



## Application by RWE Renewables UK Solar and Storage Limited for Tween Bridge Solar Farm Project

The Examining Authority's written questions and requests for information (ExQ1): Issued on 24 April 2026

**Responses are due by deadline 2: 19 May 2026**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. The examination timetable enables the ExA to issue a further round of written questions in due course. The further round of questions will be referred to as ExQ2. Provision is also made for a third round of written questions if required (ExQ3).

Questions are set out using an issues-based framework derived from the initial assessment of principal issues provided as **annex B** to the Rule 6 Letter dated 16 March 2026. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which interested parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question is identified as Q1.0.1. When you are answering a question, please start your answer by quoting the unique reference number.

You should respond to the questions by using the **Have your say** function on the project page of the National Infrastructure website and selecting 'Responses to Examining Authority's First Written Questions (ExQ1)' when asked.

If you are responding to a small number of questions, you can submit your answers by choosing 'Make a comment' and entering your answers in the 'Your comments' box. If you are answering a larger number of questions you should download a copy of the Microsoft Word version of the document, enter your answers and save the document using an appropriate file name. You can then submit the completed document by selecting 'Upload files'.

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## The Examination Library

References in these questions set out in square brackets (for example [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [Examination Library](#)

It will be updated as the examination progresses.

## Citation of questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, for example ExQ1 1.0.1 – refers to question 1 in this table.

## Use of artificial intelligence (AI) in casework evidence

If you use AI to create your submission, you should tell us that you have done this. You should specify which systems or tools you have used, the source of the information that the AI system has based its content on, and what information the AI has been used to create or alter. Further information can be found in the Planning Inspectorate's [guidance](#). By following this guidance, you will help the ExA to understand the origin and accuracy of the information submitted, thereby supporting fair and impartial decision-making. **If you do not declare the use of AI in any evidence submission where it has been used or remove evidence such as watermarks, we reserve the right to reject the submission.**



## Abbreviations used:

<b>ALC</b>	Agricultural Land Classification	<b>LVMS</b>	Landscape and visual mitigation strategy
<b>BESS</b>	Battery Energy Storage System	<b>LWS</b>	Local Wildlife Site
<b>BMV</b>	Best and Most Versatile	<b>MWh</b>	Megawatt Hours
<b>BOAT</b>	Byway open to all traffic	<b>NDHA</b>	Non-designated heritage assets
<b>CA</b>	Compulsory Acquisition	<b>NE</b>	Natural England
<b>CDC</b>	City of Doncaster Council	<b>NGET</b>	National Grid Electricity Transmission Plc
<b>CFL</b>	Critical Flood Level	<b>NLC</b>	North Lincolnshire Council
<b>CLWS</b>	Candidate Local Wildlife Site	<b>NPA</b>	Neighbourhood Planning Act
<b>CNP</b>	Critical National Priority	<b>NPS</b>	National Policy Statement
<b>dDCO</b>	Draft development consent order	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>DESNZ</b>	Department for Energy Security and Net Zero	<b>OECMP</b>	Outline ecological construction management plan
<b>DfT</b>	Department for Transport	<b>OLEMP</b>	Outline landscape ecological management plan
<b>DL</b>	Decision letter	<b>PA2008</b>	Planning Act 2008
<b>EA</b>	Environment Agency	<b>PPG</b>	National Planning Practice Guidance
<b>EIA</b>	Environmental Impact Assessment	<b>PRoW</b>	Public right of way
<b>EM</b>	Explanatory Memorandum	<b>PV</b>	Photovoltaic
<b>ES</b>	Environmental Statement	<b>RR</b>	Relevant representation
<b>ExA</b>	Examining Authority	<b>RVAA</b>	Residential Visual Amenity Assessment
<b>FRA</b>	Flood Risk Assessment	<b>SOAEL</b>	Significant observed adverse effect level
<b>km</b>	Kilometre	<b>SPA</b>	Special Protection Area
<b>kV</b>	Kilovolt	<b>SSSI</b>	Site of Special Scientific Interest
<b>LOAEL</b>	Lowest observed adverse effect level	<b>TP</b>	Temporary Possession



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ExQ2	Question to:	Question:
<b>1. General and cross-topic questions</b>		
Q1.0.1	Applicant	<b>Panel Replacement</b> Please could the applicant explain what assumptions have been made and assessed with regard to replacement panels, BESS and other infrastructure over the operational life of the proposed development?
Q1.0.2	Applicant	<b>Mitigation hierarchy</b> Please could the applicant explain how the mitigation hierarchy, referred to at NPS EN-1 paragraph 4.2.10, has been applied to the proposed development?
Q1.0.3	Applicant, North Lincolnshire Council (NLC) and City of Doncaster Council (CDC)	<b>Updated National Policy Statements (NPS)</b> Could the applicant, NLC and CDC please provide representations on the effect of the changes to NPS, with EN-1,3 and 5 having come into force on 6 January 2026? Please consider the transitional arrangements and whether the revised NPS are 'important and relevant' to the Secretary of State's (SoS) decision.
Q1.0.4	Applicant, NLC and CDC	<b>CNP</b> In discussing Critical National Priority infrastructure, Planning Statement [APP-030] paragraph 8.2.3 indicates that the applicant has 'relied' upon CNP in relation to the 'landscape and visual' and 'ecology and nature conservation' effects of the proposed development. Could the applicant please review the approach taken to CNP in recently made solar DCO recommendation reports and decision letters and confirm whether it is relying on CNP policy? Could NLC and CDC also set out their respective positions on the application of the planning balance and in particular, the effect of NPS EN-3 policies on CNP?
Q1.0.5	Applicant	<b>Benefits</b> Planning statement paragraph 8.1.16 [APP-030] states: "The Scheme has the potential to generate approximately 1,260,000MWh of electricity each year. Over the lifetime of the Scheme this is estimated to equate to 48,233,679MWh which assumes a 0.45% annual degradation rate in energy production. Based on a lifetime GHG footprint of 777,732TCO <sub>2</sub> e, this equates to a carbon intensity factor of 0.016kgCO <sub>2</sub> e per kWh." Is this a worst-case scenario and what overall MW capacity is this based on?
Q1.0.6	CDC, NLC and the applicant	<b>Community Benefit Fund</b> Planning Statement [APP-030] paragraph 8.1.16 states in part that a "Community Benefit Fund of approximately £12.8 million" would constitute a benefit of the proposed development. Could the Councils and the applicant please provide their opinion on whether this should be weighed in the planning balance as a benefit?
Q1.0.7	Applicant	<b>Surrounding Area</b> Please could the applicant direct the ExA to a succinct description of the 'surrounding area' (the area surrounding the Order limits). This is typically provided in the ES and Planning Statement (PS) but in this case there is no clear description of the surrounding area (and its characteristics) provided in either document. Instead, the surrounding area is briefly described in tandem with the description of the Order limits. Please could the applicant amend the PS and/ or ES accordingly to address this?
Q1.0.8	Applicant	<b>Fixed and Tracker Panel Options</b> ES paragraphs 2.5.6 to 2.5.10 [APP-039] set out that there are two layout options that have been assessed. One for fixed panels and the other for a combination of fixed and tracker panels. However, could the applicant clearly set out whether there would be any significant differences in layout and design?
Q1.0.9	Applicant	<b>Decommissioning phase description</b> The ExA notes that the Decommissioning Environmental Management Plan [APP-178] is in outline form. However, it does not appear to include details of information provided within other documents such as the outline Soil Management Plan [APP-183]. Could the applicant please ensure that documents relating to the decommissioning phase are updated to include as much detail as possible?
Q1.0.10	Applicant	<b>Material assets</b> Within the context of the EIA Regulations, 'material assets' are those that are required for construction and operation of the proposed development, such as concrete, steel, timber etc. The ES does not appear to include any information of the anticipated quantity of materials required to construct the proposed development. The ExA notes that a list of anticipated greenhouse gas emissions from the materials used is provided in ES Chapter 14 [APP-051] and that materials are referred to to a limited extent in the waste generation in chapter 16 [APP-053]. However, can the applicant please confirm whether it has provided, or is able to provide, an estimate of the materials required for the construction and operation of the proposed development?

ExQ2	Question to:	Question:
<b>2. Biodiversity and ecology (Including Habitat Regulations Assessment)</b>		
Q2.0.1	Applicant	<p><b>Breeding Birds</b> ES paragraph 7.4.29 [AS-012] states in full: “No species comprising qualifying breeding species of Nature Network Sites (European sites) or national designated sites were recorded breeding within the study area as detailed in Appendix 7.2 [Doc Reference 6.3.7.2].” However, the following paragraphs state that Marsh Harrier were identified. Are Marsh Harrier not a qualifying breeding species of the Humber Estuary SPA? Please could the applicant clarify and update the ES if required?</p>
Q2.0.2	Applicant	<p><b>Management Plans</b> ES paragraphs 7.5.4 to 7.5.10 [AS-012] outline the various management plans which have been submitted and constitute part of the embedded mitigation for the proposed development. NPS EN-1 paragraph 5.4.36 states in full: “Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.” Could the applicant please explain how and where this requirement is met and if not met, produce or amend relevant documents accordingly?</p>
Q2.0.3	Applicant	<p><b>Benefits</b> ES paragraph 7.5.15 [AS-012] states in part: “Further, the removal of land from arable production will lead to a reduction (or complete removal) of agricultural chemical overspray and drift where this currently occurs within the Order Limits. This would lead to improved conditions for terrestrial and aquatic invertebrates, which in turn will benefit dependent species, such as foraging bats and farmland birds. Water quality and soil health will also likely improve as a result of less intensive farming practices.” What is the evidential basis for this statement and is the applicant relying on this as a benefit of the proposed development?</p>
Q2.0.4	Applicant	<p><b>Construction Effects</b> ES paragraph 7.5.35 [AS-012] states in full: “Based on the above, it is considered that in the absence of any further or secondary mitigation, impacts to the SPA and nightjar could be minor adverse at the international level, but Not Significant during construction, due to the potential loss of foraging habitat.” What is meant by ‘at the international level’ in the context of ES terminology? What are the HRA implications for a ‘minor adverse’ impact on the Special Protection Area (SPA) and nightjar? Are the conclusions of the Report to inform Habitat Regulations Assessment [AS-004] consistent with the conclusion reached in ES paragraph 7.5.35?</p>
Q2.0.5	Applicant	<p><b>ES Table 7-9</b> Please could the applicant include separate columns for ‘additional mitigation’ and ‘embedded mitigation’ in ES table 7-9 [AS-012]. Please also explain what category of LSE would occur in column 2.</p>
Q2.0.6	Applicant	<p><b>Additional Mitigation</b> Where new habitat would be created as a means of additional mitigation, how will this be controlled, implemented and managed?</p>
Q2.0.7	Applicant	<p><b>Additional Mitigation</b> Following on from the above question, can the applicant confirm that all species requiring additional mitigation (either in their own right or as a qualifying feature of a European site) have been referred to in column two of Table 4-1 of the OLEMP [APP-148]. It is important that it is clear what habitat is proposed for what purpose. Could the applicant also explain how the amount of land required for additional mitigation has been established and whether this could be expressed as a minimum requirement in the draft Development Consent Order (dDCO) [AS-003]? ES paragraph 7.6.103 suggests that “more than enough land” will be provided. What is ‘enough’ in this context?</p>
Q2.0.8	Applicant	<p><b>OLEMP</b> Section 6 of the OLEMP [APP-181] is not particularly clear in establishing who would be responsible for the implementation and ongoing management of the measures in the LEMP at all stages of the development. Could the applicant please clarify this?</p>
Q2.0.9	Applicant	<p><b>Humber Estuary Ramsar</b></p>

ExQ2	Question to:	Question:
		ES paragraph 7.5.48 [AS-012] concludes that there would be significant effects on the Ramsar prior to additional mitigation, as some of the species which are functionally linked to the Ramsar would lose foraging habitat. Are these the same species identified at ES paragraph 7.5.48 in relation to Humber Estuary SPA? If not please provide details.
Q2.0.10	Applicant	<p><b>Humber Estuary Ramsar</b></p> <p>ES paragraph 7.5.52 [AS-012] states in part:  “Polluting incidences and run-off could detrimentally impact the Ramsar including the flora and fauna it supports”.</p> <p>Could the applicant please clarify whether these are direct impacts on the Ramsar or whether the effect is on functionally-linked land as per Humber Estuary SPA?</p>
Q2.0.11	Applicant	<p><b>Additional Mitigation</b></p> <p>Does ES section 7.6 [AS-012] relate to additional mitigation? If so, then should the sub-heading be amended to clarify this? If it relates to embedded mitigation, then why does it come after embedded mitigation has already been taken into account in the preceding sections?</p>
Q2.0.12	Applicant	<p><b>Hatfield Chase Ditches Site of Special Scientific Interest (SSSI)</b></p> <p>Can the applicant confirm that additional mitigation is not required in respect of effects on this SSSI. ES paragraph 7.5.85 [AS-012] refers to habitat creation but presumably the applicant is not relying on this as mitigation for the effects on this SSSI?</p>
Q2.0.13	Applicant	<p><b>Whittaker’s Plantation candidate Local Wildlife Site (CLWS) and other Local Wildlife Sites (LWS)</b></p> <p>ES paragraph 7.5.59 [AS-012] states in part:  “Whittaker’s Plantation CLWS will also be retained and the proposals buffer this CLWS by 15m, which will help to reduce potential impacts”.</p> <p>However, it is not clear what these ‘impacts’ might be as the other paragraphs in this section refer to the drainage ditches which are associated with other LWS. Can the applicant confirm what likely effects, if any, would occur on the CLWS? In addition, could the applicant confirm that all LWS relate to drains as alluded to at ES paragraph 7.5.93 [AS-012]?</p>
Q2.0.14	Applicant	<p><b>Breeding Birds – Excluding Ground Nesting and Schedule 1</b></p> <p>ES paragraphs 7.5.107 to 7.5.112 [AS-012] refer to effects on breeding birds but there is no reference to any of the measures in the outline ecological construction management plan (OECMP) {APP-180}. Are there any measures in the OECMP to protect breeding birds and if so can these be referred to in this section of the ES please?</p>
Q2.0.15	Applicant	<p><b>Breeding Birds – Schedule 1 species</b></p> <p>ES paragraph 7.5.115 [AS-012] suggests that Schedule 1 species could be subject to disturbance impacts if construction is undertaken during the breeding season. Are there any proposed controls to ensure that hedgerow removal and disturbance does not occur in the breeding season? If not, why not?</p>
Q2.0.16	Applicant	<p><b>Breeding Birds – Ground Nesting (Construction)</b></p> <p>ES paragraph 7.5.119 [AS-012] states in full:  “Ground-nesting species will be deterred from breeding in the vicinity of the different phases of construction activities, where these occur during the breeding season, due either to land take or associated disturbance such as noise and/ or human activity. This impact will be of limited duration during the phased periods of construction.”</p> <p>Has the applicant considered measures to avoid construction during breeding seasons and if so how would these measures be controlled/ implemented? In addition, has the applicant considered implementing additional mitigation (habitat creation) prior to construction in order to mitigate effects during construction? Presumably the areas of new habitat would take a certain period of time to establish and become effective. How long?</p>
Q2.0.17	Applicant	<p><b>Non-breeding birds (Construction)</b></p> <p>ES paragraphs 7.5.122 to 7.5.128 [AS-012] address the effects of the development on non-breeding birds during construction. However, it is not clear how the development would affect these birds. What adverse effects could occur other than the general loss of SPA functionally linked land? Could the applicant update these paragraphs accordingly. In addition, do these paragraphs account for Schedule 1 birds or other birds with any protected status?</p>
Q2.0.18	Applicant	<p><b>Non-breeding birds (Construction)</b></p> <p>ES paragraph 7.5.126 [AS-012] relates to the effects on non-breeding birds associated with the Humber Estuary SPA/ Ramsar. It concludes:  “Consequently, impacts are considered to be major (adverse) magnitude on a receptor of International value and sensitivity, which is Significant in the absence of additional mitigation.”</p>

