# Sequential Test.

## Eden Meadows Solar Farm.

On behalf of JBM Solar Projects 28 Ltd.

Date: October 2025 | Pegasus Ref: P25-1599

Author: RK / PMB

# Document Management.

| Version | Date | Author | Checked/ Approved by: | Reason for revision |
|---|---|---|---|---|
| V5 | 16.10.25 | RK | PMB | Final Version |

# Contents.



# Appendices contents.

# 1. Introduction

1.1. This Sequential Test has been prepared on behalf of JBM Solar Projects 28 Ltd ("the Appellant") and relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning Land to North of Stretton Road, Morton, Alfreton, DE55 6HA ("the Appeal Site" or "the Site").

1.2. This Sequential Test has been prepared in relation to following ("the Proposed Development"):

> ***"The installation and operation of a renewable energy generating station comprising of ground-mounted photovoltaic solar arrays together with inverter/transformer units, BESS units, control house, substation, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancements (Major Development/Affecting Public Right of Way) (Amended Plans)"***

1.3. Following the decision of North East Derbyshire District Council ("NEDDC") as the Local Planning Authority ("the LPA") ("the Council") to refuse a Planning Application for Full Planning Permission (ref: 23/01089/FL) an Appeal has now been lodged. This Sequential Test is included as part of the Appeal submission. A Site Selection Report was prepared by Enzygo (dated May 2025) (Core Document 2.26) and formed part of planning application reference 23/01089/FL. This report provides an Addendum to the May 2025 Site Selection Report (Core Document 2.26) and provides further assessment of the potential alternative sites to accommodate the Proposed Development in the form of a Sequential Test.

1.4. This report should be read in conjunction with the Site Selection Report prepared by Enzygo (dated May 2025) (Core Document 2.26) as well as the Flood Risk Assessment and Drainage Strategy (March 2025) (Core Document 2.21) and the Flood Risk Assessment and Drainage Strategy (October 2025) (Core Document 11.4) which provides further detail and assessment.

1.5. It is noted that in September 2025, the Flood Risk and Coastal Change PPG was updated and paragraph 27 introduces exemptions from the sequential test for certain developments stating that: ***"Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*** An updated Flood Risk Assessment and Drainage Strategy supports this appeal. In light of the current policy (given the updates to paragraph 27 of the PPG), it is not considered necessary to submit a Sequential Test, however, this report has been submitted should there be any further changes to policy during the course of the appeal.

**Structure of this Report**

1.6. This report is structured as follows:

- Section 2 – Provides a Site description including the flood characteristics of the Site;
- Section 3 – Sets out the planning policy framework;

- Section 4 – Outlines the sequential assessment criteria;
- Section 5 – Assessment of Alternative Sites
- Section 6 – Considers the Exceptions Test; and
- Section 7 – Provides a summary and conclusion.

# 2. Site Description

2.1. The Appeal Site extends to approximately 66 hectares and comprises agricultural land. The Site is located c. 560m to the north of the centre of Morton and c. 1.97km south-east of the centre of Clay Cross. The Appeal Site is described as Land to the North of Stretton Road, Morton, Alfreton, DE55 6HA. The Appeal Site is centred on co-ordinates: X: 440373, Y: 360829.

2.2. No designated heritage assets are located within the Appeal Site boundary.

2.3. The Appeal Site is not within any statutory or non-statutory designations for nature conservation, although it is within a Site of Special Scientific Interest ("SSSI") Impact Risk Zone.

2.4. The following non-statutory Local Wildlife Sites ("LWS") are located within 500m of the Appeal Site:

- Morton Colliery (NE365) (located adjacent to the south-eastern boundary of the Appeal Site).
- Padley Wood (NE106) (located adjacent to the railway line, c. 226m north of the Appeal Site).
- Morton Railway (NE108) (located c. 393m south-east of the Appeal Site).
- Padley Wood Poultry Farm (NE109) (located c. 473m north-east of the Appeal Site).

2.5. There is an Ancient Woodland (Padley Wood) located c. 300m to the north of the Appeal Site.

2.6. The Appeal Site does not fall within any national or local landscape designations and is not a valued landscape.

2.7. No designated heritage assets are located within the Appeal Site boundary. To the south of the Appeal Site is Morton Conservation Area, there are five Grade II Listed Buildings, and one Grade II* Listed Building located within Morton.

**Flood Characteristics of the Site**

2.8. A site-specific Flood Risk Assessment and Drainage Strategy (prepared by LDE, dated March 2025) (Core Document 2.21) was submitted as part of the planning application. An updated site-specific Flood Risk Assessment and Drainage Strategy (prepared by LDE, dated October 2025) (Core Document 11.4) is included as part of the appeal submission to reflect the proposed Amended Scheme.

<u>Fluvial Flood Risk</u>

2.9. The Appeal Site is located within Environmental Agency ("EA") Flood Risk Zone ("FRZ") 1, meaning the Site has a low probability of flooding. This means that in any year the Site has a less than 0.1% chance of flooding from rivers or the sea.

