

Tween Bridge Solar Farm

8.9 Responses to Written Representations

**Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009**

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Deadline 2 May 2026

Revision 1

Responses to Written Representations

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1 Introduction

- 1.1.1. The purpose of this report is to provide RWE Renewables UK Solar and Storage Ltd (the Applicant's) comments to the matters raised in the Written Representations submitted to the Planning Inspectorate on 5th May 2026 relating to Examination Deadline 1 respectively for the Development Consent Order Application (the 'Application') for Tween Bridge Solar Farm ('the Scheme').

2 Applicant’s Response to Written Representations

Table 1: Applicant’s response to Stakeholder Responses to Key Topics Raised in Written Representations

Stakeholder	Ref	Stakeholder Response Summary	Applicant’s Response
Canal and River Trust [REP1-071]		Government guidance is clear that in adopting PPs applicant's should be looking to take into account standard PPs of SUs and there does not seem any reason for this project should take another starting point	The Applicant is in ongoing discussions with Canal and River Trust regarding the protective provisions in Part 4 of Schedule 2 to the Draft DCO [Document Reference 3.1 Revision 4] and will continue to engage with the Trust to seek to agree these provisions prior to the close of the examination.
		Departures from standard PPS are not justified, can result in unnecessarily resource-heavy consenting regime, and potentially increases (unnecessarily) the burden and complexity for Sus at implementation stage, as the Trust operates and engineers may need to adhere to different legislation for multiple NSIPs	
		Standard PPs have been adopted and utilised on several solar projects which have themselves derived from PPs adopted on other made DCOs	
		Trust confirms that legal representatives for the Applicant have initiated negotiations on PPs starting with a form more closely aligned with Trust's standard form. The Trust welcomes this	

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		approach and hopes negotiations proceed smoothly	
Forestry Commission [REP1-066]		<p>Woodland retention and creation</p> <p>The Forestry Commission welcomes the proposed protection of existing woodland and the inclusion of new woodland planting comprising a range of native species.</p> <p>We also note the proposed removal of 49 linear metres of hedgerow and approximately 8 metres of tree groups (4 semi-mature, low-quality trees), as set out in Environmental Statement Chapter 3 (Document Reference 6.1.3, Section 3.2.27).</p>	The Applicant notes this comment.
		<p>Quantification of woodland and tree planting In line with the National Planning Policy Framework, the Environmental Improvement Plan target to increase canopy and woodland cover to 16.5% by 2050, and Biodiversity Net Gain principles, the Forestry Commission considers that the Outline Landscape and Ecological Management Plan (OLEMP) [Document Reference 7.6] should clearly quantify:</p> <ul style="list-style-type: none"> • The total area of woodland creation (hectares) proposed • Species composition and planting density • The number, species and specification of trees outside of woodland (ToW) This level of detail is 	<p>The Applicant notes the Forestry Commission's comment. The Outline Landscape Ecological Management Plan (oLEMP) [Document Reference 7.6 Revision 3] has been updated for Deadline 2 to provide further detail on woodland and tree planting, including the total area of woodland creation proposed, the number of trees outside woodland, and the principles for species composition, planting density and planting specification.</p> <p>The final species mix, planting densities and tree specifications will be confirmed through the detailed Landscape and Ecological</p>

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	<p>necessary to enable proper assessment of the scheme’s contribution to national canopy cover targets and biodiversity objectives, and to ensure that proposed mitigation and enhancement measures are clearly defined and deliverable.</p>	<p>Management Plan, secured by Requirement 8 of the Draft DCO [Document Reference 3.1 Revision 4].</p>
	<p>Soil management and protection Soil condition is a fundamental determinant of successful tree and woodland establishment, and can be adversely affected by construction activities associated with development, including vehicle movements, excavation, cable trenching and changes to drainage. The Forestry Commission considers that the OLEMP, or associated construction and soil management documents, should:</p> <ul style="list-style-type: none"> • Demonstrate how soil structure will be protected during construction, including measures to avoid compaction (e.g. defined access routes, ground protection where necessary, appropriate timing of works) and/or reinstated following construction • Ensure that soils used for woodland creation are suitable for the intended species and planting design • Address how any soil degradation will be remediated prior to planting 	<p>Soil handling to ensure that soil condition is preserved without adverse effect is covered in the Outline Soil Management Plan (oSMP) [Document Reference 7.8 Revision 3].</p> <p>This document sets out protection and handling works including:</p> <ul style="list-style-type: none"> • protection of soil structure so that soils are suitable for woodland planting and for the intended species; • addressing any amelioration required to ensure that soils are suitable for planting, including for woodland.

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	<p>Without appropriate soil management, there is a significant risk that woodland creation proposals will fail to establish or achieve their intended ecological function.</p>	
	<p>Tree and woodland establishment Trees and woodland creation proposals are subject to a range of establishment risks, including browsing pressure (e.g. deer), drought stress, competition and potential impacts from livestock. The Forestry Commission considers that the OLEMP should therefore include:</p> <ul style="list-style-type: none"> • A clear assessment of establishment risks • Proposed mitigation measures (e.g. fencing, guards, deer culling) • A defined establishment and maintenance period • A commitment to achieving the proposed area/number of trees at the end of any maintenance period either through replacement planting/beatting up, and/or planting a greater number of trees initially to allow for some failures. <p>This should ensure that the number of trees and woodland areas proposed are successfully established in practice, rather than only at the point of planting.</p>	<p>The Applicant notes the Forestry Commission’s comment. The oLEMP [Document Reference 7.6 Revision 3] has been updated for Deadline 2 to provide further detail on tree and woodland establishment risks, including browsing pressure, drought stress, competition and potential livestock impacts.</p> <p>The oLEMP [Document Reference 7.6 Revision 3] has been updated to include principles for establishment and maintenance, including the use of suitable protection measures such as guards, shelters or fencing where required, weed control, watering where necessary, and replacement planting / beating up.</p>

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	<p>Alignment with the UK Forestry Standard The Forestry Commission considers that woodland creation proposals should be designed and implemented in accordance with the UK Forestry Standard and its supporting guidelines. In particular, this includes:</p> <ul style="list-style-type: none"> • Appropriate species selection in relation to site conditions and future climate resilience • Consideration of biosecurity, tree health and provenance • Design that reflects long-term management objectives and structural diversity <p>Alignment with the UK Forestry Standard will help ensure that woodland creation delivers sustainable, resilient and multifunctional outcomes over the long term.</p>	<p>The Applicant notes the Forestry Commission’s comment. The Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 3] has been updated for Deadline 2 to confirm that woodland creation proposals will be designed and implemented with reference to the UK Forestry Standard and supporting guidance, where relevant to the scale and nature of the planting proposed.</p>
	<p>Woodland connectivity and landscape integration The Forestry Commission encourages the design of woodland creation proposals that contribute to landscape-scale ecological networks. In the context of a solar farm development, there is an opportunity to ensure that new woodland and tree planting:</p> <ul style="list-style-type: none"> • Enhances connectivity between existing woodland, hedgerows and semi-natural habitats 	<p>The Applicant notes the Forestry Commission’s comment.</p> <p>As set out in the oLEMP [Document Reference 7.6 Revision 3] the Scheme includes extensive habitat creation and enhancement, including woodland, tree and hedgerow planting, which will contribute to wider green infrastructure, biodiversity networks and landscape integration.</p>

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	<ul style="list-style-type: none"> • Avoids the creation of isolated or fragmented planting blocks • Contributes to wider green infrastructure and biodiversity networks <p>Well-designed woodland planting can provide multiple benefits, including improved habitat connectivity, increased biodiversity and enhanced landscape integration/screening of the development.</p>	
	<p>Securing delivery To ensure that woodland creation and tree planting proposals are effective, the Forestry Commission considers that:</p> <ul style="list-style-type: none"> • The Outline Landscape and Ecological Management Plan (OLEMP) and associated tree planting, woodland creation and management commitments should be secured and made enforceable through appropriate wording within the Development Consent Order • Monitoring and reporting mechanisms should be included to demonstrate successful establishment • Clear success criteria should be defined (e.g. survival rates at year 5) <p>Without these mechanisms, there is a risk that proposed woodland creation and tree planting</p>	<p>The oLEMP [Document Reference 7.6 Revision 3] has been updated for Deadline 2 to include further detail on monitoring, reporting, success criteria and remedial measures for woodland and tree planting. This includes replacement planting / beating up where required to ensure that the proposed woodland areas and tree numbers are successfully established and maintained over the operational lifetime of the Scheme.</p> <p>The oLEMP is secured by Requirement 8 of the Draft DCO [Document Reference 3.1 Revision 4]. This provides that a Landscape Ecological Management Plan must be substantially in accordance with the outline plan.</p>

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		may not deliver the intended environmental benefits over the long term. "	
Environment Agency - written summary of oral submissions made at ISH1, OFH1 and PM [REP1-065]		<p>Item 4b: Flood risk, hydrology and water resources</p> <p>Isle of Axhole water catchment</p> <p>The Isle of Axholme (IoA) is an area in between the towns of Doncaster, Scunthorpe and Gainsborough. More than 20,000 properties and 45,000 hectares of agricultural land are at risk of flooding in this low lying, artificially drained area. The modified rivers Torne and Idle lie at the heart of this heavily engineered and complex drainage system, served by more than 60 pumping stations and approximately 160 kilometres of flood defences.</p> <p>It is therefore recognised that there is a clear link between land drainage and flood risk management activities in controlling flood risk. Most of this area is also at risk from tidal or fluvial flooding from the Rivers Trent, Ouse and Don and is protected from this by large flood banks adjacent to these rivers.</p> <p>Figure 1 below shows the outline of the catchment and the key flood risk management assets within it [PLEASE SEE DOC: <a 848="" 868"="" 875="" 900="" data-label="Page-Footer" href="https://nsip-documents.planninginspectorate.gov.uk/published-documents/ENO10148-000528-</p> </td> <td>The Applicant notes this comment.</td> </tr> </table> </div> <div data-bbox="> <p>10</p> </p>	

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	<p>250505%20EA%20summary%20of%20oral%20Or representations%20at%20ISH1%20-%20final.pdf].</p>	
	<p>Tween Bridge site area The proposed Tween Bridge Solar farm is located within the area of the Dirtiness pumping station rationalisation project ('the project'). The project is being undertaken in partnership with the Doncaster East Internal Drainage Board (IDB), the Coal Authority and the EA. The Isle of Axholme Flood Risk Management Strategy is the overarching strategy that is guiding this work. This stated that there is significant redundant capacity in the pumping station network and multiple assets could be combined into a simpler, more efficient and affordable network. This would reduce operating regime, reduce carbon usage, reduce costs and lower energy consumption. This is what we refer to as asset "rationalisation". Adjusting inland pumping stations' capacity and layout will be explored in a way that does not increase flood risk or reduce land drainage capabilities. The project (which is part of a wider pump rationalisation programme of works to be undertaken during the coming years) covers 9 pumping stations; with a mixture of IDB</p>	<p>The Applicant notes this comment and the confirmation that the 'Dirtiness pumping station rationalisation project' will be "explored in a way that does not increase flood risk or reduce land drainage capabilities," ensuring that the project "seeks to maintain the same standard of service in the pumped network." The Applicant understands that the rationalisation project's aim is "ensuring pumping stations can continue to operate into the future."</p> <p>The Applicant notes this comment in relation to Response to Relevant Representations [REP1-043] Table 21-1, item 2 where the Applicant responds to the Relevant Representation comments from resident Michael Brooke with regards to removal of any pumping stations. The Applicant reiterates that the Scheme does not propose the removal of any pumping stations.</p>

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	<p>and EA owned pumping stations. This covers the Dirtiness sub-catchment, within the wider loA catchment.</p> <p>The Dirtiness sub-catchment does not drain via gravity, it is entirely pumped.</p> <p>The project aims to continue to manage the flood risk in the Isle of Axholme and seeks to maintain the same standard of service in the pumped network – this would be to either increase capacity of a downstream pumping station following upstream pumping station rationalisation, or to demonstrate that the network currently has an over-capacity and therefore the large number of assets in the network at present are not all required (and the same standard of service can still be met by removing some of them).</p> <p>Through asset rationalisation, the Dirtiness project will enable a more affordable, sustainable and resilient pumped network, ensuring pumping stations can continue to operate into the future.</p> <p>Without rationalisation, the operation of the pumped network, in its current layout, is unaffordable to maintain in the long term. Along with rationalisation, the project is also looking at the condition of the assets and where pumping station refurbishment is required, as well as how</p>	
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	<p>to make certain pumping stations compliant with the Eels Regulations (2009). The Tween Bridge site area also lies within the Elmhurst/New Zealand pumping station sub-catchment, which is a separate pumping rationalisation project. This project is in its infancy and we have not yet developed any options; hydraulic modelling is currently being undertaken.</p>	
	<p>The Critical Flood Level The Critical Flood Level (CFL) is set out in both North Lincolnshire and City of Doncaster Strategic Flood Risk Assessments (SFRAs). The CFL is a level that provides guidance on what levels of mitigation are necessary in order to make development 'safe'. It is a level based on the potential flooding to the loA from multiple sources. The geography of the area forms a basin below the level of surrounding rivers, which would result in prolonged flooding beginning to build up flood levels over a period of time. In 2009 modelling of the loA was undertaken as part of the loA strategy to understand the implications if the pump/defence network was not maintained and operated over a period of</p>	<p>The Applicant notes this comment.</p> <p>The Applicant's position, as detailed within Response to Relevant Representations [REP1-043] Table 4-1, item 7.8, is that it is not possible to raise critical equipment within the Order Limits above a Critical Flood Level of 4.1mAOD, noting the existing ground levels of approximately -0.2mAOD to 2.6mAOD.</p> <p>ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] includes information about the Critical Flood Level and summarises the design and landscape constraints with regards to raising equipment above this level (paragraph 5.49 to 5.50).</p>

