 4.3.3 and NPS EN-3 paragraph 2.10.26.
- 5.2.89. The ExA has assessed cumulative effects individual in each of the planning topics in chapter 3, including significant effects that the ExA has identified in addition to those reported by the applicant (such as landscape and visual). To avoid any potential double counting, the ExA has not included a weighting for cumulative effects as these have been incorporated in the ExA's weighting for individual topics.
- 5.2.90. In the absence of substantive comments to indicate otherwise, the ExA has not identified any significant combined effects. However, recognising that there are instances where the combined effect of different topics on a single receptor would result in additional (albeit not significant) negative adverse effects that have not been captured within the individual topic chapters in the ES, the ExA attaches a little negative weight against the making of the Order on those matters.

5.3. HERITAGE BALANCE

5.3.1. This sub-section weighs the harm to designated heritage assets (DHAs) against the public benefits of the proposed development, before arriving at the ExA's overall conclusion on the weight to be attributed to cultural heritage effects in the planning balance.

5.3.2. NPS EN-1 paragraph 5.9.23 states that the SoS must comply with the requirements set out in the Infrastructure Planning (Decisions) Regulations 2010. Regulation 3 requires the SoS to have regard to desirability of:

- preserving a listed building or its setting or any features of special architectural or historic interest which it possesses,
- preserving or enhancing the character or appearance of a conservation area, and
- preserving an affected scheduled monument or its setting.

HARM TO DESIGNATED HERITAGE ASSETS

5.3.3. In section 3.6, and as summarised above, the ExA has not identified any substantial harm to, or loss of, any DHAs. However, the ExA has found that the proposed development would result in less than substantial harm to the setting of the following assets, including where within the scale of harm:

- Segelocum Roman Town Scheduled Monument (NHLE ref. 1003669), Littleborough: Lower end of the scale.
- Medieval Settlement and Open Field System Immediately South East of Low Farm Scheduled Monument, West Burton (NHLE ref. 1017741): Lower end of the scale.
- Grade I Listed Church of St Martin, North Leverton with Hablesthorpe (NHLE ref. 1234265): Lower end of the scale.
- Grade II* Listed Church of St Peter and St Paul, Sturton le Steeple (NHLE ref. 1275773): Moderate level.
- Grade II* North Leverton Windmill, North Leverton with Hablesthorpe (NHLE ref. 1234469): Moderate level.
- Grade II Listed Manor Farmhouse, Fenton (NHLE ref. 1216698): Lower end of the scale.

5.3.4. For non-designated heritage assets (NDHA's), areas of significant archaeological potential have been identified across the Order limits. In those areas, solar arrays have been omitted from the proposed layout to avoid direct harm to those assets. In other areas, ExA cannot entirely rule out the potential for direct and indirect effects to NDHA's. However, the ExA acknowledges that a programme of further post-determination trial trenching is proposed to reduce the risk of harm to, and increase the likelihood of preserving, buried archaeological assets of high significance in accordance with paragraphs 5.9.25 and 5.9.28 of NPS EN-1, with the findings influencing the final detailed design and layout.

HERITAGE BALANCE

- 5.3.5. The proposed development would result in less than substantial harm to the DHA's identified above. As required in paragraph 5.9.27 of NPS EN-1, the SoS must give great weight to an asset's conservation and the more important the asset, the greater the weight should be. As such, the ExA affords any harm to DHAs great weight. In accordance with NPS EN-1 paragraph 5.9.32, the identified less than substantial harm to the significance of DHA's is to be weighed against the public benefits of the proposal.
- 5.3.6. For NDHA's, in accordance with paragraph 5.9.28 of NPS EN-1, the SoS should give considerable importance and weight to the desirability of preserving all heritage assets. Under paragraph 5.9.33, a balanced judgement is required having regard to the scale of any harm or loss to their significance.
- 5.3.7. Turning to public benefits, the proposed development would make a significant contribution to secure and reliable energy provision, whilst also resulting in significant climate change benefits. As concluded in section 3.2 and summarised above, the combination of the urgent need for the proposed development and beneficial impacts on climate change bring very great weight for the making of the Order. As also identified in section 3.11, there would be other benefits, including socio-economic benefits associated with the temporary construction and decommissioning periods. These would be all public, as opposed to private, benefits.
- 5.3.8. Overall, taking into account the significant public benefits of the proposed development, the ExA is satisfied that there is a clear and convincing justification for the less than substantial harm that would arise to the DHAs identified above, both individually and collectively. Furthermore, the ExA recognises that all the adverse effects identified would be temporary and reversible following decommissioning. In addition, the ExA acknowledges the proposed measures to reduce the scale of any harm or loss to the significance of NDHA's and is satisfied that any harm that would arise to their significance would be outweighed by the very great/ substantial public benefits that would arise.
- 5.3.9. In coming to that conclusion, the ExA is mindful of paragraph 2.3.8 of NPS EN-3 which states in considering the impact on the historic environment, the SoS should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target.
- 5.3.10. The ExA finds that the proposed development would accord with NPS EN1 (2024) and NPS EN-3 (2024), NPS EN-1 (2025) and NPS EN-3 (2025) (where important and relevant) and the NPPF. Whilst the proposed development would not necessarily meet the aims of BLP Policy ST40 and 41 and SWNP Policy 6 in terms of fully conserving or enhancing the historic environment, compliance with the public benefits tests set out in the designated NPS's outweighs any non-conformity with local policies.

- 5.3.11. Overall, whilst the ExA attributes ‘great weight’ to the conservation of the identified heritage assets, having applied the heritage balance the ExA considers that the overall level of harm would be less than substantial and would be outweighed by the wider public benefits.
- 5.3.12. Consequently, the ExA concludes that ‘moderate’ negative weight should be afforded to historic environment against the making of the order.

5.4. OVERALL PLANNING BALANCE

- 5.4.1. This section weighs the benefits and disbenefits of the proposed development to reach a recommendation as to whether or not the case is made for granting development consent.
- 5.4.2. In accordance with paragraph 4.1.5 of NPS EN-1, the ExA has considered the benefits and adverse effects of the proposed development. In doing so, the ExA has taken into account the mitigation hierarchy. The ExA has also established the weight to be afforded to the effects which would arise, as set out in Table 3 below:

Table 3: Summary of findings on main planning issues

Issue	Finding	Weighting	Section
Need (including climate)	Positive	Very great/ substantial	Section 3.2
Biodiversity	Positive	A Little	Section 3.4
Good design	Positive – if SoS secures design review process	A little	Section 3.3
Socio-economics	Positive	A Little	Section 3.11
Air quality	Neutral	Does not affect the balance	Section 3.11
Flood risk, drainage and the water environment	Neutral	Does not affect the planning balance	Section 3.5
Human Health	Neutral	Does not affect the balance	Section 3.12
Major accidents and disasters	Neutral	Does not affect the balance	Section 3.11
Noise and Vibration	Neutral	Does not affect the balance	Section 3.9
Telecommunications and utilities	Neutral	Does not affect the balance	Section 3.11

Transport and Access	Neutral	Does not affect the balance	Section 3.10
Waste Management	Neutral	Does not affect the balance	Section 3.11
Combined effects	Negative	A little	Section 3.13
Glint and glare	Negative	A little	Section 3.11
Good design	Negative – if SoS does not secure design review process	A little	Section 3.3
Historic environment	Negative	Moderate	Section 3.6
Land use and soil	Negative	Moderate	Section 3.8
Landscape and visual	Negative	Great	Section 3.7

- 5.4.3. The ExA has been mindful of the legal framework within which the SoS must decide this application. S104(2) and s104(3) of The Planning Act 2008 (PA2008) require the SoS to have regard to and decide the application in accordance with the relevant NPSs, unless a relevant consideration arising from s104(4) to (8) applies.
- 5.4.4. NPS EN-1 sets out that that, given the level and urgency of need for the delivery of major energy infrastructure covered by the energy NPSs, including NPS EN-3 and NPS EN-5, the SoS will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused and subject to the provisions of the PA2008.
- 5.4.5. The ExA considers that the proposed development meets the need as established in the NPSs and satisfies the tests of s104(2) and s104(3) of the PA2008 and accordingly should be determined as such.
- 5.4.6. In accordance with its duties under PA2008, the ExA has had regard to the relevant NPSs, NCC's LIR, any matters prescribed in relation to the development, and any other matters which are both important and relevant to the decision. The ExA has had regard to human rights and Public Sector Equality Duty. The ExA has taken all other relevant law and policy into account.
- 5.4.7. Furthermore, the ExA has considered whether the determination of this application in accordance with the NPSs would lead to the UK being in breach of any of its international obligations (s104(4)), be in breach of any statutory duty (s104(5)), be unlawful (s104(6)), or be contrary to regulations about how decisions are to be taken. The ExA is satisfied that in all respects, this would not be the case.

- 5.4.8. The ExA is also obliged to consider whether the adverse impacts of the proposed development would outweigh its benefits (s104(7)). NPS EN-1 paragraph 4.1.6 sets out that when weighing the adverse impacts against the benefits, the SoS should consider environmental, social and economic benefits and adverse impacts at national, regional and local levels. NPS EN-1 paragraph 4.1.7 goes on to say that where the NPSs require an applicant to mitigate a particular impact as far as possible, but there would still be residual adverse effects after the implementation of such mitigation, those residual effects should be weighed against the benefits of the proposed development.
- 5.4.9. For projects which qualify as Critical National Priority (CNP) Infrastructure, NPS EN-1 paragraph 4.1.7 sets out that it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. However, this presumption, does not apply to residual effects which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual effects which present an unacceptable risk to, or unacceptable interference to flood and coastal erosion risk.
- 5.4.10. In assessing nationally significant energy infrastructure, the starting point is the overarching need case which should be given substantial weight as set out in paragraphs 3.2.6 to 3.2.8 of NPS EN-1. The ExA considers that the overarching need argument for the proposed development is very strong. It would make a positive contribution to addressing the nation's need for new nationally significant electricity infrastructure through the provision of renewable energy. Furthermore, the grid connection to West Burton Power Station further emphasises that the location of the proposed development is appropriate.
- 5.4.11. In accordance with paragraphs 3.2.6 to 3.2.8 of NPS EN-1 the ExA has attributed very great/substantial positive weight to the need case and associated climate change benefits for the proposed development in the planning balance. The ExA has also found that little positive weight should be given to the biodiversity and socio-economic benefits that would arise, in addition to design should the final detailed design be subject to an independent design review process.
- 5.4.12. The ExA is satisfied that the applicant's assessment has followed the mitigation hierarchy. However, following the application of the mitigation hierarchy, the ExA has identified that the proposed development would result in adverse residual effects and has attributed great negative weight to landscape and visual effects, moderate negative weight to historic environment and land use and soil, and a little negative weight to combined effects, glint and glare, and design if the final detailed design is not subject to an independent design review process.
- 5.4.13. The ExA finds that the adverse visual effects on sensitive receptors would be outweighed by the benefits of the project. The ExA does not consider that any adverse landscape impact would be so damaging that it is not offset by

the benefits (including need) of the project. The ExA is therefore content in relation to paragraphs 5.10.14 and 5.10.35 of NPS EN-1.

- 5.4.14. As set out above in the heritage balance, the ExA considers that the less than substantial harm to DHAs would be outweighed by the public benefits of the proposal.
- 5.4.15. The ExA does not consider that the residual effects identified would present an unacceptable risk to, or interference with human health and public safety, defence, irreplaceable habitats, the achievement of net zero or flood and coastal erosion. The proposed development would therefore benefit from the presumption of consent as set out in NPS EN-1 paragraph 4.2.15.
- 5.4.16. Taking the above into account, whilst the overall collective harm would be wide ranging and would encompass several different effects, the ExA concludes that the adverse impacts, even when taken cumulatively, would not be capable of outweighing the very great/substantial benefits arising from the need for the proposed development. Should the SoS take an alternative view, then the relevant CNP tests as set within section 4.2 of NPS EN-1 would need to be considered.

5.5. CONCLUSIONS

- 5.5.1. On the basis of all of the above, the ExA concludes that there is a convincing case for development consent to be granted. The ExA goes on to consider land rights matters in Chapter 6 of this report and matters relating to the drafting of the DCO in Chapter 7.

6. LAND POWERS AND RELATED MATTERS

6.1. INTRODUCTION

- 6.1.1. The application included proposals for the Compulsory Acquisition (CA) and Temporary Possession (TP) of land and rights over land. This chapter records the examination of those proposals and related issues.

