



Tween Bridge Solar Farm

8.15 Applicant's Comments on Interested Party Responses to ExQ1

Deadline 3 June 2026

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Revision 1

Applicant’s Responses to Stakeholder Responses to ExQ1

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1 Applicant's Responses to Stakeholder Responses to ExQ1

Table 1: Applicant's response to National Grid Electricity Transmission's (NGET) responses to ExQ1

Ref	Question	NGET's response	Applicant's response
Q4.0.12	<p>Protective Provisions</p> <p>Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.</p>	<p>As set out in NGET's Relevant Representation, NGET has existing and proposed infrastructure and land interests located within and in close proximity to the Project's Order Limits. NGET's infrastructure is critical to ensuring the operation of the electricity transmission network and maintaining security of supply. NGET infrastructure has to be adequately protected to ensure that such assets can be operated and maintained at all times and all relevant safety standards secured. NGET's required Protective Provisions were submitted alongside NGET's Written Representations for Deadline 1.</p> <p>These Protective Provisions require the Applicant to secure NGET's prior written consent to the exercise of any power of compulsory acquisition over NGET's land or land in which NGET has rights or apparatus. These Protective Provisions also contain provisions to ensure the replacement of apparatus without causing any detriment to the operation of the transmission network should such apparatus need to be moved as a result of the Project. Without the appropriate safeguards in place through NGET's required Protective Provisions, the acquisition of NGET's land or land in which NGET has rights or apparatus, or the extinguishment of NGET's rights, would cause a serious detriment to NGET's undertaking, threatening the operation of the electricity transmission network. Furthermore, NGET would not be able make good any consequences of such compulsory acquisition without further undermining security of supply and its statutory obligations. Therefore, the tests under s127 and s138 of the Planning Act 2008 are not be met.</p>	<p>The Applicant acknowledges that NGET has existing and proposed infrastructure and land interests located in proximity to the Order Limits and has provided appropriate protective provisions on this basis, albeit the Applicant is continuing to progress discussions with NGET on the terms of these noting the submissions made by NGET.</p> <p>The Applicant and NGET disagree on the inclusion of a protective provision relating to the exercise by the Applicant of its powers of compulsory acquisition under the draft DCO [Document Reference 3.1 Revision 6]. 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 in this regard: "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 proposed compulsory acquisition of statutory undertakers' land." 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.</p> <p>The Applicant does not consider that in the case of the Scheme 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. The same principle applies in this case, with the Examining Authority in that case finding that "<i>The ExA concludes that a balance has to be</i></p>

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Ref	Question	NGET's response	Applicant's response
			<p><i>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></p> <p>At the Compulsory Acquisition Hearing on Wednesday 24 June 2026, the Applicant confirmed that it would provide a full justification for any points of difference with NGET and other parties with whom protective provisions are under negotiation at Deadline 4. See Actions 7 and 8 of the Written Summary of Oral Submissions made at Compulsory Acquisition Hearing [Document Reference 8.18 Revision 1].</p>
Q10.0.1	<p>NGETs relevant representation [RR-021] states that the connection cable could potentially be designed and built by the Applicant and it highlights that the applicant is required to seek consent for, build and maintain all assets up to the bus bar within 'the substation'. It also states that "NGET is not currently proposing to construct a new substation in the area." ...</p> <p>To NGET</p> <p>1: Are there any plans for a new substation?</p> <p>2: Is NGET obliged to provide a POC for the applicant and if so, where</p>	<p>Discussions between NGET and the Applicant in relation to the location and form of the point of connection are ongoing. NGET is exploring all options as part of these discussions but is currently unable to provide any further details. Although the process for identifying a point of connection is ongoing, the Project benefits from a contractually binding Grid Connection Agreement with the National Energy System Operator and is guaranteed to receive a Gate 2 offer in due course. This creates a legally binding obligation upon NGET to provide a point of connection to the electricity transmission network.</p> <p>NGET considers that the Examining Authority can proceed on the basis that a point of connection to the electricity transmission system will be delivered in due course in accordance with NGET's legal obligations. NGET also notes that such circumstances are not unusual, have arisen elsewhere (such as for Springwell Solar Farm), and have been resolved in the same way that the Applicant is proposing here.</p>	<p>The Applicant notes the response from NGET.</p> <p>The Applicant agrees with NGET's position that the Scheme benefits from a contractually binding Grid Connection Agreement with the National Energy System Operator (NESO), and that the Scheme will receive a Gate 2 offer in due course. The Applicant further agrees that this establishes a legally binding obligation on NGET to provide a point of connection to the national electricity transmission system.</p> <p>The Applicant notes that NGET's response is consistent with the position previously set out by the Applicant, including within the Annex to the Written Summary of Oral Submissions for Issue Specific Hearing 1 (submitted at Deadline 1) [REP1-046], namely that while the precise details of the point of connection are still to be finalised, there is sufficient certainty that a connection will be delivered.</p> <p>In light of recent and relevant precedent, the Applicant has also submitted a revised version of the Annex to the Written Summary of Oral Submissions for Issue Specific Hearing 1 [Document Reference 8.5 Revision 2] at Deadline 3, which reflects and takes account of NGET's response to Q10.0.1.</p>

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	<p>and when is NGET obliged to provide this?</p> <p>The applicant and NGET should agree a statement of common ground to resolve these issues or explain any areas of disagreement.</p>		

Table 2: Applicant's response to the Environment Agency (EA) responses to ExQ1

Ref	Question	EA's response	Applicant's response
Q4.0.9	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP-019] or the Land Plans [APP-008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is</p>	<p>(a) The Environment Agency (EA) is continuing to review the Book of Reference, Statement of Reasons and Land Plans in respect of the EA-owned parcels included within the Order limits. The EA is still confirming the accuracy of the extent of land and type of rights sought over each parcel, particularly where the proposed easement strips or temporary possession areas may overlap with:</p> <ul style="list-style-type: none"> • operational access routes • flood defence assets • telemetry and monitoring equipment • drainage works and byelaw strips • land required for statutory maintenance activities <p>The EA is currently awaiting internal confirmation of operational access requirements across these parcels. Until this information is available, the EA cannot confirm that the Land Plans and Book of Reference accurately reflect the EA's operational interests. The EA will provide updated information to the Examining Authority once this internal review is complete.</p> <p>(b) The EA considers that there may be reasonable alternatives to some of the permanent easements and temporary possession</p>	<p>In respect of (a), the EA's response is noted and the further information has been provided to the EA.</p> <p>In respect of (b), (c) and (d), the Applicant does not accept the EA's assertion that the tests applicable to the compulsory acquisition of land in respect of which the EA has an interest may not have been met. The Applicant is not clear how the EA can have formed this view in circumstances where its internal review and assessment has not been completed. A thorough review and optioneering process has been undertaken by the Applicant in preparing the Application, as set out in the Statement of Reasons [Document Reference 4.1 Revision 3] and Environmental Statement Chapter 3: Site Description, Site Selection and Iterative Design Process [REP2-019], and the land identified is necessary to enable the delivery of all aspect of the Scheme and is proportionate. The Applicant will work with the EA to seek to understand and, where relevant, address any outstanding concerns it may have.</p>

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Ref	Question	EA's response	Applicant's response
	<p>seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect the land that you own or have an interest in.</p>	<p>powers sought by the applicant, including alternative route cable alignments. Until the EA has completed its internal assessment of operational access requirements, it cannot confirm that the applicant has exhausted all reasonable alternatives.</p> <p>(c) Based on the information currently available, the EA considers that there may be parcels or rights where the applicant has not yet demonstrated necessity. These include parcels where the proposed easement alignment appears to cross EA land for convenience rather than necessity. The EA reserves its position until the internal review is complete.</p> <p>(d) The applicant has not yet demonstrated that the permanent easements sought across all EA land are necessary for the construction and operation of the project. The EA has not yet been provided with sufficient detail on construction methods, access arrangements, or outfall design to assess whether the rights sought are the minimum necessary. The EA reserves its position in this regard and may object to the possession of permanent rights if operational access is believed to be compromised.</p>	
Q4.0.12	<p>Protective Provisions</p> <p>Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.</p>	<p>The EA is a statutory undertaker within the meaning at s.127(8)(a) of the Planning Act 2008. Section 165 of the Water Resources Act 1991 (as amended) sets out its powers to carry out flood defence and drainage works (to the extent that it has a power and not a duty).</p> <p>As set out in our answer to Q4.0.10 above, we are continuing to review our land interests within the Order limits and considering the potential impact the project may have on these and our ability to carry out our statutory undertakings. As such we are not yet in a position to set out in full our position with regards to the tests under s127 and s138 of the Planning Act 2008, but those matters that could form part of this are included in our answer to Q4.0.10 above. Please note that the Environment Agency does not agree with the Applicant's response [REP1-043, page 51] to Section 4.0 of its Relevant Representation [RR-009] regarding this matter. This states that agreement on the Protective Provisions included in Revision 3 of the draft DCO will ensure there is no detriment to the EA and its ability to carry out its statutory undertaking. The</p>	<p>The Applicant understands that the protective provisions for the protection of the EA included in Part 5 of Schedule 14 to the draft DCO [Document Reference 3.1 Revision 6] are agreed and this is reflected in the Statement of Common Ground with the EA submitted at Deadline 3 [Document Reference 9.4 Revision 2]. However, in view of the EA's response to Q4.0.12, the Applicant contacted the EA on 3 June 2026 to seek to engage further on the protective provisions. The Applicant awaits a substantive response.</p>

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		Protective Provisions currently included in the Schedule 14, Part 5 of the draft DCO [REP1-004] only cover matters relating to the EA as 'regulator' in respect of flood risk activities. If the scope of these Protective Provisions needs to be widened to cover other matters within the EA's statutory undertaker role, we will discuss these with the Applicant, and seek to agree these during the course of the Examination.	
Q5.2.9	<p>Draft DCO Schedule 2 Requirement 22 [AS-003]</p> <p>Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs? Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this consultation period, with reasons given?</p>	The EA welcomes the inclusion of Requirement 22 and the allowance of not less than 21 business days to provide its response to consultation. It is the EA's view that this consultation period realistically reflects the potential size and complexity of submissions and is necessary to enable a thorough review of documents to be undertaken.	The Applicant notes and welcomes the Agency's confirmation in relation to this matter.
Q7.0.17	<p>Critical Flood Level</p> <p>Could the EA and the applicant please provide any relevant planning policies pertaining to the Critical Flood Level and provide an explanation of how this differs to fluvial and tidal flood data upon which the mitigation measures have been based? Does a requirement to raise infrastructure above the CFL accord with</p>	<p>Relevant policies relating to the Critical Flood Level are contained in the North Lincolnshire Core Strategy 2011 and the Doncaster Local Plan 2021. Further details on the Critical Flood Level are contained in the respective strategic flood risk assessments.</p> <p>North Lincolnshire:</p> <p>Policy CS19: Flood Risk of the North Lincolnshire Core Strategy 2011 outlines that development outside of the Lincolnshire Lakes area:</p> <p><i>'shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.'</i></p>	The Applicant welcomes North Lincolnshire Council's (NLC) latest position, as reflected in the updated Statement of Common Ground [Document Reference 9.3 Revision 2] , which records the matter as agreed. NLC has confirmed in their latest SoCG that "whilst there is a clear conflict with the SFRA in this respect, NLC recognises that the Secretary of State must consider this objection in the round. NLC continues stating that it is noted that the Environment Agency is satisfied with the 1:1000 year plus 100mm design level, and that achieving the CFL would be likely to render the development unacceptable from a landscape and visual perspective and potentially unviable for the reasons the Applicant has given. As indicated in NLCs LIR, it remains a matter for the decision-maker whether the residual risk is acceptable in the overall

Ref	Question	EA's response	Applicant's response
	<p>policy expectations? Is the CFL used nationally, and are either party aware of any instances of development (in particular solar farms) being raised above the CFL (bearing in mind the 'essential infrastructure' category)?</p>	<p>North Lincolnshire has a joint strategic flood risk assessment with North East Lincolnshire Council. Appendix D of the North and North East Lincolnshire SFRA at Paragraphs 9.14–9.17 provides further information on the Critical Flood Level. Appendix C of the SFRA contains the flood risk advice matrix which includes flood risk mitigation guidance to inform development proposals (outlined in summary of oral submissions).</p> <p>Doncaster:</p> <p>Policy 57: Flood Risk Management, Part D, of the Doncaster Local Plan 2021 outlines:</p> <p><i>The Council's Strategic Flood Risk Assessment identifies a number of residual flood risk areas and details development planning advice for these which should be considered when looking to develop in these areas. The Council will ensure it keeps its evidence base on flood risk up-to date, including commissioning a Level 2 Strategic Flood Risk Assessment at the earliest opportunity, so that proposals outside of Development Allocations have the best available evidence on which to prepare their own site specific flood risk assessments and appropriate mitigation and to assist with successful pass of the sequential and exceptions tests.</i></p> <p>The Doncaster SFRA contains reference to the CFL and in paragraph 6.7.4.1, it outlines that mitigation for development in the Isle of Axholme (IoA) should be based on this.</p> <p>The CFL represents a flood risk scenario that is different to the fluvial flood risk data that flood risk mitigation for the Scheme has been based on.</p> <p>The CFL is a level based on the potential flooding to the IoA from multiple sources, including the non-operation (i.e. complete breakdown) of the pumping regime. This level represents a flood height that would be reached over a period of time in the IoA. The CFL therefore represents a prolonged flood event which results in the IoA filling up like a basin. This is different to the fluvial modelling used to inform the mitigation.</p>	<p>planning balance, however, for the avoidance of doubt, NLC does not object to the use of the 1:1000 year plus 100mm freeboard flood level in this instance".</p> <p>The Applicant also notes the Environment Agency's response and agrees that the Critical Flood Level (CFL) is an area-specific residual flood risk consideration rather than a national policy requirement.</p> <p>The Applicant further notes that the CFL is contained within the Strategic Flood Risk Assessment (SFRA) evidence base, rather than being expressed as an explicit requirement within adopted development plan policy for all forms of development to be raised above the CFL. The relevant local policies, including North Lincolnshire Core Strategy Policy CS19, require flood risk to be assessed and managed having regard to the SFRA and site-specific circumstances. The Applicant therefore considers that the CFL should be treated as a planning consideration, but not as an inflexible concept to be applied uniformly to all development types.</p> <p>This distinction is important in the context of the Scheme. The Scheme comprises solar PV infrastructure, BESS and associated electrical equipment. It is not residential development, nor is it a continuously occupied building or manned power station. The Scheme can be safely shut down and managed remotely during an extreme flood event. The residual risk profile is therefore materially different from development where continued occupation or permanent on-site operation is required. The Applicant also notes the advice from the Environment Agency included in their responses to ExQ1 [REP2-103] that the CFL "represents a flood height that would be reached over a period of time in the IoA. The CFL therefore represents a prolonged flood event which results in the IoA filling up like a basin. This is different to the fluvial flood modelling used to inform the mitigation".</p> <p>The Applicant has already responded to flood risk considerations by increasing the top of the solar panels up to 3.6m above the ground to provide additional clearance. The proposed flood mitigation strategy has been developed through extensive engagement with the Environment Agency. During these discussions, the Environment Agency confirmed that they were</p>

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Ref	Question	EA's response	Applicant's response
		<p>The River Trent and River Torne fluvial models do not account for the operation or non-operation of the pumping regime. The River Trent fluvial modelling has informed the mitigation proposals for the Scheme. The model assumes that the existing River Trent flood defences remain in place. The 1 in 1000 River Trent model represents the residual risk of the River Trent flood risk management infrastructure design standard being exceeded by a flood event. This model therefore represents the residual risk that the defences are overtopped when flood levels exceed the height of the defence. This level therefore represents a temporary exceedance of flood risk management infrastructure rather than a long-term failure of flood risk management infrastructure.</p> <p>We can confirm the approach of the CFL is not a national approach and is area specific.</p> <p>The EA considers that the raising of critical equipment above the CFL accords with local policy expectations. We also consider that mitigating the CFL ensures that the development will remain operational in the extreme event of the flood risk management infrastructure no longer being maintained.</p> <p>We are aware Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 included provision for flood resilience against the CFL (based on the previous CFL of 4.1mAOD). We have provided flood risk advice on the CFL in relation to other planning applications submitted to North Lincolnshire Council. For example- references PA/2025/444 and PA/2025/445 (applications for 49.9MW solar farms- not currently determined).</p>	<p>satisfied with the Applicant's approach of setting mitigation levels at 100mm above the modelled 1 in 1,000-year fluvial flood level. This approach was subsequently incorporated into the Scheme design and forms the basis of the submitted Flood Risk Assessment [REP2-047, REP2-049, REP2-051].</p> <p>The Applicant also notes that Keadby 3 does not demonstrate that all infrastructure must be raised to 4.4m AOD. While the CFL was considered in that case, the final mitigation strategy included raising Finished Floor Levels for key buildings to 2.8m AOD, with critical operational infrastructure to a minimum of 3.6m AOD, followed by further raising up to 4.4m AOD only where reasonably practicable. Keadby 3 therefore supports the principle that the CFL is a relevant consideration to be addressed through a site-specific and proportionate assessment, rather than an absolute requirement.</p> <p>Keadby 3 is also materially distinguishable from the Scheme. It comprises a manned gas-fired generating station with carbon capture, with different operational, safety and infrastructure requirements. By contrast, the Scheme is unmanned renewable energy infrastructure which can be remotely shut down and does not require staff to remain on site during an extreme flood event; it is materially less vulnerable.</p> <p>Accordingly, the Applicant considers that the appropriate test is not whether all infrastructure has been raised to the CFL, but whether the Scheme would be safe for its lifetime, having regard to the nature of the development, the assessed flood risk, the feasibility and proportionality of mitigation, and the proposed residual risk management measures. In this regard, the Environment Agency is satisfied with the proposed design level of the 1 in 1,000-year fluvial flood event plus 100 mm freeboard, and North Lincolnshire Council has confirmed that it does not object to this approach in this instance, recognising that the acceptability of any residual risk is ultimately a matter for the Secretary of State to determine in the overall planning balance. The Applicant therefore considers that the proposed design approach is robust, proportionate and policy-compliant.</p>

