

Heckington Fen Solar Park

EN010123

Statement of Need and Planning Statement Addendum

Applicant: Ecotricity (Heck Fen Solar) Limited

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STATEMENT OF NEED AND PLANNING STATEMENT ADDENDUM

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1 Summary

1.1 Purpose of this Document

- 1.1.1 This document is submitted on behalf of Ecotricity (Heck Fen Solar) Ltd (“the Applicant”) and contains the Applicant’s Addendum to the Statement of Need and Planning Statement (PS-142) as agreed would be submitted to the Examining Authority (ExA) during discussions within Agenda Items 5 (Planning Policy) and Item 7 (Planning Need and Benefits) of the Issue Specific Hearing (ISH) 2 on the Scope of the Development and Environmental Matters for Heckington Fen Solar Park, which took place on 20th September 2023.
- 1.1.2 The Statement of Need and Planning Statement (PS-142) submitted as part of the Change Application on 25 August 2023 contained updates on relevant policy at that stage up to August 2023. This included reference to the primary determining policies in National Policy Statements (“NPS”) EN1, EN3 and EN5 and the revised draft revisions of the NPS EN-1, EN-3, and EN-5 published in March 2023.
- 1.1.3 It was agreed during ISH2 that an Addendum to the Statement of Need and Planning Statement would be submitted as part of an updated suite of documents by Deadline 2, to provide more detail on the policies and documents mentioned as part of agenda items 5 during ISH2.
- 1.1.4 Item 5 of the agenda for ISH2 covered any additional, amended and emerging local and national planning policy and guidance published since the production of section 4 of the Statement of Need and Planning Statement in February 2023 (APP-234) that are of relevant to the Examination. Item 5 also covered any other relevant recently published Government documents which relate to renewable energy and climate change (in addition to those listed at paragraph 4.72 of the Planning Statement (APP-234). For clarity, some of these documents were also mentioned as part of the Applicant’s oral submissions on item 7 of the agenda for ISH2.
- 1.1.5 The provision of this Addendum was also confirmed within the written summary of the Applicant’s oral case was submitted at Deadline 1.
- 1.1.6 This Addendum was also referred to in the ExA’s questions posed under Section 9 – Planning Policy and Legislation of Examining Authorities first set of written questions (EXQ1), which requested responses by Deadline 2 (Tuesday 7th November 2023). This statement therefore provides the specific responses to the following questions set out for the Applicant’s response:
- EXQ1 – PPL.1.1
 - (i) Include more detail regarding the matters which are considered to be important and relevant for the purposes of decision making (see sections 2, 3, 4, 5, 6, 7, 8 and 9 of this Addendum)
 - (ii) Consider the approach taken in other solar generation NSIPs including Longfield Solar Farm and Little Crow Solar Park which considered that EN-3 should not take effect or be considered as being important or relevant given that solar is expressly excluded from the coverage of EN-3. (see section 3.5 of this Addendum)
 - (iii) Include consideration of whether EN-5 is important and

relevant and why (see section 5 of this Addendum)

- EXQ1 – PPL.1.4 – Implications for the Application arising from the 2023 revision to the NPPF (see Section 6 of this Addendum)
- EXQ1 – PPL.1.5 implications for the Application arising from the updated Planning Practice Guidance (Renewable and Low Carbon Energy) paragraphs O32 to O36 relating to battery energy storage systems (See Section 7 of this Addendum).

1.1.7 Question PPL 1.2 is not responded to in this document. The Applicant’s response to PPL.1.2, along with summaries of the Applicant’s responses to the above questions, are provided in the Applicant Response to the Examining Authority’s First Written Questions (Document ref ExA.ResponseFWQ–D2.V1). Question PPL.1.3 was posed to the Local Planning Authorities to respond to, so no response is provided by the Applicant.

1.1.8 The respective sections of this report clarify where responses are provided in regard to the above questions.

1.1.9 The structure of this addendum considers the following matters.

1.2 National Policy Statements (ExQ1, PPL.1.1 (i))

1.2.1 The addendum responds to ExQ1, PPL.1.1 (i) in regard to the NPSs which are considered to be important and relevant for the purposes of decision making.

1.2.2 The initial sections consider the designated and emerging National Policy Statements. The primacy of the NPSs in decision making for national infrastructure is highlighted. It is confirmed that the Applicant considers that the designated and draft NPSs are important and relevant to the decision-making process.

1.2.3 The Government started consultation on revising EN1 and EN3 in 2021 and published the further revised consultation documents in March 2023.

1.2.4 The transitional provisions set out in page 52 of the March 2023 Government Response to the NPS consultation are important to understanding the weighting to be given to the emerging NPS amendments. This confirms that:

“any emerging draft energy NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process.”

1.3 Overarching National Policy Statement for Energy (EN-1) (ExQ1, PPL.1.1 (i))

1.3.1 Section 2 outlines the Applicant’s consideration of the importance and relevance of the designated NPS EN1 (2011) and emerging NPS EN1 (2023). This section of the addendum also responds to ExQ1, PPL.1.1 (i) in regard to the EN-1 and the emerging draft EN-1, which are considered to be important and relevant for the purposes of decision making.

1.3.2 The overarching need case set out in both the adopted and the emerging draft EN-1 documents are clear – there is an urgent requirement for new electricity infrastructure and renewables will play a key part in meeting government’s commitments on net zero and energy security. This is an important and relevant consideration.

1.4 National Policy Statement for Renewable Energy Infrastructure EN-3 (ExQ1, PPL.1.1 (i))

- 1.4.1 Section 3 outlines the Applicant's consideration of the importance and relevance of the designated NPS EN-3 (2011) and emerging NPS EN-3 (2023). This section of the addendum also responds to ExQ1, PPL.1.1 (i) in regard to the EN-3 and the Draft EN-3 , which are considered to be important and relevant for the purposes of decision making.
- 1.4.2 It is acknowledged that designated EN-3 states that the NPS does not cover any other types of onshore renewable energy generation that were technically viable over 50MW when the document was published in July 2011.
- 1.4.3 The designated NPS EN3 (July 2011) recognises (at paragraph 1.82) that as renewable technology becomes economically and technically viable national policy will need to be updated. That is clearly the current status for solar generation and hence it is the Applicant's submission that Draft EN3 carries significant weight in demonstrating the urgent need for new solar generation and is an important and relevant consideration.

1.5 The approach taken to EN-3 and Draft EN3 at Longfield Solar Farm and Little Crow Solar Park (ExQ1, PPL.1.1 (ii))

- 1.5.1 The Applicant's response to ExQ1, PPL.1.1 (ii) is provided in section 3.5 of the Addendum.
- 1.5.2 It is concluded that in the light of the Secretary of State's conclusion on these applications, the draft EN-3 carries significant weight. It is an important and relevant consideration in the determination of the DCO applications both, in regard to the need for new solar energy generation to urgently meet the Governments Net Zero objectives and in terms of the matters to be assessed in considering the impact of new Solar NSIP developments.
- 1.5.3 The NPS's have a clear and significant overriding weight. The Applicant is of the view that the emerging draft NPS EN-3 is an important and relevant consideration in the decision-making process and should be given significant weight.

1.6 National Policy Statement for Electricity Networks Infrastructure EN-5 Extant version of 2011 and emerging revisions issued in March 2023 (ExQ1, PPL.1.1 (i) and ExQ1, PPL.1.1 (iii))

- 1.6.1 The Applicant's response to ExQ1, PPL.1.1 (iii) is provided in section 4 of the Addendum. This section of the addendum also responds to ExQ1, PPL.1.1 (i) in regard to the EN-5 and the emerging draft EN-5, which are considered to be important and relevant for the purposes of decision making.
- 1.6.2 In that section, the Applicant concludes that the stated elements of the works, including the electrical infrastructure, cabling and substation works, constitute associated development for which consent is sought along with an NSIP and therefore both the designated EN-5 and the emerging draft EN-5 are relevant and important in determining the application.

1.7 Other Important and Relevant Policy Documents (ExQ1, PPL.1.1 (i))

- 1.7.1 Section 5 confirms that important and relevant considerations are provided by other policy documents and these include National Policy in the form of the NPPF and NPPG and Local Development Plan documents. Consideration of the NPPF and NPPG in the addendum also responds to ExQ1, PPL.1.1 (i) considering these policies to be important and relevant for the purposes of decision making.
- 1.7.2 Section 6 considers the NPPF, highlighting the changes made in the publication of the revised Framework in September 2023 and responds directly to ExQ1, PPL.1.4.
- 1.7.3 The Applicant concludes that the NPPF is a relevant and important consideration although the policy of the NPS takes precedence and should be given overriding weight.
- 1.7.4 The recent amendments to the Framework summarised at Section 6 do not introduce significant new considerations for the determination of the application.
- 1.7.5 Section 7 of the Addendum provides the Applicant's consideration of the NPPG and in particular the amendments introduced in August 2023. This also confirms the Applicant's response to ExQ1 – PPL.1.5.
- 1.7.6 The Applicant considers that the NPPG, is an important and relevant consideration, however the NPSs take precedence.
- 1.7.7 In the recent amendments summarised in Section 7, the revised NPPG includes planning guidance on battery energy storage systems and advises on fire safety risks. This includes advice for applicants and LPAs to seek engagement on proposals with local fire and rescue service. This has been undertaken by the Applicant in respect of the application proposals and comments were incorporated into the design where applicable.
- 1.7.8 Section 8 addresses Local Planning Policies, including these as important and relevant considerations, in response to ExQ1, PPL.1.1 (i).
- 1.7.9 The development plans applicable to the development proposal comprise:
- The Central Lincolnshire Local Plan 2018 – 2040, adopted 13 April 2023 (North Kesteven) replaces in full The Central Lincolnshire Local Plan 2012 – 2036 (April 2017).
 - South East Lincolnshire Local Plan 2011 – 2036, adopted 8 March 2019 (Boston Borough Council)
- 1.7.10 Section 8 outlines changes made to the policies since the submission of the application in March 2023 and the Change Application in August 2023.
- 1.7.11 Local policies remain material considerations to the decision-making body but do not supersede policy set out in NPSs.
- 1.7.12 Consideration of specific policies within each plan is provided in the August 2023 version of the Statement of Need and Planning Statement (PS-142) and updates to these matters are provided at Appendix 3 and 4 of this Addendum.



- 1.7.13 The Applicant concludes that the proposal is in accordance with the relevant policies of both local plans.

1.8 Other relevant, recently published Government Documentation (ExQ1, PPL.1.1 (i))

- 1.8.1 A range of Government documents and other publications have been issued since March 2023 which further stress the urgency of the need to address climate change and the role of providing a significant increase in renewable energy generation. This is a significant important and relevant consideration in the determination of the application.
- 1.8.2 Consideration of these policy documents in the addendum also responds to ExQ1, PPL.1.1 (i) considering these policies to be important and relevant for the purposes of decision making.
- 1.8.3 Section 9 of the Addendum summarises the following documents in this regard:
- British Energy Security Strategy (April 2022);
 - Powering Up Britain (suite of documents): Energy Security Plan (March 2023) and Net Zero Growth Plan);
 - Climate Change Committee 2023 Progress Report to Parliament (June 2023);
 - Mission Zero – Independent Review of Net Zero (Skidmore Review) (January 2023);
 - House of Commons Planning and Solar Farms (July 2023);
 - Department for Energy Security and Net Zero Policy Paper on National Emergency Plan for downstream gas and electricity (July 2023);
 - Department for Energy Security and Net Zero on "Electricity Storage Health and Safety Gap Analysis" (August 2023);
 - House of Commons Science, Innovation and Technology Committee 'Delivering Nuclear Power' report (July 2023); and
 - National Food Strategy Independent Review – The Plan. (July 2021).
- 1.8.4 The Applicant considers that the Secretary of State should give significant weight to the delivery of new renewable solar electricity generation in determining the application. This will make a significant contribution to addressing the matters raised in the above documents, is in accordance with National Policy Statements and in line with other decisions of the Secretary of State, including at Longfield Solar Farm and Little Crow.

2 Overarching National Policy Statement for Energy (EN-1) – Extant version of July 2011 and emerging revisions issued in March 2023 (ExQ1, PPL.1.1 (i))

2.1 Introduction

- 2.1.1 This section provides the Applicant’s consideration of the designated EN-3 and the revised draft EN-3.
- 2.1.2 This section of the Addendum provides the Applicant’s response to ExA Question EXQ1 PPL 1.1(i), with regard to EN1 and Draft EN1.

2.2 Importance and relevance of the designated NPS EN1 (2011) and emerging NPS EN1 (2023)

- 2.2.1 The revised draft version of NPS EN-1 (March 2023) was considered within paras 4.5–4.38 of the August version of the Statement of Need and Planning Statement (PS-142).
- 2.2.2 Notwithstanding this, the Applicant wishes to add the following further assessment of both EN-1 (2011) and draft EN-1 (March 2023), including clarification on the weight which should be accorded to the draft NPSs, which is that they are important and relevant considerations in the decision-making process:
- 2.2.3 It is clear that the designated NPS EN1, EN3 and EN-5 remain the primary considerations.
- 2.2.4 A review of the NPS was announced in the *2020 Energy white paper: Powering our net zero future*. This review was to ensure the NPSs were brought up to date to reflect the policies set out in the white paper. The Government started consultation on revising EN1 and EN3 in 2021. The consultation has ended. That consultation produced a March 2023 Government’s response, and it explains the interrelationship between the emerging amendments and to the designated EN1 and EN3. It also included the publication of further revised drafts of the emerging NPSs (the latest versions of which were issued in March 2023).
- 2.2.5 On 10th September 2023 the National Infrastructure Planning Association stated that the Government expects to have the revised Energy NPSs to be in place by the end of 2023.
- 2.2.6 To flag however, the transitional provisions set out in the March 2023 Government Response are important to understanding the weighting to be given to the emerging NPS amendments.
- 2.2.7 In clarifying transitional arrangements page 52 of the March 2023 Government Response says:

“While the review is undertaken, the current suite of energy NPS (.....) remain relevant government policy and EN-1 to EN-5 have effect for the purposes of the 2008 Act. The Secretary of State has decided that for any application accepted for examination before

designation of the updated energy NPSs, the original suite of energy NPS should have effect. The amended energy NPSs will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of the updated energy NPSs. However, any emerging draft energy NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act and with regard to the specific circumstances of each development consent order application."

2.2.8 The following are additional points the Applicant would like to highlight to the ExA that are contained within the designated (2011) NPS EN-1 and the emerging revised Draft NPS EN-1 (March 2023), which the Applicant deems important and relevant to the Secretary of State's decision making (as per EXQ1 PPL 1.1)

2.2.9 Paragraph 1.1.4 of the draft EN-1 (March 2023) states:

The Planning Act 2008 also requires that, where an NPS has effect, the Secretary of State must decide an application for energy infrastructure in accordance with the relevant NPSs except to the extent the Secretary of State is satisfied that to do so would:

- *lead to the UK being in breach of its international obligations*
- *be in breach of any statutory duty that applies to the Secretary of State*
- *be unlawful*
- *result in adverse impacts from the development outweighing the benefits*
- *be contrary to regulations about how its decisions are to be taken*

2.2.10 Policy stated in 4.1.2 of EN1 (2011) is retained in the emerging draft EN-1 (2023) where it confirms at paragraph 4.1.3 that:

"Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the SoS will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be reused."