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	<p>years. The model results show the build-up of water within the Isle of Axholme basin over a number of years.</p> <p>For the period up to 9 years, levels across the loA increase at various rates and it is not until a 9 year period is reached that a uniform level of 3.141mAOD (above Ordnance Datum) is experienced across the majority of the floodplain. At 12 years the entire floodplain experiences a uniform depth of 3.707mAOD and goes onto reach a peak level of 5.25mAOD at around 15 years; at this level the water begins to spill back into the River Trent.</p> <p>The CFL in the SFRA was set using engineering judgement and the data and information available when the CFL was first established (circa 2011). We hold no records to confirm if the 2009 loA modelling was used at that time in the consideration of/setting of the CFL.</p> <p>The current CFL is set at 3.8mAOD in both SFRA, with a requirement for a further 300mm of freeboard, so critical equipment for essential infrastructure should be set at 4.1mAOD. This level was set following a review of new modelling, including the Tidal River Trent modelling, River Torne modelling and wider loA modelling. The CFL is</p>	<p>With regards to the comment regarding raising equipment above the Critical Flood Level and that “where this is impracticable, appropriate mitigation measures/flood resilience techniques should be identified and incorporated into the development”, the Applicant confirms that its proposed flood risk mitigation measures within the Scheme will ensure it is designed to remain safe and operational during an extreme 1 in 1,000 year fluvial flood event. Full details of the proposed flood risk mitigation measures are included within ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] which confirms that all proposed infrastructure within the Order Limits will be raised above the modelled 1 in 1,000 year flood level plus an allowance for 100mm of freeboard.</p> <p>The Applicant confirms that the Order Limits are not located within 500m of the River Trent or the associated flood defences along the banks of the River Trent. The River Trent lies to the west of the Order Limits and is situated</p>
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	<p>applied to residential development and essential infrastructure, with lower levels often being accepted for 'less vulnerable' development which needs a lower floor level for operational reasons.</p> <p>North Lincolnshire Council SFRA has an Appendix which sets out more detail on its approach to the CFL. In terms of 'essential infrastructure' it states the following: "The LPA should consult the Environment Agency. Planning practice guidance states that essential infrastructure should remain operational at times of flood. Critical equipment should therefore be 300mm above the critical flood level of 3.8m AOD. Developments should, where practicable, have finished floor levels above the critical flood level. Where this is impracticable, appropriate mitigation measures/flood resilience techniques should be identified and incorporated into the development. Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).</p>	<p>over 4,800m away from the western most point of the Order Limits.</p> <p>A Flood Emergency Management Plan has been prepared and is included within Appendix K of ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3].</p>
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	<p>All development proposals within 500m of the River Trent defences should be accompanied by a hydraulic assessment appropriate to the scale of the proposals showing they will not be adversely affected by rapid flowing water from a potential breach. Flood risk data is available from the Environment Agency to inform the assessment.</p> <p>In the case of single storey buildings where FFLs are not above the critical flood level, an area of safe refuge will need to be provided or an appropriate flood warning and evacuation plan will need to demonstrate how this risk will be managed. It is the responsibility of the Local Planning Authority to determine the adequacy of the plan.”</p>	
	<p>Reasoning behind the CFL</p> <p>The ongoing maintenance and improvement of the various flood risk infrastructure (pump stations, outfalls and flood embankments and channel conveyance) is delivered at great cost. Government Capital and Revenue funding to Defra organisations like the EA are set in cycles, and prioritisation decisions always have to be made. The EA is</p>	<p>The Applicant notes this comment and retains the firm position that providing flood risk mitigation measures against the Critical Flood Level is not possible or proportionate (as detailed within section 5 of ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3]).</p>

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	<p>unable to guarantee that the level of investment currently afforded to this infrastructure will be available for the perceived lifetime of new developments, given the current mechanisms of funding available (i.e. 100 years for residential development etc).</p> <p>Many of the pumping stations are due or even overdue investment; but public finances are stretched and there is a need to undertake refurbishment investment strategically rather than purely maintaining the current practices, so the possibility of pump failure is reasonably high and is something both the EA and IDB tackle in their incident response annually.</p> <p>Complications remain with regards to long term funding, as well as asset ownership. As part of the Isle of Axholme Strategy a review was undertaken to assess the affordability of the area. The conclusion broadly was that current Policy and funding mechanisms would only fund approximately one third of the investment needed to keep the infrastructure that currently exists working. A different approach was needed. The direction of the loA Strategy was to rationalise the assets and standardise the equipment, to make the area more efficient and affordable. This is underway but is not</p>	<p>With regards to the comment that “a planning decision that assumes the current policy direction to keeping land in the loA dry can be maintained, would rely on repeated asset investments across multiple pumping-station catchments between Doncaster and the ultimate outfall into the River Trent. It would also assume Policy direction continues to support keeping land in the loA dry and protected, over the lifetime of the project,” this is noted by the Applicant and acknowledged that this comment applies to land across the entire Isle of Axholme, and not only the proposed Scheme. As noted in paragraph 5.51 of ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3], a Critical Flood Level of 4.1mAOD would flood a significant area well beyond the Order Limits area, including vast areas of the towns of Thorne and Crowle and their associated residential areas. Large extents of the roads surrounding the Order Limits would also be flooded during a 4.1mAOD flood event, including the M180, M18, A161 and A18. The vast majority of the South Humberside Main Line railway line in the vicinity would also be flooded. Should current policy change over</p>
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	<p>quick work and will take many decades and substantial partnership working to achieve. The technical feasibility needs to be proven, landowner engagement considered, and the funding to carry out the civil and non-civil engineering (Mechanical, Electrical, Instrumentation, Control & Automation – ‘MEICA’) work found – sources of potential funding, i.e. Flood Defence Grant in Aid, IDBs revenue sources, 3rd party contributions etc are currently unknown and will potentially take many years to raise and programme. Additionally, some assets are owned by the Mining Remediation Authority, and ultimately asset transfers to the most appropriate authority with legal agreements managing the transfer of liabilities will need to occur, as well as the capital project work itself. Even once pumped catchments are rationalised, or upgraded where rationalisation is not possible, such MEICA capital work only has a finite lifespan – typically 25 years before further investment needs to be sought. Over the lifetime of a project (for example, a 40-year solar farm or a 100-year residential development), a planning decision that assumes the current policy direction to keeping land in the loA dry can be</p>	<p>the lifetime of the Scheme and the decision be made to no longer keep land within the Isle of Axholme dry, this policy change would have implications for people and infrastructure well beyond the reach of the Scheme. The Applicant also notes the expected time required following a decision to no longer maintain water levels and flood risk within the Isle of Axholme (included in the above commentary from the EA) for the Critical Flood Level to be realised. The Applicant therefore stresses that a decision to no longer keep the Isle of Axholme dry would be known well in advance of the Critical Flood Level impacting the Order Limits for appropriate action to be taken, if required.</p> <p>Overall, the Applicant does not consider it proportionate, reasonable, or technically justified to raise infrastructure above the Critical Flood Level. The Scheme already adopts a precautionary approach through the agreed use of the 1 in 1,000-year fluvial event plus 100 mm freeboard, which exceeds the standard national planning design basis set out within the NPPF and PPG.</p>
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		<p>maintained, would rely on repeated asset investments across multiple pumping-station catchments between Doncaster and the ultimate outfall into the River Trent.</p> <p>It would also assume Policy direction continues to support keeping land in the IoA dry and protected, over the lifetime of the project</p> <p>Substantial engagement with different parties would be needed to achieve this, with no guarantee all would agree or be able to contribute the funding required.</p>	
Environment Agency – written representations [REP1-064]	1.0 – 1.1	<p>Draft Development Consent Order (Rev 2) [AS-002]</p> <p>Article 2 ‘Interpretation’</p> <p>We have no updates regarding our request that ‘remedial works in respect of any contamination’ is removed from Article 2.</p>	<p>The Applicant notes this comment and maintains its position set out in the Response to Relevant Representations [REP1-043] table 4-1 representation 3.0. The Applicant does not consider the Environment Agency’s requested removal of paragraph (e) to be necessary or appropriate, and the drafting is well precedented in recently made solar DCOs including Springwell Solar Farm Order 2026, Fenwick Solar Farm order 2026, Heckington Fen Solar Park Order 2025 and East Yorkshire Solar Farm Order 2025.</p>
	1.2	<p>Article 9 and Schedule 13, Part 5, For the protection of the Environment Agency</p> <p>The Environment Agency has had productive</p>	<p>The Applicant included the agreed form of Protective Provisions for the Environment</p>

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	<p>engagement with the Applicant and reached agreement on the wording of the Protective Provisions, to allow the disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 (requirement to obtain a flood risk activity permit). We would welcome the inclusion of the agreed Protective Provisions within a revised draft of the Development Consent Order ('DCO').</p>	<p>Agency at Part 5 of Schedule 2 in the Draft DCO that was submitted at Deadline 1 [REP1-004].</p>
1.3	<p>Schedule 2, Part 1, Requirement 7 (Fire Safety Management)</p> <p>The Applicant has confirmed in the draft SoCG that the Environment Agency will be included as a consultee for the Battery Fire Safety Management Plan.</p> <p>We welcome our inclusion as a consultee to this requirement within a revised draft of the DCO.</p>	<p>The Applicant notes this comment.</p>
1.4	<p>Requirement 8 (Landscape and Ecology Management Plan), 14 (Construction Environmental Management Plan), 19 (Decommissioning and restoration)</p> <p>We have no update regarding our request to be included as a specific consultee on these</p>	<p>The Applicant included the Environment Agency as a consultee in respect of Requirement 8 (Landscape and ecology management plan) and Requirement 14 (Construction environmental management plan) in the Draft DCO submitted at Deadline 1 [REP1-004].</p>

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		Requirements and would be pleased to have further discussion on these with the Applicant.	
	1.5	<p>Request for additional Requirements (Land Contamination and groundwater, and Piling Risk Assessment)</p> <p>We have no update regarding our request for additional Requirements, outlined in Paragraph 3.8 and 3.9 of our Relevant Representations [RR-009].</p> <p>We would welcome further engagement with the Applicant on these matters and will update the Examining Authority (ExA) on the progress of negotiations on this matter during the Examination.</p>	<p>The Applicant maintains its position in respect of this request, which is set out in the Response to Relevant Representations [REP1-043] representations 3.8 and 3.9 (pages 50 and 51).</p>
	1.6	<p>Land matters: Book of reference [APP-021]</p> <p>We have no updates on this matter. We are still in the process of carrying out assessments to understand the potential effects of the acquisitions sought by the Applicant. We will continue to consider this matter and engage with the Applicant during the Examination. We will update the ExA in due course.</p>	<p>The Applicant notes this comment.</p>
	1.7	<p>Chapter 7: Ecology and Nature Conservation [AS-012]</p>	<p>The Applicant confirms that Appendix 7.12 Biodiversity Net Gain [Document Reference</p>

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	<p>Since providing our Relevant Representations, we have received a copy of the Biodiversity Net Gain (BNG) Metric dated 18 July 2025. We have considered the Metric in relation to the watercourses element only and have the following additional comments to make.</p> <p>There appears to be a contradiction between the BNG Metric and the BNG Assessment [APP O82]. Paragraph 2.12 of the BNG Assessment states that all ditches are being retained and enhanced as part of the Scheme. However, in the Metric, only Ditches under Reference 3, those that are in Poor condition, are showing as being enhanced.</p> <p>The DCO application outlines that 125 locations are presumed to require either the creation of a new culvert or the reinforcement/widening of an existing culvert/bridge structure [APP-039]. Whilst the Metric calculation shows that watercourses will meet the 10% BNG uplift, this does not take into account impacts to existing culverts or the creation of new culverts.</p> <p>We advise that any new culverts should be recorded as lost, which will reduce the overall</p>	<p>6.3.7.12] will be updated at Deadline 3 to ensure the creation of all new culverts is recorded within the metric.</p>
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		<p>watercourse footprint, but this does not appear to have been the approach taken. We therefore consider it likely that additional enhancements will be required to mitigate these effects to ensure delivery of 10% net gain.</p>	
	1.9	<p>Chapter 10: Water resources [APP-O47] Flood risk We have had positive engagement with the Applicant regarding our flood risk advice contained in our Relevant Representations. In Paragraphs 7.0, 7.6 and 7.7 of our Representations, we raised concerns about the proposed access track raising potentially increasing flood risk to third parties in the River Torne floodplain. We have discussed this matter with the Applicant and understand that they are undertaking further work to justify the conclusions of the submitted flood risk assessment (that there will be impact on existing floodplain storage). We welcome further work being undertaken on this issue and look forward to reviewing any additional details upon receipt of them.</p>	<p>The Applicant notes this comment and confirms, as detailed within 9.4 Statement of Common Ground with the Environment Agency [REP1-O52], that the Applicant will provide further evidence to confirm that flood flows will not be displaced to third-party land and will remain contained within the Order Limits.</p>

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	1.9 cont' d	<p>Battery energy storage systems (BESS)</p> <p>We have had productive discussions with the Applicant regarding our advice on the risk to the environment associated with the proposed BESS. The Applicant confirmed that further details on the BESS will likely be included in a revised flood risk assessment. The Applicant also provided additional clarification that the Environment Agency will have the opportunity to advise on the details of the BESS at the detailed design stage. We will review any further information upon receipt of it and update our advice accordingly.</p>	The Applicant notes this comment.
<p>Cadent Gas Ltd</p> <p>[REP1-072]</p>	1	<p>Introduction</p> <p>1.1 Cadent Gas Limited (“Cadent”) is a statutory undertaker for the purposes of the Planning Act 2008 and is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England. Cadent’s primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way.</p>	The Applicant notes this comment.