ExQ2	Question to:	Question:
		However, are these effects not already accounted for and assessed at ES paragraphs 7.5.58 and 7.5.59? How do the conclusions on 'major adverse' effects correlate with the 'moderate adverse' conclusions at ES paragraphs 7.5.58 and 7.5.59?
Q2.0.19	Applicant	<b>Non-breeding birds (mallard, teal, hen harrier and marsh harrier)</b> ES paragraph 7.5.128 [AS-012] claims that there would be a minor (positive) effect on these species. However, it is not clear how prevalent these species are and what effect that has on these conclusions. Please could the applicant address this?
Q2.0.20	Applicant	<b>Non-statutory sites – Operation</b> ES paragraph 7.5.138 [AS-012] states in full: “Based on the reduction in intensive agricultural management within the site as detailed above, operational impacts to non-statutory sites are also likely to be of medium (positive) magnitude on a receptor of National - Local value and sensitivity, which are consequently a Significant beneficial effect.” Can the applicant please confirm exactly which sites it is referring to and explain how these sites would benefit?
Q2.0.21	Applicant	<b>Habitats – Operation</b> ES paragraph 7.5.144 [AS-012] refers to the beneficial effects on habitats during the operational phase of the development. However, which habitats are being referred to, bearing in mind those already referred to in relation to construction effects?
Q2.0.22	Applicant	<b>Protected and other species</b> Why are other species (bats, water voles and others) only referred to for the first time at ES section 7.6? This section deals with embedded and additional mitigation. However, the ExA cannot identify where in the ES the likely effects on these species has been considered for each phase of the development. Could the applicant please explain the rationale for this approach and the absence of an assessment which assigns EIA terminology to describe sensitivity, magnitude and significance of effects on these receptors?
Q2.0.23	Applicant	<b>Non-breeding birds – operation</b> ES paragraph 7.5.146 [AS-012] identifies 'minor adverse' significant effects on non-breeding birds during operation. However, it is not clear which species of non-breeding birds this conclusion applies to. Particularly given that – in relation to construction effects – the applicant has previously reached two different conclusions (separated breeding birds into two categories) at ES paragraphs 7.5.126 and 7.5.128. Please could the applicant respond and update this paragraph if necessary?
Q2.0.24	Applicant	<b>Operational Effects</b> It does not appear that a proper assessment of the operational effects of the proposed development on the following sites has been included in the ES: <ul style="list-style-type: none"> <li>• Thorne &amp; Hatfield Moors SPA</li> <li>• Humber Estuary Ramsar</li> <li>• Humber Estuary SPA</li> </ul> Conclusions on operational effects are reached for most other statutory and non-statutory sites in ES section 7.5 [AS-012]. Could the applicant please address this? It is noted that the residual effects for these sites are set out at Table 7-9 but there is no earlier description of operational effects prior to embedded or additional mitigation.  In relation to post-additional mitigation operational effects, ES paragraph 7.6.118 states: “There will be no operational negative effects on designated sites over and above those described in the Construction effects section above.” Regardless of whether it is asserted that the operational effects would be no greater than construction effects, the precise assessed operational effects still need to be determined (both prior to and after additional mitigation). It should also be noted that it would logically follow that certain operational effects (prior to additional mitigation) would be greater than construction effects, given the relatively short term of the construction period in comparison to the operational life of the development.
Q2.0.25	Applicant	<b>ES Table 7-9</b> ES table 7-9 [AS-012] sets out the residual effects on internationally designated sites during construction. However, it is not clear what the overall residual effect on each designated site is. Earlier in the ES such conclusions are reached for each site taking into account embedded mitigation (ES paragraphs 7.5.35, 7.5.40, 7.5.48 and others). Please could the applicant address this?
Q2.0.26	Applicant	<b>Decommissioning</b>

ExQ2	Question to:	Question:
		The decommissioning effects of the proposed development are not clear. Could the applicant direct the ExA to where these effects are considered and how any associated embedded mitigation would alter these effects (for example a decommissioning management plan)?
Q2.0.27	Applicant	<p><b>Ground nesting birds residual effects</b></p> <p>The ES does not appear to contain any explanation of the need for additional mitigation for ground nesting species other than those which are qualifying features of the SPA/ Ramsar. As a result, neither is there any description of residual effects (post additional mitigation) on the following species:</p> <ul style="list-style-type: none"> <li>• Grey Partridge</li> <li>• Skylark</li> <li>• Yellow wagtail</li> <li>• Meadow Pipit</li> <li>• Corn Bunting</li> </ul> <p>Please could the applicant address this?</p>
Q2.0.28	Applicant and Natural England	<p><b>Nightjar</b></p> <p>NEs relevant representation (RR) [RR-023] indicates that areas within the order limits may constitute functionally linked land for the Thorne and Hatfield Moor SPA, given the evidence of foraging behaviour of nightjar. What is the applicant's response to this point and what are the implications for the assessment contained in the ES and set out in the Report to inform Habitat Regulations Assessment (in particular at paragraph 7.2.8) [AS-004]?</p>
Q2.0.29	Applicant	<p><b>Construction assumptions</b></p> <p>Paragraph 2.1.7 of the Report to inform Habitat Regulations Assessment [AS-004] states in part:</p> <p>"The construction phase assumes the Scheme will be built out over up to a 54 month-period (2028- 2032)".</p> <p>Is this still accurate and what are the implications of a later connection date for the assessment and conclusions reached in the Report to inform Habitat Regulations Assessment [AS-004].</p>
Q2.0.30	Applicant	<p><b>In-Combination Assessment (HRA)</b></p> <p>Paragraph 7.2.73 of the Report to inform Habitat Regulations Assessment [AS-004] states in part:</p> <p><i>"It is considered that adverse effects on the integrity of the designated sites detailed can be ruled out, based on the assessment of residual effects to passage / non-breeding birds arising from the Scheme in combination with the potential effects arising from other projects identified as detailed in the Cumulative Impacts Chapter of the ES –Chapter 17 [Document Reference: 6.2.6]."</i></p> <p>However, it is not clear where or how the "potential effects from other projects" have been assessed. The statement above refers to ES chapter 17 [APP-045] but the "ecology and nature conservation" section does not refer to any other specific plans or developments. Please could the applicant address this in both documents?</p>
Q2.0.31	Applicant	<p><b>Non-breeding bird mitigation strategy</b></p> <p>Appendix 2 of the Habitat Regulations Assessment [AS-004] includes a non-breeding bird mitigation strategy. How are the proposals set out in this strategy secured? Is this document to be included in any of the outline management plans (it is noted that some of the figures are repeated in the OEMP [APP-181])?</p>
Q2.0.32	Applicant	<p><b>Methodology of assessment of ecological impacts:</b></p> <p>The ExA notes a possible discrepancy in the assessment of significance in ES Chapter 7 [AS-012]. Table 7-13 states that effects of minor or above are significant, whereas Table 7-4 states moderate to major are significant. This is also reflected in ES chapter 18 [APP-055] which does not match the conclusions (adverse and beneficial significant effects) of the ecology chapter. Could the applicant please review the ecology chapter and provide either the necessary amendments for consistency, or an explanation of this discrepancy?</p>
Q2.0.33	Applicant	<p><b>Wind turbines within the Order limits</b></p> <p>ES Chapter 7 [AS-012] para 7.4.2 states that the existing Tween Bridge Wind Farm is surrounded by the Order limits and consists of 22 wind turbines. However, on [APP-131] (among other similar plans) the Order limits appear to include 19 of the wind turbines, with 3 turbines excluded from the Order limits. Could the applicant confirm how many of the turbines are within the Order limits?</p>
Q2.0.34	Applicant	<b>Provision of an Outline Construction Environmental Management Plan and Outline Ecological Construction Management Plan</b>

ExQ2	Question to:	Question:
		The applicant has provided an outline Construction Environmental Management Plan [APP-176] and an Outline Ecological Construction Management Plan [APP-180]. Can the applicant provide the rationale for these being 2 separate documents, and provide an explanation of whether there are any potential conflicts between these?
Q2.0.35	Applicant and Natural England	<p><b>Habitats Regulations Assessment - Inclusion of the Thorne and Hatfield Moors SPA and Thorne Moor SAC within the Order limits</b></p> <p>1. Throughout the HRA report [AS-004], it is stated that an area of 0.53 hectares of the Thorne and Hatfield Moors SPA and Thorne Moor SAC is within the Order limits. Whilst it is stated in the HRA that there is no development planned within the SPA/ SAC, it is not stated why the applicant has considered it necessary to include these sites within the Order limits. There are, however, references in the HRA and accompanying documents to the use of buffer zones. Please can the applicant provide the rationale for the inclusion of the Thorne and Hatfield Moors SPA and Thorne Moor SAC within the order limits?</p> <p>2. If it is the case that this (1) is for the purpose of ensuring a buffer zone between the qualifying features of the SPA/ SAC and the proposed development, this does not appear to be applied anywhere else as the order limits are instead offset from the SPA/ SAC boundary elsewhere. Please can the applicant provide the rationale for the inclusion of this area only and no other areas of the European sites adjacent to the order limits?</p> <p>3. If it is the case that the areas are proposed to provide a buffer zone, then it is not specified whether this is a mitigation measure relied upon within the HRA report to exclude Adverse Effects on Integrity. Please could the applicant provide clarification?</p> <p>4. Additionally, the 0.53ha area does not appear to be clearly referenced on any of the accompanying figures, as the order limits appear to follow the boundary of the SPA/ SAC rather than overlapping. The applicant is requested to update all relevant examination documents to clarify the boundary of the proposed development in relation to the adjacent European sites.</p> <p>Natural England are also requested to provide any comments on the above matters.</p>
Q2.0.36	Natural England	<p><b>Habitats Regulations Assessment - Qualifying features - Species within the assemblage - Humber Estuary SPA</b></p> <p>The applicants HRA [AS-004] includes an assessment of individual qualifying features and then individual species considered to be part of the Humber Estuary assemblage qualifying feature, with some species assessed both individually and as part of the assemblage.</p> <p>Can NE provide its position on whether all required species have been considered and have been assessed for the correct season and as individual or assemblage features, with reference to the latest available list of the assemblage component species if published?</p>
Q2.0.37	Applicant and Natural England	<p><b>Habitats Regulations Assessment - Qualifying features - Species within the assemblage - Humber Estuary SPA</b></p> <p>The published datasheet for the Humber Estuary SPA includes wintering ringed plover, grey plover and sanderling. However, the HRA (predominately in Table 6-3) presents conclusion on these species in relation to being a component of the assemblage. Can the applicant and NE confirm if the conclusions are also considered to be relevant for these species as wintering qualifying features?</p>
Q2.0.38	Applicant and Natural England	<p><b>Habitats Regulations Assessment - Qualifying features - Humber Estuary SPA</b></p> <p>Tables 6-1 and 6-2 of the HRA report [AS-004] present survey data for SPA qualifying features and a number of additional species. Whilst an explanation is given for the inclusion of pink footed goose and greylag goose, no explanation appears to be given for the inclusion of green sandpiper, little egret, shoveler and common crane in these tables.</p> <p>To the applicant - Please provide the rationale for the inclusion of these species in the HRA when they are not listed or assessed as qualifying features?</p> <p>To Natural England - Please confirm if the other additional species presented in tables 6-1 and 6-2 are required to be included in the assessment of LSE and subsequently AEoI if LSE are identified, and if so, why (with reference to the latest available list of the assemblage component species if published)?</p> <p>To Natural England - please confirm whether you agree with the applicants inclusion of pink footed goose and greylag goose as qualifying features in the HRA report?</p>
Q2.0.39	Applicant	<p><b>Habitats Regulations Assessment - Qualifying features - Thorne Moors SAC and Hatfield Moors SAC</b></p> <p>Table 5-2 of the HRA Report [AS-004] includes additional sentences describing qualifying features for the Thorne Moors and Hatfield Moors SACs. Can the applicant confirm if these all relate to the same qualifying features, or whether each sentence is intended to be an individual qualifying feature?</p>

ExQ2	Question to:	Question:
Q2.0.40	Applicant	<p><b>Habitats Regulations Assessment - Screening methodology - description of pathways</b></p> <p>The ExA seeks clarity on the specific pathways considered by the applicant within the HRA report [AS-004], and confirmation of the phase of construction, operation and decommissioning the pathways relate to, as these are described variably throughout as follows:</p> <ul style="list-style-type: none"> <li>• Thorne Moors SAC and Hatfield Moors SAC - differing between Paragraph 6.2.3 - 6.2.5 and Table 6-3.</li> <li>• Thorne and Hatfield Moors SPA - differing between Paragraphs 6.2.16 - 6.2.22 and Table 6-3.</li> <li>• Humber Estuary SAC - differing between Paragraph 6.2.26 and 6.2.27 and Table 6-3.</li> <li>• Humber Estuary SPA – differing between Paragraph 6.2.44 and 6.2.45 and Table 6-3.</li> <li>• Humber Estuary Ramsar site - differing between Paragraph 6.2.53 and 6.2.54 and Table 6-3.</li> </ul>
Q2.0.41	Applicant	<p><b>Habitats Regulations Assessment - Screening methodology - description of pathways</b></p> <p>The ExA considers that the descriptions of impact pathways used within the HRA report [AS-004] use general terms such as disturbance, airborne pollutants and water quality. Please could the applicant provide additional information on the specific pathways considered within the HRA report?</p>
Q2.0.42	Applicant	<p><b>Habitats Regulations Assessment - Screening methodology - Humber Estuary SPA</b></p> <p>Paragraph 6.2.45 of [AS-004] states that retention of habitats will ensure availability for mallard, teal, hen harrier and marsh harrier. Table 6-3 later confirms that teal, marsh harrier and hen harrier are screened out. Can the applicant confirm if the mitigation measures given in paragraph 6.2.45 are relied upon to screen out these (and any other relevant) species, and if so, how this is compliant with the Sweetman judgement referred to in paragraph 4.2.6?</p>
Q2.0.43	Applicant	<p><b>Habitats Regulations Assessment - Screening methodology - Humber Estuary SPA</b></p> <p>Paragraph 6.2.31 of the HRA Report [AS-004] refers to "target species" in the 600m wider study area, however no information is given as to how the target species were chosen. Can the applicant provide further information on this approach, and confirm how other qualifying features which may be present in the wider study area were surveyed?</p>
Q2.0.44	Applicant	<p><b>Habitats Regulations Assessment - Screening conclusions - omitted qualifying features</b></p> <p>The ExA notes that Table 6-3 of the HRA Report [AS-004] is for the purposes of providing the screening conclusions, however with reference to conclusions presented throughout the HRA report, the following appear to be omitted:</p> <ul style="list-style-type: none"> <li>• Humber Estuary SPA - Assemblage grey plover, turnstone (from Table 5-2)</li> <li>• Humber Estuary SPA - Green sandpiper, greylag goose, little egret, shoveler, common crane (from Tables 6-1 and 6-2)</li> <li>• Humber Estuary SAC - 1140 Mudflats and sandflats not covered by seawater at low tide (from Table 5-2)</li> </ul> <p>Can the applicant provide a revised HRA to include screening conclusions for all qualifying features, or a justification of why these have been omitted?</p>
Q2.0.45	Applicant	<p><b>Habitats Regulations Assessment - Screening conclusions - Humber Estuary SPA</b></p> <p>Table 6-3 of the HRA Report [AS-004] concludes that LSE can be screened out for Whimbrel. However, Table 7-2 includes Whimbrel as a species which requires mitigation. Can the applicant confirm whether there would be any LSE to this qualifying feature, and provide an amended HRA report to confirm this position?</p>
Q2.0.46	Applicant	<p><b>Habitats Regulations Assessment - Screening conclusions - Humber Estuary SAC and Ramsar site</b></p> <p>The ExA notes that there are different conclusions presented for the overlapping Humber Estuary SAC and Ramsar site in Table 6-3 of the HRA Report [AS-004] as follows:</p> <ul style="list-style-type: none"> <li>• Habitats - Screened out (Ramsar), screened in (SAC)</li> <li>• Grey seal - Screened out (Ramsar), screened in (SAC)</li> </ul> <p>Can the applicant provide a justification for the differing conclusions, or an updated HRA report to amend this discrepancy?</p>
Q2.0.47	Applicant	<p><b>Habitats Regulations Assessment - Screening conclusions - Humber Estuary Ramsar site</b></p> <p>Table 6-3 of the HRA Report [AS-004] does not give specific pathways for the qualifying features screened in for the Humber Estuary Ramsar site, whereas all other sites have specific pathways listed. Can the applicant provide an updated HRA report to include pathways for the Humber Estuary Ramsar site?</p>
Q2.0.48	Natural England	<p><b>Habitats Regulations Assessment - Screening conclusions</b></p> <p>The Natural England relevant representation [RR-023] does not refer to the applicants conclusions on:</p> <ul style="list-style-type: none"> <li>• Lower Derwent Valley SPA, Ramsar site and SAC</li> <li>• Skipwith Common SAC</li> <li>• River Derwent SAC</li> </ul>

