

**LONGHEDGE SOLAR FARM**  
**PINS Appeal Ref: APP/P3040/W/23/3330045**  
**LPA Ref: 22/02241/FUL**

**NOTE ON CONNECTION TO THE NATIONAL GRID**

**INTRODUCTION**

1. This Note is produced in response to the request from the Inspector (PINS, 7 June 2024) for a written note addressing concerns raised by the Council (Ms Dunne, 7 June 2024) and R6 party (20 May 2024) in respect of the connection of the proposed development to the electricity distribution network.
  
2. The Note responds to the following points, raised by the Council and Rule 6 Party:
  - a. Whether connection infrastructure to the electricity distribution network forms part of the appeal scheme;
  - b. Whether the connection infrastructure should be included as part of the appeal scheme;
  - c. Whether the fact that the connection infrastructure is to be consented separately undermines the benefits of the scheme;
  - d. Whether the separate consenting of the connection gives rise to any difficulties in light of the judgment in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30.

**WHETHER THE CONNECTION INFRASTRUCTURE FORM PART OF THE APPEAL SCHEME**

3. The Appellant does not seek permission for the connection infrastructure to the national grid, which does not form part of the appeal scheme. This is clear from the application documents. In particular, the application form<sup>1</sup> describes the development for which planning permission was sought as the “*Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements*”. The Planning

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<sup>1</sup> CD 1.1, pdf p.2

Statement<sup>2</sup> identified the elements of infrastructure for which permission was sought, which did not include the connection infrastructure.

4. The Longhedge substation drawings (Figures 12a and 12b) include a representation of typical National Grid “loop in” connection design options, however those drawings are illustrative only of the tower designs given that the District Network Operator (“DNO”), National Grid Electricity Distribution East Midlands, have yet to initiate the tower survey and detailed design process. As the R6 party noted in its email, preliminary tower designs are shown on Figures 12a and b but not in any of the other layout plans submitted with the application. For the avoidance of any doubt, the Appellant has prepared revised drawings, attached to this Note, which contain the additional annotation: “132kV TOWER STRUCTURE SHOWN FOR ILLUSTRATIVE PURPOSES AND NOT FOR APPROVAL. TO BE CONSENTED BY NATIONAL GRID ELECTRICITY DISTRIBUTION”.

**WHETHER THE CONNECTION INFRASTRUCTURE SHOULD BE INLCUDED AS PART OF THE APPEAL SCHEME**

5. Mr Patrick Smart’s technical note<sup>3</sup> confirms that a connection agreement has been reached with DNO. DNOs such as NGED EM are obliged under standard condition 12 of their licences to offer terms for connection to their electricity distribution system. Once constructed, the new connection infrastructure will form part of the DNO’s licensed electricity distribution system. The DNO is responsible for securing any consent pursuant to s.37 Electricity Act 1989 and any land rights necessary to construct such infrastructure and will own and operate the connection infrastructure over its lifetime.
6. There are a number of ways in which a connection to the national grid can be delivered by the DNO. At the time of making an offer of terms for connection, the DNO will offer a preliminary connection design based on a desktop study. The final detailed design for a grid connection will be informed by detailed studies and site investigations, including route and tower surveys, which require significant engineering resource from the DNO. As such, DNOs do not generally commit to tower surveys and the detailed design process until the

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<sup>2</sup> CD 1.3, paragraph 1.31

<sup>3</sup> CD 7.10.2, at pdf 161 - 172

generation project (i.e. the appeal scheme, in this instance) has secured planning permission.

7. The connection offer from DNO currently envisages that the appeal scheme will “loop” into an existing 132kV overhead line which already passes over the appeal site. This may involve the DNO, and not the Appellant, constructing one or two new terminal towers from which the existing 132kV overhead line will drop into the project substation. Short lengths of cable would then run into the proposed substation. However, the connection offer contains terms that permit the DNO to unilaterally vary the connection design to take account of the detailed design process. As such, there is no certainty as to the nature of the connecting infrastructure at this stage and no firm design proposals from the DNO. The future connection proposals remain inchoate at this stage.
8. This approach, whereby consent is sought for a power generation project independently of the connection infrastructure is entirely common-place, both in the Town and Country Planning Act and the Planning Act Regimes.
9. In the recent Kingston Estate appeal (APP/P3040/W/23/3329235), the Appellant sought permission for a solar farm. The application did not include connecting infrastructure into the electricity distribution network. During the course of the application, appeal process and inquiry, the Council did not raise any concerns with that approach. It is unclear why the same approach has now become of concern to the Council in this appeal.
10. The Appellant has also secured permission for numerous other renewable energy generation schemes which did not include connection infrastructure to the electricity distribution network. These include the following:
  - (a) South Gloucestershire Council granted permission for the 25MW Varley Solar Farm in January 2024, which did not include grid connection infrastructure;
  - (b) Torridge District Council granted permission in 2022 for the 42MW Derril Water Solar Farm, which did not include grid connection infrastructure;
  - (c) Durham County Council granted permission in 2022 for the Spennymoor Energy Storage System, which did not include grid connection infrastructure;
  - (d) North Yorkshire Council granted permission in 2021 for the Lakeside Energy Storage System which did not include grid connection infrastructure.

