



City of  
Doncaster  
Council

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# Deadline 3 Submission

Project: Tween Bridge Solar Farm (EN010148)

Applicant: RWE Renewables UK Solar and Storage Limited

Unique Reference: F2CFC15A3

30<sup>th</sup> June 2026



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## **1. Introduction:**

- 1.1 This document includes the Deadline 3 Submission of City of Doncaster Council (“CDC” or “the Council”) in response to the Tween Bridge Solar Farm Project (“the proposed development”). The proposed development is being progressed by an application for Development Consent by RWE Renewables UK Solar and Storage Limited (“the Applicant”).
- 1.2 The submission follows on from Issue Specific Hearing 2 (“ISH2”) held on 23rd June 2026 and Issue Specific Hearing 3 (“ISH3”) held on 24<sup>th</sup> June 2026.
- 1.3 In accordance with the Examining Authority’s Rule 6 Letter of 13<sup>th</sup> March 2026 this submission sets out the Council’s written summary of oral submissions made at ISH2 and ISH3, and the where Council also has comments on the responses to Examining Authority’s (ExA’s) first written questions (“ExQ1”) and on any further information requested by the ExA and received by Deadline 2, these are also included.
- 1.4 The submission follows the order of the matters considered in the course of ISH1 and ISH2 and includes .

## **2. Development Consent Order**

### Matters Considered at ISH2 Agenda Item 3

*Article 2 (interpretation): the definition of commence and exclusion of “permitted preliminary works”*

- 2.1 In summary, the Council made the following points in respect of the above article at ISH2:
- 2.2 The Council welcomed the Applicant’s commitment to reconsider, by Deadline 3, whether the requirements (excluding requirements 9 (fencing and other means of enclosure) and 12 (archaeology)) should be amended to provide that the use of the term “commence” in the requirement includes any permitted preliminary works. The Council will consider the Applicant’s position and comment on the same by Deadline 4.
- 2.3 The Council confirmed it was aware of local authorities who have been host authorities for several DCOs in their administrative areas and whose approach to the carve outs from the definition of “commence” has evolved over time. For example, for the first Order, the local authority accepted that the “permitted preliminary works” would be de minimus, because that it how they are described in the Explanatory Memorandum; however, the power to carry out “permitted preliminary works” is often unconstrained, and the Council is aware of several unhappy instances with local authorities where the contractor has taken a far more liberal approach with (say) vegetation clearance than was ever

anticipated ever in the Explanatory Memorandum or during the examination. This has led to the local authority seeking greater control of “permitted preliminary works” in respect of subsequent applications.

- 2.4 The Council noted the additional controls included in Schedule 2 (requirements) of the Fenwick Solar Farm Order 2026 (SI 2026/151) where requirements 7 (landscape and ecological management plan) and 10 (surface and foul water drainage) include additional protection.
- 2.5 The Council noted the Applicant referred to the ultimate control or safeguard is that the Applicant cannot do anything that would give rise to any materially new or materially different environmental effects to those assessed in the environmental statement. The Council welcomed the Applicant’s commitment to confirm, at Deadline 3, where the “permitted preliminary works” have been assessed in the environmental statement. The Council can then consider the matter further.

*Article 8 (consent to transfer benefit of Order): In the event the undertaker exercises Article 8 to split the development, for example, transferring the operational benefit of the battery storage system to a third-party storage operator while retaining the solar generation arrays, raises the question of who would be liable for breach of requirements in such instances?*

- 2.6 In summary, the Council made the following points in respect of the above article at ISH2:
- 2.7 By section 167(1) (power to require information) of the Planning Act 2008, if it appears to the “relevant planning authority” (which in the Council’s administrative area would be CDC) that an offence has taken place under section 160 or 161 of that Act, the relevant local planning authority may (by section 167(2)) serve an information notice.
- 2.8 By section 167(3), the information notice may be served on any person who (a) is the owner or occupier of the land or has any other interest in it, or (b) is carrying out operations on the land or is using it for any purpose.
- 2.9 By section 167(4), the information notice may demand –
  - (a) information about any operations being carried out in, on, over or under the land, any use of the land and any other activities being carried out in, on, over or under the land, and
  - (b) information about the provisions of any order granting development consent for development of the land.
- 2.10 These would be the first enforcement steps that would be available to the Council as the enforcement authority.

- 2.11 The Council looks forward to receiving the Applicant's post-hearing response to this note and will comment on that at Deadline 4, if it considers it necessary to do so.

*Article 8(3) (consent to transfer benefit of Order): expands the automatic transfer of privileges beyond the established threshold seen in recently made solar DCOs ... allowing an automatic transfer to any internal corporate holding company or subsidiary without needing the prior written consent of the Secretary of State.*

- 2.12 The Council notes the Applicant's position (as explained during ISH2) that the main safeguard in relation to funding arises from the existence of Article 47 (guarantees in respect of payment of compensation) and that provision requires a party who proposes to exercise compulsory opposition powers under the order to have in place a guarantee in a form approved by the Secretary of State.