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		<p>1.2 Cadent has an interest in land as noted in the Book of Reference (see plot 4/12).</p> <p>1.3 Cadent submitted a relevant representation (RR-002) (Cadent’s Relevant Representation) which sets out Cadent’s position on the Project and the application of the tests pursuant to the Planning Act 2008.</p> <p>1.4 Cadent does not object in principle to the development proposed by the Applicant.</p>	
	2	<p>THE DRAFT DCO</p> <p>2.1 Cadent require protective provisions to be included within the Development Consent Order (“DCO”) to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. The Applicant has not included draft protective provisions for the protection and benefit of Cadent’s apparatus. The draft DCO (including the revision submitted to the Planning Inspectorate on 19 November 2025) was submitted before there had been any engagement with Cadent on protective provisions. Cadent issued its required protective provisions to the Applicant on 6 August 2025 however, Cadent did not receive a</p>	<p>The Applicant is in ongoing discussions with Cadent Gas Ltd regarding protective provisions within the Draft DCO [Document Reference 3.1 Revision 4] and will continue to engage with Cadent’s legal representatives to seek to agree protective provisions for the protection of Cadent’s interests prior to the close of the examination.</p>

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	<p>response to this draft from the Applicant until 1 April 2026. As such, Cadent has only recently been able to make some positive progress with the Applicant but has not yet reached satisfactory agreement.</p> <p>2.2 Protective provisions for the benefit of Cadent’s statutory undertakings have been included in a number of recently made DCOs. Cadent’s preferred form of protective provisions (the Cadent Protective Provisions) for inclusion within the DCO were included at Appendix 1 of Cadent’s Relevant Representation and are included again at Appendix 1. Cadent requests that the Cadent Protective Provisions are included in Schedule 13 to the DCO.</p> <p>2.3 The Cadent Protective Provisions are necessary to ensure the adequate protection of Cadent’s apparatus.</p> <p>2.4 The substance of the Cadent Protective Provisions is consistent with other protective provisions included in the Applicant’s draft DCO and with the requirement for security provisions in respect of potential liabilities secured at Article 47 of the Applicant’s draft DCO. The Applicant’s explanatory memorandum does not explain why protective provisions have not been included for Cadent’s benefit and does not</p>	
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		<p>justify the departure from Cadent’s requirement that the Cadent Protective Provisions are included in the DCO. The Applicant’s approach is not consistent with section 3.1.4 of the Guidance on Nationally Significant Infrastructure Projects – Advice Note Fifteen: drafting Development Consent Orders updated 24 March 2025 (Advice Note Fifteen).</p> <p>2.5 At this stage, Cadent is not satisfied that the tests under section 127 of the Planning Act 2008 can be met. Section 127 of the Planning Act 2008 is engaged as land includes an interest in land (by virtue of section 159 of the Planning Act 2008) and Cadent has an interest in land as noted in the Book of Reference at Plot 4/12.</p>	
	3	<p>3. NEXT STEPS</p> <p>3.1 Cadent requests that the draft DCO includes the Cadent Protective Provisions at Schedule 13 to the DCO.</p> <p>3.2 Cadent is liaising with the Applicant in relation to bespoke protective provisions in respect of Cadent’s assets but these are not yet agreed. Cadent will continue to engage with the Applicant as regards the form of protective provisions and expects that the issues will be resolved before the end of the examination.</p>	<p>The Applicant notes this submission. Please see response above to row 2 of Cadent Gas Ltd [REP1-072] response.</p>

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		<p>Cadent will keep the Examining Authority updated in this regard.</p> <p>3.3 Cadent reserves its right to make further submissions and to respond to any comments submitted by the Applicant at Deadline 1 and further deadlines.</p>	
<p>National Highways Limited: Written summary of oral submissions made at ISH1, OFH1 and PM [REP1-068]</p>		<p>1. Summary of NH Oral Submissions at the PM</p> <p>1.1 Ciar Donnelly of Pinsent Masons LLP, on behalf of NH, made submissions in respect of Agenda Item 4 (Draft Examination Timetable).</p> <p>1.2 To provide some context to NH’s request, Ms Donnelly explained that NH was in ongoing discussions with the Applicant to understand the impact of the Proposed Development on the strategic road network (“SRN”) – both in terms of SRN traffic generated by the Proposed Development and the extent to which works proposed would directly interface with the SRN.</p> <p>1.3 The Application as submitted contained insufficient information on modelling of impacts to the SRN. At the time of the PM, the Applicant had only recently provided NH with updated information on this, which NH was in the process of reviewing. Discussions were also ongoing regarding protective provisions and the extent of</p>	<p>The Applicant notes the summary of National Highway’s (NH) oral submissions at the Preliminary Meeting. ‘Transport and access’ is identified as a matter for discussion at Issue Specific Hearing 2 on 23 June 2026, in the Examining Authority’s Rule 13 letter dated 18 May 2026. Notwithstanding, the Applicant notes that significant progress has been made with NH on matters relating to transport and access, which is exemplified by the Statement of Common Ground between the Applicant and NH submitted at Deadline 2 [Document Reference 9.10 Revision 2].</p>

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		<p>compulsory acquisition powers sought over NH's land.</p> <p>1.4 Ms Donnelly explained that, although NH was hopeful that these matters could be resolved through engagement with the Applicant, NH had noted that the draft Examination timetable only provided for one further round of hearings, following Deadline 2 (relatively early within the Examination process).</p> <p>NH therefore suggested that, in the circumstances, the Examining Authority ("ExA") may wish to consider reserving additional time later in the Examination for an ISH on transport matters and/or a further CAH should these matters remain unresolved at, for example, Deadline 5.</p> <p>1.5 Ms Donnelly confirmed that the suggestion was made only to the extent that it may assist the ExA in determining the Application – if the ExA was content that any outstanding matters later in the Examination could be satisfactorily addressed through written procedures, then NH would not object to that position.</p>	
National Highways Limited:	2.30	NH has no desire to stymie development or to impose requirements on the Applicant which are disproportionate to the potential harm that could be caused to the SRN. NH	The Applicant notes this response.

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Written Representations [REP1-067]		is legally obliged to cooperate with third parties exercising planning or highways functions, which includes the Applicant in the statutory process. NH is prepared to engage fully and assist in whatever way is reasonable to ensure that the Authorised Development proceeds as quickly and efficiently as possible.	
	2.4(a)	At this stage, NH maintains its objection to the DCO and the Authorised Development for the reasons set out below: (a) NH objects to powers of compulsory acquisition being granted in respect of NH's operational land, and to any extinguishment of rights enjoyed by NH for the purposes of carrying on its undertaking. NH considers that there is no compelling case in the public interest for the exercise of compulsory acquisition powers over such land without the inclusion of the NH PPs in the DCO.	The Applicant notes this and provides a full response at row 5 of National Highways Limited: Written Representations [REP1-067] response below.
	2.4(b)	(b) NH understands that the Applicant proposes to undertake cabling works beneath the SRN as part of the Authorised Development. No provision is made in Schedule 4 (Streets subject to Street Works) of the draft DCO [AS-002] for these works, despite	The Applicant notes this and provides a full response at row 7 of National Highways Limited: Written Representations [REP1-067] response below.

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		them being street works for the purposes of the New Roads and Street Works Act 1991 (“NRSWA”). In the absence of any authorisation under the DCO or a street works licence granted by NH, these works would be in contravention of section 51 of NRSWA.	
	2.4(c.)	(c) NH understands from discussions between the parties that the Applicant may seek to rely on highway drainage apparatus for outfall from the Scheme. Government policy on this is clear – no third party schemes are permitted to drain into existing highway drains. It is for the Applicant to design, procure and build any new drainage infrastructure required to mitigate the impacts of its development.	The Applicant notes this and provides a full response at row 8 of National Highways Limited: Written Representations [REP1-067] response below.
	2.4(d)	(d) NH has engaged further with the Applicant on the omissions within the Application regarding assessment of impacts on the SRN. NH is now satisfied that construction and operational movements associated with the Authorised Development are unlikely to result in a severe impact on the SRN. However, this is subject to NH’s review of the updated Outline Construction Traffic Management Plan (“oCTMP”) [APP-182] to be submitted by the Applicant at Deadline 1.	The Applicant notes this response. The Outline CTMP [Document Reference 7.7 Revision 2] has been updated and submitted at Deadline 2.

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	<p>2.4(e) (e) NH requests approval rights in respect of the discharge of certain Requirements, including Requirements 5 (approved details and amendments to them), 8 (landscape and ecology management plan), 9 (fencing and other means of enclosure), 11 (surface and foul water drainage), 16 (construction traffic management plan) and 19 (decommissioning and restoration), to the extent that the phase which is the subject of the relevant discharge application affects the SRN.</p>	<p>This is noted by the Applicant; a full response is provided at row 9 of National Highways Limited: Written Representations [REP1-067] response below.</p>
	<p>2.4(f) (f) The protective provisions for the benefit of NH as presented in the draft DCO [AS-002] are not agreed. In NH's view, they represent a much-reduced standard of protection than that which NH expects with respect to a development of this nature. This written representation provides detailed justification for the provisions contained within the NH PPs.</p>	<p>This is noted by the Applicant. The Applicant is in ongoing discussion with NH regarding the protective provisions in Part 7 of Schedule 14 to the Draft DCO [Document Reference 3.1 Revision 4] and will continue to engage with NH's legal representatives to seek to agree protective provisions for the protection of NH's interests prior to the close of the examination. A full response is provided below at row 10 of National Highways Limited: Written Representations [REP1-067] response.</p>
	<p>2.4(g) (g) The Authorised Development has the potential to impact on NH's proposed renewal works to the M180 which are currently programmed to commence in</p>	<p>This is noted by the Applicant. A full response is provided at row 11 of National Highways Limited:</p>

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	<p>2028/2029 with completion in 2030. It may be necessary, to the extent that the two sets of works interact, that the Applicant agrees to cooperate with NH in the delivery of the Authorised Development.</p>	<p>Written Representations [REP1-067] response below.</p>
<p>3.1- 3.7</p>	<p>National Highways 3.1 NH is an arms-length government owned company responsible for the ownership, management and improvement of England's motorways and major A-roads, collectively referred to as the SRN. The SRN comprises over 4,500 miles of road sitting at the core of the national transport system, connecting all major economic and resource centres with key markets and conurbations. The SRN is the most heavily used part of the national road network, carrying a third of all traffic and two-thirds of all freight totalling approximately 4 million journeys a day. It provides businesses with the means to get products and services to their customers, gives access to labour markets and suppliers, and encourages trade and new investment. It is also a complex network of highway structures, drainage and attenuation apparatus and telemetry and electronic communication assets. In short, the SRN is a critical piece of</p>	<p>This is noted by the Applicant.</p>