6.2. THE REQUEST FOR CA AND TP POWERS

- 6.2.1. The application dDCO [APP-041] and all subsequent versions include provision for CA of freehold interests and private rights and the creation of new rights over land. They also contain provisions for the TP of all of the Order land.
- 6.2.2. There are no Crown interests within the Order land.
- 6.2.3. None of the land included in the CA request is National Trust land, open space or common land.
- 6.2.4. Land Plans [APP-006], Statement of Reasons (SoR) [APP-044], Funding Statement [APP-045], and Book of Reference (BoR) [APP-046] were provided with the application. A Land and Rights Negotiations Tracker [REP1-011] was submitted at deadline (DL) 1 and updated through the examination. Revisions to the BoR were submitted at DL1 and DL6 of the Examination [REP6-010], these revisions were accompanied by a Schedule of Changes [REP6-030] but related to minor changes identified through regular refresh of landowner and title data and information identified through ongoing engagement with land interests.
- 6.2.5. There were minor revisions to the Land Plans as an additional submission and at DL3 [REP3-004].
- 6.2.6. A revision to the SoR was submitted at DL3 [REP3-007] relating to consistency amendments with the BoR. A further revision to the SoR was submitted at DL6 [REP6-008] to remove the engagement tracker that was in an appendix of that document in favour of the Land Rights Tracker to aid comprehension across the final application documents.
- 6.2.7. The ExA was kept updated by the applicant on the progress of negotiations with Affected Persons (APs) by means of the Land and Rights Negotiations Tracker, with a final document setting out the position at the close of the examination submitted at DL6 [REP6-028].
- 6.2.8. These documents, taken together, form the basis of the analysis in this chapter. References to the BoR and the Land Plans in this chapter from this point should be read as references to the latest revisions cited above.

6.3. THE PURPOSES FOR WHICH LAND IS REQUIRED

- 6.3.1. The Order limits for the proposed development are shown by the red line boundary on the Key Plan of the revised Land Plans [REP3-004]. The land over which powers are sought is referred to in this section as the Order land. The Order land covers the land required for the construction of, operation, maintenance and decommissioning of solar photovoltaic arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid West Burton A Power Station substation.
- 6.3.2. The purposes for which the CA and TP powers are required are set out in the SoR [REP6-008]. The Land and Rights Negotiations Tracker [REP6-028] sets out for each plot the name of the interest in the land, the category of interest, the powers sought, status of negotiations and likelihood of resolution during examination.
- 6.3.3. The applicant states in the SoR [APP-044] that it requires powers of CA to ensure that the proposed development can be constructed, operated (including maintenance) and decommissioned and so that the Government's policies in relation to the timely delivery of new renewable energy generating capacity and achieving the UK's net zero targets are met. The applicant further considers that, in the absence of these powers, there would remain a risk that the Order land would not be fully assembled and the proposed development would not be delivered, meaning that government policy objectives would not be achieved.
- 6.3.4. The applicant, at the CAH1 [EV6-002], outlined it had reached option agreements or signed Heads of Terms with the majority of the freehold owners of land within the Order limits and was in advanced negotiations with the few remaining freehold owners. Whilst the applicant is continuing to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in the application in order to provide certainty that all the land required for the proposed development can be acquired in order to realise the proposed development's significant public benefits.
- 6.3.5. Having compared the Works Plans, Land Plans and BoR carefully, the ExA is satisfied that each area of land affected by CA or TP is required for the carrying out of one or more of the works identified in Schedule 1 of the dDCO or their maintenance.

6.4. LEGISLATIVE REQUIREMENTS

Planning Act 2008

- 6.4.1. Section (s)122(2) provides that a Development Consent Order (DCO) may include provision authorising CA only if the Secretary of State (SoS) is satisfied that certain conditions are met. These include that the land subject to CA is required for the development to which the development consent relates or is required to facilitate or is incidental to it.

- 6.4.2. In addition, s122(3) requires that there must be a compelling case in the public interest for the land to be acquired compulsorily. The 'Planning Act 2008: guidance related to procedures for the compulsory acquisition of land' 2013 (the CA Guidance) indicates that the SoS will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the CA will outweigh the private loss that would be suffered by those whose land is to be acquired.
- 6.4.3. S123 requires the SoS to be satisfied that one of the three procedural conditions set out in subsections (2) to (4) are met, namely:
- That the application for the order included a request for CA of the land to be authorised, or
 - That all persons with an interest in the land consent to the inclusion of the provision, or
 - That the prescribed procedure has been followed in relation to the land
- 6.4.4. S127 of the PA2008 applies to statutory undertakers' (SUs') land. S127(2) and (3) state that an order granting development consent may include provision authorising the CA of SU land only to the extent that the SoS is satisfied that -
- a. it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
 - b. if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.
- 6.4.5. Similarly, s127(5) and (6) provide that an order granting development consent may only include provision authorising the CA of rights over land belonging to SUs to the extent that the SoS is satisfied that the right can be taken without serious detriment to the carrying out of the undertaking, or that any detriment can be made good by the SUs by the use of other land belonging to or available for acquisition by them.
- 6.4.6. S138 relates to the extinguishment of rights and the removal of apparatus on SU land. It states that an order may include a provision for the extinguishment of the relevant rights, or the removal of the relevant apparatus only if the SoS is satisfied that the extinguishment or removal is necessary for the purposes of carrying out the development to which the order relates and which does not consist of the construction or extension of one or more dwellings.
- 6.4.7. S115(1) provides that, in addition to the development for which consent is required under Part 3 of the Act, consent may also be granted for associated development. S115(2) defines associated development as development which is associated with the principal development or any part of it.
- 6.4.8. TP powers are also capable of being within the scope of a DCO by virtue of Paragraph 2, Part 1 of Schedule 5 to the PA2008. This allows for, amongst other things, the suspension of interests in or rights over land compulsorily or by agreement. The PA2008 and the associated CA Guidance do not contain

the same level of specification and tests to be met in relation to the granting of TP powers, as by definition such powers do not seek to permanently deprive or amend a person's interests in land. Further, such powers tend to be ancillary and contingent to the application proposal as a whole, in the sense that they are only capable of proceeding if the primary development is justified.

Neighbourhood Planning Act 2017

- 6.4.9. This includes several provisions related to the TP of land including notice requirements, the service of counter notices and compensation. These provisions are not yet in force and are described as technical changes in the explanatory notes that accompany the Act.
- 6.4.10. Article 6(1)(d) of the Examining Authority's (ExA) recommended DCO (rDCO) (found at Appendix E of this report) disapplies the provisions of the Act insofar as they relate to TP of land under articles 27 (TP of land for carrying out the authorised development) and 28 (TP of land for maintaining the authorised development).
- 6.4.11. Whilst on this basis it is not necessary to assess the proposed development against these provisions, they provide a useful indication of how Parliament considers these matters should be addressed and how a balance can be struck between acquiring authorities and those whose interests are affected by the use of such powers.

The CA Guidance

- 6.4.12. In addition to the legislative requirements set out above, the CA Guidance sets out a number of general considerations which also have to be addressed including:
- Whether all reasonable alternatives to CA have been explored
 - Whether the applicant has a clear idea of how it intends to use the land subject to CA powers
 - Whether the Applicant can demonstrate that funds are available to meet the compensation liabilities that might flow from the exercise of CA powers, and
 - Whether the SoS is satisfied that the purposes stated for the CA and TP are legitimate and sufficiently justify the inevitable interference with the human rights of those affected
- 6.4.13. The ExA has taken all relevant legislation and guidance into account in the reasoning below and relevant conclusions are drawn at the end of this chapter.

6.5. EXAMINATION OF THE CA AND TP CASE

- 6.5.1. The ExA's approach to the question of whether CA powers should be granted, and if so what it should recommend to the SoS to grant, has been to seek to apply the relevant sections of the PA2008; notably s122 and s123, the CA Guidance, and the Public Sector Equality Duty (PSED) established by

the Equality Act 2010. In addition, in light of the representations received and the evidence submitted, to consider whether a compelling case has been made in the public interest, balancing the public interest against private loss.

- 6.5.2. In examining the application, the ExA considered all written material in respect of CA and TP and asked written questions regarding the justification of the need for the CA/TP in the ExA's first written questions (ExQ1) [PD-005] and the ExA's second written questions (ExQ2) [PD-008].
- 6.5.3. In addition, the issues were explored in further detail at Compulsory Acquisition Hearing (CAH) 1 [EV6-001].
- 6.5.4. By the end of the examination the applicant had reached agreement with the majority of the freehold owners of the land within the Order limits and is in advanced negotiations with the few remaining freehold owners. Whilst the applicant is continuing to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in the application in order to provide certainty that all the land required for the proposed development can be acquired in order to realise the proposal's significant public benefits.
- 6.5.5. One Affected Person, Mr Warburton, attended the Compulsory Acquisition Hearing held during the examination and raised a question in relation to the CA powers sought by the proposed development [EV6-002]. This concerned an area of land he joint owned and was the subject of his written representation [REP1-038]. In response to his question, the applicant confirmed that the land was outside the red line boundary for the proposed development and that it would have no powers to build in it.
- 6.5.6. The applicant sought to agree Protective Provisions with SUs and reached agreement with Anglian Water Services, Cadent Gas Limited and National Grid Electricity Distribution (East Midlands) PLC. The applicant was unable to agree them with three others, National Grid Electricity Transmission PLC, Network Rail Infrastructure Limited, UK Atomic Energy Authority and UK Fusion Energy Limited (together). The applicant reported in their final Section 127/138 Report [REP6-038] that despite engaging with the Undertakers in relation to Protective Provisions included at Schedule 10 to the Draft DCO [REP6-004] on 8 April 2026, no agreement had been reached.

The Applicant's Case

- 6.5.7. The applicant's general case for CA and TP is set out in its SoR [REP6-008]. Specifically, the applicant's case for the CA powers sought is set out in section 6 (Powers of Compulsory Acquisition) and section 9 (Case for the powers of acquisition sought). This sets out how the applicant considers that the proposals meet the tests set out in PA2008 s122 and the general considerations set out in the CA Guidance.
- 6.5.8. In summary, the applicant explains that all the land included within the Order land is needed to achieve the identified purpose of delivering the proposed development. The applicant also sets out that in the absence of powers of

CA, it might not be possible to assemble all of the land within the Order Limits, uncertainty will continue to prevail and its objectives, and those of Government policy, would not be achieved.

- 6.5.9. With specific reference to section 122, the applicant refers to the need for the proposed development in terms of ensuring meaningful and timely contributions to United Kingdom (UK) decarbonisation and security of supply. Specific reference is made to this need case being supported by NPS EN-1, and NPS EN-3.
- 6.5.10. The applicant refers to other public benefits including biodiversity net gain (BNG), and other benefits outlined in the Planning Statement. In this respect the applicant sets out at paragraph 5.54 of the SoR [REP6-008] that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictions) to be included in the Order. There is also a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the proposed development.
- 6.5.11. Whilst the applicant acknowledges that the use of CA powers would result in a private loss by those persons whose land or interests in land is compulsorily acquired, it considers that this loss would be outweighed by the public benefits that would arise.
- 6.5.12. As explained in Chapter 3 section 2 of this report regarding 'need', the ExA's view is that the proposed use and nature of the development establish a compelling case in terms of the land being needed for this purpose and being no more than is reasonably required to deliver the proposed development. However, in terms of the other public benefits referred to, these elements are justified reasons for CA and TP if the proposed use is itself justified.

General Adequacy of Site Selection and Alternatives

- 6.5.13. The CA Guidance indicates that the applicant should be able to demonstrate to the satisfaction of the SoS that all reasonable alternatives to CA (including modifications to the scheme) have been explored. The applicant sets out at section 11.5 of the SoR that all reasonable alternatives to CA have been considered.
- 6.5.14. In Section 7 of the SoR [REP6-008] the applicant sets out that it has undertaken a clear process to identify an appropriate site and has considered alternatives in doing so. None of the alternatives would provide the compelling benefits that the proposed development would provide or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations. Also, the applicant's use of CA powers is intended to be proportionate.
- 6.5.15. The ExA's consideration of the applicant's approach to alternatives to the proposed development is set in Chapter 3, section 2 of this report. This refers to the Environmental Statement (ES) Chapter 3 Site Description, Site Selection and Iterative Design Process [APP-061] and the Flood Risk

Sequential Assessment and Exception Test [APP-186 to APP-189]. These documents set out the applicant's rationale for site selection.

