The Droves Solar Farm

Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3

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Contents

1 Introduction

1.1.1 This document summarises the oral submissions made by The Droves Solar Farm Limited (the Applicant) at Issue Specific Hearing 2 (ISH2) held on Tuesday 8 September 2026 and Issue Specific Hearing 3 (ISH3) held on Wednesday 9 September 2026 in relation to the application for development consent (the DCO Application) for The Droves Solar Farm (the Scheme).

1.1.2 Where the Examining Authority (the ExA) requested further information from the Applicant on specified matters, or the Applicant undertook to provide further information during the course of ISH2 and/or ISH3, that further information (to the extent it was agreed to be provided by the Applicant at Deadline 4) is either set out in this document or provided as part of the Applicant's Deadline 4 submissions. However, at the time of finalising this submission (at 15:00 on 16 September 2026), the ExA's list of Action Points had not been published on the project website on the Planning Inspectorate's portal. In the written summary of ISH2 and ISH3 below, the Applicant has responded to the action points that it noted during these hearings. The Applicant will review the ExA's Action Points, once published, and provide responses to any outstanding actions at Deadline 5.

1.1.3 This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant's submissions

2 Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3

2.1.1 **Table 1-1** below provides a summary of the Applicant's oral submissions at ISH2.

Table 1-1 Applicant's Summary of Oral Submissions

#	Agenda Item	Summary of Submissions
1	**Welcome and arrangements for the hearing**	The following parties were present at ISH2: • Anthony Johnson, the ExA. • Alex Tresadern, Senior Associate at Pinsent Masons LLP, the solicitors for the Applicant. • James Plumb, Pager Power, advising the Applicant. • Dr Colin Lee, Aspect, advising the Applicant. • Bilal Ahmed, Hoare Lea, advising the Applicant. • Claudio Ricci, Velocity, advising the Applicant. • Tony Kernon, Kernon Countryside Consultants, advising the Applicant. • Robert Pile, LDA Design, advising the Applicant. • Simon Wood, for Breckland District Council. • Michael Doyle, for Breckland District Council. • Andrew Sierakowski, for Norfolk County Council. • Tom Russell Grant, for Norfolk County Council. • John Curtis, for Norfolk County Council. • Julie Barrow, for King's Lynn and West Norfolk Borough Council. • Tim Hubbard, for Castle Acre Parish Council. • Anne Mason, for Castle Acre Parish Council. • Mike Bennett, for Sporle with Palgrave Parish Council. • Dr Mark Holmes, individual representative. • Morgan Harringman, for the Environment Agency. • Julie Russell, Gowling WLG, advising National Highways. • Jeremy Bloom, for National Highways. • James Wild MP, for North West Norfolk. • Jon Wilson, for the Defence Infrastructure Organisation.
2	**Purpose of the issue specific hearing and introductions**	**The ExA** explained that the purpose of the hearing was to consider the matters identified in the ISH2 agenda. **Alex Tresadern, on behalf of the Applicant**, did not speak on this agenda item.
3 – Item 1	**draft Development Consent Order (DCO)**	Part 1 - Interpretation **The ExA** asked the Applicant about the definitions of 'permitted preliminary works' and 'commence' in relation to the Environment Agency's (EA) concern that remediation of the site could take place without the controls and mitigation commitments offered by the **outline Construction Environmental Management Plan (oCEMP) [APP/7.6.4]**. **Alex Tresadern, on behalf of the Applicant,** began by directing **the ExA** to the definitions of 'permitted preliminary works' and 'commence' in Article 2 of the **draft DCO [APP/3.1.4]**, clarifying that the definition 'commence' expressly excludes 'permitted preliminary works'. This exclusion is necessary to allow the undertaker to carry out certain preparatory activities before submitting relevant details or plans for approval pursuant to the Requirements contained in Schedule 2 to the **draft DCO [APP/3.1.4]**. In effect, this enables certain works to be carried out without "commencing" the Scheme, thereby providing the flexibility required for project delivery. **Mr Tresadern** noted that the definition of 'permitted preliminary works' encompasses pre-commencement activities such as surveys and site investigations. The Applicant considers these activities to be appropriate for exclusion from the definition of 'commence', as they are non-intrusive, above ground works or actions, meaning they are not expected to give rise to environmental effects requiring mitigation. Accordingly, the Applicant considers the scope of 'permitted preliminary works' to be clearly defined.

Mr Tresadern acknowledged the EA's concerns regarding remediation works being undertaken prior to the detailed Construction Environment Management Plan being approved and confirmed that the Applicant would submit a Permitted Preliminary Works Environmental Management Plan at Deadline 4, setting out the methodology for any permitted preliminary works. The Applicant welcomes comments on the plan from Interested Parties (IPs), including the EA, once it has been submitted. In anticipation of the submission of this plan, **Mr Tresadern** confirmed that the Applicant updated Requirement 13 of Schedule 2 to the **draft DCO [APP/3.1.4]** at Deadline 2 to require that all permitted preliminary works would be carried out in accordance with the Permitted Preliminary Works Environmental Management Plan. This secures the measures contained within the plan on the face of the **draft DCO [APP/3.1.4]**, with any non-compliance constituting a criminal offence on behalf of the Applicant. This mirrors the approach currently being taken in the Lime Down Solar Farm DCO application.

Post hearing note: *The Applicant has submitted the* ***Permitted Preliminary Works Environmental Management Plan [APP/8.25]*** *at Deadline 4.*

The ExA asked the Applicant about the definition of 'permitted preliminary works' in relation to the Borough Council of King's Lynn & West Norfolk's (BCKLWN) concern that it would have the opportunity to allow significant works before the detail of works or management plans have been confirmed; and its suggestion that the definition of 'maintain' is also amended.

Mr Tresadern, responded on each matter in turn:

- **Mr Tresadern** referred to the above discussion on the definition of 'permitted preliminary works', noting that it relates to the same issue identified by the EA. **Mr Tresadern** reiterated that the Applicant would submit a Permitted Preliminary Works Environmental Management Plan at Deadline 4 which would set out the methodology to be used for any permitted preliminary works. **Mr Tresadern** confirmed that the Applicant would welcome comments from IPs, including BCKLWN, on this plan. **Mr Tresadern** requested confirmation from **Morgan Harringman, for the EA**, and **Julie Barrow, for BCKLWN**, that this approach is agreed, and stated that the Applicant would be happy to arrange meetings with the EA and/or BCKLWN to discuss the matter as needed. **Mr Harringman** and **Ms Barrow** confirmed that the proposed approach was agreeable, subject to their review of the Permitted Preliminary Works Environmental Management Plan. ***Post hearing note:*** *The Applicant has submitted the* ***Permitted Preliminary Works Environmental Management Plan [APP/8.25]*** *at Deadline 4.*
- **Mr Tresadern** explained that BCKLWN proposed an amendment to the definition of 'maintain' so that it would expressly provide that the Applicant could not "*remove, reconstruct or replace the whole of the Scheme*" as part of its maintenance. While the Applicant does not anticipate undertaking such works, it does not consider the proposed amendment to be necessary. This is because the complete replacement of the solar panels has been fully assessed throughout the Environmental Statement (ES) and as a result, the proposed definition of 'maintain' is considered accurate and does not require amendment. In response to **Ms Barrow** explaining that the amendment had been suggested for clarity and to mirror the approach in other solar DCOs, **Mr Tresadern** stated that such wording has typically been included in other projects where the relevant Environmental Statement has not assessed the complete replacement of solar panels. The Applicant has, however, assessed this throughout the ES and therefore the Applicant considers that the additional wording is unnecessary.

<u>Part 2 – Principal Powers</u>

With reference to Article 6(1)(a)-(c) of the **draft DCO [APP/3.1.4]**, **the ExA** asked the Applicant about Norfolk County Council's (NCC) concern that there is not enough evidence for the disapplication of the Land Drainage Act 1991.

Mr Tresadern explained that **NCC's Relevant Representation [RR-043]** on this matter states that the Applicant "*has undertaken modelling on an ordinary watercourse near the A1065 and the Southacre Road that is within the Order limits and is shown to connect to the River Nar. This confirms that ordinary watercourses are within the site area, and therefore, the Land Drainage Act would apply to even in the event that sufficient evidence is able to confirm that other watercourses on site are not connected to the wider network*". NCC then goes on to state that as the reason for why the proposed disapplication of the Land Drainage Act 1991 is premature.

Mr Tresadern confirmed that the Applicant has not undertaken modelling on an ordinary watercourse. There are no ordinary watercourses within the Order limits and this has been confirmed by flood experts via site observations and Ordnance Survey Mastermapping data, which details the course of drains and ordinary watercourses. **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]** was informed by a 2D direct rain-on-grid model, which was used to verify the overland surface water pathway identified on the Environment Agency Flood Map for Planning. This pathway drains from south to north along the western extent of Work Nos. 2 - 4. There are no in-channel works proposed for ordinary watercourses outside the Order limits. Therefore, the Applicant considers its proposed disapplication of the relevant provisions of the Land Drainage Act 1991 to be proportionate and in accordance with common practice for solar DCOs.

Mr Tresadern further confirmed that the Applicant had recently met with a flood expert and NCC, in its capacity as the Lead Local Flood Authority (LLFA), to discuss this matter. **Mr Tresadern** noted that the parties were close to reaching agreement and welcomed a written response from **Andrew Sierakowski, for NCC**, to confirm NCC's position.

The ExA asked the Applicant about Article 6(1)(e) of the **draft DCO [APP/3.1.4]** in relation to the EA's view that it is not necessary to disapply Regulation 12 because no Flood Risk Activity Permits (FRAP) are required given the Order limits are not within the floodplain of a main river.

Mr Tresadern explained that Article 6(1)(e) of the **draft DCO [APP/3.1.4]** permits the disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in relation to flood risk activities only, namely the requirement to obtain a FRAP. **Mr Tresadern** noted that the Applicant had been engaged in discussions with the EA on this matter for some time, but acknowledged that the parties had reached a position of agreeing to disagree. Whilst the majority of the Order limits are located within Flood Zone 1, a small section of Work No. 11 (Mitigation and Enhancement Area), associated with the Skylark plots, is situated within Flood Zones 2 and 3. As a result, activities could potentially be undertaken on the floodplain of a main river, more than 8 metres from the riverbank, including activities such as stockpiling. The Applicant's view is that, in accordance with the Government's guidance on *Flood Risk Activities: Environmental Permits*, such activities could require a FRAP. **Mr Tresadern** therefore explained that the inclusion of the disapplication provision serves as a contingency measure intended to avoid unnecessary duplication of consenting requirements, rather than reflecting any expectation that a FRAP would be required across the Scheme as a whole. In addition, consistent with this approach, the Applicant amended the EA's protective provisions at

Deadline 1 in Part 5 of Schedule 15 to the **draft DCO [REP1-004]** to mirror the EA's preferred wording in full. As the Applicant continues to seek the disapplication of the FRAP regime as a contingency measure, it intends to retain those protective provisions within the **draft DCO [APP/3.1.4]**.

Mr Harringman acknowledged the Applicant's position but made submissions as to why, in the EA's view and with reference to the Planning Act 2008, the disapplication provision and associated protective provisions should be removed from the **draft DCO [APP/3.1.4]**.

The ExA asked whether the parties' respective positions were reflected within the **SoCG with Environment Agency [APP/5.13.2]**. **Mr Tresadern** and **Mr Harringman** both confirmed that this was the case. It was agreed that the matter remained one on which the parties had agreed to disagree and that **the ExA**, and ultimately the Secretary of State, would need to determine whether the disapplication provision should be included in the final Order. **Mr Tresadern** noted that the Applicant's approach was consistent with standard practice in DCO drafting and did not represent a departure from that established approach.

<u>Part 6 – Miscellaneous and General</u>

The ExA asked the Applicant to comment on a concern raised by BCKLWN regarding the flexibility provided by the current wording in Article 40 of the **draft DCO [APP/3.1.4]** on the felling or lopping of trees.

Mr Tresadern explained that Article 40 (Felling or lopping of trees and removal of hedgerows) of the **draft DCO [APP/3.1.4]** is based on a model provision included in a number of made and consented DCOs. The provision enables the undertaker to fell, lop or cut back the roots of any tree or shrub within or overhanging the Scheme to prevent it obstructing or interfering with the construction, maintenance or operation of the Scheme, constituting a danger for persons using the Scheme, or obstructing or interfering with the passage of construction vehicles. **Mr Tresadern** explained that concerns had been raised by BCKLWN regarding the degree of flexibility afforded by the provision, in particular the reference to trees and shrubs located "*near any part of the authorised development*". **Mr Tresadern** submitted that the meaning of "*near*" must be understood in the context of the remainder of Article 40(1), which limits the exercise of the power to circumstances where the undertaker reasonably believes it is necessary to lop a tree or shrub that is causing obstruction, interference or poses danger in connection with the Scheme. The Applicant's position is therefore that the provision would apply only to trees or shrubs in sufficient proximity to the Order limits to give rise to those issues and would not provide a broader, unrestricted power.

Mr Tresadern further submitted that restricting the power solely by reference to the geographical extent of the Order limits, as suggested by BCKLWN, could create practical difficulties. By way of example, a tree located outside the Order limits could become damaged and fall towards the Scheme, posing a risk to users of the Scheme, yet would fall outside the scope of the power if the drafting were amended as suggested by BCKLWN. **Mr Tresadern** explained that the Applicant considers it preferable for the scope of the power to be defined by the nature of the harm or interference caused by trees and shrubs, rather than by a strict geographical limitation. Accordingly, the Applicant does not propose any amendments to Article 40 of the **draft DCO [APP/3.1.4]**.

Ms Barrow recognised the Applicant's explanation but confirmed that BCKLWN maintained its position. **The ExA** and **Mr Tresadern** indicated that landscape and visual matters could be discussed further between the parties at ISH3.

The ExA asked the Applicant to comment on the EA's view that it does not consider Article 49 (Maintenance of drainage works) of the **draft DCO [APP/3.1.4]** to be necessary.

Mr Tresadern again stated that there are no ordinary watercourses within the Order limits. This has been confirmed by site observations and Ordnance Survey Mastermapping data identifying the location of drains and ordinary watercourses. **Mr Tresadern** explained that the purpose of Article 49 of the **draft DCO [APP/3.1.4]** is to ensure that any realignment of drains or other drainage works carried out as part of the Scheme would not affect the existing allocation of responsibility for maintenance of those drains, unless otherwise agreed between the Applicant and the relevant responsible party. The Applicant considers that the provision provides certainty to both the Applicant and to those possessing that responsibility, and enables agreement on reallocation of responsibilities to be reached where appropriate.

