THE DROVES
SOLAR FARM

# The Droves Solar Farm

## The Applicant's Closing Statement

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# 1 Introduction

## 1.1 Purpose of this Document

1.1.1 These Closing Statements have been prepared on behalf of The Droves Solar Farm Limited (the Applicant) to summarise the Applicant's position on matters that remain outstanding at the conclusion of the Examination of the Development Consent Order (DCO) Application (the DCO Application) to construct, operate, maintain and decommission The Droves Solar Farm (the Scheme).

1.1.2 The matters included under Section 3 have been identified as key matters of disagreement between the Applicant and the local authorities and/or statutory bodies or matters which have drawn attention from the Examining Authority (ExA) and/or Interested Parties during the Examination.

1.1.3 These Closing Statements are not intended to set out in full the Applicant's final position; instead, they provide signposting to the Applicant's submissions which have been made over the course of the Examination to assist the ExA and Interested Parties in accessing submissions the Applicant considers relevant to the matters being discussed.

1.1.4 These Closing Statements do not introduce new material. Rather they draw on, and refer to, submissions made by the Applicant in its application for the DCO for the Scheme and throughout the course of the Examination. The signposting is not intended to be exhaustive but highlights those submissions the Applicant considers most directly relevant.

## 1.2 The Scheme and the Application

1.2.1 The Scheme comprises the construction, operation, maintenance, and decommissioning of a solar photovoltaic (PV) electricity generating station and associated development comprising a Battery Energy Storage System (BESS), a Customer Substation, and Grid Connection Infrastructure, including a new National Grid Substation. The Scheme would allow for the generation and export of over 50MW Alternating Current of renewable energy, connecting into the National Electricity Transmission System overhead line that passes through the Site.

1.2.2 The Point of Connection will be located at a new Swaffham 400kV National Grid Substation and will be owned and operated by National Grid Electricity Transmission Plc (NGET).

1.2.3 The Scheme Order limits comprise, in total, 840 hectares (ha) of land located within the administrative boundaries of Breckland Council (BC) and Norfolk County Council (NCC).

1.2.4 The Site is located in an area of countryside to the north of Swaffham and to the south east of King's Lynn, within Norfolk, as depicted on **ES Figure 3.1: Scheme Location [APP-069]**.

1.2.5 The Scheme constitutes a Nationally Significant Infrastructure Project (NSIP). DCO Application for the Scheme was submitted by the Applicant on 19 November 2025. The Application was accepted for Examination on 16 December 2025.

1.2.6 The likely environmental effects of the Scheme are assessed in the Environmental Statement (ES) – comprising chapters, figures and appendices – that accompanies the DCO Application.

## 1.3 The Examination

1.3.1 The Examination of the Scheme opened on 6 May 2026 and is scheduled to close on 6 November 2026. Prior to and during the Examination, the Applicant has worked positively to address and resolve issues that have been raised by statutory consultees, Interested Parties and members of the public. The Applicant has agreed Statements of Common Ground (SoCG) with the key stakeholders, with final positions summarised in the **Statement of Commonality [APP/5.10.5]**. Across Deadlines 5 and 6 the Applicant has submitted final and signed versions of the following SoCG:

- **SoCG with Norfolk County Council [APP/5.12.4]**
- **SoCG with Environment Agency [APP/5.13.4]**
- **SoCG with Historic England [REP5-018]**
- **SoCG with Natural England [APP/5.15.4]**
- **SoCG with National Grid Electricity Transmission Plc [APP/5.16.2]**
- **SoCG with National Highways [APP/5.17.3]**
- **SoCG with Anglian Water Services Ltd [REP5-026]**
- **SoCG with Norfolk Wildlife Trust [APP/5.19.2]**
- **SoCG with King's Lynn and West Norfolk [APP/5.20.4]**
- **SoCG with National Energy System Operator Limited [APP/5.21.2]**
- **SoCG with Defence Infrastructure Organisation [REP5-034]**

1.3.2 A final but unsigned version of the **SoCG with Breckland Council [APP/5.11.4]** has also been submitted at Deadline 6. This was not able to be signed due to unavailability of personnel at Breckland Council due to annual leave.

1.3.3 At each relevant Examination Deadline, the Applicant has provided comprehensive commentary on the progress on the above SoCGs.

1.3.4 There remain a number of points of disagreement that it has not been possible to resolve during the examination. In the following sections, the Applicant sets out its position on these matters, summarising and cross-referring to previous submissions made during the course of the Examination where appropriate.

# 2 Policy Context, Need and Benefits

## 2.1 Need for the Scheme and National Policy Context

2.1.1 The policy context, need and benefits of the Scheme are set out in the **Planning Statement [APP/5.5.3]** and the **Statement of Need [APP-042]**.

2.1.2 Unprecedented actions are required on a global scale to halt further Climate Change. A rapid increase in the supply of low carbon electricity is urgently needed for the UK to meet its legally binding Climate Change targets. Solar generation is a critical part of the UK's strategy to achieve Net Zero by 2050 and forms a key step towards meeting the Government's national mission for 'Clean Power by 2030'. This is further explained within Section 2 of the **Statement of Need [APP-042]**.

2.1.3 The National Policy Statements (NPSs) for energy (specifically NPS EN-1 and NPS EN-3 (2023)) confirm that large-scale ground-mounted solar farms have a critical role to play in achieving the Government's aims. Paragraphs 3.2.6 and 3.2.7 of NPS EN-1 (2023) establish that substantial weight should be given to the need of infrastructure covered by the NPS, whilst paragraphs 3.3.20 to 3.3.24 of NPS EN-1 (2023) recognise that solar is a covered infrastructure-type.

2.1.4 Paragraph 3.1.1 of NPS EN-1 (November 2023) states that: *"Government sees a need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and … considers that the need for such infrastructure is urgent."*

2.1.5 Further to the substantial weight that is to be applied to covered infrastructure-types within NPS EN-1 (2023) is the fact that, across paragraphs 3.3.62 and 3.3.63 of NPS EN-1 (2023), there is an established 'critical national priority' (CNP) which is to be afforded to low-carbon infrastructure. The definition of low-carbon infrastructure extends to largescale solar farms, such as the Scheme (see paragraph 4.2.5 of NPS EN-1 (2023)), because of the decarbonisation, energy security and affordability benefits that they deliver.

2.1.6 NPS EN-1 (November 2023) also establishes the urgent need for "new electricity network infrastructure to be brought forward at pace to meet our energy objectives" (paragraph 3.3.65), recognising that the current network and available connection points are not of sufficient scale to connect the capacity required. New electricity networks and connections to them also constitute CNP infrastructure (paragraph 4.2.5).

2.1.7 In addition to the recognised need to deploy CNP infrastructure, NPS EN-1 (2023) also recognises, through paragraph 4.2.2, that the UK's energy security and Net Zero ambitions will "*only be delivered if we can enable the development of new low carbon sources of energy at speed and scale*".

2.1.8 What is important to recognise is how Government policy has become increasingly clear, particularly over this Parliament, that mitigating the effects of climate change and ensuring

the UK's energy security, resilience and affordability is a top priority, including through affording relevant low carbon infrastructure a CNP status. Key updates can be summarised as follows:

- Since the submission of the DCO Application for the Scheme in November 2025, the Government's support for low carbon infrastructure has gone further with the designation of revised NPS EN-1, NPS EN-3 and NPS EN-5 on 6 January 2026. The revised NPSs have, importantly, embedded Clean Power 2030 (CP2030) policy into the NPSs and have also strengthened the overall policy case for CNP infrastructure. In accordance with section 1.6 of NPS EN-1 (December 2025), the November 2023 suite of NPSs will continue to apply to projects accepted for examination before January 2026 (i.e. including the Scheme), but the 2025 suite of NPSs are a material and important consideration; and
- Solar has been identified as being at the heart of the Government's CP2030 mission. CP2030 outlines the Government's steps to achieving this target and also outlines a strong Government ambition for 45 – 47GW of installed solar power by 2030. Beyond 2030, CP2030 recognises that solar generation will continue to be necessary to make an important contribution to the UK's renewable energy generating capacity towards 2050.

## 2.2 Benefits of the Scheme

2.2.1 The Scheme would make a significant contribution to the UK's meeting of policy commitments and legal decarbonisation targets. As a result, the overarching needs case for the Scheme, which constitutes CNP, should be afforded substantial positive weight in accordance with paragraphs 3.2.6 – 3.2.8 of NPS EN-1 (2023) (see paragraph 4.2.6 of NPS EN-1 (2023)).