- 6.5.16. The lack of suitable sites resulting from this assessment meant that it was necessary to consider Grades 1, 2, and 3a agricultural land and consequently this is subject to CA. The applicant seeks to acquire the land and rights needed by voluntary agreement and to minimise the need for CA powers wherever possible. Where agreement has been reached, powers of compulsory acquisition are retained in case the owners (where agreement has been reached) do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across the order limits can be extinguished to the extent that it is necessary to do so. Overall, the applicant's SoR [REP6-008] at paragraph 11.5 concludes that all reasonable alternatives to compulsory acquisition have been explored. The ExA considers that given the national and local need for the proposed development, see Chapter 3 section 2 of this report, and its suitability for such use, and the support for it found in policy, the use of compulsory acquisition powers together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is justified.
- 6.5.17. Issues have been raised in relation to the approach to alternatives such as those raised by the Fields for Farming Community Group [RR-035]. However, the ExA has concluded that the applicant's approach to these matters complies with the CA Guidance in terms of being necessary and proportionate.
- 6.5.18. We note that there are a relatively modest number of landowners within the Order limits and that the applicant has entered into Option Agreements with all the landowners within them. The ongoing efforts to reach voluntary agreements with other APs during the examination indicate that reasonable alternatives to the use of CA/TP powers have been explored.

Availability and Adequacy of Funds

- 6.5.19. The applicant's Funding Statement [APP-045], responses to ExQ1 Q8.0.3 to 8.0.6 [REP2-052], and response to questions at CAH1 [EV6-001] explain that the applicant has access to finance to fund the works to be authorised by the Order.
- 6.5.20. The ExA concludes that, based on the information provided, the necessary funds would be available to the applicant to cover the likely costs of CA and to deliver the proposed development.

Conclusion on the generality of the case for CA and TP

- 6.5.21. Having considered the applicant's case for CA and TP against the requirements of legislation and guidance, the ExA is satisfied with the generality of the applicant's conclusions. However, final conclusions on CA and TP cannot be reached until individual objections and all other important and relevant considerations have been addressed.

CONSIDERATION OF INDIVIDUAL OBJECTIONS AND ISSUES

STATUTORY UNDERTAKERS

6.5.22. At the start of the examination, the following SUs objected or raised concerns about CA and TP proposals:

- Anglian Water Services Limited [RR-023]
- Cadent Gas Limited [RR-047]
- National Grid Electricity Distribution (East Midlands) PLC [RR-011]
- National Grid Electricity Transmission PLC (NGET) [RR-049]
- Network Rail (NR) Infrastructure Limited [RR-043]
- UK Industrial Fusion Solutions (UKIFS) Ltd [RR-046]

6.5.23. The ExA was kept updated throughout the examination on how matters were progressing with the APs referred to above by means of the Land and Rights Negotiations Tracker; the final version was submitted at DL6 [REP6-028]. Anglian Water Services [REP6-032], Cadent Gas Limited [REP6-053] and National Grid Electricity Distribution (East Midlands) PLC [REP6-058] subsequently withdrew their objections subject to their agreed Protective Provisions being included within the final DCO.

6.5.24. For the purposes of the applicant's Section 127/138 Report [REP6-038], paragraph 2.4, together, Network Rail, UK Atomic Energy Authority (UKAEA) and UK Fusion Energy Limited (UKFE) (together) (formerly UKIFS), and NGET are identified as the "SU(s)".

NGET

6.5.25. NGET submitted a relevant representation [RR-049] and made written and oral representations [REP2-069], [REP3-053], [REP4-005], [REP4-006], [REP4-006], [REP4-007]. NGET is not the freehold owner of any land affected by the proposed development. As such, the applicant does not seek any powers of CA or TP in respect of land owned by NGET. However, the applicant states [RE6-038], paragraph 3.10 that it requires powers of CA and TP over a number of plots containing existing NGET infrastructure in order to deliver the project, the relevant plots are listed in NGET' relevant representation [RR-049].

6.5.26. As explained at ISH3, and summarised at [REP4-031], the applicant recognises the need to secure protective provisions in respect of existing NGET infrastructure. However, there remains a dispute between the applicant and NGET as to whether the Steeple Renewables DCO should include protective provisions to protect future NGET assets relating to a project for which NGET intends to make an application for a DCO, known as the North Humber to High Marnham project (NHHM). The issue of NGET protective provisions is discussed in Chapter 7. However, as stated in the applicant's Section 127/138 Report [REP6-038], paragraph 2.7, for the purposes of Section 127, the applicant's position is that adequate protections for the benefit of the SUs are provided for within its DCO.

NR

- 6.5.27. There are still outstanding points of disagreement between the applicant and NR in respect of the protective provisions as included in Schedule 10 of the DCO. Regarding amendments to DCO paragraph 129(3), (regarding the restrictions on the use of CA powers), the applicant accepts NR's standard wording in paragraph 129(3) save for one minor, clarificatory amendment [REP6-038], paragraph 3.5 (a). These and other protective provisions are discussed further in Chapter 7.

UKAEA and UKFE (together)

- 6.5.28. At the end of the examination there were still outstanding points of disagreement between the applicant and UKAEA and UKFE (together) in respect of the protective provisions. With regard to land matters these relate to minor details relating to land plans. These and other protective provisions are discussed further in Chapter 7.
- 6.5.29. In conclusion, regarding the three SUs with which the applicant has not reached agreement, the applicant's position is that Section 127(3) is engaged in that the SUs Land subject to CA can be acquired from the SUs as it does not cause serious detriment to the carrying on of the undertaking [REP6-038], paragraph 2.8.

INDIVIDUAL LANDOWNERS

- 6.5.30. The only AP to raise a specific concern about CA and TP proposals [RR-036], stated that he is a joint owner of a small field in 'Area D' which the applicant would be given authority to 'compulsory purchase', as well as other plots, if the proposed development is granted. In response [REP1-008] (table 4-18 on page 326), the applicant stated that they have separately confirmed to the AP that no plot of land he owns is included within the order limits of the proposed development and will therefore not be the subject of any CA powers. In response to the ExA's question at CAH1 this was confirmed by the AP [EV6-002].
- 6.5.31. The ExA notes that in relation to plot 03/08 the applicant has agreed Heads of Terms, a voluntary agreement is with the respective solicitors for progression, and the applicant considers there is a high certainty agreement will be reached [REP6-010].
- 6.5.32. No objection or representation was made in respect of this plot. The land rights tracker [REP5-039] indicates that while the applicant has been engaged in negotiations with the owners, at the close of the examination, despite good progress, discussions were ongoing, and agreement had not been reached. However, there is nothing which would indicate that the CA of rights over this plot would be materially harmful to private interests.
- 6.5.33. As such, the ExA is satisfied that the plot is required to facilitate the proposed development. In view of the established need, the ExA is also satisfied that there is a compelling case in the public interest for the CA of rights over the land.

- 6.5.34. The ExA notes that in relation to plots 03/03, 03/11 the applicant states that a voluntary agreement has been reached on Heads of Terms and is now with solicitors, and considers there is high certainty agreement will be reached [REP6-010].
- 6.5.35. No objection or representation was made in respect of these plots. The land rights tracker [REP5-039] indicates that while the applicant has been engaged in negotiations with the owners, at the close of the examination, despite good progress, discussions were ongoing, and agreement had not been reached. However, there is nothing which would indicate that the CA of rights over these plots would be materially harmful to private interests.
- 6.5.36. As such, the ExA is satisfied that the plots are required to facilitate the proposed development. In view of the established need, the ExA is also satisfied that there is a compelling case in the public interest for the CA of rights over the land.

6.6. CONCLUSIONS

- 6.6.1. The ExA is satisfied that there is sufficient evidence that the CA powers sought over all of the land identified in the Land Plans and BoR would be required for the proposed development, to facilitate it or would be incidental to it. The ExA is therefore satisfied that the powers sought meet the condition set out in S122(2) of the PA2008.
- 6.6.2. All reasonable alternatives to CA have been explored. Given the national and local need for the proposed development and the support for it found in policy, as well as the suitability of the Order land (for the reasons outlined above), CA of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is justified.

Human Rights

- 6.6.3. The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK statute.
- Relevant provisions of the ECHR that are normally engaged by CA and/or TP proposals include: Protocol 1, Article 1: the right to peaceful enjoyment of possessions and not to be deprived of this except in the public interest
 - Article 6: the right to due process in civil proceedings, including a public hearing before an independent and impartial tribunal
 - Article 8: the right to respect for private and family life, home and correspondence, relevant where property that is a home is affected.
- 6.6.4. Section 10 of the applicant's SoR deals with Human Rights. It acknowledges that the DCO has the potential to infringe the rights of persons who hold interests in land within the Order Limits under Article 1 of the First Protocol, Article 6 and Article 8. It also includes consideration of compliance with the relevant provisions of the ECHR and fair compensation [REP6-008].

- 6.6.5. In terms of Article 1 the applicant has said they have explored all reasonable alternatives to CA (paragraph 11.5 of SoR [REP6-008]) and they also consider that there would be very significant public benefits arising from the grant of the DCO. The benefits would only be realised if the DCO is accompanied by the grant of powers of CA, which have allowed for APs to be heard fully, fairly and in public.
- 6.6.6. In terms of Article 6 the applicant states that proper procedures have been followed for both the consultation on the proposed development and for the determination of the CA powers included with the proposed development (paragraph 10.13 of SoR [REP6-008]).
- 6.6.7. In relation to Article 8, the Order land does not include, and the proposed development does not require, the acquisition of any residential dwellinghouses. Consequently, as no dwellinghouses will be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be engaged.
- 6.6.8. The ExA considers that the applicant has set out a compelling case in the public interest for the exercise of such powers of CA. Furthermore, the ExA considers that the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest.
- 6.6.9. The ExA concludes overall that there is a compelling case in the public interest for all of the land identified to be acquired compulsorily. Furthermore, the ExA considers that the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest. The ExA therefore concludes that the CA and TP sought is compatible with the Human Rights Act 1998 and the ECHR.
- 6.6.10. The Equality Act 2010 established the PSED. This is a legal obligation to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. In response to ExQ1, 8.0.7 [PD-005], the applicant confirmed, that in developing the proposals for CA and TP, it had taken reasonable steps to ensure that all individuals engaged with were treated equally and without discrimination in their ability to be informed or to engage [REP2-052]. Additionally, the applicant described the methods of communication employed to identify relevant land interests and engage with them regarding the proposals. The applicant confirmed that to date there had not been any individual APs expressly identified as having protected characteristics defined under the Equality Act 2010.
- 6.6.11. Having considered all of the evidence submitted to the examination, the ExA has reached the following conclusions:
- The application site has been appropriately selected.
 - All reasonable alternatives to CA have been explored.
 - The applicant would have access to the necessary funds and the dDCO provides a clear mechanism whereby the necessary funding can be guaranteed.

- There is a clear need for all the land included in the BoR to be subject to CA or TP.
- There is a need to secure the land and rights required to construct, operate and maintain the proposed development within a reasonable timeframe, and the proposed development represents a significant public benefit to weigh in the balance.
- That in all cases relating to individual objections and issues, CA and TP is justified to enable implementation of the proposed development.
- The powers sought satisfy the conditions set out in s122 and s123 of the PA2008 as well as the CA Guidance.
- The powers sought in relation to SUs meet the conditions set out in s127 and s138 of the PA2008 and the CA Guidance.

6.6.12. Considering all of the above, the ExA finds there is a compelling case in the public interest for the CA and TP powers sought and the ExA recommends acceptance of the CA and TP powers proposed in the dDCO [REP6-004].

7. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

7.1. INTRODUCTION

- 7.1.1. This chapter provides an overview of the Development Consent Order (DCO). It provides a summary of the draft DCO (dDCO) as applied for, the examination of and changes made to the dDCO during the examination and reports on the more contentious parts of the dDCO where issues arose and disagreement remained at the close of the examination. It then goes on to set out the changes that the Examining Authority (ExA) would recommend to the applicant's final version of the dDCO [REP6-004] should the Secretary of State (SoS) decide to grant development consent. The ExA's recommended draft DCO (rDCO) is contained in appendix E of this recommendation report.
- 7.1.2. This section focuses on the main discussion points and contentious matters raised during the examination. It does not report on every change made. This is because many amendments were made to address typographical or referencing errors, provide slight revisions to drafting following discussions between the applicant and IPs, or to accommodate minor changes following discussions at issue specific hearings or written questions.

