



UK Government

Department for Energy Security and Net Zero
3-8 Whitehall Place
London
SW1A 2AW
+44 020 7215 5000
energyinfrastructureplanning@energysecurity.gov.uk
www.gov.uk/desnz

Ref: EN010163

██████████
Steeple Solar Farm Limited
RES – Beaufort Court
Egg Farm Lane
Kings Langley
WD4 8LR

9 October 2026

Dear ██████████,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE STEEPLE RENEWABLES PROJECT

This decision was made by the Minister, Baroness Curran, on behalf of the Secretary of State for Energy Security and Net Zero.

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 10 July 2026. The ExA consisted of 2 examining inspectors, Max Wiltshire (the lead member) and Andrew Robinson. The ExA conducted an Examination into the application submitted on 14 May 2025 (“the Application”) by Steeple Solar Farm Limited (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 (“the Planning Act” or “PA2008”) for the Steeple Renewables Project and associated development (“the Proposed Development”). The Application was accepted for Examination on 11 June 2025. The Examination began on 11 November 2025 and closed on 10 April 2026. The Secretary of State received the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”) on 10 July 2026.

- 1.2. On 6 August 2026, a letter was issued by the Secretary of State seeking information on several matters (“the information request”).¹ On 25 August 2026, Interested Parties (“IPs”) were invited to comment on the responses received (“the all IP consultation letter”).²
- 1.3. The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of a ground mounted solar photovoltaic (“PV”) onshore generating station, on-site Battery Energy Storage System (“BESS”) and associated development including underground cable connections between panel areas and the existing National Grid Substation at West Burton Power Station with a capacity of approximately 600 megawatt (“MW”) export alternating current (“AC”) [ER 1.1.3, ER 1.3.6]. The Proposed Development lies within the administrative areas of Nottinghamshire County Council (“NCC”), Bassetlaw District Council (“BDC”) and is wholly in England [ER 1.4.1].
- 1.4. The Order, as applied for, would grant development consent for [ER 1.3.7]:
- Work No. 1 - a ground mounted solar PV generating station;
 - Work No. 2 - a BESS compound;
 - Work No. 3 - works in connection with a new 400/33 kilovolt (“kV”) onsite substation (“OSS”);
 - Work No. 4 - works to install 400 kV 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; and,
 - Further associated development in connection with the construction of the above Work Nos.
- 1.5. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers, set out in the draft Order submitted with the Application [ER 6.1.1].
- 1.6. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website³ is a copy of the ExA’s Report. The ExA’s findings and conclusions are set out in Chapters 3 to 7 of the ExA’s Report, and their summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

¹ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010163-000711-Information%20Request%20Letter%20-%20Steeple%20Renewables%20Project.pdf>

² <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010163-000744-All%20Interested%20Parties%20Letter%20-%20Steeple%20Renewables%20Project.pdf>

³ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010163>

2. Summary of the ExA's Report and Recommendation

- 2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA's Report under the following broad headings:
- The Principle of the Development (need, site selection and alternatives, climate change and greenhouse gas emissions);
 - Good Design;
 - Biodiversity and Ecology;
 - Flood Risk, Drainage and the Water Environment;
 - Historic Environment;
 - Landscape and Visual;
 - Land Use and Soil;
 - Noise and Vibration;
 - Transport and Access;
 - Other Planning Issues;
 - Human Health; and,
 - Combined, Cumulative and Interrelated Effects.
- 2.2. The ExA recommended that the Secretary of State should grant consent [ER 8.3.2].
- 2.3. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA's Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of her conclusions and recommendations.

3. Summary of the Secretary of State's Decision

- 3.1. The Proposed Development comprises a generating station which generates electricity directly from sunlight, is not an offshore installation and has a capacity in excess of 50 MW. It therefore falls within sections 14(1) and 15 of the Planning Act 2008 (the "2008 Act") as a Nationally Significant Infrastructure Project ("NSIP") and requires development consent pursuant to section 31 of the 2008 Act [ER 1.1.3]. Although the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 (the "2025 Order") subsequently increased the threshold for solar generating stations to 100MW, that change does not apply in this case as the Application was submitted before the 2025 Order came into force.
- 3.2. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement ("NPS"). Subsection (3) requires that the Secretary of State must decide the Application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply.
- 3.3. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a

statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").

- 3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the ExA's Examination and responses to the Secretary of State provided during the decision-making stage. 55 Relevant Representations ("RRs") were made in respect of the Application [ER 1.4.3]. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA. The Secretary of State has had regard to the Local Impact Report ("LIR") submitted by NCC, environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act including relevant policy set out in the NPSs EN-1 and EN-3.
- 4.2. On 6 January 2026, the Government published updates to NPSs EN-1, EN-3 and EN-5, which will be collectively known as the "2025 NPSs". The Secretary of State notes that, in accordance with the transitional provisions set out in section 1.6 of NPS EN-1, the amendments in the 2025 NPSs will have effect only in relation to those applications for development consent accepted for examination after the final publication of those amendments. As this Application was accepted for Examination prior to the final publication of those amendments, the 2024 suite of NPSs had effect for the ExA's consideration of this Application and recommendation. Whilst the 2025 NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process. The Secretary of State has therefore had regard to the 2024 NPSs in reaching this decision and any reference to NPSs within this decision letter will be to these iterations.
- 4.3. The National Planning Policy Framework ("NPPF") was recently updated on 17 August 2026. The ExA referred to the NPPF in its report as one of the important and relevant government policies, strategies and publications it had taken into account [ER 2.3.11]. The Secretary of State notes that the NPPF in effect during the Examination was the 2024 version. The Secretary of State has considered the updated NPPF (2026), and finds that there is nothing contained within the updated NPPF publications which would lead her to reach a different decision on the Application.
- 4.4. The Clean Power 2030 Action Plan ("CP2030") was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State had regard to CP2030 and finds that there is nothing contained within it which would lead her to reach a different decision on the Application.
- 4.5. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Principle of the Development – very great/substantial weight [ER 3.2.64 and ER 5.4.11];
- Flood Risk, Drainage and the Water Environment – neutral weight [ER 3.5.72];
- Historic Environment – moderate negative weight [ER 5.3.12 and ER 5.4.12];
- Landscape and Visual Effects – great negative weight [ER 3.7.141 and ER 5.4.12];
- Land Use and Soil – moderate negative weight [ER 3.8.65 and ER 5.4.12];
- Noise and Vibration – neutral weight [ER 3.9.32];
- Human Health – neutral weight [ER 3.12.22];
- Transport and Access – neutral weight [ER 3.10.44];
- Combined Effects – little negative weight [ER 3.13.42 and ER 5.4.12];
- Air Quality – neutral weight [ER 3.11.29];
- Electromagnetic Fields – neutral weight [ER 3.11.43];
- Glint and Glare – little negative weight [ER 3.11.63 and ER 5.4.12];
- Major Accidents and Disasters – neutral weight [ER 3.11.83];
- Socio-economics – little positive weight [ER 3.11.106 and ER 5.4.11];
- Tele-communications and Utilities – neutral weight [ER 3.11.119]; and,
- Waste Management – neutral weight [ER 3.11.141].

4.6. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out on page 175 of NPS EN-1. Having reviewed the ExA's considerations and conclusions, the Secretary of State considers that where the ExA has referred to 'little' weight, this can be equated to 'limited' weight, and 'very great' can be equated to 'substantial'. The Secretary of State will use the descriptors as laid out in NPS EN-1 when ascribing her weightings and whilst the terminology used will differ to this limited extent, the difference in terminology does not indicate a disagreement with the ExA unless this is specifically stated.

4.7. On the following matters, the Secretary of State ascribes a different weight to the ExA:

- Good Design; and,
- Biodiversity and Ecology.

4.8. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information has been sought and on matters the Secretary of State ascribes a different weight to the ExA.

The Principle of Development

4.9. Under the Principle of Development, the ExA considered the need for the Proposed Development alongside the overall scope, scale and output as well as the approach taken to site selection and alternatives [ER 3.2.1]. The ExA considered climate change and the reduction in greenhouse gas ("GHG") emissions as an intrinsic part of the need case [ER 3.2.1].

Need

4.10. The ExA noted paragraph 3.2.6 of NPS EN-1 states that there is an urgent need for the types of energy infrastructure covered by NPS EN-1. In addition, that the Secretary of State must assess all DCO applications on the basis that this need has already been demonstrated by

the government [ER 3.2.5]. The ExA referred to paragraph 3.2.7 of NPS EN-1 that substantial weight should be given to this established need when the Secretary of State considers DCO applications. The ExA stated this reinforced the presumption in favour of approving such projects [ER 3.2.6].

- 4.11. The Applicant considered the Proposed Development would make a significant contribution to decarbonisation, energy security and affordability objectives in accordance with the NPSs [ER 3.2.9].
- 4.12. The ExA concluded that in the case for the Proposed Development: there was an urgent need for it; it should be given substantial weight; it is needed for the UK Government to meet its energy security and net zero ambitions; and, 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 [ER 3.2.54].

Greenhouse Gas Emissions and Climate Change

- 4.13. In Chapter 12 of the Environmental Statement (“ES”), the Applicant undertook a GHG assessment which adopted a ‘whole life’ approach to calculating GHG emissions: this considered all major lifecycle sources of GHG emissions and direct and indirect emissions. The baseline for the lifecycle GHG impact assessment is based on the existing site conditions and a ‘do nothing’ scenario whereby the Proposed Development is not implemented [APP-070].
- 4.14. The Applicant estimated that the construction of the Proposed Development would result in GHG emissions of approximately 273,000 tonnes of carbon dioxide equivalent (“tCO₂e”), and that decommissioning would result in emissions of approximately 14,300 tCO₂e [APP-070]. The Applicant assessed the effects of GHG emissions for both construction and decommissioning phases as minor adverse and not significant in EIA terms [APP-070, ER 3.2.36]. During the 40-year operational period, the Proposed Development is estimated to result in GHG emissions of approximately 174,000 tCO₂e [APP-070]. However, the Applicant estimated that, compared with the generation of the same amount of electricity from the grid, operation of the Proposed Development would avoid approximately 1,660,000 tCO₂e of GHG emissions over this period [APP-070, ER 3.2.34]. The Applicant therefore assessed the effect of operational GHG emissions as beneficial and significant in EIA terms [APP-070, ER 3.2.36].
- 4.15. Taking the construction, operation and decommissioning phases together, the Applicant estimated whole-life GHG emissions of approximately 461,000 tCO₂e. Against the assessed baseline, the Applicant estimated that the Proposed Development would result in an overall saving of approximately 1,380,000 tCO₂e over its lifetime [APP-070]. The ExA noted that the Applicant’s conclusion that the Proposed Development would therefore have a beneficial effect in respect of GHG emissions over its operational lifetime [ER 3.2.36].
- 4.16. The Applicant undertook a Climate Change Adaptation (“CCA”) assessment and this included a project resilience assessment that assessed the effects of a changing climate on the Proposed Development. In addition, the CCA comprised of an in-combination assessment that considered the extent to which the climate worsens or improves, the effects of the Proposed Development on the environment, on a topic-by-topic basis [APP-070].

- 4.17. In respect of climate change adaptation, the ExA noted that no significant effects were identified for the relevant topic areas as a result of a changing climate [ER 3.2.37]. In respect to project resilience, it is not considered that the project could be affected by climate change to such an extent that the construction and/or operation of the Proposed Development could potentially become unviable [ER 3.2.37, APP-070].
- 4.18. The ExA stated it was satisfied that GHG emissions were assessed for all stages of the Proposed Development, and that the Applicant had 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 [ER 3.2.62]. The ExA stated it was in agreement with the Applicant's assessment of no significant adverse effects resulting from GHG emissions and climate change adaptation [ER 3.2.63].