2.2.2 In addition to the generation of a significant quantity of low carbon energy (which will make a meaningful contribution to the UK's legally binding Net Zero commitment and is a source of domestic energy security that limits UK consumers exposure to volatile energy prices), the Scheme will also deliver:

- New planting, field boundary enhancement and planting of seed mixes within the Solar PV Sites
- Biodiversity Net Gain: as set out in the **Biodiversity Net Gain Assessment Report [REP4-028]**, the ecological mitigation and enhancement areas will deliver a potential net gain of 23.46% for onsite habitats, and a net gain of 58.78% for onsite hedgerow and tree lines
- The creation of approximately 3.8km of permissive paths within the Order limits and approximately 1.2km of permissive paths outside of the Order limits, for the lifetime of the Scheme, to provide pedestrians and horse and bicycle riders improved accessibility to the countryside and improved connectivity of the wider public right of way (PRoW) network

- 1,145 net additional jobs during the construction phase, with between 285 and 575 of these being taken by residents of Landscape Character Areas (LCAs). Employment opportunities are also anticipated during the operational and decommissioning phases of the Scheme, as set out in **ES Chapter 14: Socio-Economics [APP/6.2.2]**
- A number of skills and education opportunities during the construction phase, such as through construction apprenticeships. The **outline Employment, Skills and Supply Chain Strategy (oESSCS) [APP-195]** (which, in turn, will substantially inform a detailed Employment, Skills and Supply Chain Strategy that is secured by a requirement in the **draft DCO [APP/3.1.6]**) sets out proposals to promote apprenticeship and training schemes, enhancing local skills and qualification rates, and helping to retrain people in work displaced by the Scheme, while decreasing the proportion of workers required to be brought in from further afield; and
- Separate to the above benefits, the Applicant has also committed to a Community Benefit Fund (CBF). Whilst the CBF is not part of the DCO Application and is not relied upon by the Applicant in the planning balance, it will nevertheless be available to fund local projects.

2.2.3 Further to the above benefits, the ES also concluded a number of beneficial effects (in isolation). These can be summarised as follows:

- **ES Chapter 7: Ecology and Biodiversity [APP/6.2.3]**:
  - For 'Breeding Birds (other species)', there is a Moderate/Minor Beneficial effect during the operational phase of the Scheme
  - For 'Wintering Birds (other species)', there is a Moderate/Minor Beneficial effect during the operational phase of the Scheme
  - For 'Habitats (Hedgerows and Tree Lines)', there is a Minor to Major Beneficial effect during the operational phase of the Scheme; and
  - For 'Amphibian (GCN)', there is a Minor Beneficial effect during the operational phase of the Scheme.
- **ES Chapter 13: Climate Change [REP1-040]**:
  - For 'Global Climate', there is a Significant Beneficial effect during the operational phase of the Scheme.
- **ES Chapter 14: Socio-Economics [APP/6.2.2]**:
  - For the 'Provision of education, skills, training and supply chain', there is a Major Beneficial effect during the construction phase and a Moderate Beneficial effect during both the operational and decommissioning phases of the Scheme.
- **ES Chapter 15: Human Health [APP/6.2.2]**:
  - For 'Construction jobs – Vulnerable Groups', there is a Moderate Beneficial effect during the construction phase of the Scheme
  - For 'Provision of education, skills, training and supply chain – General Population and Vulnerable Groups', there is a Moderate Beneficial effect for the general

population and a Major Beneficial effect for vulnerable groups during the construction phase of the Scheme. There is also a Moderate Beneficial effect for Vulnerable Groups during the operational phase of the Scheme

- For 'Decommissioning jobs – Vulnerable Groups', there is a Moderate Beneficial effect during the decommissioning phase of the Scheme; and
- For 'Physical activity – Vulnerable Groups', there is a Moderate Beneficial effect during the operational phase of the Scheme.

2.2.4 The combined nature of these other benefits (beyond that of need) are considered to also attract substantial positive weight in favour of the Scheme as set out in the **Planning Statement [APP/5.5.3]**.

# 3 Applicant's Final Position on Key Examination Matters

3.1.1 This section provides summaries of the key issue-specific matters (including the Applicant's position on these matters) that arose from the consideration of the DCO Application during Examination and which remain unresolved at the close of Examination or which the Applicant considers to be pertinent to the ExA's Recommendation Report and the Secretary of State's decision making.

3.1.2 The key matters which are subject to disagreement and covered in this section are as follows:

- Cumulative Effects;
- Cultural Heritage;
- Design and Mitigation (specifically relating to Bartholemew's Hill Plantation screening);
- Landscape and Visual;
- Soils;
- Water Resources; and
- National Grid Substation.

3.1.3 There are also a number of key matters which have been resolved through the Examination of the DCO Application. These include:

- Defence Infrastructure Organisation (DIO) objection (as further discussed in section 3.9 below)
- Agreement on all matters with Anglian Water, including those related to protective provisions, pollution prevention, firefighting water supply and flood risk and drainage
- Land Contamination matters with the Environment Agency
- Traffic and Transport matters with all relevant stakeholders.

3.1.4 For a full list of matters which have been resolved through the Examination of the DCO Application, please refer to the **Statement of Commonality [APP/5.10.5]**.

## 3.2 Cumulative Effects

3.2.1 There has been continual discussion regarding the cumulative impact assessment throughout the Examination of the Scheme. Local stakeholders, along with BC and NCC, have raised concerns regarding the cumulative impact of renewable energy projects across Norfolk along with the infancy of the High Grove Solar Farm (which is perceived to limit the degree of certainty of the Scheme's cumulative assessment).

3.2.2 The Applicant has undertaken a cumulative impact assessment in accordance with the Planning Inspectorate's (PINS) Guidance[1], as set out in **ES Chapter 2: EIA Process and Methodology [APP-051]** and **ES Appendix 2.4: Cumulative Schemes [APP/6.4.2].** The Applicant prepared a long list of cumulative developments that was included within the Preliminary Environmental Information Report which consulted upon as part of the statutory consultation process (at the time) for the Scheme. The Applicant recognises that the High Grove Solar Farm is not as progressed as the Scheme, as it has not yet submitted its DCO application. The PINS Guidance acknowledges that there will be a decreasing level of detail available for cumulative projects, for example, ranging from those under construction or submitted but not yet determined (Tier 1), projects on the Planning Inspectorate's programme of projects (Tier 2), and those where a Scoping Report has not yet been submitted (Tier 3). The High Grove Solar Farm is considered to be a Tier 2 project, as it is listed on the Planning Inspectorate's programme of projects and an EIA Scoping Report and Opinion are available, therefore sufficient information, in accordance with the PINS Guidance, is available for it to be considered within the cumulative assessment for the Scheme.

3.2.3 The Applicant has continued to engage with BC, the Borough Council of Kings Lynn & West Norfolk (BCKLWN) and NCC, along with Interested Parties, during the Examination of the Scheme in order to keep the long list in **ES Appendix 2.4: Cumulative Schemes [APP/6.4.2]** up to date. The Applicant, at Deadline 3 (following Issue Specific Hearing (ISH) 1), updated the long list (included within **ES Appendix 2.4: Cumulative Schemes [APP/6.4.2]**), to include additional cumulative schemes at the request of local stakeholders and refresh the status of cumulative projects listed in accordance with best practice. The Applicant has also updated, at Deadline 6, the cumulative assessment to consider the Longmarsh Green Energy project (PINS reference: EN0110048), for which the EIA Scoping Report was submitted to PINS in October 2026, in relation to the cumulative assessment of the Scheme. This demonstrates the proactive and robust nature of the Applicant's cumulative assessment, even though the information for Longmarsh Green Energy has been received at a late stage of the Examination

3.2.4 The Applicant submitted and subsequently updated the **Report on Interrelationships between Projects [APP/8.3.3]** throughout the Examination, which specially considers the interrelationship and cumulative effects between the Scheme and High Grove Solar Farm.

[1] Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment - GOV.UK (Accessed on 29th October 2026)

The Applicant established a Design Principle ("Principle 5.8: Collaborate with High Grove Solar Farm" as set out in the **Design Approach Document [AS-009 - AS-011]**) which resulted in engagement and collaboration between the Applicant and the promoter of the High Grove Solar Farm to consider and agree how potential cumulative landscape, noise and traffic effects could be mitigated. The Applicant and the promoter of the High Grove Solar Farm, during both the pre-application stage and Examination stage of the Scheme, agreed to cumulative mitigation measures regarding landscape, noise and traffic. These measures are set out within the **outline Landscape and Ecological Management Plan (oLEMP) [REP5-060], outline Construction Environmental Management Plan (oCEMP) [REP5-062]** and **outline Construction Traffic Management Plan [REP5-064].** Further measures were incorporated into the **oLEMP [REP5-060]** at Deadline 5, with regards to landscape following matters raised by Interested Parties during the Accompanied Site Visit for the Scheme.

3.2.5 BC, within the **SoCG with Breckland Council [APP/5.11.4]** acknowledge that the Applicant's cumulative impact assessment appears to follow the relevant PINS Guidance (BC 1-2); however, BC have concerns regarding the adequacy of the Zone of Influence for the Landscape and Visual Impact cumulative assessment to assess the cumulative impacts character across Breckland and Norfolk. Notwithstanding this, BC, as set out at BC 1-2, in the **SoCG with Breckland Council [APP/5.11.4]**, "*accept the Applicant's position that only one development (High Grove Solar Farm) has the potential to result in significant cumulative effects on Landscape and Visual within the associated Landscape and Visual Impact Assessment (LVIA) Study Area*".