7.2. THE ORDER AS APPLIED FOR KEY DOCUMENTS AND STRUCTURE

- 7.2.1. The applicant submitted an initial dDCO [APP-041] and an Explanatory Memorandum (EM) [APP-042] as part of the application for development consent. Both were updated throughout the examination with the applicant's final versions of the dDCO [REP6-004] and EM [REP6-006] being submitted at deadline (DL) 6. The original dDCO and all subsequent revisions are drafted in the form of a statutory instrument.
- 7.2.2. The EM [REP6-006] describes the purpose and effect of each article of, and the schedules to, the dDCO and why the applicant considers that they are required. It also identifies and explains the departures from the now withdrawn Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. In addition, reference is made where drafting has precedent set by other orders made under the PA2008.
- 7.2.3. The articles in the applicant's final dDCO are structured as follows:
- Part 1, articles 1 and 2 which deal with preliminary matters including how the order may be cited, when it comes into force and the meaning of various terms used in the order
 - Part 2, articles 3 to 7 inclusive where articles 3 and 4 contain principal powers including development consent for the proposed development and allow it to be maintained. Article 5 sets out how the undertaker may transfer the benefit of the order. Articles 6 and 7 relate to the disapplication and modification of certain legislative provisions and defence to proceedings in respect of statutory nuisance respectively

- Part 3, articles 8 to 14 inclusive provide powers in relation to street works. These include the ability to carry out works within and alter the layout of streets, form and lay out new or improved means of permanent and temporary access, temporarily stop up streets and public rights of way, enter into agreements with street authorities and provisions relating to traffic regulations
- Part 4, articles 15 to 17 inclusive which set out supplemental powers relating to the discharge of water, undertaking protective works to buildings and the authority to survey and investigate land
- Part 5, articles 18 to 32 inclusive provide powers for the undertaker to be able to compulsorily acquire the order land and rights over and within it, including temporarily use of the order land for the construction or maintenance of the proposed development.
- Part 6, articles 33 and 34 allow the undertaker to operate the authorised development and fell or lop trees and remove hedgerows respectively
- Part 7, articles 35 to 44 inclusive provide various miscellaneous and general provisions

7.2.4. There are 12 schedules to the applicant's final dDCO, structured as follows:

- Schedule 1 provides the description of the authorised development
- Schedule 2, split into two parts, sets out the requirements and procedure for their discharge
- Schedule 3 lists the streets subject to street works under article 8
- Schedule 4, split into two parts, lists the locations of streets subject to permanent and temporary alteration under article 10
- Schedule 5, split into two parts, lists the locations subject to new or improved permanent and temporary private means of access under article 11
- Schedule 6 lists the locations of streets and public rights of way that would be temporarily stopped up under article 12
- Schedule 7 lists the plots as shown on the Land Plans [REP3-004] in which only new rights may be acquired under article 20 and for what purpose
- Schedule 8 sets out the modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants
- Schedule 9, split into two parts, lists the hedgerows as shown on the Tree retention and removal plan [APP-101] subject to removal under article 34 and the extent of removal required and for what purpose
- Schedule 10, split into 13 parts, provides protective provisions (PPs)
- Schedule 11 sets arbitration rules
- Schedule 12 lists the documents and plans to be certified

7.2.5. The structure of the dDCO is set out in the contents and listed on its face. Except for article 9 which is discussed further below, the ExA is satisfied that the structure of the dDCO is fit for purpose.

PARAMETERS OF THE DRAFT DCO AND ROCHDALE ENVELOPE

- 7.2.6. The applicant has not included a maximum limit on generating capacity in the draft DCO. This approach is consistent with NPS EN-3 paragraph 2.10.56 which advises that AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Instead, it indicates that applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application.
- 7.2.7. A 'Rochdale Envelope' approach has been used which assesses the maximum (and where relevant, the minimum) parameters, size, technology and locations of the proposed development. This approach, which is commonly adopted in energy generation projects, is to maintain greater flexibility at the detailed design stage due to the evolving nature of solar PV and energy storage technologies [APP-060] and [APP-062].
- 7.2.8. As explained in the design section above (section 3.3), outline design parameter and principles have been set out [REP2-031]. In addition, the applicant states in the EM [REP6-006] that it wishes to retain flexibility to construct the proposed development in phases, which would be secured under requirement 2 of part 1 of schedule 2 of the dDCO.

7.3. EXAMINATION OF AND CHANGES MADE TO THE DRAFT DCO

EXA'S EXAMINATION OF THE DRAFT DCO

- 7.3.1. The examination into the dDCO was undertaken in writing through two rounds of written questions and orally during an issue specific hearing (ISH).
- 7.3.2. The ExA asked around 65 questions in its first written questions (ExQ1) [PD-005] and around 13 questions its second written questions (ExQ2) [PD-008], which raised numerous technical and drafting matters. Key responses to these questions were received from the applicant [REP2-052] and [REP5-048], BDC [REP2-062], NCC [REP2-063] and [REP5-055], the EA [REP2-064] and [REP5-056] and NE [REP2-066]. A rule 17 letter [PD-010] requiring the applicant to set out outstanding areas of disagreement of drafting for PPs in a table format was responded to at DL6 [REP6-044].
- 7.3.3. Between the issuing of those questions, the ExA also held ISH 3 which focused solely on matters relating to the dDCO. The hearing was held to gain further understanding on the structure and content of the dDCO and ask questions on the powers sought by the applicant in respect of specific articles and requirements. The ExA also examined PPs relating to the North Humber to High Marnham (NHHM) project in further detail. The hearing agenda can be found at [EV8-001] and the recordings at [EV8-002] and [EV8-004].
- 7.3.4. On 30 March 2026, the ExA issued its proposed changes to the applicant's dDCO [PD-009] that was submitted at DL 5 [REP5-005]. Responses to the recommended amendments are considered in the sections below.

ITERATIONS OF THE DRAFT DCO

- 7.3.5. The applicant updated the dDCO 4 times during the examination at DLs 2, 3, 5 and 6 responding to matters raised in written and oral questions from the ExA and by IPs, submitting both clean and tracked changed versions. By the end of the examination, the applicant had submitted 5 iterations. In addition, the EM was updated 3 times at DLs 2, 5, 6. The applicant also provided a table of amendments to the dDCO with each revision (as requested in the ExA's procedural decision in its rule 6 letter ([PD-003], annex E).
- 7.3.6. The key documentation relating to the dDCO is set out in Table 4 below.

Table 4: Key DCO documentation submitted into the Examination

Version	Deadline	Examination Library (EL) Reference
Revision 1	Submission	Application dDCO [APP-041] EM Revision 1 [APP-042] DCO Validation Confirmation [APP-043]
Revision A	2	dDCO (clean) [REP2-007] dDCO (tracked) [REP2-008] EM Revision A (Clean) [REP2-009] EM Revision A (tracked) [REP2-010] Schedule of Changes Revision 1 [REP2-061]
Revision B	3	dDCO (clean) [REP3-005] dDCO (tracked) [REP3-006] Schedule of Changes Revision 2 [REP3-035]
Revision C	5	dDCO (clean) [REP5-005] dDCO (tracked) [REP5-006] EM Revision B (clean) [REP5-007] EM Revision B (tracked) [REP5-008] Schedule of Changes Revision 3 [REP5-041]
Revision D	6	dDCO (clean) [REP6-004] dDCO (tracked) [REP6-005] EM Revision C (clean) [REP6-006] EM Revision C (tracked) [REP6-007] Schedule of Changes Revision 4 [REP6-031]

Source: ExA generated using information taken from the EL and [APP-002]

NOTABLE CHANGES MADE TO THE DRAFT DCO

- 7.3.7. As noted above, the ExA does not report on every change made to the dDCO during the examination. In the interest of conciseness, Table 5 below provides a summary of the notable changes made throughout the examination, primarily in response to issues raised by the ExA (in written questions and orally in hearings) or submissions by IPs. A full list of all the changes made to the dDCO since the point of submission, and the reasons for each change, can be found in the final schedule of changes [REP6-031].
- 7.3.8. As evidenced in [REP6-031] and Table 5, many of the matters raised by the ExA and IPs were addressed by the applicant through drafting amendments to the dDCO. Where changes were not made, the applicant explained the reasons for this and in some cases added wording to the EM or relevant management plans secured by the dDCO to achieve the desired outcome.
- 7.3.9. The ExA is satisfied that the majority of these changes are justified by the evidence and have been incorporated in the ExA's rDCO, except where further discussed in the following sections below.

Table 5: Notable changes made to the dDCO throughout the examination

dDCO Revision/ DL	Summary of Notable Changes Made
A / DL2	• Preamble: Alterations to include project specific information • Amendments throughout the dDCO to remove reference to materially 'more adverse' environmental effects and replacement with materially 'different', in response to ExQ1 Q9.1.3 [PD-005] • Article 2: Addition, alterations, relocation and removal of various definitions in response to questions in ExQ1 and following applicant's review • Article 7: Inclusion of reference to paragraphs (d), (fb), and (ga) in addition to (g) of section 79(1) of the Environmental Protection Act 1990 • Article 9: Inclusion of new article 'Application of the 1991 Act' with all following articles subsequently renumbered • Article 10: Inclusion of paragraphs (4) to (7) to provide a process for obtaining consent from the street authority • Articles 15 and 17: Inclusion of new paragraphs requiring notification to the person or body of the time period for responding to applications for consent • Article 27: Removal of paragraphs (10) and (11) to remove entries included in error • Article 28: Inclusion of reference to maintenance period in paragraph (11), in response to ExQ1 Q9.2.27 • Relocation of 'Felling or lopping of trees or removal of hedgerows' from article 36 to article 34 and inclusion of paragraphs to ensure schedule 9 would be operative

dDCO Revision/ DL	Summary of Notable Changes Made
	- Article 43: Removal of previous 'inconsistent planning permissions' article in response to ExQ1 Q9.2.31 and replacement with 'planning permissions' - Schedule 1: Insertion of new and previous definitions from article 2 in responses to ExQ1 Q9.2.5, Q9.3.1 and Q9.9.3.2 - Schedule 2: Replacement of the word 'may' with 'can' and other alterations to various requirements to improve precision and inclusion of maintenance clauses, in response to suggestions made in ExQ1 - Schedule 2, requirement 21: Inclusion of new sub-paragraph to require a waste management strategy - Schedule 2, requirement 27: Inclusion of new requirement setting out details of consultation - Schedule 2, requirement 28: Inclusion of new sub-paragraph a statement to confirm whether it is likely that an application will give rise to any materially new or materially different environmental effects, in response to ExQ1 Q9.5.2 - Schedule 10: Addition of PPs for the protection of Railway Interests - Schedule 11: Amendment to paragraph 11 to stipulate the default for any arbitration hearings to be held in public, in response to ExQ1 Q9.7.1
B / DL3	Schedule 7: Removal and addition of plot references
C / DL5	- Schedule 2, requirement 3: Substitute reference to 'design parameters' with 'outline design principles' in sub-paragraph (2)(c), in response to ExQ2 Q.9.2.2, and addition of definition for "outline design principles" in article 2 - Schedule 2, requirement 9: Addition of Environment Agency as a consultee - Schedule 2, requirement 10: Addition of Nottinghamshire Fire and Rescue Service as a consultee - Schedule 2, requirement 16: Addition of Environment Agency as a consultee - Schedule 2, requirement 17: Various additions to include provision for additional trial trenching and clearer provisions to include in any written scheme of investigation, as requested by NCC - Schedule 2, requirement 19: Additions to sub-paragraph (2) to provide further clarity on works that would be permitted outside the hours referred to in subparagraph (1), in response to discussion during ISH3. - Schedule 10: Various alterations following agreed positions with parties

dDCO Revision/ DL	Summary of Notable Changes Made
D / DL6	• Preamble: Alterations to drafting in response to suggestions made in ExA schedule of changes [PD-009] • Article 12: Addition of new paragraphs (8) and (9) requiring notification of the time period for responding to applications for consent, in response to ExA schedule of changes • Article 34: Substitute 'near any part of the authorised development' with 'within or overhanging the Order limits' in paragraph (1) in response to ExA schedule of changes • Schedule 2, requirement 9: Include reference to 'lighting' in sub-paragraph (2)(a), in response to ExA schedule of changes • Schedule 2, requirement 18: Substitute 264 days with 364 days, except where the undertaker determines that closure is required for maintenance or an emergency, in response to ExA schedule of changes • Schedule 10: Various alterations following agreed positions with parties • Schedule 12: Completion of table with all documents to be certified

Source: ExA generated using information from tracked change dDCOs and [REP6-031]

7.4. EXA'S CONSULTATION DRAFT DCO

- 7.4.1. The ExA issued its schedule of recommended amendments to the applicant's draft DCO on 30 March 2026 [PD-009]. This set out 15 recommended changes in a table format which were drafted in light of matters arising out of hearings, written questions and comments from IPs.
- 7.4.2. The applicant responded at DL6 [REP6-043] accepting and amending some of the suggested changes, whilst rejecting others with an explanation. No substantive responses were received from any other IP on the ExA's recommended changes.
- 7.4.3. The applicant accepted the ExA's suggested amendments in row numbers 1, 2, 4, 6, 7, 9, 11, 12 and 14 and incorporated these changes into the dDCO at DL6 [REP6-004]. In respect of rows 13 and 15 (requirements 14 and 18), the ExA is satisfied with the applicant's responses and therefore no further changes are required to the rDCO.
- 7.4.4. Section 7.5 considers the applicant's responses to matters where it has rejected the ExA's recommendations in more detail.