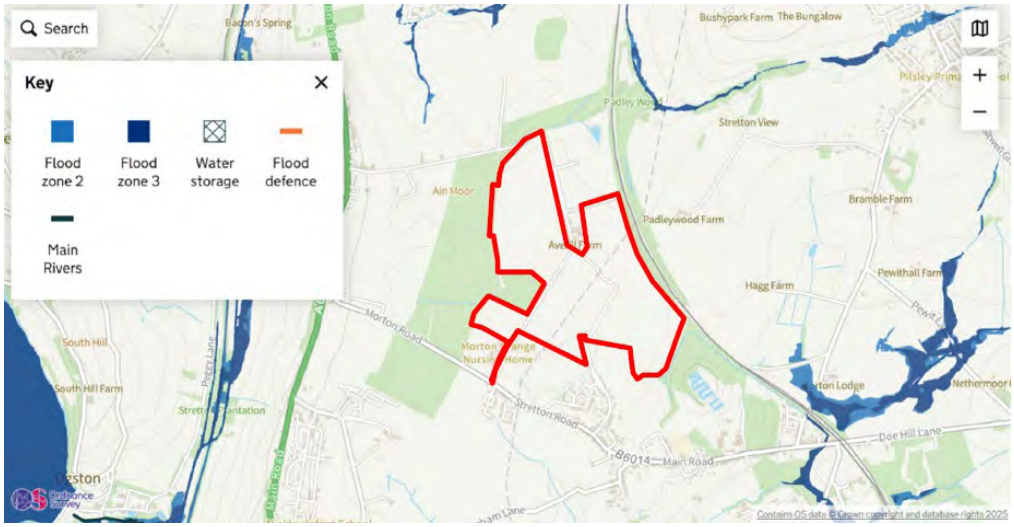



*Figure 1: Environment Agency 'Flood Map for planning (Updated August 2025) (Figure 4.1 Flood Risk Assessment and Drainage Strategy (LDA October 2025))*

Surface Water Flood Risk

2.10. According to the EA's surface water flood map, the majority of the Site is at very low risk of flooding. However, there are three localised areas of low to high surface water flood risk. This is mostly focused on two local topographical low areas, one along the western boundary and another in the centre just off the wooded area and with the central access road running through the centre of it.


*Figure 2: Environment Agency 'Flood risk from surface water - Extents' map (Updated August 2025) (Figure 4.2 Flood Risk Assessment and Drainage Strategy (LDA October 2025))*

2.11. Figure 4.3 and 4.4 of the Flood Risk Assessment and Drainage Strategy (LDA October 2025) (Core Document 11.4) show the surface water depth scenarios for 'up to 60cm scenario' and 'up to 90m scenario' retrospectively. The Flood Risk Assessment and Drainage Strategy notes that the flood depths on Site are anticipated to generally be between 300-900mm within the two low lying areas during a 1 in 100 year event. Additionally, the Flood Risk Assessment and Drainage Strategy outlines that there are also higher risk/depth/ flow paths associated with the ordinary watercourses bordering the Site to the west / north and east. However, these are largely restricted to the watercourses and do not cross into the Site's boundaries.

Groundwater Flood Risk

2.12. There is no site-specific ground investigation data available for the Site to confirm the geology and groundwater levels on the Site. However, the Flood Risk Assessment and Drainage Strategy notes that BGS borehole records have found the underlying Coal Measure bedrock struck groundwater mostly between 3.90 and 4.50mbgl.

Flooding from Sewers

2.13. There are no public surface water sewers within the Site's boundaries.

Reservoir Flood Risk

2.14. The Flood Risk Assessment and Drainage Strategy confirms that the Site is not at risk of reservoir flooding.

# 3. Planning Policy Framework

3.1. Section 4 of the previously submitted Site Selection Report (Core Document 2.26) set out the Development Plan and Material Considerations. The following section provides a summary of the relevant planning policy and guidance at a national and local level in respect of the Sequential and Exception Tests.

**National Planning Policy Framework (NPPF) (December 2024)**

3.2. **Paragraph 170** explains that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

3.3. **Paragraph 174** states that ***"the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test."***

3.4. **Paragraph 175** states that ***"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."***

3.5. **Paragraph 177** then goes on to explain that ***"if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3."***

3.6. **Annex 3** categorises different types of development according to their vulnerability to flood risk and solar farms along with essential utility infrastructure (including infrastructure for electricity supply including generation, storage and distribution systems) are classified as 'Essential Infrastructure'.

3.7. For planning applications, **Paragraph 178** explains that the application of the Exception Test should be informed by a site-specific flood risk assessment and for it to be passed it should be demonstrated that:

> ***a) "the development would provide wider sustainability benefits to the community that outweigh the flood risk; and***
>
> ***b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."***

3.8. **Paragraph 179** states that both elements of the Exception Test should be satisfied for development to be permitted.

**National Planning Practice Guidance (NPPG)**

3.9. The Government's web-based resource provides guidance on the planning system which is to be read alongside the NPPF and is a material consideration in the determination of planning applications and appeals. 'Flood Risk and coastal change' forms one of the chapters of the NPPG.

3.10. **Paragraph 023** sets out the aim of the sequential approach explaining that:

> ***"Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk."*** (Paragraph: 023 Reference ID: 7-023-20220825)

3.11. It goes on to say at **Paragraph 024** how the Sequential Test can be applied to the location of development:

> ***"The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:***
>
> ***i. Within medium risk areas; and***
>
> ***ii. Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas"***
>
> (Paragraph: 024 Reference ID: 7-024-20220825)

3.12. **Paragraph 027** explains how the Sequential Test should be applied for planning applications advising that:

> ***"The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.***
>
> ***In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk***

***mapping), without increasing flood risk elsewhere, then the sequential test need not be applied"*** (Paragraph 027 Reference ID: 7-027-20220825)

3.13. In light of the Paragraph 27 which was updated in September 2025, it is not considered that a Sequential Test is necessary to support the Proposed Development, however, this report has been provided in case of any further policy changes during the course of the appeal.