Site Selection and Alternatives

- 4.19. The ExA noted the Applicant was notified of grid capacity at an existing substation at the West Burton Power Station site. The Applicant noted that securing a viable point of connection ("POC") is a key constraint in developing renewable energy schemes. It submitted a grid connection application at West Burton A Power Station to National Grid and subsequently received an offer for a 600MW connection capacity [ER 3.2.28].
- 4.20. The ExA noted that the POC formed the centre point of the area of search for identifying a suitable site. The search area was around 15 kilometres ("km") from the POC as this would enable the identification of a site that was both technically feasible and minimised potential environmental effects. The ExA noted the Applicant considered that beyond 15km, *"technical restrictions and associated environmental effects of providing cable routing to the POC would outweigh any potential benefits that a potential site may have"* [ER 3.2.29].
- 4.21. The ExA noted that the Applicant identified three alternative sites during the site selection process [ER 3.2.30]. The site that was chosen was due to 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"* [ER 3.2.31].
- 4.22. The Applicant also prioritised previously developed land and lower-grade agricultural land before identifying a suitable site, however it concluded that there were insufficient alternative sites available to accommodate the Proposed Development without the use of higher-quality agricultural land [APP-061]. The ExA considered that the Applicant had sought to justify the siting of the Proposed Development on best and most versatile land ("BMV") land and this was in line with paragraph 5.11.34 of NPS EN-1 [ER 3.8.62].
- 4.23. The ExA noted suggestions of alternative locations for solar panels raised by some IPs. However, the ExA stated that paragraphs 4.2.21, 4.3.25 and 4.3.9 of NPS EN-1 led it to conclude that the Applicant's approach was reasonable and proportionate and that other alternatives have been considered [ER 3.2.57]. The ExA stated 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 demonstrated it had considered reasonable alternatives in the vicinity of the West Burton Power Station. In addition, the ExA stated it found that the Applicant's selection principles and logic provided sufficient justification for its choice [ER 3.2.58].

The Secretary of State's Conclusion

- 4.24. The ExA concluded that the need case should be afforded very great/substantial weight in favour of making the Order, having regard to the established urgent need for energy infrastructure and the Proposed Development's contribution to that need, including its beneficial effects in relation to climate change [ER 3.2.64].
- 4.25. Paragraphs 4.10.8 and 4.10.10 of NPS EN-1 require applicants to consider the direct and indirect impacts of climate change on proposed energy infrastructure and to assess those impacts across a range of climate change scenarios. The Secretary of State is satisfied that the Applicant's assessment has met these requirements.
- 4.26. Paragraph 4.10.13 of NPS EN-1, stipulates that the Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. Specifically, the expectation is that this should cover the estimated lifetime of the new infrastructure, including any decommissioning period. The Secretary of State is satisfied with the Applicant's CCA assessment as required by paragraph 4.10.13 of NPS EN-1.
- 4.27. The Secretary of State is in agreement with the ExA that the Applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stages noting that the operational phase was concluded to be beneficial (significant). The Secretary of State finds the Applicant's CCA assessment is in accordance with paragraphs 4.10.10 and 4.10.11 of NPS EN-1.
- 4.28. The Secretary of State notes the importance of connection of the Proposed Development to the local grid network, as stated by paragraph 2.10.22 of NPS EN-3: *"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"*.
- 4.29. The Secretary of State notes the response from the North Leverton with Hablesthorpe Parish Council ("NLHPC") provided on 16 September 2026 to the all IP consultation letter [C2-006]. NLHPC *"questioned the adequacy of a site selection process relying upon work undertaken during January–March 2024"*. It further stated that the Government should be satisfied that *"the final site selection case is based upon a sufficiently comprehensive and robust evidence base."*
- 4.30. The Secretary of State notes that the POC at West Burton Power Station formed the centre point of the area of search for identifying a suitable site for the Proposed Development [ER 3.2.29]. She finds this is in accordance with paragraph 2.10.25 of NPS EN-3, which states that applicants may choose a site based on nearby available grid export capacity, to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs.
- 4.31. Paragraph 2.10.26 of NPS EN-3, states where it is the case (i.e. a site chosen based on available grid export capacity) applicants should consider the cumulative impacts of siting a solar farm in proximity to other energy generating stations and infrastructure.

- 4.32. The Secretary of State notes that the Applicant searched and assessed alternative sites [ER 3.2.31]. The Secretary of State agrees with the ExA that the Applicant's approach was reasonable and proportionate and that it had considered other alternatives.
- 4.33. The Secretary of State includes the matter of GHG emissions and climate change to the need case for the Proposed Development. The Secretary of State considers the delivery of low carbon energy generation has beneficial effects in terms of reducing emissions and contributing to the UK's net zero targets and is therefore inherently tied to the urgent need case for the Proposed Development.
- 4.34. The Secretary of State agrees that the need for the Proposed Development is established in the NPSs and she considers the Proposed Development would contribute towards meeting the established need and targets for low carbon, renewable energy generation and the objectives of NPS EN-1 and NPS EN-3. The Secretary of State ascribes the need for the Proposed Development substantial positive weight in favour of making the Order.

Good Design

- 4.35. The Applicant's approach to design is set out primarily in the Design and Access Statement ("DAS") [REP2-042], Design Approach Document ("DAD") [REP2-045], ES Chapter 3 [APP-061], and ES Appendix 4.5: Outline Design Principles [REP2-031] [ER 3.3.5]. The Applicant provided additional documents that illustrated the proposed preliminary design, including the layout and drawings of structures [ER 3.3.6].
- 4.36. The ExA asked the Applicant during the Examination if the design process had been, and also whether any final design would be subject to, an independent design review process [ER 3.3.31]. The Applicant stated 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; as such it considered an independent design review process would not be appropriate, beneficial, necessary or add value [ER 3.3.32].
- 4.37. The Applicant further stated that the DAS [REP2-042], DAD [REP2-045], Outline Design Principles [REP2-031] and ES chapter 3 [APP-061] collectively illustrated how the design process had evolved and taken into account environmental effects, planning and environmental policy objectives, and functionality. The Applicant considered that the design process had been thorough and proportionate to the scale of the development [ER 3.3.32].
- 4.38. The Applicant during the Examination stated that: the Proposed Development comprised of a 'highly functional infrastructure'; the primary design purpose is to mitigate effects rather than achieve architectural expression; an independent design review panel would add limited value; and, the draft Development Consent Order ("dDCO") provides mechanisms for local authority engagement when determining discharge of requirements [ER 3.3.35].
- 4.39. In response to the question from the ExA in the ExA's Second Written Questions on how the detailed design process would include a formal role for community input, the Applicant stated that requirement 7(4)(a) (in the dDCO) provides for a community liaison process. The Applicant explained that the community liaison can account for adjustments and amendments following community concerns. The Applicant strongly disagreed that the discharge of requirements should be subject to a process of public consultation, a view expressed by NCC. The Applicant noted that it was not aware of any other DCO that contains

such a provision and considered that this is a matter for statutory consultees related to their statutory functions [ER 3.3.36].

- 4.40. The ExA asked the councils (NCC and BDC) whether they considered that provision should be made within the dDCO for the final design of the Proposed Development to be subject to an independent design review process and how they would engage in such a process [ER 3.3.31]. NCC did not consider it essential for the dDCO to mandate a formal independent design review process, provided that controls would be secured in respect of detailed design, layout, colours, materials, landscape mitigation and maintenance, construction compounds, access routes and site management [ER 3.3.33].
- 4.41. NCC considered that a mandatory review could introduce uncertainty over how recommendations would be implemented, enforced or weighed against statutory approval processes. However, it acknowledged that components including large above-ground elements such as substations, construction compounds, temporary works and landscape mitigation measures could benefit from additional design scrutiny [ER 3.3.33]. BDC noted the importance of design particularly in mitigating the impact of the Proposed Development on the landscape but it did not provide a position on the need for design review [ER 3.3.34]. The ExA noted that at the close of the Examination the design approach was an agreed matter in the Statement of Common Ground (“SoCG”) between the Applicant and NCC [ER 3.3.22]. The ExA noted no IPs raised specific comments on the overall design matters during the Examination [ER 3.3.18].
- 4.42. 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, ER 3.3.37]. The Secretary of State notes the response to the all IP consultation letter from the NLHPC [C2-006]. In the letter, NLHPC stated that *“significant elements of the development have either evolved or lacked the level of detail”* it would expect for a project of its scale. NLHPC stated that there were questions regarding *“the final number and configuration of solar panels and modules and detailed cable routing.”*
- 4.43. In addition, NLHPC stated that the maximum height of the OSS changed from 2.4m above ground level to 11 metres [C2-006]. NLHPC further stated that:
- “The Secretary of State should be satisfied that the development now being considered is sufficiently defined and that conclusions reached earlier in the process remain valid against the final secured design, rather than against assumptions which may subsequently have changed.”*
- 4.44. The ExA considered that the Applicant had illustrated it had given consideration to the siting of components to less sensitive areas, as encouraged in NPS EN-1 paragraph 4.7.6. This included the siting of the proposed OSS and BESS adjacent to the existing West Burton Power Station and incorporation of minimum separation distances from villages and residential properties [ER 3.3.24]. The ExA stated that the Applicant had 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”* [ER 3.3.25]. The ExA concluded that these measures demonstrated *“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.”* [ER 3.3.46].

- 4.45. The ExA did 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. The ExA considered that a design review process could *"provide positive design input for more functional aspects through constructive advice and feedback on matters including siting and landscaping"*. The ExA referred to the Outer Dowsing Offshore Wind Farm DCO as an example of an NSIP that included a design review process for functional structures such as substations [ER 3.3.40].
- 4.46. The ExA stated securing an independent design review for the BESS (Work No. 2) and OSS (Work No. 3) and landscape mitigation across the site would be a beneficial and proportionate approach and could be secured through additional wording to Requirement 3 of the recommended development consent order ("rDCO") [ER 3.3.42 - 3.3.43]. The ExA stated in the absence of a design review process it was *"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"*. Therefore, the ExA considered it was unable to conclude that the proposed design fully complies with NPS EN-1 paragraphs 4.7.5 and 4.7.8.
- 4.47. The ExA advised the Secretary of State to take note of its conclusion and the content of NPS EN-1 paragraph 4.7.14. The ExA concluded that the inclusion of an independent design review process would render the proposed design taken as a whole to be in accordance with the NPS EN1 (2024), NPS EN-3 (2024), NPS EN-1 (2025), NPS EN-3 (2025), the NPPF, the aims of Bassetlaw Local Plan Policy ST33 and all other relevant legislation [ER 3.3.49]. In the case of the exclusion of an independent design review process, the ExA was not satisfied that the Proposed Development would meet the requirements of NPS EN-1 paragraphs 4.7.5 or 4.7.8 [ER 3.3.50]. The ExA ascribed little positive weight to Good Design in the case that the rDCO includes an independent design review process. The ExA considered if the Secretary of State decides that the provision for an independent design review process is not required, the design topic should be ascribed little negative weight against the making of the Order [ER 3.3.51].