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Ref	Question	EA's response	Applicant's response
Q7.0.22	<p>Outline Surface Water Drainage Strategy</p> <p>Could the EA and Council's please confirm the acceptability or otherwise (in principle) of the outline surface water drainage strategy at FRA section 7 and appendices I and J [APP 108-109]?</p>	<p>The EA can confirm that (in principle) it considers the outline surface water drainage strategy is acceptable. We will need to have further discussions with the applicant at the detailed design stage to confirm and agree the strategy in relation to the protection of Controlled Waters. We are satisfied that our inclusion as a specific consultee to Requirement 7 (Battery safety management plan) and Requirement 11 (Surface and foul water drainage) will enable us to do this.</p>	<p>The Applicant notes and welcomes the Agency's confirmation in relation to this matter.</p>
Q7.0.31	<p>Operational reason for locating in flood zone 3b</p> <p>NPS EN-1 paragraph 5.8.41 states in full:</p> <p><i>"Energy projects should not normally be consented within Flood Zone 3b , or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows."</i></p>	<p>The EA can confirm that the project will not impact on the available flood storage capacity within Flood Zone 3b. The EA holds no view on the operational reasons why the development needs to be located within Flood Zone 3b.</p>	<p>This Applicant notes this response. Please see the Applicant's response to WQ7.0.31 in the Applicant's Written Responses to ExQ1 [REP2-087] which provides a full explanation of the reasons for locating some sections of the Scheme's infrastructure within Flood Zone 3b. Additionally, please see the written summary of Issue Specific Hearing 3 at agenda item 3b 'Flood Risk'. The Applicant provided clarity on the justification for locating the 132kV Substation and Battery Energy Storage System within areas of Flood Zone 3b. The document can be seen at Written Summary of Oral Submissions at the Issue Specific Hearing 3 [Document Reference 8.17 Revision 1].</p>

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Ref	Question	EA's response	Applicant's response
	<p>Please could the applicant explain whether there are any operational reasons why this development needs to be located within flood zone 3b?</p> <p>Please could the EA and Councils provide their views on this?</p>		
Q7.0.34	<p>Use of climate change allowances:</p> <p>Paragraphs 5.9 and 5.24 of the FRA [APP 108] state that the 1 in 1000 year flood event has been used to assess the design of flood risk mitigation measures and represents a precautionary approach with a greater extent than the required 1 in 100 year plus climate change event for fluvial flooding and the required 1 in 200 year plus climate change event for tidal flooding. As such, no additional allowance for climate change has been included in the assessment beyond this. To all relevant IPs - please can you confirm if there are any comments you wish to make on the chosen climate change allowances?</p>	<p>The EA is satisfied with the approach to using the 1 in 1000 year flood event to inform the assessment of flood risk. The Trent 2023 1 in 1000 fluvial overtopping model shows greater flood extents and depths across the site compared to the 1 in 100 plus climate change (fluvial) or the 1 in 200 plus climate change (tidal) events. The 1 in 1000 event also indicates a greater flood extent and higher depths than the 1 in 100 plus climate change breach event. The EA is therefore satisfied with the approach taken on climate change allowances.</p>	<p>The Applicant notes and welcomes the Agency's confirmation in relation to this matter.</p>

Table 3: Applicant's response to City of Doncaster Council's (CDC) responses to ExQ1

Ref	Question	CDC's response	Applicant's response
Q1.0.3	<p>Updated National Policy Statements (NPS)</p> <p>Could the applicant, NLC and CDC please provide representations on the effect of the changes to NPS, with EN-1,3 and 5 having come into force on 6 January 2026? Please consider the transitional arrangements and whether the revised NPS are 'important and relevant' to the Secretary of State's (SoS) decision.</p>	<p>It is the Council's understanding as stated in Section 1.6 of NPS1 (paragraphs 6.1.2 and 6.1.3) (December 2025), that:</p> <p><i>"transition provisions should apply for the 2025 NPSs, so that for any application accepted for examination before the final publication of the approved 2025 amendments, the 2024 suite of NPSs should have effect in accordance with the terms of those NPSs.</i></p> <p><i>The 2025 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the final publication of those amendments".</i></p> <p>Acceptance of the Tween Bridge Solar Farm application was on 23rd December 2025, whereas the final publication of the approved 2025 amendments to NPSs EN-1, EN3 and EN5 was on 6 January 2026.</p> <p>Accordingly, the transition provisions do apply in this case and the application should be determined on the basis of the 2024 suite of NPSs.</p> <p>The Council is cognisant of the Planning Act 2008 Section 104(2)(d) which states that In deciding the application the Secretary of State must have regard to - any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision. Accordingly the ExA and ultimately the Secretary of State may also wish to have regard to the direction of travel of the changes to NPS, with EN-1,3 and 5 having come into force on 6 January 2026.</p>	<p>The Applicant notes and agrees with CDC in relation to this matter. The 2024 NPSs apply to the Scheme and have been considered and assessed in the Planning Statement [REP2-012].</p>
Q1.0.4	<p>CNP</p> <p>In discussing Critical National Infrastructure, Priority Planning</p>	<p>CDC considers the following NPSs are relevant to the instant application:</p> <ul style="list-style-type: none"> Overarching National Policy Statement for Energy (January 2024) (NPS EN-1); 	<p>The Applicant notes this response.</p>

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	<p>Statement [APP-030] paragraph 8.2.3 indicates that the applicant has 'relied' upon CNP in relation to the 'landscape and visual' and 'ecology and nature conservation' effects of the proposed development. Could the applicant please review the approach taken to CNP in recently made solar DCO recommendation reports and decision letters and confirm whether it is relying on CNP policy?</p> <p>Could NLC and CDC also set out their respective positions on the application of the planning balance and in particular, the effect of NPS EN-3 policies on CNP?</p>	<ul style="list-style-type: none"> • National Policy Statement for Renewable Energy Infrastructure (January 2024) (NPS EN-3); and • National Policy Statement for Electricity Networks (January 2024) (NPS EN-5). <p>Section 4.2 of NPS EN-1 states that to support the urgent need for new low carbon infrastructure, all onshore and offshore electricity generation covered within the NPS that do not involve fossil fuel combustion are considered to be Critical National Priority (CNP) infrastructure. This includes NSIPs for solar photovoltaic.</p> <p>NPS EN-3 sets out additional policies for renewable energy infrastructure that should be read in addition to the overarching policies set out in EN-1. For example:</p> <ul style="list-style-type: none"> • Paragraph 1.1.2 states that electricity generation from renewable sources is an essential element of the transition to net zero and meeting targets for the sixth carbon budget; • Paragraph 1.6.1 states that EN-3 covers solar photovoltaic generating stations that are over 50MW; • Paragraph 2.10.9 states that the government has committed to sustained growth in solar capacity to contribute towards meeting net zero emissions by 2050 and as such, "solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector"; and • Paragraph 2.10.10 states that solar has an important role in "delivering the government's goals for greater energy independence". <p>NPS EN-5 sets out policy relevant to electricity transmission and distribution systems, from transmission systems to end user.</p> <p>Paragraph 1.6.4 states that it can cover development "if it constitutes associated development for which consent is sought along with an NSIP".</p>	

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		<p>Schedule 1 to the draft DCO lists Work Nos. 2 to 8 as "associated development within the meaning of section 115(2) of the [Planning Act 2008]" and this includes Work No. 5, the BESS. This associated development element of the authorised development could come within the scope of EN 5. By section 104(2) of the Planning Act 2008, the Secretary of State must have regard to these relevant NPSs when determining the instant application. (Similarly, the Secretary of State must have regard to any duly submitted LIR, any matters prescribed in relation to the development, and any other matters the SoS thinks are both important and relevant to the decision). Turning to CAP, paragraph 8.2.10 of the ExA's Report and Recommendation for the Fenwick Solar Farm project states –</p> <p>"We are satisfied that the mitigation hierarchy has been fully explored and the mitigation proposed has been secured by the requirements and other controls included in the rDCO. However, as our recommendation is already in favour of the proposed development, we do not consider it is necessary to apply the further tests set out in NPS EN-1 in relation to Critical National Priority".</p> <p>We assume the ExA for the instant application would follow a similar approach in respect of the application of CAP.</p>	

<p>Q1.0.6</p>	<p>Community Benefit Fund</p> <p>Planning Statement [APP-030] paragraph 8.1.16 states in part that a "Community Benefit Fund of approximately £12.8 million" would constitute a benefit of the proposed development. Could the Councils and the applicant please provide their opinion on whether this should be weighed in the planning balance as a benefit?</p>	<p>In R (on the application of Wright) v Resilient Energy Severndale Ltd and Forest of Dean District Council [2019] UKSC 53, the Supreme Court ("the Court") considered whether the promise to provide a community fund donation qualifies as a "material consideration" for the purposes of section 70(2) of the Town and Country Planning Act 1990 ("TCPA") and section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA").</p> <p>The Court explained –</p> <ul style="list-style-type: none"> • a three-part test for "material considerations" is included in Newbury District Council v Secretary of State for the Environment [1981] AC 578 ("Newbury") where it was held that the conditions imposed: (1) be for a planning purpose and not for any ulterior purpose; (2) fairly and reasonably relate to the development; and (3) must not be so unreasonable that no reasonable planning authority could have imposed them; • it is logical to equate the ambit of "material considerations" with the scope of the power to impose planning conditions, because if the planning authority has the power to impose a condition it follows that it could treat the imposition of that condition as a material factor in favour of granting permission; and • the community benefits promised by Resilient did not satisfy the Newbury criteria and therefore did not qualify as a material consideration under either the TCPA or the PCPA. The benefits were not proposed to pursue a proper planning purpose, but rather for the ulterior purpose of providing general benefits to the community. They did not fairly and reasonably relate to the development for which permission was sought; the community benefits did not affect the use of the land but were instead proffered as a general inducement to the Council to grant planning permission, in breach of the principle that planning permission cannot be bought or sold. 	<p>The Applicant notes and agrees with CDC on this matter. To be clear, paragraph 4.9.30 of the Planning Statement [REP2-012] sets out in full:</p> <p><i>"It is recognised by the Applicant, and within this Planning Statement, that the Community Benefit Fund sits outside of the DCO Application and, at this moment in time as such, carries no weight as part of the overall planning balance to be considered by the Examining Authority and SoS".</i></p>
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		<p>Whether or not a community fund should be weighed within the planning balance will depend on whether it can properly be considered a "material consideration".</p> <p>CDC notes paragraph 4.9.30 of the Planning Statement [APP 030] which concludes that the fund proposed here "sits outside of the DCO Application and, at this moment in time as such, carries no weight as part of the overall planning balance to be considered by the Examining Authority and SoS".</p> <p>CDC has not seen anything that leads it to disagree with this conclusion.</p>	
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Ref	Question	CDC's response	Applicant's response
Q4.0.9	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP 019] or the Land Plans [APP-008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect the land that you own or have an interest in.</p>	<p>With reference to Q4.0.9 below, CDC has a query concerning the Book of Reference, specifically referring to plots 2/5, 2/6 and 2/9, on pages 75,76 and 78, which are about permanent acquisition of new rights over 228 square metres, 1297 square metres and 10925 square metres respectively of track and grass verge including public footpath Thorne 19.</p> <p>Public Footpath No.19 has a recorded width of 9.14 metres and it is 2.67 km in length (as recorded on the definitive map and statement, the legal record of public rights of way) so covers a total area of approximately 24000 square metres; can CDC have clarification on just where within the width Applicants rights will be or is there a need to reevaluate this based on the recorded width?</p>	<p>The length and width of the public footpath as described in the definitive map and statement is noted and the relevant information has now been sought and obtained directly from the relevant department in CDC.</p> <p>The Applicant is considering the information and will update the Book of Reference [Document Reference 4.3 Revision 5] at an appropriate deadline should there be a requirement to do so based on the information received from CDC.</p>

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Ref	Question	CDC's response	Applicant's response
Q5.2.9	<p>Draft DCO Schedule 2 Requirement 22 [AS-003] Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs? Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this consultation period, with reasons given?</p>	<p>The Fenwick Solar Farm Order 2026 (SI 2026/151) ("the Fenwick Order") authorises the construction and operation of a solar farm in CDC's administrative area. Owing to that project's location and the type of project it is, CDC has limited its consideration of precedents to the Fenwick Order. By paragraph 2(2) of the Fenwick Order, an application for consent under a requirement must be determined within eight weeks.</p> <p>By paragraph 3(3) (further information and consultation) of Schedule 15 (procedure for discharge of requirements) to the Fenwick Order, if a requirement requires consultation with a requirement consultee, CDC must issue the consultation to the requirement consultee within 10 working days of receipt of the application. If the requirement consultee requests further information, CDC must notify the undertaker within 10 working days of that request.</p> <p>There is no time limit in the Fenwick Order for the consultee to respond to CDC and so the consultation regime within requirements is something for CDC must manage within the eight-week period, which is capable of being extended by virtue of paragraph 2(2)(c).</p> <p>This regime is different from that included in Requirement 22 of the instant Order where the undertaker must provide the requirement consultee with at least 21 business days (i.e. slightly more than 4 weeks for a response).</p> <p>In the first instance, and subject to the point made in the following paragraph, it appears that this period does not seem unreasonable; however, CDC would suggest that the ExA directs this question to each consultee named in the requirements (i.e. for requirement 7 (fire safety management): the South Yorkshire Fire and Rescue or the Humberside Fire and Rescue Service; for requirement 11 (surface and foul water drainage): the relevant internal drainage board, the Environment Agency, Yorkshire Water, and Severn Trent Water; and for requirement 13 (controlled site): the Secretary of State for Defence.</p>	<p>Please see the Applicant's response to Q5.0.8 and Q5.2.9 in the Applicant's Written Responses to ExQ1 [REP2-087] which sets out the Applicant's approach to and justification for the 21-day consultation period and the relevant precedent in support of this approach. However, the Applicant has amended the draft DCO [Document Reference 3.1 Revision 6] at Deadline 3 to provide for a 28 day consultation period for the purposes of Requirement 22. This is to ensure that there is consistency with the DCO drafting recommendations emerging from the Nuclear Regulatory Review 2025, which were endorsed in full by the Prime Minister on 26 November 2025. At Recommendation 28, the Review stated:</p> <p><i>"Time periods for consultation, decision-making, and notice periods across all provisions should not exceed 28 days..."</i></p> <p>The drafting of Requirement 22 is therefore now commensurate with this recommendation.</p>

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		<p>The point mentioned in the preceding paragraph concerns the inflexibility of the 21-business day period. As drafted, there is no scope for extending that deadline and CDC considers it would be sensible if flexibility were provided. It will be appreciated that, despite a consultee's best efforts, additional time might be required to respond to a consultation question. It would be better for the proper determination of a requirement if a full response was received outside the stated deadline, rather than no response at all. CDC would therefore suggest requirement 22 is recast as follows –</p> <p>"22. In relation to any provision of this Schedule requiring details to be submitted to the relevant planning authority for approval following consultation by the undertaker with another party, the undertaker must provide such other party with not less than 21 business days (or such longer period as may be agreed between the undertaker and the relevant planning authority) for any response to the consultation and thereafter the details submitted to the relevant planning authority for approval must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted including copies of any representations made by a consultee about the details proposed to be submitted to the relevant planning authority by the undertaker and the undertaker's response to those representations".</p> <p>Updated draft Development Consent Order</p> <p>CDC's LIR [REP1-062] includes, at Appendix 2, its comments on the draft DCO [AS-003].</p> <p>CDC note an updated draft DCO was submitted at Deadline 1 [REP1-005].</p> <p>On 21 May 2026, CDC are meeting the applicant to discuss CDC's comments on the draft DCO. CDC understand the applicant will be providing a response to CDC's comments at Deadline 2 and intend to make any changes to the draft DCO at Deadline 3.</p>	