- 2.13 The Council assumes that a transfer to any internal corporate holding would trigger article 8(9) (consent to transfer benefit of Order) and would include (for example) any obligations related to the transferred benefit (per article 8(9)(a)) and the same restrictions, liabilities and obligations as would apply under the Order if the benefit were exercised by the undertaker (per article 8(9)(c)).

*Currently, the Tween Bridge draft DCO lacks a dedicated permit scheme application clause, and it also fails to require a framework highway works agreement, so to the applicant, what, why is the applicant omitted a dedicated article governing the application of a permit scheme equivalent to article nine in Fenwick could you explain how the day-to-day road space coordination and network management will be maintained without such a framework?*

#### *Permit Scheme*

- 2.14 In summary, the Council stated at ISH2 –
- 2.15 A general point: the Council's permit scheme is helpful in allowing the Council to better manage activities on the highway network, minimising disruption caused by highway works in their area.
- 2.16 Article 9 (application of permit scheme) of the Fenwick Solar Farm Order 2026 (SI 2026/151) was not included in the draft Order as applied for. It was included following discussions between the Council and the Fenwick Applicant. Article 9 modifies the permit scheme, and those modifications were agreed with the Council during the Examination. The Council approached its discussions on the modification of the permit scheme with an open mind and would do likewise in respect of any reasonable modifications sought by the Applicant of the instant Order.

- 2.17 The Council welcomes the Applicant's commitment to consider what changes need to be made to the Order to bring it in line with CDC's permit scheme. The Council looks forward to seeing the revised drafting in due course.
- 2.18 The Council and the Applicant met on 21 May 2026 and 10 June 2026 and discussed, amongst other things, the permit scheme. The Council found these meetings helpful and would welcome further discussions with the Applicant.

#### *Highways Agreement*

- 2.19 On 26 May 2026, the Council shared its standard s.278 highways agreement with the Applicant and the Applicant's comments on the same are awaited.
- 2.20 It is commonplace for highways agreements to be entered into by DCO Applicant and local highway authorities and this has been the position since the onset of the DCO regime.
- 2.21 Model Provision 16 (agreements with street authorities) of Schedule 2 to the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 includes a Provision that provides a street authority, and undertaker may enter into agreements in respect of certain highways works. The draft Order as applied for [APP-016] included article 18 (agreements with street authorities) which have based on the Model Provision and paragraph 4.3.22 of the first Explanatory Memorandum [APP-017] said article 18 "is a model provision which authorises street authorities and the undertaker to enter into agreements relating to the strengthening, improvement, repair or reconstruction of any streets; the closure, prohibition, restriction, alteration or diversion of any street; the undertaking in any street of any works authorised under articles 11 (Street works), 13 (Power to alter layout, etc. of streets) and 14 (Construction and maintenance of altered streets) of the Order; and the adoption of works". Paragraph 4.8.23 names three recent DCOs which include the provision.
- 2.22 Entering into highways agreements has been part of the DCO regime since its beginning. In practice, the drafting is often based on the highway authority's template section 278 agreement because the highway authority is well used to operating in accordance with that document and it would be sensible to maintain a consistent approach in respect of the DCO highway works.
- 2.23 In respect of the Fenwick Solar Farm Order 2026 (SI 2026/151) a framework highways agreement was agreed between the Council and the Fenwick applicant during the Examination of that Order and article 16 (agreements with street authorities) was subsequently amended to include new paragraph (3), which states –
- "(3) 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 Council and the

undertaker dated 20 August 2025, or any subsequent replacement agreement as to highways works”.

- 2.24 This provision was included because the framework highways agreement had been agreed. During ISH2, the Applicant has indicated it does not intend to enter into a highways agreement because of the “one stop shop” principle of DCO drafting, whereby the statutory instrument can include things that would otherwise feature in an agreement.

#### *Protective Provisions*

- 2.25 In the light of the Applicant’s position regarding the “one stop shop” principle, CDC would be content to agree highways protective provisions (“PPs”) with the Applicant. While local highway authority PPs are less commonplace than highway agreements, several DCOs do include them, and CDC intends to submit its proposed PPs at Deadline 4.
- 2.26 These will include provisions which are incredibly important to the Council, for instance, a requirement that the applicant provides a bond to protect financial loss on behalf of CDC (as highway authority) in the event of works not being done to a satisfactory standard or works not being completed as they ought to have been completed. During ISH2, the Council explained it would like confirmation of how that issue will be dealt with, and awaits the Applicant’s confirmation in that regard.