The Secretary of State's Conclusion

- 4.48. The Secretary of State sought clarification from the ExA in regard to the independent design review panel provision it added to the rDCO. The ExA was asked which specific design issues relating to the BESS and OSS that it considered warranted a review by an independent design body and, how the issues fell short of, or conflicted with, policy requirements.
- 4.49. The ExA provided a response to the questions on 17 August 2026 [DD-001]. In response to the first question, the ExA noted that ER 3.3.31 to 3.3.43, 3.3.47 and 3.3.50 detailed the need for an independent design review process. The ExA stated it had taken into consideration comments from NCC and SSPC, and that NCC and BDC stated that large above-ground elements could benefit from additional design scrutiny. The ExA referred to NCC's response to the ExA's first written questions that stated in relation to large above-ground built elements that scale, massing, form, materials and colour treatment will have a strong influence on landscape and visual effects.
- 4.50. The ExA recognised the design elements of the BESS and OSS would be predominantly led by engineering constraints, technical standards and safety regulation. However, the ExA stated that there are more flexible elements to both of these components where an independent design review could add significant positive value. Some of the elements the

ExA identified included: final landscaping design; scale, massing, form, materials and colour of the OSS and control buildings; final design of the perimeter fencing for the OSS and BESS, and drainage design [DD-001].

- 4.51. Additionally, the ExA reiterated that an independent design review process could have a positive influence and help minimise any impacts, signposting ER 3.6.49 and 3.6.56 regarding the relationship between the Medieval Settlement and Open Field System Immediately South East of Low Farm Scheduled Monument and the Grade II* listed Church of St Peter and St Paul, even if the ExA considered that there was insufficient evidence that re-siting of the BESS would mitigate the harm on the two designated heritage assets [DD-001].
- 4.52. The ExA considered that its recommendation for an independent design review of the final design would add an additional layer of independent design scrutiny and noting concerns raised by SSPC [REP4-003] around future public consultation on design matters [DD-001].
- 4.53. In regard to the clarification requested on how the issues fell short of, or conflicted with, policy requirements, the ExA referred to the fact that the Applicant during the Examination had not engaged, and was not proposing to engage, in an independent design review process. The ExA considered this at odds to the requirements of NPS EN-1 (2024) paragraphs 4.7.5 and 4.7.8, in addition to the Planning Inspectorate's Advice on Good Design and its own analysis at ER 3.3.43 and 3.3.50 [DD-001].
- 4.54. The ExA concluded that the requirement for independent design review relating to the BESS and OSS was to ensure that their final design and appearance, with all required components taken together would achieve the highest quality design and good aesthetics as far as is possible, in accordance with NPS EN-1 (2024) [DD-001].
- 4.55. The Secretary of State has noted the ExA's response and considers that the nature of the information provided in the response did not give new information that was not already present in the ExA report. As such she finds there is nothing contained in the ExA response which would lead her to reach to a different conclusion on the Good Design topic.
- 4.56. The Secretary of State notes concerns from NLHPC regarding the changes to the design dimensions for the OSS and the final details of solar panels, modules and cable routing [C2-006]. She recognises that not all aspects of the design of the OSS were finalised during the point of application and a degree of flexibility can be exercised. Paragraph 2.70.10 of NPS EN-1 states that not all aspects of the proposal may have been settled in precise detail at the point of application including panel dimensions, type and number, layout and spacing, inverter or transformer type, and the inclusion of storage.
- 4.57. The Secretary of State considers that there are adequate controls in the Order to ensure that the design of the OSS and design of the Proposed Development as a whole would be in line with the design put forward in the relevant design documents during Examination. She underlines that the design details that include layout, scale and external appearance of the Proposed Development must accord to the parameters set out in the works plan and outline Design Principles secured under Requirement 3 in the Order. Furthermore, she notes Requirement 3 requires the local planning authority ("LPA") to review and approve the final detailed design details.

- 4.58. Paragraph 4.7.5 of NPS EN-1 sets out that a project board level design champion and a representative design panel can be appointed to maximise the value provided by the infrastructure. As such, the Secretary of State notes that paragraph 4.7.5 indicates the added benefit a design champion and a representative design panel can provide in the design process for a NSIP, however it does not state that this may be required in all cases.
- 4.59. Paragraph 4.7.8 of NPS EN-1 sets out that applicants should consider taking independent professional advice on the design aspects of a proposal. In addition, it is stated that the Design Council can be asked to provide design review for NSIPs and applicants are encouraged to use this advice and design guidance developed by the LPA. Applicants should ensure that they act in accordance with the requirements of the NPS but the Secretary of State recognises that what will be required or provide benefit may vary dependent on the circumstances of each case.
- 4.60. The Secretary of State notes that the ExA considered that the Applicant had given consideration to the siting of components to less sensitive areas as encouraged in NPS EN-1 paragraph 4.7.6. Furthermore, she notes that the ExA found that the Applicant had satisfactorily demonstrated the manner the design process was conducted and the evolution of the proposed design was in accordance with NPS EN-1 paragraph 4.7.7 [ER 3.3.24 - ER 3.3.25]. In addition, she notes the ExA concluded that measures implemented by the Applicant during the design process demonstrated good design principles in relation to siting relative to existing landscape character, land form and vegetation and therefore in accordance with NPS EN-1 paragraph 4.7.6. [ER 3.3.46].
- 4.61. The Secretary of State agrees with the ExA that the Applicant's design process is in accordance with paragraphs 4.7.6 and 4.7.7 of NPS EN-1. Furthermore, the Secretary of State recognises that in respect to the BESS and the OSS, the Applicant has limited choice to their physical appearance; this limitation is noted in paragraph 4.7.6 of NPS EN-1.
- 4.62. The Secretary of State is aware that NCC stated that it did not consider it necessary to require mandatory independent design review for the Proposed Development as a whole but did state certain components could benefit from additional design scrutiny [ER 3.3.34]. In addition, she notes that NCC's concern regarding the imposition of a mandatory independent design review [REP2-063, REP4-001, ER3.3.33]. She notes that at the close of the Examination, the design approach was an agreed matter in the SoCG between the Applicant and NCC [ER 3.3.22]. The Secretary of State notes the absence of a specific opinion on the inclusion of an independent design process by BDC: the LPA responsible for discharging Requirement 3(1) – the detailed design approval [ER 3.3.34].
- 4.63. The Secretary of State notes that the ExA referred to the Outer Dowsing Offshore Wind Farm DCO as an example of an NSIP that included a design review process for functional structures such as substations [ER 3.3.40]. However, she notes that each application must be considered on its own merits.
- 4.64. The Secretary of State notes the ExA advised that she can consider taking independent professional advice on design aspects and suggested the Design Council can be asked to provide design review for NSIPs. The Secretary of State does not consider the need to seek advice on design matters for this Application. As set out above, the Secretary of State considers that the design process has been appropriately undertaken by the Applicant.

- 4.65. The Secretary of State has considered the need for a provision within the Order for an independent design review process. She notes that Requirement 3(1) as drafted in the dDCO requires various design details to be submitted to and approved by the LPA before any phase of the development can commence.
- 4.66. The Secretary of State considers that the LPA would provide sufficient oversight on the design details for the Proposed Development when discharging requirements and therefore an independent design panel is not required post consent. Furthermore, she notes that no specific design matters have been raised: the ExA noted no IPs raised specific comments on the overall design matters during the Examination [ER 3.3.18]. She therefore considers that an independent design panel post consent would not be necessary as it would not redress any specific design issues or provide design oversight that has not already been secured by various provisions within the Order.
- 4.67. The Secretary of State considers that although an independent design review can assist in maximising the value of the design of NSIPs, it is not necessary for the Proposed Development. Paragraph 4.1.16 of NPS EN-1 states that the Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. The Secretary of State considers the imposition of a provision within Requirement 3(1) for an independent design review panel to be discharged post-consent for the BESS and OSS is not necessary and therefore in accordance with paragraph 4.1.16 of NPS EN-1, it has not been included. She has therefore included Requirement 3 (1) as drafted in the dDCO in the Order as made.
- 4.68. The Secretary of State considers the integration of a design champion and a representative design panel could have provided added value to the design of the Proposed Development in particular if implemented early in the design process for the Proposed Development. However, as noted above the Secretary of State agrees with the ExA that the Applicant design process is in accordance with paragraphs 4.7.6 and paragraph 4.7.7 of NPS EN-1. Therefore, she ascribes the matter of good design neutral weight in the overall planning balance.

Land Use and Soil

- 4.69. The ExA addressed issues in relation to BMV land at [ER 3.8]. By the end of the Examination, the ExA considered that where practicable, the Applicant sought to minimise impacts to BMV land, noting however that the majority of land occupied by the Proposed Development consisted of BMV grades 1, 2, and 3a [ER 5.2.49].
- 4.70. The Applicant assessed the overall adverse effects on BMV land as not significant for all phases of the Proposed Development, with the exception of the moderate adverse effect on land quality resulting from the woodland planting and pond/scrub creation [REP5-015]. The ExA weighed the Applicant's land use justification and soils mitigation detailed in the Soil Management Plan ("SMP") [REP3-027] against the loss of the BMV resource and impacts to farm businesses, attaching moderate negative weight against the making of the Order in respect of land use and soil matters [ER- 3.8.65; 5.2.52].

The Proportion of BMV Land Within the Order Limits

- 4.71. NPS EN-3 paragraph 2.10.25 states that if necessary, field surveys should be used to establish the Agricultural Land Classification ("ALC") grades of agricultural land within the site. The Secretary of State notes that the total size of the Order Limits, including the ecological mitigation areas, is approximately 888 hectares ("ha"). The Planning Statement reports 72.1% of land within the Order Limits comprises BMV land [REP5-015, REP6-024]. However, the Secretary of State notes that in the ALC report [APP-131], the biodiversity mitigation areas were recorded as 'not surveyed' and that the survey was confined to the 722ha area in which the solar infrastructure was to be situated. Of this survey area, the ALC survey reported 88.68% of the site consisted of BMV land.
- 4.72. The Secretary of State therefore considers that the precise proportion of BMV land across the Order Limits has not been established by field survey and that the reported figure of 72.1% is subject to uncertainty. Natural England ("NE") advised that, for the purposes of a worst-case assessment, the unsurveyed area on which approximately 15ha of habitat creation (tree planting and scrub/pond creation) was to be situated could be assumed to comprise 100% BMV land [REP6-050]. Applying this principle to the whole Order Limits, the Secretary of State calculates that >90% of the Order Limits could comprise BMV land, representing an increase compared to what was reported in the Planning Statement [REP5-015, REP6-024]. The Secretary of State emphasises that this percentage of potential BMV land represents a worst-case calculation rather than a finding as to the actual ALC grade of the unsurveyed land.
- 4.73. The Secretary of State notes that with the exception of the aforementioned areas of habitat creation the majority of the Eastern and Western Biodiversity Mitigation Areas will continue in arable management under the skylark mitigation strategy. Consequently, these areas of continued farming will undergo limited change from a soils perspective. Recognising this, NE stated that the absence of surveys in these areas was not a significant concern [REP5-059], while maintaining their position that best practice recommends that a full ALC survey should be undertaken across the full Order limits prior to consent. The Secretary of State agrees with NE, though wishes to highlight that the Applicant should have presented any limitations in calculating the total amount of BMV land within the Order Limits during Examination, acknowledging which areas were not surveyed and the reasons for this.