3.2.6 The Applicant notes that BCKLWN, as set out within Table 6 of the **SoCG with Borough Council of King's Lynn and West Norfolk [APP/5.20.4]**, agree with the methodology applied to the cumulative assessment and the list of committed developments included with **ES Chapter 2: EIA Process and Methodology [APP-051]** and **ES Appendix 2.4: Cumulative Schemes [APP/6.4.2]**. BCKLWN have outstanding concerns regarding the loss of Best and Most Versatile (BMV) land, particularly in combination with other schemes across Norfolk as a whole. The Applicant has undertaken an assessment of the cumulative impact of NSIPs across Norfolk, in accordance with the methodology set out in **ES Appendix 2.4: Cumulative Schemes [APP/6.4.2]**. Further to this, the Applicant explained during ISH2 (see the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3 [REP4-035]**), the approach that has been taken to minimising the impact on BMV through good design, which considered BMV from at the outset within the site selection criteria through to the design evolution of the Scheme, which is in accordance with NPS EN-1 and EN-3 (2023) as explained further within in Section 8.3 of the **Planning Statement [APP/5.5.3]**.

3.2.7 NCC confirmed in their **Response to ExQ1 [REP1-095]** that they had no further comments on the cumulative waste effects and that they are happy that the cumulative traffic effects are unlikely to be significant, which is subsequently agreed in their **SoCG with Norfolk County Council [APP/5.12.4]** as set out in line NCC 6-2. NCC have outstanding concerns regarding the cumulative effect on landscape character and consequently the cumulative experiential effect on users of recreational routes, rather than

the effect experienced at individual viewpoints. The Applicant, as set out **in ES Chapter 6: Landscape and Visual [REP5-046]**, assessed the potential sequential visual effects upon visual receptors within the Site and study area. That assessment considers visual effects upon settlement, PRoW and local road as part of their wider respective Visual Receptor Group and, for longer distance routes (i.e. Peddars Way and Norfolk Coast Path), routes are assessed as a "standalone" receptor with narrative on potential sequential views. The Applicant has embedded site specific mitigation within the Scheme, including varying offsets to PRoW within the Site and removing Solar PV Arrays immediately adjacent to Peddars Way, as described within the **Design Approach Document [AS-009 – AS-011]**. The Applicant has also committed to continue to collaborate with the promoter of the High Grove Solar Farm, and further measures were incorporated into the **oLEMP [REP5-060]** (paragraph 7.2.31) to inform the detailed design, to ensure that there is a smooth transition of the "look and feel" between one solar farm and another (should both be granted DCO consent) and to help mitigate potential sequential effects.

3.2.8 The Applicant therefore considers that cumulative impact assessment has been undertaken in accordance with the PINS Guidance (which has been acknowledged by various parties), the long list of cumulative developments has been updated to reflect ongoing engagement throughout the Examination phase and an inter-relationship report has been prepared by the Applicant that documents how the significant cumulative effects with High Grove Solar Farm are to be managed, should both projects be granted consent.

## 3.3 Cultural Heritage

3.3.1 There has been continued and positive consultation and engagement between the Applicant, BCKLWN and Historic England (HE) throughout the entirety of the DCO Application process.

3.3.2 The final agreed position with regard to **ES Chapter 8: Cultural Heritage and Archaeology [APP-057]** between the Applicant and BCKLWN and HE is set out within the respective SoCGs (**SoCG with Borough Council of King's Lynn and West Norfolk [APP/5.20.4]** and **SoCG with Historic England [REP5-018]**). This confirms to the ExA where agreement has or has not been reached between the parties.

3.3.3 The SoCGs demonstrate that all parties are in agreement on the majority of matters, with only a small number of matters remaining in disagreement. Both BCKLWN and HE have disagreed with the levels of impact, and subsequent effect, identified in **ES Chapter 8: Cultural Heritage and Archaeology [APP-057]** in relation to the designated heritage assets of Castle Acre Castle, Castle Acre Priory and Castle Acre Conservation Area. In each instance, BCKLWN and HE find that the level of impact is only one step above that identified by the Applicant. In all cases, it is agreed that this difference in perceived levels of impact arise from a difference of professional judgement, rather than any shortcomings of assessment methodology or implementation.

3.3.4 The crux of the disagreement revolves around the level of contribution that the Order limits, and more specifically the contribution that those elements of the Order limits visible from the designated heritage assets make to the significance of the respective designated heritage assets. In their Written Representations (**HE [REP1-088]** and **BCKLWN [REP1-077]**) and the **BCKLWN Local Impact Report [REP1-076]**, both HE and BCKLWN place great emphasis on the 'rural' and 'agricultural' settings of the designated heritage assets as contributing to significance and an assumption is made that, purely as it is agricultural land, it is almost unchanged since the medieval period when the assets were constructed. Neither HE nor BCKLWN, however, explain this position in terms of heritage values outlined in Conservation Principles, Policies and Guidance (HE 2008) [2]or the heritage interests outlined in the NPPF Planning Practice Guidance (MHCLG 2016, updated 2024)[3], nor have either party expressed how this element of the assets' settings contribute to significance as a whole (including both their physical presence and all elements of their setting). This is in contrast to the detailed assessment of the contribution of setting to the significance of designated heritage assets presented by the Applicant in **ES Appendix 8.2: Stage 1 and Stage 2 Setting Assessment [APP-152]** and summarised in **ES Chapter 8: Cultural Heritage and Archaeology [APP-057]**. Both of these documents recognise the part that the wider agricultural setting plays in contributing to the aesthetic value of the designated heritage assets, but find that it is contextual and topographic consideration that make a greater contribution to significance. As described in **ES Appendix 8.2: Stage 1 and Stage 2 Setting Assessment [APP-152]**, the **Applicant's Response to Local Impact Reports [REP2-027]** and the **Applicant's Response to Written Representations and other Deadline 1 Submissions [REP2-028]**, whilst remaining largely rural, the landscape is still distinctly modern and bears little resemblance to how it would have appeared in the medieval period and is, therefore, of limited value in understanding the medieval land use at the time the monuments were constructed and in use. Furthermore, the bulk of the Order limits are not considered to make any contribution to the significance of the identified heritage assets due to the lack of shared experience between the plateau land and the heritage assets, which is a prerequisite for contribution to significance. Large tracts of agricultural land lie between the Order limits and the assets, and the understanding and context of these assets will, therefore, remain to be clearly appreciated. The Applicant is, therefore, content that its assessment of the contribution of the Order limits to the significance of Castle Acre Castle, Priory and Conservation Area is robust and justified.

3.3.5 All parties are agreed that the greatest impact of the Scheme would arise from the additional pylons required, and that Scenario A, described in **ES Chapter 8: Cultural Heritage and Archaeology [APP-057]**, would be more impactful than Scenario B; however, the level of impact is not agreed. HE and BCKLWN contend that the magnitude of impact upon Castle Acre Castle, Priory and Conservation Area would be one step above that identified by the Applicant in **ES Chapter 8: Cultural Heritage and Archaeology**

[2] https://historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesandguidanceapril08web/
[3] https://www.gov.uk/government/collections/planning-practice-guidance

**[APP-057]**. Neither HE nor BCKLWN, however, have fully articulated how the visibility of the additional pylons would impact the significance of the identified assets, other than stating that the combined effect of the existing and new pylons would increase their prominence. The Applicant's position, laid out in **ES Chapter 8: Cultural Heritage and Archaeology [APP-057]** and the **Applicant's Response to Written Representations and other Deadline 1 Submissions [REP2-028]**, recognises that additional pylons will increase prominence; however, it also recognises that this will only be in one aspect of the assets' wider setting. The introduction of the pylons will not result in the loss of views of agricultural land from the monuments. The presence of the pylons will not affect the ability to appreciate and understand the topographic reasoning for the siting of the assets, the relationships between the Castle, the village and the Priory, nor will they be visible in all views of the agricultural landscape to or from the assets. Given that the vast majority of the aspects that make up the significance of Castle Acre Castle, Priory and Conservation Area as a whole (including the physical remains and all aspects of setting) will not be impacted, the Applicant is content that its identified low/negligible (Scenario A) or negligible (Scenario B) impact presented in **ES Chapter 8: Cultural Heritage and Archaeology [APP-057]** for solar panels is robust and justifiable.

3.3.6 HE have also agreed that there is no realistic additional mitigation that could be applied to reduce the impacts of the Scheme. The view of BCKLWN on this matter differs slightly to that of HE, in that they have expressed concerns that the levels of impact are dependent upon the retention of Bartholomew's Plantation. Details of the Applicant's position on Bartholomew's Plantation are provided below in the Design and Mitigation section.

## 3.4 Design and Mitigation

3.4.1 During the Examination, the Applicant has been in discussion with BCKLWN regarding whether Bartholemew's Hill Plantation should be brought into the Order limits for the Scheme, in order to secure its ongoing management and screening throughout the operational phase of the Scheme.