#### The Council’s reply to the Applicant’s response to CDC’s comments on the draft DCO

- 2.27 Appendix 2 to the Council’s Local Impact Report (LIR) [\[REP1-062\]](#) included a table of CDC’s comments on the draft DCO [\[AS-003\]](#). The Applicant responded in its document Comments on Local Impact Reports (City of Doncaster Council) [\[REP2-089\]](#).
- 2.28 In the Council’s LIR [\[REP1-062\]](#) CDC made 19 comments on the draft DCO, and 6 of these have been dealt with to CDC’s satisfaction. The 6 comments are –
- Comment 1 – (fourth recital of the draft DCO – replacement of reference to “s.105” with “s.104”);
  - Comment 3 – (art. 8 – consent to transfer benefit of Order);
  - Comment 8 – (miscellaneous articles – some referred to the 28-day period for determining applications beginning with the date on which the application was made; others referred to the 28-day period beginning with the date on which the application was received. Now all refer to date it was received);
  - Comment 11 – (art.19 – traffic regulations measures);
  - Comment 12 – (miscellaneous articles – regarding consents being subject to terms and conditions), and

- Comment 15 – (Schedule 2: Requirement 9 (fencing and other means of enclosure)).

2.29 The Table 1 below sets out the unresolved comments. Column (i) sets out CDC’s unresolved comments from [\[REP1-062\]](#), Column (ii) sets out the Applicant’s response as set out in [\[REP2-089\]](#) and Column (iii) sets out CDC’s reply to the Applicant’s response. The comment numbers used in the table below are the same as those used in Appendix 2 to [\[REP1-062\]](#).

**Table 1:** Unresolved Comments on the Draft DCO

	(i) CDC’s comment	(ii) Applicant’s response	(iii) CDC’s reply
2.	<p><b><u>Article 2(1) (interpretation) the definition of “commence” excludes “permitted preliminary works”.</u></b></p> <p>CDC would be grateful for more information on the proposed extent of these works, which is not clear from Explanatory Memorandum (“EM”) <a href="#">[APP-017]</a></p> <p>For example, these works include “site clearance (including vegetation removal and demolition of existing buildings and structures)”. Unconstrained vegetation removal would be unpalatable to CDC. Likewise,</p>	<p>The Applicant carefully considered the definition of “permitted preliminary works” when drafting the provision and it includes activities that are <i>de minimis</i> or small scale which would give rise to minor environmental impacts.</p> <p>The drafting has been included to ensure that there is a proportionate degree of flexibility available to the Applicant, since without that flexibility the carrying out of each of the activities comprised within the definition of “permitted preliminary works” would be</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>The Applicant’s response states the works would be <i>de minimus</i> or small scale; however, that is not reflected in the drafting of the draft Order <a href="#">[REP2-003]</a> which does not limit the scope of the works which can be carried out. Save for the limits included in requirements 9 (fencing and other means of enclosure) and 12 (archaeology) the “permitted preliminary works” can proceed without control.</p> <p>The Applicant’s response states it would ensure that all permitted preliminary works are carried out in accordance with the principles set out in the outline management plans, including the Outline Construction Environmental Management Plan. CDC notes that none of the outline management documents refer to permitted preliminary works and so presently there is no mechanism to capture the commitment included in the Applicant’s response.</p> <p>CDC understands that the Applicant intends to include text specific to the control of the permitted preliminary works in the Outline Construction Environmental Management Plan and</p>

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
	<p>CDC would welcome confirmation of which “existing buildings and structures” within their administrative area are earmarked for demolition.</p> <p>Furthermore, it is not clear from the draft DCO how the applicant proposes these works should be controlled and CDC would also welcome confirmation on this point.</p>	<p>sufficient to require the submission of detailed plans for approval under Schedule 2 to <b>draft Development Consent Order [Document Reference 3.1 Revision 4] [REP2-002]</b>. This would be disproportionate to the nature of the works involved, which are, in each case, minor and are not expected to give rise to any significant environmental effects.</p> <p>The Applicant would ensure that all permitted preliminary works are carried out in accordance with the principles set out in the outline management plans, such as the Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 3] <b>[REP2-062]</b> and notes that a failure to do so</p>	<p>will consider and comment on the revised text in due course.</p> <p>This point is important to CDC because it is aware of circumstances which have arisen on another DCO project where contractors have interpreted the permitted preliminary works powers liberally, leading to (for instance) a scale of vegetation clearance far greater than was envisaged during the examination of the application in question. CDC wants to avoid something similar happening here.</p> <p>In its comment, CDC sought confirmation as to which “existing buildings and structures” in its administrative area are proposed to be demolished. CDC understand no such demolition is intended and therefore queries whether the inclusion of those words in sub-paragraph (i) is necessary.</p>