Permanent/temporary Loss of BMV Land in Enhancement areas

- 4.74. The Secretary of State notes that NE challenged the Applicant's conclusion that the siting of enhancement habitat on areas of BMV land would result in a temporary impact of low magnitude [RR-054]. The enhancement habitats in question amounted to approximately 1ha of pond creation, 1–2ha of scrub planting, and 12.1ha of woodland planting, in the Eastern and Western Biodiversity Mitigation Areas [REP3-049, REP5-015].
- 4.75. NE's position was that the loss of BMV through habitat enhancement should be reflected as permanent loss in the ES conclusions [RR-054], whereas the Applicant considered it a temporary loss of function which could be returned upon decommissioning [APP-072B]. The Applicant stated that as these areas are only secured as mitigation for the lifetime of the Proposed Development, after which they will revert to the landowner to manage and maintain as they see fit, they do not constitute a permanent loss of BMV land [REP4-031]. NE's main disagreement was that woodland creation constituted a 'temporary' loss of BMV, stating that *'in the absence of a specific commitment in the DCO to restore the land to its*

original use and ALC grade, then for the purposes of the ES it should be assumed that created woodland would remain in perpetuity' [REP6-050]. The Secretary of State observes that as the Eastern and Western Biodiversity Mitigation Areas were not included in the ALC surveys. Consequently, NE adopted a precautionary worst-case scenario approach which assumed that the area lost constituted BMV land [REP6-050]. The ExA noted this disagreement, concluding that they were satisfied that the Applicant had put forward appropriate mitigation measures to minimise impacts on soils [ER 3.8.34, ER 3.8.43, ER 3.8.45].

- 4.76. The Applicant ultimately conceded that the woodland may be retained post-operation and thus, as a worst-case, result in a permanent loss of BMV land. The ES was updated to reflect the irreversible loss of BMV land from woodland planting, which was deemed to be of moderate adverse effect [REP5-015]. NE welcomed this amendment, advising that the Secretary of State account for it in her decision making.
- 4.77. The Secretary of State notes that the Land Use Framework for England (2026)⁴ states that it is the Government's ambition to safeguard BMV land from permanent land use change, naming woodland creation as an example. The Framework also acknowledges the value of habitat restoration near agricultural land in providing landscape level benefits to soil, water quality, and pollination services. The Secretary of State acknowledges that there is no specific requirement in the DCO which requires the woodland to be removed as with the built infrastructure, nor would she welcome such a requirement. The Secretary of State considers that while woodland creation may represent a permanent change from agricultural use, it does not in itself constitute a permanent loss of the underlying soil resource, which will be retained in situ. Therefore, the Secretary of State concurs with NE that the creation of woodland may represent a permanent loss of BMV land, caveated that this loss is primarily from an agricultural use perspective, and that the soil itself will not be subject to the same magnitude of adverse impact.

Permanent/temporary Loss of BMV in Substation and Battery Energy Storage System Areas

- 4.78. Paragraph 5.11.34 of NPS EN-1 establishes that the Secretary of State should ensure that a scheme is not sited on BMV land without justification. The Secretary of State notes that before such justification can be made it is appropriate to ensure the extent of BMV land being lost is established. The Applicant initially concluded that the Proposed Development would not result in significant effects on BMV land [REP5-015]. This conclusion was based on its assessment that the loss of BMV land would be temporary, due to the 40-year lifespan of the project and low magnitude of impact [REP5-015]. The ExA was 'not persuaded' that the impacts were temporary, nor the effects non-significant [ER 3.8.44], and considered there was an adverse effect of moderate significance on BMV land for the whole Order Limits [ER 3.8.46].
- 4.79. The Secretary of State notes that the majority of the site will be comprised of ground-mounted solar panels, fixed via piling. The Secretary of State considers that these areas may constitute a temporary loss of BMV land given the relatively unintrusive nature of the panel installation and the avoidance of soil stripping and storage, creating fewer impediments to the agricultural land returning to arable management post-decommissioning. While the arable land will be out of agricultural production for the project's lifespan, the

⁴ [Land Use Framework - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611111/Land_Use_Framework_for_England_2026.pdf)

Secretary of State is satisfied that the soil condition will not be fundamentally altered by the presence of the array, and in line with NE [RR-054] considers the impacts temporary in nature.

- 4.80. Regarding the elements of the Proposed Development to be situated on hardstanding, principally the OSS and BESS, the Secretary of State notes that NE considered that the areas on which these assets were to be situated could be considered temporary loss, if correct soil management in relation to soil stripping and storage was secured [REP5-059]. This aligns with the Applicant's position, whom states that if the OSS and BESS areas could be successfully restored upon decommissioning, the effect would remain minor adverse or negligible due to its temporary nature [REP5-015]. However, the Secretary of State notes that the Applicant acknowledges that the restoration of the OSS and BESS area are not guaranteed [REP5-015 section 15.7.12], but does not present the significance of effect should the restoration fail to achieve its objectives.
- 4.81. The Secretary of State notes the Applicant's commitment to restoring the agricultural land affected to either the same or a 'comparable' ALC grade in the SMP secured by requirement 11 of the DCO [REP3-027]. Whilst the Secretary of State acknowledges that the long-term storage and restoration of soils in areas of hardstanding to the same ALC grade is not unachievable, she considers it is not without risks to soil quality and composition, which present challenges to restoring the land to its previous ALC grade following decommissioning. Consequently, the Secretary of State disagrees with the Applicant and NE and considers the 3.3ha of BMV land under the BESS and the OSS to be permanently lost on a precautionary basis.

The Secretary of State's Conclusions on Land Use and Soil

- 4.82. The Secretary of State concludes that, on a precautionary basis, impact on the areas on BMV land affected by the hardstanding infrastructure, namely the OSS and the BESS, are subject to a significant adverse effect, reducing to minor adverse should the restoration to the previous ALC grade be achieved.
- 4.83. The Secretary of State concurs with the Applicant and NE that the areas of BMV land impacted by woodland planting are subject to a permanent adverse effect given the loss of the BMV land as a farming resource, though notes that the soil itself will be preserved in situ, unlike within the areas of hardstanding wherein soils will be stripped and stored. The Secretary of State notes that both the areas of hardstanding and enhancement habitat will be inoperable as farmland for the duration of the project lifespan, and possibly beyond. Based on these conclusions, the Secretary of State calculates that the amount of permanent loss of BMV land projected to occur as a result of the Proposed Development totals approximately 18.3ha.
- 4.84. With regard to cumulative impact, the Secretary of State notes the Applicant's conclusions [REP5-015] that on a regional scale across Nottinghamshire and Lincolnshire, the cumulative effect of permanent BMV loss was considered not significant. The Secretary of State highlights that the cumulative significant adverse effects associated with the permanent loss of BMV, and the residual minor adverse effects of the temporary loss of BMV beneath the array, have been factored into the planning balance.
- 4.85. The Secretary of State highlights that the issues surrounding BMV, and the adequacy of the soils for spring cropping in relation to skylark, demonstrate that ALC surveys of the

enhancement areas could have provided information which would have enabled a more robust assessment at the decision stage. Moreover, the lack of ALC information in the enhancement areas has led to a reliance on third party LandIS survey data at the decision stage and post consent surveying.

- 4.86. The Secretary of State agrees with the ExA [ER 3.8.62] that the Applicant has adequately justified the siting of the Proposed Development on BMV land in line with paragraph 5.11.34 of NPS EN-1. Noting the adverse effects on BMV land and effects on farm businesses, the Secretary of State attaches moderate negative weight against the making of the Order with regard to land use and soil matters, in line with the ExA [ER 3.8.65].

Biodiversity and Ecology

- 4.87. The ExA considered matters relating to Ecology and Biodiversity at ER 3.4 and considered that this topic had been adequately considered by the Applicant within the ES [ER 5.2.23]. The ExA noted several beneficial outcomes for habitats and species as a result of the Proposed Development, including the Applicant's voluntary 10% contribution to Biodiversity Net Gain ("BNG") [ER 3.4.86]. The ExA noted that there would be significant adverse residual effects on skylark populations at the local level, including cumulatively with other solar developments in the vicinity, due to habitat loss [ER 5.2.25]. The ExA assigned the impact to skylark significant weight in accordance with NPS EN-1 paragraph 5.4.43. In totality, the ExA attached little positive weight for the making of the Order in respect of biodiversity and ecology matters [ER-5.2.29].
- 4.88. In Examination, the Wildlife Trust [RR-055] raised the issue of territory loss for breeding skylark, highlighting a shortfall in territory provision in the Applicant's mitigation calculation. The Secretary of State noted that the Applicant's Skylark Mitigation Strategy ("SMS") [APP-115] intended to use arable management in conjunction with skylark plots in the Eastern and Western Biodiversity Mitigation Areas to mitigate the impact of habitat loss on breeding skylark. The SMS anticipated approximately 55-64% of the skylark breeding territories likely to be displaced from the 'proposed solar areas' (including areas identified for locating the solar panels, battery storage and other associated infrastructure) would be mitigated via this approach. In response to this shortfall, the Wildlife Trust advised that the Eastern and Western Biodiversity Mitigation Areas could, among other changes, be managed following a '*spring cereals or a spring break crop*' methodology to improve the capacity of the strategy [RR-055].
- 4.89. The Secretary of State notes that skylark plots are primarily used to facilitate increased foraging in winter cereals and are not intended to provide breeding habitat⁵. Furthermore, the BNG assessment [APP-114] indicated that significant proportions of the mitigation areas will be converted from 'winter stubbles' (associated with spring cropping) to 'cereal crops'. This was, at face value, a decrease in habitat value for skylark, which benefit from winter stubbles. The Secretary of State interpreted that the Wildlife Trust's advice regarding spring cropping aimed to improve the approach to mitigation by providing a longer nesting season and improved access to winter forage⁶, while maintaining the agricultural approach outlined within the mitigation strategy.

⁵ [Solar Farms and Skylarks, Solar Energy UK](#)

⁶ Donald, P.F. (2004) *The Skylark*.

- 4.90. Noting the shortfall in territory provision, and the lack of clarity surrounding the proposed arable management, in the information request the Secretary of State requested [C1-001] that the Applicant manage the Eastern and Western Biodiversity Mitigation Areas using a spring cropping regime to ensure maximum suitability for breeding and foraging skylark year-round. The Secretary of State requested that mitigation should be delivered in line with the Wildlife Trust's comments regarding '*spring cereals or a spring break crop*' [RR-055]. Should this approach not be feasible, the Applicant was requested to justify their position within the SMS, detailing the merits of their proposed strategy in relation to a spring cropping regime.
- 4.91. Furthermore, the Secretary of State requested that the Applicant update the Outline Landscape Ecology Management Plan ("oLEMP") to amend other aspects of the approach in relation to skylark, including the monitoring protocol, targeted breeding density, and remediation approach should the monitoring indicate that target breeding density was not being achieved.
- 4.92. The Applicant's response to the information request stated that the Eastern and Western Biodiversity Mitigation Areas were likely hydrologically unsuitable for spring cropping, consisting of poor drained soils which will likely inhibit spring sowing [C1-010]. As the mitigation areas were not included in the ALC surveys [APP-131; Appendix I], the Applicant's conclusions were based on third-party LandIS survey data. The Applicant updated the SMS to state that at the post-consent phase, fields would be identified which could be converted to a spring-sown regime with retained winter stubble, and where viable, a switch to spring-sown crops will be implemented [C1-010]. The Secretary of State notes a response received during the all IPs consultation raising concerns regarding a perceived lack of commitment from the Applicant in adopting a spring cropping regime, as well as the scale of impact on breeding skylark in combination with the adjacent Wood Farm Solar Project.
- 4.93. In response to the questions surrounding monitoring and remediation, the Applicant updated the SMS monitoring protocol to include the survey intervals requested by the Secretary of State [C1-010]. The Applicant also provided a distinct target for the number of breeding pairs (87), and greater detail regarding the remediation which would be implemented should the mitigation fall short. Regarding remediation, the Applicant stated that '*contingency actions will be incorporated, where target densities are not being met and the decline of population on site is not consistent with regional or national trends*' [C1-012].