3.14. **Paragraph 027a** explains how the area of search for the Sequential Test should be identified advising that:

> ***For individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. For some developments this may be clear, for example, the catchment area for a school. For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements.***
>
> ***A pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location. Equally, where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.***
>
> ***The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.***
>
> ***For infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively".*** (Paragraph: 027a Reference ID: 7-027a-20220825).

3.15. It goes on to say at **Paragraph 028** in terms of reasonably available sites that:

> ***"Sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal.***
>
> ***In considering whether alternative lower-risk sites (which could, where relevant, be a series of two or more smaller sites) would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the applicant to be considered 'reasonably available'."*** (Paragraph: 028 Reference ID: 7-028-20220825)

3.16. Paragraph 029 confirms who is responsible for deciding whether an application passes the sequential test:

> ***"Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market. The applicant may also need to check on the current status of relevant sites to determine if they can be considered 'reasonably available'"*** (*our emphasis*).

3.17. In conclusion the paragraph states:

> ***"Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere."*** (Paragraph: 029 Reference ID: 7-029-20220825)

3.18. In respect of the Exception Test, **Paragraph 032** explains that the Exception Test should only be applied as set out in **Table 2** and only if the Sequential Test has shown that there are no reasonably available, low-risk sites, suitable for the Proposed Development, to which the development could be steered[1]. **Table 2** is provided at **Paragraph 079**[2] and repeated on the following page.

[1] Paragraph 032, Reference ID: 7-030-20220825
[2] Paragraph 079, Reference ID: 7-079-20220825

| Flood Zones | Flood Risk Vulnerability Classification | | | | |
|---|---|---|---|---|---|
| | Essential infrastructure | Highly vulnerable | More vulnerable | Less vulnerable | Water compatible |
| Zone 1 | ✔ | ✔ | ✔ | ✔ | ✔ |
| Zone 2 | ✔ | Exception Test required | ✔ | ✔ | ✔ |
| Zone 3a † | Exception Test required † | X | Exception Test required | ✔ | ✔ |
| Zone 3b * | Exception Test required * | X | X | X | ✔ * |

Key:

✔ Exception test is not required

X Development should not be permitted

3.19. For essential infrastructure within Flood Zones 3a and 3b, the notes to Table 2 advise:

- "†" In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.
- "*" In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

  o remain operational and safe for users in times of flood;

  o result in no net loss of floodplain storage;

  o not impede water flows and not increase flood risk elsewhere.

3.20. **Paragraph 035** explains when it needs to be applied to planning applications:

> ***"The Exception Test should only be applied when following application of the Sequential Test, it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives). The applicant will need to provide the local planning authority with evidence to demonstrate how both elements of the Exception Test will be satisfied."*** (Paragraph: 035 Reference ID: 7-032-20220825)

**National flood risk standing advice for Local Planning Authorities**

3.21. In August 2024, the Environment Agency published standing advice for LPAs and states that:

*"A Sequential Test is required for major and non-major development…if any proposed building, access and escape route, land-raising or other vulnerable element will be:*

- *in flood zone 2 and 3*
- *in flood zone 1 and your SFRA shows it will be at increased risk of flooding during its lifetime*
- *subject to sources of flooding other than rivers or sea"*

3.22. It goes on to advise that a development is not exempt from the Sequential Test just because an FRA shows the development can be made safe throughout its lifetime without increasing risk elsewhere.

**North East Derbyshire Local Plan 2014-2023**

3.23. Policy SDC11 'Flood Risk and Drainage' states:

***"1. All development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. This should be demonstrated through a Flood Risk Assessment (FRA), where appropriate. Development will not be permitted unless:***

***a. If within the functional floodplain (Flood Zone 3b), it is water compatible or essential infrastructure;***

***b. In Flood Zones 2 and 3a, it passes the Sequential Test, and if necessary the Exceptions Test, as required by national policy;***

***c. It can be demonstrated through an FRA that the development, including access, will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk overall;***

***d. There is no net increase in surface water runoff for the lifetime of the development on all new development. Surface water runoff should be managed at source wherever possible, avoiding disposal to combined sewers;***

***e. Part of the development site is set aside for surface water management, and uses measures to contribute to flood risk management in the wider area; and***

***f. The development incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage, in accordance with national SuDS standards, unless it is proven that SuDS are not appropriate in a specific location. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance."***

# 4. Sequential Test Assessment Criteria

**Identification of the Search Corridor**

4.1. National or local guidance does not provide any definition on the extent of assessment areas which the study area should consider in the application of the Sequential Test. Indeed, the NPPG advises that the catchment area is defined by local circumstances for the type of development proposed.

4.2. Given that there is no Government guidance on what a reasonable Study Area should be, each planning application should be considered on its own merits given the type of development proposed. In the case of a solar farm project, the viability of an available connection to the grid is different for each site and will depend on the size of the proposed solar farm and the voltage at which the connection takes place.

4.3. The agreed point of connection ("POC") for the Proposed Development is into an existing overhead 132kV electricity pylon within the Site boundary. The submitted Site Selection Report (Core Document 2.26) outlined that a 3km Search Corridor has been established around the identified POC. The Appellant has confirmed that sites outside of this 3km Search Corridor would be unviable due to increased grid connection costs which would be commercially prohibitive to the Proposed Development. The Search Corridor is shown on the plan at **Appendix A**.