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	<p>economic infrastructure, vital to the nation’s connectivity and the means for generating economic growth.</p> <p>3.2 NH is appointed pursuant to section 1 of the Infrastructure Act 2015 to act as the highway authority, traffic authority and street authority for the SRN. The effect of this appointment is to make NH the statutory custodian of this national asset, conferring on it the status and legislative functions of a strategic highways company.</p> <p>3.3 As a strategic highways company, NH must comply with a number of general and specific statutory duties¹</p> <p>, including to:</p> <p>(a) “co-operate in so far as reasonably practicable with other persons exercising functions which relate to highways or planning”;</p> <p>(b) “have regard to the effect of the exercise of its functions on the environment”; and</p> <p>(c) “have regard to the effect of the exercise of its functions on the safety of users of highways”.</p> <p>3.4 The Secretary of State for Transport may from time to time give a strategic highways company directions or guidance as to the manner in which it is to exercise its statutory duties and functions. For the purposes of directing the functions as regards the SRN, these</p>	
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	<p>directions are contained within the 2015 Licence.²</p> <p>The directions contained in the 2015 Licence are mandatory³ and are regulated by the Office of Road and Rail. They include:</p> <p>(a) Paragraph 4.1 – “The network for which the Licence holder is responsible is a critical national asset, which the Licence holder must operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity.”</p> <p>(b) Paragraph 4.2 – “Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:</p> <ul style="list-style-type: none"> (i) ensure the effective operation of the network; (ii) ensure the maintenance, resilience, renewal and replacement of the network; (iii) ensure the improvement, enhancement and long-term development of the network; (iv) ensure efficiency and value for money; 	
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	<p>(v) protect and improve the safety of the network;</p> <p>(vi) co-operate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning;</p> <p>(vii) minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment;</p> <p>(viii) conform to the principles of sustainable development.”</p> <p>(c) Paragraph 5.37 – “The Licence holder must hold and manage land and property in line with, and as a function of, the Licence holder’s legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State for Transport.”</p> <p>3.5 More particularly sections 41 and 130 of the Highways Act 1980 contain respectively a statutory duty for NH to ensure it maintains the SRN to the appropriate/sufficient standard, free from any hazards so it is safe to use, and a statutory duty to assert and protect the rights of the public in use and enjoyment of the SRN. Section 16 of the Traffic Management</p>	
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	<p>Act 2004 contains a statutory Network Management Duty for NH to manage the SRN with a view to achieving, so far as may be reasonably practicable having regard to NH's other obligations, policies and objectives, securing the expeditious movement of traffic on the SRN and facilitating the same on roads where another authority is the traffic authority. In order to achieve this, the action NH may take in performing that duty includes that which NH considers will contribute to securing the more efficient use of the SRN or avoidance, elimination or reduction of disruption to the above relevant roads and may involve the exercise of any power to regulate or coordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority). Section 17 of the Traffic Management Act 2004 requires that NH shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing its Network Management Duty and has to establish processes to, as far as reasonably practicable, identify things (including future occurrences) which are causing, or have</p>	
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	<p>potential to cause SRN congestion or other disruption to the movement of traffic on it and consider any possible action that could be taken in response to (or anticipation of) anything so identified, e.g. in the event NH considers this particular statutory duty may not be met. Supplementary to this, 4.2 of NH’s statutory licence requires NH to act in a manner which it considers best calculated to ensure the effective operation of the SRN. To comply with this, Paragraph 5.1 states that NH should seek to minimise disruption to road users that might reasonably be expected to occur as a result of planned or unplanned disruption to the network, as well as proactively and reactively provide relevant, accurate and timely information about traffic and conditions on the SRN to road users, including when there is disruption. This range of duties demonstrates that NH must always protect road users/the SRN and ensure the SRN retains its integrity, is free from hazard/safe to use and is available for continual uncongested use all year round subject to precise terms of its Network Management Duty which means NH is duty bound to consider</p>	
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		<p>carefully any activity that has the potential to impact on any of NH's statutory duties.</p> <p>3.6 Under section 5(2)(b) of the Infrastructure Act 2015, NH is under a duty to have regard to the safety of highway users. Safety is at the heart of NH's function as a statutory undertaker – the safety of the travelling public, the safety of NH staff and the safety of third party contractors on the network.</p> <p>3.7 The SRN is inherently a dangerous network to operate on, over and under – given the very limited control that NH has on road users operating at high speeds. The potential for catastrophic damage or injury from collision is prevalent – which is precisely why NH has strict procedures for contractors operating on, over or under the SRN, particularly those which it does not itself control.</p>	
	4	<p>4. Protecting the SRN</p> <p>4.1 Unlike other statutory consultees involved in the consenting of nationally significant infrastructure projects, NH is a very active promoter of development consent orders and understands keenly the pressures and requirements placed on applicants to balance the delivery of the scheme with the protections afforded to statutory consultees.</p>	This is noted by the Applicant.

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	<p>NH has been at the vanguard of DCO-consented development since the Planning Act 2008 was introduced and has offered many commitments for the protection of electricity and gas apparatus, water and drainage infrastructure, railway undertakings and other infrastructure owned by statutory consultees as a consequence of its own development consent orders. The SRN deserves the same measure of protection, proportionate to the extent of interference caused by the Authorised Development.</p> <p>4.2 NH understands the need for proportionality in the context of such protections and considers that a proportionate level of protection in all cases and as a minimum standard where there is the potential for impact to the SRN should be the following:</p> <p>(a) that NH be held harmless from the impact of third party development; (b) that NH's procedures – put in place for the protection of property and persons – are adhered to in accordance with NH's strict requirements;</p> <p>(c) that any works carried out to the highway, on NH land, underneath the highway, above the</p>	
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	<p>highway and to apparatus forming part of the highway estate should be certified by NH and approved by NH on completion of the works;</p> <p>(d) that financial provision should be put in place to ensure that in the event of the Applicant commencing works which may impact the SRN (including for example, underground works beneath the SRN or oversailing above it) and falling into financial difficulty or defaulting on completion of the works, NH has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works;</p> <p>(e) that NH be indemnified for any loss or damage to the SRN or the highway estate as a result of the works;</p> <p>(f) that the Applicant requests approval from NH before exercising any powers under the DCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld) to enable proportionate rights and reservations to be secured for the protection of the SRN through private treaty; and</p>	
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	<p>(g) that emergency procedures be agreed for NH to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life.</p> <p>4.3 These proportionate controls are included in the NH PPs.</p> <p>4.4 NH considers that without the NH PPs, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within NH's budget. There is no recourse to public funding for emergency works of this nature and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN.</p> <p>4.5 Further, NH's estate comprises more than just the corpus of the highway (the 'top two spits'). Unlike local roads, where the local highway authority typically controls only the highway strata and sufficient vertical limits above and beneath the highway to maintain necessary apparatus and street furniture, in</p>	
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	<p>most cases NH controls the freehold of the land beneath the highway and to the airspace above. This estate is held for the benefit of the statutory undertaking, to ensure that the SRN is not compromised and that maintenance or improvement works at any required depth can take place free from risk of trespass or ransom. Where apparatus is co-located in the highway (which is commonplace), that apparatus has been authorised by NH or has been installed through industry standard processes (such as under NRSWA), where statutory protection is afforded to NH as the highway or street authority. Whilst NH may be prepared to grant a sub-surface interest or right to co-locate apparatus in the highway, where it is geotechnically possible and respecting other apparatus that is in, on, under or over the highway – the interest must be proportionate and necessary and cannot be to the detriment of NH, the SRN or other undertakers. It cannot be acceptable that apparatus is placed in, on, under or over the SRN through a DCO by disapplying statutory protections that NH has and not accepting to acquiesce to the terms which are required by NH to manage its network in accordance with regulatory requirements.</p>	
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	<p>4.6 For the sake of clarity and transparency, NH has no desire to stymie development or to impose requirements on the Applicant which are disproportionate to the potential harm that could be caused to the SRN. NH is legally obliged to co-operate with third parties exercising planning or highway functions, which includes the Applicant in this statutory</p>	
5	<p>5. Compulsory Acquisition</p> <p>5.1 The Applicant’s draft DCO [AS-002] includes powers of compulsory acquisition, temporary possession and the acquisition of rights in respect of 25 plots of land owned by NH or over which NH has an interest (the “NH Plots”).</p> <p>5.2 NH notes however that in various places in the Book of Reference [APP-O21] NH is identified as “National Highways Limited” in error. NH has been advised by the Applicant that the Book of Reference will be updated at Deadline 1 to correct this typographical error and to remove plot 11/26.</p> <p>5.3 Although NH therefore reserves its position, pending review of the updated Book of Reference, NH’s understanding of the NH Plots as reflected in the Book of Reference prior to Deadline 1 is summarised in the table below.</p>	<p>The Applicant notes that the Book of Reference [Document Reference 4.3 Revision 2] was updated at Deadline 1 to correct the typographical errors NH correctly identified and to remove Plot 11/26. Subject to that removal, the Applicant agrees that the table at paragraph 5.7 of NH’s written representation is correct.</p> <p>The Applicant welcomes NH’s comments in respect of Plot Numbers 10/12, 10/15, 12/14 and 12/15, and notes that no concerns have been raised in relation to these plots.</p> <p>The Applicant therefore understands that NH’s concerns relate to 20 plots of land which are either owned by NH, or in which NH has an interest, and over which compulsory acquisition powers are sought.</p>

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	<p>Plots falling within the extent of the SRN are shown with blue shading.</p> <p>5.4 To safeguard NH’s interests and the safety and integrity of the SRN, NH objects to powers of compulsory acquisition being granted in respect of NH’s operational land, and to any extinguishment of rights enjoyed by NH for the purposes of carrying on its undertaking. The relevant NH Plots constitute land or rights acquired/obtained by NH for the purpose of maintaining its statutory undertaking and, accordingly, this representation is made under sections 127 and 138 of the Planning Act 2008. NH considers that there is no compelling case in the public interest for the exercise of compulsory acquisition powers over these NH Plots without the inclusion of the NH PPs in the DCO, and that the grant of the DCO without such provisions would result in serious detriment to the SRN.</p> <p>5.5 Notwithstanding this position, NH has been approached by the Applicant regarding the possibility of a voluntary agreement to acquire the necessary land rights from NH. NH is open to reaching a voluntary agreement with the Applicant, on appropriate terms, and discussions</p>	<p>The Applicant notes that the majority of these plots are plots in respect of which NH has a Category 2 interest only. Where the Scheme interfaces with the Strategic Road Network (SRN), those interfaces are limited in extent and are subject to controls secured through the Draft DCO [Document Reference 3.1 (Revision 4)], including the protective provisions for the benefit of NH.</p> <p>As set out in the Statement of Common Ground with NH [Document Reference 9.10 Revision 2], the Applicant is seeking to agree voluntary terms for the grant of the necessary rights over NH’s operational land. Heads of Terms have been issued to NH for review. The Applicant notes the comments at paragraph 5.5 of NH’s written representation and looks forward to continuing negotiations with a view to reaching agreement.</p> <p>The powers of compulsory acquisition included in the Draft DCO are to ensure the deliverability of the Scheme, notwithstanding the Applicant’s desire to reach a voluntary agreement with NH. The compulsory powers sought through the</p>
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	<p>are continuing in this regard. This does not alter the position that, to the extent that the DCO seeks powers of compulsory acquisition over NH's operational land or associated rights, these powers will need to be regulated by the NH PPs.</p> <p>5.6 It is also noted that certain NH Plots relate to former parts of the SRN which have now been de-trunked, or areas of highway transferred to the local highway authority under a Side Roads Order – in both cases, the relevant land (albeit not the subsoil) now falls within the purview of the local highway authority, rather than NH. There are also certain plots in respect of which NH has no record of holding any interest, and this is similarly noted in the table below.</p> <p>5.7 Further details of the NH Plots are set out in the following table: [Please see table at paragraph 5.7 of [REP1-067]</p>	<p>Draft DCO therefore provide a fall back in the event an agreement cannot be reached.</p> <p>The Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the Draft DCO and considers that these afford a significant level of protection for NH, thus ensuring there would be no serious detriment to the Strategic Road Network (SRN). The Applicant will continue to engage with NH in relation to the protective provisions and notes there is substantial time remaining in the examination for positive progress to be made.</p>
6	<p>6. Traffic Management</p> <p>6.1 The key interfaces between the Authorised Development and the SRN are in respect of the M180 and the M18. The M180 runs east-west towards the southern extent of the Authorised Development site, whilst the M18 runs north-south to the west. PV module areas and associated infrastructure will directly border</p>	<p>The Applicant notes the response to items 6.2(a) to (e) and acknowledges that these matters are now agreed subject to NH's review of the updated Outline CTMP [Document Reference 7.7 Revision 2] which has been submitted at Deadline 2.</p>