The Secretary of State's Conclusions

- 4.94. The Secretary of State welcomes the Applicant's intention to mitigate impacts to skylark from the outset and acknowledges that the agricultural management approach to be implemented in the Eastern and Western Biodiversity Mitigation Areas incurs limited land disturbance and enables continued agricultural output [REP5-015]. The Secretary of State recognises the need for flexibility when determining the approach to arable management and acknowledges that seasonal variance will determine the nature of the cropping used. However, the Secretary of State highlights that if mitigating the territory loss of breeding skylark is the primary intention of the mitigation areas, the strategy should reflect that intention. The use of skylark plots does, within certain contexts, support greater breeding densities of skylark, however the provision of dedicated grassland habitat/spring cropping should be favoured over approaches which retain winter cropping as this is one of the primary pressures contributing to skylark population decline.

- 4.95. The Secretary of State notes that the SMS targets 87 breeding skylark territories throughout the approximate 130ha Eastern and Western Biodiversity Mitigation Areas combined. Not accounting for habitat suitability, the Secretary of State calculates that this equals a breeding density of approximately 0.66 territories/ha; a threefold increase in territory numbers from the baseline. While there is precedent for this level of efficacy from skylark plots, the Secretary of State notes that there may be some challenges in achieving the target breeding density on the scale proposed, given the limited habitat change. Furthermore, the Secretary of State observes the wider issues regarding how skylark plots can be aligned with other nature conservation objectives given the limited ecological value of arable crops. However, the Secretary of State notes the adaptive management measures proposed should the targets not be met. The Secretary of State has amended the rDCO and has inserted Requirement 7, which secures the SMS on the face of the DCO.
- 4.96. The Secretary of State welcomes the Applicant's intention to switch to spring cropping where feasible and has drafted Requirement 7 to provide the Secretary of State with an assessment as to whether this method can be applied within the Eastern and Western mitigation areas. If this approach is found to be viable, it should be considered first and foremost when discharging the SMS, with winter sowing and skylark plots implemented if spring sowing is found to be unviable.
- 4.97. The Secretary of State disagrees with the Applicant's position to assess the skylark monitoring results against 'national' population trends [C1-012, C1-010]. The Secretary of State acknowledges that the SMS monitoring results, and the subsequent need for remediation, should be viewed in relation to wider trends in the region, including annual population fluctuations and variance in weather conditions which may affect skylark breeding, irrespective of the Applicant's mitigation effort. The Secretary of State observes that aligning the delivery of remediation with national population trends presents issues as skylark are broadly in decline in England⁷, which should not preclude the delivery of mitigation on a project scale. National population trends provide context when interpreting monitoring results, but they should not constitute the basis on which site-specific mitigation targets are assessed, or remediation actions implemented. Consequently, the Secretary of State has drafted Requirement 7 to ensure that the SMS targets are identified, justified, and include assessment in relation to national, regional, and county level trends specifically. The Secretary of State considers that at the decision stage the Applicant provided further clarification on their approach toward skylark mitigation, though the residual impacts remain largely unchanged from those noted by the ExA at the end of Examination [ER-5.2.25].
- 4.98. The Secretary of State welcomes the Applicant's voluntary commitment to BNG, which the Applicant requested not be taken into account beyond 10% [REP2-052]. To secure this measure, the Secretary of State has included Requirement 8, which now sets out the specific percentages of BNG that are to be achieved by the Applicant for habitats, watercourses, and hedgerows. The Secretary of State considers that the Applicant has adequately mitigated the residual adverse impact on breeding skylark in line with paragraph 5.4.43 of NPS EN-1, and noting the BNG/habitat enhancements proposed, she considers that ecology and biodiversity issues should be given neutral weighting in the making of the Order.

⁷ RSPB - [Skylark Conservation - Advice for Farmers](#)

Landscape and Visual Effects

Landscape And Visual Impact Assessment Methodology

4.99. The landscape and visual impact assessment (“LVIA”) methodology was an issue raised by NCC, BDC and SSPC. The ExA concluded that it was satisfied that the LVIA [APP-064] followed the principles in the Guidelines for Landscape and Visual Assessment 3 (“GLVIA3”). The ExA stated that the LVIA formed a sufficient basis for the purposes of identifying likely significant landscape and visual effects. However, the ExA stated that 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*” [ER 3.7.48].

The Applicant’s Assessment of Landscape and Visual Effects

4.100. The ExA noted the Applicant’s assessment of landscape and visual impact and residential amenity is provided in ES chapter 6 [APP-064] which outlined that the application site is not covered by any landscape designations at a national, regional or local level and that no ancient woodlands lie close to the site [ER 3.7.4, ER 3.7.9].

4.101. The Applicant produced a LVIA and the study area was 5km from the site boundary of the Proposed Development [APP-064]. The LVIA included landscape receptors that were categorised as: landscape features, landscape character and landscape designations [ER 3.7.13]. Visual receptors included residential receptors, users of publicly accessible bridleways and footpaths, and users of the transport network [ER 3.7.14]. 26 viewpoints (“VPs”) were identified in the LVIA [ER 3.7.15].

4.102. The ExA noted that during the construction phase for the Proposed Development, the LVIA reported that there would be significant landscape effects due primarily to loss of farmland and combined removal of 1070m of hedgerows. In addition, it was reported there was potential for some additional effects on visual receptors (residential properties, public rights of way and roads) beyond those identified for the operational phase [ER 3.7.16].

4.103. During the operational phase of the Proposed Development, the ExA noted that the LVIA reported 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. All significant visual effects identified at year 1 were predicted to reduce to not significant at year 15 following the maturity of mitigation planting [ER 3.7.18].

4.104. The ExA noted that the LVIA reported that 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 [ER 3.7.19]. In the decommissioning phase, the LVIA reported similar effects as during construction [ER 3.7.21].

4.105. The ExA noted the proposed landscape and ecological mitigation and enhancement measures in ES chapter 6 included mitigation embedded in the design. This would include minimising effects through layout and siting of components away from sensitive receptors and through retention and enhancement of existing landscape features [ER 3.7.22]. Mitigation also included measures to manage the 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 [ER 3.7.23].

- 4.106. The ExA noted that the Applicant considered the net increase of 23km of hedgerow would represent a minor beneficial effect at year 1 rising to a moderate, significant effect at year 15 [ER 3.7.56].
- 4.107. The ExA noted that the LVIA stated that the potential for significant cumulative effects on landscape character would be limited as the wide landscape is already characterised by the presence of other energy developments (including projects at the proposal stage) [ER 3.7.26]. It was further noted by the ExA that the LVIA stated that the potential for cumulative visual effects would be low due to the limited visibility of the Proposed Development from much of the wider landscape [ER 3.7.27].
- 4.108. The ExA stated that the LVIA concluded that *“there would be a medium magnitude of impact to a medium sensitivity character area, resulting in moderate, non-significant combined effects for NCA [national character area] 48 and both the ‘Mid Notts Farmlands’ and ‘Trent Washlands’ LCAs [landscape character areas]”* [ER 3.7.28].
- 4.109. The Secretary of State notes that in respect to the village of Sturton-le-Steeple, the LVIA stated that the BESS would only be visible from a very small number of properties; a minimum of 450m from the nearest residential property within the village [APP-064]. She further notes that the LVIA stated that the BESS alongside the OSS has been located close to the existing former West Burton Power Station site in order to *“be seen in the context of the already developed power station site immediately beyond”* [APP-064].
- 4.110. The LVIA noted that several viewpoints had been provided from within or close to Sturton le Steeple: VPs 1, 3 and 4. The assessment of effects at each of these specific locations is set out in Appendix 6.3 – Viewpoint Assessment [APP-099, REP5-027]. The LVIA thereby concluded that there would be no potential for significant visual effects on any of the properties in the village at either Year 1 or Year 15 [APP-064]. The LVIA stated the magnitude of impact as a worst-case would be low to medium, resulting in moderate, non-significant, effects. In addition, the LVIA stated that for the majority of properties the magnitude of impact would be no greater than very low, resulting in minor effects [APP-064].
- 4.111. The Applicant produced a Residential Visual Amenity Assessment (“RVAA”) with a study area of 0.5km from the Proposed Development [APP-064]. The purpose of the RVAA is described as the identification if any significant changes in private views would be so great that they would breach the residential visual amenity threshold (“RVAT”) [ER 3.7.29]. The RVAA included a 4 step approach and the ExA summarised the steps as follows [ER 3.7.30]:
- *“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”*
- 4.112. Under steps 2 and 3 of the RVAA, 40 property groups were assessed. Step 3 of the RVAA did not identify any properties that would experience a high or very high magnitude of

change, or overall significant effect. As no dwelling met the RVAT, the RVAA did not include a step 4 assessment [ER 3.7.31].

The ExA's Considerations of Landscape and Visual Effects

- 4.113. The ExA considered that in regard to the proposed net change of 23 km of hedgerow it was 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.”* The ExA considered it likely that the extent of new hedgerow planting over the baseline conditions at year 15, would be sufficiently mature to result in beneficial effects [ER 3.7.63].
- 4.114. The ExA considered that [ER 3.7.65]:
- “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.”*
- 4.115. The ExA however concluded that having taken into account the assessed landscape features in ES table 6.7 (in the LVIA) there would not be a significant adverse effect overall (during the operation phase of the Proposed Development) [ER 3.7.65].
- 4.116. The ExA noted the Applicant's explanation that the planting of hedgerows is considered to reduce all previously identified significant visual effects to not significant at year 15. However, the ExA stated it was not persuaded that all significant effects would be reduced. It stated this was based on evidence it had read and heard and from observations during site inspections, which included its walks along the length of the Trent Valley Way through the site and other PROWs [ER 3.7.83].
- 4.117. The ExA concluded that the Applicant's approach of proposing landscape mitigation to reduce the prominence of the Proposed Development had sought to minimise harm to the landscape, in accordance with paragraph 5.10.6 of NPS EN-1. However, the ExA concluded that the LVIA had *“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.”* The ExA identified 7 VPs (1, 2, 12, 14, 17, 20 and footpath 20) that it considered the magnitude of change would be higher than set out in the LVIA and would result in significant adverse residual effects [ER 3.7.94].
- 4.118. The ExA found that there would be significant cumulative landscape effects on the landscape character of National Character Area 48: Trent and Belvoir Vales and for significant cumulative visual effects along the Trent Valley Way at VP 20 [ER 3.7.113].
- 4.119. The ExA stated it was satisfied factors such as offsets, oblique angles between properties and the Proposed Development, existing vegetation and proposed planting would be sufficient to ensure that the assessed properties in table 1 of the RVAA [APP-100] would not experience significant visual effects [ER 3.7.118].
- 4.120. The ExA concluded that it was satisfied that the Proposed Development would not breach the residential amenity threshold at any property [ER 3.7.120].

4.121. Subsequently, the ExA attached great negative weight against the making of the Order in respect of Landscape and Visual matters [ER 3.7.141].

The Secretary of State's Conclusion

4.122. The Secretary of State agrees with the ExA that the Applicant's LVIA is satisfactory and followed the principles in GLVIA3.

4.123. The Secretary of State notes the nearest VP in the LVIA from the BESS is VP 6. She notes that the LVIA reported that there would be no potential for significant visual effects on any of the properties in the village at either Year 1 or Year 15 [APP-064]. The Secretary of State notes that the RVAA did not identify any properties that would experience a high or very high magnitude of change or overall significant effect [ER 3.7.31]

4.124. However, the Secretary of State notes that vegetation screening was not planned for the western side of the BESS near Common Lane, as illustrated in APP-160: Figure 6.9 Landscape and Ecological Mitigation Strategy. The Secretary of State considered that additional screening on the western side of the BESS would reduce visual effects for road users/residential receptors that are in close proximity to the BESS. Therefore, in the information request letter, the Applicant was requested to update the relevant documents to consider the feasibility of vegetation screening in this area and whether such screening could reduce visual effects for road users/residential receptors.