Mr Tresadern referred to **ES Chapter 12: Water Resources [APP/6.2.3]**, which records that no field drainage was observed during site walkovers and that the landowner was unaware of any field drainage systems within the Order limits. However, paragraph 12.6.66 of **ES Chapter 12: Water Resources [APP/6.2.3]** identifies an irrigation system in proximity to the Order limits (Field 4). Pursuant to Article 72(1)(b) of the Land Drainage Act 1991, the definition of 'drainage' includes irrigation. **Mr Tresadern** therefore explained that Article 49 of the **draft DCO [APP/3.1.4]** would ensure that the operation of the irrigation system could be protected should any part of that system encroach within the Order limits.

Mr Tresadern explained that in the **Applicant's Response to ExQ2 [REP3-088]** regarding whether this position is precedented, the Applicant had stated that similar provisions have been included in several made DCOs, including the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022, the A66 Northern Trans-Pennine Development Consent Order 2024, and the London Luton Airport Expansion Development Consent Order 2025. The Applicant therefore considers that it is a sensible inclusion to clarify who has responsibility for drainage works.

<u>Schedule 2 – Requirements</u>

In relation to Requirement 13(1) of Schedule 2 to the **draft DCO [APP/3.1.4]**, **the ExA** asked the local authorities and the EA to comment on the Applicant's proposal for approval of the Permitted Preliminary Works Environmental Management Plan, with reference to the **Applicant's Response to ExQ2 [REP3-088]** (Q7.4.4).

Mr Harringman and **Ms Barrow** confirmed that the EA and BCKLWN respectively are content with the Applicant's proposed approval process for the Permitted Preliminary Works Environmental Management Plan but would need to review the document once submitted. **Mr Tresadern** again confirmed the plan would be submitted at Deadline 4 and welcomed comments once submitted. ***Post hearing note:*** *The Applicant has submitted the* ***Permitted Preliminary Works Environmental Management Plan [APP/8.25]*** *at Deadline 4.*

The ExA asked the Applicant whether it accepts that National Highways (NH) should be given an opportunity to review and approve various details in Requirements 3(1), 5, 7(1), 8(1), 10(1) and (2), 11, 13, 14, 15(1) to (3), and 20(5) of the **draft DCO [APP/3.1.4]**.

Mr Tresadern confirmed that the Applicant remains in discussions with NH's solicitors on this matter. The Applicant understands that an approach to consultation is close to being agreed with NH in relation to the Green Hill Solar Farm DCO, a project being promoted by the Applicant's parent company. **Mr Tresadern** noted that, should agreement be reached in that case, the Applicant would discuss with NH whether the same approach could be adopted for the Scheme. **Mr Tresadern** expressed confidence that an agreed position could be reached before the close of the Examination and confirmed that the **draft DCO [APP/3.1.4]** would be updated as necessary.

Julie Russell, for NH, confirmed that **Mr Tresadern's** summary of the current position was accurate. In response to further points made by **Ms Russell** regarding Requirements 3 and 5, as well as submissions regarding NH's preferred approach to consultation on amendments to certified documents and the extent of NH's involvement in the discharge of certain requirements where matters may affect the Strategic Road Network, **Mr Tresadern** acknowledged that Requirement 3 had remained an issue of disagreement on other projects promoted by the Applicant's parent company. **Mr Tresadern** confirmed that the Applicant would consider the points raised by NH in relation to this Scheme and respond in writing at an appropriate time, whilst noting that the parties may ultimately remain in a position of agreeing to disagree.

The ExA asked **Ms Russell** whether the protective provisions proposed would address NH's concerns. In response, **Ms Russell** stated that NH's concerns in relation to certain Requirements would remain notwithstanding the protective provisions.

The ExA asked whether the current position was accurately reflected in the **SoCG with National Highways [AS-074]**. **Mr Tresadern** confirmed that the issues were recorded as matters under discussion but suggested that the relevant entry could be divided to distinguish between those matters that may be resolved through agreement of protective provisions and those issues, including Requirements 3 and 5, which have remained unresolved on other schemes.

In relation to Requirement 5, **Mr Tresadern** explained that its purpose is to secure approval of details relating to the principal elements of the Scheme (Work Nos. 1, 2 and 3A) and that it is not generally standard practice for the Requirement to apply more broadly to other works (such as Work No. 8). **Mr Tresadern** nevertheless noted that similar consultation arrangements had, on other schemes, been secured through management plans which were themselves secured by Requirements in the DCO. **Mr Tresadern** stated that a similar approach could be agreed with NH in this case and confirmed that discussions between the parties would continue.

The ExA asked the Applicant to comment on concerns raised by Breckland District Council (BDC) regarding Requirements 7, 9 and 17 of the **draft DCO [APP/3.1.4]** that Natural England (NE) should be expressly identified, whilst allowing reference to any successor body where relevant.

Mr Tresadern explained that there is no outstanding objection to the Scheme by NE in relation to the wording of Requirements. However, in relation to Requirements 7 and 9, the Applicant considers that the wider-ranging drafting of "*the relevant statutory nature conservation body*" is preferred to ensure appropriate consultation, rather than specifically referring to NE. This is to address the unlikely but potential scenario of NE ceasing to exist or having its functions devolved, with the wording covering successors and ensuring that the statutory body possessing the requisite ecological and agricultural expertise at the time of discharge is consulted. This is well-precedented across numerous made solar DCOs, and therefore the Applicant does not propose to depart from standard practice in this regard.

In relation to Requirement 17, **Mr Tresadern** confirmed the same position applies. However, the Applicant also notes that NE has not requested to be named as a consultee for approval of the **outline Soil Management Plan (oSMP) [REP1-062]** under this Requirement and, in any event, the Applicant is in discussion with NE regarding the contents of the **oSMP [REP1-062]** and is confident of reaching an agreed position during the course of the Examination. **Mr Tresadern** noted that the relevant planning authority is, under the various Requirements, entitled to consult with any other organisation that it considers necessary. The absence of an express consultation requirement on the face of the **draft DCO [APP/3.1.4]** does not preclude consultation with relevant parties; rather, it avoids imposing a statutory requirement that could delay the implementation of the Scheme.

The ExA asked the Applicant to comment on concerns raised by BDC regarding Requirement 11 of the **draft DCO [APP/3.1.4]** that NCC in its role as the LLFA should also be specifically referenced in this instance, and regarding Requirement 12 that consultation with NCC Historic Environment Service should be specifically referenced.

Mr Tresadern noted that Requirements 11 and 12 of Schedule 2 to the **draft DCO [APP/3.1.4]** require the Applicant to submit "*to the relevant planning authority*" (i.e. BDC) the written details of the surface water drainage scheme and (if any) foul water drainage system, and a written scheme of investigation, respectively. As part of this approval, the relevant planning authority is entitled to consult with any other organisation they deem necessary, which can include NCC in its role as LLFA or NCC Historic Environment Service. The Applicant therefore considers it unnecessary for the possibility of such consultation to be expressly set out on the face of the **draft DCO [APP/3.1.4]**.

In response to points made by **Simon Wood, for BDC,** regarding consultation with specialist consultees in the discharge of Requirements, **Mr Tresadern** explained that expressly naming a body on the face of the **draft DCO [APP/3.1.4]** would create a statutory obligation to consult that body. This could create difficulties where an organisation ceased to exist or changed status and therefore the Applicant's preference is to rely on the usual consultation processes associated with the discharge of Requirements.

The ExA asked whether the Applicant accepts the Defence Infrastructure Organisation's (DIO) additional requirements detailed in its **Relevant Representation [RR-051]** relating to the Construction Management Plan, Glint and Glare Management Plan and safeguarding measures to manage birdstrike hazard.

Mr Tresadern confirmed that the Applicant held a productive meeting on 4 September 2026 with the DIO, or Ministry of Defence (MoD). Several matters remain the subject of the MoD's objection but it is the Applicant's understanding that agreement is close to being reached on all matters. **Mr Tresadern** outlined that two of those matters, namely impacts on the Precision Approach Radar (PAR) at Royal Air Force (RAF) Marham and glint and glare effects, were proposed to be addressed through Requirements secured on the face of the **draft DCO [APP/3.1.4]**, the latter being via a Glint and Glare Management Plan. In relation to PAR, **Mr Tresadern** noted that the proposed requirement reflects the specific operational requirements of RAF Marham and should not be regarded as setting a precedent for other schemes.

Mr Tresadern also stated that the remaining matters, relating to consultation with the MoD on birdstrike safeguarding and the management of construction equipment, were proposed to be addressed through amendments to the relevant management plans. In light of the constructive discussions that have taken place with the MoD to date, the

Applicant is confident that agreement can be reached and the MoD's objection withdrawn before the close of the Examination, subject to the necessary drafting and documentation being agreed.

Jon Wilson, for the MoD, confirmed that constructive discussions had taken place between the parties and made points regarding the proposed Requirements and ongoing discussions relating to PAR, glint and glare, construction equipment and birdstrike safeguarding. **Mr Wilson** confirmed that the MoD would review any further information provided by the Applicant and update its position accordingly.

Schedule 13 – Documents to be certified

The Applicant was asked by **the ExA** whether the Design Principles, Parameters and Commitments document (DPPC) provides adequate parameters to address concerns raised by NCC regarding whether ground reinstatement relates to predevelopment or finished ground levels, or whether imported materials used to create platforms will be fully removed.

Mr Tresadern confirmed that the Applicant considers that the role of the **Design Principles, Parameters and Commitments [APP/5.8.4]** is to guide the design of the Scheme, whereas the reinstatement of ground levels is a decommissioning and soil management matter which is therefore better addressed through the **outline Decommissioning Strategy (oDS) [REP3-067]** and/or the **oSMP [REP1-062]**, both of which are secured by corresponding Requirements in the **draft DCO [APP/3.1.4]**. The **oSMP [REP1-062]** was updated at Deadline 1 to include, in section 6.1, wording that states "*during the decommissioning phase, soils and land will be disturbed due to the removal of all infrastructure except for the National Grid Substation and Grid Connection Infrastructure, down to a depth of 1.2m from the ground level post decommissioning, accounting for any reprofiling. This will include materials brought to Site to construct a level platform for the BESS, or National Grid Substation and/or the Customer Substation*". That section also states that "*a detailed SMP will be needed to be in place to reflect weather, soil and land conditions, at the time of decommissioning, to ensure the Site is returned to its original use and condition as far as practicable, which will include consideration of its original topography*", and that the detailed Soil Management Plan for the decommissioning phase will include a commitment that "*soil profiles to be reinstated will be designed to ensure soils/land to be restored to previous condition*".

Mr Tresadern explained that the **oDS [REP3-067]** states at paragraph 2.1.2 that "*foundations and other below ground infrastructure will be dug and buried respectively to –1.2m below the surface to enable future ploughing*" and at paragraph 2.1.6 that "*some soil profiling may be required, and the land will be contoured in agreement with the landowner and in accordance with this oDS, approximately similar to the current topography*". The Applicant considers that this wording, in this management plan, satisfies the concerns raised by NCC.

Mr Sierakowski, for NCC, confirmed that NCC would submit written representations in response to these comments made by the Applicant.

Schedule 15 – Protective Provisions

The ExA asked the Applicant for an update on progress of any negotiations relating to the agreement of protective provisions including National Grid Electricity Transmission Plc (NGET), NH and the EA.

Mr Tresadern addressed the protective provisions in turn:

- NGET: From the outset, the Applicant has included a form of protective provisions for NGET in Part 3 of Schedule 15 to the **draft DCO [APP/3.1.4]**. The Applicant is in discussions with NGET's solicitors regarding amendments to the protective provisions requested by NGET, and comments on the Applicant's latest set of proposed amendments were received on 4 September 2026. **Mr Tresadern** confirmed that the Applicant would consider those comments and continue to engage with NGET to agree a form of protective provisions. The Applicant is confident that agreement will be reached during the course of the Examination.
- NH: A form of protective provisions is being discussed between NH and the Applicant's parent company on other DCO projects, and **Mr Tresadern** stated that the approach taken on those projects would be mirrored in the protective provisions for the Scheme. The Applicant anticipates agreement being reached during the course of the Examination and the protective provisions in the **draft DCO [APP/3.1.4]** updated accordingly. **Ms Russell** confirmed this position.
- EA: There are no ongoing negotiations in relation to the protective provisions for the benefit of the EA in Part 5 of Schedule 15 to the **draft DCO [APP/3.1.4]**. It is the Applicant's understanding that the EA does not consider these protective provisions to be necessary; however, the Applicant does, and has therefore mirrored the EA's preferred wording on face of **draft DCO [APP/3.1.4]**. **Mr Tresadern** stated that it is likely the Applicant and the EA would agree to disagree on the inclusion of protective provisions but it is the Applicant's position that such provisions are to remain in the **draft DCO [APP/3.1.4]** until the close of Examination and beyond. **Mr Harringman** outlined his position that protective provisions for the benefit of the EA must be removed and must not remain in the **draft DCO [APP/3.1.4]** beyond the close of Examination. **Mr Tresadern** reinforced the Applicant's position that the protective provisions must remain in the **draft DCO [APP/3.1.4]** and that it is ultimately a matter for **the ExA** and Secretary of State to consider statutory authorisations for the inclusion or otherwise of protective provisions when deciding on the Order.

Schedule 16 – Procedure for discharge of requirements

The ExA asked the Applicant to comment on requests for proposed changes to paragraph 3(3) of Schedule 16 of the **draft DCO [APP/3.1.4]** from the EA for 15 working days to respond, and NH for 28 days to respond.