ExQ2	Question to:	Question:
		Can NE confirm its position on these sites within the applicants HRA report [AS-004]?
Q2.0.49	Applicant	<p><b>Habitats Regulations Assessment - Parcel E ornithological mitigation</b></p> <p>The application documents, and the applicant's response to the s51 advice as detailed in the consultation report appendix 3.4 [APP-023], notes that a section of parcel E is for the purposes of ornithological mitigation (which appears to be relevant to the EIA and HRA). The ExA notes that the land does not appear to be subject to any built development and is instead to be left as agricultural use with adaptive farming methods to encourage bird species. The applicant is requested to provide clarity on the following matters related to this mitigation:</p> <ol style="list-style-type: none"> <li>1) How the mitigation proposed within this land (no construction and the use of adaptive farming) is proposed to be secured for the duration of the dDCO operational period?</li> <li>2) What the adaptive farming methods are proposed to be, and how they have been designed to attract the required ornithological species?</li> <li>3) Which party would be responsible for implementing the adaptive farming measures, and which party would be responsible for the monitoring of the success of these mitigation measures and implementing any alterations in a scenario where the mitigation measures are unsuccessful?</li> </ol>
Q2.0.50	Natural England	<p><b>Habitats Regulations Assessment - Confirmation of international designated sites</b></p> <p>The Natural England relevant representation [RR-023] NE11 refers to the Thorne Moor SAC, however the commentary also refers to this entry being relevant to the Humber Estuary SPA. Can NE confirm which site(s) this entry relates to?</p>
Q2.0.51	Natural England	<p><b>Habitats Regulations Assessment - Confirmation of international designated sites</b></p> <p>The Natural England relevant representation [RR-023] NE12 and NE13 refers to the "Thorne and Hatfield Moors SAC". Can NE confirm whether these entries relate to one or both of the Thorne Moors SAC and Hatfield Moor SAC?</p>
Q2.0.52	Natural England	<p><b>Habitats Regulations Assessment - Confirmation of international designated site</b></p> <p>The Natural England relevant representation [RR-023] NE15 to NE18 are all described as relating to potential water quality impacts during construction or operation. However, the ExA notes that NE15 and 16 refer to 6 sites, NE17 to 5 sites, and NE18 to 4 sites. Can NE confirm the rationale for the reduced number of sites in NE17 and then NE18 compared to NE15 and NE16?</p>
<b>3. Climate change</b>		
Q3.0.1	Applicant	<p><b>Greenhouse Gas Assumptions</b></p> <p>ES paragraph 14.3.42 [APP-051] states in part:</p> <p>"It is assumed that the Scheme will export a total of 1,260,000MWh of renewable electricity when fully operational (from 2032). It is assumed that export will begin in 2029 and increase linearly each year to full capacity from 2032."</p> <p>Could the applicant please update this assumption based on the currently anticipated network connection date. Could the applicant please confirm whether any revised date has implications for the assessment contained in ES chapter 14 [APP-051]. If it does, then please could the applicant update the ES and any associated appendices?</p>
Q3.0.2	Applicant	<p><b>Replacement assumptions</b></p> <p>ES Appendix 14.3 [APP-117] table 14.3.8 sets out assumptions for replacement of components of the proposed development. However, this appears to indicate that only 10% of many components will be replaced, including panels. Please could the applicant provide evidence of the operational life of panels and other components?</p> <p>The applicant is advised that the GHG assessment should be undertaken on a worst-case scenario basis. Does 10% panel replacement over the operational life of the development represent a worst-case scenario, particularly when taking into account panel degradation? Please refer to other recently made solar DCOs for assumptions and update the assessment contained in the ES if necessary.</p>
Q3.0.3	Applicant	<p><b>Baseline</b></p> <p>ES chapter 14 [APP-051] presents two different baseline scenarios. Could the applicant explain why? In particular, the applicant is advised to ensure that it takes into account SoS decision letters on recently made solar DCOs (including Tillbridge) with regard to 'without project' assumptions on combined cycle gas turbines (CCGT). The applicant should also amend Planning Statement paragraph 8.1.16 in as far as it uses CCGT as a comparison in considering the benefits of the proposed development.</p> <p>In relation to baseline scenario 2, ES table 14-10 sets out GHG emissions from various technologies. Could the applicant explain how it has concluded against these figures when determining residual effects. For example, has an average from 'various technologies' been taken when comparing GHG emissions?</p>

ExQ2	Question to:	Question:
Q3.0.4	Applicant	<p><b>CCR Assumptions</b></p> <p>Paragraph 5.2 of ES appendix 16.4 Climate Change Resilience and Adaptation Assessment [APP-125] states in part:            “The high emissions scenario was used to adopt a ‘worst case’ estimate of climate projections for the 2020-2039 time horizon for construction works”            Could the applicant confirm whether any changes to anticipated network connection date have implications for this assumption and the associated assessment?            If necessary, the assessment should be updated.</p>
Q3.0.5	Applicant	<p><b>Embedded Mitigation</b></p> <p>Do ES tables 6-3 and 6-4 of ES appendix 16.4 Climate Change Resilience and Adaptation Assessment [APP-125] take into account embedded mitigation?</p>
<b>4. Compulsory acquisition, temporary possession and other land or rights considerations</b>		
Q4.0.1	Applicant	<p><b>Draft Development Consent Order (dDCO) [AS-003] Article 26</b></p> <p>This article is drafted to enable compulsory acquisition of new rights over <b>all</b> of the Order land, with a schedule which limits the compulsory acquisition power in defined plots to the defined rights listed in that schedule (Schedule 8). This approach (allowing undefined rights in land not listed in that Schedule) should be clearly identified and the need for it explained and justified in the Explanatory Memorandum and Statement of Reasons. There must be evidence to show that persons with an interest in the Order land were aware that undefined new rights were being sought over <b>all</b> of the Order land and were consulted on that basis. Please could the applicant address this?</p>
Q4.0.2	Applicant	<p><b>Crown Land</b></p> <p>The Book of Reference [APP-021] (at paragraph 2.4.3 on page 5) states:            “As there is no Crown Land in the Order Limits, there is no Part 4 included in the Book of Reference.”</p> <ol style="list-style-type: none"> <li>1. Why then does paragraph 5 of Schedule 13 to the dDCO [AS-003] refer to “Crown land plans”? This seems to be an error.</li> <li>2. Why has the applicant omitted Part 4 of the Book of Reference completely, rather than including it but populating it with the word “none”? It should be a book, “in five Parts” (Regulation 7 of the APFP Regulations).</li> </ol>
Q4.0.3	Applicant	<p><b>Temporary Possession</b></p> <p>The dDCO [AS-003] does not include a schedule which any Schedule to the DCO which details specific plots over which temporary possession is sought. Instead, wide powers are being requested:            - in the case of article 33, over all of the Order land except the land listed in article 23(3) which the applicant says is common land;            - in the case of article 34, over all of the Order land.</p> <p>Why does article 34 not exclude land listed under article 23(3)?</p> <p>The applicant should give consideration to a provision obliging the applicant (undertaker) to remove from such land (on ceasing to occupy it temporarily) any equipment, vehicles or temporary works they carry out on it (save for rebuilding demolished buildings under powers given by the DCO), unless, before ceasing to occupy temporarily, they have implemented any separate power under the DCO to compulsorily acquire it.</p> <p>If compulsory acquisition articles (land and rights) are drafted to authorise the compulsory acquisition of <b>all</b> of the Order land there will need to be a provision in the temporary possession article which prevents compulsory acquisition of land (if any) which is only intended to be used temporarily. For example:  <i>The undertaker may not compulsorily acquire under this Order the land referred to in paragraph [xx] except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article [xx] (acquisition of subsoil or airspace only).</i></p> <p>In that scenario the compulsory acquisition article would also need to be drafted in a way that expresses that it is subject to the temporary possession article (by reference to the temporary possession article number).</p>
Q4.0.4	Applicant	<p><b>Common Land</b></p> <p>The applicant’s statement of reasons [APP-019] (paragraph 9.1.3) states in part:            “Special category land comprising ‘Common Land’ is within the Order Limits. The Applicant has an Option Agreement over this land, and therefore the land is excluded from the powers of compulsory acquisition.”</p>

ExQ2	Question to:	Question:
		<p>If the applicant is relying on an option agreement to purchase part of a common or rights over a common by private treaty (not compulsorily), then can it confirm (and provide evidence) that the agreement:</p> <p>(a) provides the applicant with everything it needs to be able to carry out works on and/or to use that particular land as proposed?; and</p> <p>(b) is entered into by all parties who need to give their consent to the sale or lease of that land or grant of rights over that land. For example, does any relevant commons council or commons association need to be a party to the agreement.</p> <p>In addition, does any of the proposed development on common land constitute 'restricted works' as defined in s38 of the Commons Act 2006? If so, then, ordinarily, special consent would be needed under that s38 from the 'appropriate national authority' (i.e. the Secretary of State [DEFRA, via an application to PINS] – see s.61 of that Act).</p>
Q4.0.5	Applicant	<p><b>Draft DCO Requirement 21 and its interaction with Compulsory Acquisition (CA)</b></p> <p>Could the applicant please consider whether any additional provision needs to be added to the DCO to prevent CA/TP until dDCO Requirement 21 (R21) is discharged? The applicant should take into account the need for the ExA to be satisfied that the scheme can be delivered in considering whether CA powers are acceptable. The ExA wants to avoid a situation where CA powers are utilised and then for an unknown reason (however unlikely the applicant considers it to be) dDCO [AS-003] R21 cannot be met. Please could the applicant provide a response? The applicant should investigate whether previously made DCOs have addressed this point.</p>
Q4.0.6	Applicant	<p><b>Land and Rights Negotiations Tracker</b></p> <p>The ExA notes that the applicant has not submitted a Land and Rights Negotiations Tracker. The Statement of Reasons [APP-019] includes a schedule of landowner negotiations at Appendix 2. However, this is very high-level and does not appear to include all category 1, 2, 3, 4 and 5 persons. The applicant should produce a separate Land and Rights Negotiations Tracker and submit this at Deadline 1, with updates thereafter during the examination. Please see recently made DCOs for examples of land and rights negotiations trackers. Please note that this tracker should also include details of negotiations on protective provisions.</p>
Q4.0.7	Applicant	<p><b>Public Benefit v Private Loss</b></p> <p>Could the applicant please set out, in tabulated form, how the public benefits of the proposed development would outweigh private loss on a plot-by-plot basis?</p>
Q4.0.8	Applicant	<p><b>Reasonable Alternatives to Compulsory Acquisition</b></p> <p>Paragraph 25 of the 'Department for Communities and Local Government (now known as the Ministry of Housing, Communities and Local Government) guidance entitled 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013)' (CA Guidance), states that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>1) Please demonstrate the applicant's compliance with this aspect of the CA Guidance.</p> <p>2) Has the applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land. or considered other means of involving those affected?</p>
Q4.0.9	All affected persons	<p><b>Accuracy of the Book of Reference, Land Plans and Points of Clarification</b></p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP-019] or the Land Plans [APP-008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect the land that you own or have an interest in.</p>
Q4.0.10	Applicant	<p><b>Diligent Enquiry into Land Interests</b></p> <p>In respect of unregistered land or where the owner could not be identified for any other reason, please set out what further steps the applicant will be taking to investigate any unknown ownership and rights during the Examination?</p>
Q4.0.11	Applicant	<p><b>Justification for Interfering with Human Rights of those with an Interest in the Land Affected</b></p>

ExQ2	Question to:	Question:
		What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?
Q4.0.12	Statutory Undertakers	<b>Protective Provisions</b> Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.
Q4.0.13	Applicant	<b>Justification for Interfering with the Human Rights of those with an Interest in the Land Affected In relation to the Applicant's duties under section 149 of the Equalities Act 2010</b> 1) Please explain how the applicant has had regard to the public sector equality duty in relation to the powers of CA sought and where this can be identified within the application. 2) Have any Affected Persons been identified as having protected characteristics?
Q4.0.14	Applicant	<b>Funding Statement [APP-020] – Development Costs</b> Funding statement section 5.1 briefly sets out the development costs for the proposed development including compulsory acquisition costs. However, this is a very brief section which does not include any evidence to demonstrate how these costs have been calculated. The applicant should append evidence of the estimated development costs and compensation costs and should update section 5.1 to provide a detailed explanation of how the costs have been calculated. Furthermore, the applicant refers to the costs associated with construction of cable routes. Do these costs include the cable routes up to the network connection point? Given that the precise location of the connection point is unknown what contingency (worst-case) has been built in to ensure that the cable route can be adequately funded. In addition, the grid connection and associated sub station development are not included as part of the application. Nonetheless, the proposed development clearly relies on these and as such the applicant should demonstrate (with reference to evidence) that these associated costs can be met.
Q4.0.15	Applicant	<b>Funding Statement [APP-020] – Balance Sheets</b> Funding statement section 6 briefly sets out how funds for the proposed development would be raised. Paragraph 6.1.1 states in part: “The Scheme will be funded from the Applicant and the wider RWE AG group's existing balance sheet” However, the rest of section 6 relies heavily on the applicant's 'parent' company RWE AG. Could the applicant provide evidence of its own balance sheet at present and explain the proportion of funds which would be required from the parent company in order to facilitate the proposed development?
Q4.0.16	Applicant	<b>Funding Statement [APP-020] – Balance Sheets</b> Paragraph 6.1.2 states in full: “If the DCO for the Scheme is granted, then the final investment decision would be made by the required RWE corporate bodies and RWE AG would commit, subject to approval, funding to the Applicant for the construction phase of the Scheme” Why has the parent company not already committed to funding the proposed development in the event that the DCO is made? Presumably there has been some sort of commitment in funding terms. If so, please provide evidence of this. In the absence of evidence of any such commitment how can the ExA be certain that the requisite funding will be forthcoming in the event that the DCO is made?
Q4.0.17	Applicant	<b>Funding Statement – Operation and decommissioning</b> No reference is made in the statement to how operational and decommissioning costs would be funded. Please can the applicant provide these details?
Q4.0.18	Applicant	<b>Funding Statement – Timing</b> The applicant's funding statement refers specifically to the CA guidance. In particular, it quotes paragraph 18 of this guidance which states in full: <i>“The timing of the availability of the funding is also likely to be a relevant factor. Regulation 3(2) of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 allows for five years within which any notice to treat must be served, beginning on the date on which the order granting development consent is made, though the Secretary of State does have the discretion to make a different provision in an order granting development consent. Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.”</i> However, there is no clear explanation within the funding statement of the timing of available funds. This is particularly important given the statement at paragraph 6.1.2 that “if the DCO for the Scheme is granted, then the final investment decision would be made by the required RWE corporate bodies and RWE AG would commit, subject to approval, funding to the Applicant for the construction phase of the Scheme.” Please could the applicant update the funding statement to address the timing of funding?