4.4. The approach of assessing other available sites within a viable distance of an agreed Point of Connection has been followed by a number of Inspectors in solar farm appeals, such as Southlands (Core Document 6.22) and Thoroton (Core Document 6.29).

**Site Criteria**

4.5. The below considerations were set out in the submitted Site Selection Report (Core Document 2.26) to be factored in to considering alternative sites, to ensure that any potential site would meet the operational needs and requirements of the Proposed Development.

- Suitable Grid Connection.
- Previously Developed Land.
- Agricultural Land Classification – avoiding 'Best and Most Versatile' ("BMV") agricultural land.
- Flood Risk.
- Suitable Size and Orientation.
- Road Access.
- Solar Irradiation.
- Statutory Designations.

- The site must not be allocated within local planning policy for development that would conflict with the Proposed Development (e.g. allocated for housing).

- A suitable site that is available for the duration of the solar development's operational life.

4.6. Please refer to Section 5 (Table 1) of the submitted Site Selection Report (Core Document 2.26) for further assessment and details of the criteria considered when identifying sites suitable for the Proposed Development.

4.7. The Council in the Committee Report (CD3.1) confirmed that in response to Core Document 2.26 that:

*"7.60 Officers conclude that the site avoids more the sensitive landscapes in the District and there is no Brownfield land in the District which could accommodate it. Furthermore, the necessary agreements are in place to deliver renewable energy in a timely manner and as such it is considered* ***the application site is, in these terms, an appropriate site for it***."

4.8. The plan at **Appendix B** shows the environmental constraints (including Flood Risk) (without the ALC layers). A separate plan is included at **Appendix C** which demonstrates that the land within the Search Corridor comprises Grade 3 and Grade 4 agricultural land.

**Brownfield Land Register**

4.9. The NPPG states that in considering ground-mounted solar farms, the focus should be on the effective use of previously developed and non-agricultural land. Commercial rooftops are not explicitly considered. For the Proposed Development, commercial rooftops were not considered as they are not considered feasible or viable at the proposed scale and the potential for a proposal spread across multiple rooftops would not be commercially or economically viable.

4.10. The submitted Site Selection Report (Core Document 2.26) considered previously developed land, and stated at paragraph 5.4.10 that ***"A site search was undertaken to review potential PDL/Brownfield sites within 3km of the search corridor from the available Grid Point of connection, no suitable sites were identified given the fact that they were not a sufficient size (approx. 60ha) to accommodate the proposed Solar PV development."*** The latest publication of the North East Derbyshire's Brownfield Land was in September 2024. As the Site Selection Report (Core Document 2.26) was prepared in May 2025 (using this data), the latest available information has already been appraised and so it continues to be the case that there are no new potential PDL / Brownfield sites are available in the 3km site search corridor.

# 5. Assessment of Alternative Sites

5.1. Appendix 1 of the Site Selection Report (Core Document 2.26) indicates other alternative landholdings which are of at least 50 acres (highlighted in yellow on the plan), within the identified 3km Search Corridor. This plan is duplicated again at **Appendix A** of this Report. Further assessment of these alternative sites is set out below.

5.2. The site search was conducted on the basis of identifying potential landholdings of 20ha (50 acres) or more in the first instance as it is the most efficient way to obtain sufficient land for a viable site to avoid multiple landowners and land agreements. Following this initial site identification step, the locations of landholdings of at least 20ha (50 acres) were reviewed to identify areas with a combined site area large enough to accommodate the Proposed Development. It is noted that a 49.9MW solar farm will require approximately 50-80ha (125 to 200 acres) in line with EN-3[3]. Depending on the size of the landholdings, in some instances areas large enough to accommodate the Proposed Development will require several landholdings with at least 20ha of land. Where landholdings of 20ha or more are not in close enough proximity to other landholdings of 20ha or more (to allow a combined area suitable to accommodate the Proposed Development) they have been excluded from further consideration.

5.3. Only in circumstances where the landowner has expressed an interest in the Proposed Development would the potential site be considered to be available to accommodate the Proposed Development. To identify viable landholdings the Applicant, or Applicant's agent, sends letters to all potentially viable title landowners which are identified, this is then followed up with additional letters, phone calls and onsite meetings if the landowner(s) engage with the Applicant. This is considered to be a comprehensive engagement strategy and only when a landowner doesn't engage following this, is the title deemed unviable due to lack of engagement from the landowner. All titles with more than c. 20ha (c. 50 acres) were contacted as part of the site identification process.

5.4. As identified at **Appendix D**, in addition to the Appeal Site, there are four broad locations with titles of more than 20ha (50 acres) within the 3km Search Corridor. These four locations are discussed in further detail below**.**

5.5. The plan included at **Appendix E** shows the land titles of more than 20ha (50 acres) as well as the Environmental Designations and Surface Water Mapping.

5.6. There is a railway line located to the east of the Appeal Site. The railway line provides a significant constraint against development to the east of the Proposed Development due to the cost of providing a connection underneath the railway cutting. Such a connection would not be viable. The Appeal Site and Location 4 are the only two identified locations which

[3] National Policy Statement for Renewable Energy Infrastructure (EN-3) states at paragraph 2.10.17: *"Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. However, this will vary significantly depending on the site, with some being larger and some being smaller."*

would not require cabling underneath the railway cutting and would therefore be preferable in terms of connecting the solar farm to the POC.