Mr Tresadern explained that as part of the discharge process, the Applicant is required (under paragraph 2(1) of Schedule 16 to the **draft DCO [APP/3.1.4]**) to submit a copy of the documentation to the relevant named consultee at the same time as submitting it to the relevant planning authority. As a result, consultees such as the EA have access to the documentation from the first day of the eight-week determination period provided for under paragraph 2(2) of Schedule 16. In addition, paragraph 3(2) of Schedule 16 allows consultees a further ten working days to request additional information. The relevant planning authority can consider this information and/or request further information. **Mr Tresadern** emphasised that it is not in the Applicant's interest to submit documents for discharge without discussion in advance, as doing so would be likely to delay the process rather than facilitate efficient determination. **Mr Tresadern** further submitted that there is no need for a specific statutory requirement for pre-submission consultation. Early

		engagement is already in the Applicant's interests, as it supports the timely and efficient discharge of Requirements. The discharge process also covers a broad range of plans and documents of varying complexity. While some submissions may concern relatively minor matters that can be reviewed quickly, others are likely to be more detailed and warrant the full determination period. **Mr Tresadern** noted that the wording and timeframes proposed in paragraph 3(3) of Schedule 16 to the **draft DCO [APP/3.1.4]** are precedented in the Longfield Solar Farm Order 2023 and the Tillbridge Solar Order 2025, both of which were made by the Secretary of State with those timings agreed. The Applicant therefore does not propose to depart from this established precedent by making the amendments sought. In addition, the Applicant understands that an approach to the wording of paragraph 3 of Schedule 16 to the Green Hill Solar Farm DCO is close to being agreed with NH. Should agreement be reached, **Mr Tresadern** stated that the Applicant would discuss with NH whether the same approach and wording can be adopted for the Scheme. **Mr Tresadern** acknowledged that discussions on this issue remain ongoing, particularly with NH. **Mr Harringman** agreed with the Applicant that the matter is resolved. **Mike Bennett, for Sporle with Palgrave Parish Council,** raised three matters relating to: 1) cumulative impacts; 2) the sourcing of solar panels and batteries; and 3) landowner responsibilities. **Mr Tresadern** responded to each in turn: • On cumulative impacts, **Mr Tresadern** confirmed that the **outline Landscape and Ecological Management Plan (oLEMP) [REP3-069]** is the appropriate mechanism through which the "*smooth transition*" (referred to in paragraph 7.2.31) can be secured, rather than through additional provisions on the face of the **draft DCO [APP/3.1.4]**. This is because the oLEMP itself would be secured by a Requirement in the **draft DCO [APP/3.1.4]**. **Mr Tresadern** suggested that ongoing discussions with Sporle with Palgrave Parish Council, as referred to by **Mr Bennett**, would provide the best opportunity to explore any amendments to the management plan wording concerning the proposed smooth transition arrangements. • In respect of the sourcing of solar panels and batters, **Mr Tresadern** explained that the Solar Stewardship Initiative (SSI) is an industry-led supply chain assurance scheme focused on sustainability within the solar PV sector. **Mr Tresadern** confirmed that the Applicant is a buyer member of the SSI and is therefore committed to responsible and ethical procurement practices. However, it is inappropriate to secure continued membership of the SSI through the **draft DCO [APP/3.1.4]**. Doing so could create circumstances in which the Applicant would be in breach of a statutory instrument through no fault of its own, for example if the SSI ceased to exist in the future. **Mr Tresadern** further noted that paragraph 6.5.9 of the **outline Employment Skills and Supply Chain Strategy [APP-195]**, which is itself secured through a Requirement in the **draft DCO [APP/3.1.4]**, commits the Applicant to ensuring that international suppliers meet minimum standards relating to professional and ethical working practices. The Applicant considers that appropriate commitments have already been secured through those documents. • On landowner responsibilities, in response to a query from **Mr Bennett** about whether the **draft DCO [APP/3.1.4]** could impose obligations directly on landowners whose land would be used for the Scheme, **Mr Tresadern** replied that such an approach would be inappropriate because landowners are not the undertakers of the development and would not be responsible for complying with the obligations imposed by the **draft DCO [APP/3.1.4]**. Obligations relating to land ownership and use are addressed through private agreements and, for reasons of commercial confidentiality, the Applicant is unable to comment further on those arrangements. **Tim Hubbard, for Castle Acre Parish Council,** referred to Schedule 13 (Documents and plans to be certified) of the **draft DCO [APP/3.1.4]** and the provisions relating to ground reinstatement to query how reinstatement to depths of 1.2 metres would be possible where subsoils comprise chalk. **Mr Tresadern** explained that, in the context of Schedule 13 to the **draft DCO [APP/3.1.4]**, the reference to the Soil Management Plan is intended to ensure clarity regarding which version of the document is certified by the Secretary of State, given that multiple iterations of management plans may be submitted during the Examination process. The Applicant welcomes further written representations on the management plans referred to. ***Post hearing note:*** *The Applicant understands that* ***Mr Hubbard*** *will be submitting his representations regarding subsoils in writing at Deadline 4 – the Applicant, therefore, proposes to review these submissions in detail and respond in full (as it will do for all Deadline 4 submissions) at Deadline 5.*
3 – Item 2	**Aviation**	**The ExA** asked the Applicant for a progress update, to include cumulative effects, on how it proposes to: 1) avoid interference from the proposed development with RAF Marham's PAR and whether its proposed approach has been agreed with the DIO; and 2) mitigate glint and glare and whether its proposed approach has been agreed with the DIO. **Alex Tresadern, on behalf of the Applicant**, reiterated that the Applicant held a very helpful and productive meeting on 4 September 2026 with the MoD. The MoD retains outstanding objections in relation to several matters. Two of these, namely the impact on PAR at RAF Marham and the impacts of glint and glare, are going to be addressed via Requirements on the face of the **draft DCO [APP/3.1.4]**. The other two, namely consultation with the MoD on matters relating to birdstrike safeguarding and the management of construction equipment, are proposed to be addressed via updates to the wording in the appropriate management plans, as necessary. **The ExA** asked for insight into what mitigation may look like. **Mr Tresadern** stated that the Applicant had submitted proposals for technical mitigation to the MoD, but these were confirmed to not be feasible. Therefore, the Applicant intends to produce, at the detailed design stage of the Scheme, a physical mitigation solution which would adequately screen the relevant solar panels from the PAR. The Applicant and the MoD have agreed a plan of three precise areas of solar panels that require mitigation, and the Applicant intends to submit this plan into the Examination shortly. ***Post hearing note:*** *The Applicant has submitted the* ***RAF Marham Mitigation Areas Plan [APP/8.26]*** *at Deadline 4 to show the three specific areas where mitigation is required, as agreed with the MoD.* **James Plumb, for the Applicant,** further stated that the mitigation solution would involve non-reflective physical obstructions of a height no greater than 4.5 metres tall (i.e. within the maximum design parameters already committed to by the Applicant) which would be placed throughout the affected areas in order to obscure the panels behind them. This has been agreed in principle by the MoD. The Applicant and the MoD are in the process of agreeing other design parameters in relation to mitigation and **Mr Plumb** confirmed that the Applicant would consider updating, at Deadline 5, both the **Design Principles, Parameters and Commitments [APP/5.8.4]** and the assessment of effects **in ES Chapter 6: Landscape and Visual [AS-016]**. **Jon Wilson, for the MoD**, confirmed that this is correct, but noted that the MoD would need to review further details of the Scheme once finalised to confirm that the screening structures proposed by the Applicant are suitable. ***Post hearing note:*** *The Applicant has, in fact, updated the* ***Design Principles, Parameters and Commitments [APP/5.8.4]*** *at Deadline 4 to include commitments in relation to PAR mitigation. The Applicant has also included, at Appendix 1 to*

		*this Written Summary, a 'PAR Mitigation Illustrative Section', which is intended to aid interpretation of the new section entitled 'PAR Mitigation Structures' in Table 1 of the updated **Design Principles, Parameters and Commitments [APP/5.8.4]**.* **The ExA** asked the Applicant to confirm whether a mitigation plan would be submitted for PAR. **Mr Tresadern** clarified that the plan referred to in discussions (which is a drawing, rather than management plan) is only to show the three specific areas that will be impacted and require mitigation, as has been agreed with the MoD. ***Post hearing note:*** *The Applicant has submitted the **RAF Marham Mitigation Areas Plan [APP/8.26]** at Deadline 4 to show the three specific areas where mitigation is required, as agreed with the MoD.* The separate detailed mitigation plan would, as secured via a Requirement of the **draft DCO [APP/3.1.4]**, be submitted to and approved by the relevant planning authority in consultation with the MoD. **Mr Tresadern** reiterated that the Applicant and the MoD are in the process of agreeing the wording of a Requirement on the face of the **draft DCO [APP/3.1.4]** to secure a Glint and Glare Management Plan, which would need to be submitted to and approved by the relevant planning authority in consultation with the MoD. This has been agreed in principle with the MoD and agreement is close to being reached on this wording. **Mr Wilson** confirmed that this is correct. **The ExA** asked the Applicant to indicate what form the mitigations would be in. **Mr Tresadern** confirmed it would be a combination of fences and bunding. **The ExA** asked the Applicant for further detail on how it proposes to secure its commitment to consult with the DIO, in relation to aerodrome height safeguarding, once the transmission line details are available. **Mr Tresadern** stated that the Applicant proposes to secure the commitment to consult with the MoD regarding the transmission line details through the **oCEMP [APP/7.6.4]**, which would then become the detailed Construction Environmental Management Plan at the appropriate stage of detailed design. The Applicant is currently discussing with the MoD some updates to the wording in the relevant management plans, to ensure the MoD is satisfied that the consultation and approval mechanisms for the MoD in relation to this matter, birdstrike safeguarding and management of construction equipment, are appropriately secured. **The ExA** stated that they could not find this particular commitment in the current version of the **oCEMP [APP/7.6.4]**. **Mr Tresadern** clarified that the document would be updated once the matter is agreed with the MoD. **The ExA** further queried whether this also covers the next question in the agenda relating to methodology for cranes. **Mr Tresadern** confirmed that is correct and explained that the Applicant had a discussion with the MoD on 4 September 2026 whereby the MoD raised concerns about the method of consultation and approval process being in a management plan. The Applicant believes this is the appropriate place and **Mr Tresadern** outlined that, at the MoD's request, the Applicant would be updating the wording of the relevant plans for the MoD's consideration in due course. ***Post hearing note:*** *The Applicant has submitted this updated wording directly to the MoD and awaits a response.* **Mr Wilson** outlined the MoD's position that adequate and enforceable arrangements are needed to ensure MoD consultation and aviation safety in relation to overhead lines and pylons, construction equipment, and bird strike risks. The MoD intends to follow up with the Applicant on this and the MoD's position will be updated accordingly. **Mr Tresadern** confirmed that the Applicant and the MoD are discussing matters and the Applicant is confident that an agreed position will be reached. In relation to a matter **Mr Wilson** raised regarding the use of management plans rather than standalone Requirements, **Mr Tresadern** noted that inclusion of measures within a management plan does not make them any less binding on the Applicant. The relevant management plans are themselves secured through Requirements on the face of the **draft DCO [APP/3.1.4]**, and therefore any obligations contained within those plans are enforceable in the same way. This approach avoids unnecessary duplication by not repeating mitigation measures as separate Requirements where they are already secured through an approved management plan. The Applicant is willing to update the relevant plan text to address the MoD's concerns regarding consultation and approval processes, but maintains that securing such measures through a management plan does not reduce their enforceability. **The ExA** asked the MoD questions regarding the Applicant's proposed updates to the **oCEMP [APP/7.6.4]** and **outline Operational Environmental Management Plan (oOEMP) [APP/7.8.4]**. In response to **Mr Wilson,** confirming that wording has not yet been agreed, **Mr Tresadern** explained that discussions with the MoD on the **oCEMP [APP/7.6.4]** would also include consideration of the wording of the **oOEMP [APP/7.8.4]**. The Applicant proposes to include additional wording relating to bird strike hazard as a 'belt and braces' measure intended to provide further reassurance to the MoD that the Scheme would not increase bird strike risk during its operational phase. In response to further concerns raised by **Mr Wilson** regarding the necessity of including bird management provisions within the **oOEMP [APP/7.8.4]**, **Mr Tresadern** reiterated that the proposed wording represented an additional commitment rather than an acknowledgement that a bird strike hazard would arise. The Applicant cannot predict how landscape and habitat conditions might evolve during the operational life of the Scheme and therefore considers the inclusion of such provisions to be a precautionary measure for the benefit of the MoD. If the MoD considers the **oOEMP [APP/7.8.4]** provisions unnecessary, the Applicant would be content to remove them. **Mr Tresadern** stated that ongoing discussions with the MoD were focused on agreeing wording within the **oCEMP [APP/7.6.4]** concerning consultation with, and approval by, the MoD. Once agreement is reached on those provisions, the operational phase wording may no longer be required. **Mr Tresadern** confirmed that discussions with the MoD were progressing positively and agreement is expected to be reached before the close of the Examination, with the aim of addressing the MoD's outstanding concerns and enabling the withdrawal of its objection. **The ExA** queried whether there is any opportunity to improve on this deadline. **Mr Tresadern** and **Mr Wilson** confirmed that committing to before the close of Examination is preferable to allow time for further discussions between the Applicant and the MoD, however it was reiterated that dialogue to date has been proactive and speedy and agreement is expected to be reached in due course. **The ExA** requested an up-to-date Statement of Common Ground outlining the MoD and Applicant's respective positions. **Mr Tresadern** confirmed that the Applicant would be happy to submit an updated version to **the ExA** once discussions have progressed. In response to a question from **Dr Mark Holmes, individual representative,** regarding the height of proposed screening, **Mr Tresadern** explained that this matter would be discussed further at ISH3 when the Applicant's landscape specialists were present. **Mr Tresadern** clarified that discussions with the MoD had established the areas where mitigation would be required, but not the detailed mechanism by which that mitigation would be delivered. Several IPs raised concerns about the height of the proposed screening, to which **Mr Tresadern** clarified that the Applicant's mitigation (i.e. bunds and/or fences) for the impacts on PAR at RAF Marham cannot be higher than 4.5m, as this is secured