4.125. In response to the Secretary of State's request in the information request letter, the Applicant stated that there were several constraints to the western side of the proposed BESS, which include two sets of existing overhead lines and a proposed cable route and associated easement [C1-012]. Therefore, it proposed vegetative mitigation along the boundary of the Order limits to provide screening of the western side of the BESS and this can be observed in C1-005: Figure 6.9 – Landscape and Ecological Mitigation Strategy (Sheet 2 of 6) [C1-012].

4.126. The Secretary of State considers the proposed vegetation mitigation in C1-005 would provide additional close-range screening and would help to soften views of the BESS from Common Lane and nearby residential receptors. However, given the height of the BESS infrastructure, the Secretary of State considers that the additional planting would not fully screen the development and that residual visual effects would remain. However, she considers that this represents some improvement on the previous proposal.

4.127. The Applicant also reviewed whether additional planting could be accommodated between the BESS perimeter fencing and the access tracks to the west, taking account of the required offsets from the BESS and relevant design and safety considerations, including the National Fire Chiefs Council's Battery Energy Storage Systems Position Statement (October 2025)⁸. Following this review, the Applicant added an additional native hedgerow to the margin between the fencing around the BESS on the western side in the updated Landscape and Ecological Mitigation Strategy – C1-005. The Applicant stated this would provide additional close-range screening to the BESS compound and in particular the perimeter fencing on the western side of the facility [C1-012].

⁸ [Battery Energy Storage Systems Position Statement by the National Fire Chiefs Council](#)

- 4.128. NCC welcomed the additional hedgerow proposed by the Applicant and stated that it would *“provide an appropriate additional layer of landscape mitigation”* [C2-009]. NCC requested that the additional hedgerow be identified in the final LEMP and that this should include details on the *“appropriate planting specification including species composition, planting density, establishment and management proposals and intended management height and width”*. NCC in addition requested that confirmation should be provided on whether the additional hedgerow once established would be maintained at the same dimension as the existing and enhanced hedgerow at approximately 2.5m in height and 1.5m in width.
- 4.129. NCC further stated in its response that the *“final arrangement should allow sufficient separation between the proposed hedgerow, Security fencing and BESS infrastructure to allow the planting to establish and be maintained effectively.”* NCC stated that NFCC guidance sets out that combustible vegetation should be at least 3m from BESS infrastructure. NCC requested that *“the local fire safety officer should be consulted to confirm that the proposed arrangement and offsets are acceptable from a fire safety perspective.”* NCC in its response set out what it considered should be provided in terms of access and maintenance and provided suggestions on planting. NCC considered that the additional mitigation is proportionate and appropriate in landscape and visual terms subject to the aforementioned factors it had detailed in its response [C2-009].
- 4.130. The Secretary of State notes that Figure 6.9 (C1-005) which identifies the proposed hedgerow is identified in the updated oLEMP [C1-002]. Furthermore, the Secretary of State considers that the identification of the new hedgerow as set out by NCC, would also be addressed in the final LEMP secured under Requirement 6 of the Order. Requirement 6 requires the final LEMP to be submitted to and approved by the LPA in consultation with NE. The Secretary of State refers to the fact that Requirement 6 states that the final LEMP must include details on native hedgerow planting. Furthermore, she notes that Requirement 6 requires the final LEMP to accord with the oLEMP. She notes that the oLEMP sets out details of the creation and management of hedgerow. She therefore considers that the hedgerow matters raised by NCC would be adequately addressed by Requirement 6 of the Order.
- 4.131. The Secretary of State notes that NCC requested that the local fire safety officer should be consulted on the proposed arrangement and offsets for the proposed hedgerow. She draws attention to the comments from the Applicant [C1-012] in which it stated when reviewing the additional planting it took into account the required offsets from the BESS and relevant design and safety considerations, including the National Fire Chiefs Council’s Battery Energy Storage Systems Position Statement (October 2025).
- 4.132. The Secretary of State notes that an outline Fire Risk Management Plan [REP5-024] indicates how fire risk has been addressed including mitigation measures in relation to risk to the BESS. In addition, Requirement 10 in the Order requires the submission of a Fire Risk Management Plan to be submitted and approved by the LPA in consultation with the Environment Agency and the Nottinghamshire Fire and Rescue Service. The Secretary of State therefore considers that there are sufficient provisions in the Order to address and mitigate fire risk from the proposed hedgerow and existing hedgerow in proximity to the BESS.
- 4.133. The Secretary of State welcomes the additional hedgerow proposed by the Applicant in the margin between the fencing around the BESS and the access track to the west of the BESS and she considers this would conform with the rest of the mitigation proposed by the Applicant.

- 4.134. The Secretary of State agrees with the ExA that landscape and visual effects should attract great negative weight in the planning balance.

5. Habitats Regulations Assessment

- 5.1. This is a record of the Habitats Regulations Assessment (“HRA”) that the Secretary of State has undertaken under the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitats Regulations”) in respect of the Proposed Development. For the purposes of these Regulations the Secretary of State is the Competent Authority.
- 5.2. The Habitats Regulations aim to ensure the long-term conservation of certain species and habitats by protecting them from possible adverse effects of plans and projects. The Habitats Regulations provide for the designation of sites for the protection of habitats and species of international importance. These sites are called Special Areas of Conservation (“SACs”). They also provide for the classification of sites for the protection of rare and vulnerable birds and for regularly occurring migratory species within the UK and internationally. These sites are called Special Protection Areas (“SPAs”). SACs and SPAs together form part of the UK’s National Site Network (“NSN”).
- 5.3. The Convention on Wetlands of International Importance 1972 (“the Ramsar Convention”) provides for the listing of wetlands of international importance. These sites are called Ramsar sites. Government policy is to afford Ramsar sites in the UK the same protection as sites within the NSN (collectively with SACs and SPAs referred to in this decision letter as “protected sites”).
- 5.4. Regulation 63 of the Habitats Regulations provides that: *“....before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a protected site or a protected offshore marine site (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, [the competent authority] must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.”*
- 5.5. And that: *“In the light of the conclusions of the assessment, and subject to regulation 64 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the protected site or the protected offshore marine site (as the case may be).”*
- 5.6. The Proposed Development is not directly connected with, or necessary to the management of a protected site. Therefore, under regulation 63 of the Habitats Regulations, the Secretary of State is required (as the Competent Authority) to consider whether the Proposed Development would be likely, either alone or in-combination with other plans and projects, to have a significant effect on any protected site. If likely significant effects (“LSE”) cannot be ruled out, the Secretary of State must undertake an Appropriate Assessment (“AA”) addressing the implications for the protected site in view of its Conservation Objectives.
- 5.7. Where Adverse Effects on Integrity (“AEoI”) of a site cannot be ruled out beyond all reasonable scientific doubt, regulations 64 and 68 of the Habitats Regulations provide for the possibility of a derogation which allows such plans or projects to be approved provided three tests are met:

- there are no feasible alternative solutions to the plan or project which are less damaging to protected sites;
 - there are imperative reasons of overriding public interest (“IROPI”) for the plan or project to proceed; and
 - compensatory measures are secured to ensure that the overall coherence of the NSN is maintained.
- 5.8. The Secretary of State may grant development consent only if it has been ascertained that the Proposed Development will not, either on its own or in-combination with other plans or projects, adversely affect the integrity of protected sites unless she chooses to continue to consider the derogation tests as above. The complete process of assessment is commonly referred to as a Habitats Regulations Assessment (“HRA”).
- 5.9. The Applicant undertook its initial scoping of protected sites within 30km of the Proposed Development in the HRA Report [REP6-012], which identified seven protected sites within the UK NSN for inclusion within the assessment:
- Birklands and Bilhaugh SAC
 - Thorne Moor SAC
 - Hatfield Moor SAC
 - Thorne and Hatfield Moors SPA
 - Humber Estuary SPA
 - Humber Estuary Ramsar
 - Humber Estuary SAC
- 5.10. Birklands and Bilhaugh SAC was screened out for further consideration given the physical and hydrological separation from the Proposed Development. All other sites were screened in for further assessment at the LSE stage. NE confirmed agreement with the Applicant’s initial conclusions with regard to the protected sites assessed and their qualifying features [REP1-020]. The Environment Agency also raised no issues in regard to the protected sites assessed and their qualifying features [RR-025]. The central protected sites considered within the Applicant’s assessment of LSE, and discussed in examination, were the Humber Estuary SPA, SAC, and Ramsar, and Thorne and Hatfield Moors SPA.
- 5.11. Impediments to the movements of migratory lamprey, a feature of the Humber Estuary SAC/Ramsar site, along the River Trent were considered at the LSE stage. The HRA stated that the existing flow regime would be maintained, and it would be unlikely that any culverting would act as a barrier to lamprey migration [REP6-012], with which NE concurred [RR-054]. The same conclusions were reached in relation to water quality, the HRA stating that the use of appropriate construction management would be sufficient to avoid any appreciable effects on lamprey [ER-4.4.14].
- 5.12. Impacts to Humber Estuary SPA and Thorne and Hatfield Moors SPA species using functionally linked habitat outside of the SPA boundary were considered. Both the Applicant [REP6-012] and NE considered that the Proposed Development site was unlikely to be functionally linked to the Humber Estuary SPA and Ramsar, and that LSE could be ruled out [RR-054]. This was due to the site’s distance from the SPA, low counts of relevant species in the wintering bird surveys [APP-108], and the development design, which retained and enhanced the most frequently used area of the site by SPA species - the Eastern Biodiversity

Mitigation Area. The same conclusion was reached for Thorne and Hatfield Moors SPA, as the site was deemed by both NE and the Applicant to be well in excess of the usual radius in which nightjar were known to forage [REP6-012]. No other substantive HRA matters were raised by NE or other IPs during the Examination with respect to protected sites and their qualifying features.

- 5.13. The ExA was satisfied that no LSE existed either alone or in-combination with other plans and projects [ER-4.5.4], and that there was sufficient information before the Secretary of State to enable them to fulfil their duty under the requirements of the Habitats Regulations. The Secretary of State has carefully considered the information presented during the Examination with regard to the Habitats Regulations, including the HRA Report [REP6-012], the ExA's report [ER-4], the ES, and representations made by IPs.
- 5.14. In line with NE and the ExA, the Secretary of State sees no reason to disagree with the Applicant's position and is content to conclude that no LSE exists either alone or in-combination with other plans and projects. Therefore, based on the information available, and as the Competent Authority in this regard, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, is not one that would give rise to the potential for likely significant effects on protected sites, and is satisfied that an Appropriate Assessment is not required for this Application.

6. Compulsory Acquisition

- 6.1. None of the land included in the CA request is National Trust Land, open space or common land [ER 6.2.3]. There are no Crown interests within the Order land [ER 6.2.2].
- 6.2. The ExA concluded that [ER 6.6.11]:
- 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 provided a clear mechanism whereby the necessary funding can be guaranteed;
 - There is a clear need for all the land included in the Book of Reference ("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 (Planning Act 2008: guidance related to procedures for the compulsory acquisition of land' 2013 (the CA Guidance)); and,
 - The powers sought in relation to Statutory Undertakers ("SUs") meet the conditions set out in s127 and s138 of the PA2008 and the CA Guidance.
- 6.3. The ExA stated that there is a compelling case in the public interest for the CA and TP powers sought and therefore recommended the acceptance of the CA and TP powers proposed in the dDCO [ER 6.6.12].