**Location 1 – Land at Hagg Farm and Padleywood Farm**

5.7. Location 1 is situated to the east of the railway line and includes land surrounding Hagg Farm and Padleywood Farm. Morton Road and Pilsley Road broadly follow the eastern boundary. The northern most parcel of this landholding forms an operational solar farm.

5.8. There is one Public Right of Way ("PRoW") running in a broadly south-westerly to north-easterly direction through Padleywood Farm and along Padleywood Lane.

5.9. The Natural England Provisional ALC Mapping for Location 1 identifies that there is some land illustrated to be undefined Grade 3 agricultural land. Therefore, Location 1 could comprise Best and Most Versatile ("BMV") agricultural land if a site specific ALC survey was undertaken.

5.10. An area of Ancient Woodland is located in the north-western portion of Location 1.

5.11. As referenced earlier in this section, Location 1 would require cabling underneath the railway line which would not be viable.

5.12. In terms of surface water flooding, there are areas at risk of surface water flooding within Location 1.

5.13. There is a small portion of land within Flood Zone 2 and 3 which broadly follows the boundary of the northern area of this landholding.

5.14. In terms of flood risk, Location 1 is not sequentially preferable when compared to the Appeal Site. Further, the landowners for Location 1 were contacted, however they did not express an interest in progressing with the Proposed Development.

**Location 2 – Land at Sitwell Grange Farm**

5.15. Location 2 is located on Land at Sitwell Grange Farm located to the north-west of Tibshelf.

5.16. Doe Hill Lane (B6014) is located adjacent to the south boundary of Location 2. Westwood Brook runs in a broadly east to west direction through Location 2.

5.17. There is one PRoW which routes through Location 2 passing through the Sitwell Grange Farm complex.

5.18. Location 2 would also require cabling underneath the railway line which would not be viable.

5.19. Location 2 is located entirely within Flood Zone 1.

5.20. In terms of surface water flooding, there is a band of land at risk of surface water flooding which broadly follows the alignment of Westwood Brook.

5.21. Given that there is land at risk of surface water flooding within Location 2, it is not considered to be sequentially preferable when compared to the Appeal Site.

5.22. Further, the landowners for Location 2 were contacted, however they did not express an interest in progressing with the Proposed Development.

**Location 3 – Land to the west of Hardstoft and west of the B6039 Chesterfield Road**

5.23. Location 3 is located to the south-west of Chesterfield Road (B6039) and to the south-west of Hardstoft Conservation Area.

5.24. This location is partially located outside of the north-eastern corner of the 3km site search corridor.

5.25. Location 3 would also require cabling underneath the railway back to the POC which would not be viable.

5.26. Location 3 is located entirely within Flood Zone 1.

5.27. In terms of surface water flooding, there is an area of this Location which is at risk of surface water flooding. Given that there is land at risk of surface water flooding within Location 3, it is not considered to be sequentially preferable when compared to the Appeal Site.

5.28. Further, the landowners for Location 3 were contacted, however they did not express an interest in progressing with the Proposed Development.

**Location 4 – Land to the south of Newmarket Lane at Stretton Hall Farm**

5.29. Location 4 comprises land to the south of Newmarket Lane at Stretton Hall Farm.

5.30. This location is located just outside of the north-western corner of the 3km site search corridor.

5.31. There are five PRoW which convergence in the centre of Location 4 at Stretton Hall Farm.

5.32. The Natural England Provisional ALC Mapping for Location 4 identifies that there is some land illustrated to be undefined Grade 3 agricultural land. Therefore, Location 4 could comprise Best and Most Versatile ("BMV") agricultural land if a site specific ALC survey was undertaken.

5.33. Location 4 is located entirely within Flood Zone 1.

5.34. In terms of surface water flooding, there is an area of this Location which is at risk of surface water flooding. Given that there is land at risk of surface water flooding within Location 4, it is not considered to be sequentially preferable when compared to the Appeal Site.

5.35. As set out above, the landowners for Location 4 were contacted, however they did not express an interest in progressing with the Proposed Development.

**Series of Smaller Sites**

5.36. In terms of considering the option of a series of smaller sites, the NPPF does not require applicants or local authorities to consider the option of a series of smaller sites. The NPPG states at **Paragraph 028** in the 'Flood risk and coastal change' section that 'reasonably available sites' could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the Proposed Development. The word 'could' does not seek

to express a mandatory requirement given that there are numerous types of development for which a search for many small sites would not work.

5.37. EN-3 sets out the importance of grid connection stating that:

> • ***"the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal." (paragraph 2.10.24); and***
>
> • ***"to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity."*** (paragraph 2.10.25).

5.38. For the Proposed Development, the Applicant has a grid connection offer which allows it to export up to 49.9MW (AC) of renewable energy into the National Grid.

5.39. The Applicant is very unlikely to be able to energise a series of small solar schemes on different sites by the connection date, both in terms of timing and in terms of viability. If a series of smaller sites were to be taken forward, this would require the following:

- Establishing separate cabling from each of the small sites to the POC to the national grid;
- Separate cabling from each of the smaller sites would require securing many legal agreements for easements across land in multiple ownerships (with each title on route potentially providing a "ransom" opportunity);
- Multiple planning permissions with the risk that brings in respect of delay may have to be secured depending on the time in which legal agreements could be secured with willing landowners assuming that there are any;
- This approach is unfeasible, both financially and practically. Extensive indirect cabling through highway land for each separate solar site would also be financially unfeasible and inappropriate in terms of the environmental impact; and
- Transmission losses due to the quantity of cabling required would be a unpalatable proposition, as would managing a number of different small sites from build through to operation.