		in the **Design Principles, Parameters and Commitments [APP/5.8.4]** and certified under Schedule 13 of the **draft DCO [APP/3.1.4]**. Therefore, **Mr Tresadern** noted that the Applicant would be committing a criminal offence (i.e. breaching the terms of a statutory instrument) if it built mitigation for the impacts on PAR at RAF Marham that exceeded these parameters. In response to a question from **the ExA** regarding the extent of the affected area, **Mr Tresadern** stated that the area requiring mitigation was significantly smaller than that referred to in the MoD's **Relevant Representation [RR-051]**. ***Post hearing note:*** *The Applicant has submitted the **RAF Marham Mitigation Areas Plan [APP/8.26]** at Deadline 4 to show the three specific areas where mitigation is required, as agreed with the MoD.* In response to comments from **Mr Wilson**, regarding the need to review the detailed screening design before confirming any height limitations, **Mr Tresadern** stated that updates would be made to the **Design Principles, Parameters and Commitments [APP/5.8.4]** and confirmed that these would be submitted by the Applicant. ***Post hearing note:*** *The Applicant has updated the **Design Principles, Parameters and Commitments [APP/5.8.4]** at Deadline 4 to include commitments in relation to PAR mitigation. The Applicant has also included, at Appendix 1 to this Written Summary, a 'PAR Mitigation Illustrative Section', which is intended to aid interpretation of the new section entitled 'PAR Mitigation Structures' in Table 1 of the updated **Design Principles, Parameters and Commitments [APP/5.8.4]**.*
3 – Item 3	**Biodiversity**	**The ExA** invited discussion about Biodiversity Net Gain (BNG) assessment and level of BNG secured within the **draft DCO [APP/3.1.4]** between the Applicant and local authorities. **Dr Colin Lee, for the Applicant,** stated that matters relating to BNG have been agreed with the local authorities. In response to comments from **Julie Barrow, for BCKLWN**, and **Michael Doyle, for BDC,** who stated that more time is needed to review the latest BNG metric provided by the Applicant, **Alex Tresadern, on behalf of the Applicant** proposed Deadline 5 as the target for resolving outstanding BNG matters. This was accepted by **Ms Barrow** and **Mr Doyle**. **The ExA** asked the Applicant for an update regarding the disagreement with NCC over its assertion that there are foreseeable negative impacts to trees adjacent to the highway that have not been assessed within Section 16.4 of **ES Chapter 16: Other Environmental Matters [REP3-034]**. **Mr Tresadern** outlined the Applicant's position that it disagrees with NCC's assertion as the **ES Appendix 16.4 Arboricultural Impact Assessment [REP2-014]** provides a comprehensive assessment of the likely impacts on existing trees, groups of trees, woodlands and hedgerows. This assessment has been informed by, and is consistent with, the tree removal and management approaches set out on the Vegetation Removal Plan, at Appendix 2 of the **oLEMP [REP3-069]**. **Mr Tresadern** welcomed further clarification on this matter from NCC, including which specific trees NCC are referencing, so that discussions can be progressed further on this matter. In response to comments from **Tom Russell Grant, for NCC**, **Mr Tresadern** noted that many of the outstanding arboricultural issues had been addressed through the information submitted during the Examination. The Applicant understands that the remaining matters relate primarily to direct conflicts associated with access arrangements, rather than the loss of hedgerows, and are therefore suitable for discussion outside the hearing process. Accordingly, **Mr Tresadern** suggested that a meeting be arranged between NCC's arboricultural adviser and the Applicant's advisers with a view to resolving the remaining issues and reaching agreement. **Mr Tresadern** also noted a request from **Simon Wood, for BDC,** for BDC's arboricultural officer to be included in those discussions. In response to a question raised by **Anne Mason, for Castle Acre Parish Council,** about the impact of security lighting on nocturnal wildlife, **Dr Lee** confirmed that security lighting would be limited to the BESS and Customer Substation and National Grid Substation areas. **Dr Lee** further stated that a lighting design scheme is secured through the **oLEMP [REP3-069]**, with paragraph 7.3.129 stating that a sensitive lighting strategy within the detailed Construction Environmental Management Plan is to specify where and how lighting would be used to mitigate impacts on ecological receptors, such as bats. In response to concerns raised by **Mike Bennett, for Sporle with Palgrave Parish Council,** regarding the proposed mowing strategy and its implications for biodiversity, soil health, wildfire risk and vegetation management, **Mr Tresadern** agreed that the Applicant would consider the points raised in further detail and respond in writing. **Mr Tresadern** added that grassland management had been taken into account within the biodiversity assessment using a precautionary approach and noted that the detailed management prescriptions would be developed at the detailed design stage through the **oLEMP [REP3-069]**. ***Post hearing note:*** *The detailed management measures associated with vegetation throughout the site, including the grassland areas, will be developed at the detailed design stage and set out within the detailed Landscape and Ecological Management Plan produced prior to the commencement of construction, as secured within the **draft DCO [APP/3.1.4]** and **oLEMP [REP3-069]** and the need for grazing or mowing will therefore be determined at that stage depending on the specific design requirements. Accordingly, sufficient flexibility is available at this stage in order to secure appropriate detailed management practices reflecting the detailed design and treatment of specific areas within the Order limits, along with concerns in relation to sloping ground and periods of drought and high temperatures. Nonetheless, the removal of cuttings following mowing is specifically referred to within the **oLEMP [REP3-069]**, with paragraph 7.3.86 setting out that this should be undertaken where practicable. In particular, this is a standard and regularly used measure to avoid nutrient build-up that can otherwise reduce biodiversity, particularly during initial establishment. Paragraph 7.3.98 within the **oLEMP [REP3-069]** confirms that the use of insecticides and herbicides will be kept to a minimum, albeit some use may be necessary, for instance including targeted use within the Order limits in relation to Invasive Species in line with paragraph 7.3.124 of the **oLEMP [REP3-069]**. In any event, such use of herbicides would likely result in a reduction of overall inputs associated with the existing arable use.* In response to a question raised by **Mr Bennett** regarding deer mitigation measures and the proposed deer fencing along the A1065, **Mr Tresadern** again stated that the Applicant would provide a full response in writing. ***Post hearing note:*** *Deer fencing will be provided, including as confirmed within the **Design Principles, Parameters and Commitments [APP/5.8.4]** in order to manage the movement of deer. Concerns were raised as to whether the proposed hedgerow planting would be sufficient to prevent deer accessing the highway – however, the aims of*

		hedgerow planting would not be to control of manage deer movement. In this regard, potential for deer to access the A1065 will remain largely unchanged from the current position in this regard. In response to a suggestion by **Mr Bennett** that areas released from the Scheme through detailed design optimisation should be used to create wider wildlife corridors and enhance BNG outcomes, **Mr Tresadern** stated that the Applicant would need to consider any such commitment and respond in writing. ***Post hearing note:*** *The Scheme includes the creation and enhancement of substantial wildlife corridors, including increased buffers associated with boundary vegetation, hedgerows and other existing features and habitats of value and providing increased connectivity for wildlife. The submitted information also confirms (including through the use of the BNG metric as set out within the* ***Biodiversity Net Gain Assessment Report [APP/7.4.2]****) that the Scheme will result in substantial biodiversity gains. Should optimisation of the Scheme's design result in the release of further land, consideration of the appropriate treatment and ecological design would necessarily be undertaken at that time, once the location and nature of such land can be specifically identified and with relation to the specific conditions and constraints that would determine the most appropriate approach, including with regard to potential measures to further benefit biodiversity outcomes where these are available.* In response to a concern raised by **Dr Mark Holmes, individual representative,** regarding stone-curlew habitat, ecological surveys and biodiversity impacts, **Mr Tresadern** noted that these issues had already been addressed in detail through the Examination to date. **Mr Tresadern** clarified that, under the Examination process, no greater weight should be attached to oral submissions than to written submissions, and **Mr Tresadern** encouraged **Dr Holmes** to submit any further evidence in writing, and the Applicant can then provide written responses to any outstanding matters not previously addressed as part of the Applicant's Deadline 4 submissions.
3 – Item 4	**Noise & Vibration**	**The ExA** asked the Applicant for an update on discussions with the BCKLWN on its outstanding concerns with the modelling and magnitude of operational noise effects. **Bilal Ahmed, for the Applicant**, confirmed that the **SoCG with Borough Council of King's Lynn and West Norfolk [APP/5.20.2]** outlines the Applicant's position that the noise assessment in **ES Chapter 10: Noise and Vibration [REP3-030]** and **ES Appendix 10.3: Construction and Noise Modelling [APP-166]** adopts conservative assumptions such as worst-case noise propagation predictions, worst case weather conditions, and predicts low noise levels at receptors in BCKLWN in absolute terms regardless of baseline. Given these assumptions, the Applicant is confident noise effects of the Scheme will be non-significant. **Julie Barrow, for BCKLWN**, stated that BCKLWN is happy with the Applicant's operational noise assessment and is likely to confirm this matter as agreed once the latest version of the **SoCG with Borough Council of King's Lynn and West Norfolk [APP/5.20.2]** has been reviewed by BCKLWN in full. **The ExA** asked the Applicant about BDC's outstanding concerns with cumulative operational noise effects, referring to item BC 5-6 of the **SoCG with Breckland Council [APP/5.11.2]**. **Mr Ahmed** stated that in **BDC's Responses to ExQ2 [REP3-090]** (Q13.0.1), BDC confirmed that they are satisfied with the update of paragraph 2.5.4 of the **oCEMP [APP/7.6.4]** regarding cumulative noise levels at 'The Off Barn' receptor. The Applicant will collaborate with the undertaker of the adjacent proposed High Grove Solar Farm (High Grove) during the detailed design stage of the Scheme to explore mitigation measures across both projects and seek to achieve cumulative noise levels that do not exceed 35dB(A) at 'The Off Barn' receptor during the operational phase of the Scheme. **The ExA** sought clarification as to whether there remained any substantive disagreement between the Applicant and BDC, or whether the apparent discrepancy in the documents referred to arose from different documents recording different positions. **Michael Doyle, for BDC,** confirmed that BDC is broadly content with the Applicant's current position and that this was reflected in the latest version of the **SoCG with Breckland Council [APP/5.11.2]**. **Alex Tresadern, on behalf of the Applicant**, clarified that a revised Statement of Common Ground had been submitted at Deadline 3 before agreement had been reached. **Mr Tresadern** explained that BDC had subsequently confirmed its acceptance of the amendment to paragraph 2.5.4 of the **oCEMP [APP/7.6.4]** regarding the relevant commitment, and that the **SoCG with Breckland Council [APP/5.11.2]** would be updated at Deadline 4 to reflect that agreement. The apparent discrepancy has therefore resulted from the timing of submissions, rather than any continuing disagreement between the parties. ***Post hearing note:*** *The Applicant has updated the* ***SoCG with Breckland Council [APP/5.11.2]*** *at Deadline 4 to reflect this matter.*
3 – Item 5	**Transport & Access**	In relation to item NCC 6-3 of the **SoCG with Norfolk County Council [APP/5.12.2]**, **the ExA** requested an update from Applicant on the queries and comments raised by NCC in relation to requirements, and sought clarification on the purpose of access junctions associated with the Scheme for both construction and operational access, as well as on routing of traffic from each access point. **Claudio Ricci, for the Applicant**, stated that the Applicant's position was set out in the Statement of Common Ground submitted at Deadline 3 **[REP3-018]**, with the vehicle routing strategy and the removal of Route C (NCC 6-1) being agreed. Regarding cumulative traffic (NCC 6-2) and access clarification (NCC 6-3), these remain recorded as under discussion; however, the Applicant is of the view that these points have been addressed by way of the additional information submitted at Deadline 3 in the form of the **oCTMP [REP3-075]** and welcomed NCC's confirmation that all matters are now in agreement. Regarding access, Table 2-1 of the **oCTMP [REP3-075]** was updated by the Applicant at Deadline 3 to be explicit on the nature of each of the access points, providing clarity on what they are to be used for, and their purpose during construction and operation. In response to comments from **John Curtis, for NCC,** regarding cumulative traffic effects associated with High Grove and traffic numbers associated with MoD mitigation, **Mr Ricci** referred to section 5.15 of the **oCTMP [AS-082]**, which commits the Applicant to coordinating with High Grove and any other relevant cumulative schemes. **Mr Ricci** explained that, should construction programmes overlap, a joint detailed Construction Traffic Management Plan would be prepared to identify mitigation measures and coordinated working arrangements to minimise impacts. **Mr Ricci** also confirmed that the additional traffic numbers associated with the PAR mitigation would be confirmed with NCC and NH in due course once the mitigation strategy is confirmed and, if needed, reassessed using the methodology detailed within **ES Chapter 9: Transport and Access [REP1-036]**.

		In response to concerns regarding construction traffic assumptions and cumulative impacts raised by **Mike Bennett, for Sporle with Palgrave Parish Council, Alex Tresadern, on behalf of the Applicant,** stated that traffic data from other projects could not be directly compared with the Scheme. **Mr Tresadern** further noted that information currently available for High Grove remained indicative given that the application has not yet been formally submitted. The Applicant remains confident in the robustness of its ES assessment and the effectiveness of the proposed mitigation measures, noting that agreement has largely been reached with the host highway authorities and NH on transport matters. Responding further, **Mr Ricci** explained that baseline traffic surveys had been undertaken in October 2024 in accordance with the methodology agreed with NCC and NH and industry best practice, as it takes place in a 'traffic neutral' period outside of any holiday periods, school holidays or half terms. Following consultation with NCC and other stakeholders, additional surveys were completed in August 2025 to capture harvesting activity and seasonal tourist traffic that takes place over the summer. The October 2024 baseline data, which represented lower traffic flows, was used within the assessment as this presented the greatest percentage uplift for construction traffic and therefore would make the uplift from the Scheme more apparent. This approach was agreed with NCC and NH. It was noted that sensitivity testing between use of the October 2024 data and August 2025 does not alter the conclusions of the assessment within **ES Chapter 9: Transport and Access [REP1-036]**. On cumulative impacts, **Mr Ricci** noted that within responses SPPC2-1 to SPPC2-3 in the **Applicant's Response to Written Representations and other Deadline 2 Submissions [REP3-087]**, traffic increases on the A1065 of approximately 14-16% could be expected during the peak, with the range due to the differences in baseline datasets of either October 2024 and August 2025 being used. This uplift of 14-16% on the A1065 remains within the negligible category used in the IEMA Environmental Assessment of Traffic and Movement (2023) guidance methodology set out in **ES Chapter 9: Transport and Access [REP1-036]** and well below the 60% uplift threshold above which a significant cumulative effect could occur. **Mr Ricci** noted that both NH and NCC had also concluded that cumulative impacts would not be significant. In response to **Mr Bennett's** comments regarding abnormal load deliveries and closures to the A47, **Mr Ricci** explained that such movements are typically temporary and scheduled outside peak hours to minimise disruption. A formal approval process with NH would apply to abnormal load deliveries and this process is secured through the **oCTMP [AS-082]**. **Mr Curtis** and **Jeremy Bloom, for NH,** agreed with the position put forward by the Applicant and confirmed that abnormal loads are managed by way of the Electronic Service Delivery for Abnormal Loads (ESDAL) process and that it is the function of the Strategic Road Network (SRN) to accommodate deliveries of this nature. **The ExA** asked the Applicant to explain a point raised by **Mr Bloom** about the number of construction vehicles being capped in the CTMP. **Mr Ricci** explained that the **oCTMP [AS-082]** secures limits on daily construction vehicle movements and overall traffic numbers. Compliance with these limits would be a legal requirement under the **draft DCO [APP/3.1.4]** and monitoring arrangements would be secured through the **oCTMP [AS-082]**. **Mr Ricci** further noted that NCC and NH would be able to request information from the Applicant to verify compliance. **Mr Tresadern** confirmed this detail can be found in section 3.1 of the **oCTMP [AS-082]**. In response to concerns raised by **Dr Mark Holmes, individual representative,** regarding road safety on the A1065 and the adequacy of the safety assessment, **Mr Tresadern** reiterated the Applicant's confidence in the robustness of its assessment and agreement with comments made by **Mr Bloom** and **Mr Curtis** that there are no concerns about safety, particularly given speed limit reduction to 40mph along the A1065 included as part of the Temporary Traffic Regulation Order (TTRO) within the **oCTMP [AS-082]** and as shown on Sheet 2 and Sheet 4 of the **Streets Plan [APP-010]**. **The ExA** asked for the Applicant's comment on the road safety audit being undertaken. **Mr Ricci** explained that two separate safety assessments had been undertaken within the submission. The first comprised a review of personal injury collision data within section 2.9 of the **ES Appendix 9.2: Traffic Assessment [APP-163]**, which did not identify any collision hotspots or clusters beyond what would typically be expected on a road of the same nature as the A1065. The second comprised a Stage 1 Road Safety Audit within Annex C of **ES Appendix 9.2: Traffic Assessment [APP-163]** which was undertaken by an independent qualified Road Safety Auditor in respect of the proposed highway works and site access arrangements. **Mr Ricci** stated that no safety concerns or risks had been identified and noted that the safety audit process would continue throughout the subsequent future stages of the Scheme as the design progresses up to detailed design and construction. In response to questions from **Tim Hubbard, for Castle Acre Parish Council**, regarding traffic safety and site access arrangements (in particular, those close to Bartholomew's Hill), **Mr Ricci** stated that all proposed access junctions had been assessed against the relevant visibility standards contained within the Design Manual for Roads and Bridges. **Mr Ricci** explained that visibility splays exceeded the required standards set out within the industry standard Design Manual for Roads and Bridges requirements, and that swept path analysis that is presented within Annex B of **ES Appendix 9.2: Traffic Assessment [APP-163]** had confirmed vehicles could safely enter and exit the site. **Mr Ricci** further noted that the access arrangements had been reviewed through the road safety audit process and that additional mitigation measures secured through the **oCTMP [AS-082]** would assist with vehicle movements at site accesses. In response to a request from **the ExA** for clarification regarding the proposed TTRO on the A1065, **Mr Ricci** explained that the Applicant proposes a temporary 40mph speed restriction along the A1065 frontage of the Order limits to assist construction traffic entering and exiting the site and to improve road safety, as is noted within section 5.9 of the **oCTMP [AS-082]** and shown on Sheet 2 and Sheet 4 of the **Streets Plan [APP-010].** ***Post hearing note:*** *The Applicant has updated the **SoCG with Norfolk County Council [APP/5.12.2]** to confirm that items relating to cumulative traffic (NCC 6-2) and access clarification (NCC 6-3) are agreed.*
3 – Item 6	**Land & Soils**	**The ExA** asked the Applicant about outstanding concerns from NE, particularly in relation to: 1) demonstrating how impacts (including cumulative) to Best and Most Versatile (BMV) land have been avoided where possible and that siting and design has minimised permanent loss of BMV land; and 2) the thresholds used for determining the significance of effect of permanent land take on soils. <u>Impacts to BMV land</u> **Tony Kernon, for the Applicant**, noted that it is agreed by all parties that in accordance with National Policy Statement EN-1 and EN-3, the Applicant should seek to minimise impacts on BMV land. In that context, as set out in **ES Chapter 11: Soils and Agriculture [AS-080]**, the "provisional ALC Map" and "Likelihood of BMV Maps" both identified