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
		<p>would create a risk of objection and/or delay at the formal discharge stage.</p> <p>Both the concept of “pre-commencement works” and the scope of activities within the definition are very widely precedented in solar (and non-solar) DCO drafting.</p>	
4.	<p><b><u>Article 11(1) (street works)</u></b>  The drafting of Part 3 (streets) is a cause of concern for CDC owing to the broad range of powers the applicant proposes to give itself, without the need for CDC's consent, under this Part. CDC considers Part 3 can be made acceptable by (i) drafting amendments to it, (ii) providing for the application of CDC's permit scheme to the application, and (iii) providing that the highway works proposed under Part 3 will</p>	<p>The Applicant has arranged to meet with CDC on 21 May 2026 to discuss the drafting of the draft Development Consent Order [Document Reference 3.2 Revision 4] <a href="#">[REP2-002]</a> and the CDC permit scheme as well as the role of highway agreements will be discussed at that meeting.</p> <p>The Applicant acknowledges that CDC does not currently have a consenting</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>CDC and the Applicant met on 21 May 2026 and 10 June 2026 to discuss CDC's comments on the draft Order.</p> <p>Following those meetings, CDC understands that the Applicant will reconsider its position in respect of the permit scheme. CDC considers the permit scheme is a helpful tool to better manage activities on their highway network, as well as minimising disruption caused by street works. CDC therefore looks forward to receiving the Applicant's comments as soon as possible.</p> <p>CDC notes the Applicant's comments regarding “the very significant role it will play in the discharge of requirements under Schedule 2, including Requirement 6”. CDC is obviously aware of this role; however, that role is different from the other role which the Applicant has given CDC in (for example) article 13 and it is</p>

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>be carried out in accordance with the Council's standard section 278 agreement.</p> <p>Turning to article 11(1), this provision allows the undertaker to interfere with and execute works in or under the streets specified in Schedule 4 for the purposes of the authorised development.</p> <p>Absent a suitable highways side agreement and application of the permit scheme to protect CDC's highways interests, CDC considers article 11(1) should be subject to the street authority's consent and amended as follows –</p> <p>"The undertaker may, for the purposes of the authorised development <b>and subject to the consent of the street authority</b>, enter on so much of any of the streets specified in Schedule 4</p>	<p>role for the exercise of article 11 of the draft Development Consent Order [Document Reference 3.2 Revision 4] <a href="#">[REP2-002]</a>. However, Article 11(1) is expressly limited by reference to Schedule 4, which identifies the specific streets affected and the nature of the proposed works. The scope of this power is therefore currently subject to scrutiny through the examination process, and its exercise is confined to the streets and activities already assessed as part of the application. The Applicant considers a further consenting process to be inappropriate in this context, as it would undermine the "one stop shop"</p>	<p>that role that was the cause for CDC's concern, as articulated in row 4 of Column (i).</p> <p>Turning to the highways agreement, on 26 May 2026, CDC shared its standard s.278 highways agreement with the Applicant and the Applicant's comments on the same are awaited. It is commonplace for highways agreements to be entered into by DCO Applicant and local highway authorities and this has been the position since the onset of the DCO regime.</p> <p>CDC notes the Applicant's comments about a DCO providing a "one stop shop". In the light of this, CDC would be content to agree highways protective provisions ("PPs") with the Applicant. While local highway authority PPs are less commonplace than highway agreements, several DCOs do include them and CDC intends to submit its proposed PPs at Deadline 4. These are likely to be similar to those included in the Northampton Gateway Rail Freight Interchange Order 2019 (SI 2019/1358) (<a href="#">Part 3; Schedule 16</a>).</p>

<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
<p>(streets subject to street works) and may— ...”</p> <p>The same point applies in respect of the following articles:13(1) (power to alter layout, etc. of streets), 15(1) (temporary closure of streets and public rights of way) and 16(1)(a) (access to works).</p> <p>CDC raised similar points last year during the examination of the Fenwick Solar Farm DCO project. During the examination, CDC and the Fenwick applicant agreed a suitable framework highways side agreement, based on CDC's standard section 278 agreement which is mentioned in article 16(3) (agreements with street authorities) of the Fenwick Order as follows –</p> <p>“Prior to the commencement of any works</p>	<p>function of Orders under the Planning Act 2008 regime. The amendments proposed by CDC are not standard, in this regard, and would represent a material departure from the widely adopted position in DCO drafting. CDC's amendments also overlook the very significant role it will play in the discharge of requirements under Schedule 2, including Requirement 6 (Detailed design approval).</p> <p>Substantially the same points arise in respect of Article 13(1). However, the Applicant highlights that CDC does have a consenting role in relation to the exercise of general (as opposed to</p>	

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>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 there is enough time for CDC and the applicant to agree a similar agreement for this project. A similar provision could then be included to article 18 (agreements with street authorities).</p> <p>Similarly, article 9 (application of permit scheme) applies CDC's traffic management permit scheme to the street works carried out under that Order. CDC considers the same should</p>	<p>specific) powers to alter the layout of streets under Article 13(2) (Power to alter layout, etc., of streets) of the draft Development Consent Order [Document Reference 3.2 Revision 4]. Accordingly, the Applicant cannot act unilaterally under Article 13(2), and the exercise of the power remains subject to appropriate oversight.</p> <p>The Applicant notes that the powers in Part 3 of the draft Development Consent Order [Document Reference 3.2 Revision 4] <a href="#">[REP2-002]</a> are widely preceded as set out in the Explanatory Memorandum [Document Reference 3.2 Revision 3] <a href="#">[REP2-004]</a></p>	