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		<p>Subject to one point, CDC do not propose to comment on the Deadline 1 draft DCO [REP1-005] now but will consolidate all comments in the reply to the Deadline 3 version. The point CDC wishes to emphasise now concerns the proposed deletion of article 18 (agreements with street authorities).</p> <p>CDC explains in Appendix 2 to the LIR that it is concerned by the wide-ranging scope of the powers under Part 3 (street works) of the draft DCO and that it considers these concerns can be addressed by the parties entering into an appropriate agreement, based on CDC's standard section 278 agreement.</p> <p>During the examination of the Fenwick Solar Farm project, CDC and the Fenwick applicant agreed a framework highways agreement that subsequent agreements for street works will have to substantially accord with. In addition, article 16(3) of the Fenwick Solar Farm Order 2026 (SI 2026/151) states –</p> <p>"Prior to the commencement of any works under Part 3 of this Order, the undertaker must enter into an agreement which is substantially in accordance with the framework highways works agreement between the City of Doncaster Council and the undertaker dated 20 August 2025, or any subsequent replacement agreement as to highways works".</p> <p>CDC considers a similar agreement can be agreed with the applicant during the course of the examination and that article 18 can be replaced with a provision similar to article 16(3) of the Fenwick Order.</p>	
Q6.0.7	<p>Archaeological Surveys</p> <p>In CDC's RR [RR-006] the council asserts that the applicant has not undertaken sufficient archaeological evaluation. It is noted that CDC suggests that further pre-decision evaluation could include</p>	<p>SYAS Position (on behalf of CDC)</p> <p>SYAS' position is that the current level of archaeological evaluation undertaken by the applicant is insufficient to meet national policy requirements, particularly in relation to understanding archaeological potential across the Order Limits. We consider that additional pre-decision evaluation is required in areas where there is both higher archaeological potential and a higher scheme impact. A programme of post decision evaluation could be appropriate in areas where impacts are demonstrably lower and</p>	<p>CDC's position is noted but the Applicant disagrees.</p> <p>The Applicant's position remains that the assessment provided within ES Volume 2 Chapter 8: Cultural Heritage and Archaeology [REP2-037] is robust and appropriate for decision making and supported by an extensive suite of surveys and research.</p> <p>The exact routes and construction details for the higher impact elements of the Scheme will be developed as part of the detailed</p>

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	<p>areas covered by more intrusive components of the development. Could CDC and the applicant please set out their positions on the required extent and scope of pre decision and post-decision archaeological evaluation? In doing so, examples of work undertaken on other DCO solar developments should be identified, if relevant.</p>	<p>design flexibility exists. This approach reflects a structured and proportionate strategy, ensuring that uncertainty is reduced prior to determination while allowing flexibility where justified.</p> <p>Relevant policy requires assessment not only of known heritage assets, but also of the potential for currently unknown archaeological remains across the site (NPS EN-1 5.9.13). As such, the heritage assessment needs to integrate known archaeological sites with the geoarchaeological, geophysical and topographic evidence to identify patterns of past activity at a landscape scale. This requirement has not been met and, as a consequence, there is not a sufficiently robust evidence base to allow informed decision-making on impact and mitigation.</p> <p>Magnetometry has been relied on as the main evaluation technique but the influence of the alluvial deposits on the effectiveness of the geophysical survey technique has not been resolved. The applicants contend that the survey was targeted at understanding near surface archaeological remains- "Magnetometry was not intended for consideration of deep deposits" (APP-045 ES Ch 8. Table 8-3: Summary of Consultation)- and the geoarchaeological desk-based assessment is the only site wide consideration of the potential for deeply buried remains. In addition, the effectiveness of the geophysical survey in identifying near surface archaeological remains is uncertain. Cropmark data indicated Romano-British activity in the Sandtoft area. Area 3 of the trial trench evaluation targeted this area identifying a Romano-British settlement dated to the 2nd/ 3rd century recording features consistent with the cropmark evidence. Despite only being covered by, on average, 30cm-50cm of topsoil and subsoil, none of the features associated with this settlement were recorded as anomalies by the geophysical survey. Given this, it remains unclear whether apparent absences of archaeology reflect genuine patterns or are the result of masking by alluvial deposits. This results in a level of uncertainty that, in SYAS' view, is too great to be addressed solely through post-decision mitigation.</p> <p>SYAS considers that a zoned, landscape-led approach to archaeological evaluation is required. A more robust baseline</p>	<p>design of the Scheme and secured by requirements, notably requirement 6 (detailed design approval) of the draft DCO [Document Reference 3.1 Revision 6].</p> <p>The Applicant notes that any potential evaluation or mitigation required will be targeted on the basis of archaeological potential more than the extent of groundworks proposed. The Applicant is confident that any potential evaluation or mitigation required within these areas can be delivered in a timely fashion post-consent.</p> <p>The Applicant has prepared an Outline Archaeological Mitigation Strategy [REP2-045] (AMS). Requirement 12 of the draft DCO secures the Outline AMS by stipulating that the written scheme of investigation for each development phase must be substantially in accordance with the Outline AMS. Requirement 12 also provides approval rights to the relevant local planning authority of a written scheme of investigation for each phase of development. The Outline AMS has been revised at Deadline 2 to include a zoning plan which will be used to inform discussions with stakeholders moving forwards. The combination of the inherent flexibility in many elements of a solar development and the methodologies for additional mitigation detailed in the Outline AMS allow for adverse effects to archaeological remains to be avoided or minimised. The Outline AMS identifies the possibility of preserving archaeological remains in situ within the Order Limits. This would be achieved through either no-dig foundations for solar arrays or areas excluded from development.</p> <p>Where solar arrays will have push-pin foundations the scale of effect upon below-ground archaeological remains is minimal.</p> <p>In areas of more intrusive elements of the Scheme (such as cable runs, BESS facilities or Substations) archaeological mitigation will likely take the form of preservation by record (trenching, watching brief or excavation).</p> <p>The application of the mitigation to the assets would reduce the scale of effect to the extent that it is not significant.</p>

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		<p>understanding integrating the various strands of evidence would provide a nuanced and spatially differentiated understanding of the archaeological sensitivity across the order limits. This could be correlated with the different levels of anticipated ground disturbance from components of the scheme to identify zones with differing levels of impact upon the significance of any heritage assets. This zoning approach allows evaluation effort to be targeted and proportionate, while ensuring that key risks are addressed prior to determination.</p> <p>In zones where both development impact and archaeological sensitivity are high, SYAS consider that further pre-decision evaluation would be required. The full scope of such work would be contingent on the size of the zone and character of the evidence in each zone. It would likely include</p> <ul style="list-style-type: none"> • borehole survey and deposit modelling to define sub surface stratigraphy and identify features such as palaeochannels, peat deposits, and buried soils; • targeted fieldwalking to refine areas of activity and artefact distribution; • trial trenching focused on areas of more defined known activity such as cropmark complexes. <p>This work would help to reduce uncertainty to more acceptable levels through a fuller assessment of significance and impact and the results would inform a more credible and proportionate mitigation strategy.</p> <p>Post-decision evaluation, secured through requirements, may be appropriate in zones where the magnitude of impact is lower, design flexibility can be clearly demonstrated and baseline evidence shows that significant archaeological remains are unlikely or can be adequately managed through mitigation. However, SYAS emphasises that post-decision evaluation or mitigation should not be relied upon to resolve fundamental uncertainties in higher-risk areas.</p>	<p>As well as detailing mitigation methods, the Outline AMS details that the Scheme will consider micro-siting elements of solar development during construction to allow for the further minimisation of direct adverse effects to archaeological remains in accordance with paragraphs 2.10.137 and 2.10.138 of NPS EN-3.</p> <p>In accordance with the test set out at paragraph 5.9.33 of NPS EN-1 and considering paragraph 4.2.16 of NPS EN-1, the residual effects to the non-designated assets have been minimised and they do not therefore represent the most exceptional circumstances. The Archaeology and Solar Good Practice Guide (launched in April 2026) details 10 key principles and the Applicant notes that the following are particularly pertinent in this instance:</p> <p>Principle 4: Design flexibility can be utilised to protect the significance of archaeological remains</p> <p>Principle 8: A pragmatic approach to trial trenching will enhance confidence while enabling development</p> <p>Following these principles, the Applicant is clear that there is a high degree of flexibility for much of the design which could be employed to reduce or remove impacts to below ground remains. Further, as the exact routes of the most intrusive elements of the Scheme (such as cable routes) will not be determined until detailed design, undertaking any trial trenching until after this information is available is appropriate as it will avoid the need for potentially abortive works and reduce the potential for harm to below ground remains arising from trenching which was ultimately not necessary. SYAS on behalf of CDC note trenching was undertaken in relation to Fenwick Solar (PINS Reference: EN010152).</p> <p>There is an apparent inconsistency with the approaches taken to geoarchaeological assessment between Fenwick Solar and the Scheme. The whole of the Fenwick Solar Order Limits are recorded by the British Geological Survey as containing Glaciolacustrine deposits but no geoarchaeological assessment was deemed necessary whereas, in respect of the Scheme, SYAS state that borehole survey is required despite the submission of a specialist</p>

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		<p>Large scale solar farms are a relatively new type of development and archaeological approaches to assessing impacts at such scale are still being refined. The SYAS approach is, however, comparable to that undertaken in other areas and accords with developing good practice.</p> <p>The recently consented Fenwick solar scheme in South Yorkshire covers an area of approximately 536ha. Pre decision archaeological work consisted of a desk-based assessment, geophysical survey (magnetometry) and a programme of trial trenching (649 trenches). The geophysical survey successfully identified multiple archaeological anomalies as the site was not covered by deep alluvial deposits. The trenching enabled the significance of the buried remains to be understood and detailed plans for their mitigation were included as part of the ES submission. A few fields and the grid connection corridor were not able to be assessed pre-decision but the level of work undertaken generated a confidence in the understanding of the site as whole allowing those investigations to be completed post decision.</p> <p>Also in South Yorkshire, the Whitestone Solar Farm project is at the pre-application stage. Discussions are ongoing about the wider archaeological strategy to assess this site of approximately 1500ha but pre-decision work has so far included a desk-based assessment, geophysical survey (magnetometry) and trial trenching targeted on proposed high impact areas of the scheme. Areas of known high archaeological potential have been excluded from any development within the proposed order limits.</p> <p>Tillbridge Solar project is a DCO scheme of approximately 1400ha within the counties of Lincolnshire and Nottinghamshire. It was granted consent in October 2025. Like Tween Bridge, extensive alluvial deposits were recorded across the site. Pre-decision archaeological work consisted of a desk-based assessment, geoarchaeological borehole survey and deposit modelling, geophysical survey and a programme of trial trenching consisting of 2628 trenches.</p> <p>East Park Energy is a solar scheme within Bedfordshire and Cambridgeshire currently at the examination stage. The scheme</p>	<p>assessment. These deposits continue into the western part of the Order Limits.</p> <p>Despite the very similar potential of Fenwick Solar for prehistoric lithic material to the Scheme, no request for fieldwalking was made by SYAS.</p>

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		<p>covers approximately 773ha and has some similarities with Tween Bridge in that alluvial deposits are present in the northern part of the site along river channels. A staged approach was taken to pre-decision assessment with a geophysical survey followed by a programme of trial trenching consisting of 937 trenches.</p> <p>These examples demonstrate a staged approach to archaeological evaluation with a much greater degree of intrusive investigation in order to provide detailed information about archaeological potential so that informed decisions can be made.</p> <p>In summary, SYAS considers that the current level of archaeological evaluation is not sufficient to support determination. A zoned, landscape-led approach is required to identify areas of higher impact and archaeological potential where additional pre-decision work is necessary. The current level of uncertainty is too great to address with post-decision evaluation and mitigation.</p> <p>This approach will ensure that the Examining Authority can reach a decision based on a robust and evidence-led understanding of archaeological risk, consistent with national policy and established DCO practice.</p>	
Q7.0.22	<p>Outline Surface Water Drainage Strategy</p> <p>Could the EA and Council's please confirm the acceptability or otherwise (in principle) of the outline surface water drainage strategy at FRA section 7 and appendices I and J [APP-108-109]?</p>	<p>CDC, in its capacity as Lead Local Flood Authority (LLFA), is content in principle with the proposals submitted. The LLFA is currently working with the applicant's drainage consultants to develop the Statement of Common Ground, with the aim of identifying and resolving matters requiring further discussion, which the LLFA considers to be achievable.</p>	<p>The Applicant notes and welcomes CDC's confirmation in relation to this matter.</p>
Q7.0.31	<p>Operational reason for locating in flood zone 3b</p> <p>NPS EN-1 paragraph 5.8.41 states in full: "Energy</p>	<p>The LLFA do not apply the sequential/exception test, and by extension, have no comment to make on this aspect.</p>	<p>The Applicant notes this response.</p>

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	<p>projects should not normally be consented within Flood Zone 3b , or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows."</p> <p>Please could the applicant explain whether there are any operational reasons why this development needs to be located within flood zone 3b? Please could the EA and Councils provide their views on this?</p>		
Q7.0.33	<p>Sewer or other man made flood risk sources:</p> <p>The FRA [APP-108] states at paragraph 5.56 that "The North and North East Lincolnshire SFRA (2022) states that "sewerage drainage problems have</p>	<p>The SFRA referenced relates to the North Lincolnshire Council SFRA. CDC have recently published an updated Level 1 SFRA (2026), which does not reference "sewerage drainage problems have been mapped on their interactive maps". Therefore, CDC LLFA have no comment to make on this aspect.</p>	<p>The Applicant notes this response.</p>

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	<p>been mapped on their interactive maps".</p> <p>These interactive maps have not been found freely available to view online by the applicant." Can the LLFA and / or Severn Trent Water provide the relevant maps to the applicant for consideration within an amended FRA?</p>		
Q7.0.34	<p>Use of climate change allowances:</p> <p>Paragraphs 5.9 and 5.24 of the FRA [APP-108] state that the 1 in 1000 year flood event has been used to assess the design of flood risk mitigation measures and represents a precautionary approach with a greater extent than the required 1 in 100 year plus climate change event for fluvial flooding and the required 1 in 200 year plus climate change event for tidal flooding. As such, no additional allowance for climate change has been included in the assessment beyond this. To all relevant IPs - please can you confirm if there are any comments you wish to</p>	<p>CDC LLFA can confirm that the Climate Change allowance put forward by the applicant, and which forms part of the wider drainage proposals, are acceptable and in line with current national standards.</p>	<p>The Applicant notes and welcomes CDC's confirmation in relation to this matter.</p>

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	make on the chosen climate change allowances?		
Q8.0.7	<p>Residential Visual Amenity Assessment (RVAA)</p> <p>Could the Councils please provide their views on the absence of a RVAA for 'involved properties' as listed at table 1-1 of the applicant's ES Appendix 6.2 [APP-062]?</p>	<p>Residential Visual Amenity Assessment is undertaken in line with Landscape Institute Technical Guidance TGN 02/2019. TGN 02/2019 is silent on the consideration of properties that have a financial involvement or financial interest in a proposed development. The scope and approach to undertaking RVAA is left to professional judgement.</p> <p>Paragraph 3.1 – "In terms of general approach RVAA should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development."</p> <p>Paragraph 4.4 – "There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account."</p> <p>Having reviewed other submitted solar farm LVIA's, it is a mixed picture as to the approach taken by landscape professionals; some explicitly exclude properties with a financial interest in the development, others do assess the involved properties, but make it clear of the involvement, and there are others that are silent on the matter and assess all properties within a defined study area.</p> <p>There does appear to be an approach in a number of examples where 'weight' is placed on residential properties with a financial involvement. They are not scoped out of the assessment, but their involvement is considered. An approach suggested by CDC and NLC is to determine and confirm whether the financially involved properties are resided in by those that will receive financial gain and that the properties aren't tenanted. If tenants are present, it is suggested that these should have been assessed accordingly.</p>	<p>The Applicant agrees that there are differing approaches in Residential Visual Amenity Assessments (RVAA) where properties with a financial involvement with the Scheme are concerned. The Applicant has not undertaken an RVAA in relation to these properties as the relevant owners have entered into a financial agreement with the Applicant, such that those parties have, in effect, agreed to any associated change in residential visual amenity associated with the Scheme. The fact that a property is occupied by someone other than the owner does not alter the outcome in the Applicant's view. It is reasonable for the Applicant to assume that the property owner can make decisions affecting the property and those residing within it. The Applicant further notes that the exclusion of these properties from the scope of the RVAA has not generated any specific objections to date beyond those raised by the Councils. In all the circumstances, the Applicant therefore considers that the approach adopted is robust proportionate and reasonable.</p> <p>For context, it is understood that there are thirteen properties with a financial involvement in the Scheme. Out of the thirteen, eight of the properties are lived in by the current owner or a close family member. Two of the properties are lived in by farm workers working at the farms. The remaining three properties are not lived in by the owners and are currently tenanted.</p> <p>The three tenanted properties references 22, 58 & 67 have been assessed as per the RVAA methodology. Whilst significant effects are identified for Property 22 Sandhill Farm at Year 1 (not at Yr15), and for Property 58 Belton Grange at Year 1 and Year 15, no significant effects are identified for Property 67 Crook O'Moor Farm.</p> <p>The largest magnitude of effect set out in the RVAA methodology (Very High) has not been recorded for any of these properties, therefore no further detailed assessment is required and none of the assessed effects would be of a scale to reach the Residential Amenity Threshold. (RVAT).</p>