2.2.11 Para 4.1.4 of the draft EN1 (2023) reflects the end of paragraph 4.1.2 of the designated EN-1 (2011) in stating that:

"the presumption is also subject to the provisions of the Planning Act 2008 referred to at para 1.1.4 of this NPS."

2.3 Need for renewable energy generation identified in designated EN-1 (2011) and draft EN-1 (2023)

2.3.1 The Government's position in paragraph 3.3.1; 3.3.15 and 3.4.5 of Part 3 of the designated EN1 (2011 version) is that the need for new renewable electricity generation is urgent and that new energy NSIPs should be brought forward as soon as possible.

- 2.3.2 EN1 explains that this urgent need is required to meet the increasing demand for electrical power and to replace the decreasing nature of fossil fuels to decarbonise energy generation.
- 2.3.3 The draft EN-1 makes specific reference to the Government's commitment to reducing greenhouse gas emissions by 78% by 2035 and the need for all electricity supply to come from low carbon sources by 2035, whilst meeting a 40 to 60% increase in demand (paragraph 3.3.79).
- 2.3.4 At paragraph 3.3.81 of the draft EN-1, the government updates the urgent need for new (and particularly low carbon) NSIPs to be brought forward.
- 2.3.5 Para 4.1.3 EN-1 (2011 and March 2023) both provide that:
- "In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the [Secretary of State] should take into account:*
- *its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and*
 - *its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts"*
- 2.3.6 It is clear that the proposed Heckington Fen DCO project has support from the designated and emerging NPSs and the Applicant wishes to highlight to the ExA the presumption in favour of energy DCOs. The need case set out in the Statement of Need and Planning Statement (SNPS) – APP-234 and subsequently PS-142 and PS-142 (Aug 23) confirms the Applicant's position that the need for the application is established by both the adopted and emerging NPS's.
- 2.3.7 The overarching need case set out in the adopted and emerging EN-1 document is clear – there is an urgent requirement for new electricity infrastructure and renewables will play a key part in meeting government's commitments on net zero and energy security, as identified in Paragraphs 3.3.1, 3.3.15 and 3.4.5 of the designated EN-1 (2011). This requirement has been updated and restated in the revised draft EN-1 including at paragraphs 3.3.79 and 3.3.81 referred to above.
- 2.3.8 The Applicant would also repeat its comments at paragraph 2.2.7 above on the weighting to be placed on these emerging NPS policies and highlight that the primary basis for analysis is to consider both the designated and emerging energy NPSs as important and relevant considerations in the decision making process.

2.4 Consideration of Generic Impacts identified in Section 5 of EN-1

- 2.4.1 Table 5.1 of the Applicant's Statement of Need and Planning Statement (PS-142) sets out the Generic Impacts identified in EN-1 which may be pertinent to specific projects.
- 2.4.2 The topic areas for these considerations are retained, expanded upon and are updated within section 5 of the draft EN-1. The key amendments to the Generic Impacts are highlighted within a revised Table 5.1a provided at Appendix 1. The Applicant has



provided this updated table in order to provide additional clarity on the matters which are considered to be important and relevant for the purposes of decision making.

- 2.4.3 The ES and documents submitted under the Application confirm that the impacts arising from the proposal have been assessed and are acceptable, meeting the policy of the designated and emerging EN-1.
- 2.4.4 **The Applicant is of the view that the designated and emerging draft NPS EN-1 contain policies that are both important and relevant considerations in the decision-making process.**

3 National Policy Statement for Renewable Energy Infrastructure EN-3 designated version of July 2011 and emerging revisions issued in March 2023 (ExQ1, PPL.1.1 (i))

3.1 Introduction

- 3.1.1 This section provides the Applicants consideration of the designated EN-3 and the revised draft EN-3.
- 3.1.2 This section of the Addendum also provides the Applicant's response to ExA Question EXQ1 PPL 1.1(i), with regard to EN3 and Draft EN3.

3.2 Importance and relevance of the designated EN3 (2001) and emerging NPS EN3 (2023)

- 3.2.1 It is noted at paragraph 4.22 of the revised August version of the Statement of Need and Planning Statement (PS-142) that the designated EN-3 focuses on schemes relating to onshore wind, offshore wind and energy from biomass. It is noted that Paragraph 1.8.2 of the designated EN-3 states that the NPS does not cover any other types of onshore renewable energy generation that were technically viable over 50MW when the document was published in July 2011.
- 3.2.2 The updated draft version of NPS EN-3 (March 2023) was considered and Policy updates are already set out within paras 4.22-4.38 of the August version of the Statement of Need and Planning Statement (PS-142). Notwithstanding this, the Applicant wishes to add the following comments:
- 3.2.3 As set out already within this Addendum, adopted NPS EN-3 (alongside EN-1) remain the primary considerations.
- 3.2.4 The Government started consultation on revising EN1 and EN3 in 2021 and published the further revised consultation documents in March 2023.
- 3.2.5 Whilst Draft EN3 is not yet designated policy, the Secretary of State does consider it is an important and relevant consideration, as considered by the Governments consultation response on the draft National Policy Statements March 2023 (page 52). The revised NPS should be afforded appropriate weight as the latest statement of Government planning policy on solar farms, which are a significant new consideration added to the revision to EN-3.
- 3.2.6 On 10th September 2023 the National Infrastructure Planning Association stated that the Government expects to have the revised Energy NPSs to be in place by the end of 2023.
- 3.2.7 The designated NPS EN3 (July 2011) recognises (at paragraph 1.82) that as renewable technology becomes economically and technically viable national policy will need to be updated. That is clearly the current status for solar generation and hence it is the Applicant's submission that Draft EN3 carries significant weight in demonstrating the urgent need for new solar generation.

- 3.2.8 Section 3.10 of draft NPS EN-3 (2023), in particular, relates specifically to Solar Photovoltaic Generation, and it explains a number of key considerations involved in the siting of a solar farm, and also technical considerations for the Secretary of State to consider when making a decision relating to solar energy NSIPs. The Applicant has taken these considerations into account as relevant and will discuss how the proposals meet these emerging solar policies in more detail later in this section of the Addendum.
- 3.2.9 The transitional provisions set out in the March 2023 Government Response referred to above in relation to draft EN-1 are equally applicable to draft EN-3 and provide the understanding of the weighting to be given to the emerging NPS amendments.
- 3.2.10 Page 52 of the March 2023 Government response to the NPS consultation says in relation to Transitional Arrangements:

“While the review is undertaken, the current suite of energy NPS (.....) remain relevant government policy and EN-1 to EN-5 have effect for the purposes of the 2008 Act.

The Secretary of State has decided that for any application accepted for examination before designation of the updated energy NPSs, the original suite of energy NPS should have effect. The amended energy NPSs will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of the updated energy NPSs. However, any emerging draft energy NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act and with regard to the specific circumstances of each development consent order application. “

3.3 Need for renewable energy generation identified in draft EN-3 (2023)

- 3.3.1 Similar to EN-1, the designated EN-3 (2011) sets out the importance of renewable energy in achieving the Government’s ambitious targets for renewable energy generation, stating at paragraph 1.1.1 that a

“significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target”.

- 3.3.2 Draft EN-3 (March 2023) confirms that the Government is committed to sustained growth in solar capacity (para 3.10.1) to ensure that we are on a pathway that allows us to meet net zero emissions. The government affirms that:

‘as such solar is a key part of the government’s strategy for low-cost decarbonisation of the energy sector.’ (Draft EN3, paragraph 3.10.1).

- 3.3.3 The Draft NPS further states at paragraph 3.10.2 that

‘solar has an important role in delivering the government’s goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in solar deployment

by 2035 (up to 70 GW)'

3.3.4 and that the:

'government is supportive of solar that is co-located with other functions, for example storage'.

3.3.5 These statements are entirely consistent with the publication in October 2021 of the Net Zero Strategy and the 70GW target confirmed in Powering Up Britain March 2023 UK Energy Security Plan and Net Zero Growth Plan. Therefore the Applicant is of the opinion that these draft policy statements should be afforded significant weight in assessment of the application.

3.3.6 These are factors that are important and relevant to demonstrating the need for the project.

3.4 Assessing the proposals against emerging EN-3 (March 2023) solar policies

3.4.1 Emerging EN-3 (March 2023) contains from Chapter 3.10 (page 82) onwards, a raft of solar NPS policies relating to solar photovoltaic generation.

3.4.2 The Applicant has ensured that the proposed development meets the requirements of the solar policies set out within emerging EN-3 (March 2023) (Chapter 3.10).

3.4.3 Evidence that the Applicant has met the solar policies of EN-3 (March 2023) are set out within the documents submitted as part of the overall application. The relevant references are provided in **Appendix 2**, demonstrating how the application has met the requirements of Section 3.10 of the Draft EN-3.

3.5 The approach taken to EN-3 and Draft EN3 at Longfield Solar Farm and Little Crow Solar Park (ExQ1, PPL.1.1 (ii))

3.5.1 This section of the Addendum provides the Applicants response to ExA Question EXQ1 PPL 1.1(ii).

3.5.2 The ExA's question requested the Applicant to consider the approach taken in other solar generation NSIPs including Longfield Solar Farm and Little Crow Solar Park which considered that EN-3 should not take effect or be considered as being important or relevant given that solar is expressly excluded from the coverage of EN-3.

3.5.3 In response to the ExA question regarding the approach taken in relation to other DCOs, the Applicant has given consideration to the Secretary of State's (SoS) decision letters for both the Longfield Solar Farm and the Little Crow Solar Park. References set out below are to the paragraphs of the respective Secretary of State decision letters ("SoS XX.XX") and the Examining Authorities recommendation letters ("ER XX.XX").

Longfield Solar Farm

3.5.4 At paragraph 7.1 of the Longfield Farm decision letter dated 26 June 2023 (which post

dates the publication of the revised draft NPS documents), the Secretary of State confirms:

“Although this is a decision under section 105 of the 2008 Act, the Secretary of State considers that both the designated NPSs and the dNPSs contain policy that is both important and relevant to this decision.”

3.5.5 In considering the principle of development, at paragraphs 4.1 to 4.6 of the decision letter the SoS refers to the ExA’s consideration of policy in NPSs. In conclusion on policy relating to the principle of development the SoS’s letter states at para 4.7:

“While the Secretary of State acknowledges that EN-1 does not have effect in relation to solar, and therefore section 104 of the 2008 Act does not apply, the need for solar is established in the dNPSs and is a matter he considers to be important and relevant to this decision under section 105 of the 2008 Act. The Secretary of State agrees with the ExA’s conclusions and ascribes the Proposed Development’s contribution to meeting this need substantial positive weight in the planning balance.”

3.5.6 The SoS notes the ExA’s conclusions on the following matters:

- *The Overarching National Policy Statement (“NPS”) for Energy EN-1 sets out the need and urgency for new energy infrastructure to be consented and built as soon as possible (ER 5.2.3) (SoS 4.1)*
- *Draft NPS (“dNPS”) EN-1 explicitly includes solar generation within its scope, recognising the urgent need for such technology and the contribution it can make to achieving Net Zero, providing security of supply and an affordable, reliable system (ER 5.2.13 et seq.) (SoS 4.1)*
- *NPS EN-1 recognises the utility in electricity storage to combat intermittency of renewable generation and that the UK requires more total electricity capacity than it has now (ER 5.2.5) (SoS 4.1)*
- *The ExA also considered other policies which are important and relevant to the principle and need of development, including: dNPS EN-3, September 2021 (ER 5.2.15) (SoS 4.2)*
- *The ExA notes that the BESS (British Energy Security Strategy) and the dNPSs indicate that the Government expects a significant increase in the deployment of solar as part of the commitment to achieving net zero (ER 5.2.68). (SoS 4.5)*
- *The ExA considers that all forms of renewable generation, including solar, have an urgent role to play in contributing to increased energy supply and security in meeting net zero, and considers the need for the Proposed Development has been made out (ER 5.2.70, ER 5.2.77). (SoS 4.6)*
- *The ExA concludes that the Proposed Development would positively contribute to the urgent need established in designated NPSs, and carried forward into dNPSs, for additional low carbon generation, and that this should be afforded significant positive weight (ER 5.2.80, ER 5.2.77, ER 7.2.6) (SoS 4.7)*

3.5.7 The SoS decision endorses the ExA’s consideration of policies in draft EN-3, in regard assessing impacts arising in relation to Ecology and Biodiversity (SoS 4.23), Landscape and Visual Impacts (SoS 4.30), Cultural Heritage (SoS 4.41), BMV Agricultural Land (SoS 4.54), Land Use (SoS 4.60), and Transport and Traffic (SoS 4.72).

- 3.5.8 The Secretary of State's overall conclusion and decision at Paragraph 7.8 of the decision letter states:

"The Secretary of State has considered the matters discussed in the ExA's Report together with the ExA's view that the adverse effects and harm of the Proposed Development are outweighed by the significant benefit from the provision of energy to meet the need identified in NPS EN-1 and continued into dNPS EN-1 and dNPS EN-3 (ER 7.2.9). The Secretary of State agrees with the ExA's overall conclusion that taking all the factors into account, including the adverse impacts identified, that they are not of sufficient weight either on their own or collectively, to argue against the case for development consent (ER 7.2.10)."

3.5.9 Little Crow Solar Park

- 3.5.10 With regard to the importance and relevance of national policy the SoS decision letter for the Little Crow Solar Park dated 5th April 2022 states at paragraph 4.3:

"Although the new NPSs are in draft form and have not been designated, the Secretary of State considers them to be important and relevant for the purpose of section 105 of the 2008 Act. As such, the Secretary of State has had regard to the draft energy NPSs in deciding the Application".

- 3.5.11 The ExA noted that solar photovoltaic generation was not included in national policy when NPS EN-3 was published in 2011 and consequently does not benefit from the Government's demonstration of need for energy infrastructure and the substantial weight in favour of an application in section 3.1 of NPS EN-1 (ER 4.4.7, 4.4.14, and 4.9.5). The ExA concluded that designated NPS EN-3 should not be considered as important or relevant to the determination of this Application (ER 3.2.8 and 3.2.25).
- 3.5.12 The substation element of the scheme was considered to fall under EN-5 but due to its incidental nature relative to the totality of the proposed development conformity (or not) would not be determinative (SoS 4.18, ER 3.1.5, 3.2.10 and 3.2.24)
- 3.5.13 Paragraph 4.19 of the SoS decision letter states:

*NPS EN-1 overarching policy objectives include meeting UK demand for energy generation and transitioning to low carbon sources and reducing greenhouse gas emissions, including the need for secure and reliable electricity supplies during the transition (ER 4.4.3 et seq.). The ExA considered the policy statements in favour of renewable electricity generation in NPS EN-1, in particular that increasing renewable electricity generation would be essential to improve energy security, reduce dependence on fossil fuels, decrease greenhouse gas emissions and provide economic opportunities, but the intermittency of some of these forms of generation means that additional overall capacity is required to provide back-up when the availability of these intermittent renewable sources is low, including reference to electricity storage (ER 4.4.10 et seq.). The ExA concluded that the Application falls to be decided under section 105 of the 2008 Act but there was **no inconsistency between the proposed Development and the thrust of the policy expressed in NPS EN-1 and NPS EN-5** (ER 3.2.26 and 4.4.18)*

- 3.5.14 The Draft replacement NPS's were published during the examination and the SoS's letter

states at paragraph 4.21 that:

"Draft replacement NPS EN-1 and NPS EN-3 signal the Government's intention to bring solar photovoltaic electricity generation within the scope of the NPSs.....Section 1.6 of draft NPS EN-1 confirmed the existing NPSs would remain the basis for the determination of applications received before the designation of the proposed amendments, but that emerging draft NPSs are capable of being important and relevant considerations in the decision-making process."