3.4.2 The Applicant has explained that Bartholomew's Hill Plantation is not located within the Order limits and is, therefore, not within the Applicant's control. As with many other areas of woodland in the wider study area, there is no reason to suggest that Bartholomew's Hill Plantation would be removed. Further to this, the Applicant has been informed by the landowner that the woodland falls within a Continuous Cover Forestry management plan that ensures that the plantation provides continuous tree cover and is cared for in a sustainable way that promotes the longevity of the woodland.

3.4.3 Notwithstanding the above, the Applicant has considered embedded measures within the Scheme to protect Bartholemew's Hill Plantation. Potential impacts from the Scheme have been avoided through the introduction of a 15m buffer as secured within the **Design Principles, Parameters and Commitments [APP/5.8.6]**. Further protection measures during the construction, operation and decommissioning phases of the Scheme are secured through the implementation of the **oCEMP [REP5-062]**, **oLEMP [REP5-060]** and **ES Appendix 16.4: Arboricultural Impact Assessment [REP2-014]**. As described in

the **oLEMP [REP5-060]**, appropriate buffers / offsets will be implemented, and the **oCEMP [REP5-062]** commits the Applicant to undertake a tree survey prior to the commencement of construction to inform the tree protection zones to be applied during construction**.** These measures will ensure that Bartholemew's Hill Plantation is not accidentally damaged during the construction phase of the Scheme, (i.e. to avoid reducing its landscape screening function within the wider landscape).

3.4.4 The Applicant has committed to extend the landscape screening of the woodland by introducing tree belts along the boundaries of Field 27 that extend south from Bartholemew's Hill Plantation, as shown on the Green Infrastructure Plans which are appended to, and secured via, the **oLEMP [REP5-060].** These tree belts will strengthen the landscape screening associated with Bartholemew's Hill Plantation within the wider landscape. All existing and proposed vegetation within the Order limits will also be managed to encourage visual screening, as outlined within the **oLEMP [REP5-060]**.

## 3.5 Landscape and Visual

3.5.1 The Applicant has engaged constructively with NCC, BC and BCKLWN throughout the DCO application process. A number of matters relating to landscape character and visual amenity have been agreed between the Applicant and these local authorities during the Examination period. In response to matters raised and requests for additional information by the local authorities during the Examination period, the Applicant has provided this in full within the **Technical Information Note – Landscape and Visual [REP5-068].** This provides additional information in relation to additional viewpoints and visualisations, detail on baseline landscape character, future baseline considerations and potential cumulative landscape and visual effects. The **Technical Information Note – Landscape and Visual [REP5-068], ES Chapter 6: Landscape and Visual [REP5-046], ES Appendix 6.7: Residential Visual Amenity Assessment [REP5-054]** and **ES Appendix 6.8: Amenity and Recreation Assessment [REP5-056]** have been updated to consider the Precision Approach Radar (PAR) Mitigation (as detailed in **ES Chapter 5: The Scheme [REP5-042]** and the **Design Principles, Parameters and Commitments [APP/5.8.6]**) in the assessment of landscape and visual impacts on the relevant receptors. The updated assessment has introduced no new significant effects to those previously assessed.

3.5.2 All landscape and visual matters raised by BCKLWN have now been agreed, except for BCKLWN's request for protection over Bartholomew's Hill Plantation. As detailed within the SoCG and Section 3.4 above, BCKLWN suggest some form of protection should be secured to ensure the long-term protection of the landscape screening and Bartholomew's Hill Plantation. As set out in the Design and Mitigation section 3.4 above, the Applicant reaffirms its assessed position of assuming that the woodland is not to be removed, as there is no reason to assume that it would be, and is proposing no additional measures to protect the woodland (particularly given that the woodland falls outside of the Order limits and, therefore, is outside of the Applicant's control).

3.5.3 There remain some outstanding matters of disagreement with NCC, with regard to the scale of the proposed solar PV panels and height of other proposed infrastructure forming

part of the Scheme. The height of the solar PV panels has been assessed using clearly defined design parameters including a maximum height of 4.5m above ground level at maximum tilt, as set out in **ES Volume 1, Chapter 5: The Scheme [REP5-042]** and **Design Principles, Parameters and Commitments [APP/5.8.6]**. These parameters represent a realistic worst-case scenario for the purposes of the Environmental Impact Assessment (EIA). The Applicant has detailed within ES Chapter 6: Landscape and Visual [AS-016] that there would be no potential long term significant adverse visual effects upon visual receptors within the Site and wider LVIA study area, including those within Castle Acre and the Nar Valley.

3.5.4 Regarding matters raised by BC, there are a limited number of issues where there remains disagreement. The Applicant acknowledges that BC no longer wishes to engage further on these matters and, therefore, the **SoCG with Breckland Council [APP/5.11.4]** represents BC's final position. The Applicant maintains its position on these matters, as set out in that SoCG, for the reasons set out in **ES Chapter 6: Landscape and Visual [REP5-046],** the **Technical Information Note – Landscape and Visual [REP5-068]** and associated Examination documents and submissions made during ISHs.

3.5.5 There remains disagreement between the Applicant and BC in relation to use of the published BC landscape character assessment. The Applicant considers that the published Breckland Landscape Character Assessment (2007) provides an appropriate basis for the assessment. The published assessment has been subject to consultation and forms part of the evidence base for the adopted Breckland Local Plan. Consistent with GLVIA3, that assessment has been supplemented by field observations and further site-specific landscape character analysis presented within the **Design Approach Document [AS-009 – AS-011]**, the **Technical Information Note – Landscape and Visual [REP5-068]** and **ES Chapter 6: Landscape and Visual [REP5-046]**. The Applicant does not consider there to be serious limitations with that assessment. The **ES Chapter 6: Landscape and Visual [REP5-046]** assesses the potential effects upon LCAs at two levels where appropriate; effects upon the LCA within the Order limits and effects upon the wider LCA beyond the Order limits. The Applicant acknowledges that the Scheme would potentially result in significant adverse landscape effects within the Site, reflecting the direct change to the land upon which the Scheme would be sited. The assessment identifies potential long-term significant adverse landscape effects upon LCA D1 Swaffham Heath and LCA E6 North Pickenham Plateau within the Order limits. As concluded in the **Planning Statement [APP/5.5.3]**, the adverse impacts identified are clearly outweighed by the substantial public benefits that would arise from providing low-carbon energy to meet the needs identified in NPS EN-1.

3.5.6 There remains disagreement between the Applicant and BC with the afforded sensitivity and therefore potential visual effects upon Visual Receptor Group (VRG) 1. The Applicant does not agree with BC that the judgements within the LVIA are understated. In relation to visual amenity, the Applicant maintains its assessment of VRG1 as being of High-Medium sensitivity. VRG1 includes users of PRoW within the Site, road users along Narford Lane, River Road and stretches of the A1065, the residential receptor at Keepers Cottage, cyclists along a short section of the Rebellion Way Cycle Route and walkers

along part of the Castle Acre Circular Walk. VRG1 does not include valued viewpoints, viewpoints within a designated landscape, key designed views or panoramic viewpoints marked on maps. The Applicant therefore considers that the High-Medium sensitivity judgement is appropriate and is in accordance with the methodology set out within **ES Chapter 6: Landscape and Visual [REP5-046]**.

3.5.7 There remains disagreement between the Applicant and BC on operational phase long term visual effects, particularly for VRG1. The Applicant has provided further technical information during the Examination in response to matters raised by BC. This includes additional Representative Viewpoints 17 to 23 and Illustrative Viewpoints h and i, together with additional fully rendered illustrative photomontages for Representative Viewpoints 17, 20 and 23. **ES Chapter 6: Landscape and Visual [REP5-046]** Table 6-11 states that for VRG1 the effects for operation short term have been assessed as Major (significant), the effects for operation medium term have been assessed as Major-Moderate (significant) and for operation long term has been assessed as Moderate (not significant). The overall significance lessens due to a reduction in scale of effect because of mitigation planting outlined in paragraph 6.8.146 of the **ES Chapter 6: Landscape and Visual [REP5-046]**. Baseline and historic landscape character have informed the design and embedded mitigation measures for the Scheme. Most existing landscape features would be retained, with the landscape strategy also including reinforcement and gapping-up of existing hedgerows, new native hedgerows, trees and woodland, and the long-term management and maintenance of new and existing vegetation. The proposed planting uses landscape features characteristic of the Site and host LCAs, and seeks to reinforce the existing landscape structure. The Applicant considers that reinforcement and gapping-up of hedgerows accords with the historic character of the Site, where dense hedgerows and trees along the drove routes would historically have been managed to prevent livestock straying into adjoining fields.