ExQ2	Question to:	Question:
Q4.0.19	Applicant	<b>Protective Provisions</b> Could the applicant please update the ExA on the latest positions with regard to protective provisions? In particular, please collate responses to each relevant representation that refers to protective provisions.
<b>5. The draft Development Consent Order (DCO)</b>		
Q5.0.1	Applicant	<b>Explanatory Memorandum (EM) paragraph 2.3.1 [APP-017]</b> This paragraph seems to imply that all of the “Authorised Development” mentioned constitutes a NSIP. In fact, however, only part of it is NSIP, as clarified later in paragraph 2.4.4. Could the applicant please update the EM or respond accordingly?
Q5.0.2	Applicant	<b>EM paragraph 2.5.2 [APP-017]</b> It does not seem accurate to include here the words “or by agreement” as articles 23, 26, 29 and 35 only give powers to acquire compulsorily (and, indeed, it is not necessary to include in the dDCO a power to acquire by agreement. Could the applicant please update the EM or respond accordingly?
Q5.0.3	Applicant	<b>EM paragraph 3.7.8 [APP-017]</b> Should this paragraph refer to Requirement 16 (instead of Requirement 15)?
Q5.0.4	Applicant	<b>EM paragraph 4.2.27 [APP-017]</b> This paragraph does not seem to list the provisions referred to in article 9(1)(e). Could the applicant please update the EM or respond accordingly?
Q5.0.5	Applicant	<b>EM paragraph 4.5.2 [APP-017]</b> This paragraph states that “where relevant, the undertaker for instance can <u>only</u> acquire new rights or <u>take temporary possession</u> of land and cannot acquire the freehold interest in that land” (emphasis added). However, the dDCO [AS-002] does not include any provisions that restrict the power to compulsorily acquire a freehold (or lesser) interest in land subject to temporary possession. So, this wording in the EM seems inaccurate and potentially misleading. Could the applicant please update the EM or respond accordingly with an explanation?
Q5.0.6	Applicant	<b>EM paragraph 4.6.5 [APP-017]</b> Should this paragraph refer to Schedule 10 (instead of Schedule 11)?
Q5.0.7	Applicant	<b>EM paragraph 4.6.13 [APP-017]</b> Should this paragraph refer to Schedule 11 (instead of Schedule 10)?
Q5.0.8	Applicant	<b>EM paragraph 5.2.4 [APP-017]</b> This paragraph sets out in part that “Where specified, it is the Relevant Planning Authority's (or both Relevant Planning Authorities’, where applicable) duty to carry out consultation before approving ‘details’ submitted to it (rather than, as in some of the Requirements, the undertaker's duty to carry it out before submitting the document for approval). Where it is considered that it would be particularly relevant for the Relevant Planning Authority (or both Relevant Planning Authorities, where applicable) to consult a third party or parties, they have been named within the relevant requirement.” Please could the applicant update EM paragraphs 5.2.6 to 5.2.28 to specify and justify instances where the relevant planning authority is required to consult third parties. In providing a justification for each instance the applicant should make reference to previously made DCOs.
<b>5.1 Articles</b>		
Q5.1.1	Applicant	<b>Draft DCO Article 3(2) [AS-003]</b> As much information as possible should be provided about “any enactment[s]”. Could the applicant explain why it is taking a different approach here to that taken in most recently made DCOs. Of particular concern to the ExA is that extent of land outside of the Order limits which is covered by this article. The applicant seeks to address this with an explanation provided at paragraph 4.2.11 of the EM [APP-017] but there is no certainty provided as to the extent of land involved nor the enactments likely to be affected. Is the applicant confident that it has sufficiently identified local enactments and addressed these in Schedule 9 or not?
Q5.1.2	Applicant	<b>Draft DCO Articles 7 and 8 [AS-003]</b> If any part of this article is drafted so as to allow any transfer of benefit by the applicant (undertaker) to any other named person or category of person without the need for the Secretary of State’s consent, then the applicant should provide full justification as to why a transfer to such person is appropriate. Where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the DCO, the transfer of benefit should be restricted to those

ExQ2	Question to:	Question:
		works. If the provision seeks to permit transfer of compulsory acquisition powers the applicant should provide evidence to satisfy the Secretary of State that such person has sufficient funds to meet the compensation costs of the acquisition. Could the applicant please provide a response?
Q5.1.3	Applicant	<p><b>Draft DCO Article 9 [AS-003]</b></p> <p>The guidance in section 25 of Advice Note 15 should be followed and, if not already provided, additional information sought such as:</p> <ul style="list-style-type: none"> <li>• the purpose of the legislation/statutory provision</li> <li>• the persons/body having the power being disapplied</li> <li>• an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls</li> <li>• (by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO.</li> </ul> <p>Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 evidence will be required that the regulator has consented to removing the need for the consent in accordance with s.150 Planning Act 2008.</p> <p>Can the applicant either direct the ExA to where these matters have been considered and explained, or alternatively provide this information?</p>
Q5.1.4	Applicant	<p><b>Draft DCO Article 10 [AS-003]</b></p> <p>Are the controls on noise elsewhere in the DCO sufficient to justify the defence being provided by this article to statutory nuisance claims relating to noise? If the defence has been extended to other forms of nuisance under section 79(1) Environmental Protection Act 1990, the same question will apply to those nuisances.</p> <p>This article also sometimes refers to legislation that has been repealed – e.g. s65 Control of Pollution Act 1974 (as is the case in this draft DCO). It should refer to extant legislation only.</p>
Q5.1.5	Applicant	<p><b>Draft DCO Article 13</b></p> <p>This is a wide power – authorising alteration of any street within or outside the Order limits. Could the applicant please confirm why this power is necessary?</p> <p>It appears that article 13(2), as currently drafted, would extend to allowing the undertaker to alter the layout of streets outside the Order limits (as well as streets within the Order limits). Having said that, any such alterations to streets under article 13(2) could only be done for the purposes specified within it (not for any other purpose), could not be done without the consent of the street authority and any street temporarily altered would need to be restored to the reasonable satisfaction of the street authority.</p> <p>The applicant says in its EM [APP-017] that there is precedent for this in the made Longfield Solar, Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station), and Hornsea Four Offshore Wind Farm DCOs. The equivalent articles in those DCOs are similar, but not identical. Whilst not mentioned by the applicant in this regard, there are also similar provisions in the made Gate Burton Energy Park, and Cottam Solar DCOs. Out of all of those made DCOs, however:</p> <ul style="list-style-type: none"> <li>- none of them included decommissioning as a related purpose, as the applicant has (in 13(2));</li> <li>- none of them included the provision that the applicant has inserted about s54 New Roads and Street Works Act 1991 (in 13(6)); and</li> <li>- only one of them included a deemed consent provision such as the one this applicant has inserted (in 13(5)) is the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) DCO.</li> </ul> <p>Could the applicant please explain why such wide powers are necessary in this particular instance and outline why the wording of the article differs from other made DCOs as highlighted above?</p>
Q5.1.6	Applicant	<b>Draft DCO Articles 15 and 19 [AS-003]</b>

ExQ2	Question to:	Question:
		Notwithstanding other precedents, justification should be provided as to why these powers are appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets. Please could the applicant provide a response?
Q5.1.7	Applicant	<b>Draft DCO Articles 41 and 42 [AS-003]</b> Could the applicant amend the 'felling or lopping' article such that it applies to trees within or 'encroaching upon' the Order limits?
Q5.1.8	Applicant	<b>Draft DCO Article 48 [AS-003]</b> This article is intended to allow development not authorised by the DCO to be carried out within the Order limits pursuant to planning permission. This would appear to obviate the need, in such circumstances, to apply to change the DCO (through section 153 of the Planning Act 2008). The provisions in article 48 appear similar to ones removed from other proposed DCOs recently by SoS DESNZ because they considered it unnecessary and that it may create potential ambiguity (e.g. the removal of the applicant's proposed article 46 'inconsistent planning permissions' from the Byers Gill Solar DCO). As such, can the applicant explain why it is necessary for these provisions to be in this particular DCO in the circumstances of the proposed development?
<b>5.2 Schedules</b>		
Q5.2.1	Applicant	<b>Draft DCO Schedule 1 [AS-003]</b> The applicant should amend the definition of permissive paths to refer to the plan within which those paths are identified. Please could the applicant update the DCO accordingly?
Q5.2.2	Applicant	<b>Draft DCO Schedule 1 [AS-003]</b> Schedule 1 includes a description of 'further associated development'. However, rather than just a single paragraph this lists a whole hosts of different types of development/ operations. Is there precedent in other recently made DCOs for this and if so could this please be referred to in the EM. Furthermore, there is no explanation in the EM of the need for this extensive list. Could the applicant please provide a full justification?
Q5.2.3	Applicant	<b>Draft DCO Schedule 2 Part 1 [AS-003]</b> The 'interpretation' should distinguish between relevant planning authorities and set out which requirements apply to which planning authority. Please refer to recently made solar DCOs by way of example. This approach will avoid ambiguity.
Q5.2.4	Applicant	<b>Draft DCO Schedule 2 Requirement 3 [AS-003]</b> This requirement includes part 5 which allows for 'optioneering' and 'flexibility'. However, this would potentially lead to ambiguity and over-complication of the phasing arrangements. It is also not clear how this optionality would sit with other requirements which refer to phasing of the development. The applicant should either remove this part of the requirement or provide a full justification for it with specific reference to made DCOs which include the same approach. Please could the applicant provide a response?
Q5.2.5	Applicant	<b>Draft DCO Schedule 2 [AS-003]</b> There are several instances where requirements do not include a retention clause such as 'and shall be maintained until the development is decommissioned'. Retention wording may differ depending on the particular requirement or intention of the requirement. However, the following requirements should include some form of retention clause: <ul style="list-style-type: none"> <li>• Requirement 7.</li> <li>• Requirement 11.</li> <li>• Requirement 17.</li> <li>• Requirement 18.</li> <li>• Requirement 19 (also lacks an implementation clause).</li> </ul>
Q5.2.6	Applicant	<b>Draft DCO Schedule 2 Requirement 12 [AS-003]</b> Could the applicant please explain why this requirement makes no reference to monitoring or recording?
Q5.2.7	Applicant	<b>Draft DCO Schedule 2 Requirement 13 [AS-003]</b> Should this include a requirement for written confirmation to be submitted of completion of any controlled site interpretation scheme, prior to commencement of the relevant work Nos.?
Q5.2.8	Applicant	<b>Draft DCO Schedule 2 Requirement 19 [AS-003]</b>

ExQ2	Question to:	Question:
		Could the applicant please justify the six-month period between the end of the operational period and the submission of a decommissioning environmental management plan? Please refer to recently made solar DCOs.
Q5.2.9	Applicant, CDC, NLC EA and NE.	<b>Draft DCO Schedule 2 Requirement 22 [AS-003]</b> Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs? Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this consultation period, with reasons given?
Q5.2.10	Applicant	<b>Draft DCO Schedule 2 [AS-003]</b> There are several requirements which refer to 'phases' of the development but it does not appear that any definition is provided within the dDCO of what a 'phase' may constitute. Could the applicant please either provide a definition or provide a justification for such absence with reference to recently made DCOs?
Q5.2.11	Applicant	<b>Draft DCO Schedule 2 Requirement 13 [AS-003]</b> Could the applicant please explain why this requirement only prevents Work Nos. 1A and 1B prior to approval of details, as opposed to other Work Nos.?
Q5.2.12	Applicant	<b>Draft DCO Schedule 2 Part 2 [AS-003]</b> Article 1(1) of part 2 to schedule 2 provides that the relevant planning authority must give notice to the undertaker of its decision on the application within a period of eight weeks. Please could the applicant provide justification for this eight week period with reference to recently made solar DCOs? In addition, article 1(3) relates to deemed consent. The applicant should include an additional article stipulating that the deemed consent conferred under article 1(3) does not apply where the application would result in the development giving rise to new or materially different environmental effects compared to those set out in the ES. In order to give this article effect there should also be an article requiring that all applications include a written statement confirming whether or not it would give rise to new or materially different environmental effects compared to those set out in the ES. Please refer to recently made solar DCOs for example wording.
Q5.2.13	Applicant	<b>Draft DCO Schedule 2 Requirement 21 [AS-003]</b> Could the applicant please confirm the following (and revise the wording of R21 as necessary): <ul style="list-style-type: none"> <li>• From whom does the applicant need to obtain the evidence referred to?</li> <li>• Should 'evidence' be amended to 'evidence in writing'?</li> <li>• What type of consent or authorisation is the applicant referring to? – is it under a specific legislative provision that could be referred to?</li> <li>• What exactly does the applicant mean by 'comprising the provision of electrical cables for the purposes of connecting'? – do this mean an actual connection being authorised or simply laying cables for the purposes of connecting without necessarily having the connection itself authorised?</li> </ul>
Q5.2.14	Applicant	<b>Draft DCO Schedule 11 [AS-003]</b> Could the applicant explain why the title of this schedule refers to documents to be 'created'? Please update to 'certified' or provide an explanation and justification for an alternative approach.
Q5.2.15	Applicant	<b>Draft DCO Schedule 13 [AS-003]</b> This schedule sometimes refers to article 48 rather than 44 when dealing with arbitration. Could the applicant correct this please?
<b>6. Cultural heritage</b>		
Q6.0.1	Applicant	<b>Heritage Balance</b> NPS EN-1 paragraphs 5.9.22 to 5.9.36 address the heritage balance tests to be applied in circumstances where 'less than substantial' and 'substantial harm' are identified to non-designated and designated heritage assets. It does not appear that the applicant has undertaken these balancing exercises anywhere in the application documentation. Please could the applicant append a 'heritage balance' to the Planning Statement [APP-030]. The document should undertake the relevant balancing exercises for any heritage asset where harm has arisen and reach appropriate conclusions. These conclusions should subsequently feed into the overall planning balance. Please refer to recently made DCO recommendation reports for examples.
Q6.0.2	Applicant	<b>Designated Heritage Assets</b> Please update ES Figure 8.1 [APP-151] such that the heritage assets are shaded a different colour to the ZTV.
Q6.0.3	Applicant	<b>Identification of Heritage Assets</b> ES paragraph 8.3.3 [APP-045] states in part:

ExQ2	Question to:	Question:
		<p>“For designated assets and all built heritage assets a 1km buffer around the Order Limits and the Screened Zone of Theoretical Visibility (SZTV) produced by the Landscape team was used as the Study Area. It is noted that a SZTV is a tool of assessment. It is not considered wholly accurate and for heritage, it is understood that setting is not a purely visual concept. Therefore, assets which lay within 1km of the Order Limits but outside the SZTV were also assessed to ensure they did not have an historic or functional association with the Scheme.”</p> <p>However, ES Figure 8.1 [APP-151] does not appear to include heritage assets outside of the ZTV but within the buffer. It also appears that this figure omits various heritage assets which are located within the ZTV, for example north of Sandtoft. Could the applicant please respond and update this figure accordingly. In addition, not all of the ZTV appears to be shown on the figure (for example, ZTV land north of the order limits).</p>
Q6.0.4	Applicant	<p><b>Heritage Baseline Assessment</b></p> <p>Paragraph 6.8 of the Heritage Baseline Assessment [APP-085] lists designated assets within the screened ZTV or within 1km of the Order Limits that have been excluded, on the basis of there being no potential for change to the significance of the assets through changes to setting. However, it does not appear that a full description of all settings for these heritage assets and their spatial extents has been provided. The same logic applies to non-designated heritage assets referred to at paragraph 6.17. It is acknowledged that the applicant has provided a rationale for exclusion but this does not explain the extent of settings in relation to each asset and a description of <u>why</u> it would not be intervisible with the scheme. It is also not clear if the applicant has taken into account sequential views (as one travels through the landscape) in screening these assets out of further assessment.</p>
Q6.0.5	Applicant	<p><b>Geoarchaeological Assessment</b></p> <p>ES paragraph 8.3.33 [APP-045] states in full:</p> <p>“To date not all of the archaeological surveys have been completed as a revised version of the Geoarchaeological Assessment is currently in preparation. The revised report is expected to be available in September 2025”.</p> <p>The Geoarchaeological Assessment [APP-093] provided by the applicant is dated 2024. Please update this paragraph, provide the updated assessment and explain how the results of any new survey differ and what the implications are for the assessment in the ES and any mitigation proposed.</p>
Q6.0.6	Applicant	<p><b>Archaeological surveys</b></p> <p>ES paragraphs 8.3.34 to 8.3.37 describe the various archaeological surveys that have been undertaken by the applicant. Please could the applicant summarise how they each relate to one another. For example, which surveys fed into subsequent surveys in terms of identifying the scope and need for different and targeted survey methods. These include: Geophysical Survey Report [APP-086 to APP-092], Geoarchaeological Assessment [APP-093], Trial Trenching Report [APP-094], Test Pitting Report [APP-095]. In turn please summarise how these results feed into the Outline Archaeological Mitigation Strategy [APP-096].</p>
Q6.0.7	Applicant and CDC	<p><b>Archaeological Surveys</b></p> <p>In CDC’s RR [RR-006] the council asserts that the applicant has not undertaken sufficient archaeological evaluation. It is noted that CDC suggests that further pre-decision evaluation could include areas covered by more intrusive components of the development. Could CDC and the applicant please set out their positions on the required extent and scope of pre-decision and post-decision archaeological evaluation? In doing so, examples of work undertaken on other DCO solar developments should be identified, if relevant.</p>
Q6.0.8	Applicant	<p><b>Non-designated heritage assets</b></p> <p>ES paragraphs 8.6.60 and 8.6.61 [APP-045] refer to the effects of construction activities on geoarchaeological and landscape assets. However, it is not clear which assets these conclusions specifically apply to. Furthermore, two different effects are noted for different components of the development. Given that the assessment should be undertaken on a worst-case scenario basis, should the greater effect be assumed? In addition, why have no equivalent conclusions on effects been reached in relation to NDHA identified at 8.6.5 to 8.6.53?</p>
Q6.0.9	Applicant	<p><b>Mitigation</b></p> <p>ES paragraphs 8.7.5 to 8.8.3 suggest that mitigation proposed in the form of the Outline Archaeological Mitigation Strategy [APP-096] would reduce significant effects to non-significant. However, there does not appear to be a clear explanation as to why or how the specific measures contained in the aforementioned strategy would reduce the effects on non-designated heritage assets. Please could the applicant direct the ExA to such an analysis or provide one?</p>
Q6.0.10	Applicant	<p><b>Historic Landscape</b></p> <p>North Lincolnshire Local Plan (2003) Policy LC14 (Area of Special Historic Landscape Interest) refers to the “The Isle of Axholme”, which is designated as an area of Special Historic Landscape Interest. Whilst ES chapter 8 [APP-045] does identify the effects of the development on this non-designated heritage asset, there does not appear to be any explanation of why these effects would arise. Paragraphs 5.42-5.54 of the Heritage Baseline Assessment [APP-085] provide some background information but this information is not drawn out in ES Chapter 8. Please could the applicant address this?</p>

ExQ2	Question to:	Question:
Q6.0.11	Applicant	<p><b>Historic Landscape</b>                      CDC's RR [RR-006] states in part:                      "the importance of the landscape comprising the Order limits and beyond in heritage terms has, in the view of CDC, been significantly downplayed by the Applicant in its assessments."                      Could the applicant please address paragraphs 8.1 to 8.4 of CDC's RR and in particular, direct the ExA to where and how the Historic Landscape has been considered in the ES?</p>
Q6.0.12	Applicant	<p><b>Cumulative Effects</b>                      ES chapter 17 on Cumulative Effects only includes one paragraph in relation to cultural heritage. ES paragraph 17.4.18 states in full:                      "The short-listed projects detailed in Table 17-6, above, have been reviewed to consider if any cumulative effects relating to cultural heritage would arise. No cumulative effects on cultural heritage assets have been identified arising from any of the short-listed schemes."                      However, there is no detailed explanation as to why cumulative effects have not been identified. In particular, the applicant should explain why developments have been screened out or alternatively explain (for those not screened out) why there would not be any significant cumulative effects. Reference should be made to the intervisibility of the proposed development with other projects in relation to the settings of designated and non-designated heritage assets. In terms of archaeological assets, an assessment of the cumulative effects of the proposed development and any other developments should be provided. If there would not be any cumulative archaeological effects then a rationale should be provided.</p>
Q6.0.13	Applicant	<p><b>Important Hedgerows</b>                      ES Figure 8.3 - Important Hedgerows (Heritage) [APP-153] shows important hedgerows located within the order limits. Despite the inclusion of this figure in the ES, there does not appear to be any description of their significance (other than a brief reference at paragraph 5.52 of the Heritage Baseline Assessment [APP-085]). Neither does there appear to be any confirmation of whether they constitute NDHA, nor any conclusion on the effect of the proposed development on these hedgerows. Could the applicant direct the ExA to this information or otherwise provide it please?</p>
Q6.0.14	Applicant	<p><b>Requirement 12 – Archaeology</b>                      Draft DCO [AS-003] R12 relates to archaeological work. Should this clarify that 'no part of the authorised development' includes preliminary works? Please see other recently made DCOs. In addition, where is there a requirement in the dDCO that the development is undertaken in accordance with the archaeological mitigation strategy (not just a WSI in accordance with it)? Is this to be a certified document? If not, then where is there a requirement for its final approval and implementation?</p>
<b>7. Flood Risk, hydrology, and water resources</b>		
Q7.0.1	Applicant	<p><b>Sequential Test</b>                      Appendix 1 of the Flood Risk Sequential Test and Exception Test (Rev 1) [APP-186] shows a very specific location labelled as Site Selection Start Point and a 10km area of search. Presumably this is the anticipated location of the 'new substation' referred to throughout the application documents? However, paragraph 4.1.7 [APP-186] indicates that the applicant is not certain where the new substation and associated point of connection would be located. Furthermore, National Grid Electricity Transmission Plc's (NGET) RR [RR-021] states in part:                      "NGET wishes to make clear that NGET is not responsible for the connection cable between the Project and any NGET substation. NGET is not currently proposing to construct a new substation in this area."                      As such, how can the applicant justify the search area given that there are (according to NGET) no plans to construct a new substation in this area? What certainty is there that there would be a POC in or even close to the location used to inform the site search buffer? Does the applicant's grid connection agreement allude to or specify a particular location or geographical area?</p>
Q7.0.2	Applicant	<p><b>Sequential Test</b>                      Paragraph 4.1.8 of the applicant's Flood Risk Sequential Test and Exception Test (Rev 1) [APP-186] states that "another factor in the availability of the POC in this location was the Applicant's ownership and operation of the Tween Bridge Wind Farm. This meant that the Scheme would be capable of co-location with the wind farm, sharing infrastructure and lowering potential environmental effects".                      Please could the applicant be more specific about what infrastructure is shared and how environmental effects would be lower as a result?</p>
Q7.0.3	Applicant	<p><b>Sequential Test</b>                      Paragraph 5.2.5 of the applicant's Flood Risk Sequential Test and Exception Test (Rev 1) [APP-186] states in part:                      "Although the site may be sequentially preferable it is necessary to consider whether the site is a reasonable alternative and is available for development."</p>

ExQ2	Question to:	Question:
		Could the applicant please explain, with reference to relevant policies and guidance, what it means by “reasonable alternative”?
Q7.0.4	Applicant	<b>Sequential Test</b> In considering alternative sites, the applicant’s Flood Risk Sequential Test and Exception Test (Rev 1) [APP-186] generally rules these out as a result of various ‘planning constraints’. However, NPS EN-1 paragraph 5.8.10 indicates that in order for the test to be passed there needs to be a consideration of how the application of the ‘relevant policies’ would provide a ‘clear reason’ for refusing’ permission on alternative sites. As such, could the applicant please update the sequential test to address this policy requirement for each alternative site?
Q7.0.5	Applicant	<b>Sequential Test</b> The applicant’s Flood Risk Sequential Test and Exception Test (Rev 1) [APP-186] includes alternative sites in areas at predominantly low risk of flooding. However, NPS EN-1 paragraph 5.8.21 also requires consideration of sites at ‘medium risk’ of flooding. Could the applicant explain whether and how this policy requirement has been met?
Q7.0.6	Applicant	<b>Exception Test</b> The applicant’s Flood Risk Sequential Test and Exception Test (Rev 1) [APP-186] does not appear to refer to the category of vulnerability of the development. Please refer to NPS EN-1 paragraph 5.8.9 and update the document, or alternatively direct the ExA to where this is addressed in the application documents?
Q7.0.7	Applicant	<b>Alternatives</b> Can the applicant please explain how the application of the sequential test [APP-186] accords with the principles set out at NPS EN-1 paragraph 4.3.22?
Q7.0.8	Applicant	<b>Fluvial Flooding</b> ES Chapter 10 [APP-047] paragraph 10.4.16 states: “Overall, the fluvial flood risk to the Scheme is considered to be Low to Medium.” Please could the applicant explain this conclusion? The preceding text appears to contradict this statement.
Q7.0.9	Applicant	<b>Flood Zones</b> ES paragraph 10.4.13 [APP-047] states that “a plan of Flood Zone 3a and Flood Zone 3b in included in the FRA appended to this ES”. Please could the applicant direct the ExA to the exact location of this plan? The FRA [APP-108] also refers to flood zone 3b data at paragraph 5.16. Can a plan showing the extent of flood one 3b and 3a within and surrounding the Order Limits be provided if not already submitted?
Q7.0.10	Applicant	<b>Mitigation</b> ES paragraphs 10.6.15 to 10.6.21 [APP-047] address ‘additional mitigation’. Is the applicant satisfied that these are ‘additional mitigation’ measures as opposed to embedded measures? Prior to responding please refer to other ES chapters for consistency of approach. Please also include reference to whether measures are embedded or additional in ES table 10-7.
Q7.0.11	Applicant	<b>ES table 10-7</b> Please could the applicant amend ES table 10-7 [APP-007] to address whether the effects relate to construction, operation or decommissioning?
Q7.0.12	Applicant	<b>Consistency with FRA</b> It is essential that the ES fully draws on the conclusions of the FRA [APP-108] to explain the rationale for concluding on likely significant effects. There are several instances where it is not clear what the basis for the conclusions are. For example, ES paragraphs 10.5.8 to 10.5.11. In addition there is very little detail provided on the effects on specific receptors. Please could the applicant address these issues?
Q7.0.13	Applicant	<b>1 in 1000 Fluvial Event</b> Paragraphs 5.6 to 5.12 of ES Appendix 10.1 Flood Risk Assessment [APP-108] state that the applicant has proposed mitigation on the basis of a worst-case scenario of a 1 in 1000 year fluvial flood event. Could the applicant please outline what the specific policy requirements are in this regard? Does the National Planning Practice Guidance (PPG) recommend designing for 1 in 100 year fluvial flood events and 1 in 200 year tidal flood events? Could the applicant confirm how these events relate to the Critical Flood Level (CFL) referred to in the EA’s RR [RR-009]. Please address the prospect raised by the EA that the proposed mitigation takes into account the CFL?
Q7.0.14	Applicant	<b>Floodplain Storage</b> With reference to the EA’s RR [RR-009] please respond to the assertion that flood plain storage should be considered with regard to flood zone 3a as well as 3b? Furthermore, FRA paragraph 5.21 outlines that the access tracks would be permeable. Despite this, the EA comments that the raising of the proposed tracks does not appear to have been considered with regard to its influence on flood plain storage. Please provide a response.

ExQ2	Question to:	Question:
Q7.0.15	Applicant	<p><b>Proposed Raising of Panels and Infrastructure</b></p> <p>Paragraph 5.25 of the FRA [APP-108] outlines that “The lowest edge of all proposed solar PV modules and all associated infrastructure within the Order limits will be raised above this flood level to ensure the Scheme remains safe and operational during times of extreme flood”.</p> <p>Could the applicant confirm:</p> <ul style="list-style-type: none"> <li>a) Whether this refers to the 1 in 1000 fluvial flood level?</li> <li>b) How this would be secured in the dDCO (for example which document and associated DCO requirement would secure this)?</li> </ul>
Q7.0.16	Applicant	<p><b>Tidal or Fluvial</b></p> <p>Paragraphs 5.6 to 5.12 of ES Appendix 10.1 Flood Risk Assessment [APP-108] state that the applicant has proposed mitigation on the basis of a worst-case scenario of a 1 in 1000 year fluvial flood event. However, paragraph 5.27 refers to the tidal Trent model/data. Please could the applicant clarify whether it is basing mitigation on tidal or fluvial 1 in 1000 data or a combination of both?</p>
Q7.0.17	EA and Applicant	<p><b>Critical Flood Level</b></p> <p>Could the EA and the applicant please provide any relevant planning policies pertaining to the Critical Flood Level and provide an explanation of how this differs to fluvial and tidal flood data upon which the mitigation measures have been based? Does a requirement to raise infrastructure above the CFL accord with policy expectations? Is the CFL used nationally, and are either party aware of any instances of development (in particular solar farms) being raised above the CFL (bearing in mind the ‘essential infrastructure’ category)?</p>
Q7.0.18	Applicant	<p><b>Surface Water Flood Risk</b></p> <p>FRA paragraph 6.09 [APP-108] states in full:</p> <p>“To ensure the Scheme remains safe and operational during surface water flood events over its lifetime, solar PV modules and infrastructure located within the predicted 1 in 1,000 year surface water flood extent will be raised above the associated predicted 1 in 1,000 year surface water flood depths.”</p> <p>How does this relate to the raising proposed based on the 2023 Tidal Trent outputs in the fluvially dominated 1 in 1,000 year flood event. Is it the case that the latter exceeds the former in all cases, or are there areas of the site where the 1 in 1000 surface water flood event requires raising above the modelled fluvial event?</p>
Q7.0.19	Applicant	<p><b>Surface water flows</b></p> <p>FRA paragraph 6.10 [APP-108] outlines that “In addition to keeping the Scheme safe, the proposed raising will ensure surface water can flow freely and that existing surface water flow patterns remain unaffected by the Scheme.” However, is this statement true of the proposed BESS units and substations? What modelling has been undertaken to demonstrate that non-panel infrastructure will not adversely affect surface water flows and where are the associated conclusions on this? It is noted that some basic analysis is provided at FRA paragraphs 6.18 to 6.28 but where is the modelling. Where in the ES are the conclusions on surface water flood risk prior to mitigation?</p>
Q7.0.20	Applicant	<p><b>Stainforth and Keadby Canal</b></p> <p>Could the applicant please confirm whether it considers that the mitigation proposed to address a 1 in 1000 fluvial event would be sufficient to also mitigate any flood event from the Stainforth and Keadby canal?</p>
Q7.0.21	Applicant	<p><b>Watercourse buffers</b></p> <p>Have the buffers identified at FRA paragraph 6.11 (a and b) been agreed with the EA and respective drainage board bodies/ what is the rationale for these specific distances?</p>
Q7.0.22	EA, CDC and NLC	<p><b>Outline Surface Water Drainage Strategy</b></p> <p>Could the EA and Council’s please confirm the acceptability or otherwise (in principle) of the outline surface water drainage strategy at FRA section 7 and appendices I and J [APP-108-109]?</p>
Q7.0.23	Applicant	<p><b>Vehicular and other crossings</b></p> <p>If new or re-enforced drainage ditch or other watercourse crossings are required on either a temporary or permanent basis, then where are these identified on a plan? If such crossings are required then how has their construction been considered in terms of it’s impact on flood risk and drainage and what measures will be put in place to ensure that any such crossings are designed in consultation with the responsible organisations (for example IDB crossing details to be approved in consultation with the IDB)? It is noted that ES paragraph 10.5.22 identifies specific significant effects from installed culverts but the ES does not appear to explain how these effects would be mitigated.</p>