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>									
	apply to the street works under this Order also.											
6.	<p><b><u>Article 13(2) (power to alter layout, etc., of streets) includes a general power, subject to the consent of the street authority, to alter the layout of any street permanently or temporarily. The general power is not limited to streets within the Order limits.</u></b></p> <p>Twenty-eight days for the determination of applications is too short. The corresponding timeframe in the Fenwick Solar Farm Order 2026 (SI 2026/151) is eight weeks (or such longer period as may be agreed between the undertaker and CDC) (see article 46(4) (procedure in relation to certain approvals etc.).</p>	<p>The Applicant has addressed the concerns raised by CDC in relation to the discharge of requirement in its Written Responses to ExQ1 [Document Reference 8.8 Revision 1] [REP2-087] in the response to Q.5.0.8 and Q.5.2.9.</p> <p>In short, the periods referenced by CDC are comparable to the 8-week determination period for the relevant planning authority within the draft DCO [Document Reference 3.1 Revision 4] (paragraph 1(1) of Part 2 of Schedule 2) to consider applications to discharge requirements.</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>The Applicant's responses to Q.5.0.8 and Q.5.2.9 (included in the <i>Applicant's Written Responses to ExQ1</i> [REP2-087]) do not seem to concern the 28-day determination period under article 13(5).</p> <p>Moreover, contrary to the Applicant's explanation in its response, the periods referenced by CDC in Appendix 2 to [REP1-062] do not concern the determination period for applications to discharge requirements. They concern the determination of applications for consents under the articles of the Orders mentioned. For the avoidance of doubt, the position is as follows for each Order mentioned –</p> <table border="1" data-bbox="826 1182 1385 1877"> <thead> <tr> <th data-bbox="826 1182 965 1406"><b>Order</b></th> <th data-bbox="965 1182 1173 1406"><b>Determination period for applications under articles</b></th> <th data-bbox="1173 1182 1385 1406"><b>Determination period for requirements</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="826 1406 965 1630">Cottam Solar Project Order 2024</td> <td data-bbox="965 1406 1173 1630">10 weeks (article 45(4))</td> <td data-bbox="1173 1406 1385 1630">13 weeks (Schedule 16, paragraph 2(2))</td> </tr> <tr> <td data-bbox="826 1630 965 1877">Gate Burton Energy Park Order 2024</td> <td data-bbox="965 1630 1173 1877">10 weeks (article 43(4))</td> <td data-bbox="1173 1630 1385 1877">10 weeks (Schedule 15, paragraph 2(2))</td> </tr> </tbody> </table>	<b>Order</b>	<b>Determination period for applications under articles</b>	<b>Determination period for requirements</b>	Cottam Solar Project Order 2024	10 weeks (article 45(4))	13 weeks (Schedule 16, paragraph 2(2))	Gate Burton Energy Park Order 2024	10 weeks (article 43(4))	10 weeks (Schedule 15, paragraph 2(2))
<b>Order</b>	<b>Determination period for applications under articles</b>	<b>Determination period for requirements</b>										
Cottam Solar Project Order 2024	10 weeks (article 45(4))	13 weeks (Schedule 16, paragraph 2(2))										
Gate Burton Energy Park Order 2024	10 weeks (article 43(4))	10 weeks (Schedule 15, paragraph 2(2))										

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply		
<p>The Secretary of State considered 8 weeks was appropriate in respect of that Order and CDC sees no reason to depart from that timeframe in this Order. As mentioned elsewhere in this table, CDC considers consistency in the administrative arrangements of the DCOs which will affect its area would be helpful.</p> <p>Turning to the 28-day deadline generally, CDC notes the deadline proposed by the applicant is considerably shorter than those included in the precedents referred to by the applicant in the EM <a href="#">[APP-017]</a>. For example –</p> <p><b><u>Cottam Solar Project Order 2024 (SI 2024/943)</u></b></p> <p>Article 45(4) (Procedure in relation to certain approvals etc.)</p>	<p>In relation to article 13, the Applicant has included a deemed consent provision in article 13(5). This has the effect of consent being deemed to be given should the street authority fail to notify the Applicant of a decision within 28 days of the receipt of the application. This is considered necessary to avoid undue delay to the delivery of the Scheme. The Applicant notes that the recently published, Nuclear Regulatory Review 2025 produced by a Taskforce led by John Fingleton, recommended that model provisions for DCO drafting should be reinstated to help solve</p>	<p>Mallard Pass Solar Farm Order 2024</p>	<p>8 weeks (article 43(4))</p>	<p>10 weeks (Schedule 16, paragraph 2(1))</p>
		<p>Longfie Id Solar Farm Order 2023</p>	<p>8 weeks (article 42(4))</p>	<p>10 weeks (Schedule 16, paragraph 2(1))</p>
		<p>The Applicant states the 28-day period is needed to avoid delay to the delivery of the scheme. CDC considers 28 days will not be enough time to determine an application and, in those circumstances, there is a risk that applications will have to be refused. This will not aid the Applicant in delivering its scheme expeditiously.</p> <p>CDC would prefer not to risk having to refuse an application because of a time limit which is too short. It would be preferable to build in additional time.</p> <p>Providing a reasonable timeframe will assist with that aim and CDC considers 8 weeks (capable of extension, by agreement) is such a timeframe. Its consistency with the timeframe in the Fenwick Order is attractive because it will ensure CDC is not subject to a patchwork of different DCO determination periods.</p> <p>In the light of the above, SCC maintains its position that 8 weeks (or such longer period as may be agreed) is reasonable and proportionate. The same period should be included in the following articles: 15(9), 16(2), 18(8), 19(9), and 21(6)).</p>		