7.5. MAIN ISSUES SUBJECT TO EXAMINATION AND OUTSTANDING ISSUES

- 7.5.1. This section considers the main issues arising in relation to the dDCO. It focuses on the issues the ExA considers to be significant because they gave rise to several questions or submissions or were outstanding matters of disagreement. The section does not report on every change or any questions that the ExA considers has been adequately justified by the applicant.
- 7.5.2. Based on the comments raised by IPs and the ExA's review of the dDCO, the key issues considered during the examination were:
- Article 6 - Disapplication and modification of legislative provisions
 - Article 9 - Application of the 1991 Act
 - Article 18 - Compulsory acquisition of land
 - Article 27 - Temporary use of land for carrying out the authorised development
 - Requirement 3 - Detailed design approval
 - Requirement 19 - definition of emergency works
 - Schedule 2, Part 2 - Procedure for discharge of requirements
 - Schedule 10 - Protective provisions

ARTICLES

ARTICLE 6 - DISAPPLICATION AND MODIFICATION OF LEGISLATIVE PROVISIONS

- 7.5.3. There were two aspects of article 6 that the ExA questioned during the examination; disapplying sections 23 and 66 of the Land Drainage Act (paragraphs (1)(a) and (c)) and the necessity of modifying Regulation 6 of the Hedgerows Regulations 1997 (paragraph (2)).
- 7.5.4. The applicant's response to ExQ1 Q9.2.10 (3) confirmed that they had not received consent to disapply section 23 of the Land Drainage Act 1991 from the Trent Valley Internal Drainage Board (TVIDB) or Lead Local Flood Authority (LLFA) being NCC [REP2-052]. Confirmation was received from NCC of its consent to disapply sections of the Land Drainage Act 1991 in [REP4-033]. Whilst the ExA initially recommended the removal of paragraphs (1)(a) and (c) in its Schedule of Changes to the dDCO [PD-009] due to the absence of consent from the TVIDB, the TVIDB subsequently confirmed consent to disapply section 23 of the Land Drainage Act in [REP6-043].
- 7.5.5. The ExA questioned the applicant on the necessity of modifying regulation 6 of the Hedgerow Regulations 1997 in paragraph (2) in ExQ1 Q9.2.11 [PD-005] and during ISH3 [EV8-002], noting the powers sought under article 34. The applicant explained the purpose was to ensure that the Hedgerow Regulations 1997 and the dDCO can be read together, rather than being inconsistent [REP2-052]. The applicant further stated that the provision was preceded in other made DCOs [REP4-031].

- 7.5.6. The ExA recommended removal of paragraph (2) in its Schedule of Changes to the dDCO [PD-009] as it considered the modification did not appear to be necessary, due to the provisions in article 34. The applicant's response [REP6-043] maintained that the modification would provide useful clarification on how the dDCO and the Hedgerow Regulations interact. The applicant outlines its concerns that uncertainty could arise whether a licence would still be required in the absence of the modification. The applicant considers it prudent to put beyond doubt that a licence would not be required for proposed works to hedgerows that would be permitted under article 34. As a minimum, the applicant suggests that consideration be given to making explicit reference to article 34 to ensure no ambiguity between the Hedgerow Regulations and the dDCO.

ExA Considerations - Article 6

- 7.5.7. Following confirmation from NCC and the TVIDB of their consent to disapply provisions within the Land Drainage Act 1991, the ExA is satisfied that those provisions can remain within paragraph (1) of article 6.
- 7.5.8. Turning to modifying the Hedgerow Regulations, regulation 6 of the Hedgerow Regulations 1997 sets provisions where works to hedgerows are permitted, such as if a planning permission has been granted. Whilst the ExA fully recognises the applicant's intentions, noting that the provisions in the dDCO would become a statutory instrument, if consented, and that there has been a variation in approaches between different DCO's, the ExA is not entirely convinced that the modification is strictly necessary to ensure the referred to licensing requirements would not apply. The ExA therefore recommends the removal of this provision in its rDCO.

ARTICLE 9 - APPLICATION OF THE 1991 ACT

- 7.5.9. NCC's draft LIR [REP1-014] requested that any street works be subject to the Nottinghamshire County Council Permit Scheme Order 2020, which is made under Part 3 of the Traffic Management Act 2004. NCC referred to precedent in article 9 of the made Tillbridge Solar Order 2025 which applies the relevant permit scheme. In response to ExQ1 Q9.2.12 [PD-005], NCC provided details of the wording it was seeking to an article [REP2-063].
- 7.5.10. The applicant does not consider application of the permit scheme would be appropriate, stating its purpose is to allow councils more involvement in the planning and execution of works to reduce congestion and control any potential disruption. The applicant considers the national need for the proposed solar infrastructure means it would be inappropriate for them to obtain permits on the same basis as other statutory undertakers, which has the capability to introduce delay to any construction timetable. Furthermore, the applicant explains that the purpose of introducing permit schemes was to introduce further controls to councils that did not exist, which would not be the case for the proposed development as the dDCO includes provision for a CTMP which would include similar controls to a permit scheme [REP2-050].
- 7.5.11. The applicant considers that procedures set out in the New Roads and Street Works Act 1991 (the 1991 Act), rather than the permit procedure, would be
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more appropriate. It subsequently added this provision to article 9 of the DL2 dDCO [REP2-007], citing precedent in other made solar DCOs including Byers Gill, Helios and Oaklands.

- 7.5.12. The ExA sought further clarification from NCC and the applicant on the differences between the two approaches during ISH3 [EV8-002]. NCC advised it was seeking application of the permit scheme to maintain a consistent co-ordinated approach between different projects. In response to action point 3, NCC advised the timescales for issuing a permit is within 5 days [REP4-001]. Other IPs, such as [REP4-003] and [REP4-018] supported inclusion of applying NCC's permit scheme on road safety grounds and to minimise potential disruption on local roads.
- 7.5.13. The applicant maintained its need for flexibility, unnecessary duplication with measures already proposed in the dDCO and adoption of the 1991 Act was not uncommon in made DCOs as reasons why it did not support inclusion of a permit scheme [REP4-031]. Notwithstanding its position, the applicant suggested amendments to NCC's preferred wording incorporating reference to the 5-day timescale and waiving the requirement to pay any fee, should the ExA be minded to support NCC's preferred wording [REP5-047].
- 7.5.14. In its schedule of changes [PD-009] (No.5), the ExA recommended that application of the 1991 Act in article 9 be substituted by application of the permit scheme, but with some modifications to NCC's suggested wording. The ExA made this recommendation to ensure consistency of approach for NCC in managing works between different proposed and consented projects and noting the inclusion of the relevant permit scheme on other made and similar proposed solar orders. The ExA also considered the inclusion would not undermine the 'one stop shop' principle of DCO's as the suggested wording would include powers bespoke to the dDCO.
- 7.5.15. The applicant noted the ExA's reasoning and comments, notwithstanding its previous position made throughout the examination which remained [REP6-041]. It accepted the removal of the clause waiving the requirement to pay a fee but provided suggested amendments to the drafting. In particular, if application of the permit scheme is to be included within the rDCO, the applicant requests that an article applying the 1991 Act is also included in the event that NCC's permit scheme does not continue to be in force throughout the lifetime of the proposed development [REP6-043].
- 7.5.16. At the close of the examination, the request for inclusion of the permit scheme remained an area of disagreement in the SoCG between the applicant and NCC [REP6-034] (issue NCC 4.2).

ExA considerations - Article 9

- 7.5.17. The ExA remain of the view that to ensure consistency in approaches between projects and to allow works in streets to be considered by the street authority in a co-ordinated manner, that it would be appropriate for application of the permit scheme to be included in the rDCO. Furthermore, given the 5-day timescale for NCC to respond to permit applications, the ExA

does not consider that applying the permit scheme would result in material delays to any construction programme.

- 7.5.18. The ExA considers that the applicant's suggested drafting changes would improve precision from that initially suggested and therefore considers they should be incorporated into the rDCO. In respect of whether it is also necessary to include application of the 1991 Act in the event that NCC's permit scheme no longer applies, the ExA considers this would add a degree of clarity and flexibility if this situation was to arise and has therefore incorporated this suggestion in the rDCO.

ARTICLE 18 - COMPULSORY ACQUISITION OF LAND

- 7.5.19. The ExA notes that the SoS has added a clause to similar articles in other made Orders, such as 'The Helios Renewable Energy Project Order 2025' (article 20) and 'The Fenwick Solar Farm Order 2026' (article 21), stipulating that compulsory acquisition does not apply in relation to any mine or minerals rights. The ExA therefore asked the applicant in ExQ2 Q9.1.3 [PD-008] whether a similar clause is required in the dDCO.
- 7.5.20. The applicant [REP5-048] strongly resists any similar changes to the dDCO. The applicant states it is not seeking "mines and minerals rights" but the full freehold title of land, free from encumbrances, including mines and minerals rights, and its ability to acquire a clean freehold title would enable it to remove mines and mineral rights from the title.
- 7.5.21. The applicant further advises that the dDCO [REP6-004] includes the Mineral Code (in article 32) in the Acquisition of Land Act 1981, which notes that an acquiring authority is not entitled to mines under acquired land unless they have been expressly purchased. The applicant states unless mines or minerals interest is specifically noted in the book of reference, the undertaker would have no recourse to acquire that interest. The applicant also refers to the provisions of paragraph 3 of the Minerals Code and the process for owners of any mines or minerals to provide notice and obtain compensation.
- 7.5.22. The applicant considers that the wording added to the aforementioned cuts across a 'well-established' regime of allowing compulsory acquisition of interests upfront, subject to compensation whilst also providing for a failsafe in respect of unknown interests. The applicant considers that the ability to clean title and compensate mines and minerals holders at that early stage is a justifiable position.

ExA considerations - Article 18

- 7.5.23. Whilst provision has been made to remove compulsory acquisition of mine or minerals rights in some recent solar DCO's, it has been included in other made orders and it is the ExA's understanding that it was part of the model provisions.
- 7.5.24. In this case, the ExA notes that the Book of Reference [REP6-010] includes acquisition of the freehold for mines and minerals for some plots. The ExA notes the comprehensive response provided by the applicant and,

recognising the lack of objection from any affected person for the applicant to compulsorily acquire any minerals or mines under land, has no reason to disagree with the provisions within the dDCO [REP6-004].

ARTICLE 27 - TEMPORARY USE OF LAND FOR CARRYING OUT THE AUTHORISED DEVELOPMENT

- 7.5.25. In its Schedule of Changes to the dDCO [PD-009] (row 8), the ExA recommended changing the 14-day period stipulated in paragraph (3) to 28 days, noting the trend in more recently made solar DCO orders and the absence of justification for the requested period in the EM [REP5-007]. Typographical errors to paragraphs (7) and (8) were also recommended.
- 7.5.26. The applicant commented that out of 16 solar DCO's, it found identified 7 which contain a 14-day period with 8 containing 28 days. The applicant advised it is aware of no affected person who raised comments requesting a 28-day period. The applicant states that if there is a preference for 28 days, this should be supported by law or policy and considers that neither is the case. Therefore, the applicant resists the suggested change [REP6-043].

ExA considerations - Article 27

- 7.5.27. The ExA notes that neither the applicant's response, nor paragraph 6.135 of the EM [REP6-006], provides a justification for the 14-day period sought; particularly noting article 28 stipulates a 28-day period for serving a similar notice in respect of maintenance.
- 7.5.28. Nevertheless, the ExA recognises that there is a variation in time periods across made DCOs. The 14-day period has not been subject to objections from affected persons. As such, the ExA accepts the 14-day period proposed in this instance.
- 7.5.29. The dDCO submitted at DL6 [REP6-004] has not incorporated the changes to paragraphs (7) or (8) to address typographical errors. The ExA therefore considers these should be taken forward in the rDCO.