5.40. It is important to note that this issue was considered by the Inspector in the Fobbing appeal for a 49.9MW solar farm and battery storage facility allowed in March 2024 where the Inspector's decision states:

> ***"I asked at the Inquiry why one of the exclusionary criteria applied in the Sequential Test was a minimum site requirement of 120 ha for a tracking system, and queried how this squared with the NPPG, which provides that considering reasonably available sites could include a series of smaller sites. However, I accept that the approach adopted by the appellant was appropriate in the circumstances that apply here, given the likely difficulties in obtaining planning permission for a number of separate sites, and the practicalities of coordinating multiple sites so as to utilise the identified grid capacity in the time period specified in the grid connection offer. I***

***concur with the parties that the proposal satisfies the Sequential Test.***" (Appeal Reference: APP/M1595/W/23/3328712, paragraph 51)

**Applying the Sequential Test at the Site Level**

5.41. The elevated profile of the proposed solar panels means that they are above all but deepest flooding and so it is considered that they are acceptable to operate under these conditions.

5.42. The most 'potentially vulnerable' equipment within the Site (such as the hybrid inverters and switchgear) are located outside of all surface water flood extents.

**Sequential Test Conclusions**

5.43. Four broad locations have been identified in the Search Corridor as 'comparable' sites for the purpose of the Sequential Test. Each location has been considered in terms flood risk. Each location is subject of their own associated flood risk constraints and whilst taken into account alongside the environmental constraints they are not considered sequentially preferable to the Site. Therefore, it is concluded that there are no other reasonably available alternatives sites within the Search Corridor.

5.44. Moreover, even if there were locations which were sequentially preferable in flood risk terms and which could come forward in a reasonable timeframe using the secured grid connection (which they cannot), given the overwhelming need for renewable energy generation, these sites would be "additional" sites, and not alternatives in the sense that many solar schemes are required to meet the Government's net zero ambitions.

5.45. Finally, landowners were contacted in respect of all those comparable areas and none of those offered the land for solar development. As such, all those areas are unavailable for this scheme.

# 6. Exception Test

6.1. Annex 3 of the NPPF categorises different types of development according to their vulnerability to flood risk and solar farms along with essential utility infrastructure (including infrastructure for electricity supply including generation, storage and distribution systems) are classified as 'Essential Infrastructure'.

6.2. The Site is located entirely within Flood Zone 1, and is classed as 'Essential Infrastructure', therefore, the Exception Test is not required.

# 7. Conclusions

7.1. This Sequential Test has been prepared on behalf of JBM Solar Projects Ltd.

7.2. There is currently no policy requirement for a sequential test for the appeal scheme in light of the provisions of paragraph 027 of the PPG. However, this Report is provided as further evidence of site selection and in case policy further changes during the course of the appeal.

7.3. A Site Selection Report was prepared by Enzygo (dated May 2025) (Core Document 2.26) and formed part of planning application reference 23/01089/FL. This report provides an Addendum the May 2025 Site Selection Report (Core Document 2.26) and provides further assessment of the potential alternative sites to accommodate the Proposed Development.

7.4. This Report should be read in conjunction with the Site Selection Report prepared by Enzygo (dated May 2025) (Core Document 2.26) and the Flood Risk Assessment and Drainage Strategy which provides further detail and assessment.

7.5. The Proposed Development is classified as 'Essential Infrastructure' and is considered appropriate in relation to the flood risk vulnerability classifications set out in the NPPF subject to passing the Sequential Test.

7.6. The key driver for the location of the Proposed Development is the need to be located close to an available grid connection point. Once the Study Area has been defined based on the distance from the identified point of connection the environmental and flood risk considerations can be applied. The Applicant has taken a sequential approach to selecting the Site within the identified Study Area whilst taking into account the Site requirements and environmental (including flood risk) considerations.

7.7. None of the landowners for sites considered as potential reasonable alternatives made their land available. As such, the appeal site is the only available site for the appeal scheme.

7.8. The Site is located entirely within Flood Zone 1.

7.9. Panels proposed in areas predicted to be at risk of surface water flooding will be raised above the maximum predicted flood depths.

7.10. All vulnerable infrastructure has been located outside of areas at risk of surface water flooding.

7.11. Overall, it is concluded that the Sequential Test in respect of flood risk has been passed.

# Appendix A – Search Corridor Plan (including Titles and Environmental Designations)

## Legend

- Site Boundary
- Search Corridor 3km
- Grid Connection Lines
- Point of Connection
- Titles (50+ Acres)

**Listed Buildings**

I | II | II*

**Rights of Way**

- Boat
- Byway
- Bridleway
- Footpath

- Ancient Woodland
- Operational Solar Farms
- Roman Road
- SSSI
- HAR Register
- Conservation Area
- National Cycle Network
- Registered Common Land
- Flood Zone 3
- Flood Zone 2
- Countryside Right of Way - Access

N

0 0.5 1 2km



## Sequential Analysis Assessment Plan (Titles + Constraints)

| | |
|---|---|
| Project: | A032 Eden Meadows |
| Drawing No: | SAAP-A032-6 |
| Drawn By: | ML |
| Date: | 30/04/2025 |
| Scale: | 1:8,000 @ A0 |

RWE

# Appendix B – Search Corridor Plan (including Environmental Designations and Flood Risk)

## Legend

- Site Boundary
- Search Corridor 3km
- Grid Connection Lines
- Point of Connection