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Ref	Question	CDC's response	Applicant's response
Q9.0.17	<p>Peatland</p> <p>CDC RR [RR-006] paras 11.5 to 11.8 suggest that the Council considers the applicant has not sufficiently considered the effect of the proposed development on Peat. It appears that this is only addressed in ES Chapter 14 [APP 051] at paragraphs 14.4.15 to 14.4.17. Could NE and CDC explain what, if any, effects might arise associated with peat and whether these are sufficiently addressed in these paragraphs. The applicant asserts that shallow construction depths (similar to cultivation) are such that "minimal disturbance of peat soils will occur and carbon emissions will not be materially different to the current agricultural use of the land." Could the applicant please explain how this conclusion applies to BESS units, substations, other infrastructure and cable laying? Please could the applicant also consider the likely effects during each phase of the development?</p>	<p>The basis of CDC's questions in respect of Peatlands stems specifically from a longstanding concern that CDC have in respect of loss of peatland and this as expressed in actual areas lost through developments. CDC does not have the expertise to comment on carbon emissions as it does not monitor these as a Local Authority. Its concern arises from a habitat loss perspective. CDC works closely with Natural England in a liaison group working on peatland restoration and would not wish to see this work compromised by the impacts of peat loss through the Tween Bridge DCO. CDC has looked at the Applicants response in respect of the locations of the BESS sites which would potentially be the most significant areas of peat loss. Relating the BESS sites to current land use/baseline habitats it appears to CDC that these would in the majority of cases be sited on land currently under cultivation so any peat loss will have occurred in the past and could not be attributed to the siting of BESS and other infrastructure. That is not to say that there would not be some peat loss through BESS and infrastructure works but CDC does not consider this will be of such significance that it would maintain an objection.</p>	<p>The Applicant notes CDC's response and agrees with the concluding point that any identified peat, and potential impacts, would not be of such significance that they would outweigh the benefits of the Scheme.</p> <p>The Applicant has also provided a detailed response regarding peat in Table 5, replying to Natural England's response to Q9.0.17, which also applies to CDC's response here.</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	CDC's response	Applicant's response
Q13.0.6	<p>Approach to assessment</p> <p>ES paragraph 12.5.22 [APP-049] states in full: "With reference to paragraph 12.3.4, only Link 19 (Marsh Road) requires further assessment on the basis that it has a high sensitivity ((as set out at Appendix 12.2 - Summary of Sensitive Receptors [Document Reference 6.3.12.2]) and a 27.8 percent impact in HGV traffic." Could the applicant please expand on the rationale for the apparent exclusion of all other links from a more detailed assessment of effects. Whilst the ExA broadly acknowledges the approach taken, presumably certain effects are not only directly correlated to the interrelationship between baseline traffic and additional traffic. For example, where is the ES assessment of the effect of new or altered construction access points on highway safety? Are the Council's satisfied with the methodological approach taken by the applicant in this regard? The ExA notes that ES paragraph 12.3.4</p>	<p>CDC is unaware of the location of Marsh Lane; but assume that is in North Lincolnshire.</p>	<p>This is correct – Marsh Lane is located in Crowle within North Lincolnshire.</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	CDC's response	Applicant's response
	refers to Rule 2 of the IEMA traffic guidelines at paragraph 12.3.4. This rule suggests the inclusion of 'any other specifically sensitive areas where traffic flows (or HGV component) are predicted to increase by more than 10%.' Could the applicant explain whether, how and where consideration has been given to this rule?		

Table 4: Applicant's responses to North Lincolnshire Council's (NLC) responses to ExQ1

Ref	Question	NLC's response	Applicant's response
Q1.0.3	<p>Updated National Policy Statements (NPS)</p> <p>Could the applicant, NLC and CDC please provide representations on the effect of the changes to NPS, with EN-1,3 and 5 having come into force on 6 January 2026? Please consider the transitional arrangements and whether the revised NPS are 'important and relevant' to the Secretary of State's (SoS) decision.</p>	<p>As stated in Section 5 of the Council's LIR, the transitional arrangements set out a paragraphs 1.6.2 and 1.6.3 of the 2025 version of NPS EN-1 make it clear that the current application should be considered against the 2024 suite of NPSs.</p> <p>Nevertheless, as explained in the 2025 NPS EN-1, the suite of 2025 NPSs are potentially capable of being important and relevant considerations in the decision making process. The extent to which they are relevant is a matter for the Secretary of State to determine having regard to s104(2)(d) of the Planning Act 2008, however at this stage NLC does not seek to draw the ExAs attention to any particular guidance contained within the 2025 NPSs in this respect.</p>	The Applicant notes and agrees with NLC in relation to this matter. The 2024 NPSs apply to the Scheme and have been considered and assessed in the Planning Statement [REP2-012] .
Q1.0.4	CNP	As set out in paragraph 4.2.10 of NPS EN-1, Applicants for CNP infrastructure must show how their application meets the	The Applicant notes this response.

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NLC's response	Applicant's response
	<p>In discussing Critical National Priority Infrastructure, Planning Statement [APP-030] paragraph 8.2.3 indicates that the applicant has 'relied' upon CNP in relation to the 'landscape and visual' and 'ecology and nature conservation' effects of the proposed development. Could the applicant please review the approach taken to CNP in recently made solar DCO recommendation reports and decision letters and confirm whether it is relying on CNP policy? Could NLC and CDC also set out their respective positions on the application of the planning balance and in particular, the effect of NPS EN-3 policies on CNP?</p>	<p>requirements in NPS EN-1 and the relevant technology specific NPS (in this case NPS EN-3 and NPS EN-5), applying the mitigation hierarchy, as well as any other legal and regulatory requirements. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated (paragraph 4.2.11).</p> <p>Paragraph 4.2.12 continues-</p> <p><i>'Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.'</i></p> <p>Paragraph 4.2.14 of NPS EN-1 states that, in making decisions on DCO applications, The Secretary of State will consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis, and they must be satisfied that the Applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that these requirements have been met, the presumption is that it is unlikely that consent will be refused on the basis of residual impacts remaining after the application of the mitigation hierarchy (Paragraph 4.2.15). Paragraph 4.2.16 then confirms-</p> <p><i>'As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances'.</i></p> <p>In their report into the recently consented Springwell Solar Farm in Lincolnshire (PINS ref: ENO10149), the ExA concluded in respect of CNP considerations-</p> <p><i>'16.4.16 The ExA concludes that the proposed development constitutes nationally significant low carbon infrastructure, which the Government has identified would qualify as CNP infrastructure.'</i></p>	

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NLC's response	Applicant's response
		<p><i>The CNP policy does not create an additional need in this regard, it should be applied following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy as set out in paragraph 4.2.7 of NPS EN-1.</i></p> <p><i>16.4.17 The ExA is satisfied that the applicant's assessment demonstrates that the requirements set out in paragraphs 4.2.10 to 4.2.13 of NPS EN-1 have been met. Therefore, the presumption of consent set out in paragraph 4.2.15 applies.'</i></p> <p>The ExAs overall conclusions then stated-</p> <p><i>' 19.2.9 With regard to all other matters and representations received, the ExA has found no important and relevant matters that would individually or collectively lead to a different recommendation to that below.</i></p> <p><i>19.9.10 Our conclusions are subject to the provisions of the recommended Development Consent Order (rDCO) in Appendix C. The ExA finds that the benefits of the proposed development are not outweighed by the identified harm in terms of landscape and visual, cultural heritage and land, soil and groundwater.'</i></p> <p>NLC would expect the current application to be decided in the same way.</p>	
Q1.0.6	<p>Community Benefit Fund</p> <p>Planning Statement [APP-030] paragraph 8.1.16 states in part that a "Community Benefit Fund of approximately £12.8 million" would constitute a benefit of the proposed development. Could the Councils and the applicant please provide their opinion on whether this should be</p>	<p>NLC agrees with the Applicant that the Community Benefit Fund would be a benefit of the proposal, and one which the Council fully supports. Nonetheless, it is recognized that, at present, community benefits packages are provided by developers on a voluntary basis and are a private matter between the developer and the local community. In that respect, the Community Benefit Fund proposed by the Applicant in this case is not a material consideration to be weighed in the overall planning balance.</p>	<p>The Applicant notes and agrees with NLC on this matter. To be clear, paragraph 4.9.30 of the Planning Statement [REP2-012] sets out in full:</p> <p><i>"It is recognised by the Applicant, and within this Planning Statement, that the Community Benefit Fund sits outside of the DCO Application and, at this moment in time as such, carries no weight as part of the overall planning balance to be considered by the Examining Authority and SoS".</i></p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NLC's response	Applicant's response
	weighed in the planning balance as a benefit?		
Q5.2.9	<p>Draft DCO Schedule 2 Requirement 22 [AS-003] Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs?</p> <p>Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this consultation period, with reasons given?</p>	NLC considers the 21 business days referred to in Requirement 22 to be reasonable as it should give the relevant parties sufficient time to respond to any consultation. ADD	The Applicant notes and welcomes NLC's confirmation in relation to this matter.
Q7.0.22	<p>Outline Surface Water Drainage Strategy</p> <p>Could the EA and Council's please confirm the acceptability or otherwise (in principle) of the outline surface water drainage strategy at FRA section 7 and appendices I and J [APP-108-109]?</p>	<p>NLC notes that BESS facilities present an elevated pollution risk due to the potential for thermal runaway, electrolyte leakage (which contain many organic compounds) and contaminated firewater. Geocellular storage crates are not considered appropriate, as they offer no pollution control benefit and would be extremely difficult to inspect, isolate, or remediate in the event of an incident. There is no clear justification as to why above-ground, sealed SuDS features have been discounted, which would provide far greater control, visibility, and long-term manageability.</p> <p>NLC as Lead Local Flood Authority (LLFA) is supportive of the inclusion of firewater management measures such as shut-off valves, impermeable surfacing and containment, however these must be fully integrated into a system that prevents any uncontrolled discharge. The use of below-ground systems within both BESS and substation areas is not supported, given the need for accessible and maintainable infrastructure in high-risk environments. Above-ground attenuation, including lined basins or lagoons, should be prioritised as standard unless robust evidence demonstrates otherwise. This approach would better align with</p>	<p>The Applicant notes this response and welcomes that the proposed Outline Surface Water Drainage Strategy has been agreed with North Lincolnshire Council LLFA, as reflected in their latest SoCG.</p> <p>In terms of pollution control, the Outline Surface Water Drainage Strategy [REP2-047, REP2-049, and REP2-051] uses below ground storage and has been designed to fully mitigate the pollution potential associated with the BESS during normal operating conditions and with any possible BESS fire. As detailed within Paragraph 7.45 of the submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051], in normal operating conditions when there is not a BESS fire, "Treatment of surface water from the BESS and Substation areas is to be provided by the gravel subbase through which surface water is to percolate. Downstream defenders are proposed where necessary in order to treat surface water generated from the impermeable access roadways prior to being attenuated within the below ground network". Proposed downstream defenders are labelled on the Outline Surface Water</p>

Ref	Question	NLC's response	Applicant's response
		<p>good SuDS practice and provide a more effective response to emergency scenarios.</p> <p>The pollution risks associated with BESS development are not limited to normal operation and must fully consider failure scenarios. Contaminants may include heavy metals such as lithium, cobalt and nickel, electrolyte compounds which can form highly toxic substances such as hydrofluoric acid, and per- and polyfluoroalkyl substances (PFAS) associated with firefighting foams, which are highly persistent and mobile in the environment. These substances present a high-consequence risk to both surface water and groundwater and are not readily managed through conventional drainage systems. NLC considers that the current approach underestimates this risk, and the drainage strategy should be revised to demonstrate robust containment, isolation and management of contaminated runoff in all scenarios.</p>	<p>Drainage Strategy Plans included in Appendix L of submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051].</p> <p>The Outline Surface Water Drainage Strategy has also been designed to manage runoff from the BESS during a fire event to ensure pollution potential is mitigated. The strategy to manage potentially contaminated BESS fire water is summaries within paragraphs 7.23 to 7.29 and Appendix L of the submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051]. All potentially contaminated fire water will be contained within the BESS surface water drainage systems and not be allowed to enter the local water environment. As stated in the submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051] (paragraphs 7.26-7.28), the details of the below ground storage are subject to detailed design which will ensure the design is suitable to manage potentially contaminated fire water. The Applicant notes within these paragraphs that there are various suitable design options for both the below ground storage and impermeable BESS liner that are suitable to contain potentially contaminated fire water and the associated potential heat and contaminants.</p> <p>With regard, to North Lincolnshire's concerns about the inspection and long-term management of below ground storage proposed, the Applicant directs North Lincolnshire LLFA to the provided SuDS Operation and Maintenance Manual included in Appendix H of the submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051].</p>
Q7.0.31	<p>Operational reason for locating in flood zone 3b</p> <p>NPS EN-1 paragraph 5.8.41 states in full:</p> <p><i>“Energy projects should not normally be consented within Flood Zone 3b , or Zone C2 in Wales, or on land</i></p>	<p>As set out in section 16 of its LIR, NLC does not consider that the Applicant has demonstrated that there are clear operational reasons requiring elements of the development to be located within Flood Zone 3b. Whilst it is acknowledged that the wider site is constrained by flood risk, the applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure, such as BESS facilities and substations, cannot be reasonably located within areas of lower</p>	<p>The Applicant notes this response and refers to its response to WQ7.0.31 in the Applicant's Written Responses to ExQ1 [REP2-087], which provides a full explanation of the reasons for locating certain elements of the Scheme's infrastructure within Flood Zone 3b.</p> <p>For clarity, the Applicant has sought, wherever practicable, to avoid locating infrastructure within Flood Zone 3b. As set out in the Flood Risk Assessment [REP2-047, REP2-049, and REP2-051], approximately 6.3% of the Order Limits falls within Flood Zone 3b.</p>

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Ref	Question	NLC's response	Applicant's response
	<p><i>expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows."</i></p> <p>Please could the applicant explain whether there are any operational reasons why this development needs to be located within flood zone 3b? Please could the EA and Councils provide their views on this?</p>	<p>flood risk within the Order Limits. As such, the justification for siting development within the functional floodplain is not evidenced.</p> <p>In addition, the proposals do not provide adequate confidence that there would be no net loss of floodplain storage or that flows will remain unimpeded. Whilst some elements of the scheme are described as permeable or elevated, infrastructure such as BESS compounds, substations and associated hardstanding will introduce areas of displacement and potential obstruction. This is particularly relevant within Flood Zone 3b, where land is required to store and convey floodwater during more frequent events, and any loss can have significant and wider reaching impacts.</p> <p>NLC also has concerns regarding the residual risk associated with locating higher risk infrastructure within Flood Zone 3b. These areas are expected to flood relatively frequently over the lifetime of the development, and the combination of floodwater interaction with BESS infrastructure presents a credible pathway for pollution. In the event of damage, failure or fire, there is potential for contaminants to enter the wider water environment, which could result in a significant pollution incident. Given that alternative areas within the site appear to be available outside of Flood Zone 3b, the current layout does not represent a risk-based or policy-aligned approach.</p>	<p>Development within these areas is predominantly limited to solar PV modules, which are open and permeable structures that allow floodwaters to pass beneath them without affecting floodplain function. The inclusion of limited number of ancillary infrastructure elements within Flood Zone 3b is necessary to enable the scheme to achieve its operational objectives of exporting up to 800 MW of electricity to the national electricity transmission system within the available land. Development within Flood Zone 3b has been minimised as far as practicable. The infrastructure proposed within Flood Zone 3b is limited to inverters, one spares container, a small section of a BESS compound (approximately 11% of its total area) and a small section (approximately 1.2% of its overall area) of the 132 kV substation proposed within A20 parcel. No substations are proposed entirely within Flood Zone 3b.</p> <p>The siting of the substation in field A20 is necessary to facilitate the efficient generation of electricity from the scheme. The 132kV substation in field A20 collects and transmits not only the energy generated across the Eastern portion of parcel A, but also all the energy generated in parcel B. Due to the high number of constraints across parcel A (flooding, wind turbines, SPA/SSSI, small fields, watercourses, etc.) the nearest potential alternative locations for this substation would be in field A8 (1.3km away) or field A9 (2.3km away).</p> <p>Both of these sit to the West of field A20, meaning that all associated cabling would be increased, leading to substantially higher cable losses. In the case of field A8, the overall (33kV & 132kV) losses for energy generated via this substation would increase by ~0.65%. As this substation represents ~17.5% of the capacity of the site, the resulting loss in generation would be ~1,500MWh p.a., or nearly 60,000MWh over life of the project.</p> <p>In addition, this location has been selected to ensure that the BESS and associated infrastructure are located outside the topple zones of the existing wind turbines. This is necessary to maintain appropriate safety stand-off distances from the turbines (typically the turbine tip height plus a 10% buffer), ensuring the safe and</p>