ExQ2	Question to:	Question:
Q7.0.24	Applicant	<p><b>Flood Emergency Management Plan</b></p> <p>It is noted that the applicant has included a 'Flood Emergency Management Plan' at FRA appendix H [APP-108]. However, there does not appear to be any associated text in the ES or FRA which describes the plan, why it is required, whether it accords with the requirements of NPS EN-1 and how it would be implemented, controlled (DCO) and managed. Could the applicant please either direct the ExA to the relevant application document where this addressed or update the ES accordingly?</p>
Q7.0.25	Applicant	<p><b>Flood Emergency Management Plan</b></p> <p>NPS EN-1 paragraph 5.8.36 states in part that the SoS should be satisfied that the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development. In terms of preparation of the 'evacuation plan'. NPS EN-1 paragraph 5.8.34 states that "The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA".</p> <ol style="list-style-type: none"> <li>The applicant's Flood Emergency Management Plan at FRA appendix H [APP-109] does not appear to specify any particular routes or alternatively explain how such routes would be determined in the event of a flood warning. Could the applicant please update the plan accordingly?</li> <li>The plan does not appear to include any description of how the local emergency planning team, emergency services or local resilience forums have been consulted in formulation of its proposals. Please provide a response.</li> <li>The bullet points describing safe access and egress procedure are not specific enough and conflict with each other. For example the last bullet point states that 'all staff will be sent home' and another asserts that 'site users' will be told that they are 'not in immediate danger'.</li> <li>Details of responsibility are too vague and there does not appear to be any means of distinguishing between construction, operation and decommissioning. Neither does the plan explain what period it covers (for example, construction, operation and decommissioning).</li> <li>There does not appear to be any requirement in the dDCO [AS-002] which controls the submission and approval of the final version of the plan. Please could the applicant address this?</li> </ol>
Q7.0.26	Applicant	<p><b>Foul Water Drainage</b></p> <p>Can the applicant confirm whether there are any foul water drainage proposals and where these are addressed in the application documents. It is noted that dDCO R11 refers [AS-002] to foul water drainage.</p>
Q7.0.27	Applicant	<p><b>DCO Requirement 11 [AS-002]</b></p> <p>This requirement does not explain when the approved drainage measures would need to be implemented or that they should be retained and managed for the lifetime of the development. Neither does it specifically require details of management measures to be approved. Could the applicant please address this?</p>
Q7.0.28	Applicant	<p><b>Mitigation</b></p> <p>ES paragraph 10.6.21 [APP-047] refers to various management plans and other documents which are said to contain mitigation measures. Could the applicant please explain which measures in each of the documents relate to flood risk and drainage? Could the applicant also confirm how these documents would be implemented and controlled under the dDCO [AS-002].</p>
Q7.0.29	Applicant	<p><b>Summary of effects, mitigation and residual effects</b></p> <p>ES table 10-7 [APP-047] purports to summarise the effects, mitigation and residual effects. However, this table needs to be divided between construction, operation and decommissioning effects. Furthermore, the receptors should be more precise as they are presently very vague. Could the applicant please updated this table accordingly?</p>
Q7.0.30	Applicant	<p><b>Cumulative Effects</b></p> <p>ES chapter 17 [APP-054] only includes two paragraphs on likely significant effects (17.4.20 to 17.4.21). These effectively state that the other developments identified for cumulative assessment will be required to meet policy and legislative requirements and as such, there would be no significant cumulative effects. However, the ExA requires a greater justification for this conclusion. This section should explain what, if any, cumulative effects are likely to occur in respect of each of the matters considered in detail in ES chapter 10. If there would not be any significant cumulative effects then the applicant needs to explain why (with reference to proximity, likely construction dates or other factors).</p>
Q7.0.31	Applicant, EA, NLC and CDC	<p><b>Operational reason for locating in flood zone 3b</b></p> <p>NPS EN-1 paragraph 5.8.41 states in full:  <i>"Energy projects should not normally be consented within Flood Zone 3b , or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has</i></p>

ExQ2	Question to:	Question:
		<p><i>to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.</i></p> <p>Please could the applicant explain whether there are any operational reasons why this development needs to be located within flood zone 3b? Please could the EA and Councils provide their views on this?</p>
Q7.0.32	The applicant	<p><b>Responsibility for SuDS maintenance:</b> The FRA [APP-108] includes appendix K which provides an indicative drainage operation and maintenance manual. Can the applicant confirm which party would be responsible for the implementation of this maintenance regime?</p>
Q7.0.33	CDC, NLC and Severn Trent Water	<p><b>Sewer or other man made flood risk sources:</b> The FRA [APP-108] states at paragraph 5.56 that "The North and North East Lincolnshire SFRA (2022) states that "sewerage drainage problems have been mapped on their interactive maps". These interactive maps have not been found freely available to view online by the applicant." Can the LLFA and / or Severn Trent Water provide the relevant maps to the applicant for consideration within an amended FRA?</p>
Q7.0.34	All interested parties	<p><b>Use of climate change allowances:</b> Paragraphs 5.9 and 5.24 of the FRA [APP-108] state that the 1 in 1000 year flood event has been used to assess the design of flood risk mitigation measures and represents a precautionary approach with a greater extent than the required 1 in 100 year plus climate change event for fluvial flooding and the required 1 in 200 year plus climate change event for tidal flooding. As such, no additional allowance for climate change has been included in the assessment beyond this. To all relevant IPs - please can you confirm if there are any comments you wish to make on the chosen climate change allowances?</p>
<b>8. Landscape and visual</b>		
Q8.0.1	Applicant	<p><b>132kV substation height</b> ES chapter 16 [APP-043] paragraph 6.3.5 states in part that 'the highest electrical equipment [for Work No.4] will be 7m'. However, the Design Parameters Document [AS-007] refers to a height of 8m. Which is the correct height and what are the implications for the assessment? Please correct the text accordingly.</p>
Q8.0.2	Applicant	<p><b>Raising above flood level</b> ES chapter 16 [APP-043] paragraph 6.3.40 refers to the applicant's photomontage visualisations. Could the applicant please confirm whether these visualisations take into account the areas where raising is required above the flood level? Please refer to Appendix A of the Design Parameters Document [AS-007]. If not, can the submitted visualisations be updated? Could the applicant also confirm whether the assessment has taken into account raising in the specific areas identified in Appendix A?</p>
Q8.0.3	Applicant	<p><b>Construction Assumptions</b> ES paragraph 6.3.42 [APP-043] refers to the construction assumptions and limitations for the assessment. Could the applicant please direct the ExA to the assumptions made with regard to construction laydown areas and other more detailed considerations for construction?</p>
Q8.0.4	Applicant	<p><b>Viewpoints</b> ES paragraph 6.4.58 [APP-043] states in part: "The most available potential views are from features and routes within the Order Limits which provide public access into the extent of the Order Limits, including the Stainforth to Keadby Canal, PRoWs and a BOAT...". However, with reference to ES Figure 6.3 [APP-147], the applicant does not appear to have included viewpoints from several PROW and publicly accessible routes shown on ES Figure 3.1 [APP-140]. For example, the following viewpoints appear to be absent:</p> <ul style="list-style-type: none"> <li>• The PRoW running past Poplar Farm and Sand Hall farm north of the A18.</li> <li>• The PRoW within the north western corner of the order limits.</li> <li>• The common access land to the north of the order limits.</li> <li>• Views from the Peatlands Way long distance walk.</li> </ul> <p>Could the applicant please explain these omissions given the statement at ES paragraph 6.4.58?</p>
Q8.0.5	Applicant	<p><b>Assessment of construction visual effects</b></p>

ExQ2	Question to:	Question:
		The assessment of construction visual effects is very limited with only three paragraphs provided at ES paras 6.5.36 to 6.5.38 [APP-043]. The applicant has not assigned a conclusion on 'effect' here. The applicant simply states that construction visual effects would be no worse than year 1 of operation (which is a separate assessment). Please could the applicant provide a response to this point?
Q8.0.6a	Applicant	<p><b>Residual Effects</b></p> <p>ES table 18-1 [APP-055] and table 6-6 [APP-043] summarise the residual landscape and visual effects of the proposed development. In summarising the visual effects for "residential receptors, users of publicly accessible BOATs, bridleways and footpaths and users of the transport network" the residual effects are described using a range. For example: 'none - major' or 'non-moderate'. ES chapter 6 [APP-043] paragraphs 6.8.7 to 6.8.15 do not sufficiently justify the use of this range. Whilst it is acknowledged that there are certain receptors identified with no residual effects, the purpose of ES table 18-1 is to list the residual effects that would occur. The applicant is reminded that the ES should be based on a worst-case scenario. Please could the applicant provide a response and update table 18-1 and 6-6 accordingly?</p>
Q8.0.7	CDC and NLC	<p><b>Residential Visual Amenity Assessment (RVAA)</b></p> <p>Could the Councils please provide their views on the absence of a RVAA for 'involved properties' as listed at table 1-1 of the applicant's ES Appendix 6.2 [APP-062]?</p>
Q8.0.8	Applicant	<p><b>Residual landscape effects</b></p> <p>ES Table 6-6 [APP-043] describes the residual landscape and visual effects of the proposed development. Why has the applicant separated landscape feature effects from landscape character effects. Are these not linked? What is the purpose/justification for this approach?</p>
Q8.0.9	Applicant	<p><b>Hedgerows</b></p> <p>ES paragraph 6.5.42 [APP-043] outlines that 65km of new hedgerow is proposed across the Order limits. As a result, the applicant concludes that there would be beneficial effects. However, the applicant has not explained why this would be beneficial to landscape character. Why should additional hedgerows be assumed to be beneficial without the context of prevailing character provided? This is an example of why the applicant's approach which separates landscape features from the effect on 'Landscape Character' is confusing. A more holistic approach to the assessment of landscape character would be beneficial. Could the applicant please provide a response?</p>
Q8.0.10	Applicant	<p><b>Grassland</b></p> <p>In the same vein as Q8.0.9 above, ES paragraph 6.5.44 [APP-043] suggests that converting arable farmland to grassland would lead to a beneficial effect. However, the applicant has previously identified 'farmland' and 'arable fields' as key characteristics of the Order limits and the associated Landscape Character Areas. Again, this highlights how the applicant's approach is disjointed. Additionally, the separation of landscape features from other considerations of landscape character has potential to lead to double counting issues in considering the overall effect on landscape character. Please could the applicant provide a response?</p>
Q8.0.11	Applicant	<p><b>LCAs</b></p> <p>ES paragraphs 6.5.50 to 5.5.66 [APP-043] all have very limited assessment of how the development would effect landscape character within the context of the relevant landscape character areas. There is a focus here, as in other sections (Construction effects for example) on the effect of the development being 'limited' by the fact that it would only occupy a small proportion of each respective LCA. However, is it not the case that LCAs are designed to distinguish between prevailing landscape characteristics in different locations. They are not a spatial designation of value. As such, the fact that only a 'small proportion' of any LCA would be occupied is not a factor which reduces the effect on landscape character. What is the applicant and Council's position on this?</p>
Q8.0.12	Applicant	<p><b>Residual significant effects</b></p> <p>ES table 6-6 [APP-043] summarises the residual landscape character and visual effects of the proposed development. However, it does not identify the specific instances where there would be likely significant visual effects. Instead, it focuses only on three receptors and groups these effects. Please could the applicant update table 6-6 to clearly identify all residual significant effects, for example in relation to particular viewpoints or properties?</p>
Q8.0.13	Applicant	<p><b>Outline Landscape and Ecological Management Plan</b></p> <p>The OLEMP [APP-181] outlines that it should be read in conjunction with the Landscape and visual mitigation strategy [APP-148]. However, how is the latter secured? What is the applicant's opinion on including the landscape and visual mitigation strategy as an appendix to the OLEMP and any other relevant management plans? It is noted that Requirement 8 requires the LEMP to be substantially in accordance with the landscape and visual mitigation strategy. However, a final version of the strategy will need to be approved at some stage. Draft DCO Schedule 11 refers to plans to be 'created' rather than 'certified'. Is the landscape and visual mitigation strategy going to be a certified document?</p>
Q8.0.14	Applicant	<p><b>Cumulative Zol</b></p>

ExQ2	Question to:	Question:
		Table 17-5 of ES Chapter 17 Cumulative Effects [APP-054] sets out that a 3km Zone of Influence (Zol) was chosen for consideration of cumulative landscape and visual effects. Could the applicant please provide an explanation/justification for this Zol or otherwise direct the ExA to such justification in the application documents? The justification provided at ES paragraph 17.4.2 explains that professional judgement was used and that regard was paid to ES Figure 6.3 [APP-147]. However, ES Figure 6.3 shows that the screened zone of theoretical visibility extends beyond 3km from the order limits (more than 5km in some instances).
Q8.0.15	Applicant	<b>Cumulative ZTV</b> Could the applicant please produce a colour coded cumulative ZTV for cumulative developments (including the ZTV for the proposed development)? This will enable the ExA to consider from where and to what extent cumulative developments are visible in combination with the proposed development.
Q8.0.16	Applicant	<b>Sequential Views</b> The shortlisted developments for consideration of cumulative effects are set out at ES Table 17-9 [APP-054]. These are all within 3km of the order limits. However, has the applicant considered the cumulative effects of sequential views as one travels through the landscape?
Q8.0.17	Applicant	<b>Cumulative visual effects</b> ES paragraphs 17.4.4 to 17.4.6 [APP-054] address the cumulative effects of the proposed 400kV electricity transmission connection between Birkhill Wood and High Marnham. The applicant concludes that, for visual receptors, “the final proposals for the new transmission connection are not yet confirmed, but as a worst-case there would be the potential for there to be some localised nonsignificant moderate cumulative effects on views where both the transmission connection and the Scheme were visible in very close proximity”. However, it does not appear that an analysis has been undertaken of the ‘visual receptors’ referred to and no substantive justification for the conclusion of ‘nonsignificant moderate cumulative effects’ has been provided. The ExA requests that the applicant, with reference to visual receptors identified in ES chapter 6, sets out which receptors may be affected and to what extent? Where there are receptors identified that would experience significant effects as a result of the proposed development in isolation, presumably those effects would be increased (and therefore be significant) in instances where cumulative developments are also visible from/by that receptor?
Q8.0.18	Applicant	<b>Glint and Glare</b> ES section 16.6 [APP-053] addresses glint and glare effects. Could the applicant please provide a summary table of residual effects at the end of this section to include: receptor details, effects prior to embedded mitigation, mitigation and overall residual effects?
<b>9. Land use, soil and ground conditions</b>		
Q9.0.1	Natural England and the applicant	<b>Detailed ALC Survey</b> Natural England’s RR [RR-023] states in part:  “Natural England re-iterate that a detailed ALC and soil survey of the agricultural land should be undertaken across the full Study Area. Our advice remains that this data should be provided prior to consent in order to inform decision making.”  However, it is not clear whether this means that NE are not satisfied with the level of survey undertaken and presented at ES Appendix 15.1 – Agricultural Land Classification [APP-120]. Could NE please clarify and explain whether it is asserting that a more detailed survey is required and, if so, provide a rationale for this? Could the applicant also please provide its response? Within this context could the applicant explain what it means by ‘detailed or semi-detailed’ at ES paragraph 15.4.10 [APP-052]?
Q9.0.2	Applicant	<b>Extent of ALC Survey</b> ES paragraph 15.4.12 [APP-052] states in part:  “In the BESS and RWE substation areas there is a greater level of disturbance. In these areas, therefore, especially where soil may be moved, a detailed (i.e. one sample per hectare) level of ALC survey has been completed and is reported in Appendix 15.1 ALC Results”  However, paragraph 2.4 of ES Appendix 15.1 – Agricultural Land Classification [APP-120] states that auger point sampling was undertaken at a rate of 1 per hectare over the order limits. Is the applicant referring to trial pit locations as opposed to auger sampling locations?
Q9.0.3	Applicant	<b>Arable Management Mitigation Area</b> ES paragraph 15.4.13 [APP-052] suggests that no ALC is required for the proposed mitigation area in Parcel E as this would continue to be farmed. How does the applicant propose to provide certainty that this mitigation area will be retained for ‘arable management’ as specified in the outlined LEMP [APP-181]. Presumably this point relates to area 15 shown on the non-breeding bird mitigation plan [APP-181]?