		the general area of the Scheme as being among the poorest quality agricultural land in Norfolk. **Mr Kernon** referenced DEFRA's new mapping, published following changes to the land classification methodology in May 2026 and reproduced in **ES Chapter 11: Soils and Agriculture [AS-080]** at Plates 11-44 and 11-45. The updated mapping predicts much more land across Norfolk to be within Grades 1, 2 and 3a, with an estimate that approximately 94% of Norfolk's agricultural land is now predicted to be BMV. As a result, whilst the Site is now expected to include Subgrade 3a land, it remains within what is considered some of the poorest quality agricultural land available in Norfolk. Regarding the outstanding issue with NE, **Mr Kernon** explained that NE's preference is for the National Grid Substation not to be located within Field 27, which contains a mix of BMV and non-BMV land. NE would prefer that infrastructure to be located in a different field because of the effect on BMV land. The **Works Plan [REP3-004]** provides flexibility for the BESS to be located within Field 24 to the south, which is level and classified as Subgrade 3b. However, the proposed National Grid Substation remains in Field 27, resulting in an adverse impact on BMV land. This impact must be balanced against a range of other factors and considerations. From an agricultural land perspective, NE's position is that the Scheme is not minimising impacts on BMV land because of the proposed location of the substation. **Mr Kernon** added that permanent land take amounts to approximately 4.5 hectares of BMV land, which is a relatively small area, but because it is a permanent impact it has been assessed as such in **ES Chapter 11: Soils and Agriculture [AS-080]**. **Robert Pile, for the Applicant**, referred to the overarching design approach taken in developing the Scheme layout. The Applicant established a Design Framework, set out in the **Design Approach Document [AS-009, AS-010 and AS-011]**, and this framework, together with the **Design Principles, Parameters and Commitments [APP/5.8.4]**, was used to shape and guide the Scheme layout in accordance with policy requirements for good design and the Planning Inspectorate's Advice on Good Design. **Mr Pile** stated that the Applicant had adopted an environmentally led design approach and considered a range of environmental matters throughout the evolution of the Scheme, including when determining the location of the National Grid Substation and Customer Substation. Reference was made by **Mr Pile** to the Applicant's commitment to reducing impacts on BMV land as one of its design principles. In that regard, Field 32, which was identified as being predominantly Grade 1 land with some Grade 2 land, was removed from the Scheme in its entirety to reduce impacts on the highest quality BMV land. The reasoning behind the design decisions made is set out in **ES Chapter 4: Reasonable Alternatives and Design Evolution [REP3-028],** including the rationale for locating the National Grid Substation within Field 27. **Mr Pile** stated that BMV land was only one of a number of factors considered in determining the location of the substations. Other considerations included: • Co-locating the Customer Substation and National Grid Substation in close proximity to the existing overhead lines to avoid environmental impacts extending across a wider area. • Limiting the extent of substation infrastructure at the edge of the plateau and valley slopes, having regard to landscape and heritage receptors within the Nar Valley. • The degree of containment provided from the wider landscape and nearby residential properties by the existing woodland blocks within the southern part of Field 27. • Reducing construction and operational impacts on local roads and public rights of way. • Responding to feedback received during statutory consultation on the locations presented at that stage. **Mr Pile** stated that the Applicant had sought to deliver good design, which was as much about the design process as the final outcome, and all of these considerations, together with BMV land, were weighed in selecting Field 27 as the location for the National Grid and Customer Substations. <u>Thresholds for significance</u> In response to the question from **the ExA** regarding the thresholds used in the ES to determine the significance of effects arising from permanent loss of agricultural land and soils, **Mr Kernon** explained that NE had recently raised concerns regarding the thresholds used in **ES Chapter 11: Soils and Agriculture [AS-080]**, noting that they differ from those contained within the ISEP guidance document *A New Perspective on Land and Soil in Environmental Impact Assessment*. This issue had only been raised relatively late in the Examination process. **Mr Kernon** explained that the guidance introduces different significance thresholds from those that had been used in the preparation of agricultural assessments over many years. **Mr Kernon** stated that purpose of EIA process is to provide a fair and reasonable assessment of significance of environmental effects and to reach realistic conclusions regarding the severity and significance of impacts. In the regard, the thresholds in the ISEP guidance do not, in the Applicant's view, accurately reflect the severity of certain impacts. The thresholds categorise losses of less than 5 hectares, 5 to 20 hectares and greater than 20 hectares, compared with the thresholds applied in the ES of 0 to 20 hectares, 20 to 50 hectares and greater than 50 hectares. **Mr Kernon** further noted that the ISEP document is guidance rather than a mandatory requirement. **Mr Kernon** explained that when combined with the sensitivity ratings within the guidance, the loss of 1 hectare of Grade 2 land could be assessed as a moderate or large effect, and the loss of 6 hectares of Grade 2 land as a large or very large effect. As moderate effects are commonly treated as significant within EIA practice, this could result in the loss of 1 hectare of Grade 2 land being recorded as a significant adverse environmental effect. Such an outcome would, in the Applicant's view, overstate the significance of the effect given the relatively small quantity of land involved. **Mr Kernon** stated that NE's consultation threshold for development affecting BMV land is 20 hectares, which provides a reasonable basis for determining what should be regarded as a significant loss. The assessment methodology adopted in **ES Chapter 11: Soils and Agriculture [AS-080]** therefore identifies the permanent loss of 20 hectares or more of BMV land as a moderate adverse effect and significant, the permanent loss of 50 hectares or more of BMV land as a major adverse effect and significant, and the loss of 50 hectares or more of Subgrade 3b land as a moderate adverse effect and significant. **Mr Kernon** further stated that the thresholds used in the ES provide a fair and balanced assessment of the significance of agricultural land losses. **Mr Kernon** referenced the updated agricultural land mapping, which indicates that approximately 94% of agricultural land in Norfolk is expected to be of BMV quality. Around 24% of agricultural land in

		England is predicted to be Grade 1 or Grade 2 land and approximately 51% is predicted to be BMV land. In that context, treating losses of 1 hectare or 5 hectares of BMV land as significant environmental effects would overstate their significance. It is the Applicant's position, therefore, that the thresholds adopted in the ES are presented as a fair, balanced and realistic assessment of the significance of agricultural land losses. **The ExA** noted NE's position that the established guidance should be followed as an industry-standard methodology, enabling assessments to be carried out in a consistent, transparent and comparable manner across developments. In response, **Mr Kernon** reiterated that the guidance is not mandatory and expressed the view that applying the thresholds without adjustment would result in significant effects being reported for relatively small quantities of agricultural land. Whilst the assessment could be recalculated using the guidance thresholds, a realistic approach to significance was required, particularly given the extent of BMV land predicted nationally. In response to **the ExA's** observation that the **SoCG with Natural England [AS-072]** records disagreement regarding the significance thresholds and suggestion that further detail on the issue be included within the document, **Alex Tresadern, on behalf of the Applicant,** agreed that the matters discussed during the hearing should be reflected in the Statement of Common Ground as well as the hearing summary. **The ExA** requested that the issue could be separated out within the Statement of Common Ground so that the differing positions of NE and the Applicant could be clearly identified. ***Post hearing note:*** *The Applicant acknowledges the work required to be done to this Statement of Common Ground and is in discussions with NE regarding an updated document, which the Applicant will submit into the Examination as soon as possible.* **The ExA** queried an apparent inconsistency between **ES Chapter 11: Soils and Agriculture [AS-080]** and the summary of effects reported in **ES Chapter 18: Summary of Effects [APP-067],** noting that the significance of cumulative residual effects associated with decommissioning appeared to have been revised from significant to minor adverse. **Mr Tresadern** confirmed that the Applicant would review both the assessment in **ES Chapter 11: Soils and Agriculture [AS-080]** and the summary reported in **ES Chapter 18: Summary of Effects [APP-067]** to ensure consistency. It was suggested that the issue was likely to be one of formatting rather than a substantive change in assessment findings. ***Post hearing note:*** *The Applicant is considering these documents and will make the necessary updates at Deadline 5.* **Tim Hubbard, for Castle Acre Parish Council,** asked the Applicant to confirm the proportion of BMV land within the site in light of the latest agricultural land classification mapping. **Mr Tresadern** referred **Mr Hubbard** to **ES Chapter 11: Soils and Agriculture [AS-080]**, following which **Mr Kernon** clarified that the proportion of BMV land within the Site had not changed. The figures reported in the ES are based on detailed field survey work and remain unchanged. The updated predictive mapping affects estimates of agricultural land quality across Norfolk more generally, but does not alter the survey results for the site. At **the ExA's** request, **Mr Kernon** referred to **Table 11-4 of ES Chapter 11: Soils and Agriculture [AS-080],** which sets out the results of the agricultural land classification survey. Referring to the table, **Mr Kernon** stated that Grades 1, 2 and 3a together account for just over 50% of the surveyed site area and confirmed that the predictive mapping does not alter those survey findings. **Mr Hubbard** responded that the survey results indicated that approximately 54% of the site comprises Grades 1, 2 and 3a land and referred to national policy seeking to avoid the use of BMV land where possible. **Mr Tresadern** clarified that the survey figures had remained unchanged since the DCO Application was submitted and referred to the conclusions of **ES Chapter 11: Soils and Agriculture [AS-080]**. It was confirmed that this is a matter for the planning balance, which is set out in the **Planning Statement [AS-076]**. **Mr Kernon** added that the updated predictive mapping suggests that approximately 94% of agricultural land in Norfolk is BMV. In that context, the Site contains a comparatively low proportion of BMV land relative to the wider county and is therefore indicative of some of the poorer quality agricultural land available within Norfolk. **The ExA** asked the Applicant about the outstanding concerns from BDC relating to the National Grid Substation proposed to be located within Field 27 which includes Grade 2 Agricultural Land Classification. **Mr Tresadern** explained that this issue had already been discussed in the context of NE's concerns regarding BMV land. The location of the National Grid Substation within Field 27 reflects the Applicant's design approach and design principles, together with the range of considerations that informed the siting process. An adverse effect on BMV land has been identified and assessed, but that this effect cannot be mitigated through further design changes. **Michael Doyle, for BDC,** restated BDC's concern relating to the siting of permanent infrastructure but acknowledged that this is ultimately a matter for the decision-maker's planning balance. **The ExA** asked the Applicant about the outstanding concerns from BDC relating to whether cumulative agricultural implications should be viewed in the context of the wider pattern of renewable energy development coming forward across the county. **Mr Kernon** referred to the cumulative assessment of agricultural land effects presented in **ES Chapter 11: Soils and Agriculture [AS-080]**, which considers two local NSIP solar farm proposals, as well as the **Applicant's Update Note on Published Information and Cumulative Assessment on Agricultural Land Quality [REP1-072],** which considered a wider range of development proposals, including housing allocations. **Mr Kernon** explained that cumulative agricultural land effects should be considered in the wider policy context: the Government does not require agricultural land to be farmed, nor does it set a requirement for a specified amount of food production. **Mr Kernon** also referenced the *Land Use Framework,* which identifies a range of functions for agricultural land, including food production, biodiversity, energy generation, leisure, minerals and water storage. Decisions regarding the balance between these competing land uses are matters of national policy rather than local decision-making. **Mr Kernon** explained that documents such as the *Land Use Framework* and the *Solar Roadmap* establish broader objectives for land use and energy generation. In that context, cumulative assessments of agricultural land typically involve adding together the areas of land affected by different developments. However, unlike individual environmental assessments, there are no established benchmarks for determining what level of cumulative agricultural land impact should be regarded as significant. Because land-use decisions are taken within a national policy framework, it is difficult for individual assessments to define a locally significant cumulative effect beyond identifying the increasing amount of land involved. **Mr Kernon** stated that the cumulative assessment undertaken by the Applicant, including the long list of developments and draft allocations, indicates that less than 1% of the agricultural land on holdings in Norfolk would be affected by the Scheme and that the Applicant does not consider this to be significant at a county scale. **Mr Kernon** explained