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Ref	Question	NLC's response	Applicant's response
			<p>reliable operation of critical infrastructure and compliance with established industry safety requirements.</p> <p>Parcel A20 also provides significant environmental and operational benefits. It enables the BESS to be located furthest from residential receptors, with the nearest dwelling situated approximately 2.8 km from the proposed BESS location, a substantially greater separation distance than would be achieved at the majority of alternative substation locations. Furthermore, the presence of the existing wind farm results in an elevated baseline noise environment, thereby reducing the potential for operational noise effects associated with the BESS.</p> <p>Parcel A20 provides one of the largest areas of land immediately adjacent to a 132 kV substation capable of accommodating the BESS compound. Whilst some other substations are located within areas of lower flood risk, there is insufficient adjacent land available to accommodate a BESS compound of the required size. The larger footprint of the Parcel A substation and the availability of adjoining land make it the only practicable location capable of accommodating the BESS compound whilst facilitating its direct connection to the 132 kV electrical infrastructure.</p> <p>A plan showing the Scheme in Flood Zone 3b is also presented in the submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051] (refer to Appendix A11). Paragraph 5.31 reiterates that "In all instances infrastructure operationally required to be located in Flood Zone 3b will be raised above the 1 in 1,000 year flood level plus 100mm of freeboard – this is a worst-case design scenario, that would ensure the infrastructure also remains operational in any lesser flood event". This raising applies to all on-site infrastructure, including BESS and will be implemented without raising existing ground levels, ensuring negligible impact on flood plain storage of flow routes.</p> <p>The submitted Flood Risk Assessment [REP2-047, REP2-049, and REP2-051] provides an assessment of the impact on flood storage within the 2025 River Torne 1 in 100 year plus climate change extent, concluding that the Scheme has a negligible impact on existing flood storage (refer to paragraphs 5.33 to 5.38). The Applicant also</p>

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Ref	Question	NLC's response	Applicant's response
			notes that within their Responses to ExQ1 [REP2-103] , the Environment Agency further state that "The EA can confirm that the project will not impact on the available flood storage capacity within Flood Zone 3b. The EA holds no view on the operational reasons why the development needs to be located within Flood Zone 3b."
	<p>Sewer or other man made flood risk sources:</p> <p>The FRA [APP-108] states at paragraph 5.56 that "The North and North East Lincolnshire SFRA (2022) states that "sewerage drainage problems have been mapped on their interactive maps". These interactive maps have not been found freely available to view online by the applicant." Can the LLFA and / or Severn Trent Water provide the relevant maps to the applicant for consideration within an amended FRA?</p>	<p>Paragraph 4.20 refers to 'Flooding from other sources, and states- <i>'For the Local Flood Risk Management Strategy North Lincolnshire Council has mapped Local Flood Risk Extents which is an amalgamation of the 1 in 100 yr flood maps for surface water, historic flooding, local knowledge and buffers on critical watercourses. North East Lincolnshire have mapped historical flooding and sewerage drainage problems. There are no Critical Drainage areas in this area. These can be viewed on the interactive maps.'</i></p> <p>The reference to 'interactive maps' refers solely to the flooding and sewerage drainage problems in North East Lincolnshire. There is no interactive mapping for North Lincolnshire.</p>	The Applicant notes this response.
Q7.0.34	<p>Use of climate change allowances:</p> <p>Paragraphs 5.9 and 5.24 of the FRA [APP-108] state that the 1 in 1000 year flood event has been used to assess the design of flood risk mitigation measures and represents a</p>	NLC does not have any concern with the Applicant's approach to climate change allowances in general terms. Nonetheless, NLC notes that this does not meet the Isle of Axholme critical flood level (CFL) which is enforced robustly for all developments, and the as explained to the ExA at the Issue Specific Hearing 1 on 15th April 2026, and at paragraphs 16.8-16.9 of the Council's LIR.	The Applicant notes this response and refers the Examining Authority to the response provided in the North Lincolnshire Council SoCG [Document Reference 9.3 Revision 2] , as well as the responses to Q7.0.17 provided to the Environment Agency's response.

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Ref	Question	NLC's response	Applicant's response
	<p>precautionary approach with a greater extent than the required 1 in 100 year plus climate change event for fluvial flooding and the required 1 in 200 year plus climate change event for tidal flooding. As such, no additional allowance for climate change has been included in the assessment beyond this. To all relevant IPs - please can you confirm if there are any comments you wish to make on the chosen climate change allowances?</p>		
Q8.0.7	<p>Residential Visual Amenity Assessment (RVAA)</p> <p>Could the Councils please provide their views on the absence of a RVAA for 'involved properties' as listed at table 1-1 of the applicant's ES Appendix 6.2 [APP 062]?</p>	<p>Residential Visual Amenity Assessment is undertaken in line with Landscape Institute Technical Guidance TGN 02/2019. TGN 02/2019 is silent on the consideration of properties that have a financial involvement or financial interest in a proposed development. The scope and approach to undertaking RVAA is left to professional judgement.</p> <p>Para. 3.1 of TGN 02/2019 states-</p> <p><i>'In terms of general approach RVAA should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development.'</i></p> <p>Para. 4.4 of TGN 02/2019 states-</p> <p><i>'There are no standard criteria for defining the RVAA study area nor for the scope of the RVAA, which should be determined on a case-by-case basis taking both the type and scale of proposed development, as well as the landscape and visual context, into account.'</i></p>	<p>The Applicant agrees that there are mixed approaches in Residential Visual Amenity Assessments (RVAA) where properties with a financial involvement with the Scheme are concerned. The Applicant has not undertaken an RVAA in relation to these properties as the relevant owners have entered into a financial agreement with the Applicant, such that those parties have, in effect, agreed to any associated change in residential visual amenity associated with the Scheme. The fact that a property is occupied by someone other than the owner does not alter the outcome in the Applicant's view. It is reasonable for the Applicant to assume that the property owner can make decisions affecting the property and those residing within it. The Applicant further notes that the exclusion of these properties from the scope of the RVAA has not generated any specific objections to date beyond those raised by the Councils. In all the circumstances, the Applicant therefore considers that the approach adopted is robust proportionate and reasonable.</p> <p>For context, it is understood that there are thirteen properties with a financial involvement in the Scheme. Out of the thirteen, eight of the properties are lived in by the current owner or a close family</p>

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Ref	Question	NLC's response	Applicant's response
		<p>Having reviewed other submitted solar farm LVIAs, there is a mixed picture as to the approach taken by landscape professionals; some explicitly exclude properties with a financial interest in the development, others do assess the involved properties, but make it clear of the involvement, and there are others that are silent on the matter and assess all properties within a defined study area.</p> <p>There does appear to be an approach in a number of examples where 'weight' is placed on residential properties with a financial involvement. They are not scoped out of the assessment, but their involvement is considered. NLC considers that an appropriate approach would be for the Applicant to determine and confirm whether the financially involved properties are resided in by those that will receive direct financial gain from the proposed development. If on the other hand the identified properties are not occupied by those with a direct financial involvement in the project, it is suggested that these should be assessed on the same basis as any other property not occupied by persons with direct financial involvement.</p>	<p>member. Two of the properties are lived in by farm workers working at the farms. The remaining three properties are not lived in by the owners and are currently tenanted.</p> <p>The three tenanted properties references 22, 58 & 67 have been assessed as per the RVAA methodology. Whilst significant effects are identified for Property 22 Sandhill Farm at Year 1 (not at Yr15), and for Property 58 Belton Grange at Year 1 and Year 15, no significant effects are identified for Property 67 Crook O'Moor Farm.</p> <p>The largest magnitude of effect set out in the RVAA methodology (Very High) has not been recorded for any of these properties, therefore no further detailed assessment is required and none of the assessed effects would be of a scale to reach the Residential Amenity Threshold(RVAT).</p>
Q13.0.6	<p>Approach to assessment ES paragraph 12.5.22 [APP-049] states in full:</p> <p><i>"With reference to paragraph 12.3.4, only Link 19 (Marsh Road) requires further assessment on the basis that it has a high sensitivity ((as set out at Appendix 12.2 - Summary of Sensitive Receptors [Document Reference 6.3.12.2]) and a 27.8 percent impact in HGV traffic."</i></p> <p>Could the applicant please expand on the rationale for the apparent exclusion of all other links from a more</p>	<p>NLC is broadly comfortable with the approach. This link appears to have been highlighted due to the proximity to Crowle Primary School and is the only link which appears to run through a residential area. The remaining links in North Lincolnshire are predominantly rural in nature with the exception of the A161, although NLC notes that the percentage increase in traffic along here is likely to be minimal.</p>	<p>The Applicant notes this comment.</p>

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Ref	Question	NLC's response	Applicant's response
	<p>detailed assessment of effects. Whilst the ExA broadly acknowledges the approach taken, presumably certain effects are not only directly correlated to the interrelationship between baseline traffic and additional traffic. For example, where is the ES assessment of the effect of new or altered construction access points on highway safety?</p> <p>Are the Council's satisfied with the methodological approach taken by the applicant in this regard?</p> <p>The ExA notes that ES paragraph 12.3.4 refers to Rule 2 of the IEMA traffic guidelines at paragraph 12.3.4. This rule suggests the inclusion of 'any other specifically sensitive areas where traffic flows (or HGV component) are predicted to increase by more than 10%.' Could the applicant explain whether, how and where consideration has been given to this rule?</p>		

Table 5: Applicant's response to National Highways' (NH) responses to ExQ1

Ref	Question	NH's response	Applicant's response
Q4.0.9	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP-019] or the Land Plans [APP 008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect</p>	<p>a) NH notes that the Book of Reference [REP1-008] has been updated by the Applicant at Deadline 1 to correct the instances of a typographical error in NH's name, and to remove reference to NH having an interest in plot 7/14. As noted in its Written Representation [REP1-067], NH also requests that it is removed from the Book of Reference in respect of plots 10/12 and 10/15, on the basis that these plots have been vested in the local highway authority.</p> <p>b) NH has no comment in respect of this limb.</p> <p>c) NH has no comment in respect of this limb.</p> <p>d) As outlined in its Written Representation [REP1-067], 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 plots constitute land or rights acquired / obtained by NH for the purpose of maintaining its statutory undertaking. NH considers that there is no compelling case in the public interest for the exercise of compulsory acquisition powers over these plots without the inclusion of satisfactory protective provisions for the benefit of NH on the face of the DCO. The protective provisions for the benefit of NH currently presented in the draft DCO [REP1-004] 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.</p> <p>In particular, three of the plots over which powers of compulsory acquisition are sought (9/24, 10/21 and 11/25) comprise land forming part of the SRN. In all three cases, powers are sought to lay electrical cables (Work No. 2). The Applicant has indicated to NH that cabling works are not proposed in respect of all three plots, in which case it is unclear why such powers are currently sought in respect of those plots. NH notes that cabling works are shown on</p>	<p>a) The Applicant has updated Part 1 of the Book of Reference [Document Reference 4.3 Revision 5] to remove reference to National Highways (NH) having a freehold interest in, and being an occupier of, Plot 7/14. NH remains listed in Parts 2 and 3 of the Book of Reference [Document Reference 4.3 Revision 5] in respect of Plot 7/14, as the Applicant understands that NH has rights of access over the land within this plot for the purposes of verge maintenance.</p> <p>The Applicant acknowledges NH's comments that plots 10/12 and 10/15 have now vested in the local highway authority. However, NH remains listed in the Book of Reference [Document Reference 4.3 Revision 5] in respect of these plots as it is still identified as the registered proprietor of the land on the HM Land Registry titles.</p> <p>Accordingly, the Applicant has sought written confirmation from NH, together with supporting evidence of the transfer of NH's interest in these plots to the local highway authority. Upon receipt, the Applicant would be happy to update the Book of Reference to remove NH's interest in respect of plots 10/12 and 10/15.</p> <p>b) The Applicant notes this response.</p> <p>c) The Applicant notes this response.</p> <p>d) The Applicant is seeking to reach a voluntary agreement with NH for the necessary rights over NH's operational land, and, to this effect, it has issued Heads of Terms to NH for its review.</p> <p>The powers of compulsory acquisition included in the draft DCO [Document Reference 3.1 Revision 6] are sought 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 draft DCO therefore provide a contingency in the event an agreement cannot be reached. The Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the draft DCO [Document Reference 3.1</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NH's response	Applicant's response
	<p>the land that you own or have an interest in.</p>	<p>Sheet 10 of the Street Works, Access and Public Rights of Way Plan in respect of plots 9/24 and 10/21 [REP1-003].</p> <p>In respect of plot 11/25, the Book of Reference [REP1-008] describes this plot as "3860 square metres of highway drain". NH raised concerns in its Written Representation [REP1-067] regarding the Applicant's possible reliance on highway drainage apparatus for outfall from the Proposed Development, which is not permissible and would be contrary to Government policy.¹ The Applicant has since advised that it does not anticipate any proposals to outfall surface water runoff into highway drainage apparatus, but NH would reiterate that any such proposals are not legitimate and requests further explanation from the Applicant as to why this plot is required for the Proposed Development.</p>	<p>Revision 6] 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). Nevertheless, the Applicant continues to discuss the terms of these protective provisions in view of the submissions which NH has made to date.</p> <p>In respect of the three plots identified by NH:</p> <ul style="list-style-type: none"> • Plot 9/24: The Applicant confirms that cabling rights are required. It is seeking to agree the cabling rights it requires through a voluntary agreement, but requires compulsory acquisition powers in respect of this plot for the reasons set out above; • Plot 10/21: The Applicant can clarify that, upon further detailed review and in considering the matters raised by NH, access rights, cable rights and drainage rights (as detailed in Schedule 8 to the draft DCO [Document Reference 3.1 Revision 6]) are no longer being pursued in respect of this plot. As a result, the Applicant can also confirm that no powers of compulsory acquisition or temporary possession are now proposed in respect of this plot. Amendments to the draft DCO [Document Reference 3.1 Revision 6], the Street Works, Access and Public Rights of Way Plans (Sheet 10) [Document Reference 2.4 Revision 3], the Works Plans (Sheet 10) [Document Reference 2.3 Revision 3], the Land Plans [Document Reference 2.2 Revision 4], the Book of Reference [Document Reference 4.3 Revision 5] and the Statement of Reasons [Document Reference 4.1 Revision 3] have been made to reflect this and are submitted at Deadline 3. • Plot 11/25: The Applicant can clarify that, upon further detailed review and in considering the matters raised by NH, access rights, cable rights, cable restrictive covenants and drainage rights (as detailed in Schedule 8 to the draft DCO [Document Reference 3.1 Revision 6]) are no longer being pursued in respect of this plot. As a result, the Applicant can also confirm that no powers of compulsory acquisition or temporary possession powers are now

Ref	Question	NH's response	Applicant's response
			<p>proposed in respect of this plot. Amendments to the draft DCO [Document Reference 3.1 Revision 6], the Street Works, Access and Public Rights of Way Plans (Sheet 10) [Document Reference 2.4 Revision 3], the Works Plans (Sheet 10) [Document Reference 2.3 Revision 3], the Land Plans [Document Reference 2.2 Revision 4], the Book of Reference [Document Reference 4.3 Revision 5] and the Statement of Reasons [Document Reference 4.1 Revision 3] have been made to reflect this and are submitted at Deadline 3.</p>
Q4.0.12	<p>Protective Provisions</p> <p>Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.</p>	<p><u>Section 127</u></p> <p>As set out in respect of Q4.0.9 above, plots 9/24, 10/21 and 11/25 comprise land forming part of the SRN. NH therefore holds an interest in these plots for the purposes of carrying on its undertaking, and section 127 of the Planning Act 2008 is engaged. As noted above, in all cases, powers are sought to lay electrical cabling in these plots (Work No. 2). In respect of plots 10/21 and 11/25, powers are additionally sought to undertake facilitatory works including highway works (Work No. 8). Plot 10/21 comprises an embankment supporting a bridge on which the local highway network overpasses the SRN. As explained in NH's Written Representation [REP1-067], any works proposed beneath or above the SRN constitute a potential operational and safety risk, and therefore risk serious detriment to NH's undertaking. It is not possible for this risk to be avoided through replacement land, as no land can replace the existing structure of the SRN – it cannot be re-provided or relocated elsewhere. As such NH does not consider that the test set out in section 127 can be satisfied in respect of these plots.</p> <p><u>Section 138</u></p> <p>There are also various plots (7/7, 7/13, 7/17, 11/22, 11/24, 12/6, 12/8, 12/9, 12/10, 12/11, 12/12 and 12/13) over which NH benefits from rights required for the purposes of its undertaking, as set out in NH's Written Representation [REP1-067]. Section 138 is therefore engaged in respect of these plots. As yet the Applicant has not provided evidence demonstrating that any proposed</p>	<p><u>Section 127</u></p> <p>The Applicant clarified in its response to Q4.0.9(d) that cabling is not proposed underneath Plot 10/21 and it is not seeking to compulsorily acquire rights in respect of that plot or Plot 11/25. The Applicant has made appropriate amendments to the draft DCO [Document Reference 3.1 Revision 6] and relevant plans submitted at Deadline 3 to reflect this. The Applicant is seeking permanent acquisition of new rights in respect of Plot 9/24.</p> <p>The purpose for which the rights are sought is to lay electrical cabling beneath the SRN. The electrical cabling would be installed using Horizontal Directional Drilling (HDD), and no works to alter the surface of the SRN are proposed. The parameters for HDD are set out within Appendix A: Design Parameters Document [Document Reference 5.6.1 Revision 5]. The document sets out that the HDD launch/reception pits will not be located within 50m of the SRN.</p> <p>The Applicant is confident that the works proposed will not cause serious detriment to the carrying out of NH's undertaking. This is on the basis that any risks are appropriately resolved by the protective provisions, providing NH with an appropriate degree of control over the proposed works. To this end, the Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the draft DCO [Document Reference 3.1 Revision 6] and considers that these afford a significant level of protection to NH. Notwithstanding that this is the Applicant's position, the Applicant</p>