ExQ2	Question to:	Question:
Q9.0.4	Applicant	<p><b>BESS and Substations ALC</b></p> <p>ES paragraph 15.5.26 [APP-053] states in full:            “Of the BESS areas, three are located on land of Subgrade 3b. One is located on a complex mix of Grades 1, 2 and 3a land. Of the 132kV substations, four are located on Subgrade 3b land, one is on Subgrade 3a land and one is on Grade 2 land.”</p> <p>Could the applicant please explain why BMV land could not be completely avoided and explain whether and how it took into account ALC when it selected the sites?</p>
Q9.0.5	Applicant	<p><b>BMV Land and the Proposed Development</b></p> <p>Please could the applicant provide a plan which overlays the proposed development onto a plan showing agricultural land classification? This will enable the ExA to easily identify which elements of the proposed development would be located on which grade of agricultural land. Access tracks and cable routes should also be included.</p>
Q9.0.6	Applicant	<p><b>Soils</b></p> <p>ES paragraph 15.5.43 [APP-053] states in part that “the soils are mostly of medium sensitivity, with soils of low sensitivity particularly in the eastern parts of the Order Limits”. Could the applicant explain whether this statement and the conclusions in this paragraph take into account the presence of peat within the Order Limits?</p>
Q9.0.7	Applicant	<p><b>Operational Effects on ALC</b></p> <p>In considering operational effects, ES paragraph 15.5.47 [APP-053] states in full:            “There will be no further disturbance to soils during the operational phase of the Scheme; therefore, the agricultural land quality within the Order Limits will not be affected during this phase of the Scheme”.</p> <p>However, isn't it the case that the adverse effects relating to the construction phase would continue for the duration of the operational phase such that, rather than 'negligible' effects during operation, the effects would be no greater than construction but would continue through the operational phase?</p>
Q9.0.8	Applicant	<p><b>Farm business implications</b></p> <p>ES paragraph 15.5.67 [APP-053] states in full:            “Some of the land is occupied by tenant farmers, although none is occupied by secure tenants. Where land is occupied by tenants it is mostly on short term, word-of-mouth arrangement with neighbours occupying small parcels of land, or periodic crop agreements (eg for potatoes)”</p> <p>Is the applicant suggesting that this mitigates the effects of the development on farm businesses and what evidence is there that tenant farmers operate on 'short-term' and 'word-of-mouth' arrangements?</p>
Q9.0.9	Applicant	<p><b>Sheep Grazing</b></p> <p>ES paragraph 15.5.70 [APP-053] states in part:            “The areas within the Scheme will not necessarily be lost to farming. These areas will in significant areas potentially be grazed with sheep. Their management could remain under the control of the current farmers or could be undertaken by others. Whether they choose to manage the sheep themselves, or let others manage the sheep, the overall farming activities will not be significantly reduced in size.”</p> <p>Is the applicant taking sheep grazing into account in it's assessment of the effects on farm businesses? If so how would this be secured? If not secured then should this be an assumption, bearing in mind that the EIA should be undertaken on a worst-case scenario basis?</p>
Q9.0.10	Applicant	<p><b>Ground Conditions – Additional Areas</b></p> <p>ES paragraph 9.3.23 [APP-046] states that additional areas have been added to the order limits since the initial ground conditions desk study. How has the applicant surveyed these areas to sufficiently consider effects on ground conditions?</p>
Q9.0.11	Applicant	<p><b>Contamination</b></p> <p>ES paragraph 9.4.27 [APP-046] states in full:            “It is considered that specific targeted contamination investigations at the critical historical land use or environmental features identified within the conceptual exposure model can be undertaken at detailed design stage following receipt of planning consent. It is envisaged these ground contamination assessments can be considered and controlled via the use of pre-commencement planning conditions relating to contaminated land concerns.”</p> <p>How is this secured in the dDCO [AS-002]?</p>
Q9.0.12	Applicant	<p><b>Peaty soils</b></p>

ExQ2	Question to:	Question:
		ES paragraph 9.5.5 [APP-046] states in full: “Given the current degraded (‘wasted’) soils at the shallow depths anticipated for construction of Panel Areas across the majority of the peaty soils areas, and the current agricultural operations, it is considered that minimal additional disturbance will occur. Where peaty soils occur in areas for compounds, BESS areas or substations, micro siting to reduce potential carbon release will be considered at detailed design stage. Reuse of excavated soils and minimising waste will provide further mitigation” How is this secured in the dDCO [AS-002]?
Q9.0.13	Applicant	<b>Construction phase effects on ground conditions</b> ES paragraphs 9.5.8 to 9.5.19 [APP-046] detail various significant effects and describe mitigation. For all mitigation measures listed, please explain exactly where in the dDCO [AS-002] these are to be implemented and controlled and refer to the relevant supporting management plans or other documents.
Q9.0.14	Applicant	<b>Decommissioning ground conditions effects</b> ES paragraph 9.6.14 [APP-046] states in part that “at the end of the Scheme operation, it is anticipated that decommissioning works would have similar effects on ground conditions aspects to those during the construction stage”. Please expand on this rationale and summarise any significant effects and residual effects.
Q9.0.15	Applicant	<b>Effect of habitat mitigation areas on BMV</b> Could the applicant explain where in its assessment it has considered the effect of the proposed habitat mitigation areas on BMV? What proportion of BMV is located within these areas and what would the effects be?
Q9.0.16	Applicant	<b>Site Selection</b> Planning Statement [APP-030] paragraph 7.14.20 states in full: “Having had regard to the factors influencing site selection as set out in NPS EN-3, the Applicant in the first instance sought to avoid areas of higher quality agricultural land. Following the identification of land for the Order Limits, an ALC survey was then carried out to understand the specific quality of the land in the area being considered, to seek to reduce impacts on BMV agricultural land. On that basis, the Scheme has taken an approach that is consistent with the NPS EN-3 through prioritising development on non-BMV agricultural land where possible” However, the applicant has not set out any evidence to demonstrate that this site selection process was undertaken nor how and why alternative sites were discounted. Neither has it identified any area of search or methodology for site selection in relation to BMV land. Could the applicant please respond to this point? In doing so it may wish to refer to other recently made solar DCOs and any similar site selection evidence submitted for those developments. Alternatively, if the applicant considers for any reason that such evidence is not necessary, it should state why, preferably with reference to other DCO developments. In responding, the applicant should also have regard to all relevant policies concerning BMV land contained within NPS EN-1, NPS EN-3, the NPPF, relevant development plans and relevant written ministerial statements.
Q9.0.17	NE, CDC and the Applicant	<b>Peatland</b> CDC RR [RR-006] paras 11.5 to 11.8 suggest that the Council considers the applicant has not sufficiently considered the effect of the proposed development on Peat. It appears that this is only addressed in ES Chapter 14 [APP-051] at paragraphs 14.4.15 to 14.4.17. Could NE and CDC explain what, if any, effects might arise associated with peat and whether these are sufficiently addressed in these paragraphs. The applicant asserts that shallow construction depths (similar to cultivation) are such that “minimal disturbance of peat soils will occur and carbon emissions will not be materially different to the current agricultural use of the land.” Could the applicant please explain how this conclusion applies to BESS units, substations, other infrastructure and cable laying? Please could the applicant also consider the likely effects during each phase of the development?
Q9.0.18	Applicant	<b>Soil Management Plan</b> Draft DCO [AS-002] R10 relates to the submission of a soil management plan prior to construction. It also requires that construction is undertaken in accordance with the plan. However, should there be soil management measures for decommissioning and should these be secured in the same way?
Q9.0.19	Applicant	<b>Risk Assessment and UXO Assessment</b> ES Table 9-18 [APP-046] refers to mitigation for surface water quality and unexploded ordnance as constituting a ‘risk assessment’ and UXO assessment respectively. Which requirements secure these assessments? If none, then please could the applicant add the relevant requirement to the dDCO [AS-002].
<b>10. Network connection</b>		
Q10.0.1	The applicant and NGET	NGETs relevant representation [RR-021] states that the connection cable could potentially be designed and built by the Applicant and it highlights that the applicant is required to seek consent for, build and maintain all assets up to the bus bar within ‘the substation’. It also states that “NGET is not currently proposing to construct a new substation in the area.”

ExQ2	Question to:	Question:
		<p>To the applicant:</p> <ol style="list-style-type: none"> <li>1: Bearing in mind NGETs comments, is there any certainty that a grid connection can be secured?</li> <li>2: Is there any spatial stipulation on where NGET is obliged to provide a point of connection (POC) to the applicant? For example, is it not the case that the POC could be located anywhere?</li> <li>3: During ISH1 the applicant suggested that it was not taken a 'novel' approach. However, please could the applicant provide comparable examples of solar DCO developments where no grid connection was included as part of the application. For examples provided, please explain how the applicant in each case sought to secure the grid connection component of the development (for example under the Town and Country Planning Act or permitted development rights).</li> </ol> <p>To NGET</p> <ol style="list-style-type: none"> <li>1: Are there any plans for a new substation?</li> <li>2: Is NGET obliged to provide a POC for the applicant and if so, where and when is NGET obliged to provide this?</li> </ol> <p>The applicant and NGET should agree a statement of common ground to resolve these issues or explain any areas of disagreement.</p>
Q10.0.2	To the applicant	<p><b>Change to grid connection date</b></p> <p>The ExA notes the applicant submission [AS-026] which updates the first grid connection date from a single date of 2029, to a date range of 2031 - 2035. The current ES and other application documents are based on a connection date of 2029.</p> <ol style="list-style-type: none"> <li>1. The applicant is requested to confirm the approach it proposes to update all relevant assessment to consider the amended grid connection date and the change from a single year to a range of years, including but not limited to its impacts on the current and future baseline and future assessment year(s).</li> <li>2. The implications for the currently proposed option of a phased approach to construction and grid connection (parcels being connected gradually between 2029 and 2032, rather than all having a single connection date) are unclear as no information has been provided to date on how the applicant will address the uncertain grid connection date range in its construction and connection phasing. The applicant is requested to provide an update on this matter.</li> </ol>
Q10.0.3	To the applicant	<p><b>Assessment of a phased approach with the ES</b></p> <p>The ExA notes the applicants response to s51 advice 6A at appendix 3.4 of the consultation report [APP-023]. However, the ExA seeks clarity on the phased approach:</p> <ol style="list-style-type: none"> <li>1. Where a connection date of 2029 is possible for some parcels of the proposed development, would these require cessation of operation at 40 years i.e. 2069, or be permitted to operate until the overall decommissioning date of 2072?</li> <li>2. The current phased approach would lead to an overlapping construction and operation period between 2029 and 2032. In the event that cessation of operation for some parcels is 40 years (2069), can the applicant confirm how the potential for overlapping decommissioning and operation (2069 - 2072) has been considered, or whether it is the case that all decommissioning works would be restricted to the 2072 - 2074 period.</li> <li>3. Can the applicant confirm how the above answers have been considered within the relevant assessments and within the draft DCO, in particular given Q 10.0.2 above which notes an amended grid connection date which may further alter the timescales of the phased approach?</li> </ol>
Q10.0.4	Applicant	<p><b>Cumulative effects</b></p> <p>NPS EN-1 paragraph 4.11.9 states in full:</p> <p>"If this option [a separate application for grid connection infrastructure] is pursued, the applicant accepts the implicit risks involved in doing so and must ensure they provide sufficient information to comply with the EIA Regulations including the indirect, secondary and cumulative effects, which will encompass information on grid connections"</p> <p>It appears that neither the prospective cable connection route (outside of the order limits) nor the 'new substation' development have been included in the applicant's assessment of cumulative effects at ES Chapter 17 [APP-054]. In this regard, please can the applicant confirm how it has met the requirements of NPS EN-1 paragraph 4.11.9?</p>
Q10.0.5	Applicant	<p><b>NPS EN-3 and EN-5</b></p> <p>NPS EN-3 paragraph 2.10.21 states:</p>

ExQ2	Question to:	Question:
		<p>“Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. In particular, and where appropriate, applicants should proceed in a manner consistent with the regulatory regime for offshore transmission networks established by Ofgem, details of which are set out in EN-5.”</p> <p>Could the applicant explain how the proposed development accords with this paragraph?</p>
<b>11. Noise and vibration</b>		
Q11.0.1	Applicant	<p><b>Assumptions – Specification</b></p> <p>ES paragraphs 13.3.53 to 13.3.54 [APP-050] state in full:</p> <p>“At this stage the equipment and technology used in the Scheme is not formally identified therefore representative noise sources have been used in the calculations. The need for flexibility in design, layout, and technology is acknowledged in a number of National Policy Statements including paras 4.3.11 and 4.3.12 of NPS EN-1 and section 3.6 of NPS EN-3, to address uncertainties inherent to a scheme. The final selection of equipment and technology may necessitate additional calculations, but the Scheme will be designed to ensure noise levels of the final plant selection are within the appropriate limits identified within this chapter.”</p> <p>1: What are the assumptions based on and can the applicant provide evidence of this (specification sheets)?</p> <p>2: Would these assumptions represent a worst-case scenario?</p> <p>3: How will the dDCO [AS-002] ensure that final plant selection is within ‘appropriate limits’?</p>
Q11.0.2	Applicant	<p><b>Operational Noise Limits</b></p> <p>ES paragraph 13.4.18 [APP-050] states in full:</p> <p>“Operational noise limits for residential receptors have been derived from the baseline survey data summarised above. In this instance, the limits for operational noise are set at parity with the typical background sound level. Therefore, the proposed noise limits are shown as the Typical Background Sound Level in Table 13-11 but they will be set in terms of the BS 4142 rating level dB LAR with any character penalties applied. This will ensure a low noise impact in accordance with BS4142 and no more than a minor effect for the closest locations in accordance with the LOAEL thresholds from Table 13-4”</p> <p>Is the applicant suggesting that the operational noise would not exceed existing background noise levels and how would this be controlled? Could the applicant explain in greater detail what it means by ‘character penalties’ and explain how this would be controlled?</p>
Q11.0.3	Applicant	<p><b>Construction noise</b></p> <p>ES table 13-13 [APP-050] sets out predicted noise levels associated with ‘solar pv module support construction’. ES paragraph 13.5.16 states that the calculations in table 13-13 assume only one piling rig is used at each location. It also states that, if multiple rigs are to be used, the noise levels would increase, depending on the relative proximity to the receptor. The applicant’s assessment should be based on a reasonable worst-case scenario. Does table 13-13 reflect this, taking into account the statement at ES paragraph 13.5.16? In addition, why has the applicant considered the construction of each scheme component individually when it is possible that more than one component will be constructed at any one time?</p>
Q11.0.4	Applicant	<p><b>Construction noise</b></p> <p>ES paragraph 13.5.18 [APP-050] states:</p> <p>“In achieving the LOAEL effect level, the impact significance level is considered to be ‘Minor adverse’ in accordance with Table 13-4 above.”</p> <p>However, table 13-3 seems to indicate that the LOAEL is not breached for pv module construction. Could the applicant please clarify?</p>
Q11.0.5	Applicant	<p><b>Ecological receptors</b></p> <p>ES paragraph 13.5.20 [APP-050] states in full:</p> <p>“The calculations above indicate that, with the 200m buffer between the construction areas and the ecological receptors, the predicted noise levels could potentially fall in the Moderate adverse impact range in accordance with the criteria detailed in Table 13-8. However, once the timings of the works are considered, the resultant impact would be Minor adverse.”</p> <p>Could the applicant please elaborate on how the ‘timings of the works’ could alter the effect on ecological receptors? How would this be controlled and what assumptions have been made on specific timings and how they would reduce the effect to ‘minor adverse’?</p>
Q11.0.6	Applicant	<p><b>Directional Drilling</b></p> <p>ES paragraph 13.5.28 [APP-050] states in part that drilling locations are “relatively removed from the nearest receptors, being a minimum of 80m from the closest receptor location (AL07).”</p> <p>How would this be controlled and is there any stipulation anywhere that locations must be a minimum of 80m from receptors?</p>