		that land used for solar development can often continue to support agricultural activity, including sheep grazing. There are also ongoing land management activities associated with solar developments, resulting in the generation of agricultural and land-management income. In response to concern raised by **Andrew Sierakowski, for NCC,** about the cumulative loss of agricultural land across multiple energy projects in Norfolk, **Mr Kernon** stated that whilst the Government does not set a target for food production, it does have a broad objective of maintaining food production and levels of self-sufficiency. The information presented in **ES Chapter 11: Soils and Agriculture [AS-080]** indicates that, as of June 2025, approximately 444,000 ha of land was within funded agri-environment schemes and a further 100,000 ha of arable land was not being farmed. These figures equate to approximately 10.8% of the total area of holdings in Norfolk and around 22.1% of Norfolk's total arable area being in uncropped uses in 2025. The amount of land currently not being used for agricultural production is substantially greater than the land-use impacts associated with the Scheme. In relation to employment effects, no significant reduction in agricultural labour is anticipated, as sheep management is generally more labour intensive than many forms of arable cropping. **Mr Kernon** explained that it was therefore considered unlikely that there would be a significant reduction in land-based employment when account is taken of ongoing land management requirements. **The ExA** asked where the figures referred to by **Mr Kernon** could be found. **Mr Kernon** advised that the figure of 444,000 ha is reported in **ES Chapter 11: Soils and Agriculture [AS-080]** and explained that the Breckland-specific statistics had only recently been obtained. It was anticipated that the relevant ES chapter would be updated by the Applicant at an appropriate time and references would be provided to all of the statistics relied upon. **The ExA** asked the Applicant about the outstanding concerns from BDC relating to whether effects of the proposed development on agricultural land use, beyond land classification alone, require further consideration. **Mr Kernon** noted that farm business effects are assessed at paragraphs 11.8.87 to 11.8.114 of **ES Chapter 11: Soils and Agriculture [AS-080]**. That assessment concludes there would be no significant adverse effects on food production, labour requirements or the wider rural economy. **ES Chapter 11: Soils and Agriculture [AS-080]** describes that the Site is currently used for arable cropping, outdoor pig production and seasonal sheep grazing. Arable and short-term vegetable production would cease within the site but could continue elsewhere, outdoor pig enterprises would relocate within the wider estate, and sheep grazing would continue and expand. Addressing concerns from **Simon Wood, for BDC,** regarding the use of agricultural land and cumulative land pressures, **Mr Kernon** submitted that there is no policy requirement for land to be farmed at an optimum intensity. The extent of uncropped agricultural land across Norfolk, including within Breckland and South Norfolk, is significantly greater than that within the Scheme area. The Scheme would remain compatible with agricultural use, and its effects on food production and the local rural economy would not be significant. **Mr Wood** acknowledged that agricultural use may continue but stated that BDC's concern relates to the difference between land use and agricultural output, particularly where land transitions from arable production to grazing. **Mr Wood** confirmed that no further information was required from the Applicant and that the matter would be considered through the next iteration of the parties' Statement of Common Ground. ***Post hearing note:*** *The Applicant has provided BDC (directly) with a note containing further detail on this matter before Deadline 4, in order to assist the discussions between the parties.* **The ExA** asked the Applicant about the outstanding concerns from BDC relating to whether the effects on food production and the rural economy at a local level are not fully evidenced and require further examination. **Mr Tresadern** confirmed that this issue had been covered as part of the response above. In response to submissions from **Dr Mark Holmes, individual representative**, **Mr Kernon** confirmed that **ES Chapter 11: Soils and Agriculture [AS-080]** considers the cultivation of irrigated vegetable crops, including onions at paragraph 11.6.25, and explained that irrigation infrastructure serving the wider agricultural holding is located outside of the Order land. **Mr Kernon** also explained that the agricultural land quality reported in **ES Chapter 11: Soils and Agriculture [AS-080]** is based on detailed site-specific Agricultural Land Classification surveys, whereas the recently published NE/DEFRA mapping is predictive mapping rather than survey data. The updated mapping predicts most of the Site to be Subgrade 3a, whilst the field survey identifies a more complex pattern of land grades across the site. **Mr Kernon** emphasised that the Applicant was not disputing the predictive mapping, but distinguishing between predictive mapping and the surveyed ALC results on which the ES assessment is based. In response to concern raised by **Mr Hubbard** about irrigated land, **Mr Tresadern** referred to the **Planning Statement [AS-076]** and noted that the Applicant has acknowledged adverse effects on agricultural land and attributes negative weight to those effects within the planning balance. Previous solar NSIP decisions (including, recently, in respect of the Beacon Fen Energy Park Order 2026) have also identified greater direct and cumulative losses of BMV land, whilst nevertheless concluding that consent should be granted after weighing all relevant considerations.
4	**Next Steps**	**The ExA** set out the action points arising from ISH2. **Alex Tresadern, on behalf of the Applicant**, did not speak on this agenda item.
5	**Closing Remarks**	**The ExA** closed the hearing. **Alex Tresadern, on behalf of the Applicant**, did not speak on this agenda item.

3 Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3

3.1.1 **Table 1-2** below provides a summary of the Applicant's oral submissions at ISH3.

Table 1-2 Applicant's Summary of Oral Submissions

#	Agenda Item	Summary of Submissions
1	**Welcome and arrangements for the hearing**	The following parties were present at ISH3: • Anthony Johnson, the ExA. • Alex Tresadern, Senior Associate at Pinsent Masons LLP, the solicitors for the Applicant. • Olli Wheeler, WSP, advising the Applicant. • James Plumb, Pager Power, advising the Applicant. • Liam Nevins, Raincloud, advising the Applicant. • Simon Wood, for Breckland District Council. • Michael Doyle, for Breckland District Council. • Peter Richards, for Breckland District Council. • Andrew Sierakowski, for Norfolk County Council. • Sarah Luff, for Norfolk County Council's Lead Local Flood Authority. • Julie Barrow, for King's Lynn and West Norfolk Borough Council. • Tim Hubbard, for Castle Acre Parish Council. • Anne Mason, for Castle Acre Parish Council. • Mike Bennett, for Sporle with Palgrave Parish Council. • Dr Mark Holmes, individual representative. • Anthony Morgan, individual representative, • Morgan Harringman, for the Environment Agency. • James Wild MP, for North West Norfolk. • Jon Wilson, for the Defence Infrastructure Organisation. • Chris Waldron, for the Defence Infrastructure Organisation. • Steve Speke, for the Defence Infrastructure Organisation.
2	**Purpose of the issue specific hearing and introductions**	**The ExA** explained that the purpose of the hearing was to consider the matters identified in the ISH3 agenda. **Alex Tresadern, on behalf of the Applicant**, did not speak on this agenda item.
3 – Item 1	**Landscape and Visual**	**The ExA** asked the Applicant to provide an update regarding the potential implications for the landscape and visual effects resulting from the potential mitigation options for aviation effects. **Alex Tresadern, for the Applicant,** explained that, following a constructive meeting with the MoD on 4 September 2026, agreement had been reached in principle on a mitigation approach for PAR interference. Technical mitigation options had been explored but were found not to be feasible, and discussions had therefore focused on physical mitigation in the form of bunds and/or fences within the Order limits. **Mr Tresadern** stated that the affected area had reduced significantly from that originally identified in the MoD's **Relevant Representation [RR-051]** and a plan showing the agreed mitigation areas would be submitted by the Applicant at Deadline 4. ***Post hearing note:*** *The Applicant has submitted the* ***RAF Marham Mitigation Areas Plan [APP/8.26]*** *at Deadline 4 to show the three specific areas where mitigation is required, as agreed with the MoD.* **Mr Tresadern** noted that the mitigation would be secured through a Requirement in the **draft DCO [APP/3.1.4]**, with wording currently being agreed with the MoD, and the **Design Principles, Parameters and Commitments [APP/5.8.4]** would be updated by the Applicant to include relevant mitigation parameters. However, any mitigation would remain within the parameters already assessed in the ES: bunds and/or fences will have a maximum height of 4.5 metres, bunds will be seeded with grass, bunds will have maximum gradients of 1:3 side slopes, buns and/or fences will not be an impediment to surface water flow, and bunds and/or fences will allow for wildlife movement. **Mr Tresadern** explained

that the Applicant's intention remained to retain photovoltaic panels within the affected areas, with the mitigation designed to screen those panels from the radar. ***Post hearing note:*** *The Applicant has updated the **Design Principles, Parameters and Commitments [APP/5.8.4]** at Deadline 4 to include commitments in relation to PAR mitigation. The Applicant has also included, at Appendix 1 to this Written Summary, a 'PAR Mitigation Illustrative Section', which is intended to aid interpretation of the new section entitled 'PAR Mitigation Structures' in Table 1 of the updated **Design Principles, Parameters and Commitments [APP/5.8.4]**.*

The ExA requested clarification on the affected areas. The Applicant displayed the filed numbering plan, alongside a drawing sent to the Applicant by the MoD showing the reduced extent of land requiring mitigation compared with that referenced in the MoD's **Relevant Representation [RR-051]**. **Mr Tresadern** explained that the drawing had not yet been formatted by the Applicant or submitted into the Examination.

Post hearing note: *The Applicant has submitted the **RAF Marham Mitigation Areas Plan [APP/8.26]** at Deadline 4 to show the three specific areas where mitigation is required, as agreed with the MoD.*

In response to a question from **the ExA** about what the mitigation area looks like, **James Plumb, for the Applicant**, explained that mitigation would be unlikely to comprise a single structure around the perimeter of each affected area. Instead, bunds and/or fences would be positioned to block relevant sightlines from the PAR, potentially including structures along the south-western boundary of the mitigation area and additional internal screening. **Mr Plumb** emphasised that the detailed design had not yet been finalised but that the approach was intended to avoid the need for structures exceeding 4.5 metres in height (which cannot, legally, be exceeded by the Applicant under the drafting of the **draft DCO [APP/3.1.4]**). **The ExA** sought clarification on whether photovoltaic arrays would be in those mitigation areas. **Mr Plumb** explained that the Applicant's intent is to design the Scheme such that photovoltaics can exist within the areas behind physical obstructions.

In response to a question raised by **Dr Mark Holmes, individual representative,** about whether mitigation structures might need to exceed 4.5 metres and concern raised by **Peter Richards, for BDC** in relation to the size of bunds, **Mr Tresadern** stated that the update to the **Design Principles, Parameters and Commitments [APP/5.8.4]** would explicitly restrict bunds and fences to a maximum height of 4.5 metres. These design principles, parameters and commitments would be secured through the **draft DCO [APP/3.1.4]** and would therefore be legally binding. If mitigation acceptable to the MoD could not be achieved within those parameters, the panels in the affected areas would not be built.

Andrew Sierakowski and Sarah Luff, for NCC, raised concerns regarding the assessment of the proposed mitigation measures, the impacts of mitigation in relation to the Landscape and Visual Impact Assessment (LVIA) and the potential drainage implications of large bunds. **Olli Wheeler, for the Applicant** acknowledged that bunding would be discordant with existing Site characteristics but maintained that it would not give rise to any new significant landscape or visual effects, although it could increase the magnitude of effects already assessed as significant. For example, landscape effects may become more pronounced, but no additional new significant effects beyond those already identified would arise. **Mr Tresadern** further noted that the updated **Design Principles, Parameters and Commitments [APP/5.8.4]** would secure drainage requirements associated with any mitigation measures. **Mr Tresadern** emphasised that the proposals under consideration comprised bunds and/or fences, rather than bunds exclusively. ***Post hearing note:*** *The Applicant has updated the **Design Principles, Parameters and Commitments [APP/5.8.4]** at Deadline 4 to include commitments in relation to PAR mitigation. The Applicant has also included, at Appendix 1 to this Written Summary, a 'PAR Mitigation Illustrative Section', which is intended to aid interpretation of the new section entitled 'PAR Mitigation Structures' in Table 1 of the updated **Design Principles, Parameters and Commitments [APP/5.8.4]**.*

The ExA asked whether the ES would be updated to reflect the developing mitigation proposals. **Mr Wheeler** responded that, as the mitigation measures would remain within the assessed parameters, including maximum heights and development extent, the overall conclusions on significant effects would not change. It is the Applicant's position, therefore, that amendments to **ES Chapter 6: Landscape and Visual [AS-016]** may not be necessary. Landscape effects within the Order limits would remain significant, as already reported in the ES, while visual effects would continue to be non-significant in the longer term. Significant visual effects would be present in the short and medium term, consistent with the existing assessment. **Mr Tresadern** added that, in the context of the **Planning Statement [AS-076]** and overall planning balance, any adjustment to the assessment of harm would not alter the conclusions reached, as significant landscape and visual effects had already been identified and given negative weight in the planning balance. ***Post hearing note:*** *The Applicant is considering an update to **ES Chapter 6: Landscape and Visual [AS-016]** in respect of PAR mitigation and will provide this, if deemed necessary, at Deadline 5.*

In response to concerns raised by **Mr Richards** and **Ms Luff, Mr Tresadern** reiterated that the discussion related to bunds and/or fences rather than bunds alone and that any mitigation would remain within the parameters already assessed. In relation to decommissioning, land would be restored to its original condition in accordance with agreements with landowners.

James Wild MP asked the MoD whether fences could provide the same mitigation benefits as bunds. **Jon Wilson, for the MoD,** advised that there had been previous experience of using dense wooden screening structures to mitigate impacts on PAR at another MoD airbase and that, in principle, such structures could provide an effective form of mitigation. **Steve Speke, for the MoD,** added that specialist radar-attenuating fences are available and can screen radar in a similar way to bunds or other screening structures.

The ExA asked the host authorities what local planning controls are in place to protect the existing woodlands (including Bartholomew's Hill Plantation), which provide screening for the proposed development, adjoining the Order limits. **Mr Wheeler** agreed with comments from BDC, NCC and BCKLWN, and noted that in recognition of the sensitivity of existing woodlands, such as Bartholomew's Hill Plantation, protective measures are secured through the **oLEMP [REP3-069]**. These include specified stand-off distances as part of root protection areas, controls over the siting of mounds, and requirements governing the location of development to ensure the retention and long-term health of existing vegetation. **The ExA** requested a note setting out where these protections are secured within the DCO Application documents.

Post hearing note: *The Applicant can confirm that these protections are secured in section 7.3 of the **oLEMP [REP3-069]**, sections 3.2 (Table 1), 3.3 (Table 2), 3.12 (Table 11), 4.2 (Table 12), 4.3 (Table 13) and 4.12 (Table 22) of the **oCEMP [APP/7.6.4]**, section 3.12 (Table 3-11) of the **oOEMP [APP/7.8.4]** and sections 3 and 7 of* **ES Appendix 16.4 Arboricultural Impact Assessment [REP2-014]**.