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	<p>stretches of the M180 mainline between Junctions 1 and 2. It also appears that cabling will cross underneath the mainline to connect the Authorised Development's module areas. NH additionally anticipates that M180 Junctions 1 and 2, and M18 Junctions 5 and 6, may be used for vehicular access to the site of the Authorised Development.</p> <p>6.2 NH's concerns regarding impacts on the SRN and how / the extent to which these have been addressed within the Application documents are set out below.</p> <p>Scope of assessment</p> <p>(a) The Transport and Access chapter of the Environmental Statement [APP-049] states that 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. Similarly, the Baseline Traffic Survey Report [APP-113] indicates that no data was collected for the SRN, and the information provided at Appendix A of the Transport Statement [APP-111] indicates that M18 Junction 6 and M180 Junction 2 were not included</p>	
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	<p>in the study area. The Transport Statement also states that personal injury collision (“PIC”) data has been obtained for the most recent five-year period (Jan 2020 to Jan 2025 for City of Doncaster Council, and May 2020 to May 2025 for North Lincolnshire Council). NH has previously requested that PIC data covering the most recent five-year period, excluding 2020 and 2021, should be considered in the assessment (including for the relevant SRN junctions).</p> <p>(b) NH has engaged further with the Applicant on these omissions, and the Applicant has provided more information in the form of a Technical Note dated March 2026 (the “Technical Note”). The Technical Note addresses the collection of PIC data, traffic flow data for the SRN, and further information on the number, type and impact of construction vehicle and worker movements associated with the Authorised Development on the SRN.</p> <p>(c) Having reviewed the PIC data provided within the Technical Note, NH is satisfied that, in relation to additional projected traffic movements flowing from the Authorised Development, there is no highway safety pattern</p>	
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	<p>or problem at any of the SRN junctions within the study area.</p> <p>(d) NH has reviewed the additional information provided by the Applicant to assess likely impacts of the Authorised Development on the SRN. Although NH would in the ordinary course expect a much more detailed assessment of the SRN to be undertaken for a development of this type, having regard to the specific circumstances of the Authorised Development and noting NH's desire to take a proportionate approach, NH is satisfied at this stage that construction and operational movements associated with the Authorised Development are unlikely to result in a severe impact on the SRN. However, this is subject to the implementation of satisfactory securing mechanisms within the oCTMP [APP182]. In this context, it is essential that NH has approval rights over the detailed CTMP to the extent that it relates to matters concerning the SRN (please refer to section 9 below).</p> <p>oCTMP [APP-182]</p> <p>(e) As outlined above, NH is now satisfied in principle that construction traffic associated</p>	
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	<p>with the Authorised Development is capable of being controlled such that it will not have a severely adverse impact on the SRN. However, NH reserves its position on the adequacy of the measures proposed to secure this, pending review of the updated oCTMP to be submitted by the Applicant at Deadline 1.</p> <p>Outline Decommissioning Environmental Management Plan [APP-178]</p> <p>(f) NH requests that it is included in the list of identified stakeholders and understands that this will be reflected in the updated draft DCO to be submitted at Deadline 1.</p> <p>Glint and Glare Assessments [APP-122 & 123]</p> <p>(g) The assessments state that proposed vegetation planting is expected to screen panels once sufficiently matured, such that views of reflecting panels are not expected to be possible. However, NH seeks further clarity as to how long the proposed vegetation planting will take to reach sufficient maturity to mitigate glint and glare, and the extent to which glint and glare issues may arise in the intervening period.</p>	<p>With respect to item (f), NH are now listed in the Outline DEMP submitted at Deadline 1.</p> <p>Response to (g) and (h)</p> <p>The proposed mitigation planting comprises mixed native hedgerow planting, as set out in ES Figure 6.4 (Landscape and Visual Mitigation Strategy) [REP1-O27]. Such planting is expected to establish relatively quickly, with typical growth rates in the order of 300–500mm per annum, depending on species and local conditions. On this basis, the proposed 2m high perimeter fencing is anticipated to be effectively screened within approximately 4–6 years; and the hedgerows are expected to</p>
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	<p>(h) NH also expects the DCO to make appropriate provision for the ongoing retention and maintenance of vegetation screening to ensure that any glint and glare issues cannot reoccur. NH notes that the Outline Landscape Ecological Management Plan [APP-181] does not make any reference to mitigation planting</p> <p>14 for glint and glare effects (only landscape screening) and also does not appear to make any provision for failed planting to be replaced.</p> <p>(i) NH invites the Applicant to provide details of the location of planting proposed to mitigate glint and glare effects.</p>	<p>reach their maintained height of circa 3m within 6–10 years.</p> <p>This trajectory is consistent with the visualisations presented in ES Appendix 6.4, Parts 1 and 2 [APP-067 and APP-068], which illustrate the expected level of screening at Year 1 and Year 15. Initial planning is proposed at approximately 400–600mm height, meaning that while some limited, filtered views may be possible in early years, these will progressively reduce as the vegetation establishes and matures.</p> <p>The Applicant considers that any potential for glint and glare during this intervening establishment period would be limited and temporary and is appropriately assessed within the Glint and Glare Assessment [APP-122 and APP-123], which takes into account embedded mitigation and the evolving screening effect of planting over time.</p> <p>These mitigation measures would be delivered by means of the relevant Landscape Ecological Management Plan (LEMP), which is secured under Requirement 8 of the Draft DCO</p>
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			<p>[Application Document 3.1 Revision 4] and stipulates that the LEMP must <i>inter alia</i> be carried out substantially in accordance with the Landscape and Visual Mitigation Strategy (which, as noted, identifies the mitigation planting in question). The LEMP will also include provisions for the management, monitoring and maintenance of planting, including the identification and replacement of any failed planting during appropriate planting seasons. See in this regard the updates to the Outline LEMP submitted at Deadline 1 [REP1-O34]. A LEMP submitted to the relevant planning authority for approval pursuant to Requirement 8 must also be substantially in accordance with the Outline LEMP.</p>
7		<p>7. Proposed cabling beneath the SRN 7.1 As noted in section 5 above, NH understands that the Applicant proposes to undertake cabling works beneath the SRN as part of the Authorised Development. No provision is made in Schedule 4 (Streets subject to Street Works) of the draft DCO [AS-002] for these works, despite them being street works for the purposes of NRSWA.</p>	<p>The Applicant notes that the cable works beneath the M180 are identified in Schedule 4 of the Draft DCO [Document Reference 3.1 Revision 4] with the following description:</p> <p><i>“Cable Works beneath the full width of street within a length of 214 metres as shown between points CA12-A to CA12-B and delineated in pink on Sheets 9 and 10 of the access and rights of way plans.”</i></p>

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	<p>7.2 Section 51 of NRSWA provides that it is an offence for a person other than the street authority to “tunnel or bore under a street, for the purpose of placing ... apparatus” otherwise than in pursuance of a statutory right or street works licence. For these purposes, any works undertaken below a street (whether within the vertical extent of the highway, or the subsoil below) constitute street works and require authorisation.</p> <p>7.3 As such, in the absence of any authorisation under the DCO or a street works licence granted by NH, any such works would be in contravention of section 51 of NRSWA.</p> <p>7.4 This is notwithstanding NH’s position that any works proposed beneath the SRN constitute a potential operational and safety risk to the SRN and must be subject to the controls within the NH PPs.</p>	<p>These works are shown on sheet 10 of the Streets, Rights of Way and Access Plans [REP1-003].</p> <p>The concerns highlighted in section 7 of NH’s written representation do not therefore arise.</p>
8	<p>8. Drainage</p> <p>8.1 NH understands from discussions between the parties that the Applicant may seek to rely on highway drainage apparatus for outfall from the Scheme. NH would draw the Applicant’s attention to paragraph 59 of the Government’s policy on the SRN and the delivery of sustainable development⁵ which mandates</p>	<p>ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] includes the Outline Surface Water Drainage Strategy for the Scheme. As detailed within ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] the exact surface water outfall locations are to</p>

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	<p>that no new connections into highway drainage systems from third party developments and proposed drainage schemes will be accepted.</p> <p>8.2 Government policy on this is clear – no third party schemes are permitted to drain into existing highway drains. It is for the Applicant to design, procure and construct new drainage apparatus to manage its requirements.</p>	<p>be confirmed at a later stage of design and would be subject to the need for prior approval. At this stage however, the Outline Surface Water Drainage Strategy is based on surface water discharging into the numerous watercourses located within the Order Limits. The Applicant does not anticipate any proposals to outfall surface water runoff into highway drainage apparatus.</p>
9	<p>9. Draft DCO</p> <p>9.1 NH requests approval rights in respect of the discharge of certain Requirements, including Requirements 5 (approved details and amendments to them), 8 (landscape and ecology management plan), 9 (fencing and other means of enclosure), 11 (surface and foul water drainage), 16 (construction traffic management plan) and 19 (decommissioning and restoration), to the extent that the phase which is the subject of the relevant discharge application affects the SRN. The table below sets out further detail and justification for our request.[See table at paragraph 9.1 of [REP1-067]</p> <p>9.2 NH understands that the Applicant intends to update the draft DCO [AS-002] at Deadline 1 and will therefore provide any further comments following its review of the</p>	<p>The Applicant considers that the relevant local planning authority is the appropriate consent granting body in respect of requirements 5, 8, 9, 11 and 19 of the Draft DCO [Document Reference 3.1 Revision 4.</p> <p>The Applicant has included NH as a consultee in respect of Requirement 8 (Landscape and ecology management plan), Requirement 9 (Fencing and other means or enclosure), Requirement 11 (Surface and foul water drainage), , Requirement 14 (Construction environmental management plan) and Requirement 19 (Decommissioning and restoration) in the Draft DCO submitted at Deadline 1.</p>

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		<p>updated drafting.</p>	<p>The Applicant confirms that NH would have approval rights in respect of Requirement 16, in so far as a particular phase of the Scheme related to the SRN, as the relevant highways authority. An appropriate amendment has been made to the Draft DCO [DCO [Document Reference 3.1 Revision 4]</p> <p>As set out in the SoCG with National Highways [Document Reference 9.10 Revision 2], the Applicant does not consider that it is necessary to make express provision for consultation with NH in respect of matters within the scope of requirement 5. The Applicant considers that, in the exercise of its discharge functions under Requirement 5 and acting as a responsible public authority, the relevant planning authority can be relied upon to undertake consultation with such bodies as it deems appropriate in relation to the particular amended document or plan for which approval is sought. It would not be appropriate to circumscribe the consultation required to be undertaken by the relevant planning authority, in this regard, given the range of matters which may fall to it to consider as discharging authority under Requirement 5.</p>
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	10	<p>10. Protective Provisions</p> <p>10.1 The protective provisions for the benefit of NH as presented in the draft DCO [AS-002] are not agreed. In NH’s view, they represent a much-reduced standard of protection than that which NH expects with respect to a development of this nature, which has the potential for substantial impacts on the SRN. As set out elsewhere in this written representation, NH requests that the Applicant includes the NH PPs in the draft DCO at the next Deadline.</p> <p>10.2 A full justification for each of the key provisions and definitions is set out below: [See table at paragraph 10.2 of REP1-067]</p> <p>10.3 NH would also draw the Applicant and the ExA’s attention to the ongoing Fosse Green Solar (PINS ref. EN010154), Great North Road Solar (PINS ref. EN010162), Green Hill Solar (PINS ref. EN010170) and Lime Down Solar (PINS ref. EN010168) Examinations where in all cases works are proposed on, under or over the SRN and the relevant applicant concerned has accepted the inclusion of NH protective provisions within the Order,</p>	<p>The Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the Draft DCO [Document Reference 3.1 Revision 4] and considers that these afford a significant level of protection for NH, thus ensuring there would be no serious detriment to the Strategic Road Network (SRN).</p> <p>The Applicant notes that NH’s justification for its preferred protective provisions is set out in the table at paragraph 10.2 of its written representation. However, the Applicant considers that these justifications are framed at a general level and do not reflect the limited interface between the Scheme and the SRN in this case.</p> <p>Accordingly, the Applicant is not persuaded that there is a compelling justification for the inclusion of certain elements of NH’s preferred protective provisions.</p> <p>The Applicant is in ongoing discussion with NH regarding their protective provisions in Part 7 of Schedule 2 in the Draft DCO and will continue</p>
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	<p>making provision for all of the matters specified above. In addition, protective provisions on substantially the same terms have been accepted for a range of other projects for which the undergrounding of a cable was necessary beneath the highway – for example, Sheringham and Dudgeon Extension (PINS ref. EN010109) and Medworth Energy from Waste (PINS ref. EN010110).</p>	<p>to engage with NH’s legal representatives to seek to agree protective provisions for the protection of NH prior to the close of the Examination.</p>
11	<p>11. M180 Renewal Works 11.1 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, to the extent that the two sets of works interact, that the Applicant agrees to cooperate with NH in the delivery of the Authorised Development. NH understands that the Applicant is open to discussing this interface and appropriate protections further, which is welcomed by NH. NH anticipates that these matters can be satisfactorily addressed either through the NH PPs or through a separate interface agreement.</p>	<p>This is noted by the Applicant. As set out in the 9.10 Statement of Common Ground with National Highways [Document Reference 9.10 Revision 2], the Applicant notes the potential interface and agrees that close coordination will be required during delivery. The Applicant is engaging with NH and would be pleased to discuss the potential interface further with NH as part of this engagement.</p>
12	<p>12. Summary and conclusions</p>	<p>This is noted by the Applicant.</p>

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		<p>12.1 For the reasons given above, NH objects to the DCO and the Authorised Development and requests that the NH PPs are included on the face of the DCO.</p> <p>12.2 Should it assist the ExA, NH will respond to any written questions that the panel may have and is willing to attend an appropriate hearing to detail the impacts of the Authorised Development on NH and the SRN.</p>	
<p>Beverley Georgiou and Antonia Georgiou [REP1-074] and [REP1-077]</p>		<p>I am writing to formally object to the above proposal and to raise serious concerns regarding both the process followed and the potential environmental impact of this development in the Doncaster area.</p>	<p>This is noted by the Applicant.</p>
	<p>1.0</p>	<p>1. Failure of Adequate Notification and Meaningful Consultation</p> <p>While I understand that certain forms of public notification—such as notices placed in local newspapers including the Doncaster Free Press—may meet minimum statutory requirements, I do not believe this approach alone constitutes effective or meaningful consultation for a development of this scale.</p> <p>Relying primarily on newspaper notices is not a</p>	<p>The Applicant confirms that it has followed the statutory requirements for notifications, including newspaper notices, letters and site notices.</p> <p>The Applicant has also kept the project website (https://tweenbridgesolar.co.uk/) updated as the application has progressed, from EIA Scoping, non-statutory consultation, statutory consultation, submission and examination.</p>