<p><b>(i) CDC's comment</b></p>	<p><b>(ii) Applicant's response</b></p>	<p><b>(iii) CDC's reply</b></p>
<p>– <b>ten weeks</b> (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing)</p> <p><b><u>Gate Burton Energy Park Order 2024 (SI 2024/807)</u></b> Article 43(4) (Procedure in relation to certain approvals etc.)</p> <p>– <b>ten weeks</b> (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing)</p> <p><b><u>Mallard Pass Solar Farm Order 2024 (SI 2024/796)</u></b> Article 43(4) (procedure in relation to certain approvals etc.)</p> <p>– <b>eight weeks</b> (or such longer period as may be agreed between the undertaker and the relevant</p>	<p>common problems occurring in the consenting of NSIPs. One of the model provisions included in the Review is the inclusion of 28 day decision making period with deemed consent applying at the end of this. On 26 November 2025, the Prime Minister fully endorsed the recommendations of the Review, accepting “the principle of all the recommendations it has set out”. The Applicant therefore considers the inclusion of this provision entirely appropriate and necessary to align with the emerging industry approach.</p>	

	(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
	<p>consenting authority in writing).</p> <p><b><u>Longfield Solar Farm Order 2023 (SI 2023/734)</u></b></p> <p>Article 42(4) (procedure in relation to certain approvals etc.) – <b>eight weeks</b> (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing).</p> <p>CDC's requested deadline is therefore consistent with deadlines the Secretary of State has recently considered appropriate inside and outside its administrative area.</p>		
7.	<p>As mentioned in row 4, article 13(5) (power to alter layout, etc., of streets) states –</p> <p>“If a street authority which receives an application for consent under paragraph (4) fails</p>	<p>The Applicant has added wording to Article 13(5) of the draft Development Consent Order [Document Reference 3.2 Revision 4] <a href="#">[REP2-002]</a> submitted at Deadline 2 to include the</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>CDC does not agree it is clear what the effect of failing to include the second statement would be. And that is presumably why the second paragraph has been included in DCOs which include the first, including –</p> <ul style="list-style-type: none"> <li>• The Fenwick Solar Farm Order 2026 (SI 2026/151)</li> </ul>

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent".</p> <p>The deeming provision should be followed by the following provision, which has been included consistently in DCOs since around 2020, and which requires the undertaker to inform the authority of the deeming provision when it makes the application –</p> <p><b><u>"(X) Any application to which this article applies must include a statement that the provisions of paragraph (2) apply to that application."</u></b></p> <p>The officers dealing with an application under article 13 might not be aware of the deeming</p>	<p>following suggested wording –</p> <p>"(X) Any application to which this article applies must include a statement that the provisions of paragraph (5) apply to that application."</p> <p>The Applicant has not incorporated the second paragraph suggested as it is clear that this would be the effect of failing to include the statement now required.</p> <p>The Applicant has arranged to meet with CDC on 21 May 2026 to discuss the drafting of the draft Development Consent Order [Document Reference 3.2 Revision 4] <a href="#">[REP2-002]</a> and would be happy to discuss this matter further.</p>	<ul style="list-style-type: none"> <li>• The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (SI 2025/1054)</li> <li>• The National Grid (Bramford to Twinstead Reinforcement) Order 2024 (SI 2024/958)</li> </ul> <p>The provision is uncontroversial and aids the better understanding of the Order. Like the first statement, it should be included in each provision which includes a deeming provision.</p>