3.5.8 There remains disagreement between the Applicant and BC in relation to the LVIA methodology, which BC suggest is not clear nor transparent. The Applicant maintains that the LVIA provides a clear and transparent approach to determining significance. Receptor sensitivity is clearly identified and magnitude is judged taking account of the scale, extent and duration of the potential effect. Magnitude and receptor sensitivity are then considered together to reach a professional judgement upon significance. The full detailed of the methodology for the LVIA is provided within Section 6.5 of **ES Chapter 6: Landscape and Visual [REP5-046]**. Paragraph 6.5.16 clearly sets out what effects are considered significant, potentially significant or not significant in EIA terms. Paragraph 6.5.15 notes that "*effects that are Major or Major-Moderate are considered significant and likely to influence the eventual decision" whilst those that are Slight or below are judged Not Significant and "of lesser concern" (GLVIA3, para 3.35). Moderate effects are considered to be potentially significant and professional judgment is used to determine whether the effect in question is Significant or Not Significant, with analysis provided to justify the rating."* The LVIA methodology adopted for the Scheme is well-precedented across numerous other solar DCO examinations and consented decisions. The Applicant considers that this approach, as set out in **ES Chapter 6: Landscape and Visual [REP5-046]**, clearly identifies the potential landscape and visual effects of the Scheme.

3.5.9 There remains disagreement between the Applicant and BC in relation to the future baseline consideration within the LVIA. Advance planting has been undertaken along the A1065 and around Field 27, which contains the proposed Grid Connection Infrastructure, Customer Substation and National Grid Substation. The advance planting has already been undertaken by the landowner, irrespective of the outcome of the DCO Application, to reinforce and infill existing defunct hedges and gappy field boundaries. This planting therefore forms part of the existing and future baseline and would continue to be maintained by the landowner prior to the implementation of the **oLEMP [REP5-060]** should the DCO be consented. The Applicant considers that this approach is consistent with GLVIA3 paragraph 5.33, which requires consideration not only of the landscape at the time of assessment "*but also to consider what it may be like in the future in the absence of the proposal*". As the advance planting establishes and matures, it would reinforce gappy or defunct sections of hedgerow and provide increased visual screening. The Applicant therefore considers it appropriate that this planting is considered as part of the future baseline.

## 3.6 Soils

3.6.1 No significant areas of disagreement remain at the close of Examination between the Applicant, the local authorities and Natural England in respect of Soils and Agriculture.

3.6.2 Two matters relating to the approach to assessment remain "in discussion" between the Applicant and Natural England, per the **SoCG with Natural England [APP/5.15.4]**. The first is very minor (Item 1-1 (2)). Natural England has raised concern that the assessment of temporary impacts may not have recognised that temporary works can have permanent effects. Natural England is now satisfied that the Applicant's assessment has recognised this, but the matter remains unresolved without this clarification being explicitly added into the ES. The Applicant's position is that the correct approach to determining if temporary works have temporary or permanent effects has been taken, and Natural England are not suggesting otherwise, and accordingly the Applicant does not consider that there is a requirement to further amend **ES Chapter 11: Soils and Agriculture [AS-080]**.

3.6.3 The second matter relates to the thresholds used in the Applicant's assessment of effects. The assessment tables are at slight variance to those in the ISEP Guide, as explained in Section 11.5 of **ES Chapter 11: Soils and Agriculture [AS-080]**. The Applicant provided a further explanation directly to Natural England of the reasons for this in August (see Appendix 2 of the **SoCG with Natural England [APP/5.15.4])** and presented an additional explanation during ISH2 (see the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3 [REP4-035]**). As suggested by the ExA, the **SoCG with Natural England [APP/5.15.4]** was subsequently split into sub-topics at Deadline 5 to aid interpretation of matters not agreed.

3.6.4 Natural England's final position, per the **SoCG with Natural England [APP/5.15.4]** at Item 1-1 (4), is that the assessment should be updated. Appendix 1 'Farm Impacts Note' to the **SoCG with Natural England [APP/5.15.4]** provides that update, and has been reviewed by Natural England. In summary, using the ISEP methodology, and taking a worst case

approach, the loss of 27.9 ha of BMV is a significant adverse effect under both methodologies.

3.6.5 Taking a best-case approach, the permanent loss is 8.8 ha (which includes 4.3 ha of BMV proposed for tree planting). Under the ISEP methodology the effect would be significant, but under the Applicant's methodology the effect is not significant. The Applicant considers that such a limited loss, spread across the Order limits, should not be significant in EIA terms.

3.6.6 In respect of the use of 9.1 ha of BMV for temporary construction compounds, which will be fully restored to the same ALC grade, under the ISEP methodology this would be a moderate or large effect, which can be significant. Under the Applicant's methodology, however, this would be a minor adverse effect which would not be significant. The Applicant considers that a short-term, temporary and fully-restorable use of land for construction compounds should not be considered significant.

3.6.7 Therefore, the Applicant is confident that its approach provides a reasonable and realistic assessment. The use and some loss of agricultural land across solar developments at NSIP scale has been recognised and given generally limited weight in consented solar DCOs.

3.6.8 However, and on a without prejudice basis, the Applicant notes that if the ExA were minded to accept the ISEP methodology over the Applicant's methodology and therefore conclude a significant adverse effect, this would not change the overall conclusion of the planning balance, which would remain firmly in favour of approval, for the reasons set out in the Planning Statement [AS-076].

3.6.9 Natural England have also not agreed Item 1-3 in the **SoCG with Natural England [APP/5.15.4]**, relating to the location of fixed infrastructure. The same position is taken by BC in the **SoCG with Breckland Council [APP/5.11.4]** at Item BC 2-1. Both SoCGs agree that this is a matter for the planning balance. The Applicant's position on the siting of the National Grid Substation, which will result in the permanent loss of 4.5 ha of Grade 2, was explained at ISH2, as recorded at agenda item 6 in the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3 [REP4-035]**. The Applicant explained that matters of connection to the grid and the highway, landscape, heritage, PRoW and public opinion had been considered along with the land quality in designing the layout.

3.6.10 There remains disagreement with Breckland Council regarding the cumulative effects on agriculture, per the **SoCG with Breckland Council [APP/5.11.4]** at Items BC 2-3, BC 2-4 and BC 2-5. BC acknowledges that detailed information is presented in **ES Chapter 11: Soils and Agriculture [APP/6.2.3]** and, following ISH2, in the Update Note: Farm Impacts for Breckland Council, September 2026 (as Appendix 2 of the **SoCG with Breckland Council [APP/5.11.4]**. All three items are agreed to be matters for the Secretary of State to consider in the planning balance.

3.6.11 There are, therefore, no significant outstanding areas of disagreements regarding Soils and Agriculture. There will be a land-use change from mostly arable and livestock (pigs and sheep) to grassland, but agricultural use would not be entirely removed as sheep grazing can continue and expand. This is consistent with the Government's Land Use Framework. There will be a small loss of BMV as a result of the National Grid Substation and for woodland planting, but even on the worst case assessment the loss of BMV spread across the Order limits (tracks, infrastructure and tree planting), as tabulated in **ES Chapter 11: Soils and Agriculture [APP/6.2.3]** at Table 11-7, is a negligible amount of land in a local, county and national context. Norfolk is now estimated, under the Predictive ALC mapping, to be 94% BMV.

3.6.12 The land will not be lost, except for small areas. Agricultural use can continue. NPS EN-3 does not prohibit the use of BMV land, but it does require its use to be justified. The Applicant has sought to minimise losses of BMV through detailed design and the Site is, based on the best available information, some of the poorest quality land across Norfolk. The Applicant's approach to Soils and Agriculture is consistent with the NPSs, and the effect is not significant in a wider context.

## 3.7 Water Resources

3.7.1 Water Resources have been considered throughout the Examination of the Scheme. The Applicant has engaged with the Environment Agency (EA), Anglian Water and NCC, in its capacity as Lead Local Flood Authority (LLFA), to address their representations and refine the proposed mitigation. This has included updates to **ES Chapter 12: Water Resources [APP/6.2.5]**, **ES Appendix 12.2: Flood Risk Assessment (FRA) [REP5-058]** and the supporting **outline Battery Safety Management Plan (oBSMP) [REP4-026]**. This engagement accords with NPS EN-1, paragraphs 5.8.18–5.8.20, concerning consultation and the resolution of flood-risk concerns. Submission of the FRA alongside the ES also satisfies the submission requirement in NPS EN-3, paragraph 2.10.84.

3.7.2 The **SoCG with the Environment Agency [APP/5.13.4]** records agreement on several substantive matters, including the groundwater conceptual model, groundwater monitoring and foundation risk assessments, BESS flood mitigation and controls for trenchless construction. The EA has also confirmed its agreement with the conclusions of the Water Framework Directive (WFD) assessment concerning affected groundwater bodies. This position is supported by the Applicant's commitments to pre-construction groundwater monitoring and refinement of foundation design to account for locally shallower groundwater conditions (see **ES Chapter 12: Water Resources [APP/6.2.5]**). These findings support the Applicant's case for compliance with NPS EN-1 paragraph 5.16.14, concerning WFD requirements, in respect of the affected groundwater bodies.