3.5.15 The Secretary of state continues in the same paragraph 4.21 of the decision to state:

"Paragraph 3.2.6 of draft NPS EN-1 highlights that substantial weight should be given to the need for new energy infrastructure when determining NSIP applications".

3.5.16 It is concluded at paragraph 4.26 that the SoS has carefully reviewed the ExA's consideration of national and local planning policy and agrees with its conclusions.

3.5.17 With regard to need for the development, the decision letter notes that ExA concluded that as solar was excluded from EN-1 and EN-3, the presumption in favour of consent does not apply. The ExA noted the 420w solar panels would be capable of generating between 134,530 MWh and 136,240 MWh per year which would be useful but modest contribution attracting no more than modest weight in favour of granting. The SoS agreed with the policy interpretation but considered it was appropriate to accord substantial positive weight to the project due to the contribution it will make to towards the decarbonization of the UK's energy production (SoS 4.32 and 6.4).

3.5.18 In terms of assessing the impacts of the development the decision letter has regard to the policy requirements of EN-3 and the draft EN-3 (2021) and the Secretary of State applied the impact consideration of the relevant parts of section 2 of the Draft EN-3 (2021), in the following aspects:

BMV Agricultural land

3.5.19 The ExA considered that the proposed development did not conflict with Section 5 of the planning practice guidance or Para 2.48.13 of draft NPS EN-3 (2021) and neither mandate that only previously developed land should be used or place an absolute bar the use of farmland. (SoS 4.49).

3.5.20 It was concluded that the 36.6 ha of BMVL taken out of agricultural productivity would not have a significant effect on the agricultural productivity of North Lincolnshire and there would be no unacceptable conflict with extant national or local policy and guidance and the emerging policy 2.48.13 of draft EN-3 (2021). The ExA acknowledged a conflict with policy RD2 of the North Lincolnshire Local Plan, but noted that the policy is inconsistent with the NPPF and accorded very little weight to the conflict. The SoS agrees with the ExA's approach on this issue. (SoS 4.50)

Landscape Impact

3.5.21 The ExA concluded that landscape effects would be confined to the Order Limits with negligible effects beyond them. The ExA considered that the design complies with NPS EN-1 requirement to minimize harm to the landscape, with no unacceptable conflict with emerging policy in draft EN-1 and draft EN-3. The SoS agreed with the conclusion of the



ExA in respect of effects on landscape character and visual amenity weighing moderately against the proposal, but not warranting a recommendation that the Order should not be made. (SoS 4.73, 4.74 & 4.75)

Archaeology

- 3.5.22 In regard to impacts on archaeology the ExA concluded that there would be no conflict with the emerging policy in draft NPS EN-1 and EN-3. Overall, the ExA considered that the proposed Development would have a neutral effect on the historic environment. (ER 6.2.33 et seq.). The decision letter confirms that the Secretary of State agrees. (SoS 4.85)

Ecology

- 3.5.23 The ecological effects of the proposal were assessed and the decision letter notes that ExA considered there would be no conflict with the emerging policy in draft NPS EN-1 and EN-3. This matter was neutral in the planning balance. (ER 6.2.36 et seq.). The letter confirms that Secretary of State agrees (SoS 4.107).

Transport

- 3.5.24 The assessment of traffic and transport effects was addressed in the decision letter, noting the ExA conclusions that the proposed Development would accord with NPS EN-1, the NPPF and the development plan and would not conflict with draft NPS EN-1 and EN-3. Traffic and transport effects were neutral in the planning balance. (ER 6.2.39) The letter states that the Secretary of State agrees. (SoS 4.114).

Noise

- 3.5.25 On noise effects the decision letter confirms the ExA view that there would be no conflict with emerging policy in draft NPS EN- 1 and EN-3. Noise was neutral in the planning balance. (ER 6.2.40 et seq.). The letter confirms that the Secretary of State agrees. (SoS 4.125).

Conclusions on consideration of draft NPS in the Secretary of State decisions on Little Crow Solar Park and Longfield Solar Farm

- 3.5.26 The review of the Longfield and Little Crow decisions lead the Applicant to conclude that whilst the Secretary of State confirmed that the designated NPS EN-3 is not relevant to the decisions and the requirements of Section 105 of the 2008 Act are brought into force, the draft EN-3 carries significant weight as an important and relevant consideration in the determination of the DCO applications, in regard to the need for new solar energy generation to urgently meet the Governments Net Zero objectives and in terms of the matters to be assessed in considering the impact of new Solar NSIP developments.
- 3.5.27 **The NPS's have a clear and significant overriding weight, the Applicant is of the view that the emerging draft NPS EN-3 is an important and relevant consideration in the decision-making process.**

4 National Policy Statement for Electricity Networks Infrastructure EN-5 Extant version of 2011 and emerging revisions issued in March 2023 (ExQ1, PPL.1.1 (i) and ExQ1, PPL.1.1 (iii))

4.1 Introduction

- 4.1.1 This section provides the Applicants consideration of the designated EN-5 and the revised draft EN-5.
- 4.1.2 This section of the Addendum also provides the Applicant's response to ExA Question EXQ1 PPL 1.1(i), with regard to EN3 and Draft EN3.
- 4.1.3 At ExQ1, PPL.1.1 (iii) the ExA also requested that the Applicant include consideration of whether EN-5 is important and relevant and why. This section of the Addendum also addresses this question.

4.2 Assessment of Emerging Changes to NPS EN-5 and the Government consultation responses.

- 4.2.1 The revised draft version of NPS EN-5 (March 2023) was considered within paragraphs 4.23–4.38 of the August version of the Statement of Need and Planning Statement (PS-142). Notwithstanding this, the Applicant wishes to add the following further assessment of both EN-5 (2011) and draft EN-5 (March 2023):
- 4.2.2 The designated NPS EN-5 provides the primary basis for decisions taken by the Secretary of State on applications received for electricity networks infrastructure and sets out the factors influencing route selection and the impacts that may arise from such development.
- 4.2.3 Paragraph 1.8.1 of designated EN-5 confirms that infrastructure for electricity networks generally can be divided into two main elements:
- *transmission systems (the long distance transfer of electricity through 400kV and 275kV lines), and distribution systems (lower voltage lines from 132kV to 230V from transmission substations to the end-user) which can either be carried on towers/poles or underground; and*
 - *associated infrastructure, e.g. substations (the essential link between generation, transmission, and the distribution systems that also allows circuits to be switched or voltage transformed to a useable level for the consumer) and converter stations to convert DC power to AC power and vice versa.*
- 4.2.4 In terms of the infrastructure covered by EN-5, the designated NPS states at paragraph 1.8.2:
- "This NPS covers above ground electricity lines whose nominal voltage is expected to be 132kV or above. Any other kind of electricity infrastructure (including lower voltage overhead lines, underground or*

*sub-sea cables at any voltage, and associated infrastructure as referred to above) will only be subject to the Planning Act 2008 – and so be covered by this NPS – if it is in England, **and it constitutes associated development for which consent is sought along with an NSIP such as a generating station or relevant overhead line.***

4.2.5 The Applicant considers that the following works packages falling within the Proposed Development constitute electricity infrastructure which is associated development for which consent is sought along with the generating station:

- Work No. 1B: electrical cables between solar stations and solar modules and connecting to the energy storage facility and onsite substation.
- Work No 2: Energy Storage Facility
- Work No. 4: An onsite substation and works and connected works
- Work No. 5: Works to lay electrical cables between the onsite substation and the National Grid Bicker Fen Substation, including optionality near to Vicarage Drove Wind Farm (through either Work No. 5A (south-westerly) or Work No.5B (south-easterly))
- Work No. 6A: Creation of a new generation bay and associated works at the existing National Grid Bicker Fen Substation
- Work No. 6B: An extension to the existing National Grid Substation
- Work No 6C: Works in connection with the extension to the existing substation

4.2.6 Paragraph 2.1.2 of designated EN-5 refers to EN-1 and the information therein regarding the specific need for new electricity network infrastructure, concluding:

“In the light of this, the [Secretary of State] should act on the basis that the need for the infrastructure covered in this NPS has been demonstrated.”

4.2.7 Section 2.2 of designated EN-5 considers the factors influencing site selection by applicants, to provide background information on the criteria that applicants consider when choosing a site or route, noting that the Government does not seek to direct applicants to particular sites or routes for electricity networks infrastructure. It is recognized in paragraph 2.2.2 that:

“The general location of electricity network projects is often determined by the location, or anticipated location, of a particular generating station and the existing network infrastructure taking electricity to centres of energy use”.

4.2.8 The Applicant considers that this advice is relevant in respect of the associated electrical infrastructure proposed in the application, which seeks to connect the Proposed Development to the existing Bicker Fen Substation.

4.2.9 Section 2.5 of designated EN-5 confirms that the principles of good design referred to at Section 4.5 of EN-1 apply for electricity infrastructure. The Applicant has included consideration of the relevant aspects of the proposals within the Design and Access Statement (Document reference 7.4 Revision 3 and previous version APP-235).

4.2.10 Section 2.6 states that the

“NPS sets out additional technology-specific considerations on the following generic impacts considered in EN-1:

- *Biodiversity and Geological Conservation;*
- *Landscape and Visual; and*
- *Noise and Vibration.”*

- 4.2.11 Subsequent sections of the NPS provide detailed requirements for the consideration of these matters. The Applicant has assessed the proposals in regard to these impacts within the ES and details are provided within the application submission.
- 4.2.12 Section 2.10 of designated EN-5 considers Electric and Magnetic Fields (EMFs) and the factors to be considered to ensure the Proposed Development complies with current public exposure guidelines in regard to EMFs. The Applicant has considered design measures (such as burial depth of 400kv offsite cable) to ensure compliance. No overhead powerhead lines are proposed as part of the Proposed Development and are therefore not considered. **Chapter 18: Miscellaneous Issues** (document reference 6.1.18/ PS-077) of the ES outlines compliance with the current public exposure guidelines and the policy on phasing, therefore no further mitigation should be necessary.
- 4.2.13 The revised Draft EN-5 was published in March 2023. The introductory sections of the revision confirm the government’s ambition to deploy up to 50GW of offshore wind capacity by 2023 and note the importance of the electricity network infrastructure in supporting this ambition. The revised EN-5 retains the definition of other kinds of electricity infrastructure covered by the NPS, including *“if it constitutes associated development for which consent is sought along with an NSIP such as an offshore wind generating station or relevant overhead line.”*
- 4.2.14 Consequently, the Applicant considers that the elements of the works package outlined above remain subject of the revised NPS. In accordance with the statements made above at paragraph 2.2.7, the emerging Draft EN-5 is considered to carry material weight as an important and relevant matter.
- 4.2.15 When evaluating impacts of electricity network infrastructure the revised EN-5 provides policy on:
- factors influencing site selection and design;
 - biodiversity and geological conservation;
 - landscape and visual;
 - noise and vibration;
 - Electric and Magnetic Fields; and
 - Sulphur Hexafluoride.
- 4.2.16 In terms of site selection and design the revised EN-5 notes at paragraph 2.2.2 that:
- Siting is determined by:*
- *the location of new generating stations or other infrastructure requiring connection to the network, and/or*
 - *system capacity and resilience requirements determined by the Electricity System Operator.*
- 4.2.17 It is noted that the draft EN-5 states:

- *“the locational constraints identified above do not, of course, exempt applicants from their duty to consider and balance the site-selection considerations set out below, much less the policies on good design and impact mitigation (paragraph 2.2.6)”*
- *The connection between the initiating and terminating points of a proposed new electricity line will often not be via the most direct route (Paragraph 2.2.7)*
- *There will usually be a degree of flexibility in the location of the development’s associated substations, and applicants should consider carefully their placement in the local landscape, as well as their design (Paragraph 2.2.8)*
- *In particular, the applicant should consider such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts (paragraph 2.2.9)*

4.2.18 In respect of climate change and resilience, paragraph 2.3.3 confirms that

“Section 4.9 of EN-1 advises that the resilience of the project to the effects of climate change must be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Sections 5.8 in EN-1)”

4.2.19 Matters of design, ecology, biodiversity, landscape and visual effects, noise and vibration are addressed in the application submission documents, including the Environmental Statement and Design and Access Statement (Document reference 7.4 / APP-235).

4.2.20 Additional technical responses specific to Electric and Magnetic Fields; and Sulphur Hexafluoride (SF6) are provided in the Applicants responses to the ExA Questions GEN 1.5, GEN 1.7 and Gen 1.8.

4.2.21 The Applicant concludes that the elements of the works identified above constitute associated development for which consent is sought along with an NSIP and therefore both the designated EN-5 and the emerging draft EN-5 are relevant and important in determining the application.

5 Other Important and Relevant Policy Documents (ExQ1, PPL.1.1 (i))

- 5.1.1 Paragraph 4.1.5 EN-1 (2011) and 4.1.10 to 4.1.15 of the revised draft EN-1 (March 2023) both provide that:
- 5.1.2 *"The policy set out in this NPS and the technology specific energy NPSs is intended to provide greater clarity around existing policy and practice of the Secretary of State in considering applications for nationally significant energy infrastructure, rather than to change the underlying policies against which applications are assessed (or therefore the "benchmark" for what is, or is not, an acceptable nationally significant energy development).*
- 5.1.3 *Other matters that the Secretary of State may consider both important and relevant to their decision-making may include Development Plan documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure.*
- 5.1.4 *The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) for England, and Planning Policy Wales and Technical Advice Notes (TANs) for Wales, where appropriate."*
- 5.1.5 This statement therefore sets out below the changes to the important and relevant considerations included within National Policy and Local Development Plan Policy in order to update the policy considerations set out in the Statement of Need and Planning Statement (PS-142).

6 National Planning Policy Framework (NPPF) – September 2023 (ExQ1, PPL.1.1 (i) and ExQ1 – PPL.1.4)

- 6.1.1 This section of the Addendum continues to address the request for more detail regarding the matters which are considered to be important and relevant for the purposes of decision making, in answer to (ExQ1, PPL.1.1 (i)).
- 6.1.2 This section of the Addendum provides the Applicants response to ExQ1 – PPL.1.4 in respect of any implications for the Application arising from the 2023 revision.