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>provision and so it is reasonable for any application to inform the recipient of that significant power. In addition, a failure to inform the recipient of the power should have a consequence and new paragraph (X) should be followed by –</p> <p><b><u>“(Y) If an application for consent under paragraph (4) does not include the statement required under paragraph (X), then the provisions of paragraph (5) will not apply to that application”.</u></b></p> <p>New paragraphs (X) and (Y) (or versions of them) should also be included in the following articles, each of which includes a deeming provision: 15(8) (temporary closure or restriction of streets and public rights of way), 16(2) (access to</p>		

	(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
	works), and 19(8) (traffic regulation measures), each of which includes a deeming provision.		
9.	<p>Article 15(8) demands that an application for consent under article 15(b) must be determined within 28 days, otherwise consent is deemed to be granted. In addition to this, article 15(5) demands consent must not be unreasonably withheld or delayed.</p> <p>With the deeming provisions included there is no need to also say that the approvals must not be “unreasonably withheld or delayed”.</p> <p>In the Sea Link draft DCO <a href="#">[REP6-005]</a>, the applicant (National Grid Electricity Transmission) has</p>	<p>The Applicant agrees that the provision of a deemed consent mechanism reduces the prospect of consent being “unreasonably delayed”. However, the Applicant does not believe a deemed consent mechanism sufficiently addresses the restriction of consents not being “unreasonably withheld”. This restriction ensures that consents are not unjustifiably refused. The Applicant notes that CDC's public law duties would also prevent this but considers it helpful for this restriction to be set out explicitly. The Applicant notes that this wording is well-</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>CDC does not consider the 28-day determination period is long enough. The Applicant has chosen that determination period and considers it is a reasonable timeframe. In the light of this, it is difficult to understand how a consent could be “unreasonably withheld or delayed” if determined within that period.</p> <p>CDC notes that, by section 161(1)(b) of the Planning Act 2008, it is an offence – without reasonable excuse – for a person to fail to comply with the terms of a DCO. By section 161(4)(a) a person guilty of an offence under section 161 is liable, on summary conviction, to a fine not exceeding £50,000.</p> <p>It is conceivable that somebody could say that if a discharging authority, subject to the provision as currently drafted, acts unreasonably in withholding or delaying their actions, they are committing a criminal offence. And that is a very good reason why this provision should not be included. CDC is not persuaded by the need for an additional criminal sanction to regulate local authority behaviour and is unaware of evidence of dilatory behaviour by local authorities in dealing with applications for consent arising from DCOs. The words should be omitted from the Order.</p>

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
	<p>included “unreasonably withheld or delayed” in the equivalent provision and SCC has sought the deletion of these words. At Deadline 6 of the Sea Link DCO examination, the ExA submitted its Schedule of ExA's recommended amendments to the applicant's dDCO. The ExA has recommended the deletion of these for following reasons –</p> <p>“The ExA considers that the inclusion of “which shall not be or must not be unreasonably withheld or delayed” (or a variation of such words) would add ambiguity rather than clarity.</p> <p>CDC agrees and considers article 15(5) should be amended as follows –</p>	<p>precedented. See, for example, Article 12(5)(b) of the A122 (Lower Thames Crossing) Development Consent Order 2025 and Article 13(5)(b) of the Boston Alternative Energy Facility Order 2023.</p>	

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>“(5) The undertaker must not temporarily close, prohibit the use of, restrict the use of, authorise the use of, alter or divert—</p> <p>(a) any street or public right of way specified in paragraph (1) without first consulting the street authority during a period of not less than 28 days; and</p> <p>(b) any other street or public right of way without the consent of the street authority;</p> <p><b>such consent not to be unreasonably withheld or delayed”.</b></p> <p>The same point applies to article 49(1) (requirements, appeals, etc.)</p>		

	(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
	<p>which CDC considers should be amended as follows –</p> <p>“Where an application is made to, or a request is made of, the relevant planning authority or any other relevant person for any consent, agreement or approval required or contemplated by any of the provisions of this Order, such consent, agreement or approval must, to be validly given, be given in writing <b>and must not be unreasonably withheld—or delayed</b>”.</p>		
10	<p><b>Article 18</b> (agreements with street authorities) is a model provision which authorises street authorities and the undertaker to enter into agreements relating to the strengthening, improvement,</p>	<p>The Applicant notes that this article was deleted in the iteration of the draft Development Consent Order submitted at Deadline 1 <a href="#">[REP1-004]</a>.</p> <p>The Applicant considers the inclusion of this</p>	<p>Please see CDC's comments in row 4.</p>

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
	<p>repair or reconstruction of any streets; etc.</p> <p>CDC are concerned by the scope of the powers proposed under Part 3; however, it is possible most concerns can be addressed by making the proposed works under Part 3 subject to an agreement drafted in line with CDC's standard highways agreement.</p>	<p>article to be unnecessary.</p> <p>The Applicant and street authorities are already able to enter into agreements under the Highways Act 1980. The inclusion of this article is therefore unnecessary and could in fact imply that the ability to enter into agreements should be constructed more narrowly than it would be if reliance was placed on the Highways Act 1980 instead. This would not be a logical outcome.</p> <p>The Applicant has arranged to meet with CDC on 21 May 2026 to discuss the drafting of the draft Development Consent Order [Document Reference 3.2 Revision 4] <a href="#">[REP2-002]</a> and the role of highway</p>	