3.7.3 The Applicant has strengthened the measures for managing potentially contaminated runoff and firefighting water. These include ensuring that fire mitigation measures are operational before BESS installation, providing manual backup for isolation valves and removing contaminated water to a licensed facility. In response to the EA's concerns regarding underground containment, the updated **ES Appendix 12.2: Flood Risk**

**Assessment [REP5-058]** gives preference to above-ground, impermeably lined detention basins where space permits. These measures support compliance with NPS EN-1 paragraphs 5.16.6, 5.16.8 and 5.16.9, concerning groundwater protection, construction management and pollution prevention through design. The **SoCG with the EA [APP/5.13.4]** nevertheless records outstanding matters concerning rainwater harvesting, protective provisions, requirement wording, controls on permitted preliminary works and consultation response periods – the Applicant's position on these matters is set out in that document.

3.7.4 In relation to Anglian Water, the **SoCG with Anglian Water Services Ltd [REP5-026]** confirms agreement on the wording of the protective provisions in Part 7 of Schedule 15 to the **draft DCO [APP/3.1.6],** and Anglian Water withdrew its objection on the matter of protective provisions at Deadline 1 in its **Responses to ExQ1 [REP1-074].** Agreement is also recorded on groundwater protection, pollution-prevention arrangements and consultation under Requirement 11 of Schedule 2 of the **draft DCO [APP/3.1.6]** on detailed surface and foul water drainage. As outlined in the **oBSMP [REP4-026]** the Applicant has committed to filling and replenishing BESS firefighting-water storage by tanker, without reliance on local public mains. For construction, the Applicant anticipates that non-domestic supply from Anglian Water will not exceed 20 m³/day and has committed to submitting a Water Resources Assessment if supply from Anglian Water exceeds that threshold. These commitments support the Applicant's compliance case under NPS EN-1 paragraphs 5.16.7 and 5.16.10, addressing water demand and consultation with water suppliers. The final **SoCG with Anglian Water Services Ltd [REP5-026]** records agreement on these water-supply, construction and firewater matters. All matters are therefore agreed between the Applicant and Anglian Water.

3.7.5 The Applicant has continued to engage with NCC on the adequacy of the FRA, surface-water modelling, infiltration feasibility, drainage provision and the effects of land management. The parties' respective positions are recorded in Table 9 of the **SoCG with Norfolk County Council [APP/5.12.4]**. The Applicant maintains that its assessment is proportionate to the Scheme and that the design commitments provide an appropriate basis for detailed design. The Applicant relies on this evidence to demonstrate compliance with the flood-risk assessment requirements of NPS EN-1, paragraphs 5.8.13–5.8.15. NCC continues to challenge the sufficiency of the evidence, with disagreements or ongoing discussion concerning infiltration and ground conditions, ground reinstatement and decommissioning, battery and firewater management, and ecological mitigation areas recorded in the **SoCG with Norfolk County Council [APP/5.12.4]**.

3.7.6 In response to NCC's concerns, the Applicant has explained the targeted infiltration testing undertaken and committed to further testing during detailed design in **ES Chapter 12: Water Resources [APP/6.2.5]**. The **Design Principles, Parameters and Commitments [APP/5.8.6]** have been updated to require inverter stations and customer units to be located where infiltration is achievable, with micrositing where necessary. Access-track drainage will accommodate the 1% annual exceedance probability event with a 40% climate-change allowance, as outlined in both **ES Appendix 12.2: Flood Risk**

**Assessment [REP5-058]** and **Design Principles, Parameters and Commitments [APP/5.8.6]**.

3.7.7 The Applicant considers that these measures, together with the proposed management of grassland and surface-water runoff, provide a suitable approach to drainage, as outlined during ISH3 (see the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at ISH2 and ISH3 [REP4-035]**) and as set out in the **Applicant's Responses to ISH2 and ISH3 Action Points [REP5-074]**. These measures support the Applicant's case under NPS EN-1 paragraphs 5.8.24–5.8.28 on surface-water management, and NPS EN-3 paragraphs 2.4.11, 2.10.85 and 2.10.154 on solar flood resilience, track drainage and water management within site design. NCC's agreement, in its capacity as LLFA, to the adequacy of the Applicant's assessment and proposed measures remains outstanding the **SoCG with Norfolk County Council [APP/5.12.4]**.

3.7.8 Separate differences remain regarding the proposed disapplication of watercourse consenting requirements and the associated provisions of the **draft DCO [APP/3.1.6]**, per the **SoCG with the Environment Agency [APP/5.13.4]** and the **SoCG with Norfolk County Council [APP/5.12.4]**. The EA has not agreed the Applicant's proposed approach to flood risk activity permitting and protective provisions, and NCC has expressly stated that it would not consent under section 150 of the Planning Act 2008 to the removal of the consent requirements under section 23 of the Land Drainage Act 1991. NCC also supports the EA's request to remove Article 49 of the **draft DCO [APP/3.1.6]** concerning the maintenance of drainage works. The Applicant's full position in respect of these matters is set out in the **Applicant's Response to the Examining Authority's Schedule of Changes to the draft DCO [REP5-079]**. These matters engage NPS EN-1 paragraph 4.12.10, concerning complementary planning and environmental regulatory controls. These matters remain disputed, and the Applicant accepts that the Secretary of State will decide on these matters when determining the DCO.

3.7.9 The Applicant maintains that the Scheme's effects on water resources and flood risk can be acceptably managed through the design commitments and proposed mitigation, including the surface water management, pollution prevention and groundwater protection controls set out in sections 3.8 and 4.8 (Tables 7 and 18, "Water Resources") of the **oCEMP [REP5-062]**, and the infrastructure siting, sustainable drainage, firewater containment and foundation design commitments in Tables 3-1 to 3-4, together with the watercourse crossing controls in Table 3-6, of the **Design Principles, Parameters and Commitments [APP/5.8.6]**.

3.7.10 The **draft DCO [APP/3.1.6]** provides for approval of detailed drainage under Requirement 11, the BSMP under Requirement 6, and construction and operational environmental management plans under Requirements 13 and 14. These controls are relied upon to secure the drainage and mitigation arrangements envisaged by NPS EN-1 paragraphs 5.8.37–5.8.39 and 5.16.16. For the reasons set out above, and in the **Planning Statement [APP/5.5.3]** and **Policy Compliance Document [APP/5.6.3]**, the Applicant considers that the Scheme complies with the relevant hydrology, flood-risk and water-resource provisions of NPS EN-1 and NPS EN-3.

## 3.8 National Grid Substation

3.8.1 The Applicant notes that, particularly during the first half of the Examination, various Interested Parties raised concerns regarding the alleged uncertainty of the National Grid Substation included in the Order limits and the **draft DCO [APP/3.1.6]**. The Applicant refers to its **Response to Section 89(3) Letter dated 17 March 2026 [AS-063]**, the **Written Summary of the Applicant's Oral Submissions and Responses to Action Points at Issue Specific Hearing 1 [REP1-071]** (specifically Agenda Item 3.2) and the **Applicant's Response to Written Representations and other Deadline 1 Submissions [REP2-028]** (specifically with reference to NGET3, NGET5 and NGET8) for its full response on this matter.

3.8.2 However, in summary, the Applicant is seeking consent for, but not an obligation on NGET to deliver the National Grid Substation in the proposed location. The fact that this location has not yet been confirmed by NGET does not prevent the Applicant from seeking development consent for it as an option – indeed, the Applicant has complied with its contractual obligations to "*obtain land and consent*" for the National Grid Substation under the terms of its grid connection offer. If NGET decides to locate the NGET Substation in another location, then consent can be obtained for the connection works separately. The Applicant is not aware of any reasons as to why this National Grid Substation should be refused as associated development to the Scheme.

3.8.3 Further, the Applicant notes that any powers of compulsory acquisition can only be exercised for the purpose for which they are originally sought. Therefore, if NGET decides to locate the National Grid Substation at an alternative location to the land over which the Applicant has sought the necessary compulsory acquisition powers in relation to it, the Applicant could not lawfully exercise those powers over that land.

3.8.4 It is an established principle that an applicant is not required to deliver a connection to a generating station as part of a DCO application for that generating station, provided that a connection agreement is in place. In other words, it is not a barrier to granting consent for a generating station if the point of connection is not yet identified or consented.

3.8.5 The Applicant has a grid connection offer for the Scheme requiring it to secure consent and land for the point of connection – the Scheme had been notified by National Energy System Operator (NESO) that it has been prioritised as a Gate 1 connection in NESO's Connections Reform process. The Applicant notes that the Scheme satisfied the Gate 2 Readiness Criteria, but did not satisfy the Gate 2 Strategic Alignment Criteria and therefore has received notification from NESO that it will receive a Gate 1 connection offer for the Scheme. However, projects which continue to demonstrate they are ready are expected to be reprioritised, especially as the government continues to refine its criteria for strategic alignment. It is anticipated that some projects currently in the queue may drop out. The Applicant will therefore keep developing the Scheme with the aim of securing a Gate 2 connection in a future round.

3.8.6 The Applicant's approach and methodology is, therefore, sound – consent is being sought for the National Grid Substation in a location that the Applicant considers suitable based on NGET's criteria. Consent for the potential National Grid Substation in this location should (and has) therefore be fully examined, and NGET will then have the option to carry out the works should NGET determine that the proposed site for the National Grid Substation is suitable (which the Applicant expects to happen, given that the Applicant's site selection methodology, as set out in Appendix 1 Site Evaluation Report of the **Planning Statement [APP/5.5.3]**, is akin to NGET's site selection process).