6.2 Relevance and importance of the NPPF Assessment of recent changes to September 2023 publication of NPPF

- 6.2.1 It should be noted that the 2011 version of the designated NPSs predated the NPPF publication in 2012.
- 6.2.2 Previous versions of the NPPF (most recent being July 2021) were considered within paragraphs 4.39 – 4.44 of the August 2023 version of the Statement of Need and Planning Statement (PS-142).
- 6.2.3 In terms of weighting, the Applicant considers that the NPPF, NPPG and Local Development Plan Policies are all relevant considerations, however the NPSs take precedence. In the event of any conflict between the NPSs and the National and Local Planning Policies, the NPSs will prevail in respect of DCO developments.
- 6.2.4 Paragraph 4.15 of the 2011 designated EN-1 and paragraphs 4.1.10–4.1.11 of the 2023 emerging draft EN-1 state that *“In the event of a conflict between these or any other documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure. The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) for England, ... where appropriate.”*
- 6.2.5 The emerging draft EN1 (March 2023) refers to the NPPF at the following paragraphs:
- 4.1.11 – “The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) for England, ... where appropriate”.*
- 4.1.17 – “The Secretary of State should consider the guidance in the NPPF, the PPG: Use of Planning Conditions... or any successor documents, where appropriate.*
- 6.2.6 The NPPF is then referred to in the draft EN1 in relation to various technical matters including Green Belts and mitigation of noise.
- 6.2.7 The Applicant therefore considers that the NPPF is a relevant and important consideration, although the policy of the NPS takes precedence.

6.3 Assessment of recent changes to September 2023 publication of NPPF

6.3.1 Since submission of the Change Application in August 2023, the NPPF has been updated (September 2023). The Applicant wishes to add the following further assessment of the most recent publication of the NPPF (September 2023):

6.3.2 The changes made most recently to the September 2023 NPPF were relatively minor in relation to solar development and related more to policy for onshore wind. The latest version of the NPPF retains the over-arching presumption in favour of sustainable development as set out in para. 10 and retains support for on the delivery of renewable and low carbon energy and associated infrastructure (Para 152).

6.3.3 Para. 155 Chapter 14 of the NPPF – *'Meeting the challenge of climate change, flooding and coastal change'* was updated to add the words *'future re-powering and life extension'* to add weight to the way in which the value of existing renewables sites are recognised. In order to help increase the use and supply of renewable and low carbon energy and heat, plans should include consideration to *'future re-powering and life extension'* of these energy developments, as well as ensuring that impacts are addressed *'appropriately'* as opposed to *'satisfactorily'* (as per the previous NPPF wording).

6.3.4 Para. 158 of the new NPPF also states that:

"When determining planning applications for renewable and low carbon development, local planning authorities should, in the cases of applications for re-powering and life-extension of existing renewable sites, give significant weight to the benefits of utilizing an established site, and approve the proposal if its impacts are or can be made acceptable."

6.3.5 Most importantly, it remains within the new NPPF (Sept 2023) at para. 158 that when determining applications for renewable and low carbon energy development planning authorities should not require Applicants to demonstrate the overall need for renewable or low carbon energy and such projects provide a valuable contribution to cutting greenhouse gas emissions and should be supported where it is or can be made acceptable.

6.3.6 Therefore, there is no requirement to demonstrate a need for renewable energy under the NPPF in terms of 'need'. The Government position hasn't changed in relation to the new NPPF published in September 2023.

6.3.7 Other relevant aspects of the Framework remain unchanged from the previous version in respect of the impact of development, including Paragraph 174 of the NPPF (September 2023) which states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:...

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"



- 6.3.8 The Glossary to the NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 6.3.9 In general, the NPPF guides development away from the “best and most versatile” (BMV) agricultural land (excellent to good quality land of grades 1, 2, and 3a). If the use of agricultural land is necessary, the NPPF advises LPAs to use poorer- over higher-quality land. RPA's take a view on solar farms in line with their local plans and the NPPF.
- 6.3.10 In this instance, the NPS is the over-riding determining policy in relation to DCO developments over and above what the NPPF says and therefore the NPS, takes precedence. Emerging draft EN-3 paragraph 3.10.14 recognises it may not be possible to avoid BMV.
- 6.3.11 The aspects of the Framework relating to flood risk have not been amended and remain as addressed in the Statement of Need and Planning Statement (PS-142).
- 6.3.12 The Applicant considers that the revised NPPF policies carry weight as relevant consideration, however as stated above, it is clear from the both the designated EN1 and the emerging draft EN-1 policy that if a conflict arises between the policy of the Framework and an NPS, the policy of the NPS takes precedence.

7 National Planning Policy Guidance (NPPG) note on Renewable and Low Carbon Energy – August 2023 (ExQ1, PPL.1.1 (i) and ExQ1 – PPL.1.5)

- 7.1.1 This section of the Addendum continues to address the request for more detail regarding the matters which are considered to be important and relevant for the purposes of decision making, in answer to (ExQ1, PPL.1.1 (i)).
- 7.1.2 This section of the Addendum provides the Applicant's response to ExQ1 – PPL.1.5 in respect of any implications for the Application arising from the updated Planning Practice Guidance (Renewable and Low Carbon Energy) paragraphs O32 to O36 relating to battery energy storage systems.
- 7.1.3 The NPPG covers a broad range of relevant issues and on behalf of the Applicant, this table refers specifically to Revised Planning Practice Guidance on Renewable and Low Carbon Energy – Aug 23 ref Paragraph: O32 Reference ID: 5-032-20230814 to Paragraph: O36 Reference ID: 5-036-20230814.

7.2 Relevance and importance of the NPPG

- 7.2.1 Within the suite of Planning Practice Guidance, the Government has published a chapter relating to Renewable and Low Carbon Energy. The guidance notes that it is published to help local councils in developing policies for renewable and low carbon energy and identifies the planning considerations.
- 7.2.2 In terms of in terms of weighting, the Applicant considers that the NPPG, along with the NPPF and Local Development Plan Policies is an important and relevant consideration, however the NPSs take precedence.
- 7.2.3 In the event of any conflict between the NPSs and the National and Local Planning Policies, the NPSs will prevail in respect of DCO developments. Paragraph 4.15 of the 2011 designated and paragraphs 4.1.10–4.1.11 of the 2023 emerging draft EN-1 state that:

"In the event of a conflict between these or any other documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure. The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) for England, ... where appropriate."

7.3 Assessment of recent changes to September 2023 publication of NPPG

- 7.3.1 The Government's Planning Practice Guidance (PPG) on Renewable and Low Carbon Energy was updated in August 2023. As the March 2023 emerging EN-1 would not have taken into account the August 2023 PPG on Renewable and Low Carbon Energy, the Applicant has identified the PPG as a relevant guidance in the matters considered relevant to Item 5 of the ISH2 agenda.
- 7.3.2 In relation to BESS over 1MWh, which the application exceeds. The revised PPG includes

planning guidance on battery energy storage systems and advises on fire safety risks. (Paragraph: 032 Reference ID: 5-032-20230814 to Paragraph: 036 Reference ID: 5-036-20230814) states:

“Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity”.

- 7.3.3 Applicants for proposed developments of battery energy storage systems of 1 MWh or over, excluding those associated with a residential dwelling,:

“are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority”.

- 7.3.4 This is to ensure that matters relating to the siting and location of battery energy storage systems, *“particularly in the event of an incident, prevention of the impact of thermal runaway, and emergency services access”*, can be considered before an application is made, it said. Thermal runaway is the phenomenon in which battery cells enter a self-heating state, potentially resulting in extremely high temperatures and explosion.
- 7.3.5 Applicants are also encouraged to consider guidance produced by the National Fire Chiefs Council when preparing the application, while local planning authorities are encouraged by the document to consider the same guidance when determining the application.
- 7.3.6 The guidance also deals with the question of what measures local authorities can take to ensure potential risks are considered when determining a planning application for a battery storage facility. It encourages consultation with the local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application.
- 7.3.7 This is to ensure that the fire and rescue service can *“provide their views on the application”* and *“identify potential mitigations which could be put in place in the event of an incident,”* which can be taken into account when determining the application, the document notes.
- 7.3.8 The Applicant has undertaken consultation with Lincolnshire Fire and Rescue Service on the proposals, considering in particular the energy storage element. The response to this consultation noted a number of measures for the developer to ensure risk is minimised, for example procuring and using construction techniques which comply with all relevant legislation; inclusion of Automatic Fire Detection systems in the development design; and automatic fire suppression systems in the development design. The comments were incorporated into the design where applicable (e.g. adequate separation between containers) and the Outline Energy Storage Safety Management Plan (document reference 7.11/APP-242).

8 Local Development Plan Policies in the Local Development Framework (ExQ1, PPL.1.1 (i))

- 8.1.1 This section of the Addendum continues to address the request for more detail regarding the matters which are considered to be important and relevant for the purposes of decision making, in answer to ExQ1, PPL.1.1 (i).
- 8.1.2 The development plans applicable to the development proposal comprise:
- The Central Lincolnshire Local Plan 2018 – 2040, adopted 13 April 2023 (North Kesteven) replaces in full The Central Lincolnshire Local Plan 2012 – 2036 (April 2017).
 - South East Lincolnshire Local Plan 2011 – 2036, adopted 8 March 2019 (Boston Borough Council)

8.2 Assessment of Local Policies in relation to NPSs

8.2.1 In terms of in terms of weighting, the Applicant considers that Local Development Plan Policies (alongside the NPPF and NPPG) are all relevant considerations, however the NPSs take precedence. In the event of any conflict between the NPSs and the National and Local Planning Policies, the NPSs will prevail in respect of DCO developments. This is confirmed in both the designated and emerging EN-1.

8.2.2 Paragraph 4.1.5 of the EN-1 2011 confirms that:

“Other matters that the [Secretary of State] may consider both important and relevant to its decision-making may include Development Plan Documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents and an NPS, the NPS prevails for purposes of [Secretary of State] decision making given the national significance of the infrastructure”.

8.2.3 Paragraph 4.1.13 of the emerging EN-1, (2023) states:

“Where the project conflicts with a proposal in a draft Development Plan, the Secretary of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented, or precluded.”

8.2.4 Paragraph 4.1.14 (emerging EN-1, 2023) states:

“The closer the Development Plan document in England or Local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it.”

8.2.5 Paragraph 4.1.15 (emerging EN-1, 2023) states:

“In the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the

national significance of the infrastructure."

- 8.2.6 Local policies remain material considerations to the decision-making body but do not supersede policy set out in NPSs.
- 8.2.7 **The NPS's have a clear and significant overriding weight, the Applicant is of the view that the emerging draft NPSs EN-1 (2023) and EN-3 (2023) are both an important and relevant consideration in the decision-making process.**

8.3 South East Lincolnshire Local Plan

- 8.3.1 It was re-iterated by Boston Borough Council during ISH 2 that there had been no change to their local plan for South East Lincolnshire, since the submission of the initial application in March 2023 or the change application in August 2023.
- 8.3.2 The adopted Local Plan for Boston Borough Council therefore remains as the South East Lincolnshire Local Plan, which was adopted on 8th March 2019. As such, there is no new development plan for the area since the Heck Fen submission in Feb 2023 or subsequent change application in August 2023. There are also no recently adopted SPDs for Boston Borough Council in relation to infrastructure or renewable energy development.
- 8.3.3 Relevant Boston Borough Council policies are listed in **Appendix 3** for completeness. These have not changed since the DCO submission in February 2023 and remain material considerations to the decision-making body but do not supersede policy set out in NPSs. The proposed development remains in accordance with those policies for the reason set out against each policy in **Appendix 3**.

8.4 Central Lincolnshire Local Plan

- 8.4.1 The local plan was adopted 13th April 2023 by the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC). This new Local Plan replaces the Local Plans of the North Kesteven District Council, the City of Lincoln, and West Lindsey District Council.
- 8.4.2 The new Central Lincolnshire Local Plan policies were considered within paras 4.47-4.61 of the August 2023 version of the Statement of Need and Planning Statement (PS-142). Notwithstanding this, the Applicant wishes to add the following further assessment.
- 8.4.3 The Central Lincolnshire Local Plan forms part of the development plan for North Kesteven (replacing the previous Central Lincolnshire Local Plan, adopted in 2017). The Local Plan represents an 'up to date' statutory development plan, which is 'important and relevant' for the purposes of section 105 of the PA 2008 and to which significant weight should be afforded in decision making.
- 8.4.4 A key objective of the Central Lincolnshire Local Plan is to look at the effects of climate change and energy. To minimise the effects of climate change, Central Lincolnshire aim to further develop the area's renewable energy resources, to enable them to reduce their dependence on fossil fuels and to minimize energy use and reduce greenhouse gas emissions.
- 8.4.5 Three new key policies (amongst others all listed out below, which are contained within the North Kesteven LIR (REP1-O33), Lincolnshire County Council LIR (REP1-O28), and within the updated August 23 Statement of Need and Planning Statement Document

(APP-234)) and considered the most important include:

- Policy S14: Renewable Energy,
- Policy S16, Wider Energy Infrastructure, and
- Policy S67: Best and Most Versatile Agricultural Land

8.4.6 These relate to smaller solar developments not at an NSIP scale. Notwithstanding this, the new local plan policies demonstrate the direction of travel of North Kesteven District Council. Further consideration of the detail of these key policies are set out below.

8.4.7 **Policy S14 (Renewable Energy)** confirms that Proposals for ground-based photovoltaics and associated infrastructure, including commercial large-scale proposals, will be under a presumption in favour unless:

- there is clear and demonstrable significant harm arising; or
- the proposal is (following a site-specific soil assessment) to take place on Best and Most Versatile (BMV) agricultural land and does not meet the requirements of Policy S67; or
- The land is allocated for another purpose in this Local Plan or other statutory based document (such as a nature recovery strategy or a Local Transport Plan), and the proposal is not compatible with such other allocation.

8.4.8 The policy goes on to state (within pages 44 to 46) that:

“Proposals for ground-based photovoltaics should be accompanied by evidence demonstrating how opportunities for delivering biodiversity net gain will be maximised in the scheme taking account of soil, natural features, existing habitats, and planting proposals accompanying the scheme to create new habitats linking into the nature recovery strategy”.

8.4.9 The Applicant considers that Policy S14 is a supportive policy and it is demonstrated in the ES (Document 6.1) and the Statement of Need and Planning Statement (Document 7.3) that the need for the development is established, harms identified are acceptable, and the criteria of Policy S14 are met.

8.4.10 **Policy S16 (Wider Energy Infrastructure)** confirms that (pages 46 and 47 of the Local Plan):

“The Joint Committee is committed to supporting the transition to net zero carbon future and, in doing so, recognises and supports, in principle, the need for significant investment in new and upgraded energy infrastructure.

Where planning permission is needed from a Central Lincolnshire authority, support will be given to proposals which are necessary for, or form part of, the transition to a net zero carbon sub-region, which could include: energy storage facilities (such as battery storage or thermal storage); and upgraded or new electricity facilities (such as transmission facilities, sub-stations or other electricity infrastructure.

However, any such proposals should take all reasonable opportunities to mitigate any harm arising from such proposals and take care to select not only appropriate locations for such facilities, but also design solutions (see Policy S53) which minimises harm arising.”