Ref	Question	NH's response	Applicant's response
		<p>extinguishment of these rights (in pursuance of the broad powers conferred by article 35 of the draft DCO [REP1-004]) would be necessary for the purposes of the Proposed Development. As such NH does not currently consider it is possible to conclude that the test set out in section 138 can be satisfied in respect of these plots.</p>	<p>continues to discuss the terms of these protective provisions in view of NH's submissions to date.</p> <p><u>Section 138</u></p> <p>The Applicant has discussed this matter with NH's representatives and has confirmed that it is unlikely that NH's rights in these plots would be extinguished under article 34. However, the power is sought to ensure that the Applicant is able, at the detailed design stage and beyond, to ensure that the Scheme can be delivered in circumstances where the existence of a right or of apparatus belonging to NH in these plots could otherwise impede its delivery.</p> <p>The Applicant stresses that the Scheme has not been designed in detail, and so is seeking powers which ensure that the Scheme can be delivered. The Applicant would not, unless there was an impediment to delivery, exercise the powers and trigger compensation unless it was necessary to do so to deliver the Scheme.</p> <p>On this basis, the Applicant considers that the test in section 138(4) of the Planning Act 2008 is met.</p>
Q13.0.1	<p>Strategic Road Network</p> <p>ES paragraph 12.3.36 [APP-049] states in full: "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."</p> <p>Where is the evidence to support this assertion? Can</p>	<p>NH has engaged with the Applicant on the deficiencies of the transport assessment within the ES, and (as set out in NH's Written Representation [REP1-067]) the Applicant has provided more information in the form of a technical note dated March 2026. 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 Proposed Development on the SRN.</p> <p>NH has reviewed the additional information provided by the Applicant to assess likely impacts of the Proposed 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 Proposed Development and noting NH's</p>	<p>The Applicant notes this response and whilst it does not accept the claims of "deficiencies" or insufficiency of information in the Environmental Statement, is grateful to the NH technical team for its participation in the ongoing engagement between the parties. The Applicant would be glad to discuss any comments which NH may have on the Outline Construction Traffic Management Plan [Document Reference 7.7 Revision 3] as part of this.</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NH's response	Applicant's response
	<p>the applicant please provide this if it has not already been provided? Please also provide evidence to support the statement at ES paragraph 12.3.37.</p> <p>Could National Highways please provide its view on this?</p>	<p>desire to take a proportionate approach, NH is satisfied at this stage that construction and operational movements associated with the Proposed 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 Outline Construction Traffic Management Plan [APP-182], and NH reserves its position pending receipt of an updated version of this document (expected for Deadline 2). NH has also requested approval rights over the detailed Construction Traffic Management Plan which has been agreed by the Applicant and is now reflected in the draft DCO [REPI-004].</p>	
Q13.0.4	<p>Personal Injury Collisions</p> <p>ES paragraph 12.4.36 [APP-049] states in part that Personal Injury Collision (PIC) data has been obtained from CDC and NLC for the most recent five-year period (January 2020 – January 2025 for CDC and May 2020 – May 2025 for NLC). Is this the most recent data? If not, could the applicant please update the assessment?</p>	<p>NH has previously requested that the Applicant consider PIC data covering the most recent five-year period, excluding 2020 and 2021 (including for the relevant SRN junctions), in its assessment. However, having reviewed the updated PIC data provided within the Applicant's technical note referred to in respect of Q13.0.1 above, NH is satisfied that, in relation to additional projected traffic movements flowing from the Proposed Development, there is no highway safety pattern or problem at any of the SRN junctions within the study area.</p>	<p>The Applicant notes and welcomes NH's response in relation to this matter.</p>
Q13.0.15	<p>M180 Renewal</p> <p>Paragraph 7.1 of National Highways RR [RR-022] states in full:</p> <p><i>"As noted above, the Authorised Development has the potential to impact on NH's proposed renewal works to the M180</i></p>	<p>As the ExA has noted, the M180 renewal works are currently programmed to commence in 2028/2029, with completion expected in 2030. The works would affect the section of the M180 between Junctions 2 and 3, in both directions, and will involve full reconstruction of the ageing concrete road.</p> <p>NH has suggested that cooperation between the Applicant and NH in respect of any interaction between the M180 renewal works and the Proposed Development may need to be achieved through entry into an interface agreement. NH would suggest that the Outline Construction Traffic Management Plan [APP-182] or NH</p>	<p>The Applicant notes the potential interface and agrees that close coordination will be required during delivery.</p> <p>The Applicant agrees to include a requirement in the Outline Construction Traffic Management Plan [Document Reference 7.7 Revision 3] to continue discussions regarding a potential interface agreement to the extent it proves necessary to do so, and has submitted an updated version of the plan at Deadline 3 which incorporates this requirement.</p>

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Ref	Question	NH's response	Applicant's response
	<p><i>(between Junctions 2 and 3 in both directions) which are currently programmed to commence in 2028/2029 with completion in 2030. It may be necessary for the protection of these works that RWE agrees to cooperate with NH in the delivery of the Authorised Development, to the extent that the two sets of works interact. This may include a requirement for RWE to enter into an interface agreement with NH in order to safeguard the renewal works."</i></p> <p>Could National Highways please explain the likely extent, scope and timing of the renewal works? In addition, could National Highways and the applicant please confirm how and by what mechanism any co-operation of the type referred to would be achieved?</p>	<p>protective provisions incorporates a requirement to enter into an interface agreement to the extent necessary once any temporal or other overlap is known. The interface agreement would regulate the carrying out of works in the vicinity of the SRN to the extent necessary to safeguard delivery of the M180 renewal works. NH regularly enters into agreements of this type where third party works are likely to overlap with NH's own planned works, so has example agreements which could be drawn upon.</p>	

Table 6: Applicant's responses to Natural England's (NE) responses to ExQ1

Ref	Question	NE's response	Applicant's response
Q2.0.28	<p>Nightjar</p> <p>NEs relevant representation (RR) [RR-O23] indicates that areas within the order limits may constitute functionally linked land for the Thorne and Hatfield Moor SPA, given the evidence of foraging behaviour of nightjar. What is the applicant's response to this point and what are the implications for the assessment contained in the ES and set out in the Report to inform Habitat Regulations Assessment (in particular at paragraph 7.2.8) [AS-004]?</p>	<p>Natural England notes that this question is primarily addressed to the Applicant. However, we confirm this issue remains outstanding and under discussion. We have note key mitigation measures for impacts on foraging nightjar associated with Thorne and Hatfield Moor SPA should focus on provision of sufficient margins adjacent to the southern boundary of Thorne Moor and the northern boundary of Hatfield Moor, as well as in areas identified through tagging studies as supporting nightjar foraging activity.</p> <p>Natural England have previously highlighted that the proposed 2m margins are relatively narrow and may not be sufficient to adequately avoid or reduce effects, and we have advised that wider margins should be considered in key areas to provide greater confidence in the efficacy of mitigation.</p> <p>We are aware that the Applicant has now submitted a revised Outline Landscape and Ecological Management Plan and Habitats Regulations Assessment at Deadline 1 (published 07 May 2026). Due to significant capacity constraints, Natural England will not be able to review these documents prior to Deadline 2 (ExQ1) but will undertake review and provide further update at Deadline 3 (Tuesday 30 June 2026). Natural England will also continue to engage constructively with the Applicant to seek resolution of this matter outside of the formal Examination process.</p>	<p>The Applicant notes the response and looks forward to receiving Natural England's further comments following completion of its full review of the updated information.</p> <p>The Applicant also highlights that additional information was previously provided within the Statement of Common Ground with Natural England [REP2-095], which confirms that margins wider than 2m are provided across the Order Limits for the benefit of nightjar and other wildlife. This includes areas adjacent to the southern boundary of the Thorne Moor component of the SPA and the northern boundary of the Hatfield Moor component of the SPA.</p> <p>To the south of the Thorne Moor component of the SPA, a substantial buffer is provided through mitigation area M1A, and also a minimum 10m buffer comprising grassland and the existing access road to the security fence along the entire Order Limits boundary to the south of the SPA boundary, as well as a further minimum 5m grassland buffer between this fence and the solar panels.</p> <p>The Applicant confirms that the Order Limits are not adjacent to the Hatfield Moor component of the SPA. In this location, the Order Limits are at least 100m from the SPA boundary, followed by a minimum 5m grassland buffer to the security fencing and a further 5m grassland buffer to the solar panels.</p> <p>A plan illustrating the buffer distances in relation to the Thorne and Hatfield Moors SPA will be included within an updated version of the Outline Landscape and Ecological Management Plan [REP2-070], submitted at Deadline 4.</p> <p>In addition, larger grassland margins and buffers are provided throughout the Order Limits, including in areas identified through tagging studies as supporting nightjar foraging activity. These include:</p> <ul style="list-style-type: none"> • Mitigation area M1A adjacent to the SPA; • A minimum 10m tussocky grassland margins associated with all the mitigation areas;

Ref	Question	NE's response	Applicant's response
			<ul style="list-style-type: none"> • A minimum 5m grassland buffer between solar panels and security fencing; • 5m buffers to all non-statutory designated drains; • 9m buffers to all IDB watercourses; • A 15m buffer to Whittaker's Plantation CLWS; • A minimum 3m grassland buffer to all hedgerows; and • An approximate 40m buffer to the bank top of the River Torne. <p>Further detail is provided in the updated Report to Inform Habitats Regulations Assessment [CR1-O12], including Table 7-2, which sets out the provision of margins for foraging nightjar in areas close to the SPA and in key foraging areas identified through GPS tagging data.</p> <p>The Report to Inform Habitats Regulations Assessment [CR1-O12], including paragraph 7.2.8, has been updated to acknowledge that parts of the Order Limits may provide limited functionally linked foraging habitat for nightjar. This does not alter the overall conclusion, as:</p> <ul style="list-style-type: none"> • No nesting nightjar were recorded within the Order Limits; • No nesting habitat will be lost; • Existing arable habitats are of limited value for nightjar; • Boundary features most likely to be used for foraging will be retained, protected, and enhanced; and • New habitat creation, with appropriate management, will increase foraging opportunities once the Scheme becomes operational.

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Ref	Question	NE's response	Applicant's response
Q2.0.35	<p>Habitats Regulations Assessment – Inclusion of the Thorne and Hatfield Moors SPA and Thorne Moor SAC within the Order limits</p> <p>1. Throughout the HRA report [AS-004], it is stated that an area of 0.53 hectares of the Thorne and Hatfield Moors SPA and Thorne Moor SAC is within the Order limits. Whilst it is stated in the HRA that there is no development planned within the SPA/ SAC, it is not stated why the applicant has considered it necessary to include these sites within the Order limits. There are, however, references in the HRA and accompanying documents to the use of buffer zones. Please can the applicant provide the rationale for the inclusion of the Thorne and Hatfield Moors SPA and Thorne Moor SAC within the order limits?</p> <p>2. If it is the case that this (1) is for the purpose of ensuring a buffer zone between the qualifying features of the SPA/ SAC and the proposed development, this does not</p>	<p>In our Relevant Representations response, Natural England stated that <i>"We welcome that no works are scheduled within the SAC/SPA/SSSI; however, we advise that this restriction to works within the designated site boundary should be suitably secured via the DCO or associated plans. We would welcome clarification as to how this is secured."</i></p> <p>This matter remains under discussion between Natural England and the Applicant. However, we are aware, through initial review and comments provided to the Applicant on 08 May 26 on the draft Statement of Common Ground (SoCG), that the Applicant is updating the proposed approach to securing the restriction of works within designated sites.</p> <p>We acknowledge that a first draft of the SoCG has been published on 07 May 26, however, due to capacity restrictions Natural England were only able to send comments to the Applicant by 08 May 26. The Applicant was informed that we would not be able to send comments until this date on 29 April 2026. We have therefore requested the Applicant to provide an updated version of the SoCG, incorporating our comments, to be submitted by Deadline 2.</p> <p>Natural England will review the Applicant's updated Outline Environmental Construction Management Plan (oECMP) and associated documents and will provide further detailed comments for Deadline 3. At this stage, Natural England has no specific additional comments regarding the proposed buffers until such time as a full review of the updated information has been undertaken.</p>	<p>The Applicant notes the response and looks forward to receiving Natural England's further response once they have completed a full review of the updated information.</p> <p>The Applicant also confirms that the Outline Ecological Construction Management Plan [REP2-068] requires the implementation of habitat protection buffers and prohibits works within retained sensitive areas, with the Outline Ecological Construction Management Plan secured via requirement 8 of the draft DCO [Document Reference 3.1 Revision 6]. These measures ensure that no works will occur within the designated site boundaries.</p>

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Ref	Question	NE's response	Applicant's response
	<p>appear to be applied anywhere else as the order limits are instead offset from the SPA/ SAC boundary elsewhere. Please can the applicant provide the rationale for the inclusion of this area only and no other areas of the European sites adjacent to the order limits?</p> <p>3. If it is the case that the areas are proposed to provide a buffer zone, then it is not specified whether this is a mitigation measure relied upon within the HRA report to exclude Adverse Effects on Integrity. Please could the applicant provide clarification?</p> <p>4. Additionally, the 0.53ha area does not appear to be clearly referenced on any of the accompanying figures, as the order limits appear to follow the boundary of the SPA/ SAC rather than overlapping. The applicant is requested to update all relevant examination documents to clarify the boundary of the proposed development in relation to the adjacent European sites. Natural England are also requested to provide</p>		

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Ref	Question	NE's response	Applicant's response
	any comments on the above matters.		
Q2.0.36	<p>Habitats Regulations Assessment - Qualifying features - Species within the assemblage - Humber Estuary SPA</p> <p>The applicants HRA [AS-004] includes an assessment of individual qualifying features and then individual species considered to be part of the Humber Estuary assemblage qualifying feature, with some species assessed both individually and as part of the assemblage.</p> <p>Can NE provide its position on whether all required species have been considered and have been assessed for the correct season and as individual or assemblage features, with reference to the latest available list of the assemblage component species if published?</p>	<p>Natural England does not have any outstanding concerns with the assessment the Applicant has undertaken to identify whether the site constitutes functionally linked land (FLL). The key issues in relation to FLL for the Humber Estuary SPA/Ramsar (as identified under references NE1-NE7 within our Relevant Representations) relate primarily to the design and functionality of the proposed mitigation areas for relevant qualifying species, including greylag goose, lapwing, mallard, pink-footed goose and golden plover. Natural England has requested that matters NE1-NE7 remain 'under discussion' within the Statement of Common Ground, as reflected in our comments to the Applicant dated 08 May 2026 (see above answer also).</p> <p>We note however, if required by Your Authority, that the most up-to-date list of assemblage component species is set out in Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage (Version 3, July 2025).</p> <p>Natural England will continue to engage constructively with the Applicant outside of the Examination process to seek resolution of these matters.</p>	<p>The Applicant welcomes Natural England's confirmation that they do not have any outstanding concerns with the assessment the Applicant has undertaken to identify whether the site constitutes functionally linked land.</p> <p>The Applicant also confirms that updated information regarding the design and functionality of the proposed mitigation areas for relevant qualifying species has been provided within the updated Report to Inform Habitat Regulations [CR1-012], Outline Landscape and Ecological Management Plan [CR1-021], and Appendix 7.10 Non-Breeding bird Mitigation Strategy [CR1-014].</p> <p>The Applicant welcomes that Natural England will continue to engage constructively to seek a resolution on these matters.</p>
Q2.0.37	<p>Habitats Regulations Assessment - Qualifying features - Species within</p>	<p>Natural England advises that assemblage features of the Humber Estuary need to be assessed in the way as other species listed in the SPA citation. the most up-to-date list of assemblage</p>	<p>The Applicant confirms that assemblage features of the Humber Estuary SPA have been assessed in the same way as other species listed in the SPA citation.</p>

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Ref	Question	NE's response	Applicant's response
	<p>the assemblage – Humber Estuary SPA</p> <p>The published datasheet for the Humber Estuary SPA includes wintering ringed plover, grey plover and sanderling. However, the HRA (predominately in Table 6-3) presents conclusion on these species in relation to being a component of the assemblage. Can the applicant and NE confirm if the conclusions are also considered to be relevant for these species as wintering qualifying features?</p>	<p>component species is set out in Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage.</p>	<p>The Applicant also confirms that wintering ringed plover, grey plover and sanderling have been considered as wintering qualifying features of the Humber Estuary SPA and have been screened out for further assessment within the Report to Inform Habitat Regulations Assessment [CR1-012], in Table 6-3 of this document, due to the low numbers recorded and the fact the Order Limits is not functionally linked for these species.</p>
Q2.0.38	<p>Habitats Regulations Assessment – Qualifying features – Humber Estuary SPA</p> <p>Tables 6-1 and 6-2 of the HRA report [AS 004] present survey data for SPA qualifying features and a number of additional species. Whilst an explanation is given for the inclusion of pink footed goose and greylag goose, no explanation appears to be given for the inclusion of green sandpiper, little egret,</p>	<p>The most up-to-date list of assemblage component species is set out in Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage Species that form part of the assemblage qualification should be assessed the same as other species listed in the SPA citation. Pink footed goose and greylag goose are species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count.</p>	<p>The Applicant confirms that green sandpiper, little egret, shoveler are not Humber Estuary SPA qualifying bird species, were only recorded in low numbers in the Order Limits and that the Order Limits is not functionally linked for these species. Therefore, their inclusion within Table 7-2 in the Report to Inform Habitat Regulations Assessment [CR1-012] was not necessary and they have been removed from Table 7-2.</p> <p>The Applicant confirms that mitigation measures have been included for greylag geese and pink-footed geese following consultation with Natural England, during which they confirmed that these species occur at the Humber Estuary at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count.</p>