PPs for National Grid Electricity Transmission Plc

- 6.4. The ExA noted that there was a dispute between the Applicant and National Grid Electricity Transmission Plc (“NGET”) as to whether the Steeple Renewables DCO should include PPs to protect future NGET assets related to the North Humber to High Marnham (“NHHM”) project; that will be submitted as a DCO application in the future [ER 6.5.26]. The NHHM is described as a new high voltage electricity transmission line and associated works [ER 7.5.58].
- 6.5. NGET stated that it owns and operates one 400 kilovolt-amps (“kVA”) substation and multiple 400kV overhead lines within and in close proximity to the Order limits of the Proposed Development. NGET stated that the NHHM project would have a number of interactions with the Proposed Development [ER 7.5.57].
- 6.6. The Applicant considered that adequate protections for the benefit of the SU were provided for within its DCO [ER 6.5.26]. In addition, the Applicant disagreed over the proposed route alignment for the NHHM project through the Proposed Development [ER 7.5.61]. NGET objected to the Proposed Development as the dDCO submitted with the Application did not include suitable PPs for the benefit of its existing and future assets [ER 7.5.60]. The Applicant set out its objection to the principle of the PPs in various forms during the Examination [7.5.63].
- 6.7. By close of the Examination the Applicant and NGET had not agreed PPs in reference to Schedule 10, Part 13 [ER 7.5.54, ER 7.5.60].
- 6.8. A post-examination submission in the form of a letter was received from the Applicant dated 14 July 2026 [PID-002]. In paragraph 1.4 of the letter, the Applicant stated it had reached an agreement with NGET on terms to regulate the interface between the Proposed Development and the NHHM proposal and that this would allow NGET to withdraw its objection. The Applicant stated that this included agreement on inclusion of the PPs in a form that does not reference the NHHM project and to be incorporated in the Order if confirmed by the Secretary of State and provided the PPs as an appendix to the letter. The Applicant stated that NGET would confirm these points directly with the Secretary of State.
- 6.9. A post-examination submission dated 16 July 2026 from NGET stated that the Applicant had provided it a copy of PID-002 and confirmed that paragraph 1.4 of the letter *“accurately reflects the position and that NGET therefore withdraws its objection to the proposed Order”* [PID-003].
- 6.10. The Secretary of State is satisfied with the updates from the Applicant and NGET and has included the agreed PPs, as provided by the Applicant, in the Order.

PPs for Exolum Pipeline System Ltd

- 6.11. At the close of the Examination, PPs were not agreed between the Applicant and Exolum Pipeline System Ltd (“EPS”) [ER 7.5.54]. EPS stated it did not explicitly object to the Proposed Development but that it was liaising and would continue to liaise with the Applicant to agree bespoke PPs [ER 7.5.97]. The ExA explained that the Applicant’s Section 127/138 Report stated that PPs with EPS had been agreed and included these within the dDCO and the Applicant anticipated withdrawal of the objection by EPS, but the ExA stated no such confirmation was submitted [ER 7.5.98].

- 6.12. The ExA reported that no further correspondence was received from EPS throughout the Examination, in particular to its questions seeking updates on wording of PPs where disagreement remained.
- 6.13. The ExA detailed that Schedule 10 part 7 of the dDCO contains bespoke PPs for EPS. The ExA considered there was insufficient evidence to disagree with the PPs set out in the dDCO noting absence of any substantive correspondence from EPS. The ExA stated it was satisfied the PPs in the rDCO would not cause a serious detriment to the ability of either the Applicant to implement the Proposed Development or EPS to carry out its undertaking [ER 7.5.100].
- 6.14. A post-examination submission dated 8 July 2026 from EPS set out the withdrawal of its objection to the Proposed Development [PID-001]. In addition, EPS stated that its apparatus will not be affected by the Proposed Development as indicated in the plan attached to the letter. EPS however added that:
- “The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and to verify the true location of the pipeline you should contact Exolum to arrange a site visit.”*
- 6.15. EPS detailed that no work or activity should be undertaken without first contacting it for advice and, if required, a Works Consent.
- 6.16. In the post-examination submission from the Applicant dated 14 July 2026 [PID-002], it indicated that PPs were agreed with EPS. The Applicant noted the withdrawal of the objection from EPS in its letter of 8 July 2026. The Applicant stated that it noted the “several advisory notices” in the letter and would take these “into account in the implementation of the scheme”. The Applicant further stated that it did not consider that the advisory notes “affect the withdrawal of objection made explicit within that letter.”
- 6.17. The Secretary of State agrees with the ExA that the PPs in Schedule 10 part 7 of the dDCO would not be of detriment to either party and has therefore included these in the Order.

PPs for Network Rail

- 6.18. The western part of the Proposed Development is split by an operational railway running in a south-westerly to north-easterly direction. Network Rail (“NR”) noted that the Proposed Development would involve works in close proximity to operational railway land and permanent acquisition of new rights over NR’s freehold interests. NR noted that this would also require the extinguishing, suspension and/or interference with NR’s rights over and apparatus on third party land [ER 7.5.81].
- 6.19. NR set out the PPs it required to prevent adverse impacts to the railway in its submissions during the Examination [ER 7.5.81]. The Applicant and NR engaged throughout the Examination but at the close of the Examination, disagreement remained regarding 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] and no SoCG was agreed between the two parties [ER 7.5.82]. The Applicant detailed its position of the wording it sought in its Section 127/138 Report [REP6-038] and NR provided its position to this in REP6-051 setting out the drafting that it did not agree with and the reasons for disagreement [ER 7.5.83].

6.20. The ExA did not agree with a number of additions to the PPs in REP6-038 sought by the Applicant; primarily due to concerns that the additions could cause serious detriment to NR's undertaking [ER 7.5.84]. The ExA therefore recommended the removal of the Applicant's preferred drafting on the grounds that they have not been sufficiently justified, except for the provision in paragraph 134(2) requiring NR to be under an obligation to take reasonable steps to mitigate its loss [ER 7.5.85].

6.21. The ExA was satisfied that [ER 7.5.86]:

“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.”

6.22. The Secretary of State agrees with the ExA that there would be no serious detriment to NR's undertaking and that the relevant tests in sections 127(3) and 138(4) of the Planning Act are met. She notes the PPs for NR in the rDCO and considers these appropriate and has decided to include these in the Order.

PPs for UK Atomic Energy Authority and UK Fusion Energy Ltd

6.23. Spherical Tokamak for Energy Production (“STEP”) Project is a proposed nuclear fusion plant that would be sited at the former EDF West Burton Power Station. UK Fusion Energy Ltd (“UKFE”) is a subsidiary of the UK Atomic Energy Authority (“UKAEA”) that would deliver the STEP Project [ER 7.5.87].

6.24. UKFE stated PPs were required as the POC for the Proposed Development is the NGET substation West Burton Power Station site and this includes underground cabling to the POC across the West Burton Power Station site [RR-046, REP2-071, ER 7.5.88]. UKFE sought 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 in order to protect the delivery of the STEP Project [ER 7.5.88]. The Secretary of State notes that UKFE requested that it be treated as a SU regardless of whether it meets the formal requirements of s127 of the PA2008 [REP6-052]. The Applicant agreed to treat UKFE and UKAFE as SUs for the purpose of its Section 127/138 Report as it noted the strategic importance of the STEP Project [ER 7.5.91, REP6-038].

6.25. UKFE was concerned that the CA 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. UKFE considered that the PPs proposed by the Applicant to be inadequate, in particular the PPs set out in RR-046 and REP3-056 [ER 7.5.89]. UKFE therefore requested the following amendments to the PPs: apply expressly for the benefit of UK Industrial Fusion Solutions Ltd (“UKIFS”) now known as UKFE, as well as UKAEA; reflect the full extent of the UKAEA land; define “West Burton Power Station” with specific reference to a plan; and, remove the deemed approval provision [ER 7.5.89].

6.26. The Applicant considered 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 [STEP] project, should they be treated as SUs for the purposes of their Section 127/138 Report”* [ER 7.5.93].

6.27. UKFE considered that the Applicant's draft PPs were not justified and would cause serious detriment to the ability of it to deliver the proposed STEP Project and provided its final

position of its preferred drafting of the PPs with reasons [ER 7.5.94]. Disagreement between the Applicant and UKFE 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 [ER 7.5.90].

- 6.28. The ExA considered that the Applicant's drafting for paragraph 153 provided greater clarity and precision in respect of the process where plans are required to be approved by arbitration. In all other cases, the ExA agreed with the drafting preferred by UKFE and incorporated these into the rDCO [ER 7.5.95]. The ExA considered that the PPs in the rDCO would strike an appropriate balance and would not cause a serious detriment to the ability of either the Applicant or UKFE to implement their respective proposed developments [ER 7.5.96].
- 6.29. In response to the all IP consultation letter UKFE submitted a response [C2-010] in which it referred to the updated land tracker provided by the Applicant [C1-013]. UKFE noted the Applicant provided updates on negotiations with it. UKFE stated it continued to engage with the Applicant with a view to agreeing a final form of PPs, however these had not yet been agreed. UKFE requested that in the event that the PPs are agreed prior to the determination of the application, it and the Applicant would update the Secretary of State. UKFE stated *"For the time being, UKFE's position remains as is set out in the submissions made at deadline 6 of the examination (REP6-052)."*
- 6.30. In the absence of the final agreed form of the PPs between the Applicant and UKFE, the Secretary of State agrees with the ExA, she considers the PPs for UKFE in the rDCO are appropriate and has included these in the Order.

Outstanding Land Interests

- 6.31. In the information request, the Applicant was requested to provide an update on outstanding agreement(s) and negotiation(s) with respect to CA or TP matters relating to plots 03/03, 03/08 and 03/11 as identified in REP6-028 – 8.6 Land and Rights Negotiations Tracker (Clean) (Revision D). In addition, the Applicant was requested to provide an updated Land and Rights Negotiations Tracker.
- 6.32. The Applicant provided a response on 19 August 2026 [C1-012] stating that in relation to plots 03/03, 03/08, and 03/11, negotiations have been ongoing since October 2023. The Applicant stated that an agreed, final form, engrossment was in circulation between parties for completion and noted that this would enable it to acquire the necessary rights by voluntary treaty. The Applicant highlighted that the parties were not active objectors to the Proposed Development and had not made relevant representation during the Examination. The Applicant also provided an updated Land and Rights Negotiation Tracker – C1-013.
- 6.33. On 16 September 2026 the Applicant provided a further update on plots 03/03, 03/08, and 03/11 [C2-008]. The Applicant confirmed that the plots of land were under option with the landowners of the plots. The Applicant also stated it noted that the landowners' agent would write separately to confirm the updated position. The landowner's agent confirmed on 16 September 2026 [C2-007] that the three plots had been placed under option with effect from 11 September 2026.
- 6.34. The Secretary of State is satisfied with the update from the Applicant on the outstanding land agreements and notes that the Applicant has made efforts to secure agreements where possible.