3.8.7 In the event that NGET indicates a preference for an alternative location (at whatever stage in the process), the Applicant retains the ability to seek a separate consent (with updated environmental information and assessment) for the connection to the National Grid Substation as a result. If that situation arises after consent for the DCO is granted, then any future consent application (whether as a change to the DCO or a separate planning application under the Town and Country Planning Act 1990) for the connection from the Customer Substation to that National Grid Substation would cumulatively assess that application with the works consented under the DCO. This will ensure there is no 'gap' in the assessment of environmental effects, and could include the production of a new Environmental Statement for the separate connection application. The Applicant reiterates that it is not a barrier to granting consent for a generating station if the point of connection is not yet identified or consented.

3.8.8 The Applicant considers that the Scheme is sufficiently defined such that the impacts of the proposals can, should, and have been assessed as they are presented. The Applicant has set out a clear set of parameters, both spatial and written, within the **Works Plan [REP3-004]** and the **Design Principles, Parameters and Commitments [APP/5.8.6]** for the National Grid Substation. On this basis, the Applicant has undertaken a reasonable worst-case assessment based upon these parameters (the Rochdale Envelope approach) for the Scheme. The Rochdale Envelope approach is a recognised approach to undertaking EIA for schemes of this nature as set out in PINS Advice Note Nine; Rochdale Envelope (as was applicable at the time of the Applicant's EIA for the Scheme).

3.8.9 The Applicant therefore considers that there is no uncertainty surrounding grid connection for the Scheme, nor the assessment of it, and has provided clarity on this matter throughout the Examination.

## 3.9 Defence Infrastructure Organisation Objection

3.9.1 The Applicant is pleased to confirm that the DIO withdrew its objection to the Scheme at Deadline 5, in its **Responses to ExQ3 [REP5-085]**.

3.9.2 The Applicant and the DIO had constructive dialogue prior to submission of the DCO Application and throughout the Examination in relation to the DIO's concerns regarding the potential impacts of the Scheme on RAF Marham, notably in relation to PAR Mitigation, glint and glare impacts, the use of cranes or other types of high-reaching plant equipment, details of new overhead electrical transmission line infrastructure and waterbodies or

wetland features that will be created as part of the Scheme. The DIO's objection was also referenced by numerous Interested Parties throughout the Examination.

3.9.3 The Applicant and the DIO reached agreement on all matters at Deadline 5, as reflected in the **SoCG with Defence Infrastructure Organisation [REP5-034]**. The solution, which is tailored to the specific circumstances of this Scheme and the DIO's particular objection, is that a series of requirements have been included in Schedule 2 of the **draft DCO [APP/3.1.6]** to address the DIO's concerns.

3.9.4 In respect of PAR Mitigation specifically, the Applicant submitted the following documents at Deadline 5 which demonstrate that the effects from the proposed PAR Mitigation (i.e. non-reflective fencing and/or bunding in the specific mitigation areas identified (and agreed with the DIO) on the **RAF Marham Mitigation Areas Plan [REP5-070]**) have been fully assessed for all relevant topics in the ES:

- **ES Chapter 5: The Scheme [REP5-042]**
- **ES Chapter 6: Landscape and Visual [REP5-046]**
- **ES Chapter 12: Water Resources [REP5-048]**
- **ES Chapter 18: Summary of Effects [REP5-044]**
- **ES Figure 6.10: PP1-16 and PPa-g Winter Photograph Panels (Part A) [REP5-050]**
- **ES Figure 6.11: PP1-16 and PPa-g Summer Photograph Panels (Part A) [REP5-052]**
- **ES Appendix 6.7: Residential Visual Amenity Assessment [REP5-054]**
- **ES Appendix 6.8: Amenity and Recreation Assessment [REP5-056]**
- **ES Appendix 12.2: Flood Risk Assessment [REP5-058]**
- **Technical Information Note - Landscape and Visual [REP5-068]**; and
- **PAR Mitigation Environmental Technical Note [REP5-075]**.

3.9.5 As set out in the **Applicant's Response to Deadline 4 Submissions [REP5-077]** and the **Applicant's Response to ExQ3 [REP5-078]**, the PAR Mitigation does not affect the conclusions of the ES chapters, with the exception of **ES Chapter 6: Landscape and Visual [REP5-046]**. In respect of that topic, it remains the case that the PAR Mitigation would not give rise to new significant effects but may give rise to increased significant effects. This assessment is full and informed – see response to BC2 in the **Applicant's Response to Deadline 4 Submissions [REP5-077]**. The Applicant also submitted an updated **Design Principles, Parameters and Commitments [APP/5.8.6]** at Deadline 5 which sets out clear parameters for the PAR Mitigation.

3.9.6 All of the above has led to the DIO withdrawing its objection to the Scheme and the Applicant hopes that this confirmation from the DIO (i.e. that they are agreeable on all matters relating to the potential impacts of the Scheme on RAF Marham) provides comfort to the ExA, the Secretary of State and Interested Parties.

# 4 Draft Development Consent Order and Protective Provisions

## 4.1 Draft DCO

4.1.1 The Applicant has updated the **draft DCO [APP/3.1.6]** throughout the Examination, with a summary of all changes found in the **Schedule of Changes to the Draft Development Consent Order [APP/8.1.5]**. The Applicant has also provided, at Deadline 6, a comparison of the **draft DCO [APP/3.1.6]** at Deadline 6 against the **draft DCO [APP-018]** submitted as the initial application version of this document, as well as a **draft DCO Template Validation Report [APP/3.3.2]**.

4.1.2 The changes made to the **draft DCO [APP/3.1.6]** throughout the Examination reflect discussions between the Applicant and Interested Parties (including, in particular, the full agreement reached with the DIO referenced above), certain suggestions from the ExA and the ever-evolving landscape of consented solar DCOs (including the recently-granted Green Hill Solar Farm Order 2026).

4.1.3 The Applicant notes that there are areas of disagreement with various parties in respect of the drafting of certain provisions in the **draft DCO [APP/3.1.6]**. The Applicant is grateful to all parties for their comments on the **draft DCO [APP/3.1.6]** throughout the process, and has provided its full position and reasoning in respect of these areas of disagreement throughout the Examination. In particular, the Applicant refers to the **Applicant's Response to the Examining Authority's Schedule of Changes to the draft DCO [REP5-079]** and the final suite/versions of each SoCGs with Interested Parties, as relevant.

4.1.4 The Applicant accepts that the Secretary of State will take a decision on the wording of the provisions (where there is disagreement) when determining the DCO.

## 4.2 Protective Provisions

4.2.1 For the reasons set out in the **Statement of Reasons [REP3-009]** and the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at CAH1 [REP4-036]** (specifically Agenda Item 3(c)), the Applicant considers that the protective provisions in Schedule 15 of the **draft DCO [APP/3.1.6]** are sufficient to ensure that the tests set out in sections 127 and 138 of the Planning Act 2008 are satisfied and therefore the Scheme will not result in any serious detriment to the carrying on of the statutory undertakers' undertakings.

4.2.2 The Secretary of State has previously determined that the use of compulsory acquisition powers in respect of statutory undertakers' land and rights can be acceptable to ensure the deliverability of a NSIP where it has not been possible to reach agreement on the

terms of a voluntary property agreement provided that the technical details of any works are approved by the statutory undertaker. This principle was established in the Secretary of State's decision letter for the National Grid (Hinkley Point C Connection Project) Order 2016 and reiterated in Secretary of State's decision letter for the Immingham Open Cycle Gas Turbine Order 2020.

4.2.3 The Applicant notes that the protective provisions included in Parts 1, 2 and 6 of the **draft DCO [APP/3.1.6]** are standard-form in the industry and are included in numerous consented solar DCOs for the benefit of electricity/gas/water/sewerage undertakers, operators of electronic communications code networks and drainage authorities. The Applicant has set out the latest position (i.e. at Deadline 6) below in respect of all statutory undertakers for whom bespoke protective provisions are included in the other Parts of Schedule 15 of the **draft DCO [APP/3.1.6]**.

Eastern Power Networks Plc (EPN)

4.2.4 The Applicant's land referencing exercise noted that EPN may have an interest in the **draft DCO [APP/3.1.6]**. However, the Applicant received no response from EPN and notes that EPN has not objected to the Scheme. Nonetheless, Part 8 of Schedule 15 of the **draft DCO [APP/3.1.6]** contains a satisfactory set of protective provisions for EPN's benefit.

Anglian Water (AW)

4.2.5 The Applicant and AW have agreed the form of protective provisions included in Part 7 of Schedule 15 the **draft DCO [APP/3.1.6]** for the benefit of AW, and AW withdrew its objection to the Scheme (with regard to protective provisions) at Deadline 1 **[REP1-074]**.