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Ref	Question	NE's response	Applicant's response
	<p>shoveler and common crane in these tables.</p> <p>To the applicant - Please provide the rationale for the inclusion of these species in the HRA when they are not listed or assessed as qualifying features?</p> <p>To Natural England - Please confirm if the other additional species presented in tables 6-1 and 6-2 are required to be included in the assessment of LSE and subsequently AEol if LSE are identified, and if so, why (with reference to the latest available list of the assemblage component species if published)?</p> <p>To Natural England - please confirm whether you agree with the applicant's inclusion of pink footed goose and greylag goose as qualifying features in the HRA report?</p>		
Q2.0.48	<p>Habitats Regulations Assessment - Screening conclusions</p> <p>The Natural England relevant representation [RR-023] does not refer to the applicants' conclusions</p>	<p>The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur to the listed sites, either alone or in combination. On the basis of the information provided, including distance and no record of any significant numbers of the Lower Derwent SPA and Ramsar species utilising the Order Limits, Natural England concurs with this view.</p>	<p>The Applicant welcomes Natural England's confirmation that the Lower Derwent Valley SPA, Ramsar site and SAC, Skipwith Common SAC, and the River Derwent SAC can be screened out from further stages of assessment because significant effects are unlikely to occur to these listed sites, either alone or in combination.</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NE's response	Applicant's response
	<p>on: • Lower Derwent Valley SPA, Ramsar site and SAC • Skipwith Common SAC • River Derwent SAC Can NE confirm its position on these sites within the applicants HRA report [AS-004]?</p>		
Q2.0.50	<p>Habitats Regulations Assessment - Confirmation of international designated sites</p> <p>The Natural England relevant representation [RR-023] NE11 refers to the Thorne Moor SAC, however the commentary also refers to this entry being relevant to the Humber Estuary SPA. Can NE confirm which site(s) this entry relates to?</p>	<p>Natural England advises that this is currently relevant to both Thorne Moor SAC and the Humber Estuary SPA. This point remains under discussion as the Applicant is considering removing this parcel (M1(A)) from the mitigation strategy for the Humber Estuary SPA and further considering the next steps in managing this in relation to Thorne Moor SAC.</p>	<p>The Applicant confirms that this is still under discussion with Natural England and that no construction is proposed in mitigation area M1A, with the only measures proposed designed to enhance the habitats present in this location, with detail provided in the Outline Landscape and Ecological Management Plan [CR1-O21].</p>
Q2.0.51	<p>Habitats Regulations Assessment - Confirmation of international designated sites</p> <p>The Natural England relevant representation [RR-023] NE12 and NE13 refers to the "Thorne and Hatfield Moors SAC". Can NE confirm whether these entries relate to one or both</p>	<p>Natural England can confirm whether these entries relate to both of the Thorne Moors SAC and Hatfield Moor SAC The Applicant has provided further clarification in the draft SoCG on next steps. We advise that subject to these updates being provided we can agree these issues are resolved.</p>	<p>The Applicant welcomes Natural England's confirmation that they can agree that these issues are resolved once the updates included in the draft SoCG are provided. The Applicant confirms that the additional detail has been included within the updated Outline Ecological Construction Management Plan [REP2-O68], and Report to Inform Habitat Regulations [REP2-O10].</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NE's response	Applicant's response
	of the Thorne Moors SAC and Hatfield Moor SAC?		
Q2.0.52	<p>Habitats Regulations Assessment - Confirmation of international designated site</p> <p>The Natural England relevant representation [RR-O23] NE15 to NE18 are all described as relating to potential water quality impacts during construction or operation. However, the ExA notes that NE15 and 16 refer to 6 sites, NE17 to 5 sites, and NE18 to 4 sites. Can NE confirm the rationale for the reduced number of sites in NE17 and then NE18 compared to NE15 and NE16?</p>	<p>Natural England advises that the Humber Estuary SPA and Thorne and Hatfield Moors SPA should have been included NE17 and NE18</p>	<p>The Applicant confirms that the response provided to NE15 to NE18 within Natural England's relevant representation [RR-O23] is relevant to all the designated sites listed, namely:</p> <ul style="list-style-type: none"> • Humber Estuary SPA • Humber Estuary SAC • Humber Estuary Ramsar • Thorne Moors SAC • Hatfield Moors SAC • Thorne and Hatfield Moors SPA
Q5.2.9	<p>Draft DCO Schedule 2 Requirement 22 [AS-003]</p> <p>Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs? Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this</p>	<p>Natural England have not been consulted on this at time of writing. Due to capacity constraints, we request longer than this where possible.</p>	<p>Please see the Applicant's response to Q5.0.8 and Q5.2.9 in the Applicant's Written Responses to ExQ1 [REP2-087] which sets out the Applicant's approach to and justification of the 21-day consultation period and the relevant precedent in respect of this approach.</p> <p>In summary, the draft DCO adopts a consultation model whereby the Applicant consults specified bodies in advance of submitting applications to discharge requirements. This approach is well precedented in made DCOs, including the A46 Coventry Junctions (Walsgrave) Development Consent Order 2026 and the A122 (Lower Thames Crossing) Development Consent Order 2025, and reflects the approach contained in the former Model Provisions.</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	NE's response	Applicant's response
	consultation period, with reasons given?		<p>The 21-business day consultation period applies to this discrete, pre-submission consultation exercise. It is not directly comparable with the longer periods identified in certain solar DCOs, which relate instead to the overall determination period for discharge applications (within which consultation by the decision-maker takes place), rather than a standalone consultation period.</p> <p>The Applicant considers the 21-business day period to be appropriate and proportionate as it provides consultees with a clear opportunity to comment on draft material, supports early resolution of issues prior to submission, and reduces the need for iterative consultation post-submission. The Environment Agency have also confirmed they are satisfied with this time period.</p> <p>However, the Applicant has amended the draft DCO [Document Reference 3.1 Revision 6] at Deadline 3 to provide for a 28 day consultation period for the purposes of Requirement 22. This is to ensure that there is consistency with the DCO drafting recommendations emerging from the Nuclear Regulatory Review 2025, which were endorsed in full by the Prime Minister on 26 November 2025. At Recommendation 28, the Review stated:</p> <p><i>"Time periods for consultation, decision-making, and notice periods across all provisions should not exceed 28 days..."</i></p> <p>The drafting of Requirement 22 is therefore now commensurate with this recommendation.</p>
Q9.0.1	<p>Detailed ALC Survey</p> <p>Natural England's RR [RR-023] states in part:</p> <p>"Natural England re-iterate that a detailed ALC and soil survey of the agricultural land should be undertaken across the full Study Area.</p>	<p>Natural England's rationale that a more detailed survey is required due to some of the land within the Order Limits have not had detailed ALC surveys completed. It is our advice that detailed surveys should be taken across the study area to inform decision making, however, we advise that it should be for the Examining Authority to determine whether the proposed approach is acceptable.</p>	<p>The Applicant notes Natural England's views regarding the ALC survey approach. The ALC Survey has been completed at a semi-detailed and, where appropriate, detailed level for all the land within the Order Limits, with the exception of a small number of interconnecting cable route corridors and a small area of biodiversity land at the eastern edge of the Site. The results are detailed in the Environmental Statement Appendix 15.1: Agricultural Land Classification [APP-120] and on Figure 15.1:</p>

Ref	Question	NE's response	Applicant's response
	<p>Our advice remains that this data should be provided prior to consent in order to inform decision making.”</p> <p>However, it is not clear whether this means that NE are not satisfied with the level of survey undertaken and presented at ES Appendix 15.1 – Agricultural Land Classification [APP-120]. Could NE please clarify and explain whether it is asserting that a more detailed survey is required and, if so, provide a rationale for this? Could the applicant also please provide its response? Within this context could the applicant explain what it means by 'detailed or semi-detailed' at ES paragraph 15.4.10 [APP-052]?</p>		<p>Agricultural Circumstances [Document Reference 6.2.15 Revision 2].</p> <p>The explanation of how the surveys were carried out is provided in the ES Chapter 15 Agricultural Circumstances at paragraphs 15.3.2 through to 15.3.7 [Document Reference 6.2.15 Revision 2]. This describes the sampling density and methodology.</p> <p>The ALC Guidelines (Defra, updated 2025) do not specify a sampling density. Sampling should be sufficient to establish the land quality appropriate for the purposes. Many large areas surveyed historically by MAFF, and published on www.magic.gov.uk, are at a semi-detailed (usually one sample per 200 m) survey density. A detailed survey density is usually taken to be one sample per hectare, on a regular 100 m grid pattern.</p> <p>The sampling density used is suitable for the assessment of the land quality across the Order Limits. Across the majority of the Order Limits the land quality will not be adversely affected. As described in ES Chapter 15 Agricultural Circumstances at 15.5.1 to 15.5.7 [Document Reference 6.2.15 Revision 2], the mounting structure is driven into the soil with no physical movement of soils. The ALC grade is not affected.</p> <p>For small-disturbance areas, principally the tracks, the soil will be disturbed but will be retained adjacent to the track for easy restoration, as described in the ES Chapter 15 Agricultural Circumstances [Document Reference 6.2.15 Revision 2] paragraphs 15.5.10 to 15.5.12.</p> <p>For the great majority of the Order Limits, a semi-detailed ALC therefore provides a sufficiently detailed understanding of the distribution of land quality and the magnitude of land of each grade included within the Scheme. The land quality will not be affected.</p> <p>In areas where larger items of fixed equipment are proposed, in particular the 132 kV and 400 kV substation areas and the BESS, ALC surveyors returned to these areas and undertook additional ALC sampling to a 100 m regular grid. This was to provide a detailed ALC pattern for determining the potential impact were this land to</p>

Ref	Question	NE's response	Applicant's response
			<p>be irreversibly lost, and more importantly to provide more detailed soil and land quality for enabling a detailed Soil Management Plan (SMP) to be prepared to enable these areas to be restored to the same ALC grade on decommissioning. This is described in ES Chapter 15 Agricultural Circumstances [Document Reference 6.2.15 Revision 2] paragraph 15.6.3..</p> <p>The detailed surveys provide the information for those areas where land is to be disturbed, and where more detailed information is required to inform the SMP to enable restoration back to the same grade on decommissioning.</p> <p>The Applicant notes that analogous considerations arose in respect of ALC surveys in the recently consented East Yorkshire Solar Farm (EN010143) in respect of which Natural England also agreed that it is for the Examining Authority to determine that the proposed approach was acceptable.</p>
Q9.0.17	<p>Peatland</p> <p>CDC RR [RR-006] paras 11.5 to 11.8 suggest that the Council considers the applicant has not sufficiently considered the effect of the proposed development on Peat. It appears that this is only addressed in ES Chapter 14 [APP-051] at paragraphs 14.4.15 to 14.4.17. Could NE and CDC explain what, if any, effects might arise associated with peat and whether these are sufficiently addressed in these paragraphs. The applicant asserts that shallow construction depths (similar to</p>	<p>Natural England notes that ES Chapter 14 (APP-051), in particular paragraphs 14.4.15–14.4.17, provides only a high-level and largely qualitative assessment of peat within the greenhouse gas (GHG) assessment. While the ES acknowledges that peat is present within the Order Limits and recognises its role as a carbon store, it concludes that these soils are degraded and under cultivation, and that construction disturbance would be comparable to routine agricultural activities, resulting in only limited additional emissions.</p> <p>Natural England considers that this conclusion is not sufficiently supported by robust, evidence-based analysis. In particular, the GHG assessment:</p> <ul style="list-style-type: none"> • Does not clearly define the extent, depth or condition of peat soils within the Order Limits; • Does not quantify the volume of peat likely to be affected; and 	<p>The Applicant acknowledges Natural England's comments and notes that these comments were provided prior to having sight of the Applicant's Deadline 2 submissions. This included Revision 3 of the Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 4]. The changes to which are referred to below.</p> <p>Baseline and survey evidence</p> <p>As confirmed within the Agricultural Land Classification (ALC) survey [APP-120] and the Outline Soil Management Plan (SMP) [REP2-078], no peat soils were identified within the surveyed soil profiles to a depth of 1.2m (see paragraph 4.5.10 of the Outline SMP).</p> <p>The ALC surveys were undertaken using a robust methodology comprising trial pits and augering to 1.2m depth, at a predominantly semi-detailed sampling density (1 auger per 4ha on a regular 200m grid), with increased density (1 auger per hectare on a 100m grid) in areas proposed for higher-impact infrastructure such as the BESS and substations. This provides a good level of confidence regarding</p>

Ref	Question	NE's response	Applicant's response
	<p>cultivation) are such that "minimal disturbance of peat soils will occur and carbon emissions will not be materially different to the current agricultural use of the land." Could the applicant please explain how this conclusion applies to BESS units, substations, other infrastructure and cable laying? Please could the applicant also consider the likely effects during each phase of the development?</p>	<ul style="list-style-type: none"> Does not provide a quantitative assessment of potential carbon emissions arising from peat disturbance. <p>This level of detail contrasts with the more structured and evidence-led approach applied elsewhere in the ES, including Chapter 15. Natural England further advises that the assumption of "cultivation-equivalent" disturbance is only partially substantiated and does not adequately reflect the range of construction activities proposed. While this assumption may be reasonable for solar panel installation, which involves limited ground disturbance, other elements of the Scheme, including BESS compounds, substations, access tracks and cable trenches will require deeper excavation, soil stripping and handling, with the potential to affect peat horizons.</p> <p>These activities may result in:</p> <ul style="list-style-type: none"> Localised excavation and temporary storage of soils; Exposure of peat to aerobic conditions; and Increased risk of peat oxidation and associated carbon release. <p>In addition, Natural England considers that potential effects on peat should be assessed across all phases of development:</p> <ul style="list-style-type: none"> Construction: likely to result in the greatest impacts due to excavation, compaction and exposure; Operation: potential indirect effects through changes in drainage and soil hydrology; Decommissioning: further temporary disturbance, albeit with restoration. <p>ES Chapter 14 does not clearly differentiate these phase-specific effects, nor does it provide sufficient evidence to support the conclusion that emissions would not materially differ from the current baseline. The absence of quantified peat volumes and a</p>	<p>the absence of peat soils within the upper soil horizons across the Order Limits.</p> <p>The Applicant notes that Natural England's concerns principally relate to peat (as distinct from peaty soils), and it is accepted that peat has a higher carbon sequestration value. However, the survey evidence confirms that such soils are not present within the near-surface horizons where the majority of construction activities would occur.</p> <p>Approach to construction effects</p> <p>On that basis, the Applicant considers that the conclusions within ES Chapter 15 Agricultural Circumstances [Document Reference 6.2.15 Revision 2] remain appropriate in relation to those elements of the Scheme involving shallow or low-disturbance works, including solar panel installation and trenching for cabling. These activities are limited in depth and extent, and the Outline SMP [REP2-078] confirms that soil disturbance is typically temporary and followed by reinstatement, consistent with good practice for soil handling and restoration.</p> <p>Accordingly, the Applicant does not consider that further detailed peat-specific assessment is necessary for these aspects of the Scheme, and the assumption of disturbance broadly comparable to ongoing agricultural practices is reasonable in this context.</p> <p>Higher-impact development areas</p> <p>Notwithstanding this, the Applicant agrees to further targeted investigation for certain elements of the Scheme, including the BESS, substations and construction compounds. This is confirmed in the Outline CEMP [Document Reference 7.1 Revision 4].</p> <p>This approach ensures that any peat encountered at depth will be appropriately identified, avoided where possible, and managed through embedded design mitigation.</p> <p>GHG assessment and mitigation</p>