The Secretary of State's Conclusion

- 6.35. The Secretary of State has noted the responses received to her information request, along with the objections and representations outstanding as summarised in the ExA report [ER 6.5.22 et seq. and ER 7.5.1 et seq. The Secretary of State agrees with the ExA's conclusions at ER 6.6.11 and agrees that there is a compelling case in the public interest for the CA and TP powers that are being requested and that these powers should therefore be granted.
- 6.36. The Secretary of State is satisfied that the inclusion of land rights powers within the Order meets the requirements of s122 and s123 of the 2008 Act and relevant guidance that it would be appropriate and proportionate to include them in the Order.
- 6.37. The Secretary of State has no reason to believe that the granting of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998. The Secretary of State considers that any proposed interference with individual rights would be lawful, necessary, proportionate and justified in the public interest. As such, she concludes that the CA and TP powers sought are compatible with the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance and Conclusions

- 7.1. The Secretary of State acknowledges the ExA's recommendation that the Secretary of State should make the Order for the Proposed Development in the form recommended at Appendix E attached to the ExA's Report [ER 8.3.2].
- 7.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- Principle of the Development (substantial positive weight);
 - Flood Risk, Drainage and the Water Environment (neutral weight);
 - Historic Environment (moderate negative);
 - Landscape and Visual Effects (great negative weight);
 - Land Use and Soil (moderate negative);
 - Noise and Vibration (neutral weight);
 - Human Health (neutral weight);
 - Transport and Access (neutral weight);
 - Combined Effects (limited negative weight);
 - Air Quality (neutral weight);
 - Electromagnetic Fields (neutral weight);
 - Glint and Glare (limited negative weight);
 - Major Accidents and Disasters (neutral weight);
 - Socio-economics (limited positive weight);
 - Tele-communications and Utilities (neutral weight); and,
 - Waste Management (neutral weight).
- 7.3. The Secretary of State disagrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- Good Design: the ExA ascribed little positive weight in the case that the provision of an independent design review process is included in the requirements and ascribed little negative weight if the Secretary of State did not include the provision for an

independent design review process in the Order [ER 3.3.51]. The Secretary of State does not consider the imposition of a provision within Requirement 3(1) for an independent design review panel to be discharged post-consent for the BESS and OSS is necessary, for the reasons given in paragraphs 4.65 to 4.68. The Secretary of State is satisfied that the Applicant has sufficiently demonstrated that the design process, design evolution and design principles of the Proposed Development is in compliance with NPS EN-1. She ascribes the matter of Good Design neutral weight in the overall planning balance.

- Biodiversity and Ecology: the ExA ascribed little positive weight to this topic. Noting the residual adverse impact on breeding skylark, the Secretary of State finds this weighs against making of the Order albeit taking into account the Applicant's voluntary commitment of 10% and the proposed habitat enhancement. She therefore ascribes the Biodiversity and Ecology topic neutral weight.

- 7.4. The ExA did not ascribe a weighting to cumulative effects, noting that that this was taken into account in the individual topic sections of the ExA's Report [ER 5.2.89].
- 7.5. The Secretary of State has had regard to the duties under regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 and paragraph 5.9.27 of NPS EN-1. She notes that great weight should be given to an asset's conservation and the more important the asset, the greater the weight to the asset's conservation. The ExA afforded great weight to the harm to the designated heritage assets [ER 3.6.133]. Paragraph 5.9.32 of NPS EN-1 sets out that where a proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.
- 7.6. The ExA identified less than substantial harm to the significance of designated heritage assets to be weighed against the public benefits of the proposal [ER 3.6.133]. The ExA considered that the harm that would arise in relation to non-designated heritage assets would be outweighed by the very great/substantial public benefits that would arise [ER 5.3.8]. The Secretary of State agrees that the need for, and benefits of, the Proposed Development outweigh the harm to designated heritage assets and non-designated heritage assets and there is clear and convincing justification for harm.
- 7.7. All NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached NPSs EN-1 and EN-3, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.
- 7.8. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development outweigh its adverse impacts.
- 7.9. The Secretary of State concludes that development consent should be granted for the Steeple Renewables Project. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.

- 7.10. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIR submitted by NCC, the NPSs, NPPF and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 7.11. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender reassignment; disability; marriage and civil partnerships⁹; pregnancy and maternity; religion and belief; race; sex and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.
- 8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the "general biodiversity objective" to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also

⁹ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.

- 8.6. The Secretary of State is of the view that the ExA's Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

9. Modifications to the draft Order

- 9.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:

- Amendments to the definitions in Part 1, Article 2 (Interpretation):
 - Addition of the definition of “the 2003 Act” for the Communications Act 2003;
 - amendment of the definition of “flood risk assessment” and “surface water drainage strategy” to clarify that all of the constituent documents/appendices certified under Schedule 12 (documents to be certified) are to be included in the definition;
 - Amendment of the definition of “outline skills, supply chain and employment plan” to “outline supply chain, employment and skills plan” in line with the accurate document name referred to in Schedule 12 (documents to be certified); and
 - addition of the definition of “requirement” for clarity.
- Amendment to Part 2, Article 5(4) (consent to transfer benefit of Order) to extend notification of the transfer of the benefit of the Order to the relevant local planning authorities if the Secretary of State's consent is not required.
- Amendment to Part 2, Article 6 (disapplication and modification of legislative provisions), to clarify the application of articles 27 and 28 to temporary possession powers, and include a modification to Regulation 6 of the Hedgerows Regulations 1997.
- Amendment to Part 2, Article 7 (defence to proceedings in respect of statutory nuisance), so that the defence to statutory nuisance is confined to noise falling within section 79(1)(g) of the Environmental Protection Act 1990, which is consistent with previous Orders.
- Replacement of references to “stopping up” of streets and public rights of way with “closure” throughout the Order, which is consistent with previous Orders.
- Addition of paragraph (5) to Part 4, Article 15 (discharge of water) to provide that where the undertaker discharges water into, or makes any opening into, a watercourse, public sewer or drain belonging to or under the control of a drainage authority (as defined in Part 4 of Schedule 10 (protective provisions)), those protective provisions will apply instead of paragraphs (3) and (4) of Article 15.
- Amendment to Part 4, Article 17 (Authority to survey and investigate the land) to add that where the undertaker proposes to serve notice of entry under this article, the

notice must include details of any proposed searching, boring or excavating, the leaving of apparatus on the land, and the taking of samples.

- Amendments to Part 5, Article 19 (time limit of exercise of authority to acquire land compulsorily), insertion of sub-article (3) to reflect changes made by section 185 of the Levelling-up and Regeneration Act 2023 (“LURA”) to the Compulsory Purchase Act 1965 and the Compulsory Purchase (Vesting Declarations) Act 1981. LURA provides that the applicable period for the time limit for giving notice to treat and for a general vesting declaration will be that specified in the Order which in this case is five years from the day the Order is made. The purposes of the amendments at Articles 22 and 25 are made for similar reasons, and the definition of “applicable period” is carried through to these articles.
- Amendment to Part 5, Article 27 (temporary use of land for carrying out the authorised development) to increase the minimum notice period required before entering on and taking temporary possession of land from 14 days to 28 days, for consistency with the equivalent notice periods used elsewhere in the Order.
- Amendment to Part 5, Article 28(11) (Temporary use of land for maintaining authorised development) to provide that the “maintenance period” is to be in line with the appropriate period set out in the LEMP.
- Amendment to Part 5, Article 30 (apparatus and right of statutory undertakers in closed streets) to add that this applies to the apparatus and rights of statutory undertakers in rights of way. The article title is amended accordingly.
- Amendments to Part 6, Article 34 (Felling or lopping of trees or removal of hedgerows), to extend the highway-authority consent restriction to expressly include “shrub” (in addition to trees, hedgerows and important hedgerows), and clarified that the restriction applies to the exercise of powers under both paragraph (1) and paragraph (4) of the article.
- Amendments to Part 7, Article 39 (Requirements, appeals, etc), to replace the proposed defined term “consenting authority” with the word “relevant” qualifying “consenting authority”.
- Deletion of article 43 (planning permission) as it is not considered necessary and creates potential ambiguity.
- Amendment to Schedule 2 (Requirements), Part 1 (Requirements), requirement 3 (Detailed design approval) related to a design review panel pursuant to paragraphs 4.48 to 4.68 above.
- Securing of the skylark mitigation strategy (requirement 7) to Schedule 2 (Requirements), Part 1 (Requirements), to require that no part of the authorised development may commence until a skylark mitigation strategy has been submitted to and approved by the Secretary of State, in consultation with the relevant statutory nature conservation body and the local planning authority for the area in which the mitigation measure is to be provided.

- Addition of a biodiversity net gain requirement (requirement 8) to Schedule 2 (Requirements), Part 1 (Requirements), to require that no part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority for that part, in consultation with the relevant statutory nature conservation body.
- Removal of the definitions of “commence”, “undertaker” and “working day” across multiple Parts of Schedule 10 (Protective provisions), as the definitions in Article 2 will apply in any event.
- Amendment to paragraph 162 (Interpretation) in Schedule 10 (Protective provisions) Part 13 (For the Protection of National Grid Electricity Transmission PLC as electricity undertaker) to remove reference to electrical lines, electrical plants. Additionally, all references to the North Humber to High Marnham Project have been removed throughout the Order pursuant to the agreement between NGET and the Applicant (referred to above in paragraphs 6.4 to 6.10). The removal of two paragraphs at the end of the protective provisions (“Incentive Deduction” and “STC Claims”) have been removed as they appear to be commentary and not relevant for the purposes of the Order.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency.

10. Challenge to Decision

10.1. The circumstances in which the Secretary of State’s decision may be challenged are set out in the Annex to this letter.

11. Publicity for Decision

11.1. The Secretary of State’s decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

11.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



Head of Energy Infrastructure Planning and Innovation

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010163>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
ALC	Agricultural Land Classification
AA	Appropriate Assessment
AC	Alternating Current
AEoI	Adverse Effects on Integrity
BDC	Bassetlaw District Council
BESS	Battery Energy Storage System
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
CCA	Climate Change Adaptation
CA	Compulsory Acquisition
CEA	Cumulative effects assessment
CP2030	Clean Power 2030 Action Plan
DAS	Design and Access Statement
DAD	Design Approach Document
DCO	Development Consent Order
DML	Deemed Marine Licence
EEM	Embedded environmental measures
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	The Examining Authority
EPS	Exolum Pipeline System Ltd
GHG	Greenhouse Gas
ha	Hectares
HE	Historic England
HRA	Habitats Regulations Assessment
IP	Interested Party
IROPI	Imperative Reasons of Overriding Public Interest
kV	Kilovolt
LIR	Local Impact Report
LSE	Likely Significant Effect
MMO	Marine Management Organisation
MW	Megawatt
NE	Natural England
NGET	National Grid Electricity Transmission Plc
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NSN	National Site Network
NSIP	Nationally Significant Infrastructure Project
NR	Network Rail

NHHM	North Humber to High Marnham project
NLHPC	North Leverton with Habbleshthorpe Parish Council
NCC	Nottinghamshire County Council
OSS	Onsite Substation
oLEMP	Outline Landscape Ecology Management Plan
PA2008 / the 2008 Act	The Planning Act 2008
PV	Photovoltaic
POC	Point of Connection
PP	Protective Provisions
PSED	Public Sector Equality Duty
RIES	Report on the Implications for European Sites
RR	Relevant Representation
SMS	Skylark Mitigation Strategy
SAC	Special Area of Conservation
SNCB	Statutory nature conservation body
SoCG	Statement of Common Ground
SPA	Special Protection Area
STEP	Spherical Tokamak for Energy Production
SSSI	Site of Special Scientific Interest
SU	Statutory Undertaker
SSPC	Sturton-le-steeple Parish Council
The EIA Regulations	The Infrastructure Planning Environmental Impact Assessment Regulations 2017
The Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
The Ramsar Convention	The Convention on Wetlands of International Importance 1972
TP	Temporary Possession
tCO2e	Tonnes of Carbon Dioxide Equivalent
UKAEA	UK Atomic Energy Authority
UKFE	UK Fusion Energy Ltd