- 8.4.11 It is demonstrated in the ES (Document 6.1) and the Statement of Need and Planning Statement (Document 7.3) that the need for the development is established, harms identified are acceptable, and the requirements of Policy S14 are met.
- 8.4.12 **Policy S67 (Best and Most Versatile Agricultural Land)** – It is considered that policy S67 is a positively worded policy which does not preclude the development of BMV land.
- 8.4.13 The policy states that proposals resulting in the loss of best and most versatile agricultural land will only be supported if:
- a) The need for the proposed development has been clearly established and there is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and
 - b) The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the best and most versatile agricultural land; and
 - c) The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and
 - d) Where feasible, once any development which is supported has ceased its useful life the land will be restored to its former use (this condition will be secured by planning condition where appropriate).
- 8.4.14 The Applicant has demonstrated in the ES (Document 6.1) and the Statement of Need and Planning Statement (Document 7.3) that, in regard to:
- Criterion (a), there is a strongly established need for the development
 - Criterion (b) Strong benefits of the proposal outweigh the need to protect the BMV
 - Criterion (c) Impacts have been minimised by design – parts of the higher BMV have been removed from the scheme
 - Criterion (d) the site will be restored following the decommissioning and the land will be suitable for retention of agricultural use, therefore the proposal does not result in a significant permanent loss of agricultural land.
- 8.4.15 The Applicants proposal meet the following NPS tests for BMV. NPSs take precedence over local plan policies.
- The Applicant have committed to delivering 60% BNG – this is an enhancement on the BNG derived from continuing the site in its current agricultural use and should be taken into account as part of the policy analysis relating to BMV balance.
 - The site will continue in agricultural production during the operation of the solar park, providing for sheep grazing.
 - The solar park will assist the viability of the agricultural use.
- 8.4.16 The ExA should note that policy S67 is positively worded and supports the development which is considered to meet the relevant criteria. Notwithstanding this, if the Secretary of State were to conclude that the proposal is contrary to the local plan, as set out in our consideration of weight, the primary policy for determining the DCO is that set out in the NPS. It is considered by the Applicant that the proposal accords with the NPS,



including in respect of the consideration of BMV.

- 8.4.17 Additional relevant policies of the Central Lincolnshire Local Plan, in addition to those already considered in the Statement of Need and Planning Statement submitted in August 2023 as part of the Change application, are set out in **Appendix 4**. The policies in the Appendix and the Statement of Need and Planning Statement are those which the Applicant deems important and relevant to the Secretary of State's decision making. The proposed development is in accordance with those policies for the reason set out against each policy in **Appendix 4**.

9 Other relevant, recently published Government Documentation (ExQ1, PPL.1.1 (i))

9.1 Introduction

- 9.1.1 This section of the Addendum continues to address the request for more detail regarding the matters which are considered to be important and relevant for the purposes of decision making, in answer to ExQ1, PPL.1.1 (i).
- 9.1.2 The documents referred to below are also considered important and relevant to the proposals as they all demonstrate the urgency for large scale solar deployment in order to meet important National Government aims. All of these documents are considered to support the Heckington Fen DCO.
- 9.1.3 There is a strong and compelling case for approval of the Heckington Fen DCO application, in meeting the need for new renewable solar energy generation set out in the adopted and emerging NPS and wider government documents which identify the necessity to act urgently in response to the challenge of climate change.
- 9.1.4 Below is a detailed list of what the other relevant documents are and the relevant parts of them to this project. To avoid repetition, the Applicant's analysis of how and why those documents are relevant to this application, is set out below in the next four paragraphs within Applicant's analysis and summary of benefits (in relation to other documentation). The Applicant invites the ExA to please bear this analysis in mind when reading the list of documents below.

9.2 Applicant's analysis and summary of benefits of the proposal in relation to other documentation relating to renewable energy and climate change

- 9.2.1 The proposal has a willing landowner and developer, a viable grid connection (of 2027) with capacity to enable the scheme to be commissioned in the event of a grant of the DCO. This proposal can quickly make a significant contribution to the energy generation requirement, which includes renewable energy generation with a confirmed 400MW export and 250MW import grid capacity. This brings with it a number of socio-economic benefits listed below and will help to achieve meeting the 3 important national Government aims:
- 1) Decarbonisation (Net Zero and the importance of developing at-scale zero-carbon generation assets); The United Kingdom has a legal commitment to decarbonise and legally committed itself to net zero carbon emissions by 2050. We also have international obligations to decarbonize. Government policy on climate change does not stop at our national borders, indeed since 2010, Government has included within its policy actions "driving ambitious action on climate change at home and abroad". Of greatest relevance to this Statement of Need, specifically because collective progress to date to reduce emissions has not been sufficient, are the outcomes agreed at COP26 relating to mitigation: setting out the steps and commitments that Parties will take to accelerate efforts to reduce emissions "to keep 1.5 degrees in reach."
 - 2) Security of supply (geographically and technologically diverse supplies);

Demand for electricity is growing. “Security of supply” means keeping the lights on and has two main components. Ensuring that there is enough electricity generation capacity available and operational to meet demand (adequacy); and Ensuring that the quality of electricity supplied to customers falls within a narrow “quality” band during all reasonably foreseeable operational circumstances and is resilient during rare excursions from this band

- 3) Affordability. The cost of solar generation is an important enabler of its development. Solar panels and electrical infrastructure have become larger and more efficient, meaning that more electricity can be generated from the same area of land as was previously possible. As a consequence, solar is now a leading low-cost generation technology. Across all scenarios, strategic investment is required now to develop this whole energy system and deliver clean, secure, affordable, and fair energy for all consumers. Driven by the need to ensure this electricity is carbon free, affordable, and sustainable, renewables emerge as the dominant source of electricity generation for Britain between now and 2050. BY 2050, it will meet between 70% and 84% of annual electricity demand.

9.2.2 The following sections summarise the recently published Government Documentation relating to renewable energy and climate change.

9.3 Powering Up Britain (Energy Security Plan) March 2023

9.3.1 On 4th April 2023 the Government published Powering Up Britain (Suite of Documents) including Net Zero Growth Plan and Energy Security Plan.

9.3.2 This provides the Government’s the new department’s ‘*manifesto for the future*’ and ‘*the Government’s ‘blueprint for the future of energy in this country’*’.¹ The document explains how the country will:

“diversify, decarbonise and domesticate energy production by investing in renewables and nuclear, to power Britain from Britain.”

9.3.3 The stated goal is to ‘*quintuple our solar power by 2035*.’ The document confirms that it will

“not be making any changes to categories of agricultural land that might constrain solar deployment”.

9.3.4 The thrust of national policy (and Government’s key commitments) is that large scale solar is needed to get to the 70 MW target by 2035. (Reference – Key Commitments of Powering Up Britain Energy Security Plan, updated in April 23, page 34).

9.4 British Energy Security Strategy (April 2022)

9.4.1 As set out within paragraphs 4.1.1 – 4.1.2 of Draft EN-1 (2023), the British Energy Security Strategy emphasises the importance of the government’s net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable

¹ Department for Energy Security and Net Zero (2023); Powering Up Britain. (Online). Available as a PDF to download from the Government’s webpage entitled Powering Up Britain (March 2023)

energy system.

- 9.4.2 The British Energy Security Strategy (updated in April 2022) noted at that time that there was 14GW of solar capacity in the UK and that the expectation is to "ramp up" deployment of solar to up to 70GW by 2035. That is about 4.6GW of new generation being delivered each year between now and 2035.
- 9.4.3 The Government has a legally binding target to reach net zero carbon emissions by 2050. It is now recognised that reaching 70GW of solar by 2035 is going to be a very challenging target to achieve.

9.5 Mission Zero – Independent Review of Net Zero (Skidmore Review) January 2023

- 9.5.1 Mission Zero, and independent review of Net Zero (the Skidmore Review – January 2023) notes that delay is a significant risk.
- 9.5.2 The Skidmore review report set out a list of recommendations submitted to the Department for Business, Energy and Industrial Strategy ("BEIS") in December 2022. The review calls for the 'full scale deployment of solar encouraging an expansion of both rooftop and ground mounted solar, to hit an expanded target of 70GW by 2035 – increased from the Government's previous commitment of 50GW by 2035.
- 9.5.3 The review highlighted that this mobilisation of solar would increase the UK's energy independence, an area that has been amplified since the Russian invasion of Ukraine. The industry has urged the Government to implement the recommendations so that the UK can accelerate progress towards net zero.

9.6 House of Commons – Planning and solar farms Debate Pack (18th July 2023)

- 9.6.1 The Debate pack provides a briefing to MPs on the subject of planning and solar farms. It sets out the current determining regime for proposals considered under the Town and Country Planning Act and Nationally Significant Infrastructure Planning mechanisms. It advises on the overall target of 70GW by 2035 and the role of the Emerging NPS's in assisting to deliver this target.

9.7 Climate Change Committee 2023 Progress Report to Parliament

- 9.7.1 The Climate Change Committee 2023 Progress Report to Parliament (June 2023) states that confidence in the UK meeting its medium-term targets has decreased. The report contains clear analysis of UK progress in terms of reducing emissions.
- 9.7.2 Key messages from this report state (Inter-alia):

A lack of urgency. While the policy framework has continued to develop over the past year, this is not happening at the required pace for future targets. The Net Zero target was legislated in 2019, but there remains a lack of urgency over its delivery. The Net Zero transition is scheduled to take around three decades, but to do so requires a sustained high-intensity of action. This is required all the more, due to the slow start to



policy development so far. Pace should be prioritised over perfection.

Stay firm on existing commitments and move to delivery. The Government has made a number of strong commitments, notably on the 2030 fossil fuel vehicle phase-out, the 2035 decarbonisation of the electricity system, the commitment to install 600,000 heat pumps per year by 2028, and the deployment at scale of new industries such as hydrogen and greenhouse gas removals. These must be restated and moved as swiftly as possible towards delivery, including by ensuring the UK has the skills base it needs to deliver on its commitments and building on its promising plans to guide private sector action and investment.

Retake a clear leadership role internationally. The UK will need to regain its international climate leadership. This means taking urgent action to reduce emissions in line with delivering the UK's ambitious NDC for 2030 and fulfilling other pledges made in international climate negotiations, ensuring that decisions on UK fossil fuel production and infrastructure are consistent with Net Zero and the UK's expectations of others, and putting climate back at the front and centre of UK diplomacy from the highest level.

Immediate priority actions and policies. Action is needed in a range of areas to deliver on the Government's emissions pathway. New policies are urgently needed in industry, especially in the steel sector where the Government has high ambitions for decarbonisation but no policy to deliver it, as well as wider incentives for electrification of industry. Policies are required to step up the rates of tree planting and peatland restoration.

The Government needs to overcome the uncertainty being caused by its planned 2026 decision on the role of hydrogen in heating, to accelerate deployment of electric heating and press ahead with low-regret energy infrastructure decisions. We welcome the commitment to rebalance electricity and gas prices by spring 2024, which will support electrification.

Develop demand-side and land use policies. The Government's current strategy has considerable delivery risks due to its over-reliance on specific technological solutions, some of which have not yet been deployed at scale. This lack of balance carries considerable and increasing risks to meeting the emissions targets. Recent experience on societal changes (e.g. to travel patterns) following the pandemic has shown that substantial changes to behaviours are possible, although these have not been due to climate policy. It is essential that policies to empower and support people to make low-carbon lifestyle choices are implemented now, especially on home energy use, shifting to healthier and more sustainable diets, and reducing air and car travel. Further strengthening of policy in these areas may be required subsequently given risks of shortfalls in delivery elsewhere.

Empower and inform households and communities to make low-carbon choices. Despite some positive steps to provide households with advice on reducing energy use in the last year, a coherent public engagement strategy on climate action is long overdue. Increased concern about climate change and relatively high knowledge about Net

Zero provide a potentially favourable context for engaging with the public. People should be empowered to make green choices, through a better understanding of how they can play their part and supported by a positive vision and leadership from Government about the societal changes required. Information alone is not sufficient – it must be accompanied by implementation of policies that both make low-carbon choices easy, attractive and affordable. Deliberative processes should be considered for navigating challenging policy decisions, building on the insights and lessons from the UK Climate Assembly.

Planning policy needs radical reform to support Net Zero. *In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken giving full regard to the imperative of Net Zero.*

Expansion of fossil fuel production is not in line with Net Zero. *As well as pushing forward strongly with new low-carbon industries, Net Zero also makes it necessary to move away from high-carbon developments. The decision on the Cumbrian coal mine sent a very concerning signal on the Government's priorities. The UK will continue to need some oil and gas until it reaches Net Zero, but this does not in itself justify the development of new North Sea (oil and gas) fields.*

The need for a framework to manage airport capacity. *There has been continued airport expansion in recent years, counter to our assessment that there should be no net airport expansion across the UK. No airport expansions should proceed until a UK-wide capacity management framework is in place to assess annually and, if required, control sector CO2 emissions and non-CO2 effects.*

9.7.3 Heckington Fen can deliver 400MW of generation and associated energy storage in a quick delivery timescale which is economically viability contributing to UK targets, which this report implies the UK is not meeting.

9.7.4 Furthermore, the report also states at Box. 15.5 that the NPPF (July 2021 version and March 2023 consultation version – not the most recently adopted September 2023 version)

"remains outdated in its alignment with climate goals... More generally, proposed updates to the NPPF must urgently resolve uncertainties in competing priorities and embed climate mitigation and adaptation goals."

9.7.5 This adds further weight to the argument that NPS's have a clear and significant overriding weight over and above the NPPF, particularly where there is any conflict.

9.8 House of Commons Science, Innovation and Technology Committee 'Delivering Nuclear Power' report. Published 19th July 2023.

9.8.1 The Government's ambition to deliver 24GW of new nuclear by 2050 has been recently



subject to scrutiny in the July 2023 House of Commons Science, Innovation and Technology Committee paper – Delivering Nuclear Power. Doubts in this report are raised that the target can be reached which identified a "Power Gap".

9.8.2 Therefore with the delay to offshore wind and doubt over the delivery of new nuclear there is a clear and urgent need for new solar generation. Heckington Fen can deliver 400MW of generation and associated storage in a quick delivery timescale which is economically viability contributing to UK ambitions to:

- Contribute to the Net Zero decarbonisation target
- Delivery energy security; and
- Provide affordable electricity generation.

9.9 National Food Strategy Independent Review 'The Plan' (July 2021)

9.9.1 The National Food Strategy (July 2021) is a document that was commissioned by Government to look at the wider issues of food supply within the Country and sets out the evidence base for concern of reduction in food production.

9.9.2 Section 14 looks at Food Security within the UK and the threats to this. There is no reference at all within the context of this review which implies that the expansion of the solar industry is a threat, and furthermore it comments on the impact of climate change on the possible agricultural production of the UK and the Globe.

9.9.3 Whilst this document was not referred to during the Applicant's oral evidence to Item 5 of ISH 2, the Applicant is of the view that it would still be helpful to draw the ExA attention to this.

Appendix 1 – Updated Generic Impacts identified within Draft EN-1 – Section 5 (2023)

A1.1 Updated Table 5.1a setting out the Generic Impacts identified in Designated EN-1 and the revision provided by the revised Draft EN -1, which may be pertinent to specific projects.