Ref	Question	NE's response	Applicant's response
		<p>distinction between temporary and permanent impacts further limits the robustness of the assessment. Accordingly, Natural England agrees with City of Doncaster Council that the current assessment is insufficiently robust, and that further work is required to align the GHG assessment with the level of detail applied in Chapter 15.</p> <p>This should include:</p> <ol style="list-style-type: none"> 1. Identification and quantification of peat soils within the Order Limits; 2. Assessment of the depth and volume of peat likely to be affected by each construction activity; 3. Quantification of associated carbon emissions; and 4. A clear explanation of how impacts have been avoided, minimised and mitigated, including through the Soil Management Plan or Peat Management Plan. <p>In respect of baseline conditions, Natural England notes that the ALC survey (ES Appendix 15.1 [APP-120]) confirms that peat is not present at the surface, but occurs at depth at a limited number of locations. Peat is typically encountered below the topsoil horizon (generally from approximately 50–60cm), although in some discrete locations (e.g. sample points 73–77 and 120) it is recorded from approximately 30cm below ground level. These horizons are variable and localised, and are generally overlain by mineral topsoil.</p> <p>While this indicates that peat is not extensive across the Order Limits, its presence at relatively shallow depth in places reinforces the need for a more clearly defined and quantified assessment of potential disturbance and associated emissions.</p> <p>The National Policy Statement for Renewable Energy Infrastructure (EN-3) states that:</p> <p><i>2.10.26 Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil</i></p>	<p>The Applicant considers that this proportionate approach is consistent with the policy expectations of NPS EN-3, which encourages appropriate soil management and mitigation measures rather than prescriptive quantification in all cases. In particular:</p> <p>The absence of peat within the near-surface layers significantly limits the potential for widespread carbon release;</p> <p>Potential impacts are localised to discrete areas of deeper excavation;</p> <p>These impacts will be further reduced through pre-construction surveys, micro-siting and design optimisation; and</p> <p>Soil handling and reinstatement will be undertaken in accordance with established best practice, as set out in the Outline SMP [REP2-078], including adherence to Defra's Construction Code of Practice for the sustainable use of soils.</p> <p>Taken together, these measures ensure that impacts on peat soils are avoided or minimised in accordance with the mitigation hierarchy, and that any resultant carbon emissions would not materially alter the conclusions of the ES.</p> <p>In the event peat is identified in the pre-construction surveys, it is not considered that presence of peat would change the conclusions of the likely significance of effects of the Scheme reported in the ES.</p>

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Ref	Question	NE's response	Applicant's response
		<p>health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030. This should include consideration of mitigation against impacts to peat soils where these are present.</p> <p>2.10.119 The Defra Construction code of practice for the sustainable use of soils on construction sites¹⁰³ provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter - minimising compaction and adding soil organic matter. Mitigation of impacts to peat soils should include water table management and minimising soil disturbance.</p>	

Table 7: Applicant's responses to Cadent Gas' (Cadent) responses to ExQ1

Ref	Question	Cadent's response	Applicant's response
Q4.0.12	<p>Protective Provisions</p> <p>Please set out your position with regards to the tests under s127 and s138 of PA2008 as applicable to your respective interests.</p>	<p>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> <p>At this stage, Cadent is not satisfied that the tests under section 127 of the Planning Act 2008 can be met in relation to the carrying on of Cadent's undertaking unless its protective provisions are</p>	<p>Section 127 applies where the relevant statutory undertaker has made a representation.</p> <p>Section 127(2)/(3) relates to the compulsory acquisition of land and section 127(5)/(6) relates to the compulsory acquisition of rights.</p> <p>The secretary of State needs to be satisfied under section 127(3) for compulsory acquisition of land and section 127(6) for the compulsory acquisition of rights that the statutory undertaker would not suffer serious detriment to the carrying on of its</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	Cadent's response	Applicant's response
		<p>included in the DCO. Cadent provided its protective provisions as an Appendix to its Relevant Representation and its Written Representation.</p> <p>Cadent also has experience of promoters securing insufficient rights in land within DCOs for necessary diversions of its apparatus or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations given that the draft DCO includes the power to undertake any such diversions. As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p> <p>Given the Project interacts with Cadent's apparatus, Cadent would expect the draft DCO to include protective provisions for Cadent's benefit. At this stage, no such protective provisions have been included and no justification has been provided by the Applicant for this omission (including in the updated Explanatory Memorandum (REP1-006), the response to Cadent's Relevant Representation (REP1-043) and the Statutory Undertakers Position Statement (APP-187)). The Statutory Undertakers Position Statement (APP-187) does not set out how the test under section 127 can be met in respect of Cadent's assets.</p> <p>The updated draft DCO submitted to the Planning Inspectorate on 19 November 2025 (AS-002) was submitted after 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 response to this draft from the Applicant until 1 April 2026.</p> <p>As such, Cadent has only recently been able to make some positive progress with the Applicant but has not yet reached satisfactory agreement. On this basis, Cadent considers that section 127 cannot currently be discharged although Cadent is committed to working with the Applicant to ensure that appropriate protection is provided to Cadent.</p>	<p>undertaking or that this detriment can be made good by other land belonging to, or available for acquisition by, the undertaker.</p> <p>Cadent is listed as an occupier for plots 4/12 and 4/13 within the Book of Reference [Document Reference 4.3 Revision 5]. The Applicant is seeking the permanent acquisition of new rights over both plots. These rights are required for ecological mitigation, and the Applicant would be retaining the land for agricultural crops suitable for bird species. The Applicant is not expecting to affect Cadent's pipeline.</p> <p>The Applicant is confident that the Scheme will not cause any detriment to the carrying out of Cadent's undertaking. In this regard, the Applicant notes that Cadent would benefit from the protective provisions that are included at Part 1, Schedule 14 to the draft DCO [Document Reference 3.1 Revision 6] and the Applicant emphatically considers that these provisions, which are widely precedented in DCOs, would ensure that there would be no serious detriment to Cadent's undertaking.</p> <p>Notwithstanding the Applicant's clear position on this matter, however, at Cadent's request, the Applicant is discussing with Cadent's representatives bespoke protective provisions for the protection of Cadent's interests and is confident these can be agreed for inclusion in the draft DCO before the end of the examination.</p>

Table 8: Applicant's responses to Mr Lindley's responses to ExQ1

Ref	Question	Mr Lindley's response	Applicant's response
Q4.0.9	<p>Accuracy of the Book of Reference, Land Plans and Points of Clarification</p> <p>APs are asked to please provide comments on the following:</p> <p>a) If they are aware of any inaccuracies in the BoR [APP-021], the Statement of Reasons [APP-019] or the Land Plans [APP-008]. If so, please indicate where these are and provide the correct details.</p> <p>b) Views on whether there may be any reasonable alternatives to CA or Temporary Possession (TP) sought by the applicant.</p> <p>c) Views on whether there are any areas of land or rights that the applicant is seeking the power to acquire that you consider are not needed.</p> <p>d) Details of any other concerns relating to the legitimacy, proportionality or necessity of the CA or TP powers sought by the applicant that would affect</p>	<p>Dear Case Team / Examining Authority</p> <p>I am writing to formally lodge my Written Representation regarding the proposed Tween Bridge Solar Farm. This submission provides evidence of a clear and []. The Applicant is legally required to demonstrate that compulsory acquisition powers are a last resort and that genuine, reasonable negotiations have been exhausted. The chronological timeline below demonstrates that the [].</p> <p>Factual Timeline of Consultation Failures:</p> <p>22 March 2024: Initial correspondence received via email from Claire Priestner. RWE proposed cable locations and land use for grass seeding mitigation, [] (See attached Doc1).</p> <p>July 2024: Site meeting held at Crow Trees with Mr Antony Lindley, Mr Ray Lindley, Master Harry Lindley, and Claire Priestner to discuss three proposed cable routes. The Lindley family explicitly detailed that the land features an under-drainage system every 22 yards running into the central ditch.</p> <p>It was explained that two routes would severely damage surrounding farmed land. Route C-D (4-7) was identified as the shortest and least damaging.</p> <p>The family highlighted a mobile mast they own in the field of Route A-B (2-3) which already contains underground electrical cabling.</p> <p>At this meeting, Claire Priestner expressly withdrew the original grass seed mitigation proposal.</p> <p>19 September 2024: Claire Priestner phoned Mr Antony Lindley to state RWE had reversed its position and now proposed placing solar panels on the land.</p>	<p>The Applicant notes the response provided in full as well as the oral submissions made as part of the Compulsory Acquisition Hearing which can be seen at Written Summary of Oral Submissions made at Compulsory Acquisition Hearing [Document Reference 8.18 Revision 1].</p> <p>The Applicant remains committed to reaching a voluntary agreement over the plots in question and to open and transparent communication between the parties in order to do so.</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	Mr Lindley's response	Applicant's response
	<p>the land that you own or have an interest in.</p>	<p>9 October 2024: Email received confirming the solar panel offer (See attached Doc2). No formal legal documents accompanied this fundamental change.</p> <p>14 October 2024: Email sent to Claire Priestner explaining that the email we received only contained basic terms and we had received no formal paperwork.</p> <p>28 October 2024: Formal documentation provided following my request on 14.10.2024. The document provided was a generic template (See attached Template Doc). RWE imposed an unreasonable and inadequate two week window for a final decision.</p> <p>Given that the majority landowners had been given up to 2 years (from November 2022) to consider the solar panel terms, the family sought financial advice. This was critical due to the Autumn Budget 2024 changes to Inheritance Tax (IHT) and Business Property Relief (BPR).</p> <p>14 October 2024: Email sent to Claire Priestner explaining that the email we received only contained basic terms and we had received no formal paperwork.</p> <p>28 October 2024: Formal documentation provided following my request on 14.10.2024. The document provided was a generic template (See attached Template Doc). RWE imposed an unreasonable and inadequate two week window for a final decision.</p> <p>Given that the majority landowners had been given up to 2 years (from November 2022) to consider the solar panel terms, the family sought financial advice. This was critical due to the Autumn Budget 2024 changes to Inheritance Tax (IHT) and Business Property Relief (BPR).</p> <p>14 November 2024: Email sent to Claire Priestner explaining we required longer than two weeks to gather detailed information before reaching an informed decision. January 2025: Doncaster Chartered Accountants were commissioned by the family to provide a financial assessment report.</p>	

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Ref	Question	Mr Lindley's response	Applicant's response
		<p>16 February 2025: Email sent to Claire Priestner to book a phone meeting to discuss contract terms, which was confirmed for 18 February 2025.</p> <p>18 February 2025: Claire Priestner failed to attend the scheduled meeting.</p> <p>20 February 2025: Mr Antony Lindley sent a follow-up email seeking clarification on terms. The family raised critical concerns regarding agricultural sheds and yards being included in the orange survey area, as RWE required no rights there. This concern was completely ignored. The only response received was regarding solicitor fees.</p> <p>March 2025: Claire Priestner phoned Mr Antony Lindley to declare RWE had reversed its position yet again and no longer required solar panels on the land.</p> <p>August – October 2025: Despite emails confirming Mr Antony Lindley was authorised to act for his elderly father, Mr Raymond Lindley, FGP Surveyors bypassed Antony Lindley. They sent legal correspondence requesting agreement for cable routes A-B or C-D directly to Raymond Lindley.</p> <p>October 2025: Mr Antony Lindley discovered the bypassed paperwork and phoned FGP Surveyors. Claire Priestner was unavailable. Antony reiterated that he was the authorised primary point of contact. This instruction was completely disregarded.</p> <p>3 March 2026: After months of silence, a letter was sent to the elderly Mr Raymond Lindley (See attached FGP Surveyors). This letter referenced the autumn 2025 documents but omitted option C-D—the shortest, least disruptive route previously validated by Claire Priestner (Doc1). It remains entirely unclarified when or why RWE retracted option C-D. It is also noted that the email communication chain with RWE omits my input on certain dates from the ongoing email thread, creating an inaccurate record of my participation. I am able to provide the original emails I sent, including the full header and timestamp alongside the subsequent thread where I was removed.</p>	

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Ref	Question	Mr Lindley's response	Applicant's response
		<p>Conclusion and Formal Requests.</p> <p>The sequence of events details a pattern of shifting demands, changing what is on offer, failing to address site-specific agricultural impacts (drainage and yards), and targeting an elderly landowner while ignoring his designated representative. This does not constitute fair or meaningful negotiation.</p> <p>Consequently, we respectfully request that the Examining Authority:</p> <p>Refuse or Suspend Compulsory Acquisition Powers over our land plots until the Applicant engages in a transparent, consistent negotiation process. Compel the Applicant to clarify why the least disruptive route (C-D) was unilaterally retracted.</p>	

Table 9: Applicant's response to CDC's response to Landscape and Visual Questions of the Issue Specific Hearing 1

Ref	Question	Mr Lindley's response	Applicant's response
Questions raised by the ExA			
1	The ExA asked the applicant why the scheme only occupying a small proportion of any respective landscape character area would be a mitigating factor. He went on to ask the councils view on that.	The response for CDC and NLC was that we have concerns over how the landscape character has been assessed (we have provided further detail on this in the LIR)	Response provided in Comments on Local Impacts Reports (City of Doncaster Council) [REP2-089] , Table 10, Ref 10.16 and in Comments on Local Impacts Reports (North Lincolnshire Council) [REP2-090] , Table 2.9, Ref 9.13.
2	The ExA asked the applicant if the prevailing landscape character is	The response from CDC and NLC highlighted the concerns on the achievability of the grassland habitat due to the nitrate and phosphate rich soils, whilst acknowledging that this is a different	A response regarding the achievability of grassland habitat was provided in Statement of Common Ground with North

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	Mr Lindley's response	Applicant's response
	farmland and arable fields, then is the provision of grassland a beneficial landscape character effect? He went on to ask the councils view on that.	point to the question. CDC and NLC acknowledged that in some instances on some character areas it could be seen as an improvement, if achievable. We would further add that we would like to see more detail on this to understand what is achievable and understand more specifics of where and how this will be beneficial to the landscape character.	<p>Lincolnshire Council [Document Reference 9.3 Revision 2], Table 3-7, item 7. The response states:</p> <p>'Prior to habitat creation, soil testing will be completed to confirm the PH and nutrient levels and determining the appropriate seed mix to ensure the maximum beneficial mix for the soils and nutrients status.'</p> <p>The Applicant agrees with the statement 'CDC and NLC acknowledged that in some instances on some character areas it could be seen as an improvement. Pastoral land is not at odds with this landscape and does occur in pockets throughout. Associated benefits would include species diversity and long-term soil improvements from resting the land from intensive agricultural practices.'</p>
3	The ExA asked the applicant about stage 4 trigger for RVAA. He went on to ask the councils to consider if there are any instances where they feel stage 4 should be triggered and to provide follow up comments.	Follow up comment is that without visiting the properties it is hard to say in response to this question. The applicant has left large offsets around properties and using their own methodology it is unlikely stage 4 would be reached for any properties but this is caveated as we have not visited all the properties.	The Applicant agrees with this statement and no further response is required.
Questions raised by Landscape representatives for CDC and NLC questions			
1		During the Issue Specific Hearing relating to landscape and visual matters there was in depth discussion with regards to the off site 400kv sub station and associated cabling, however, it is note that there is also a proposed onsite 400kv substation; the location of which is not clear. Referring to Document Ref 6.4.6.5, Figure 6.5 Residential Properties, the 400 kv substation is shown within Land Parcel E alongside a 132kv substation and BESS. Referring to Document Ref 6.4.6.4, Figure 6.4 Landscape and Visual Mitigation Strategy, the 400kv substation is absent from the drawing, rather it shows an area of grassland. Viewpoint 26, which is supported by a photomontage, Document Ref 6.3.6.4 Appendix 6.4	<p>Environmental Statement Figure 6.4 – Landscape and Visual Mitigation Strategy [Document 6.4.6.4 Revision 4] and Environmental Statement Appendix 6.4: Photomontage Visualisations (Part 2)[REP2-039] have been resubmitted at Deadline 2. Environmental Statement Appendix 6.4 Photomontage Visualisations (Part 1) [Document Reference 6.3.6.4 Revision 2] have also been resubmitted at Deadline 3.</p> <p>The summer view photomontages (Part 1) have been updated in line with the same parameters as the winter views submitted at deadline 2, this is to represent a worst-case scenario in terms of the</p>

Applicant's Responses to Stakeholder Responses to ExQ1

Ref	Question	Mr Lindley's response	Applicant's response
		<p>Photomontage Visualisations, is the closest viewpoint to the location of the 400kv substation location, but the substation is not depicted on the photomontage, nor is its likely location labelled. Clarification is therefore sought with regards to the location of the 400kv substation and the route of any associated cabling so that it is clear as to whether it has been adequately considered and assessed.</p>	<p>potential heights and angles of the panels. The winter views were prioritised at deadline 2 as they represent the worst-case view when the vegetation is devoid of leaves.</p> <p>The photomontage visualisations have always included the 400kV substation, which is difficult to clearly discern as it is located within the panels and partially screened by existing intervening hedgerow vegetation, (See Viewpoint 26.1 specifically).</p> <p>ES Chapter 6 Landscape and Visual [REP2-033] considers all elements of the Scheme within the Order Limits, which are listed within paragraph 6.3.5 of the Chapter.</p>
2		<p>Clarification is sought with regards to the feasibility of establishing species rich grassland on land that is, by its inherent arable use, likely to be high in nitrates and phosphates.</p>	<p>A response regarding the achievability of grassland habitat was provided in 9.3 Statement of Common Ground with North Lincolnshire Council [Document Reference 9.3 Revision 2], Table 3-7, item 7. The response states:</p> <p><i>'Prior to habitat creation, soil testing will be completed to confirm the PH and nutrient levels and determining the appropriate seed mix to ensure the maximum beneficial mix for the soils and nutrients status.'</i></p>