SCHEDULE 2 - REQUIREMENTS

REQUIREMENT 3 - DETAILED DESIGN APPROVAL

- 7.5.30. The ExA suggested an additional criterion to sub-paragraph (2) to require the details submitted with the detailed design to accord with any details approved under paragraphs 6 (Landscape and ecological management plan), 15 (Fencing and other means of enclosure), 16 (Surface and foul water drainage) and 17 (Archaeology) of this Schedule. This was suggested to ensure that details proposed and thereafter approved under those paragraphs are properly incorporated into the detailed layout.
- 7.5.31. The applicant strongly objected to the suggested change. The applicant argues that it would create a complex sign off procedure with the effect being that the applicant would have to obtain approval for requirements 6, 15, 16 and 17 prior to making an application for discharge of requirement 3. The

applicant is concerned that the drafting would introduce complication and delay [REP6-043].

- 7.5.32. The applicant also comments that there is a functional issue in that plans, such as the LEMP, may need to rely on detailed design measures to be progressed under requirement 3. The applicant states that the progress of requirements needs to be done in parallel. The applicant also notes that the dDCO would ensure that commencement cannot occur until the requirements are discharged, ensuring totality across them [REP6-043].

ExA considerations - Requirement 3

- 7.5.33. The ExA disagrees that the suggested change would introduce complexity and delay. That is because, as the applicant notes, development would not be able to commence until all requirements are discharged.
- 7.5.34. Fundamentally, it is unclear to the ExA how the detailed design requirement could be properly discharged without incorporating the details in requirements 6, 15, 16 and 17. The detailed design should be worked up in a holistic manner when all details are known. Furthermore, there are matters within those requirements that would directly influence the details required under sub-paragraph (1), such as the proposed layout (particularly archaeology and accounting for trial trenching results), drainage (referred to in paragraph 3(1)(h)) and landscaping (referred to in paragraph 3(1)(i)). Requirement 15(1) also already cross-refers to requirement 3.
- 7.5.35. The ExA therefore considers that the suggested changes would be necessary and would provide clarity to the detailed design rather than introduce confusion. However, the ExA acknowledges the applicant's concern regarding reference to 'approve' and has therefore removed this term in its rDCO to allow for some flexibility in consenting arrangements.
- 7.5.36. The ExA has concluded in the design section that after contemplating the evidence presented during the examination, elements of the final detailed design would benefit from a design review process. The ExA has therefore suggested wording in its rDCO for the SoS to consider taking forward. As this has not previously been put before parties, the SoS may wish to consult the applicant and IPs on the suggested wording.

REQUIREMENT 19 - CONSTRUCTION HOURS

- 7.5.37. Recognising the concerns raised by IPs regarding construction operations, the ExA questioned the applicant on the scope of "emergency works" (sub-paragraph 2(d)) in ExQ1 Q9.4.17 [PD-005] and during ISH3 [EV8-002]. Through its responses [REP2-052] and [REP4-031], the applicant explained that "emergency works" is a routine term made throughout construction agreements, and it would not be appropriate to provide a definition. The applicant considers it important the term is flexible to react to different situations that could arise without the need for a consent procedure. The applicant referred to powers the local authority would have if they considered any works that were undertaken were not an emergency, or could be audible

outside of prescribed times, and considered these provided adequate control measures.

- 7.5.38. In response to the ExA's suggestions during ISH3, sub-paragraph (2) was expanded in the DL5 dDCO [REP5-005] to specify certain works that could be undertaken outside of prescribed times to provide greater clarity.
- 7.5.39. IP's, such as [REP4-018] also raised concerns regarding the effectiveness of the 72-hour period stated in sub-paragraph (3). The applicant considers 72 hours to be an appropriate period which would allow for a weekend gap between works and notice. The applicant further explained that the notification would not be linked to a 'consent' procedure but rather is a post-action notice requirement to ensure that the local planning authority is made aware of any actions taken under emergency powers [REP4-031].

ExA considerations - Requirement 19

- 7.5.40. The ExA is satisfied that due to the different nature of emergency works that could arise, and its use throughout construction, it should not be too strictly defined to enable flexibility for any emergency works to be appropriately undertaken.
- 7.5.41. Whilst the ExA is not persuaded that the applicant has provided a strong justification for the 72-hour period stipulated, the ExA is aware that the period has precedent in other made DCOs, such as the Little Crow Solar Order 2022. Furthermore, the ExA recognises that the provisions in requirement 19 should be read alongside the measures required in the CEMP that would be secured under requirement 7, particularly the need for community liaison and a complaints procedure. The ExA is satisfied that these provisions should adequately reduce the potential for any emergency works to result in significant disruption to communities.

SCHEDULE 2 PART 2 - PROCEDURE FOR DISCHARGE OF REQUIREMENTS

- 7.5.42. NCC advises in its LIR [REP1-014] [REP2-063a] that several of the requirements, such as 8, 13 and 16, relate to their responsibilities and should be discharged by them, and also receive required fees rather than the LPA. NCC also reiterates comments it made during the preliminary meeting (PM) that proposals are being developed to reorganise local government which, if implemented, would result in a single tier authority.
- 7.5.43. In addition, NCC raise concerns over the 8-week period for discharging of requirements set out in requirement 28. NCC highlight resourcing implications and consider that a default period of 16 weeks, equivalent to planning applications subject to major EIA development, would be more appropriate with an 'absolute minimum' of 10 weeks to match that in the Tillbridge Solar Order 2025. [REP1-014] and [REP2-063a].
- 7.5.44. The applicant does not agree with NCC's position [REP2-050]. The applicant considers the responsibility for discharging rests with the local planning authority, with NCC recorded as a consultee on matters related to their

functions. The applicant advises that "local planning authority" is defined in the dDCO as the local planning authority (as defined in section 336 of the Town and Country Planning Act 1990) for the area to which the provision relates to and not explicitly BDC. This would mean that the DCO would be flexible to account for any change in organisational structure.

- 7.5.45. The applicant also rejects NCC's request for additional time to discharge requirements, highlighting that requirement 28(1)(c) provides for a longer period if necessary [REP2-050].
- 7.5.46. Following further discussion on the discharging requirements during ISH3 [EV8-004], NCC advised in response to the ExA's question that it did not have jurisdiction over discharging conditions relating to planning applications involving matters falling within its remit, such as highways, but provided input as a consultee. In its responses to action point 12 [EV8-006], NCC provided an example of wording attached to the made Tillbridge Solar Order 2025 which sets out different discharging requirements between different tiers of councils relevant to that location. If such a mechanism was attached to the proposed dDCO, then NCC is satisfied there would be no reason to change the requirement relating to fees [REP4-001].
- 7.5.47. The applicant advises in its response to action point 12 [EV8-006] that it does not consider that the requirement to consult NCC should be attached to requirement 3, and are not aware of any other requirements for NCC to be listed as a consultee except requirements 8 and 13 [REP4-031].

ExA considerations - Procedure for discharge of requirements

- 7.5.48. The ExA is satisfied that reference to 'relevant planning authority' is suitable as it provides flexibility to whoever maybe the discharging authority. That is particularly important recognising NCC's comments in its LIR, and during the PM, of the proposals for restructuring of the councils to a single tier authority.
- 7.5.49. As NCC explained to the ExA during ISH3, where BDC are a discharging authority that requires input from NCC in its statutory role, such as highway matters, it consults the NCC. The ExA is satisfied that the drafting in the dDCO, particularly through schedule 2, part 2, paragraphs 26 and 27, would allow NCC to fully engage in the discharge of requirements relevant to its functions as the undertaker would be required to consult with that body prior to making any application.
- 7.5.50. For these reasons, the ExA is satisfied with discharging provisions in the dDCO and does not consider it necessary to split the discharge of certain requirements between different planning authorities.
- 7.5.51. The ExA notes the applicant's comments regarding requirement 3 and that it is not aware of NCC requiring to be consulted other than on requirements 8 and 13. However, NCC's LIR also identifies requirement 16 in their capacity as lead local flood authority (LLFA). The ExA therefore considers it necessary to add reference to consult the LLFA to this requirement, also recognising the different functions between the LLFA and EA in assessing

surface water matters. In addition, given the reference to access and parking details in requirement (3)(f), which falls within NCC's remit as highway and street authority, the ExA considers it necessary to ensure they are consulted on those matters. These changes are recommended in the ExA's rDCO.

SCHEDULE 10 - PROTECTIVE PROVISIONS

- 7.5.52. Schedule 10 contains PPs for statutory undertakers (SUs) and their apparatus and PPs for other bodies whose equipment may be affected by the proposed development. At the close of the examination, agreement had been reached between the applicant and all the parties subject to the PPs set out in parts 1 to 6 and 8 to 10 inclusive of schedule 10 of the dDCO. The DL6 version of the Land and Rights Negotiations Tracker [REP6-028] sets out the applicant's position with SUs at the close of the examination.
- 7.5.53. In summary, no substantive comments were received in respect of the wording for Parts 1 to 3. The parties affected by parts 4 to 10 confirmed their final positions, including removal of previous objections, as follows:
- Part 4 - For the protection of the Trent Valley Internal Drainage Board: Confirmation of agreement to PPs attached to its letter [REP6-042], which are contained in the dDCO
 - Part 5 - For the protection of National Grid Electricity Distribution (East Midlands) Plc: Confirmation of agreement to PPs and removal of previous objection in [REP6-058]
 - Part 6 - For the protection of Cadent Gas Limited: Confirmation of agreement to PPs and removal of previous objection in [REP6-053]
 - Part 8 - For the protection of Anglian Water Services Limited: Signed SoCG (issue AW 3) confirms agreement on bespoke PPs for Anglian Water [REP6-032]
 - Part 9 - For the protection of West Burton Solar Project Limited: Confirmation of agreement of PPs [REP5-063]
 - Part 10 - For the protection of EDF Energy (Thermal Generation) Limited: Confirmation of agreement to PPs and removal of previous objection [REP6-054]
- 7.5.54. At the close of the examination, PPs were not agreed with the following parties, which are considered in turn:
- National Grid Electricity Transmission Plc (NGET) - Schedule 10, Part 13
 - Network Rail - Schedule 10, Part 11
 - UK Fusion Energy Ltd - Schedule 10, Part 12
 - Exolum Pipeline System Ltd (EPS) - Part 7
- 7.5.55. As requested by the ExA [PD-010], the applicant has provided a table in appendix 5 of the Section 127/138 Report [REP6-038] which focuses on the areas of disagreement on drafting for PPs between the applicant and SUs. The ExA has taken this table and updated it to include the final position of SUs provided at DL6 and added a column containing the ExA's conclusions on its preferred drafting, which is contained in appendix D.

- 7.5.56. The below subsections provide a summary of the main issues and the ExA's conclusions, with more detail provided in the accompanying table.