11. There are also numerous examples of DCO projects where consent for the generating project is sought independently of the grid connection infrastructure. In each of these cases, consent was first secured for the electricity generating infrastructure, and subsequent consent was sought for the connecting infrastructure to the electricity distribution network. For example:

- (a) The Hinkley Point C (Nuclear Generating Station) DCO 2013 granted development consent for a new nuclear power station which would require a new connection to the national grid. The National Grid connection infrastructure did not form part of the DCO application but was subject a separate application. The Hinkley Point C Connection Project was subsequently granted development consent in 2016.
- (b) The Richborough Connection DCO 2017 granted development consent for National Grid infrastructure to connect a new interconnector from Belgium to the UK, known as the Nemo Link. The Nemo Link project provided for electricity to be transported from Belgium to the UK but did not include infrastructure connecting into the electricity distribution network, which was the subject of a separate consent in the Richborough Connection DCO.
- (c) The North Wales Wind Farm Connection DCO 2016 granted consent for infrastructure to connect two new wind farms in North Wales to the electricity distribution network. Consent for the wind farms and the connecting infrastructure were sought separately.
- (d) The Brechfa Forest Connection DCO 2016 granted consent for infrastructure to connect a previously consented wind farm to the electricity distribution network.

### **THE WEIGHT TO BE ATTACHED TO THE BENEFITS OF THE APPEAL SCHEME**

12. Mr Patrick Smart's technical note<sup>4</sup> confirms that a connection agreement has been reached with the DNO. The effect of that agreement is to impose a legally binding requirement upon the DNO to provide the appeal scheme, if consented, with a connection to the National Grid. In those circumstances, there can be no suggestion that the weight to be attached to the benefits of the Appeal Scheme ought to be reduced. The DNO has raised no concerns about its ability to provide the necessary connection infrastructure.

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<sup>4</sup> CD 7.10.2, at pdf 161 - 172

13. By way of an example, in the report of the Panel appointed to examine the Hinkley Point C (Nuclear Generating Station) DCO application, it was identified that the new nuclear generating station would require a new connection to the national grid, which did not form part of the DCO application.
14. The Panel concluded that the connection agreement with National Grid established the principle that it was National Grid who were “*responsible for the design and construction of the connection, including obtaining the necessary consents*” (paragraph 4.397) such that although “*the precise arrangements of the grid connection are not certain at this stage, and we understand that the details of the route are contentious, we are not aware of any obvious reason why a grid connection would not be possible*”. This meant, therefore, that there was “*no reason why this matter should adversely influence the Secretary of State’s decision as to whether to make a DCO for a new generating station at Hinkley Point C*”.
15. Equally here, there are no obvious reasons why a grid connection would not be possible and there is no reason why this matter should adversely affect the weight afforded to the benefits of renewable energy generation from the appeal scheme. Indeed, in the recent Kingston appeal, the Council did not suggest that the benefits of that solar scheme should be reduced on the basis that it did not include the grid connection infrastructure.

**WHETHER THE SEPARATE CONSENTING OF THE CONNECTION INFRASTRUCTURE GIVES RISE TO ANY *HILLSIDE* ISSUES**

16. The appeal scheme will not render the construction of connecting infrastructure physically impossible and so will not give rise to any issues of the type which arose in *Hillside*. In that case, permission had been granted subject to a condition that it was to be in accordance with a detailed masterplan. Subsequent consents had been implemented which were inconsistent with the masterplan with the effect that it had become physically impossible to develop the site in accordance with the earlier permission.
17. In the present case, the Appellant has allowed space for connecting infrastructure to be accommodated within the appeal site. There will be no physical incompatibility between the approved scheme and the connecting infrastructure.

**10<sup>th</sup> June 2024**