Table 5.1a

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
Land use	<p>With regards to agricultural land classification, para 5.10.8 states how applicants should seek to minimise impacts on the best and most versatile agricultural land except where this would be inconsistent with other sustainability considerations. Paragraph 5.10.15 identifies how the determining authority should ensure that applicants provide justification when locating sites on best and most versatile agricultural land. With regards to mitigation, EN-1 states that there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site.</p>	<p>Paragraph 5.11.12 retains the reference to applicants seeking to minimise impacts on best and most versatile land and the preference for use of land of poorer quality (grades 3b, 4 and 5). The draft EN1 retains the need for applicants to provide justification for siting scheme on best and most versatile agricultural land. With regards to mitigation, draft EN-1 states at paragraph 5.11.23 that there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site</p>
Landscape and Visual	<p>Paragraph 5.9.8 sets out that for nationally significant energy infrastructure, projects need to be designed carefully, having regard to siting, operational and other relevant constraints the aim should be to minimize harm to the landscape, providing reasonable mitigation where possible and appropriate.</p>	<p>Paragraphs 5.10.15 to 5.10.24 of the draft EN3 set out the considerations to be addressed in the Applicant assessment. This includes the requirement for undertaking a landscape and visual impact assessment and reporting this in the ES. This should take reference to the landscape character, with landscape and visual matters being considered at early stages of siting and design, demonstrating how negative effects have been minimised and opportunities for enhancement recognised. Effects in construction and operation should be addressed. Applicants should also consider how landscapes can be enhanced using landscape management plans.</p>
Biodiversity and geological conservation	<p>As a general principle, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through</p>	<p>Paragraphs 5.4.17 to 5.2.24 of Draft EN3 advise in regard to the applicant's assessment, stating that the ES should clearly set out any effects on internationally, nationally, and locally</p>

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
	mitigation and consideration of reasonable alternatives; where significant harm cannot be avoided, then appropriate compensation measures should be sought.	designated sites of ecological or geological conservation importance and demonstrate how the applicant has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. It is stated that energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain.
Historic Environment	<p>Paragraph 5.8.8 states that as part of the ES the applicant should provide a description of the significance of the heritage assets assessed by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset.</p> <p>Paragraph 5.8.12 goes on to state that in considering the impact of the proposed development on any heritage asset, the determining authority should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for development.</p>	<p>Paragraph 5.9.10 of the draft EN1 states that as part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance.</p> <p>Paragraphs 5.9.20 to 5.9.34 address the Secretary of States decision process stating that this should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development. The SoS should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.</p>
Dust, odour, artificial lighting	Paragraph 5.6.3 of EN-1 recognises that for energy NSIP, some impacts on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable.	Paragraph 5.7.4 of draft EN-1 recognises that for energy NSIP, some impacts on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable. In decision making the SOS should be satisfied that appropriate assessment of impacts on amenity have been carried out and reasonable steps taken to minimise detrimental impacts.
Flood Risk	Applications for energy projects of 1 hectare of greater in flood zone 1 should be accompanied by a flood risk assessment. The surface water drainage arrangements for any project	Draft EN1 paragraph 5.7.4 confirms that applications for energy projects of 1 hectare of greater in flood zone 1 should be accompanied by a flood risk assessment.

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
	<p>should be such that the volumes and peak flow rate of surface water leaving the site are no greater than the rate prior to the proposed project, unless specific off-site arrangements are made and results in the same net effect.</p>	<p>At paragraph 5.8.27 the draft EN1 retains the requirement that the surface water drainage arrangements for any project should be such that the volumes and peak flow rate of surface water leaving the site are no greater than the rate prior to the proposed project, unless specific off-site arrangements are made and results in the same net effect.</p>
Air Quality and Emission	<p>Paragraph 5.2.6 states <i>'Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement'</i>. The ES should describe: any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; the predicted absolute emission levels of the proposed project, after mitigation methods have been applied; existing air quality levels and the relative change in air quality from existing levels; and any potential eutrophication impacts.</p>	<p>Draft EN1 paragraph 5.2.7 states <i>"Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES."</i> Paragraph 5.2.8 continues <i>"The ES should describe:</i></p> <ul style="list-style-type: none"> • <i>existing air quality levels and the relative change in air quality from existing levels;</i> • <i>any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project;</i> • <i>the predicted absolute emission levels of the proposed project, after mitigation methods have been applied; and</i> • <i>any potential eutrophication impacts"</i>.
Socio Economic	<p>Paragraph 5.12.3 states <i>'Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES'</i>. The effects should consider: the creation of jobs and training opportunities; the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; effects on tourism; the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the</p>	<p>Paragraph 5.13.2 to 5.13.7 of draft EN1 confirm the requirements for the applicant's assessment of proposals in respect of socioeconomic effects. Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES. The applicant's assessment should consider all relevant socio-economic impacts, which may include:</p> <ul style="list-style-type: none"> • the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
	<p>energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.</p>	<p>will help to develop the skills needed for the UK’s transition to Net Zero</p> <ul style="list-style-type: none"> • the contribution to the development of low-carbon industries at the local and regional level as well as nationally • the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities • any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains • effects on tourism • the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development • cumulative effects - if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region
Traffic and Transport	With regards to decision taking, EN-1 recognises that a new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the	Paragraph 5.14.18 to 5.14.20 of the draft EN1 state that “a new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
	<p>Planning Inspectorate should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the IPC (now PINS) should consider requirements to mitigate adverse impacts on transport networks arising from the development.</p>	<p><i>State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility".</i></p> <p><i>"Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impacts on transport networks arising from the development" and "Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impacts"</i></p>
Water Quality	<p>Where the project is likely to have effects on the water environment, the Applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent.</p>	<p>Paragraph s 5.16.3 to 5.16.7 of the draft EN1 confirm the requirements for the applicants assessment of effects on water quality and resources, stating that <i>"Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent."</i></p>
Noise and Vibration	<p>Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:</p> <ul style="list-style-type: none"> • a description of the noise generating aspects of the development proposal • leading to noise impacts, including the identification of any distinctive • tonal, impulsive or low frequency characteristics of the noise; 	<p>Paragraph 5.12.6 of the draft EN1 states:</p> <p><i>"Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:</i></p> <ul style="list-style-type: none"> • <i>a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal, impulsive, low frequency or temporal characteristics of the noise</i>

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
	<ul style="list-style-type: none"> • identification of noise sensitive premises and noise sensitive areas that may be affected; • the characteristics of the existing noise environment; • a prediction of how the noise environment will change with the proposed development; <ul style="list-style-type: none"> • in the shorter term such as during the construction period; • in the longer term during the operating life of the infrastructure • at particular times of the day, evening and night as appropriate. • an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas; and • measures to be employed in mitigating noise. • The nature and extent of the noise assessment should be proportionate to the likely noise impact. 	<ul style="list-style-type: none"> • <i>identification of noise sensitive receptors and noise sensitive areas that may be affected</i> • <i>the characteristics of the existing noise environment</i> • <i>a prediction of how the noise environment will change with the proposed development</i> <ul style="list-style-type: none"> • <i>in the shorter term, such as during the construction period</i> • <i>in the longer term, during the operating life of the infrastructure</i> • <i>at particular times of the day, evening and night (and weekends) as appropriate, and at different times of year</i> • <i>an assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and well-being where appropriate, and noise-sensitive areas</i> • <i>if likely to cause disturbance, an assessment of the effect of underwater or subterranean noise</i> • <i>measures to be employed in mitigating the effects of noise using best available techniques to reduce noise impacts”.</i> <p>Paragraph 5.12.7 states that the nature and extent of the noise assessment should be proportionate to the likely noise impact.</p>
Resource and Waste Management	<p>EN1 identifies at paragraph 5.14.1 to 5.14.4 that <i>“Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible”</i></p> <p>The NPS confirms the waste hierarchy prioritising prevention of waste, reuse and recycling over recovery and finally disposal. It is recognised that all large infrastructure projects are likely to</p>	<p>At paragraphs 5.15.1 and to 5.15.4 Draft EN1 retains the advice regarding the Governments overall waste policy and the waste hierarchy.</p> <p>At paragraph 5.15.8 the applicants assessment is required to provide arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities.</p> <p>The report should set out the sustainable management of waste and use of resources should include</p>

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
	<p>generate hazardous and non-hazardous waste. Applicant's assessments should set out a waste management plan, providing information on the proposed waste recovery and disposal system for all waste generated by the development, and an assessment of the impact of the waste arising from development on the capacity of waste management facilities. In determining applications the Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. It should be satisfied that:</p> <ul style="list-style-type: none"> • any such waste will be properly managed, both on-site and off-site; • the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and • adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome. <p>It is stated at paragraph 5.14.8 that: <i>Where necessary, the IPC should use requirements or obligations to ensure that appropriate measures for waste management are applied.</i>"</p>	<p>information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities. In determining applications the Secretary of State should be satisfied that:</p> <p>any such waste will be properly managed, both on-site and off-site.</p> <ul style="list-style-type: none"> • the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area. • adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome. <p>It is stated at paragraph 5.15.16 that <i>"Where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied."</i></p>
Civil and Military Aviation and	EN1 notes that aerodromes, aviation technical sites and other types of defence interests can be	The draft EN1 also recognises that aerodromes, aviation technical sites and other types of defence interests

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
Defence Interests	<p>affected by new energy developments.</p> <p>Paragraph 5.4.10 confirms that <i>"Where the proposed development may have an effect on civil or military aviation and/or other defence assets an assessment of potential effects should be set out in the ES.</i></p> <p>The applicant is advised to consult the MOD, CAA NATS and any aerodrome likely to be affected. In decision making the SoS should be satisfied that the effects on civil and military aerodromes, aviation technical sites and other defence assets have been addressed.</p>	<p>can be affected by new energy developments.</p> <p>Paragraph 5.5.38 confirms that <i>"Where the proposed development may affect the performance of civil or military aviation CNS, meteorological radars and/or other defence assets an assessment of potential effects should be set out in the ES".</i></p> <p>In decision making the Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets have been addressed</p>
Greenhouse Gas Emissions	<p>The designated EN1 did not include effects on Greenhouse Gas Emissions among the generic impacts of energy proposals.</p>	<p>The draft EN1 states at Paragraph 5.3.1 that <i>"Significant levels of energy infrastructure development are vital to ensure the decarbonisation of the UK economy. The construction, operation and decommissioning of that energy infrastructure will in itself, lead to GHG emissions"</i></p> <p>It is stated at paragraph 5.3.4 that <i>"All proposals for energy infrastructure projects should include a GHG assessment as part of their ES. This should include:</i></p> <ul style="list-style-type: none"> • <i>A whole life GHG assessment showing construction, operational and decommissioning GHG impacts.</i> • <i>An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages.</i> • <i>Measurement of embodied GHG impact from the construction stage.</i> • <i>How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures.</i> • <i>How operational emissions have been reduced as much as possible through the application of best available technology for that type of technology.</i>

Topic	PS-142 Commentary	Commentary referencing Draft EN1 2023
		<ul style="list-style-type: none"> • <i>Calculation of operational energy consumption and associated carbon emissions.</i> • <i>Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework.</i> • <i>Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed.</i> <p>In decision making the Secretary of State must be satisfied that the applicant has as far as possible assessed the GHG emissions of all stages of the development</p>

Appendix 2 – Assessing the proposals against emerging EN-3 (March 2023) solar policies

Irradiance and site topography – Draft EN3 paragraphs 3.10.10 – 3.10.11

- A2.1 The site description and details on the topography of the site can be found within Chapter 3 of the ES. Paragraph 3.3.13 of the ES talks about solar irradiation levels and shading; Topography at paragraph 3.3.17 and iterative design in section 3.4 discusses that tracker and fixed panels were considered. The panel height on the Energy Park is to ensure operation in flood risk (1 in 1,000 year event +20% allowance for climate change) not for irradiance. The assessment of effects upon the topography, as a landscape resource, is included at Paragraphs 6.5.11 – 6.5.13 of Chapter 6 – Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-058 and PS-059). The effects were deemed to be negligible and not significant.

Proximity of a site to dwellings– Draft EN3 paragraph 3.10.12

- A2.2 Chapter 3 of the ES, at paragraph 3.3.14 considers the proximity to dwellings. Proximity to Sensitive Human Receptors is also discussed at Chapter 7 – RVAA, (document reference 6.1.7 / PS-060) and supporting Figure 7.1 (document reference 6.2.7 / APP-147), Figure 7.2 (document reference 6.2.7 / APP-148 & APP-149), and Figure 7.3 (document reference 6.2.7 / PS-102 – PS-106). These figures illustrate the location of these residential receptors and views gained from a selection of the properties, along with proxy views from the nearby publicly accessible locations.
- A2.3 Generally speaking, residents of East Heckington are the closest residential receptors with regard to the Energy Park. The limited significant visual effects on these residents have been judged to diminish to not significant – refer to Paragraph 7.6.1 and 7.6.2 of Chapter 7 (document reference 6.1.7 / PS-060).

Agricultural land classification and land type – Draft EN3 paragraphs 3.10.13 – 3.10.19

- A2.4 The following ALC and soil policies that relate to solar in the emerging EN-3 (March 2023) are relevant to Chapter 16 (Document reference 6.1.16/APP-069), because they cover environmental impacts, mitigation, and site selection in the specific context of agricultural land classification and soil for solar NSIPs.

- assessment of the impacts of ground mounted solar arrays – Draft EN3 paragraph 3.10.15
- soil stripping (if relevant) – Draft EN3 paragraph 3.10.72
- soil mitigation measures during construction – Draft EN3 paragraph 3.10.118
- relevance of ALC and land type on Secretary of State’s decision and factors the SoS needs to take into account – Draft EN3 paragraph 3.10.136

- A2.5 Section 16.5 of Chapter 16 of the ES (Document reference 6.1.16/APP-069) sets out the baseline conditions, identifying the grades of agricultural land falling within the Application. Section 16.6 describes the likely effects and section 16.7 describes mitigation and enhancement proposed.

Accessibility Draft EN3 paragraphs – 3.10.20 – 3.10.24

A2.6 Paragraph 3.10.20 states:

“Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.”

A2.7 The Applicant notes that construction access to the energy park is considered at paragraphs 3.1 to 3.14 of the oCTMP (document reference 7.10/PS-152). Operational access to the energy park is considered at paragraphs 3.5 to 3.12 of the oCTMP. Construction access to the cable route and Point of Connection (at Bicker Fen Substation) is considered at paragraphs 7.10 to 7.16 of the oCTMP.

A2.8 Paragraph 3.10.21 states:

“Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.”

A2.9 As noted in response to para 3.10.20 this has been considered.

A2.10 Paragraph 3.10.22 states:

“Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.”

A2.11 Paragraphs 3.11 and 3.12 of the oCTMP confirm that the extent of internal access tracks are shown on the Indicative Site Layout (document reference 6.2.2/APP-078).

A2.12 Paragraph 3.10.23 states:

“In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network.”

A2.13 This is addressed via responses to para 3.10.20 and 3.10.22.

A2.14 Paragraph 3.10.24 states:

“Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.”

A2.15 This point is addressed (in part) via responses to 3.10.20 and 3.10.22. Accesses also shown on Streets and Access Plan (document reference 2.7/PS-019). The effects of the traffic routed via the accesses onto the A17 is considered within Chapter 14 of the Environmental Statement (document reference 6.1.14/PS-073).

Public Rights of Way – Draft EN3 paragraph 3.10.25–3.10.30

A2.16 Paragraph 3.10.25 states

“Proposed developments may affect the provision of public rights of way networks.”