		The ExA asked the Applicant what the implications would be for the landscape and visual residual effects, described in the ES, for a scenario whereby the existing woodland areas adjoining the Order limits could be removed or altered subject to local planning restrictions. **Mr Wheeler** explained that there is no foreseeable reason why any woodland, including Bartholomew's Hill Plantation or other woodland within or adjacent to the Order limits, would be removed as part of the Scheme. Woodland areas form part of the LVIA baseline, which has been prepared in accordance with accepted industry methodology. The LVIA relies in part on existing woodland for screening and that, should woodland be lost, visibility of the Scheme could increase. However, this would need to be considered alongside other existing vegetation and proposed mitigation measures, including additional tree planting and the reinforcement of hedgerows through gapping-up. In response to a question from **Mike Bennett, for Sporle with Palgrave Parish Council**, about whether the woodland could be included within the Order limits, **Mr Tresadern** stated that there were no proposals to amend the Order limits to include the woodland. The Order limits are fixed and form the basis of the DCO Application and the assessments undertaken. It is the Applicant's position that there is no foreseeable reason why the woodland would need to be removed. **The ExA** asked the Applicant, in relation to the landscape character, about BDC's request for: 1) some further work/analysis of the landscape to be undertaken by the applicant to understand the changes in the landscape since the Breckland Landscape Character Assessment (May 2007) assessment; and 2) an assessment of the cumulative effects of energy infrastructure in relation to the following Breckland Landscape Character Areas: D1 (Swaffham Heath) and E6 (North Pickenham Plateau). **Mr Wheeler** explained that for the purposes of the assessments within **ES Chapter 6: Landscape and Visual [AS-016],** the Applicant does not consider there to be serious limitations within the Breckland Landscape Character Assessment (2007) or that further detail is required. Further detail is provided in the LVIA on site observations relating to landscape character to inform the assessors understanding any deviations in the key characteristics associated with the relevant landscape character area/type and the extent to which the key characteristics identified within the Breckland Landscape Character Assessment (2007) are represented within the Order limits. The Breckland Landscape Character Assessment (2007) is at a suitable scale and level of detail for the LVIA. **Mr Wheeler** further explained that following ongoing discussions with BDC, further information had been prepared and submitted by the Applicant at Deadline 3 via the **Technical Information Note – Landscape and Visual [REP3-083]** to identify changes in landscape circumstances since the original assessment was undertaken and provide additional viewpoints, together with further narrative and analysis to supplement the assessment findings. **Mr Wheeler** explained that cumulative effects had been assessed against the identified landscape character areas, with cumulative effects being driven primarily by High Grove Solar Farm. The assessment had taken account of the methodology set out in **ES Appendix 2.4: Cumulative Schemes [REP3-063]** and had been refined for both landscape and visual receptors. Significant adverse cumulative landscape effects had been identified during construction and operation, with significant landscape effects concluded only for landscape character area E6. In response to comments from **Mr Richards,** expressing concerns about the Applicant's assessment, **Mr Wheeler** stated that, whilst local landscape character assessments may be considered good practice in some circumstances, assessments must also remain reasonable and proportionate. The Applicant maintains that the approach adopted was consistent with other submitted information and noted that the assessment had sought to provide greater granularity through the breakdown of landscape receptors within and beyond the Order limits. The methodology and conclusions represent an appropriate exercise of professional judgement. **Mr Tresadern** further reiterated that the **Planning Statement [AS-076]** had already attributed moderate negative weight to the identified landscape and visual effects within the planning balance. **The ExA** sought confirmation that the parties' respective positions on this matter were accurately reflected within the **SoCG with Breckland Council [APP/5.11.2].** It was confirmed that the document was up to date and clearly recorded the areas of agreement and disagreement. **The ExA** asked the Applicant, in relation to visual amenity, about BDC's request for an assessment of any areas where the Zone of Theoretical Visibility (ZTV) studies of proposed or existing solar farms intersect with the ZTV for the DCO Application site in order to assist in the assessment of cumulative visual effects. **Mr Wheeler** stated that High Grove is the main consideration for significant cumulative effects alongside the Scheme. The ZTV is used as an initial tool within the assessment process to understand the potential geographical extent and pattern of visibility of the Scheme. The ZTV is considered a working tool and is supplemented by extensive site visits, fieldwork and further assessment to establish actual visibility and likely effects. Cumulative ZTVs do not, in themselves, provide a complete understanding of landscape and visual effects. The usefulness of cumulative ZTVs can be limited where consideration is required of the scale of solar PV development and the way in which schemes interact with existing landscape features and vegetation structure. **Mr Richards** stated that ZTV information for nearby schemes had not been provided and, as a result, BDC is unable to engage further in discussion on cumulative visibility at this stage. **The ExA** asked whether the Applicant intended to provide the information. **Mr Wheeler** responded that the information would need to be provided by the respective neighbouring schemes through their own application and submission documents. **The ExA** asked the Applicant about BDC's concerns relating to that the following views have been underplayed: Views along the A1065; Viewpoint Group 1 (within the Site); Viewpoint Group 2 (within the Site); and Viewpoint Group 4. **Mr Wheeler** stated that the Applicant does not consider that the assessment underplayed any assessment related to views. For all the reasons set out in its written representations to date, the Applicant maintains that the assessment is robust, has been undertaken in accordance with professional practice, and that all evidence has been recorded and reported consistently with *Guidelines for Landscape and Visual Impact Assessment, 3rd Edition* and the methodology set out in **ES Chapter 6: Landscape and Visual [AS-016]**. Sensitivity varies between receptor groups and locations across the study area. The assessment therefore reflects differing baseline conditions and viewing experiences at individual receptors. **Mr Wheeler** confirmed the Applicant's position that the assessment is robust. In response to concerns raised by **Mr Richards** about the impact of hedgerow planting along the A1065 on open countryside views, **Mr Wheeler** stated that the assessment identifies significant effects on Visual Receptor Group 1 and along the A1065 during the earlier phases of the Scheme, with effects only reducing to non-significant levels in the

		longer term. Effects on users of the A1065 must be considered across the route as a whole rather than by reference to individual viewpoints in isolation. While some sections of the route provide more open views than others, the overall assessment balances the scale and extent of effects experienced along the entirety of the route. **Mr Wheeler** confirmed that the Applicant therefore remains satisfied with the conclusions set out in paragraph 6.11 of **ES Chapter 6: Landscape and Visual [AS-016]**. **The ExA** asked the Applicant about BDC's concerns relating to cumulative landscape and visual effects in Breckland and the wider county area. **Mr Wheeler** explained that the cumulative landscape and visual assessment had identified High Grove as the principal development with potential to give rise to cumulative effects. The schemes included within the long and short lists for assessment are set out in **ES Appendix 2.4: Cumulative Schemes [REP3-063]**, and the conclusions of the cumulative assessment are reported in section 6.11 of **ES Chapter 6: Landscape and Visual [AS-016]**. **Mr Wheeler** noted that significant cumulative effects on landscape character were identified in relation to Landscape Character Area E6. In response to concerns raised by **Mr Richards** regarding the adequacy of the cumulative assessment, **the ExA** asked whether the **SoCG with Breckland Council** submitted between Deadline 3 and Deadline 4 **[AS-070]** reflected the current position. The parties confirmed that it did. ***Post hearing note:*** *The Applicant has also submitted an updated* ***SoCG with Breckland Council [APP/5.11.2]*** *at Deadline 4.* **Mr Wheeler** reiterated that cumulative landscape and visual effects arise where developments are visible together and questioned how significant cumulative effects could arise from schemes located at substantial distances from the Scheme. **Mr Wheeler** stated that numerous viewpoints had been assessed as part of the baseline and cumulative assessment process and that all schemes on the long and short lists within the study area had been reviewed. The Applicant remains satisfied that the assessment appropriately screened schemes for potential cumulative effects and that the conclusion that High Grove was the only scheme likely to result in cumulative effects demonstrated the robustness of the assessment methodology. **The ExA** asked the Applicant about BDC's concerns relating to cumulative landscape and visual effects in Breckland and the wider county area. **Mr Wheeler** stated that no significant long term cumulative visual effects had been identified, particularly in relation to the A47. **ES Chapter 6: Landscape and Visual [AS-016]** demonstrates through the ZTV analysis that intervisibility between the Scheme and others is very limited, with little or no visibility from sections of the highway running broadly east-west across the study area. Where there are no views of another development, significant cumulative visual effects cannot arise. **Mr Richards** disagreed with the Applicant's position and encouraged **the ExA** to give careful consideration to views experienced along this route during the site visit. **Simon Wood, for BDC,** noted that, earlier in the week, BDC had submitted a plan to the Applicant suggesting additional viewpoints and indicated that these may need to be discussed further during the Examination. **Mr Wheeler** clarified that the Applicant's earlier response related specifically to cumulative visual effects on the A47 rather than landscape character effects or views from the A1065, which was why the Applicant's position differed from that expressed by **Mr Richards.** Regarding BDC's concerns with glint and glare, **the ExA** asked the Applicant about its proposal for further work on panel configurations to complete geometric modelling of the cumulative impacts for Receptor 20; and for further comment on BDC's request for securing a glint and glare complaints procedure. **Mr Plumb** explained that the assessment had considered potential cumulative effects arising from both the Scheme and High Grove. The assessment identified Receptor 20 as the only dwelling where there may be views towards both developments and therefore the potential for cumulative effects. However, it was noted that the two schemes would not be visible from the same location within the property and that simultaneous reflections from both developments are not predicted. The potential cumulative effect instead relates to reflections occurring over a wider range of times. There is currently insufficient information available regarding High Grove to determine the extent of any cumulative impact, and it is only possible to confirm that there is a potential for cumulative impacts based on dwelling Receptor 20 having views of both solar projects. If further information is released regarding High Grove, it may be possible to revisit this and accurately determine whether there is the potential for the resident to be affected by both projects, and if so whether this could affect the overall level of impact upon this dwelling receptor. **Mr Plumb** noted that the distances involved are material to the assessment, with Receptor 20 located over 700 metres from the nearest reflecting panel area associated with the Scheme and approximately 500 metres from the nearest High Grove solar panel area. Glint and glare effects generally reduce with distance, although the potential for cumulative effects is nevertheless acknowledged**. Mr Plumb** further referred to paragraph 2.17 of the **oOEMP [APP/7.8.4],** which includes a complaints procedure intended to ensure that community concerns raised during the operational phase are received, investigated and responded to appropriately, and confirmed that any concerns relating to glint and glare could be raised through this mechanism. **Michael Doyle, for BDC,** welcomed the Applicant's commitment to undertake further geometric modelling in relation to Receptor 20. However, **Mr Doyle** noted concern about remaining uncertainty regarding cumulative effects. **The ExA** asked whether the relevant **SoCG with Breckland Council [APP/5.11.2]** reflected the current position. The parties confirmed that it did. The **ExA** also queried whether the Glint and Glare Management Plan discussed in relation to the MoD at ISH2 would cover all glint and glare issues or only those relevant to the MoD. **Mr Tresadern** confirmed that the proposed management plan would be limited to matters relating to the MoD. The existing complaints procedure would provide a mechanism for addressing other concerns raised during operation. **Mr Doyle** noted that separate complaints procedures are often secured for other potential operational nuisance effects, such as noise, and suggested that a standalone complaints procedure for glint and glare would therefore be appropriate in the **oOEMP [APP/7.8.4]**. **Mr Tresadern** acknowledged the point and stated that it would be considered further, with a written response to be provided on whether amendments to the management plan or complaints procedures would be made. ***Post hearing note:*** *The Applicant has updated the* ***oOEMP [APP/7.8.4]*** *to this effect at Deadline 4.*

		Tim Hubbard, for Castle Acre Parish Council, asked whether any additional fields would be required for the proposed MoD mitigation measures. **Mr Tresadern** confirmed that mitigation would be confined to the areas identified within the existing fields referenced in the MoD's objection and would not extend into additional fields. **Dr Holmes** raised concerns regarding the potential need for mitigation structures to exceed 4.5 metres in height and the possible impacts of mitigation measures on tourism, local livelihoods and community wellbeing. **Mr Wilson** clarified that while there may be circumstances where structures greater than 4.5 metres could provide more effective screening, if the approved design parameters do not permit such structures then the affected solar arrays would not be constructed. **Mr Tresadern** confirmed that the Scheme parameters limit mitigation structures to a maximum height of 4.5 metres. This parameter is secured through the **draft DCO [APP/3.1.4]** and associated documents and cannot be exceeded. If adequate mitigation cannot be achieved within those parameters, the affected panels would not be built. In response to concerns regarding tourism and landscape effects by **Mr Wood**, **Mr Wheeler** maintained that the proposed mitigation and landscaping would reduce visual effects over time and that long-term visual effects along the A1065 are assessed as non-significant in **ES Chapter 6: Landscape and Visual [AS-016].** **Dr Holmes**, **Mr Richards** and **Mr Wood** disputed the Applicant's conclusions regarding the effectiveness of planting and the character of views along the A1065. Concerns were raised that mitigation planting would diminish open views and alter the area's rural character. **Mr Wheeler** responded that views along the A1065 are transient and intermittent, that the proposed planting seeks to restore the hedgerow through gapping up with new hedgerow and trees, reflects historic landscape patterns, and that any failures in planting would be replaced. **Anthony Morgan, local resident,** asked whether any reduction in panel areas resulting from MoD mitigation requirements would lead to derating of the Scheme and affect the agreed export capacity. **Mr Tresadern** responded that any removal of panels would not alter the Scheme's status as a Nationally Significant Infrastructure Project requiring development consent. **Mr Bennett** raised concerns regarding the role of professional judgement within the LVIA, the assessment of cumulative landscape and visual effects, and the conclusions reached in relation to cumulative effects with the proposed High Grove. **Mr Bennett** suggested that additional cumulative visualisations and further work were required and expressed a desire for continued discussions between the Applicant, local councils and High Grove. **Mr Wheeler** added that cumulative assessment must be considered in the context of the **Technical Information Note – Landscape and Visual [REP3-083]** in which additional viewpoints were provided as requested, and noted that High Grove would be responsible for undertaking its own cumulative assessment as well. Superimposing High Grove into visuals for the Scheme to demonstrate cumulative impact would not provide an accurate assessment given details available for High Grove are likely not up-to-date. **Mr Tresadern** confirmed the Applicant's willingness to continue discussions with IPs and to consider requests for additional visual material where appropriate. **Anne Mason, for Castle Acre Parish Council,** emphasised that concerns extended beyond visual effects and included impacts on the historic landscape character of the area. **Ms Mason** requested that this be taken into account by **the ExA** during the upcoming site visit. **Mr Tresadern** noted that heritage matters were not on the agenda for ISH3 and reiterated that significant landscape and visual effects had already been identified and given moderate negative weight in the planning balance in the **Planning Statement [AS-076]**. **Mr Wood** and **Mr Sierakowski** raised concerns regarding the limited information currently available on the proposed MoD mitigation measures and the ability of IPs to understand and assess their implications. **Mr Tresadern** explained that the updated **Design Principles, Parameters and Commitments [APP/5.8.4]** to be submitted at Deadline 5 would establish the parameters for mitigation, while the detailed mitigation design would be developed subsequently. A requirement secured through the **draft DCO [APP/3.1.4]** would require a detailed mitigation scheme to be approved by the relevant planning authority, in consultation with the MoD and any other consultees it considered appropriate. ***Post hearing note:*** *The Applicant has, in fact, updated the* ***Design Principles, Parameters and Commitments [APP/5.8.4]*** *at Deadline 4 to include commitments in relation to PAR mitigation. The Applicant has also included, at Appendix 1 to this Written Summary, a 'PAR Mitigation Illustrative Section', which is intended to aid interpretation of the new section entitled 'PAR Mitigation Structures' in Table 1 of the updated* ***Design Principles, Parameters and Commitments [APP/5.8.4]****.*
3 – Item 2	**Flood Risk, Hydrology and Water Resources**	**The ExA** asked the Applicant about discussions with NCC's LLFA on its outstanding concerns and areas of disagreement, particularly in relation to: 1) Completeness of Flood Risk Assessment (FRA) and Evidence Base; 2) Sequential Test and Site Layout; 3) Surface Water Flood Risk; 4) Hydraulic Modelling; 5) Infiltration and Ground Conditions; 6) Ground Levels and Decommissioning; and 7) Ecology Mitigation Areas. **Liam Nevins, for the Applicant**, explained that the Applicant had recently met with the LLFA to discuss outstanding matters and had a clear understanding of the further information being sought**. Mr Nevins** confirmed that the **Design Principles, Parameters and Commitments [APP/5.8.4]** would be updated at Deadline 4 to ensure inverter stations and customer units are located within areas capable of supporting infiltration, subject to testing. Where infiltration is not feasible at a particular location, the relevant infrastructure would be microsited to a suitable area. ***Post hearing note:*** *The Applicant has updated the* ***Design Principles, Parameters and Commitments [APP/5.8.4]*** *at Deadline 4 in relation to this matter.* In response to a question from **the ExA** about when the last **SoCG with the EA** had been submitted, **Mr Nevins** confirmed this was at Deadline 3 **[REP3-020].** In response to a point made by **Sarah Luff, for NCC,** regarding inconsistencies within the flood risk and drainage evidence, **Mr Nevins** explained that infiltration testing had been undertaken at nine locations focused on areas requiring formal drainage infrastructure. Eight out of the nine test locations demonstrated favourable drainage characteristics and that wider site investigations indicated similar ground conditions across the Site. Infiltration drainage is therefore considered by the Applicant to be achievable where required. In response to a further point made by **Ms Luff** regarding the absence of infiltration testing across all areas of the Site, **Mr Nevins** explained that testing had been targeted at those areas requiring formal drainage and that further infiltration testing would be undertaken during detailed design once the precise locations of infrastructure had been finalised. In response to a concern raised by **Ms Luff** regarding the lack of a viable drainage strategy for certain areas, **Mr Nevins** stated that grassland beneath the solar panels would provide surface water management within the solar array areas and noted that this reflects standard industry practice supported by academic research papers published since