Environment Agency (EA)

4.2.6 The Applicant and the EA have reached a position of 'agreeing to disagree' in respect of the inclusion of protective provisions in Part 5 of Schedule 15 to the **draft DCO [APP/3.1.6]** for the benefit of the EA, as set out in the **SoCG with Environment Agency [APP/5.13.4]**.

4.2.7 The EA does not consider that Flood Risk Activity Permits (FRAPs) are necessary in relation to the Scheme, and therefore consider that Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 should not be disapplied (as is sought in Article 6(1)(e) of the **draft DCO [APP/3.1.6]**) and the protective provisions for the benefit of the EA should be removed.

4.2.8 However, as set out throughout the Applicant's submissions into the Examination, Article 6(1)(e) of the draft DCO [APP/3.1.6] 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. 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 Permits4, such activities could require a FRAP. 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 [APP/3.1.6] 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 has retained those protective provisions within the draft DCO [APP/3.1.6].

4.2.9 The Applicant acknowledges the differing views of the parties in respect of these protective provisions, and accepts that the Secretary of State will take a decision on this matter when determining the DCO.

National Highways (NH)

4.2.10 The Applicant and NH have agreed and finalised the form of protective provisions for NH's benefit to be included in the **draft DCO [APP/3.1.6]**, subject to the execution of the corresponding side agreement (the form of which is also agreed). The parties have agreed that they will write to the Examining Authority / Secretary of State (as applicable), once that side agreement has been executed, to provide a final copy of those agreed protective provisions well in advance of determination of the DCO by the Secretary of State. Part 4 of Schedule 15 of the **draft DCO [APP/3.1.6]** submitted at Deadline 6 includes the agreed protective provisions for NH's benefit.

National Grid Electricity Transmission Plc (NGET)

4.2.11 The Applicant and NGET are close to finalising the form of protective provisions for NGET's benefit to be included in the **draft DCO [APP/3.1.6]**. The parties have agreed that they will write to the Examining Authority / Secretary of State (as applicable), once that agreement has been reached, to provide them with a copy of those agreed protective provisions (which will replace those currently in Part 3 of Schedule 15 of the **draft DCO [APP/3.1.6]**) well in advance of determination of the DCO by the Secretary of State.

Conclusion

4.2.12 In summary, though (and for the reasons set out in the **Statement of Reasons [REP3-009]** and the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at CAH1 [REP4-036]** (specifically Agenda Item 3(c)), the Applicant's position is that the protective provisions contained within Schedule 15 of the **draft DCO [APP/3.1.6]** are sufficient, contain an approval mechanism for undertaking any works and

[4] https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

will ensure there will be no serious detriment to the carrying out of the statutory undertaker's undertaking.

# 5 Compulsory Acquisition Case

## 5.1 General

5.1.1 The Applicant's justification for the compulsory acquisition of land, including the proposed exercise of temporary possession powers, is set out in full in the **Statement of Reasons [REP3-009]** and the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at CAH1 [REP4-036]**.

5.1.2 In those documents, the Applicant has set out the legal tests under the relevant sections of the Planning Act 2008 and how they apply to the Scheme and the associated plots in the **Book of Reference [APP/4.3.4]**. The arrangements proposed for funding the Scheme, including the provision made to meet compensation liabilities arising from the exercise of compulsory acquisition powers, are set out in the **Funding Statement [AS-005]**.

5.1.3 The Applicant has also demonstrated that there is a compelling case in the public interest for the Scheme and for the grant of the powers sought. The powers sought are proportionate to the objectives of the Scheme and ensure that the Scheme can proceed without undue impediment.

## 5.2 Negotiations

5.2.1 The Applicant remains engaged in negotiations with all land interests affected by the Scheme, with a view to securing voluntary agreements wherever reasonably practicable. Updates concerning the progress of those negotiations are set out in the **Land and Rights Negotiation Tracker [APP/4.4.5]**.

5.2.2 At the date of this submission, the Applicant has entered into Option Agreements with the relevant landowners for the elements of the Site that comprise the Solar PV, the BESS, the Customer Substation, and the National Grid Substation (i.e. Work Nos. 1-4). The Applicant will continue to endeavour to acquire the remaining land, rights and other interests by agreement wherever practicable.

5.2.3 The Applicant notes that National Highways objects to the Applicant seeking powers of temporary possession over eight National Highways' land plots, and the parties have reached a position of 'agreeing to disagree' in respect of this matter, as set out in the **SoCG with National Highways [APP/5.17.3]**. The Applicant maintains that the temporary possession powers sought over National Highways' land are necessary and proportionate, and compliant with the relevant statutory tests. The Applicant's full position on this matter is set out in the **Applicant's Response to Deadline 4 Submissions [REP5-077]**. The Applicant acknowledges the differing views of the parties in respect of these protective provisions, and accepts that the Secretary of State will take a decision on this matter when determining the DCO.

5.2.4 The evidence presented by the Applicant throughout the Examination, including in the **Land and Rights Negotiation Tracker [APP/4.4.5]** and the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at CAH1 [REP4-036]** demonstrates that the Applicant has made reasonable attempts to enter into voluntary agreements to try and avoid the use of compulsory acquisition powers. However, the compulsory acquisition and temporary possession powers remain necessary to provide certainty that the Scheme can be delivered without undue impediment.

## 5.3 Conclusion

5.3.1 Notwithstanding any outstanding voluntary agreements, the Applicant has demonstrated (particularly in the **Statement of Reasons [REP3-009]** and the **Written Summary of Applicant's Oral Submissions and Responses to Action Points at CAH1 [REP4-036]**) that the land and rights being sought are required for the Scheme, and that there is a compelling case in the public interest for compulsory acquisition powers to be granted.

5.3.2 All statutory and policy tests for the inclusion of compulsory acquisition powers in the **draft DCO [APP/3.1.6]** have been met.

# 6 Conclusion

6.1.1 As set out in the DCO Application and Examination deliverables, and summarised in this Closing Statement, there is a clear and compelling need for the Scheme which substantially outweighs its limited residual adverse effects. The Applicant has provided all necessary information to inform the ExA's Recommendation Report and the Secretary of State's decision making. Accordingly, for the reasons set out in the DCO Application, documents submitted during Examination and in this Closing Statement, the Applicant considers that the ExA should have comfort to recommend that the DCO be made and for the Secretary of State to make the DCO in the form submitted by the Applicant at Deadline 6.

6.1.2 The proposed Scheme will contribute to meeting the critical need for renewable energy identified in national and local policy, including in the National Policy Statements for Energy, published in November 2023 and designated in January 2024. The NPSs identify the urgent need and unambiguous policy support for low carbon infrastructure.

6.1.3 The Scheme is delivering significant beneficial opportunities. These include:

- New planting, field boundary enhancement and planting of seed mixes within the Solar PV Sites
- Biodiversity Net Gain: as set out in the **Biodiversity Net Gain Assessment Report [REP4-028]**, the ecological mitigation and enhancement areas will deliver a potential net gain of 23.46% for onsite habitats, and a net gain of 58.78% for onsite hedgerow and tree lines
- The creation of approximately 3.8km of permissive paths within the Order limits and approximately 1.2km of permissive paths outside of the Order limits, for the lifetime of the Scheme, to provide pedestrians and horse and bicycle riders improved accessibility to the countryside and improved connectivity of the wider public right of way (PRoW) network
- 1,145 net additional jobs during the construction phase, with between 285 and 575 of these being taken by residents of Landscape Character Areas (LCAs). Employment opportunities are also anticipated during the operational and decommissioning phases of the Scheme, as set out in **ES Chapter 14: Socio-Economics [APP/6.2.2]**
- A number of skills and education opportunities during the construction phase, such as through construction apprenticeships. The **oESSCS [APP-195]** (which, in turn, will substantially inform a detailed Employment, Skills and Supply Chain Strategy that is secured by a requirement in the **draft DCO [APP/3.1.6]**) sets out proposals to promote apprenticeship and training schemes, enhancing local skills and qualification rates, and helping to retrain people in work displaced by the Scheme, while decreasing the proportion of workers required to be brought in from further afield; and
- Separate to the above benefits, the Applicant has also committed to a Community Benefit Fund (CBF). Whilst the CBF is not part of the DCO Application and is not relied

upon by the Applicant in the planning balance, it will nevertheless be available to fund local projects.

6.1.4 The Applicant considers that suitable protective provisions have been included in Schedule 15 of the **draft DCO [APP/3.1.6]** to address the outstanding concerns raised by statutory undertakers and ensure there will be no serious detriment to their respective undertakings.

6.1.5 During the pre-application and Examination stages, the Applicant has sought to undertake a high level of engagement with statutory bodies, BC and NCC, Interested Parties and communities affected by the Scheme, and as a result has made further amendments to the design of the Scheme and outline management documents throughout Examination.

6.1.6 In conclusion, the benefits provided by the Scheme are significant, clear and compelling, outweighing the identified and limited residual adverse effects.

6.1.7 The Applicant would like to thank the ExA and the PINS case team, as well as those individuals and organisations who have contributed to the examination process.

THE DROVES

SOLAR FARM