A2.17 Public rights of way within the vicinity of the site are identified at paragraphs 2.18 to 2.19 of the oCTMP. Management of the PRoW is considered at paragraphs 3.15 and 7.37 of the oCTMP.

A2.18 Paragraph 3.10.26 states:

Public rights of way may need to be temporarily stopped to enable construction, however, applicants should keep, as far as is practicable and safe, all public rights of way that cross the proposed development site open during construction and protect users where a public right of way borders or crosses the site.

A2.19 Paragraph 3.15 of the oCTMP confirms that it is not anticipated that the proposals will materially affect the PRoW HECK/15/1, but that appropriate signage/fencing could be erected if necessary (i.e. it is proposed to remain open).

A2.20 Paragraph 7.37 of the oCTMP confirms that the PRoWs adjacent to the South Forty Foot Drain will not be affected by the cable route works (i.e. they are proposed to remain open).

A2.21 Paragraph 3.10.27 states:

“Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, and in particular during operation of the site.”

A2.22 This point is Addressed via response to 3.10.25 above. The alignment and treatment of PRoW within the Energy Park site is shown on the Indicative Site Layout (document reference 6.2.2).

A2.23 Paragraph 3.10.28 states:

“Applicants are encouraged where possible to minimise the visual outlook from existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.”

A2.24 The proposed mitigation measures have been introduced to protect the visual amenity of the associated users, including new hedgerow and hedgerow trees along the northern edge of the Energy Park. The new hedgerow would be maintained, when mature, at approximately 3.5m to 5m height to screen the views in and allow the perimeter vegetation to take the form of a less regimented vegetation with taller sections resembling ‘overgrown’ hedgerows with standard trees developing along the line of the hedgerow. With regard the enhancement measures, the proposed permissive route through the Energy Park has been judged to bring about major significant beneficial effects – refer to Paragraph 6.5.21 of Chapter 6 – Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-058 and PS-059).

A2.25 Paragraph 3.10.29 states:

“Applicants should consider and maximise opportunities to facilitate

enhancements to the public rights of way and the adoption of new public rights of way through site layout and design of access.”

A2.26 There is an existing Public Footpath SKym/2/1 along Head Dike to the north west of the proposed Energy Park. It would remain open and useable throughout the construction, operation and decommissioning of the Proposed Development.

A2.27 The currently inaccessible eastern section of PRoW Heck 15/1 would be re-linked to Sidebar Lane reinstating access to the countryside. The Proposed Development seeks to reinstate Heck/15/1 and enhance it further by providing a permissive path as a circular route across the western part of the Energy Park and towards the Elm Grange School and new community orchard. The new permissive path would result in a 4km route around the Energy Park, looping back to join HECK/15/1. – refer to Paragraph 6.6.14 of Chapter 6 – Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-O58 and PS-O59).

A2.28 Paragraph 3.10.30 states:

“Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use is set out in an outline Public Rights of Way Management Plan.”

A2.29 The routes and details of the PRoW during the operation and construction phase is set out at paragraphs 2.18 to 2.19, 3.15 and 7.37 of the oCTMP.

Construction including traffic and transport noise and vibration – Draft EN3 paragraph 3.10.111–3.10.117

A2.30 Paragraph 3.10.111 states:

“Modern solar farms are large sites that are mainly comprised of small structures that can be transported separately and constructed on-site, with developers designating a compound on-site for the delivery and assemblage of the necessary components.”

A2.31 The oCTMP (document reference 7.10) sets out the proposed construction compounds at paragraph 3.16 – 3.18.

A2.32 Paragraph 3.10.112 states:

“Many solar farms will be sited in areas served by a minor road network. Public perception of the construction phase of solar farm will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.”

A2.33 Table 5.1 of the oCTMP (document reference 7.10) provides the heavy goods vehicles movements forecast to be associated with the Energy Park. Paragraph 3.5 – 3.12 confirm the proposed access arrangements which will be from the A17; a primary road.

A2.34 Paragraph 3.10.113 states:

“Generic traffic and transport impacts are covered Section 5.14 of EN-1.”

A2.35 Consideration of traffic and transportation impacts are set out in Chapter 14 of the ES relating to Transport and Access (Document reference 6.1.14/PS-072) and the oCTMP (document reference 7.10) confirms mitigation proposed.

A2.36 Paragraph 3.10.114 states:

“Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application and select the route that is the most appropriate.”

A2.37 Chapter 4 of the oCTMP (document reference 7.10/PS-152) sets out the proposed construction traffic routing.

A2.38 Paragraph 3.10.115 states:

“Where the exact location of the source of construction materials, such as crushed stone or concrete is not be known at the time of the application applicants should assess the worst-case impact of additional vehicles on the likely potential routes.”

A2.39 Chapter 4 of the oCTMP (document reference 7.10/PS-152) sets out the proposed construction traffic routing.

A2.40 Paragraph 3.10.116 states:

“Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles. Although unlikely, where modifications to roads and/or bridges are required, these should be identified, and potential effects addressed in the ES.”

A2.41 Chapter 4 of the oCTMP (document reference 7.10/PS-152) sets out the proposed construction traffic routing.

A2.42 Paragraph 3.10.117 states:

“Where a cumulative impact is likely because multiple energy infrastructure developments are proposing to use a common port and/or access route and pass through the same towns and villages, applicants should include a cumulative transport assessment as part of the ES. This should consider the impacts of abnormal traffic movements relating to the project in question in combination with those from any other relevant development. Consultation with the relevant local highways authorities is likely to be necessary.”

A2.43 Cumulative impacts in relation to traffic flows are set out in the Updated Information on Cumulative Projects (ExA.ESTN-Cumulative-D2.V1). In transport terms, the cumulative impacts are not significant. Abnormal loads are considered at paragraph 4.7 and 4.8 of the oCTMP (document reference 7.10/PS-152).

A2.44 In terms of noise, the potential effects of noise and vibration from the construction traffic were assessed in Chapter 12 of the ES (PS-069) paragraphs 12.6.13-12.6.16 considered the direct effects associated with the Proposed Development, and these

were determined to correspond to negligible effects which are not significant. Cumulative noise effects from construction traffic were also assessed in section 12.8 of Chapter 12 (PS-O69) and no additional significant effects were identified.

Security and lighting Draft EN3 paragraph – 3.10.31–3.10.33

- A2.45 Proposals for fencing and lighting for the site are in Chapter 4 of the ES (PS-O55). Section 4.5.40 onwards has text on this and talks through the fencing option and CCTV that has been proposed and assessed. CCTV cameras are proposed to point towards the park as stated in this section. Lighting is also stated to be on sensors for security and will be deployed around the ESS area and other critical pieces of infrastructure. No areas will be continuously lit. There is also an Outline Artificial Light Emissions Plan submitted as Appendix H of the OCEMP.
- A2.46 As stated in Paragraph 6.3.41 of Chapter 6 – Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-O58 and PS-O59):

“The lighting associated with the construction and decommissioning phases would be limited where practical, subject to the timing of the construction activities and time of the year, and is considered to be short term effect. There is no permanent lighting proposed as part of the Proposed Development except for the localised emergency security lighting in proximity to the substation, energy storage and control buildings. Such lighting would be triggered by movement only or manually turned on, and so would not be active for all hours of darkness. CCTV to be installed along the security fencing associated with the Onsite Substation and Energy Storage System would utilise infrared technology.”

- A2.47 No further assessment has been conducted as explained in Paragraph 6.3.61 of Chapter 6 – Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-O58 and PS-O59), penultimate bullet point:

“Night-time effects are not assessed as no lighting is proposed apart from motion activated security lighting around the Onsite Substation and Energy Storage System. It is considered that the principal visual receptors would experience the local landscape in the daytime.”

Network Connection Draft EN3 paragraph – 3.10.34–3.10.39

- A2.48 Paragraph 3.10.34 to 3.10.39 deal with network connections. As noted at paragraph 3.10.36 of Draft EN3, larger developments may seek connection to the transmission network – as is the case at Heckington Fen. A Grid Connection Agreement is confirmed to Bicker Fen Substation, thereby maximising the use of existing infrastructure as noted in the paragraph 3.10.38. The connection has sought to minimise disruption to the local community by seeking to use existing accesses; and choosing a grid route which was preferred during consultation. The cumulative impacts as noted at 3.10.39 have been considered extensively in various application documents.

Capacity of a site – Draft EN3 paragraph – 3.10.41 – 3.10.49

- A2.49 Paragraph 3.10.41 to 3.10.49 of Draft EN3 deal with the generation capacity of a site. In line with the wording at paragraph 3.10.44 the Applicant has used 400MW as a minimum alternating current (AC) in line with the grid export connection. The Outline Design Principles consider a Rochdale Envelope of maximum parameters to measure other



aspects of the site for the Environmental Impact Assessment.

Site layout design and appearance Draft EN3 paragraph – 3.10.50-3.10.55

- A2.50 The points listed within this section of the draft NPS have been considered in site selection and design of the site and are covered Chapters 3 and 4 of the ES (Document References 6.1.3 and 6.1.4).

Project Lifetime – Draft EN3 paragraphs 3.10.56 – 3.10.58

- A2.51 The Applicant is proposing for 40 year lifetime which has been assessed in the ES and therefore decommissioning has been considered where possible. There is an Outline Decommissioning and Restoration Plan (document reference 7.9/PS-150) submitted as part of the application which has considered the process as best as possible at this time.

Decommissioning – Draft EN3 paragraph 3.10.59-3.10.60

As the lifetime of the project is 40 years the need to decommission is considered within the application. This has been completed by all the technical assessments within the ES. Section 4.9 of the ES Chapter 4 (document reference 6.1.4) talks through this assessment and what is proposed at decommissioning. There are sections of Bicker Fen substation that will not be decommissioned and the reasoning for this is explained in section 4.9 of the ES. The necessary topics such as LVIA have considered these sections of Bicker Fen extension remaining beyond 40 years

Flexibility in the project details – Draft EN3 paragraph 3.10.61-3.10.63

- A2.52 It is recognised that current and future uncertainties and rapidly evolving technology dictate that there is a need for flexibility in design, layout and technology for solar and energy storage proposals. The design has therefore been undertaken reflecting the Rochdale Envelope approach which allows for the ES to assess a worst case scenario. Accordingly, the project has been framed within a number of set parameters, as described within the Outline Design Principles (document reference: 7.1/PS-138).

Biodiversity and ecological conservation – Draft EN3 paragraph 3.10.66-3.10.83

Paras 3.10.66 to 3.10.83 set out the NPS guidance in relation to Biodiversity and Ecological conservation.

- A2.53 The applicant has used a combination of third-party ecological advisors and in house capacity during the project design process to ensure that adverse impacts have been identified and the mitigation hierarchy has been applied. By taking this approach the Applicant has ensured that impacts are avoided, minimised or mitigated for. Where possible opportunities have been sought to maximise biodiversity enhancements. This has been evidenced through the Solar Parks Biodiversity Net Gain (BNG) Strategy that has led to the avoidance of impacts through the retention, enhancement and the creation of habitats as part of a suite of interventions resulting in the reversion of arable land of low biodiversity value to a mosaic of grassland, scrub, woodland and hedgerow.

- A2.54 Paras 3.10.66 to 3.10.70 have been addressed in EIA Chapter 8: Ecology and Ornithology and its associated appendices and plans.

A2.55 Paras 3.10.73 and 3.10.74 have been addressed with the site design adopting ecologically sensitive lighting strategies and incorporating approximately 8.5km of new hedgerow planting and a network of internal grassland buffer strips. These buffer zones amount to approximately 66ha of grassland and scrub and allow the site to remain ecologically permeable; enabling mammals and other fauna to access and move through the site.

A2.56 Paras 3.10.80 and 3.10.81 acknowledge that Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains. The Applicant is setting out a clear and ambitious strategy of enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Governments 25 year Plan for the Environment, Environmental Improvement Plan and the Environment Act 2021.

Landscape, visual and residential amenity – Draft EN3 paragraph 3.10.84–3.10.92

A2.57 Chapter 6 of the ES Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-058 and PS-059) represents the Applicant’s assessment of the potential significant landscape and visual effects brought about by the Proposed Development. Its scope of work, methodology, and viewpoint selection had been agreed with local councils during the PEIR stage. The preliminary findings of the PEIR LVIA, coupled with other environmental and technical constraints, informed the final layout of the proposed Energy Park. The embedded in-design mitigation measures are discussed in detail at Paragraphs 6.6.1 – 6.6.14 of Chapter 6 – Landscape and Visual Rev 2 August 2023 (document reference 6.1.6/ PS-058 and PS-059) – this responds to the criteria for good design set out in Section 4.6 of EN-1.

A2.58 Whilst located in level landscape, in reality the visibility of the Proposed Development would be reduced by built form and isolated areas of vegetation including hedgerows. Due to the distance and large scale landscape, and generally low profile of the proposed Energy Park, the assessment concluded no significant residual adverse visual effects upon any of the medium or long range receptor – refer to Table 6.6 page 41 and 42 of Chapter 6 – Landscape and Visual (document reference 6.1.6/ PS-058 and PS-059), indicating that the proposed mitigation planting can successfully screen or substantially reduce the visibility of the proposed Energy Park.

Glint and Glare – Draft EN3 paragraph 3.10.93–3.10.97

A2.59 For Glint and Glare, the reference to emerging EN-3 is contained within the Glint and Glare Chapter of the ES –Chapter 17(Document reference 6.2.17/APP-070) from paragraph 17.3.34.

A2.60 Draft EN3 paragraph 3.10.93 refers to definitions of glint and glare and is met in Chapter 17of the ES at paragraphs 17.3.1–17.3.6

A2.61 Draft EN3 paragraph 3.10.94 refers to mapping receptors and this can be found in Figure 17.1 – Panel Area boundary and ZTV (document reference 6.2.17/APP-169)

A2.62 Draft EN3 paragraph 3.10.95 refers to providing an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection. This is included in the ForgeSolar reports in Appendices 17.1, 17.3 and 17.4 (document reference 6.3.17.1/APP-225, 6.3.17.3/APP-227 and 6.3.17.4/APP-228) and also in the main chapter in section 17.6.



- A2.63 Draft EN3 paragraph 3.10.96 refers to assessing tracking panels but as that is not part of the design, it is not discussed in chapter 17
- A2.64 Draft EN3 paragraph 3.10.97 refers to the potential for solar PV panels, frames and supports to have a combined reflective quality. This is addressed in paragraph 17.9.9 and 17.9.31 of the Chapter but is discounted. Cumulative effects with other solar sites/other potential sites are discussed in section 17.8.

Cultural Heritage – Draft EN3 paragraph 3.10.98-3.10.110

- A2.65 Heritage considerations set out in the Cultural Heritage chapter of the ES (Document Reference 6.1.10/APP-063) include description of the baseline conditions in Section 10.4 and assessment of likely significant effects at section 10.5. Mitigations and enhancements arising from the proposals are set out in section 10.6 and cumulative heritage effects are considered at section 10.7 of the Cultural Heritage chapter.