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	<p>reliable way of ensuring that directly affected residents are properly informed. Many local residents do not regularly access local press, and such notices can easily be missed. For a project of this size and potential impact, more proactive and direct engagement should reasonably be expected.</p>	<p>PINS also keeps the application page (https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010148) updated with the progress of the application. This includes publishing all formal communication with the Applicant and a copy of all the documents submitted with the application and updated throughout the examination can be found in the examination library on the Document page.</p> <p>The Applicant has advised Beverley Georgiou in person, after the Preliminary Meeting, that she can contact the project team at any point during the examination to discuss the proposals and to locate any documents they would like to review. This is confirmed in paragraph 6.4 of Written Summary of Oral Submissions at the Preliminary Meeting [REP1-044].</p>
1.0	<p>In particular: I was not directly notified of the re-emergence of this project, despite having previously submitted a detailed objection and provided my contact details.</p>	<p>This is noted by the Applicant. The Applicant has provided full details of the pre-submission non-statutory and statutory consultation in the Consultation Report [APP-022 to APP-027].</p>

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	<p>There appears to have been no adequate effort to re-engage residents who had already expressed formal concerns.</p> <p>The lack of clear, direct communication has left residents unaware of key developments and consultation deadlines.</p> <p>Taken together, this suggests that while minimum procedural steps may have been followed, the spirit and purpose of community consultation—to ensure informed and meaningful participation—has not been fulfilled. This raises serious concerns about the fairness, transparency, and legitimacy of the consultation process.</p> <p>* I previously submitted a detailed objection to this project and was subsequently informed that the proposal had been withdrawn. However, the project has since reemerged without any direct notification to me, despite the developers holding my contact details.</p> <p>* My original objection does not appear to have been carried forward or acknowledged in the current application, which raises concerns about transparency and procedural fairness.</p>	<p>The Applicant notes Beverley Georgiou submitted representations to PINS on 17 November 2025 regarding the Scheme. The Applicant responded to these representations, in accordance with Annex D of the Rule 6 Letter [PD-003], at Deadline 1. The response is included within document REP1-O44.</p>
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	2.0	<p>2. Lack of Meaningful Engagement with Local Residents</p> <p>At the initial consultation stage, residents were informed that site visits would be conducted to assess the proximity and impact of the development on nearby properties. To date:</p> <ul style="list-style-type: none"> * I am not aware of any visits being conducted within my postcode area. <p>This represents a clear failure to follow through on commitments made during the consultation process.</p>	<p>The Applicant has provided full details of the pre-submission non-statutory and statutory consultation in the Consultation Report [APP-022 to APP-027].</p> <p>Paragraph 1.2.9 of the Environmental Statement Appendix 6.2 Residential Visual Amenity Assessment [APP-062] confirms that impacts can be, and have been, assessed from publicly available vantage/access points without having to arrange access to all applicable properties. The Applicant visited properties along Crow Tree Bank as part of the consultation process.</p>
	3.0	<p>3. Insufficient Ecological Assessment</p> <p>The proposed site is home to a wide range of wildlife, including but not limited to:</p> <ul style="list-style-type: none"> * Lapwings, cranes, herons, and owls * Bats and dragonflies * Migratory geese * Mammals such as deer, rabbits, and hares <p>I have seen no convincing evidence that thorough, site-specific ecological surveys have been carried out to properly assess the impact on these species. Given the biodiversity present, this omission is deeply</p>	<p>The Applicant has completed ecological surveys across the entire Order Limits. Details of the survey results, and the Applicant's assessment of the potential impacts on the identifies biodiversity, is provided in the Environmental Statement Chapter 7 Ecology and Nature Conservation [Document Reference 6.2.7 Revision 3].</p>

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		<p>concerning and potentially contrary to environmental protection obligations.</p> <p>I wrote in my original letter that I was willing to supply evidence of wildlife in my area but no contact was made and to this date there is no evidence to suggest any site specific ecological surveys have been carried out in the DN8 area.</p>	
	4.0	<p>4. Environmental and Local Character Concerns The development risks significantly altering the rural character of the area and disrupting established ecosystems. Large-scale solar installations can have cumulative impacts on:</p> <ul style="list-style-type: none"> * Wildlife habitats and migration patterns * Landscape character * Local amenity and quality of life for residents <p>These impacts must be properly assessed and transparently communicated, which I do not believe has been done.</p>	<p>The Applicant has assessed the potential impacts of the development on ecology should be assessed. This is detailed in the Environmental Statement Chapter 7 Ecology and Nature Conservation [Document Reference 6.2.7 Revision 3] and supporting Technical Appendices supporting the Environmental Statement [APP-072 to APP-APP-083].</p> <p>The Applicant has assessed the potential impact of the development on Landscape Character. This is detailed in the Environmental Statement Chapter 6 Landscape & Visual [Document Reference 6.2.6 Revision 3] and its supporting technical Appendices.</p>

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			<p>Assessment of local amenity and quality of life has been undertaken focused on those aspects which could have potential for significant effects associated with direct links to specific assessed topics within the Environmental Statement. This has included potential change in demand by workers requiring accommodation that could negatively affect tourists which concluded no significant adverse effects (Environmental Statement Chapter 11 Socio-Economics APP-048), and potential effects on users of local road network linked to road safety which is of negligible significance (Environmental Statement Chapter 12: Transport and Access [APP049]).</p> <p>Significant visual effects were identified for several individual properties which have clear, open views across part of the Scheme and are not blocked by other properties or vegetation, but the majority of properties were identified as limited to moderate to minor effects (Environmental Statement Chapter 6: Landscape and Visual [APP-043]). The potential for visual effects has also considered for users of publicly accessible bridleways and footpaths, road network and railway.</p>
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			<p>Environmental Statement Chapter 6: Landscape and Visual [APP-043]) identified that there would be some significant visual effects on users of some sections of the canal as users approach and pass through the Scheme plus several PRowWs which pass through or close to the Scheme; this also applies to road users of a number of roads that pass through or within close proximity to the Scheme. Mitigation has been included as part of the final layout proposals which includes further offsetting and new vegetation planning to help reduce impacts.</p> <p>In addition, ES Chapter 14: Air Quality & Greenhouse Gases [Document Reference 6.2.14 Revision 2] assesses effects such as dust emissions and air pollutants from construction equipment and associated road traffic to the Scheme that could have an impact on amenity and quality of life. The conclusions of ES Chapter 14: Air Quality & Greenhouse Gases [Document Reference 6.2.14 Revision 2] confirm no significant effects are identified on air quality and there will be a significant beneficial effect in relation to reducing GHG emissions from the UK's energy supply. Local</p>
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			<p>amenity and quality of life is also considered through ES Chapter 13: Noise and Vibration [Document Reference 6.2.13 Revision 2]. Identified sensitive receptors (residential and non-residential) assessed have no significant adverse effects anticipated.</p> <p>Environmental Statement Chapter 16: Other Environmental Topics [APP-O53] indicates that there is the potential for significant effects in respect of major accidents and disasters if an event does occur, however, the assessment has concluded that the risk of such events occurring is low for the Scheme, and no significant residual effects on the environment are therefore anticipated. In addition, Environmental Statement Chapter 16: Other Environmental Topics [APP-O53] indicates that no significant impacts are expected to arise from magnetic fields as a result of all underground cables that form part of the Scheme, and no significant effects are predicted in respect of glint and glare for road users or dwelling receptors.</p>
	5.0	<p>5. Barriers to Participation in the Current Consultation Process</p> <p>I am also extremely concerned about the lack of</p>	<p>The Applicant acknowledges that the DCO examination process is not straightforward and the requirement to follow the strict legislative</p>

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	<p>clarity surrounding the requirement for an “interested party” reference number. I have not been issued with such a reference number, nor has the process for obtaining one been clearly communicated. As a result, I now understand that there is a risk that my objection may not be formally considered at this stage.</p> <p>This is both confusing and deeply frustrating. As a directly affected resident who has previously engaged with the consultation process in good faith, I believe it is unreasonable and unfair that procedural barriers may prevent my views from being taken into account.</p> <p>At a minimum, I request clear guidance on:</p> <ul style="list-style-type: none"> * What an “interested party” reference number is * How it is obtained * Why I have not been issued one despite prior engagement * How my objection will still be recorded and considered in its absence 	<p>requirements on consultation, mean the formal procedures can often be complicated. The Applicant invites Ms Georgiou to contact the case manager at PINS to discuss the details regarding an ‘interested party’ reference number.</p>
6.0	<p>6. Procedural Concerns at Current Consultation Stage</p> <p>I understand that there is a new deadline for</p>	<p>The Applicant notes this comment.</p>

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	<p>submissions at a higher-level consultation stage. However, the process and expectations at this stage have not been clearly explained, making it difficult for residents to engage meaningfully.</p>	
7.0	<p>7. Submission of Previous Objection For completeness and to ensure that my concerns are fully understood, I am attaching a copy of my original objection submitted during the earlier consultation phase. This document outlines in detail my initial concerns regarding the proposed Tween Bridge Solar Project. I request that it is formally accepted as part of my representation and given full consideration within the current application process, particularly in light of the fact that it does not appear to have been carried forward despite my prior submission.</p>	<p>All comments received have been considered by the Applicant. Relevant representations submitted to PINS by Antonia Georgiou, but signed off by Beverley Georgiou, on 17 November 2025, and all other relevant representations submitted by other Interested Parties have been responded to in the Response to Relevant Representations [REP1-043] which was published by PINS on 7 May 2026 and can be found on the Documents page on the PINS website page for the Scheme (https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010148/documents).</p>
	<p>Conclusion Given the concerns outlined above—particularly regarding failures in consultation, lack of ecological assessment, and procedural inconsistencies—I strongly object to the proposed Tween Bridge Solar Project.</p>	<p>The Applicant notes this comment.</p>

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		<p>I respectfully request that:</p> <ul style="list-style-type: none"> * The application be paused or rejected until proper consultation procedures are demonstrably followed * Comprehensive ecological surveys are conducted and made publicly available * All previous objections, including my own, are formally acknowledged and considered * Clear and accessible guidance is provided to residents on how to participate in the current consultation process * My objection is accepted and recorded regardless of whether an "interested party" reference number has been issued <p>I ask that this objection be formally recorded and taken into full consideration.</p>	
<p>Michael Brooke [REP1-075]</p>	<p>I would like to formally request the opportunity to speak at the next Open Floor Hearing scheduled for 22 June 2026.</p> <p>In addition, I respectfully request that the hearing be held at a venue closer to the proposed development site. Many local residents who wish to participate have concerns about accessibility.</p> <p>The previous venue in central Doncaster requires</p>	<p>The Applicant notes Mr Brooke's request to speak at the next Open Floor Hearing and notes that Mr Brooke will be required to follow the formal registration process through PINS to register to speak at Open Floor Hearing 2.</p> <p>The Applicant has enquired about other venues to host the hearings including venues close to the Site. However, due to the practical requirements for the hearings and availability</p>	

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	<p>up to 50 minutes' travel time and has limited parking, which presents particular difficulties for individuals with mobility issues. A more suitable local venue, such as the Green Tree or another nearby alternative, would significantly improve access for the affected community.</p>	<p>constraints, the Open Floor Hearing 2 will be held at the same venue as Open Floor Hearing 1. The hearings will be conducted in a hybrid manner, and so stakeholders can attend and participate virtually if they are not available attend in person.</p>
	<p>I also wish to raise my dissatisfaction with certain responses I have received from the RWE project team via email. I would welcome the opportunity to discuss these matters in more detail during the Open Floor Hearing. For reference, the most recent email from RWE was received this evening after 6pm</p>	<p>The Applicant notes this comment and emailed Mr Brooke again to acknowledge his written representation. The Applicant asked Mr Brooke to expand on his dissatisfaction with the correspondence since the OFH1 so the Applicant can consider whether the approach to communication should be changed. The Applicant offered to arrange a call or meeting to discuss the scheme. The Applicant also confirmed with Mr Brooke that he can raise these points again at the OFH2.</p>
	<p>Finally, I intend to compile a list of relevant destinations that would be beneficial to visit in order to gain a deeper understanding of the unique characteristics and performance of the drainage system at the site.</p>	<p>The Applicant notes this comment.</p>

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<p>Sharon Roslyn [REP1-076]</p>	<p>When we initially submitted our relevant representation comments via the website we were under the impression that we would be able to submit a more comprehensive and detailed representation once we had registered our interest and obtained an IP reference number.</p> <p>It soon became apparent this was not the case and further comments would only be accepted after the Preliminary Meeting and notification of hearings.</p> <p>I do agree this was our mistake but the procedure for the first time lay person to navigate is somewhat confusing and surprisingly time sensitive, especially as the period was leading up to Christmas and the deadline just after the Christmas period. So unfortunately the comments we left were condensed and concise. We feel the full facts of our situation need to be with the Examining Authority.</p>	<p>The Applicant notes this comment and advises Sharon Roslyn to contact PINS if there is any confusion regarding the interested party reference number. The project team would also be happy to explain the process of how and when comments can be submitted throughout the examination if this would be helpful.</p>
	<p>We reside at [redacted] and it is home to ourselves and our six horses, two pot-bellied x kuni kuni pigs, two boar goats, rescued battery hens and our rescued husky x german shepherd. Our horses consist of two veterans (both well</p>	<p>The Applicant notes this comment.</p>