		2013. This was explained in the **Applicant's Response to Relevant Representations [REP1-067]** and **Alex Tresadern, on behalf of the Applicant,** confirmed that detail of trial pit records could be found in **ES Appendix 8.6: Archaeological Trial Trenching Report [APP-160]. Mr Nevins** added that access track drainage would be designed to a 1 in 100-year event plus a 40% climate change allowance, as outlined in the **Design Principles, Parameters and Commitments [APP/5.8.4]**. In response to a point made by **Ms Luff** concerning the completeness of the infiltration testing programme, **Mr Nevins** stated that the two incomplete tests were affected by time constraints rather than poor drainage performance or the tests failing. **ES Appendix 8.6: Archaeological Trial Trenching Report [APP-160]** shows good drainage rates and, given the results obtained, it is reasonable to expect the tests that could not be completed due to time constraints to have produced similar outcomes. **Mr Nevins** maintained that the evidence gathered supported the conclusions of **ES Appendix 12.2: Flood Risk Assessment (FRA) [APP/6.4.4],** and further drainage design would be undertaken post-consent, subject to approval by the LLFA. In response to a point made by **Ms Luff** regarding the level of drainage detail and consistency across the DCO Application documents, **Mr Nevins** confirmed that there is appropriate consistency across Work Nos. 2 to 4. **Mr Nevins** stated that Work No. 1 would rely on grassland beneath the photovoltaic arrays to manage surface water runoff. This is a standard industry approach, supported by published research, and the Applicant is confident that it would provide an effective drainage solution. **The ExA** asked the Applicant to respond to a point made by **Ms Luff** regarding the adequacy of **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]**. **Mr Nevins** stated that the assessment follows a standard methodology used on DCO projects and that the Applicant has provided updates and rationale to explain decision-making. **Mr Nevins** suggested directing **Ms Luff** to that information rather than updating **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]**, which the Applicant does not feel is required at this stage. **Mr Tresadern** suggested that discussions continue between the parties and that the **SoCG [REP3-018]** would be updated accordingly following consideration of the Applicant's forthcoming submissions when possible by the LLFA. **Mr Tresadern** noted that any remaining areas of disagreement would ultimately be considered by **the ExA** and the Secretary of State as part of their determination of the DCO Application. **The ExA** asked the Applicant regarding progress with resolving the following concerns from the EA relating to groundwater: underground contaminated water tanks (EA36) and removal of buried cables (EA31). **Mr Nevins** stated that **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]** would be updated at Deadline 4 to allow flexibility for the provision of above-ground fire water containment structures. This amendment should address the EA's outstanding concern relating to EA36. The Applicant's decommissioning approach included commitments relating to the removal of cabling and **Mr Nevins** considered that this should resolve the EA's concern relating to EA31. In response, **Morgan Harringman, for the EA**, stated that the EA remained awaiting an updated version of Table 7 within the relevant decommissioning document and would review the Applicant's Deadline 4 submission before confirming whether the issue could be resolved. **Mr Tresadern** noted that the update to Table 7 had already been made at Deadline 1 within the tracked version of the **oDS [REP3-067]**. Following further discussion, **Mr Harringman** confirmed that the relevant update to Table 7 had been identified. **Mr Harringman** advised that the EA would provide a written response at Deadline 4 and anticipated that the matter relating to the decommissioning and removal of cabling commitments could be resolved. In response to a question from **the ExA** regarding the EA's concern relating to fire water containment, **Mr Harringman** stated that the EA was awaiting the Applicant's Deadline 4 submission to confirm the proposed commitment to assess whether the development would include below-ground or above-ground water storage infrastructure. **Mr Tresadern** confirmed that the relevant updates to **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]** would be provided at Deadline 4. **Anthony Morgan, local resident,** sought clarification on the size of the proposed underground containment tanks for fire water. **Mr Nevins** explained that **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]** commits to providing sufficient storage capacity within the BESS area to accommodate a 1 in 100-year storm event, including climate change allowances, together with firefighting water requirements. The detailed tank dimensions would be determined through the detailed design process once the final layout of Work No. 2 had been established. At that point, clarity can be provided to the LLFA. **Mr Nevins** further confirmed that the discharge of captured firefighting water to the environment is not proposed. In the event of a fire, penstocks would be closed to contain firefighting water on Site, following which the water would be removed and disposed of off-site, regardless of whether it was contaminated. **Mr Morgan** queried the contingency arrangements should firefighting operations exceed the two-hour duration referenced in national guidance and the containment tanks reach capacity. **Mr Nevins** responded that the proposed storage capacity had been informed by National Fire Chiefs Council guidance and advised that additional headroom had been incorporated within the containment system to accommodate further volumes if required. **Mr Tresadern** referenced the latest version of **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]**, noting that it sets out how the assessment has been undertaken in accordance with National Fire Chiefs Council guidance.
3 – Item 3	**Population**	**The ExA** asked the Applicant about NCC's concern that the change in landscape character may be more substantial than reflected in the Applicant's conclusions in **ES Chapter 6: Landscape and Visual [AS-016]**, as the effect for recreational users is cumulative rather than experienced at individual viewpoints. **Oli Wheeler, for the Applicant,** explained that the landscape and visual assessment findings were based on the design parameters assessed to date, as set out in **ES Chapter 6: Landscape and Visual [AS-016]**. The Applicant does not agree that significant cumulative effects on Landscape Character Area E6 have been understated. Additional information had been provided through the **Technical Information Note – Landscape and Visual [REP3-083]** and engagement had taken place with local authorities and parish councils, including site walkovers, to better understand concerns. The Applicant had sought to provide as much quantitative and qualitative information as possible to support the assessment. In relation to recreational users, **Mr Wheeler** explained that the DCO Application includes both **ES Chapter 6: Landscape and Visual [AS-016],** which assesses visual receptor groups and key routes from a landscape and visual perspective, and **Figure 6.8: Amenity and Recreation [APP-085],** which illustrates a narrative of sequential and route-wide

		effects on public rights of way, cycle routes and publicly accessible landscapes. **ES Chapter 6: Landscape and Visual [AS-016]** concludes that there would be no significant long-term cumulative effects on recreational routes, although some short-term significant effects are identified for Peddars Way, which are expected to reduce over time as landscape mitigation becomes established. In response to a comment from **Peter Richards, for BDC,** about significant and long-term effects of the Scheme, **Mr Wheeler** explained that the Applicant's cumulative assessment considers effects on the wider Landscape Character Area E6, which extends beyond the Order limits and captures the combined effects of the proposed development and High Grove. **The ExA** asked the Applicant to provide an update on the disagreement with NCC's LLFA regarding its concern that battery safety and firewater management have not been sufficiently assessed or integrated with flood risk considerations. **Liam Nevins, for the Applicant,** noted that battery safety and fire water risks are addressed through the **outline Battery Safety Management Plan (oBSMP) [APP/7.14.2]** and the **oCEMP [APP/7.6.4]**. The Applicant disagrees with the LLFA's view regarding the limited interaction between the **oBSMP [APP/7.14.2]** and **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]**, as the two documents are consistent and should be read together. **ES Appendix 12.2: Flood Risk Assessment [APP/6.4.4]** references the procedures contained within the **oBSMP [APP/7.14.2]** in the event of a battery fire, whilst also identifying the required containment volumes and how these would be secured. **Mr Nevins** therefore considered that the documents provide a coordinated approach to battery safety and fire water management. **Mike Bennett, for Sporle with Palgrave Parish Council,** raised concerns regarding the risk of wildfire and field fires associated with the Scheme, particularly during periods of extreme weather. He questioned whether additional water storage could be provided within the Scheme to support both solar panel cleaning and firefighting activities and asked whether surface water could be collected and reused for these purposes. In response, **Mr Nevins** explained that the water used for solar panel cleaning would be deionised water and therefore surface water collected on site would not be a suitable substitute. Due to the Site's drainage characteristics, the collection and storage of surface water would be challenging and would likely require lined infrastructure, together with consideration of storage capacity and water treatment requirements. **Mr Nevins** also noted that the landowner has access to an irrigation system and a groundwater abstraction licence for agricultural purposes, and discussions could take place regarding whether these arrangements could support other aspects of the Scheme. **Anthony Morgan, local resident,** raised a point regarding the volume of water required for panel cleaning and the associated HGV movements needed to transport this water to site. **Alex Tresadern, on behalf of the Applicant,** stated that the Applicant had assessed increased HGV movements through a sensitivity test reported in **ES Chapter 9: Transport and Access [REP1-036]**. Limits on vehicle movements are secured through the **oCTMP [AS-082]** and the **outline Operational Traffic Management Plan [REP3-079],** with corresponding requirements contained within the **draft DCO [APP/3.1.4]**. **Sarah Luff, for NCC**, raised a point regarding the opportunity to reuse collected surface water within the Scheme, noting that water reuse sits higher within the drainage hierarchy, and the potential provision of on-site deionising facilities. **Mr Nevins** stated that the Applicant would consider the points raised and provide a written response once **Ms Luff** has had time to consider all outstanding matters and make related submissions (i.e. at Deadline 5).
4	**Next steps**	**The ExA** set out the action points arising from ISH3. **Alex Tresadern, on behalf of the Applicant**, did not speak on this agenda item.
5	**Closing remarks**	**The ExA** closed the hearing. **Alex Tresadern, on behalf of the Applicant**, did not speak on this agenda item.

Appendix 1 – PAR Mitigation Illustrative Section

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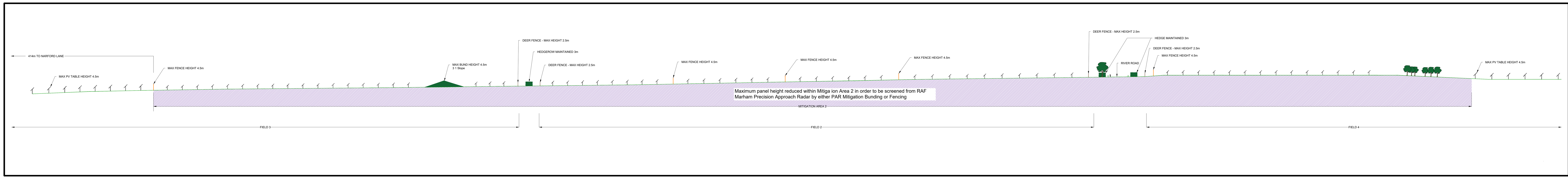

THE DROVES
SOLAR FARM

DRAWING TITLE:
PAR Mitigation - Illustrative Section

DOCUMENT:
Indicative PAR Mitigation Section

LEGEND:

- Existing Ground Plane
- PV Tables
- Deer Fence
- Existing and/or Proposed Hedgerow
- Existing Trees
- Mitigation Fence
- Mitigation Bund
- Mitigation Area

Notes:
This is an illustrative section through Mitigation Area 2 (i.e. one of the three mitigation areas shown on the RAF Marham Mitigation Areas Plan [APP/8.26], as agreed with the Ministry of Defence) to illustrate how a combination of bunds and/or fencing could be constructed to screen the Solar PV Array (i.e. Work No. 1(a)) in the relevant area from the RAF Marham Precision Approach Radar.

The number and location of bunds and/or fences is indicative and this illustrative section has been prepared to aid interpretation of the section entitled 'PAR Mitigation Structures' in Table 1 within the Design Principles, Parameters and Commitments[APP/5.8.4].

The individual elements of the Scheme have been drawn to scale to illustrate the relative height and proximity to existing and proposed elements of the Scheme.

Sources: Ordnance Survey, Island Green Power (IGP), WSP, Natural England, Norfolk County Council, National Forestry Commission

REV.	DESCRIPTION	APP.	DATE
P0	Deadline 4 Submission	RP	15/09/2026

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Reg 5 (2) PINS REFERENCE NUMBER: EN0110013

DWG. NO 9485_0250_Illustrative Section

DATE	SEPTEMBER 2026	DRAWN	PT
SCALE@A0	Not to scale	CHECKED	RB
STATUS		APPROVED	RP

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

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Not to scale

North

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THE DROVES
SOLAR FARM