**Listed Buildings**

I | II | II*

**Rights of Way**

- Boat
- Byway
- Bridleway
- Footpath

- Ancient Woodland
- Operational Solar Farms
- Roman Road
- SSSI
- HAR Register
- Conservation Area
- National Cycle Network
- Registered Common Land
- Flood Zone 3
- Flood Zone 2
- Countryside Right of Way - Access
- Surface Water 1 in 30 Years
- Surface Water 1 in 100 Years
- Surface Water 1 in 1000 Years

N

0 0.5 1 2km

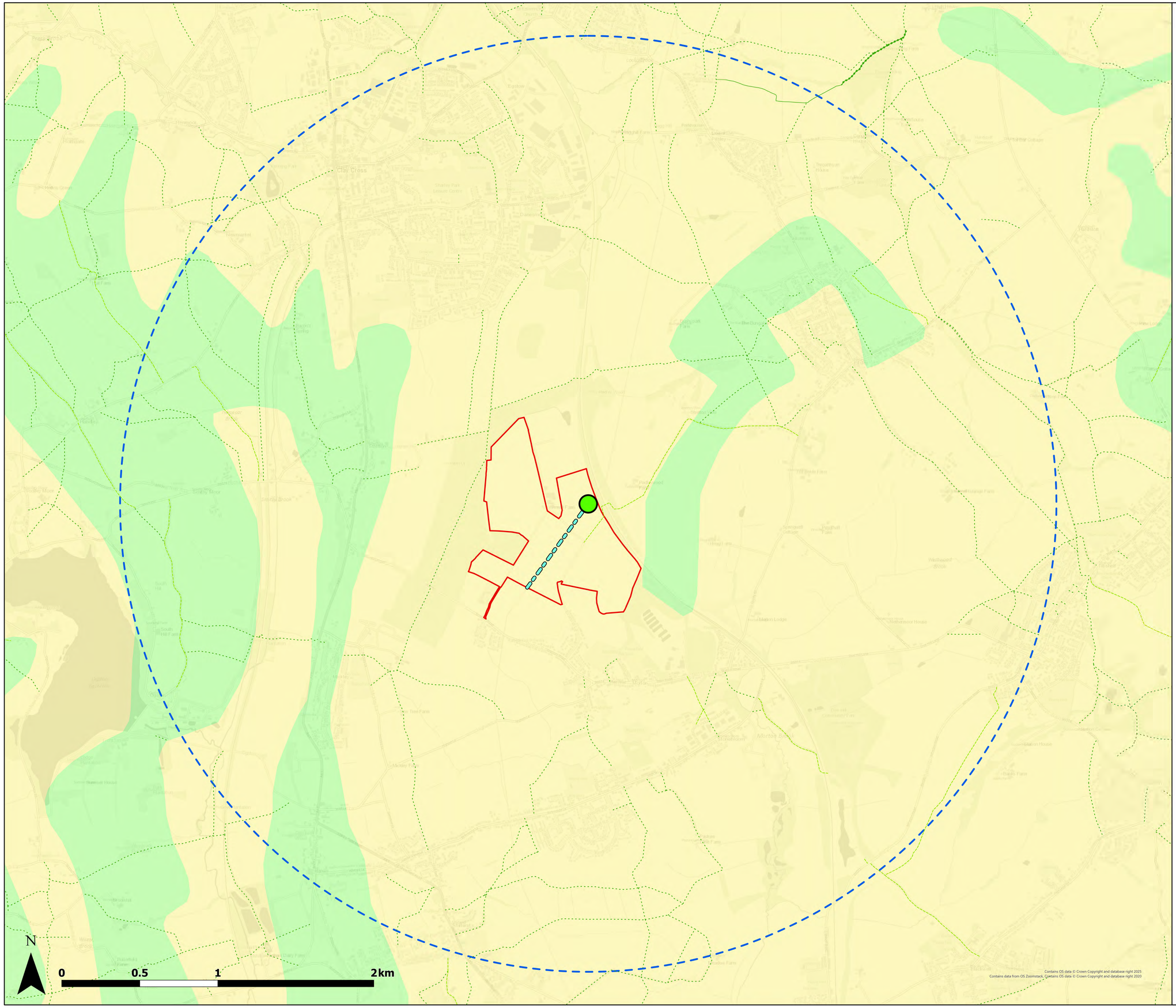


## Sequential Analysis Assessment Plan (Constraints)

| | |
|---|---|
| Project: | A032 Eden Meadows |
| Drawing No: | SAAP-A032-7 |
| Drawn By: | ML |
| Date: | 30/04/2025 |
| Scale: | 1:8,000 @ A0 |

RWE

# Appendix C – Search Corridor Plan (ALC Mapping)




## Legend

- Site Boundary
- Search Corridor 3km
- Grid Connection Lines
- Point of Connection

ALC Grades (Provisional)