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	<p>into their thirties and enjoying a peaceful retirement), our daughter’s two event ponies (whom she competes affiliated at British Eventing), our grandchildren’s pony and my own horse.</p> <p>Our facilities include a stable block and tack room, feed room, riding arena, individual post and rail paddocks, housing for both goats and pigs and chicken runs for the hens and cockerel.</p> <p>We have been in situ for thirteen years. The property and location was chosen with the horses welfare in mind, to provide a safe and secure environment for them and ourselves. We have put in place all equestrian facilities.</p>	
	<p>The construction and post construction of solar arrays and sub-station neighbouring our equestrian property will make our everyday life and daily routine unsafe both for ourselves and our animals. This includes managing, riding, schooling, leading the horses in-hand to and from the paddocks to their stables and vice versa, visits by our vet (MRCVS), farrier (DipWCF) and coach (B.H.S.I.) All in all the</p>	<p>The Applicant notes these comments regarding the potential impacts of the Scheme during the construction and operation phase.</p> <p>ES Chapter 13 Noise and Vibration [Document Reference 6.2.13 Revision 2] concludes some levels of ground borne vibration may be generated by activities such as installing frame supports using impact driven methods</p>

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	<p>safety of our everyday life would be seriously compromised.</p> <p>Construction noise and visual activity near horses can cause significant stress, as horses are instinctually prey animals that fear sudden loud noises and movements. The unpredictability of construction equipment can trigger 'flight' responses, while the long term presence of such activity can lead to chronic stress, affecting their health and behaviour.</p> <p>Concern this will result in behavioural changes, increase to injury risk, physical issues, stress and health issues and performance issues. [This representation has been summarised, please see [REP1-076] for full list of concerns]</p>	<p>however, the measures detailed in the Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 3], specifically the mitigation buffers, would attenuate the levels of vibration to imperceptible levels at the receptors, resulting in no significant effects. The mitigation measures identified in the Outline CEMP [Document Reference 7.1 Revision 3] and Outline Operational Management Plan [Document Reference 7.2 Revision 2], and Outline Decommissioning Management Plan [Document Reference 7.3 Revision 3] are secured through Requirements 9, 14, 15 of the Draft DCO [Document Reference 3.1 Revision 4].</p> <p>ES Chapter 13 Noise and Vibration [Document Reference 6.2.13 Revision 2] concludes it is demonstrated that construction noise and vibration is temporary in nature, and with the implementation of the embedded mitigation measures, there will be no significant adverse impacts. In addition, ES Chapter 13 Noise and Vibration [Document Reference 6.2.13 Revision 2] confirms that that noise during the operational phase is negligible to minor</p>
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			<p>adverse, with no specific additional mitigation measures required (see paragraph 113.6.11).</p> <p>The detailed CEMP and OEMP are required to be submitted to the host authorities for approval, and this is secured through Requirement 14 and Requirement 15 of the Draft DCO [Document Reference 3.1 Revision 4].</p>
		<p>We were extremely surprised and disappointed when we read the nonstatutory report dated March 2025, which I believe would have accompanied the application ENO10148 to the Planning Inspectorate.</p> <p>The said report has no mention of our concerns for our equines, which we gave both verbally and in writing at the meeting we attended, Monday 16th October 2023 at Thornesians RUFC, DN8 5BU. We still do not know why our concerns were omitted from the consultation feedback.</p> <p>We did however receive a site visit from an RWE employee, namely an architect but had no follow up dialogue or correspondence.</p>	<p>The Applicant acknowledges that the feedback provided in 2023 was unintentionally omitted from the Consultation Report [APP-022-027].</p> <p>The Applicant visited Ms Rosyln’s property on the 23rd November 2023 and has engaged in subsequent email correspondence regarding the concerns raised.</p> <p>The Applicant did also amend the Scheme design from the non-statutory consultation in 2023 to the subsequent proposals included at the statutory consultation and submitted application. The Applicant removed proposals for infrastructure in fields to the east of Ms Roslyn’s property. Environmental Statement Figure 6.4 Landscape and Visual Mitigation Strategy [APP-148] show parcel M11D, formally</p>

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			<p>proposed for infrastructure, is now proposed for mitigation and enhancement proposals. Evidence of the change is illustrated when comparing the indicative layout, shown in Appendix 3 of the Preliminary Environmental Information Report Non-Technical Summary [Consultation Report Appendix 3.13, of Consultation Report Appendices – Part 2 [APP-024].</p> <p>Furthermore, the Applicant proposed providing suitable temporary accommodation of the horses for an appropriate period when construction is ongoing adjacent to their property, as a gesture of good will. This offer was declined but the Applicant remains willing to make the appropriate arrangements should Ms Roslyn’s position change.</p>
		<p>We have requested numerous times, including the very first meeting, an impact assessment regarding the impact on our horses which would trigger an impact upon ourselves that construction and post construction of both solar arrays and substation</p>	<p>The Applicant has responded to Ms Roslyn on this request through direct email correspondence. The Applicant does not agree that a specific equine impact assessment is required.</p>

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	<p>would have.</p> <p>We were told this would not be possible and each request was refused without explanation.</p> <p>Yet in October 2025 Morgan and Morecambe Windfarms produced a comprehensive report for their application ENO20028. The document was requested by the Examining Authority lead by David Cliff, supported by Jonathan Gorst, Richard Morgan and Maria Rokicka.</p>	<p>The Environmental Statement follows the standard methodology used for Nationally Significant Infrastructure Projects, assessing impacts on sensitive receptors using worst-case scenarios, including noise from different piling types. While this does not take the form of a standalone equine-specific report, the impacts stated in the Environmental Statement can be used to understand potential impacts from the Scheme more generally.</p>
	<p>This in depth report, I believe, is of significant importance when deciding the decisions of applications neighbouring equestrian receptors.</p> <p>As far as I am aware this is the only study published regarding equestrian receptors in the connection with the construction of solar farms/wind farms.</p> <p>I have spoken with the British Horse Society (BHS) and their guidelines are concerned only with bridlepaths and solar farm construction, no guidelines are in place for</p>	<p>The Applicant agrees; it is not aware of any equine receptor studies prepared to support solar farm applications.</p> <p>The Applicant agrees the BHS guidance only refers to bridlepaths and solar farm construction.</p>

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		solar farm construction neighbouring equestrian properties.	
		<p>The decision that will be made is a decision that will affect our horses and our lives for the rest of our days. We feel the initial community meetings held by RWE, were basically lip service, if our concerns were ignored and omitted from the consultation feedback, how many more rural residents were ignored?</p> <p>The meeting with Mr Hunt (see attached email) was a tick box exercise by RWE, where we were told in person that unfortunately we were COLLATERAL DAMAGE. We find this appalling and unacceptable. We feel we have been viewed by RWE as an irritant rather than the experienced, concerned and responsible horse owners that we are.</p>	<p>The Applicant acknowledges the concerns raised but disagrees that the feedback received was ignored. The Applicant has provided evidence of how feedback was considered and resulted in the Scheme being amended to the east of the property. See the Applicant’s response above responding to the suggestion that feedback comments from 2023 were not considered.</p> <p>The Applicant has proposed an alternative solution to mitigate any perceived impacts for the construction phase and revised the design of the Scheme to move infrastructure further away from the property boundary.</p>
		<p>We are now left with the uncertainty and dread of this situation which is having a negative effect on our physical and mental well-being.</p> <p>Rural life is challenging and demanding at the best of times but the welfare of our horses and</p>	<p>The Applicant notes these comments requesting that a specific impact equine assessment is undertaken.</p> <p>Regarding the point of visual impact, the Applicant confirms the ES Chapter 6 Landscape and Visual [Document Reference</p>

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	<p>other animals remains of paramount importance at ALL times.</p> <p>We respectfully request that the Examining Authority commission an impact assessment such as the Morgan and Morecambe report. Due to the land surrounding we would request that such a report also includes visual impact.</p> <p>The land is open, farmed agricultural land with very little screening and the riding arena, the stables and our property are raised giving even further visibility. Any mitigation would prove to be very difficult due to the 'nature of the beast'.</p> <p>We feel any evidence, documentary or otherwise, concerning equine/equestrian receptors should be published for use in future decision making. These decisions are life changing for equestrians and their horses. Surely the Morgan and Morecambe report has set a precedent for such reports to be considered in ongoing and future applications neighbouring equestrian receptors.</p> <p>The information provided by RWE is insufficient to ensure the safety of our horses and ourselves.</p>	<p>6.2.6 Revision 3] assesses the proposed visual impacts of the Scheme.</p>
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	<p>Surely the solar arrays and sub-station in question could have been incorporated in the initial design in a more considered way and perhaps after studies of such receptors had been undertaken.</p>	
	<p>Please find attached e-mails and the Morgan and Morecambe 'Managing construction noise at equestrian receptors technical note' for your perusal giving further insight into the situation.</p>	<p>The Applicant notes this comment.</p>
	<p>As an additional point:- Could you please clarify on how this application is to proceed without the guarantee of connection to the grid and the unknown location of the connection. I notice it is now scheduled to connect to the national grid transmission network between 2031 and 2035. Reading the available correspondence between the EA, NGET and RWE regarding the connection there seems to be much uncertainty which is creating added confusion and worry for ourselves.</p>	<p>Paragraph 2.1.2 of the Grid Connection Statement [REP1-014] confirms that the Applicant has a formal grid connection agreement with NGET to export the renewable energy generated within the Scheme to the national electricity transmission system. While the precise geographic location of the point of connection is still to be determined, the grid connection agreement is legally binding and secures the future provision of the point of connection by NGET. This provides a high level of confidence that the point of connection for the Scheme will be delivered by NGET, and the associated grid connection infrastructure (namely, the export connection cable) will</p>

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			<p>subsequently be delivered. Please see Annex 1 to the Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP1-046] for further explanation as to the delivery of the network connection infrastructure.</p> <p>The relevant representation submitted by NGET [RR-021] explained that NGET is not currently intending to build a new 400kv substation. However, this should not be interpreted as indicating any absence of an agreement to connect the Scheme to the national electricity transmission network. Rather, it reflects that the precise location and route of the connection infrastructure have not yet been finalised. The Applicant has been clear that these details remain to be confirmed at this stage, which is consistent with the position recorded in the Statement of Common Ground with NGET [Document Reference 9.5 Revision 2]. Accordingly, whilst elements of the connection design are still evolving, there is no uncertainty as to the delivery of the connection itself.</p>
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<p>The Coal Authority [REP1-070]</p>		<p>Thank you for your notification of 24 April 2026 seeking the views of the Coal Authority on the above. The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.</p>	<p>This is noted by the Applicant.</p>
<p>National Grid Electricity Transmission Plc [REP1-073]</p>	<p>1-5</p>	<p>National Grid Electricity Transmission plc ("NGET") is a statutory undertaker for the purposes of the Planning Act 2008. NGET assets which have been identified as being within or within close proximity to the proposed Order limits are: (a) Overhead lines: ZDA (i) (ii) 400kV Drax – Keadby – Thorpe Marsh; 400kV Drax – Keadby – Thorpe Marsh;</p>	<p>The Applicant is in ongoing discussions with NGET regarding the protective provisions and will continue to engage with NGET's legal representatives to seek to agree protective provisions for the benefit of NGET prior to the close of the examination.</p>

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	<p>Further to NGET’s Relevant Representations which were received by the Examining Authority on 18 December 2025, NGET will require Protective Provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. In particular, NGET will require these Protective Provisions to protect its proposed North Humber to High Marnham Project which is required to increase the capability of the electricity transmission network between the north of England and the Midlands. It is also needed to facilitate the connection of proposed new offshore wind farms that are planned in the area.</p> <p>NGET is liaising with the Applicant in relation to bespoke Protective Provisions in respect of NGET’s current and future assets. A copy of NGET’s required Protective Provisions is attached to these written representations. NGET will continue to liaise with the Applicant with a view to concluding matters as soon as possible during the DCO Examination, keeping the Examining Authority updated in relation to these discussions.</p>	
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<p>Network Rail Infrastructure Limited</p> <p>[REP1-069]</p>	<p>The draft DCO submitted with the Application includes provisions which would, if granted, authorise the Promoter to carry out works on, under and in close proximity to operational railway land in the control of NR and to permanently acquire new rights over NR's freehold interests in such land.</p> <p>We have reviewed the updated draft DCO and the protective provisions included for the benefit of the railway (Order PPs). The Order PPs are not wholly consistent with the form of PPs requested by NR to be included in the draft DCO contained at Appendix 1 of NR's relevant representation submitted on 2 January 2026 (NR PPs).</p> <p>Accordingly, the draft DCO (document reference number 3.1) as currently drafted, does not contain a form of protective provisions considered by NR to sufficiently protect its assets and to ensure the safe and efficient operation of the railway.</p>	<p>The Applicant is actively engaging with Network Rail to seek to agree protective provisions for the protection of Network Rail's interests.</p> <p>The Applicant and Network Rail do have areas where agreement has not yet been reached, and the Applicant has set out its position in relation to the points raised by Network Rail below. The Applicant will continue discussions with Network Rail and will provide updates on the progress of these as the examination continues.</p>
	<p>CPO Restriction</p> <p>The Applicant has proposed the deletion of the parts of NR's required form of provision 4 (as shown in red below) and has proposed the insertion of the wording in blue below: [please see full WR for track change]</p>	<p>The Applicant intends to Horizontally Directional Drill (HDD) cables under Plot 3-24. There will be no activity taking place on the surface and the Applicant is not expecting the HDD to disrupt regular activity along the</p>