ExQ2	Question to:	Question:
		In addition ES paragraph 13.5.31 states: “At 80m, noise from the operation would be LAeq 69dB which would fall comfortably below the SOAEL level for short duration activities. At greater distance, the noise levels would be lower.” Has the applicant assessed the noise effects in the event that nighttime directional drilling is required? If not, why not?
Q11.0.7	Applicant	<b>Construction</b> It does not appear that the applicant has considered overall construction noise effects. This means the combined effects of construction of different components of the development at the same time? In addition, there does not seem to be any assessment of the construction noise effects associated with the proposed sub-stations or BESS units, even in isolation. Could the applicant direct the ExA to these considerations or update the ES to include them?
Q11.0.8	Applicant	<b>Summer operation</b> ES paragraph 13.5.56 [APP-050] states in part that “the solar farm could feasibly operate, during the summer months, before 07:00 hours”. Can the applicant confirm whether full operation during these early hours has been assessed?
Q11.0.9	Applicant	<b>Decommissioning</b> ES paragraph 13.5.68 [APP-050] states that the noise and vibration effects during the decommissioning phase are expected to be similar, if not lower than those in the construction phase. Could the applicant please expand on this statement and explain why they would be the same or less?
Q11.0.10	Applicant	<b>Operation</b> Has the applicant’s assessment taken into account the noise effects from replacement panels, BESS units and other infrastructure during the operational phase of the proposed development? If not, why not?
Q11.0.11	Applicant	<b>Draft DCO Requirement 17</b> This requirement [AS-002] states in full: “1) No part of Work Nos 1, 4 and 5 may commence until an operational noise assessment containing details of how the design of the relevant work has incorporated mitigation, where necessary, to ensure the operational noise rating levels do not exceed the typical background sound levels, as set out in Table 13.11 of Chapter 13 of the environmental statement, has been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable). (2) The design as described in the operational noise assessment must be implemented as approved.”  Neither part of this requirement require that the proposed development does not exceed certain noise levels. This requirement only requires that the development is designed to ensure operational noise levels do not exceed background noise. The requirement as drafted has no effect in the event that the development went on to exceed these levels. Please could the applicant re-draft this requirement accordingly?
Q11.0.12	Applicant	<b>Cumulative effects</b> ES paragraph 17.4.81 states in full: “Cumulative scheme ID 23 is seemingly a large project which is adjacent to the Order Limits to the east of the Scheme. This could result in some short duration construction noise and vibration impacts on receptors in the vicinity including Mosswood Manor and North Moor Farm. The significance of the cumulative impact would depend on a number of factors including the timings of any proposed works, the methods of construction used. In the absence of this information, it is not possible to accurately determine the impact significance though the works would be temporary in nature” The applicant is advised that the EIA should be undertaken on a reasonable worst case scenario basis. The applicant should expand on its consideration of the cumulative effects of the proposed development and the development referred to above. Please could the applicant amend the ES accordingly? Reference should be made to anticipated construction timeframes and any measures to mitigate any potential cumulative noise effects during construction.
Q11.0.13	Applicant	<b>Noise contour figures</b> Could the applicant update the legend on the following figures to clearly identify all icons used (for example circular icons)?: ES Figure 13.3 Indicative Daytime Noise Contour Plot [APP-167]. ES Figure 13.4 Indicative Nighttime Noise Contour Plot [APP-168].
<b>12. Socio-economic</b>		
Q12.0.1	Applicant	<b>Construction Assumptions</b>

ExQ2	Question to:	Question:
		ES paragraphs 11.3.35 to 11.3.36 [APP-048] outline various assumptions related to the construction of the proposed development. Could the applicant confirm whether there are any implications for the assessment from any revision to the proposed network connection date? The applicant should update the assessment if considered necessary.
Q12.0.2	Applicant	<b>Employment – Construction</b> ES paragraph 11.5.4 [APP-048] states in part that the net direct employment which could be supported by the proposed development is 99 jobs. Could the applicant confirm whether this would be 99 jobs for the entire duration of the construction period?
Q12.0.3	Applicant	<b>Construction phases</b> ES paragraph 11.5.12 [APP-048] states in part: “ <i>The construction of the Scheme is set across multiple land areas, and at any one time no more than two land areas will be under construction simultaneously.</i> ” How would this be controlled? If it is not controlled, then how is this a reasonable worst-case scenario when considering accommodation demand?
Q12.0.4	Applicant	<b>Employment</b> ES paragraphs 11.5.33 to 11.5.34 [APP-048] briefly address the employment effects during operation. The applicant asserts that no jobs would be supported during the operational phase of the development. However, it is not clear how many jobs (in agriculture for example) would be lost and how this is factored into the conclusions in the ES. Please could the applicant address this for all phases of the development? In addition, does this take into account periods where replacement panels and other infrastructure are required during operation?
Q12.0.5	Applicant	<b>Agriculture and associated economy</b> Could the applicant please direct the ExA to the assessment of the indirect effects of the proposed development on the economy as a result of the change in land use from agriculture. In particular, what are the implications for the supply chain economy associated with agriculture?
Q12.0.6	Applicant	<b>BMV land</b> Could the applicant please explain what proportion of local, regional and national agricultural land would be temporarily and permanently removed from agricultural use as a result of the proposed development? Could the applicant also consider the cumulative socioeconomic effects on agriculture associated with other planned or consented development?
Q12.0.7	Applicant	<b>DCO Requirement 18</b> Draft DCO [AS-002] requirement 18 needs a retention clause such as: “and maintained throughout the operation of the relevant parts of the authorised development to which the plan relates.”
<b>13. Transport and access</b>		
Q13.0.1	Applicant and National Highways	<b>Strategic Road Network</b> ES paragraph 12.3.36 [APP-049] states in full: “ <i>The SRN was not assessed on the basis that the number of vehicle movements associated with the temporary construction period are considered to be comparable to typical daily variation on the SRN.</i> ” Where is the evidence to support this assertion? Can the applicant please provide this if it has not already been provided? Please also provide evidence to support the statement at ES paragraph 12.3.37. Could National Highways please provide its view on this?
Q13.0.2	Applicant	<b>Assumptions</b> ES paragraph 13.3.40 [APP-049] states in full: “ <i>The assessments are based upon a base year of 2023. This does not allow for any background traffic growth on the highway network between the time of the base surveys and the start of construction and therefore is a robust assessment of the likely traffic impacts.</i> ” Could the applicant please expand on and explain this statement? Wouldn't baseline traffic growth lead to greater potential effects?
Q13.0.3	Applicant	<b>Indicative Access Strategy</b> How do the ‘approximate access locations’ shown on ES figure 12.1 [APP-164] correlate with the access locations (Work No. 8) shown on the Works Plans [APP-009] and why are they ‘approximate’? If these are the existing access points then they should be labelled as such. In addition, could the applicant confirm that the canal path follows the exact route of the canal? If it deviates at any point then this should be shown on the indicative access strategy.

ExQ2	Question to:	Question:
Q13.0.4	Applicant	<p><b>Personal Injury Collisions</b></p> <p>ES paragraph 12.4.36 [APP-049] states in part that Personal Injury Collision (PIC) data has been obtained from CDC and NLC for the most recent five-year period (January 2020 – January 2025 for CDC and May 2020 – May 2025 for NLC). Is this the most recent data? If not, could the applicant please update the assessment?</p>
Q13.0.5	Applicant	<p><b>Abnormal Indivisible Loads (AIL)</b></p> <p>Paragraph 5.1.5 of the Outline Construction Traffic Management Plan (OCTMP) [APP-182] states in full:</p> <p><i>“The construction of the Scheme will require Abnormal Indivisible Loads (AIL) for the transformer and substation deliveries. The deliveries will be planned with an AIL route assessment and will be escorted and managed along the route from the port of entry into the UK and the Order Limits. Any impacts will be minimised, and the arrangements will be secured through an AIL assessment in due course in conjunction with CDC, NLC and the Police.”</i></p> <p>Please could the applicant provide an update on the progress of the AIL route assessment and direct the ExA to which document this is included in? Please also confirm how this will be controlled in the dDCO [AS-002] and OCTMP, particularly given that there are very few references to AILs in the OCTMP?</p>
Q13.0.6	Applicant, NLC and CDC	<p><b>Approach to assessment</b></p> <p>ES paragraph 12.5.22 [APP-049] states in full:</p> <p><i>“With reference to paragraph 12.3.4, only Link 19 (Marsh Road) requires further assessment on the basis that it has a high sensitivity ((as set out at Appendix 12.2 - Summary of Sensitive Receptors [Document Reference 6.3.12.2]) and a 27.8 percent impact in HGV traffic.”</i></p> <p>Could the applicant please expand on the rationale for the apparent exclusion of all other links from a more detailed assessment of effects. Whilst the ExA broadly acknowledges the approach taken, presumably certain effects are not only directly correlated to the interrelationship between baseline traffic and additional traffic. For example, where is the ES assessment of the effect of new or altered construction access points on highway safety?</p> <p>Are the Council's satisfied with the methodological approach taken by the applicant in this regard?</p> <p>The ExA notes that ES paragraph 12.3.4 refers to Rule 2 of the IEMA traffic guidelines at paragraph 12.3.4. This rule suggests the inclusion of ‘any other specifically sensitive areas where traffic flows (or HGV component) are predicted to increase by more than 10%.’ Could the applicant explain whether, how and where consideration has been given to this rule?</p>
Q13.0.7	Applicant	<p><b>Operational Effects</b></p> <p>ES paragraphs 12.5.47 to 12.5.50 [APP-049] seek to address the operational effects of the proposed development. However, there is no mention of panel, BESS and other replacement infrastructure. Please could the applicant explain the assumptions for replacement components over the operational lifetime of the development and update the assessment accordingly to reflect these assumptions?</p>
Q13.0.8	Applicant	<p><b>Decommissioning Effects</b></p> <p>ES paragraph 12.5.53 [APP-049] states in part that for “Link 19 (Marsh Road) there could be direct, short term, temporary Significant effects on Road safety and Driver Delay”.</p> <p>There is no explanation of why these conclusions have been reached. Please could the applicant provide evidence to support these conclusions?</p> <p>It is assumed that these conclusions are based on construction effects and the assertion that the decommissioning effects will be similar or lower. However, ES paragraph 12.5.25 concludes that there would not be any likely significant effects on ‘road safety’ during the construction phase. So it is not clear why there would be such effects during the decommissioning phase. Please provide a full explanation.</p>
Q13.0.9	Applicant	<p><b>Link 19</b></p> <p>In discussing residual effects at ES paragraph 12.6.16 [APP-049] the applicant concludes that the residual decommissioning effects on road safety and driver delay on Link 19 would be ‘significant’. Why could these effects not be mitigated? Has the applicant given consideration to a decommissioning traffic management plan or a requirement for such a plan to be submitted prior to decommissioning?</p>
Q13.0.10	Applicant	<p><b>Visibility Splays</b></p> <p>ES paragraph 12.6.6 [APP-049], in referring to operational mitigation, states that “Visibility splays at the site access points will be maintained to no more than 600mm in height once the Scheme is operational. This can be secured by requirement.” Can the applicant confirm which requirement in the dDCO [AS-002] secures this? Furthermore, it is noted that OCTMP [APP-182] paragraph 3.1.3 refers to vehicle visibility splays for construction at figures 3.2 to 3.33. How will these be controlled, implemented and maintained and by what mechanism?</p>
Q13.0.11	Applicant	<p><b>Visibility splays</b></p>

ExQ2	Question to:	Question:
		Some of the vehicle visibility splays referred to in section 3 of the OCTMP [APP-182] do not meet the minimum distance requirements set out in the Design Manual for Roads and Bridges. The applicant refers to onsite observations of lower speed limits to justify reduced splays. However, where is the evidence of these observations and how can one accurately perceive vehicle speeds through observation alone? Furthermore, should this information not be included in the ES [APP-049] as opposed to the OCTMP?
Q13.0.12	Applicant	<p><b>Crowle Primary School</b></p> <p>OCTMP paragraph [APP-182] 4.7.5 states in full:  “Specifically in relation to Land Parcel B and the proposed construction traffic route, Crowle Primary School is located on Windsor Road around 95 metres south of Marsh Road. As such, any construction traffic movements through Crowle (a breakdown of which is provided in ES Chapter 12 Transport and Access [Document Reference 6.1.12] as link 19 of the ES) would be strictly managed and would be timed to avoid the peak hours on the highway network and the busiest times of the school day”.</p> <p>Firstly, this is a good example of why these matters should be considered and set out in the ES, in order to allow for a consideration of the likely significant effects on pedestrian safety in this case.</p> <p>Secondly, the OCTMP should be more specific with regard to times when this construction route should not be used (e.g. school pick up and drop off times). Could the applicant please address these queries?</p>
Q13.0.13	Applicant	<p><b>PRoW Diversion and / or closure and road closures</b></p> <p>OCTMP [APP-182] paragraph 6.6.2 states in full:  “Temporary diversion of a section of PRoWs Thorne 19 and CROW 21, which traverse the site, may be required during the construction period in order to separate and keep apart members of the public from the construction vehicles and machinery. If a PRoW needs to be closed temporarily during construction, an alternative path will be provided.”</p> <p>Where in the applicant’s assessment have the effects of such diversions and closures been considered? Furthermore, how would they be controlled and what assumptions have been made, applying a worst-case scenario?</p> <p>Similarly, OCTMP paragraph 6.7.7 refers to the prospect of temporary road closures during construction. Where in the ES has the effect of such closures been assessed, on a worst-case scenario basis? In what instances or locations would closures be likely to occur?</p>
Q13.0.14	Applicant	<p><b>Permissive Paths</b></p> <p>Where in the dDCO [AS-002] are permissive paths controlled in terms of their access duration (e.g. minimum number of days annually), implementation and maintenance. Other recently made solar DCOs include specific requirements on permissive paths.</p>
Q13.0.15	National Highways and applicant	<p><b>M180 Renewal</b></p> <p>Paragraph 7.1 of National Highways RR [RR-022] states in full:  <i>“As noted above, the Authorised Development has the potential to impact on NH’s proposed renewal works to the M180 (between Junctions 2 and 3 in both directions) which are currently programmed to commence in 2028/2029 with completion in 2030. It may be necessary for the protection of these works that RWE agrees to cooperate with NH in the delivery of the Authorised Development, to the extent that the two sets of works interact. This may include a requirement for RWE to enter into an interface agreement with NH in order to safeguard the renewal works.”</i></p> <p>Could National Highways please explain the likely extent, scope and timing of the renewal works? In addition, could National Highways and the applicant please confirm how and by what mechanism any co-operation of the type referred to would be achieved?</p>
Q13.0.16	Applicant	<p><b>Draft DCO Requirement 16 [AS-003]</b></p> <p>This requirement refers to the ‘relevant highway authority’ but no definition of this term is provided in dDCO schedule 2. Please could the applicant address this?</p>
<b>14. Other matters</b>		
Q14.0.1	Applicant	<p><b>BESS Height</b></p> <p>The Design Parameters Document [AS-007] states that the BESS will have a maximum height of 3.6m. However, how does that relate to the raising to 100mm freeboard above the 1 in 1000 year plus climate change flood level? Please provide clarity through revisions to text.</p>
Q14.0.2	Applicant	<p><b>Major Accidents and Disasters – Fire</b></p>

ExQ2	Question to:	Question:
		ES Chapter 16 [APP-053] paragraph 16.2.60 concludes that, in relation to the effect of a BESS fire on human health, there would only be minor health impacts associated with aggravation of pre-existing respiratory conditions. However, what evidence is there to support this conclusion? Has the applicant considered the chemicals which would be released into the atmosphere and their toxicity? Please could the applicant provide more details.
Q14.0.3	Applicant	<p><b>Waste</b></p> <p>In considering operational waste, ES paragraph 16.3.36 states in part:</p> <p>“Any waste arising is anticipated to be substantially less than that of the construction phase”</p> <ul style="list-style-type: none"> <li>a) Is this statement accurate bearing in mind the need for replacement panels and other components during the operational phase of the proposed development?</li> <li>b) What assumptions have been made for the operational phase of the development in terms of replacement panels, BESS units and other infrastructure?</li> <li>c) ES paragraph 16.3.40 suggests that ‘possibilities to re-use and recycle materials will be explored before resorting to landfill options’. How would this be controlled in the dDCO and has the applicant undertaken an assessment of likely future recycling capacity over the operational phase of the development?</li> </ul>
Q14.0.4	Applicant	<p><b>Unexploded Ordnance (UXO)</b></p> <p>ES paragraph 8.4.31 [APP-045] states that the former bomb store at RAF Sandtoft (MLS26024) and the bombing decoy (MLS18438) lie within part of the Order limits. The presence of the bomb store indicates the potential for unexploded ordnance to be present in the general area. Has the applicant assessed UXO presence in a separate report and what measures are proposed to mitigate the risk associated with UXO?</p>