NGET

- 7.5.57. NGET's RR [RR-049] states that it owns and operates one 400kVA substation and multiple 400kV overhead lines within and in close proximity to the Order limits. It also advises that it is proposing the North Humber to High Marnham (NHHM) project where there would be a number of interactions with the proposed development.
- 7.5.58. In short, the NHHM project is a proposed NSIP that would involve constructing a new high voltage electricity transmission line and associated works between a new Birkhill Wood Substation in the East Riding of Yorkshire and a new substation a High Marnham in Nottinghamshire. The project is required to increase the capability of the electricity transmission network between the north of England and the Midlands as part of the Great Grid Upgrade.
- 7.5.59. Further details of the NHHM Project, including consultation undertaken, preferred route alignment and the interactions with the proposed development, is contained in NGET's submissions [RR-049] and [REP3-053]. The applicant also sets out a detailed summary of the NHHM project and the interactions between the proposed development in its response to ExQ1 Q.7.0.4 [REP2-052] (electronic page 239 onwards).
- 7.5.60. NGET requires PPs for both retained and proposed apparatus. It objected to the proposed development in its RR [RR-049] as the dDCO submitted with the application [APP-041] did not include suitable PPs for the benefit of existing and future NGET assets.
- 7.5.61. The appropriateness of attaching PPs to the dDCO for the benefit of NGET in respect of its future assets, and primarily the NHHM project, was a major area of disagreement between the applicant and NGET throughout the examination; in addition to the applicant's disagreement over the proposed route alignment for the NHHM project through the proposed development.
- 7.5.62. The examination into the appropriateness of PPs was held during CAH1 [EV6-001], [EV6-002] and [EV6-004] and ISH3 [EV8-001] and [EV8-004] where the ExA heard oral submissions from the applicant, NGET and, in ISH3 only, SNSE Limited and SNSD Limited. Subsequently, the ExA asked a series of questions to the applicant and NGET in ExQ2 [PD-008] focusing on the principle and necessity of attaching PPs to the dDCO (Q7.2.1 - 7.2.7).
- 7.5.63. The applicant set out its objection to the principle of PPs initially in [PDA-001] and thereafter during ISH1, CAH1, ISH3 and in [REP1-008] (table 2-18), [REP2-052], [REP4-031], [REP-047] (tables 2-4, 2-5 and 2-6), [REP5-048], [REP6-038], [REP6-040] (table 2-2) and [REP6-041] (section 12), the latter of which provides a useful summary of the applicant's position made throughout the examination. Across those submissions, the applicant's key points of its case are:

- It is not necessary or appropriate to impose PPs for the protection of uncertain future NGET infrastructure associated with the NHHM project
- The applicant and NGET agree that s127 and 138 of the PA2008 do not apply to land or apparatus that may be owned by a statutory undertaker in the future (see [REP4-031] page 44, [REP4-007] paragraph 20, and [REP4-004] page 3)
- NGET's preferred route, which has yet to be formally confirmed, to the east of the railway line would interact with a significant proportion of the proposed solar arrays; the applicant has argued to NGET for the route to be relocated further west ('landowner alternative route'), reducing impacts on the applicant's proposed development
- It is predicted that the effect of NGET's preferred route would sterilise approximately 50ha of the Order limits, with an approximate loss of 49.9MW and yield over the lifetime of the project (40yrs) of 1899.1 GWh/yr, with a loss of circa £2.6m per year in revenue
- NGET's preferred PPs [REP5-057] over an unspecified area of land would prevent the undertaker from:
 - acquiring any land within the Order limits, without NGET's consent, which may be needed for a future NGET project, the final routing and design of which are uncertain
 - carrying out any works which may be within a certain distance of or adversely affect NGET's future apparatus, the location of which is unknown
 - being able to properly implement its construction programme with resultant delays in commissioning and delivering low carbon energy
- The level of protection requested by NGET would result in the applicant only being able to commit to a final design and commence construction in an as-yet undefined overlap area, with the obligation on NGET not to unreasonably withhold consent providing it powers to require the applicant to defer detailed design until after NGET has secured its own DCO
- NGET's DL3 submission suggests it would be willing to pay compensation, although its preferred PPs [REP5-057] contains no such provision
- NGET's preferred PPs is asking the SoS to impose PPs that give NGET rights over land it does not own and which its public interest justification, including route selection and assessment of alternatives, has not been properly interrogated; the applicant's opportunity to test this would be deprived
- It is not appropriate for NGET to safeguard or seek to compulsorily acquire land 'by the back' door through PPs on the applicant's DCO, without having established a case in the public interest for doing so
- The applicant is not aware of any precedent where PPs have been imposed for the protection of future assets in the face of outstanding objections from an applicant – The made 'Awel y Mor' and 'Mona' DCOs as referred to by NGET were agreed with the applicant and included side agreements but the made 'Viking CCS' DCO (reproduced in [REP3-052], pdf page 399) did not impose proposed PPs for future assets

- Any necessary PPs and interface agreements could be reasonably secured through the NHHM application
- Overall, the applicant strongly objects to the imposition of any PPs for the protection of future land and assets associated with the NHHM project

7.5.64. NGET sets out its case for requesting PPs in [RR-049], [REP2-069], [REP3-053], [REP4-005], [REP4-006], [REP4-007], [REP5-057], [REP6-055], [REP6-056] and [REP6-057] and during ISH1, CAH1 and ISH3. Across those submissions, and in addition to the general principles already covered above, NGET's key points of its case are:

- The NHHM project has been in development for several years and NGET has engaged with the applicant as set out in table 1 in [REP3-053]
- The NHHM project is required to maintain energy security and supply standards, due to the growth in onshore renewable technologies, and scale up the grid and NGET's existing networks to deliver NESO's Electricity Ten Year Statement 2024 and the government's Clean Power 2030 Action Plan
- NGET predicts that the proposed NHHM project would affect approximately 100.05 acres of the proposed development's area, representing 4.56% of the Order limits although approximately 36.81 acres (1.68% of the total land area) would be required permanently; not as significant as asserted by the applicant
- NGET considers that both the proposed NHHM project and proposed development can co-exist during both construction and operational phases, and that steps can be taken to mitigate the impacts on both schemes
- PPs for the protection of assets that have not yet been built is preceded in previous DCOs, having been included in the made 'Awel Y Mor' and 'Mona' Offshore Wind DCOs; the fact that such assets were required to facilitate those particular schemes is not considered relevant
- NGET acknowledges that PPs for future assets was not attached to the 'Viking CCS' DCO although the assets in question, which included NHHM, were at a very early stage; this is not the case now as the statutory process for applying for a DCO in respect of NHHM is now well advanced
- NGET submits that irrespective of those precedents, the PPs sought in respect of NHHM should be imposed having regard to the critical need for the vital infrastructure which NHHM represents, as supported in NPS EN-1 (paragraph 4.11) and EN-5 (paragraph 2.7)
- The effect of granting PPs in the form sought by NGET would reduce uncertainty for the applicant, as the requirements in relation to NHHM would be known and provisions relating to cooperation during construction could be in place
- Conversely, the absence of PPs would give uncertainty for the applicant, as the NHHM project would need to address the interaction between the two projects through its own DCO application, leaving the applicant without clarity
- Attaching PPs to the proposed Steeples dDCO would not result in unnecessary duplication nor 'compulsory acquisition through the back door' as the PPs are intended to provide a framework for the two projects

to coexist during both the construction and operational phases, including mechanisms for consultation, cooperation and dispute resolution, which are not functions that can be considered through compulsory acquisition

- Given the critical national importance of the NHHM, PPs to protect and enable it are considered appropriate

- 7.5.65. SNSE Limited and SNSD Limited, who are landowners for both the proposed development and parts of the NHHM project, provided verbal evidence at ISH3 [EV8-004], followed by written evidence at DL4 [REP4-013] and responses to ExQ2 in [REP5-061]. Overall, it fully endorsed the applicant's position regarding resisting the imposition of PPs for future assets which may come forward as part of the NHHM Project due to concerns regarding NGET's preferred route through the proposed development.
- 7.5.66. In ExQ2 Q7.2.7 [PD-018], the ExA queried whether any PPs that may be imposed in favour of NGET should be accompanied by a plan that specifically identifies areas that may be affected.
- 7.5.67. The applicant notes that NGET's draft PPs do not define a route by reference to a plan or with any degree of specificity. The applicant acknowledges, without prejudice to its primary argument, that such a plan would reduce potential adverse effects to some degree albeit not entirely [REP5-048]. The applicant's position is that any PPs should be accompanied by a plan that specifically identifies the area subject to PPs so as to reduce some of the uncertainty on its proposed development [REP6-040] and [REP6-041].
- 7.5.68. NGET does not consider any PPs should be accompanied by a plan as an application for its scheme has yet to be made. It states that the route is still being finalised and the precise area affected is a matter of technical detail which is evolving through its design process, which would be fixed when NGET's alignment is finalised at DCO submission. Ultimately, NGET considers the PPs are to set a framework for coordination rather than defining fixed boundaries [REP5-057].
- 7.5.69. At the close of the examination, the appropriateness of attaching PP in respect of the NHHM project in principle remained an area of disagreement between the applicant and NGET. Nevertheless, as requested by the ExA in action point 5 to CAH1 [EV6-006], progress was made between the applicant and NGET on setting a framework of 'without prejudice' PPs.
- 7.5.70. NGET provided a full copy of its preferred drafting of PPs highlighted in red in the appendix to [REP5-057]. The applicant included its 'without prejudice version' of PPs in appendix 3 of its Section 127/138 Report [REP6-038], with additions it was seeking to NGET's preferred version highlighted in red. The applicant stresses the 'without prejudice' version does not change its fundamental objection to the principle of attaching PPs for future assets, stating PPs should be included relating to NGET's existing assets only.
- 7.5.71. Following its DL5 submission, NGET agreed to the principle of a compensation clause in its DL6 response [REP6-055] and [REP6-047] to be inserted into paragraph 11(6) of the without prejudice PPs.

- 7.5.72. In respect of PPs relating to NGET's existing assets, there were no substantive areas of disagreement remaining. These have been included in Schedule 10, part 13 of the dDCO [REP6-004].

ExA Considerations - NGET

- 7.5.73. It is clear to the ExA that the proposed NHHM project is of strategic importance as part of NGET's requirements to improve grid capacity.
- 7.5.74. The ExA considers that there is not a legal barrier to providing PPs in relation to future development. NGET has pointed to relevant precedents in the made 'Awel y Mor' and 'Mona' made DCOs for protecting infrastructure that has yet to be constructed. The ExA recognises the situation with the 'Viking CCC' made DCO although notes that future assets in that scheme were at a less advanced stage. While an application for the NHHM application had not been made at the close of the examination, the evidence presented during the examination demonstrates this project is progressing with consultation having taken place and an application anticipated to be submitted during 2026.
- 7.5.75. The framework for agreeing seeking agreement in writing in respect of acquisition of land under paragraph 6(2) of NGET's preferred PPs [REP4-005], which includes an obligation to seek agreement, NGET's agreement not to be unreasonably withheld or delay, a duty to cooperate, and dispute resolution, all support a view that including the PPs for the future project is not unreasonable.
- 7.5.76. Overall, noting the strategic importance of the NHHM project, the ExA considers that it is entirely sensible for PPs to be attached which would provide a framework for the two projects to coexist during both the construction and operational phases, including mechanisms for consultation, cooperation and dispute resolution. Such PPs would be without prejudice to the merits of the NHHM application, which would be appropriately considered during any examination for that scheme including whether statutory requirements regarding alternatives and compulsory acquisition has been met.
- 7.5.77. As such, the ExA recommends that PPs in respect of NGET's future assets relating to the NHHM project should be included in the PPs in part 13 of the rDCO. These are largely in the form as set out in the without prejudice PPs in appendix 3 of [REP6-041]. The ExA has separately considered the inclusion of the applicant's suggested additions in greater detail in the table included in appendix D of this recommendation report and has generally been minded to include these.
- 7.5.78. To provide greater clarification of the areas to be affected, the ExA considers that it is entirely reasonable that PPs are accompanied by a plan that specifically identifies areas that may be affected. That is because of the size of the Order limits and the ExA does not consider it justified that PPs should apply to the entirety of the Order limits, which would be disproportionate and likely to provide uncertainty to the applicant that could affect their ability to

deliver the proposed development. Furthermore, it would provide clarity and precision to all parties which areas of land the PPs relate to.

7.5.79. Drawing matters together, the ExA satisfied that the PPs in the rDCO in respect of NGET's existing assets would not cause a serious detriment to the ability of the applicant to implement its proposed development or a serious detriment to the ability of NGET in carrying out its undertaking.

7.5.80. On the matter of future assets, the ExA considers that the PPs would set an appropriate framework for the two projects to potentially coexist during both their respective construction and operational phases, including mechanisms for consultation, cooperation and dispute resolution. The ExA is satisfied that including PPs would not prejudice NGET's or any other parties' cases in respect of compulsory acquisition that is properly required as part of the examination for the NHHM DCO if and when it is submitted.

NETWORK RAIL

7.5.81. The western part of the proposed development is split by an operational railway running in a south-westerly to north-easterly direction, connecting Retford to Gainsborough. Network Rail (NR) note that the proposed development would involve works in close proximity to operational railway land and permanently acquire new rights over NR's freehold interests in such land, as well as extinguish, suspend and/or interfere with NR's rights over and apparatus on third party land. NR set out the PPs it requires to prevent adverse impacts to the railway in its submissions [RR-043], [REP1-021], [REP5-060] and [REP6-051].

7.5.82. Whilst the applicant and NR continued to engage throughout the examination, disagreement remained at the close of the examination on the applicant's proposed PPs (for the protection of Railway Interests) added to schedule 10 of the dDCO by the applicant at DL 2 [REP2-007]. As such, no SoCG was agreed.

7.5.83. The applicant sets out its position of the wording it seeks in its Section 127/138 Report [REP6-038]. NR provided further details of its position in its DL6 submission [REP6-051] in respect of drafting that it does not agree to along with reasons.

ExA Considerations - Network Rail

7.5.84. The ExA has considered the applicant's reasons for seeking the additional drafting for PPs, as set out in the Section 127/138 Report [REP6-038]. However, for the reasons set out in more detail in the table included in appendix D of this recommendation report, the ExA does not agree to a number of these additions. This is primarily due to concerns that the additions could cause serious detriment to NR's undertaking.