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	<p>The Promoter proposes to use compulsory powers to acquire permanent rights over plot 3-24 to install and lay underground cables. Plot 3-24 is land comprising an operational railway line. Crucially, if the provisions at paragraphs (1)-(7) above are not included in the DCO (if granted), serious detriment to NR's statutory undertaking will be caused as a result of the Promoter being able to exercise compulsory acquisition powers to acquire rights over an operational railway line. Absent the inclusion of sub-paragraph (1) - (4) and where NR has no ability to require its prior consent to such acquisition, it would give rise to a significant, unacceptable risk that the Promoter could compulsorily acquire rights over railway land without prior NR's consent. Such a proposition is patently unacceptable as this compulsory acquisition of rights over railway land would result in NR no longer having control over its operational railway land.</p> <p>This clearly has the potential for catastrophic implications for the operational railway and poses a serious detriment to NR's carrying on of its statutory undertaking.</p> <p>Although we understand the Applicant's concern that they do not wish to risk delays to the implementation of the DCO scheme, NR would</p>	<p>operational railway line. The HDD launch and receptor pits will not be located within 50m of railway infrastructure and the cable will be a minimum depth of 7m below the railway line.</p> <p>The Applicant disagrees with the inclusion of a protective provision which acts as a "veto" mechanism for exercising compulsory acquisition powers. The Applicant does not consider there should be any restrictions on the use of the compulsory acquisition powers in the DCO.</p> <p>Government guidance, "Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project" states (emphasis added):</p> <p>"Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning</p>
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	<p>not seek to delay consent unreasonably. NR’s standard wording at paragraph 4 would provide sufficient comfort to the Promoter that NR is not to unreasonably withhold or delay the consent, and that this consent may be given subject to conditions. NR is of course willing to engage with the Promoter and would be required to act reasonably in agreeing the terms of any easement by virtue of sub-paragraph (6). However, NR is under an overarching duty not to compromise the safe operation of the railway and to preserve the safety and integrity of the railway and so its consent to the acquisition of such rights must not be circumvented by the powers in the Order.</p>	<p>proposed compulsory acquisition of statutory undertakers’ land.”</p> <p>The result of this provision would be the effective disapplication of powers within the DCO, and this is not consistent with Government guidance on the drafting of DCOs. The Applicant does not consider that in the case of the Project this provision is necessary, particularly in light of the other protections in the protective provisions.</p> <p>The Applicant notes from the recent A122 Lower Thames Crossing DCO decision, that the Secretary of State/ExA did not permit an equivalent provision which would negate the powers sought over railway land, with the Examining Authority in that case finding that <i>“The ExA concludes that a balance has to be struck between the HS1 role as a statutory undertaker managing its high speed railway and assets and the ability of the LTC undertaker to construct the Proposed Development, and declines to recommend the inclusion of a consent or veto provision: the protective provisions in the dDCO.”</i> The same principle applies in this case in the Applicant’s view.</p>
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	<p>Indemnity</p> <p>The Promoter has included at paragraphs 132 and 133(2) an exclusion for indirect and consequential losses. These references cannot be agreed as the indemnity required in NR's PPs includes recoverability for indirect costs incurred by NR pursuant to claims made by train operator companies under train operator company agreements. To provide some further context, NR is liable to train operators under Train Access Agreements (copies of which are publicly available) via automatic, formula-driven mechanisms defined in those agreements. Where the Promoter's authorised development works trigger an entitlement to compensation for a train operator under those agreements (for example where NR has agreed to book a track possession for the Promoter to carry out works and this disrupts a train operator service) NR automatically pays out compensation to the train operator in a regular payment cycle. Where third parties such as the Promoter trigger those compensation claims, the third parties must be liable for the disruption caused. The Order PPs need to provide that NR's liability is passed onto the third parties causing the disruption which is why there is a need to include "relevant costs",</p>	<p>The Applicant's proposed protective provisions make clear that the Applicant is not liable for any consequential or indirect loss. The Applicant does not consider it appropriate for the protective provisions to cover indirect and consequential loss; a principle well preceded in relation to indemnities as well as expenses.</p> <p>The exclusion of consequential or indirect losses is preceded in the protective provisions for Network Rail contained in the HyNet Carbon Dioxide Pipeline Order 2024.</p>
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	<p>otherwise NR – as a public body – would be incurring significant losses as a result of third party schemes disrupting the railway. If such liabilities are not incurred by NR then the Promoter is not required to pay them under the indemnity and so the Promoter is no worse off by their inclusion. As such this wording needs to be deleted from the Order PPs. These are standard items within NR’s usual indemnity provision and are reasonably included for the purposes of recovering such costs if they are incurred.</p> <p>Further, the Order PPs include an indemnity cap at paragraphs 133(1)(e) and 133(7) of £25 million. As a general principle, NR does not accept caps on its liability arising from third party DCO schemes. NR is a public body funded by public funds and so any risk of NR incurring liability from a private developer’s scheme is not acceptable. There is no reason NR should take on the risk of incurring such liabilities above the Promoter’s proposed cap when, but for the DCO scheme coming forward, NR would not incur such liabilities. NR therefore does not agree that a cap on the Promoter’s liabilities to NR is reasonable or appropriate. NR accepts that such liabilities must be reasonably incurred and NR’s</p>	
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	<p>proposed wording reflects this. As such, this wording in blue relating to indemnity caps should be deleted.</p>	
	<p>Costs Recovery for Protective Works and Additions The Promoter has also deleted the below provisions in red in paragraphs 124(2), 127(1) and 128(a), which relate to the Promoter’s requirement to pay compensation/costs to NR for losses related to the Promoter’s works, as well as the maintenance costs of protective works and/or alterations or additions necessitated as a result of the Promoter’s works. Further to the points raised in respect of the indemnity above, as the above protective works, additions and alterations would ultimately be necessitated by the Promoter’s scheme in order to maintain railway safety, it is reasonable and appropriate that NR is able to recover these costs. As such, the deleted sections in red above should be reinstated.</p>	<p>The Applicant’s position is as set out above.</p>

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	<p>Reasonableness and Discretion</p> <p>Throughout the Order PP's, various additions have been made to qualify approvals and opinions of NR and their employees by a standard of reasonableness, e.g. in the reasonable opinion of the engineer. Although NR would of course intend to be reasonable and would not seek to unreasonably withhold or delay consent or approvals, NR is under an overarching duty not to compromise the safe operation of the railway and to preserve the safety and integrity of the railway. As such, they are bound to a significantly higher standard of reasonableness than that of an ordinary private entity or individual. As such, any standard of reasonableness, should be a higher standard of a reasonably prudent railway undertaker in compliance with its railway undertaking. We propose including the following wording in the protective provisions as a new paragraph 121(3):</p> <p>(3) Where under this Part of this Schedule Network Rail is required to act reasonably, any standard of reasonableness required to be exercised by Network Rail shall constitute the standard of reasonableness to be expected of a prudent railway statutory undertaker acting in</p>	<p>The Applicant is considering this suggested drafting as part of its wider consideration of Network Rail's proposed protective provisions. The Applicant does however observe that the wording sought by Network Rail is extremely wide and that the last sentence of the proposed provision in particular goes substantially further than the Applicant considers to be necessary to clarify the standard of reasonableness required to be exercised by Network Rail. Furthermore, insofar as matters of railway safety are concerned, the proposed wording renders the concept of "reasonableness" redundant in the Applicant's view. The Applicant is not therefore minded to agree to the inclusion of a provision in the terms sought by Network Rail.</p>
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	<p>compliance with its statutory and regulatory duties. Further, in respect of matters of railway safety, in which NR is the expert, these should be at NR's absolute discretion.</p>	
	<p>S.127 and S.138 of the Planning Act 2008 In addition to the points set out above, without the inclusion of the restrictions on compulsory acquisition at paragraphs 121(1)–(7), NR must also maintain its objection to the DCO on the basis that the proposed compulsory acquisition of rights over railway property does not satisfy the test in section 127 Planning Act 2008 in that: a) the rights cannot be acquired without serious detriment to the carrying on of the undertaking; and b) such detriment cannot be made good by Network Rail by use of other railway property. The reason for which is that: 1) the Plot (over which rights are proposed to be compulsorily acquired) comprises of an operational railway line; unless NR has the ability to require its prior consent and require the Promoter to enter into an asset protection agreement prior to the</p>	<p>The Applicant does not consider that the powers of compulsory acquisition included in the draft DCO [Document Reference 3.1 Revision 4] would result in serious detriment to the undertaking of NR or its ability to carry out its statutory undertaking for the purposes of ss127 and 138 of the Planning Act 2008. This is on the basis that the draft DCO includes extensive protective provisions for the protection of Network Rail and its interests, including provisions requiring "specified works" to be submitted to NR for approval. These provisions ensure that any interface with railway property (including for the avoidance of doubt any acquisition of rights forming part of operational railway property), would be appropriately controlled. The Applicant has set out (under the heading 'CPO restriction' above) why a veto on compulsory acquisition (and other) powers would not be appropriate.</p>

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	<p>acquisition of such rights in order to ensure any such rights can be carried out in accordance with the necessary procedures to maintain railway safety the proposed rights/temporary use have the capacity to cause serious detriment to the carrying on of NR's undertaking as it could interfere with the operational railway line, in particular potentially compromising the safe running of trains and the safety of users of the railway. It is inconceivable that a third party should have compulsory powers to acquire the rights to use railway land without first seeking NR's consent; and as this is an operational railway line such detriment cannot be made good as the line cannot be relocated to other land in the possession of NR (and not least to say requiring NR to relocate its operational railway to facilitate such rights would be entirely disproportionate both in cost and nature). Accordingly, in order for such proposed compulsory acquisition and temporary possession of the Plot to pass the test in section 127 Planning Act 2008, paragraphs 121(1)-(7) of the Order PPs requiring NR's prior consent to be sought must be imposed before powers authorising the compulsory acquisition of such rights are exercised. Network Rail's position is</p>	<p>It should in particular be noted that the interface with NR land relates to a single plot within the Order Limits, namely plot 3/24.</p> <p>Environmental Statement Figure 2.4 Indicative HDD Crossing Plan [APP-137] identifies this location [ref #12] as one where horizontal directional drilling (HDD) is anticipated, and this is proposed precisely with the protection of the operational railway in mind. If adopted, HDD will be a minimum depth of 7m below railway lines, in accordance with Appendix A: Design Parameters Document [Document Reference 5.6.1 Revision 4]. Again, with these protections in place, the Applicant is not clear on what basis NR seeks to say that the protections afforded to it are insufficient and that a veto on compulsory acquisition (and other) DCO powers is required to ensure there would be no serious detriment to its interests.</p> <p>Notwithstanding the above, the Applicant will continue to engage with Network Rail in order to seek to reach agreement on protective provisions.</p>
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	<p>that in the absence of such, the test in section 127 is not satisfied.</p> <p>In addition, to the extent that the proposed compulsory acquisition of rights over the Plot does involve the extinguishment of any rights or the removal of any apparatus belonging to NR, NR submits that the test in section 138 is not satisfied on the same grounds as set out above.</p>	
	<p>To be in a position to remove its objection, Network Rail requires the following: the NR PPs to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with the relevant safety standards. The content and format of the NR PPs is contained within Appendix 1 of the NR's relevant representations submitted on 2 January 2026.</p>	<p>The Applicant is committed to continuing engagement to enable protective provisions for the benefit of Network Rail to be agreed.</p>
	<p>It is inconceivable that the proposed development should be carried out without sufficient protection afforded to Network Rail. As the current draft Order contains protective provisions which do not adequately protect Network Rail's interests and assets, Network Rail must maintain a strong objection to the granting of the DCO on the basis of the current draft Order and hereby requests that the Examining</p>	<p>The Applicant is committed to continuing engagement to enable protective provisions for the benefit of Network Rail to be agreed.</p>

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	Authority does not grant the DCO in the absence of appropriate protective provisions being placed on the Order;	
	Network Rail requires a private agreement to regulate the manner in which rights over railway property are to be granted and in which works are to be carried out in order to safeguard Network Rail's statutory undertaking. Engineers for Network Rail are continuing to review the extent of impacts on operational railway and Network Rail property and any mitigation required (including NR's review and prior approval of the design proposals for the parts of the DCO scheme which interface with the railway at detailed design and construction stages) will be considered in this agreement.	<p>The Applicant is actively engaging with Network Rail to agree protective provisions and a side agreement for the protection of Network Rail's assets.</p> <p>The Applicant would be happy to discuss the interface of the Scheme with relevant NR engineers to help progress agreement.</p>
	The completion of the necessary deeds of easement and asset protection agreement to govern the construction, maintenance and, where appropriate, removal of the parts of the development proposed by the DCO which are located on or adjacent to operational railway land.	The Applicant will continue discussions with Network Rail with a view to reaching agreement before the end of examination.