- Grade 3
- Grade 4

Rights of Way

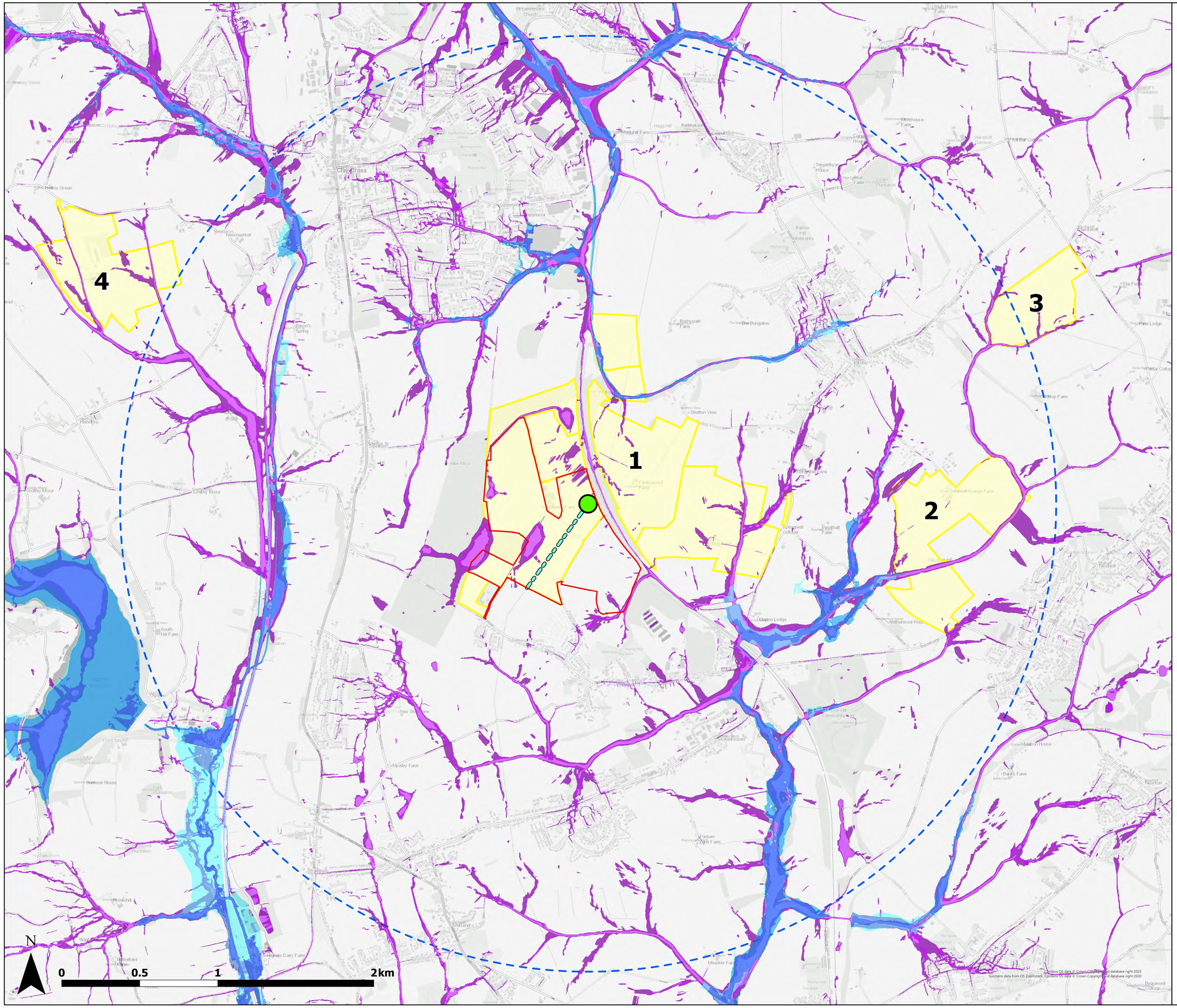
- Boat
- Bridleway
- Byway
- Footpath

## Sequential Analysis Assessment Plan (ALC)

| | |
|---|---|
| Project: | A032 Eden Meadows |
| Drawing No: | SAAP-A032-1 |
| Drawn By: | ML |
| Date: | 30/04/2025 |
| Scale: | 1:8,000 @ A0 |

RWE

# Appendix D – Site Search Corridor (Land Titles and Flood Risk)




## Legend

- Site Boundary
- Search Corridor 3km
- Grid Connection Lines
- Point of Connection
- Land Titles (50+ Acres)
- Flood Zone 3
- Flood Zone 2

Likelihood of Flooding from Surface Water

- Surface Water 1 in 30 Years
- Surface Water 1 in 100 Years
- Surface Water 1 in 1000 Years

**Sequential Analysis Assessment Plan (Land Titles)**

| | |
|---|---|
| Project: | A032 Eden Meadows |
| Drawing No: | SAAP-A032-6 |
| Drawn By: | ML |
| Date: | 09/09/2025 |
| Scale: | 1:8,000 @ A0 |

RWE

# Appendix E – Site Search Corridor (Land Titles, Environmental Designations and Flood Risk)

## Legend

- Site Boundary
- Search Corridor 3km
- Grid Connection Lines
- Point of Connection
- Titles (50+ Acres)

**Listed Buildings**

I  II  II*

**Rights of Way**

- Boat
- Byway
- Bridleway
- Footpath

- Ancient Woodland
- Operational Solar Farms
- Roman Road
- SSSI
- HAR Register
- Conservation Area
- National Cycle Network
- Registered Common Land
- Flood Zone 3
- Flood Zone 2
- Countryside Right of Way - Access
- Surface Water 1 in 30 Years
- Surface Water 1 in 100 Years
- Surface Water 1 in 1000 Years

N

0  0.5  1  2km



# Sequential Analysis Assessment Plan (Titles + Constraints)

| | |
|---|---|
| Project: | A032 Eden Meadows |
| Drawing No: | SAAP-A032-8 |
| Drawn By: | ML |
| Date: | 30/04/2025 |
| Scale: | 1:8,000 @ A0 |

RWE

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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