7.5.85. The ExA has therefore, except for including provision in paragraph 134(2) requiring NR to be under an obligation to take reasonable steps to mitigate its loss, recommended the removal of the applicant's preferred drafting on the grounds that they have not been sufficiently justified.

- 7.5.86. Overall, the ExA satisfied that the PPs in the rDCO would not cause a serious detriment to the ability of the applicant to implement its proposed development or a serious detriment to the ability of NR to provide a safe and efficient railway.

UK FUSION ENERGY LTD

- 7.5.87. UK Fusion Energy Ltd (UKFE), formerly UK Industrial Fusion Solutions Ltd, is a wholly owned subsidiary of the UK Atomic Energy Authority (UKAEA). In its RR [RR-046], UKFE states it is the government funded delivery vehicle for the Spherical Tokamak for Energy Production (STEP) Project proposed on the site of the former EDF West Burton Power Station. UKFE further advises that STEP would be the UK's first nuclear fusion plant, with the potential to yield significant quantities of low carbon energy, generate employment opportunities and encourage investment in the region [REP6-052].
- 7.5.88. Through its submissions to the examination [RR-046], [REP2-071], [REP3-056], [REP3-057] and [REP6-052] UKFE state PPs are required as the proposed point of connection for the proposed development is the NGET substation located within the West Burton Power Station site, where underground cabling to the point of connection is proposed. UKFE are seeking PPs in substantively the same form as those included for UKAEA in schedule 15 part 19 of the made 'West Burton Solar Project Order 2025', which it states the SoS has already accepted are necessary and appropriate to adequately protect the delivery of the STEP project [REP2-071] and [REP6-052].
- 7.5.89. UKFE is concerned that compulsory acquisition of rights proposed by the applicant would cause serious detriment to the future delivery of the STEP project, if the proposed development was consented without such PPs [REP6-052]. UKFE consider the applicant's proposed PPs to be inadequate. In particular, in its RR [RR-046] and DL3 submission [REP3-056] UKFE request the amendment of PPs such that they:
- apply expressly for the benefit of UKIFS (now UKFE), as well as UKAEA
 - reflect the full extent of the UKAEA Land
 - define "West Burton Power Station" with specific reference to a plan
 - remove the deemed approval provision
- 7.5.90. The deemed approval provision to schedule 10 paragraph was removed in the DL5 dDCO [REP5-005]. The requested plan was provided by the applicant at DL6 [REP6-045] with the definition for "West Burton Power Station" and the certified documents in schedule 12 updated accordingly.
- 7.5.91. The applicant understands that UKAEA or UKFE are currently not a SU meaning that the tests in s127 and 138 of the PA2008 would not, and should not, apply. Nevertheless, recognising the strategic importance of the STEP project, the applicant treats UKFE and UKAEA as though they were SUs for the purpose of its s127 and 138 Report and negotiating PPs [REP6-038], which UKFE welcomes [REP6-052].

- 7.5.92. Whilst the applicant and UKFE continued to engage throughout the examination, disagreement remained at the close of the examination on the PPs in schedule 10, part 12 of the dDCO primarily relating to paragraphs 149, 153 and 160.
- 7.5.93. The applicant sets out its preferred drafting with reasons in its Section 127/138 Report [REP6-038]. The applicant considers that its proposed PPs for the benefit of UKAEA and UKFE in the dDCO [REP6-004] would ensure that there would be no serious detriment to the ability of UKAEA or UKFE to deliver the SETP project, should they be treated as SUs for the purposes of their Section 127/138 Report.
- 7.5.94. UKFE provides the final position of its preferred drafting with reasons in [REP6-052]. Overall, UKFE considers it should be treated as though it is a SU with the benefit of the protections of s127 of the PA2008 regardless of whether they currently meet the strict requirements of the PA2008. UKFE considers the applicant's draft PPs are not justified and would cause serious detriment to the ability of UKFE to deliver the proposed STEP Project.

ExA Considerations - UK Fusion Energy Ltd

- 7.5.95. The ExA has considered the applicant's reasons for seeking the additional drafting for PPs, as set out in the Section 127/138 Report [REP6-038]. For the reasons set out in more detail in the table included in appendix D of this recommendation report, the ExA agrees with the applicant's drafting for paragraph 153 which provides greater clarity and precision in respect of the process where plans are required to be approved by arbitration. In all other cases, the ExA has agreed with the drafting preferred by UKFE and has incorporated these into the rDCO.
- 7.5.96. Overall, the ExA satisfied that the PPs in the rDCO would strike an appropriate balance which would not cause a serious detriment to the ability of either the applicant or UKFE to implement their respective proposed developments.

EPS LTD

- 7.5.97. The RR from EPS [RR-013] explains that the proposed development has the potential to contravene their ability to safely access and maintain its assets under their legal rights as set out in Part IV of The Energy Act 2013. It also advises that there is the potential for breaches of the Health & Safety at Work Act 1974 with specific concerns around Regulation 15 of the Pipeline Safety Regulations 1996 due to the potential for work close to a high-pressure pipeline. EPS Ltd state they require PPs to ensure that its apparatus is adequately protected and can continue to operate safely. EPS Ltd's RR does not explicitly object to the proposed development but that it was liaising and would continue to liaise with the applicant to agree bespoke PPs.
- 7.5.98. No further correspondence was received from EPS Ltd throughout the examination, particularly in response to the ExA's questions seeking updates from those parties where disagreements over the wording of PPs remained (such as ExQ2 Q9.4.1 [PD-008]). The applicant's Section 127 / 138 Report

[REP6-038] states PPs with EPS Ltd have been agreed and included within the dDCO. As such, the applicant anticipated the withdrawal of EPS's objection although no such confirmation was submitted.

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- 7.5.99. Schedule 10 part 7 of the dDCO contains bespoke PPs for EPS Ltd. In the absence of any substantive correspondence from EPS Ltd since its RR, the ExA has insufficient evidence to disagree with the PPs set out in the dDCO.
- 7.5.100. Overall, the ExA is satisfied that the PPs in the rDCO would not cause a serious detriment to the ability of either the applicant to implement its proposed development or EPS Ltd in carrying out its undertaking.

7.6. EXA'S RECOMMENDED DRAFT DCO

- 7.6.1. The table in appendix C to this recommendation report sets out a summary of the ExA's recommended changes to the final version of the dDCO submitted by the applicant [REP6-004], taking into account the findings above. Text highlighted in bold identities insertion of new recommended text, while text shown with a strikethrough is recommended for deletion. The recommended changes are incorporated in the rDCO at appendix E of this recommendation
- 7.6.2. The ExA has also incorporated minor changes, such as addressing double spacing between words or typographical changes, in its rDCO which are not necessarily shown in appendix C.

7.7. CONCLUSIONS

- 7.7.1. Taking into consideration Section 120 of the PA2008, the ExA has considered all iterations of the dDCO from the submission version [APP-041] to the final version [REP6-004] and has considered the degree to which the applicant's final version has addressed the matters raised. A number of matters are the subject of recommendations in this section and are included in the rDCO in appendix C of this recommendation report.
- 7.7.2. Overall, the ExA considers that the rDCO (appendix E) only includes requirements that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. On that basis, the ExA is of the view that paragraph 4.1.16 of the NPS EN-1 is satisfied.
- 7.7.3. Taking all of this into account, if the SoS is minded to make the DCO, it is recommended in the form as set out in appendix E.

8. SUMMARY OF FINDINGS AND CONCLUSIONS

8.1. INTRODUCTION

- 8.1.1. This chapter summarises our conclusions arising from the report and sets out our primary recommendation to the Secretary of State for Energy Security and Net Zero (SoSESNZ).

8.2. CONSIDERATION OF FINDINGS AND CONCLUSIONS

- 8.2.1. The ExA considers the proposed development against section (s) 104 of the Planning Act 2008 (PA2008) as it is within the scope of the Overarching National Policy Statement (NPS) for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN-3) and NPS for Electricity Networks Infrastructure (EN-5) (all designated 2024). The ExA find that these are relevant NPSs and have effect. The ExA finds no evidence that s104(4) to (8) of the Planning Act 2008 apply and, as required by s104(3), the ExA conclude that the application must be decided in accordance with the relevant NPSs.
- 8.2.2. The ExA find that the proposed development is critical national infrastructure in accordance with the relevant NPS.
- 8.2.3. The ExA has had regard to matters arising from the Local Impact Report from Nottinghamshire County Council [REP2-063a], and to all matters it that the ExA consider to be both important and relevant in reaching its conclusions. The ExA has also considered relevant legislation and guidance.
- 8.2.4. In relation to s104(2) and s104(3) of the PA2008, the ExA concludes that making the recommended draft Development Consent Order (rDCO) would be in accordance with the relevant NPSs, relevant development plans, and other relevant policy and guidance. With the mitigation secured by the rDCO, the ExA considers that adverse impacts arising from the proposed development, and cumulatively with other developments, would be unlikely to outweigh its benefits. Furthermore, there is nothing to indicate that the application should be decided other than in accordance with NPS EN-1, NPS EN-3 and NPS EN-5 (designated January 2024). The ExA does not consider the recent updates to the suite of energy NPSs designated in January 2026 alters its conclusion on the case for development consent.
- 8.2.5. The ExA has had regard to the applicant's Habitat Regulation Assessment (HRA) - Information to Inform a Habitats Regulations Assessment report [REP6-012] and Natural England's comments. Whilst the SoSESNZ is the Competent Authority under the Conservation of Habitats and Species Regulations 2017 and will make the definitive assessment, the ExA conclude that the proposed development would not be likely to give rise to significant effects, either alone or in combination with other projects or plans. The ExA finds that there is sufficient information for the SoSESNZ to enable them to undertake an appropriate assessment and to fulfil its duty under the requirements under the Conservation of Habitats and Species Regulations 2017.

- 8.2.6. Regarding the land rights required to implement the proposed development, the ExA finds that:
- the application site is selected appropriately, all reasonable alternatives are explored, and the applicant has a clear idea of how it intends to use the land
 - the powers sought are for a legitimate purpose, necessary to facilitate the proposed development, and no more than is reasonably required
 - adequate funding would be likely to be available for the delivery of the proposed development and for the payment of compensation, which is secured appropriately
- 8.2.7. The ExA has had regard to the provisions of the Human Rights Act 1998. In relation to Article 6 (entitlement to a fair and public hearing), the examination has ensured a fair and public hearing. The weight of national policy in favour of the proposed development and the wider public interest qualifies any interference with the human rights affected. The ExA concludes that any interference with human rights arising from implementation of the proposed development would be proportionate and strike a fair balance between the rights of the individual and the public interest. The ExA finds that there is a compelling case in the public interest for the powers sought and concludes that the powers should be granted.
- 8.2.8. The ExA has had regard to the Public Sector Equality Duty (PSED) and has conducted the examination process and the formulation of this report to comply with the PSED. The ExA finds no harm to the interests of persons who share a protected characteristic, or any adverse effect on the relationships between such persons and persons who do not share a protected characteristic. The ExA therefore finds no breach of the PSED.
- 8.2.9. As required by Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010, the ExA has had regard to the desirability of preserving listed buildings or their setting and any features of special architectural or historic interest which they possess, preserving or enhancing the character or appearance of conservation areas, and preserving scheduled monuments or their setting. The ExA is satisfied with how they are addressed and considers that the less than substantial harm to the significance of designated heritage assets would be outweighed by the public benefits of the proposed development.
- 8.2.10. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, the ExA have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. The ExA is content that those aims are accorded with.
- 8.2.11. The ExA has had due regard to conserving and enhancing biodiversity and fulfil the biodiversity duty in accordance with the Natural Environment and Rural Communities Act 2006.
- 8.2.12. The ExA has considered the CA interface with the STEP Project, as well as other NSIPs; and confirms that in its opinion that there are no conflicts.

- 8.2.13. The ExA finds that the benefits of the proposed development would outweigh harm to heritage assets, adverse visual and landscape impacts, and the loss of best and most versatile land.

8.3. RECOMMENDATION

- 8.3.1. The ExA's findings and conclusions are set out in this report, and the ExA considers all important and relevant matters and all submissions. The ExA complies with all applicable legal duties and does not take account of any matters that are not relevant to its recommendations. The ExA finds no important and relevant matters that would individually or collectively lead to a different recommendation. The ExA's conclusions are the same both with and without CNP Infrastructure considerations.
- 8.3.2. The ExA concludes that the proposed development would meets the tests in s104 of the PA2008. The ExA recommends that the SoSESNZ makes the Steeple Renewables Project Development Consent Order in the form attached at Appendix E.