Appendix 3 – Summary of Policies of the South East Lincolnshire Local Plan

- A3.1 Policy 1 – Spatial Strategy – this policy identifies the settlement hierarchy and confirm the application as being located within the Countryside which constitutes the rest of the Local Plan area outside of defined settlements set out in the Policy. Within the Countryside the policy states that development will be permitted that is necessary to such a location where it can be demonstrated as meeting sustainable development needs in terms of economic, community or environmental benefits.
- A3.2 It is acknowledged that the proposals fall within the Countryside. The locational constraints and site selection are considered within the alternatives considered within Chapter 3 of the ES (Document Reference 6.1.3). The proposed development accords with Policy 1.
- A3.3 Policy 2 – Development Management – this policy sets out a range of sustainable development considerations which if met would result in development being permitted. Relevant criteria for the proposal include scale, layout, impact on amenity character and appearance of the area, design quality, access. Infrastructure capacity, impact on neighbouring land uses from noise odour, visual intrusion, flood risk, and impact on habitats or heritage.
- A3.4 Each of the criteria of Policy 2 are addressed within the respective chapters of the ES (Document 6.1) and the Statement of Need and Planning Statement (Document 7.3). The proposed development accords with Policy 2.
- A3.5 Policy 3 – Design of New Development – the policy requires development to create distinctive places through high quality and inclusive design. Relevant criteria for the proposals include, consideration of the landscape character of the location, crime prevention and community safety, residential amenity, mitigation of flood risk, minimizing land take to protect best and most versatile soils, incorporation of existing hedgerows and trees and provision of new landscaping to enhance biodiversity.
- A3.6 Chapter 3 of the ES (Document 6.1.3) sets out the iterative design process undertaken. Other criteria in Policy 3 are addressed in respective chapters of the ES (Document 6.1). The proposed development accords with Policy 3.
- A3.7 Policy 4 – Approach to Flood Risk – The policy requires consideration of flood risk for developments within flood zone 2 and 3 and consideration of the sequential test. It is noted that the sequential test is not applicable to proposals for change of use. Development of over 1 ha in all flood zones are required to demonstrate that surface water can be managed without increasing risk of flooding.
- A3.8 Chapter 9 of the ES (Document reference 6.1.9) addresses flood risk. It is demonstrated that the residual flood and hydrology effects from construction would be negligible and not significant, and the effects associated with operation of the energy park are negligible and not significant. The proposed development accords with Policy 4.
- A3.9 Policy 28 – The Natural Environment – this policy seeks to protect, enhance and manage natural assets. The policy addresses international, national or locally designated assets and seeks to address gaps in the ecological network by seeking an overall net gain in biodiversity.

- A3.10 The ecological effects of the proposal are considered in Chapter 8 of the ES (Document ref 6.1.8). The baseline conditions have been established concluding that the land is considered to be of low nature conservation value. Temporary disturbance is proposed to be minimised and mitigated for by the implementation of the CEMP. It is also established that the proposal will result in a biodiversity net gain. The proposed development accords with Policy 28.
- A3.11 Policy 29 – The Historic Environment – the policy seeks to conserve and where appropriate enhance the historic environment. Criteria are set in regard to development likely to affect listed buildings, conservation areas and archaeological interests.
- A3.12 The Applicant has considered this policy within ES Chapter 10 – Cultural Heritage. The outline mitigation strategy presented in Chapter 10 (document reference 6.1.10, Revision 2), Figure 10.4 (Revision 2), and Outline WSI – Mitigation (document reference 7.14, Revision 2) seek to accord with the requirements of this policy (and policies CLLP S57 and SELLP 2,3 as well as 29).
- A3.13 Policy 30 – Pollution – the policy requires that developments will not be permitted where they would lead to unacceptable impacts on aspects including health and safety of the public, amenities of the area, or the natural, historic or built environment through air quality, noise, vibration, light and land quality or surface or ground water.
- A3.14 Policy 30 (Pollution) required consideration of the potential for unacceptable impacts by way of several potential factors including noise and vibration. The Applicant carried out a noise assessment presented in chapter 12 of the ES (PS-069) which concludes that the impact on BCC receptors is likely to be neutral, subject to the proposed control and mitigation measures. The proposed development is therefore in accordance with Policy 30.
- A3.15 Policy 31 – Climate Change and Renewable and Low Carbon Energy – the policy requires demonstration that the consequences of climate change are considered, minimized and mitigated. In regard to renewable energy generation, proposed structures will be supported provided no individual or cumulative significant harm to visual amenity, landscape character, residential amenity, highways safety, agricultural land take, heritage assets and the natural environment.
- A3.16 Chapter 13 of the ES (Document Ref 6.1.13) specifically addresses climate change matters and effects of the proposal. Each of the criteria of Policy 31 are addressed within the respective chapters of the ES (Document 6.1) and the Statement of Need and Planning Statement (Document 7.3). The proposed development accords with Policy 31.
- A3.17 Policy 33 – Delivering a More Sustainable Transport Network – The policy outlines how the LPA will work with partners to deliver better promotion and management of the existing transport network, identifying priorities for road based users, public transport, walking and cycling.
- A3.18 The Applicant considers that the proposals are in accordance with Policy 33. Paragraph 3.15 of the oCTMP confirms that it is not anticipated that the proposals will materially affect the PRoW HECK/15/1 (i.e. it is proposed to remain open) and paragraph 7.37 of the oCTMP confirms that the PRoWs adjacent to the South Forty Foot Drain will not be affected by the cable route works (i.e. they are proposed to remain open).

Appendix 4 – Additional relevant policies of the Central Lincolnshire Local Plan, in addition to those already considered in the Statement of Need and Planning Statement

- A4.1 Policy S1 – The Spatial Strategy and Settlement Hierarchy – the policy defines the settlement hierarchy for the local plan area, identifying the urban area, main towns, market towns, villages and hamlets. Countryside is defined as being areas outside those settlements. Within the countryside the policy states that development would be limited to proposals allowed by policies of the plan and restricted to development essential to agriculture, delivery of infrastructure, renewable energy generation and minerals or waste development in accordance with minerals and waste policy.
- A4.2 *It is acknowledged that the proposals fall within the Countryside. The development is for renewable energy generation which is one of the categories of development confirmed by Policy S1 as permissible in the Countryside. The proposed development accords with Policy S1.*
- A4.3 Policy S5 – Development in the Countryside – the Policy defines the types of development which are supported in the countryside, including subject to set criteria, residential conversions, replacement dwellings, mobile homes, new dwellings, non-residential development and agricultural development. For non-residential development, Part E of the policy confirms that proposals will be supported where they are justifiable to maintain the rural economy or justified by proximity to another established business or natural feature, are suitably accessible, would not conflict with neighbouring uses and are of a size commensurate with the proposed use.
- A4.4 *The locational constraints and site selection are considered within the alternatives considered within Chapter 3 of the ES (Document Reference 6.1.3). These matters demonstrate that the requirements of Part E of Policy S5 are met.*
- A4.5 Policy S10 – Supporting a Circular Economy – the plan is supportive of proposals which meet the principles of a circular economy, meeting the 3 principles of designing out waste and pollution, keeping products and materials in use and regenerating natural systems.
- A4.6 *Chapter 18 of the ES (Document ref 6.1.18) includes consideration and assessment of waste issues, concluding that the Construction Environmental Management Plan (CEMP) and Decommissioning and Restoration Plan (DRP) will incorporate an appropriate strategy and secure the required mitigation. It is concluded that the resultant effect will be not significant. The proposed development accords with Policy S10.*
- A4.7 Policy S11 – Embodied Carbon – All development should, where practical and viable, take opportunities to reduce the development’s embodied carbon content, through the careful choice, use and sourcing of materials.
- A4.8 *Chapter 13 of the ES (Document Ref 6.1.13) specifically addresses climate change matters and effects of the proposal. In addition matters relating to Waste are addressed in Chapter 18. It is demonstrated that the proposal meets the requirements*

of Policy S11.

- A4.9 Policy S12 – Water Efficiency and Sustainable Water Management – in addition to policy 21, all development comprising new buildings with outside hard standing must ensure the surface is permeable and give consideration to a green roof.
- A4.10 *Chapter 9 of the ES (Document reference 6.1.9) addresses flood risk. It is demonstrated that the residual flood and hydrology effects from construction would be negligible and not significant, and the effects associated with operation of the energy park are negligible and not significant. Consideration of a green roof is not relevant to the application. It is noted however that the development does facilitate additional landscaping and biodiversity benefits as set out in the proposals. The proposed development accords with Policy S12.*
- A4.11 Policy S14 Renewable Energy – This policy has been addressed at paragraph 8.4.7.
- A4.12 Policy S16 Wider Energy Infrastructure – This policy has been addressed at paragraph 8.4.10
- A4.13 Policy S21 – Flood Risk and Water Resources – The policy confirms that All development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. Criteria are also set for ensuring that development includes appropriate measures to address surface water run-off.
- A4.14 *Chapter 9 of the ES (Document reference 6.1.9) addresses flood risk. It is demonstrated that the residual flood and hydrology effects from construction would be negligible and not significant, and the effects associated with operation of the energy park are negligible and not significant. The proposed development accords with Policy S12.*
- A4.15 Policy S28 – Spatial Strategy for Employment – Employment related development proposals should be consistent with meeting the following overall spatial strategy for employment. The strategy is to strengthen the economy, providing employment opportunity proportionate to the settlement hierarchy.
- A4.16 *As noted in respect of Policy S1 above, the principle of the location of the application is supported as an appropriate use in the Countryside. Whilst the proposal is not formally and employment use, it will generate employment in the construction phase and the operational stage. It is therefore concluded that the proposal accords with the overall spatial strategy for the Local Plan, including the Spatial Strategy for employment.*
- A4.17 Policy S47 – Accessibility and Transport – the policy supports development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices. It is confirmed that any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.
- A4.18 The Applicant considers that the proposals are in accordance with Policy S47. Paragraph 3.15 of the oCTMP confirms that it is not anticipated that the proposals will materially affect the PRoW HECK/15/1 (i.e. it is proposed to remain open) and paragraph 7.37 of the oCTMP confirms that the PRoWs adjacent to the South Forty Foot Drain will not be affected by the cable route works (i.e. they are proposed to remain open).
- A4.19 Policy S53 – Design and Amenity – Development proposals are required to achieve high



- quality sustainable design, meeting criteria of the policy which address context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.
- A4.20 The Applicant has ensured it has met this policy by ensuring that proposed mitigation planting responds to the field pattern and echoes the historic presence of tree vegetation across the Fen, and simultaneously protects the visual amenity of the nearby receptors.
- A4.21 In terms of Glint and Glare, the Applicant has ensured they have met this policy by carrying out a glint assessment which addresses this policy. The glint assessment within the ES (Chapter: 17 Glint and Glare (document reference 6.1.17/APP-070) has confirmed that there will be negligible glint effects at residential receptors around the Energy Park. As a result, there are not expected to be detrimental effects on the amenity of neighbouring properties.
- A4.22 Policy S54 – Health and Wellbeing – The policy states that the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Criterion c of the policy includes for Development schemes safeguarding and, where appropriate, creating or enhancing the role of allotments, orchards, gardens and food markets in providing access to healthy, fresh and locally produced food.
- A4.23 *Work No 9B includes works to create a permissive path, including installing up to two footbridges. The proposal also includes the provision of the Community Orchard Work No.9c. These aspects will be a benefit arising from the development which will enhance Health and Wellbeing. Accordingly it is considered that the proposal meets the requirement of Policy S54.*
- A4.24 Policy S57 – The Historic Environment – The policy sets out how development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire, including through consideration of the affect on significant heritage assets and ensure protection of the significance of assets
- A4.25 *The Applicant has considered this policy within ES Chapter 10 – Cultural Heritage. The outline mitigation strategy presented in Chapter 10 (document reference 6.1.10, Revision 2), Figure 10.4 (Revision 2), and Outline WSI – Mitigation (document reference 7.14, Revision 2) seek to accord with the requirements of this policy S57.*
- A4.26 Policy S59 – Green and Blue Infrastructure – the policy states that the Central Lincolnshire Authorities will safeguard green and blue infrastructure in Central Lincolnshire from inappropriate development and work actively with partners to maintain and improve the quantity, quality, accessibility and management of the green infrastructure network. Proposals that cause loss or harm to the green and blue infrastructure network will not be supported unless the need for and benefits of the development demonstrably outweigh any adverse impacts. Criteria are set to define how proposals should take opportunities to incorporate blue and green infrastructure, address biodiversity net gain, respond to landscape character and support climate adaptation and healthy lifestyles.
- A4.27 *The Applicant has ensured it has met this policy by ensuring the at the mitigation measures include development is offset from the field edges, existing vegetation and water features. The existing vegetation would be strengthened with additional hedgerow and tree planting, and would create a robust landscape framework around*

and within the Energy Park.

- A4.28 Policy S60 – Protecting Biodiversity and Geodiversity – the policy requires that all development should protect manage, enhance and expand the network of habitats, minimise impact on biodiversity and geodiversity deliver proportionate net gains in biodiversity and protect and enhance the aquatic environment within and adjoining the site.
- A4.29 *The ecological effects of the proposal are considered in Chapter 8 of the ES (Document ref 6.1.8). The baseline conditions have been established concluding that the land is considered to be of low nature conservation value. Temporary disturbance is proposed to be minimised and mitigated for by the implementation of the CEMP. It is also established that the proposal will result in a biodiversity net gain. The proposed development accords with Policy S60.*
- A4.30 Policy 61 – Biodiversity Opportunity and Delivering Measurable Net Gains – Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale. All qualifying development proposals should deliver at least 10% measurable biodiversity net gain attributable to the development, calculated using Natural England’s Biodiversity Metric
- A4.31 *The ecological effects of the proposal are considered in Chapter 8 of the ES (Document ref 6.1.8). It is also established that the proposal will result in a biodiversity net gain. The proposed development accords with Policy S61.*
- A4.32 Policy S66 – Trees, Woodland and Hedgerows – The policy states that Development proposals should be prepared based on the overriding principle that the existing tree and woodland cover is maintained, improved and expanded; and opportunities for expanding woodland are actively considered, and implemented where practical and appropriate to do so. Detail of the policy addresses the protection of existing trees and woodland and mitigation of loss. Opportunities for new trees and woodland should be explored and proposals should set out arrangements for future management and maintenance.
- A4.33 *The Applicant has ensured they have met this policy by ensuring that the overwhelming majority of existing hedgerow and tree vegetation within the Order Limits would be protected and retained. The additional planting: hedgerows, hedgerow trees, and woodland would provide a net gain in terms of hedgerow and tree resource within the Order Limits.*
- A4.34 Policy S67 – Best and Most Versatile Agricultural Land – This policy has been addressed at paragraph 8.4.12.
- A4.35 Policy S84 – Ministry of Defence Establishments – the policy states that Development will not be supported where it would adversely affect military operations or capability unless those impacts can be appropriately mitigated in agreement with the MOD.
- A4.36 *Consultation with the MOD in August 2022 noted “After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal at this stage.” In line with the MOD’s requests to receive further details they have been updated on the Proposed Development since this date but no further commentary has been offered.*



A4.37 *The Applicant has ensured they have met this policy in terms of Glint and Glare as set out within the ES Chapter 17 : Glint and Glare (document reference 6.1.17/APP-070).*

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