	(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
		agreements will be discussed.	
1 3	<p><b>Article 42</b> (trees subject to tree preservation orders) allows the undertaker to fell or lop or cut back the roots of any tree which is subject to a tree preservation order "within or overhanging land within the Order limits" to prevent obstructing or interfering with the construction, maintenance, operation or decommissioning of the authorised development or any apparatus used in connection with the authorised development.</p> <p>Paragraphs 22.2 and 22.3 of PINS Advice Note Fifteen: drafting Development Consent Orders state –</p> <p>"22.2 Applicants may also wish to include powers allowing them to fell, lop or cut</p>	<p>The Applicant confirms that there are no known TPO trees subject to proposed works under Article 42, hence the absence of a TPO schedule and plan. The powers in Article 42 have been included to address the Applicant's concern that a tree could become subject to a TPO following the date the Order is made, which could impede the Applicant's ability to deliver the Scheme expeditiously.</p> <p>The Applicant considers that the inclusion of the power on a precautionary basis is justified in this context. This is not inconsistent with PINS' Advice Note 15, properly</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>CDC disagrees with the Applicant's response. The Advice Note is clear that it is not appropriate for the power to interfere with TPO trees to be included in a DCO on a precautionary basis and the Applicant is seeking to include that power on precisely that basis.</p> <p>CDC notes that the Applicant is concerned that a tree could become subject to a TPO following the date the Order is made. To address the Applicant's concern, article 42 could be amended as follows –</p> <p>"42.—(1) Subject to paragraph (2), the undertaker may fell, lop or prune any tree that is subject to a tree preservation order <b><u>which was made following the date on which this Order was made,</u></b> within or overhanging land within the Order limits or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree from obstructing or interfering with the purposes of the authorised development or any apparatus used in connection with the authorised development".</p>

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
	<p>back roots of trees subject to a Tree Preservation Order (TPO). This power can extend to trees which are otherwise protected by virtue of being situated in a conservation area. <b><u>To support the ExA inclusion of this power should be accompanied by a Schedule and plan to specifically identify the affected trees. 22.3 Trees subject to TPO and/ or are otherwise protected (and likely to be affected) should be specifically identified. It is not appropriate for this power to be included on a precautionary basis. Proper identification of affected trees will enable the ExA to give full consideration to the particular characteristics</u></b></p>	<p>construed. The Applicant has not identified any existing TPO designations and is only seeking to provide protection in respect of future TPO designations (not current TPO designations which may be overlooked). Such future TPO designations are by definition unknown and cannot be identified at the current time.</p> <p>The Applicant notes that this approach is precedented in solar DCOs. See, for example:</p> <ul style="list-style-type: none"> <li>• The Longfield Solar Farm Order 2023 (article 37);</li> <li>• The Byers Gill Solar Order 2025 (article 39);</li> <li>The Heckington Fen Solar Park Order 2025 (article 36)</li> </ul>	

	(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
	<p><b><u>that gave rise to their designation and the desirability of continuing such protection</u></b>”. [Emphasis added].</p> <p>In the light of this advice, CDC considers this article should be accompanied by a TPO Schedule and Plan.</p>		
1 4	<p><b><u>Schedule 2: Requirement 3 (phasing of the authorised development and date of final commissioning)</u></b></p> <p>CDC considers the written scheme approved under Requirement 3 should include a timetable for the construction phase and a plan identifying the phasing area and that a new paragraph along these lines should therefore be included –</p> <p>“The written scheme submitted</p>	<p>The Applicant does not consider it necessary to specify this as the requirement currently provides that “a written scheme setting out the phase or phases of construction of the authorised development” needs to be submitted to and approved by the relevant planning authority. CDC will be able to request information that should be included in this written scheme at the appropriate time.</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>As the Applicant states, CDC will have a “very significant role ... in the discharge of requirements”.</p> <p>To best assist the Applicant with that exercise, CDC would appreciate as much notice as possible as to when the applications for discharges are likely to be made. For example, it is likely CDC will need to recruit a locum planner to assist with the discharge of requirements, and recruitment is not straightforward.</p> <p>CDC would be content to receive the timetable on the basis that it is draft and likely to change, provided it is given reasonable notice of any changes.</p> <p>CDC would be content for the timetable to be included in another document, for instance a Planning Performance Agreement, if such a document could be agreed.</p>

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
	<p>pursuant to subparagraph (1) must include a timetable for the construction of the phase or phases of the authorised development and a plan identifying the phasing area”.</p> <p>Similar drafting has been included in the equivalent requirement of several solar DCOs including –</p> <ul style="list-style-type: none"> <li>• West Burton Solar Project Order 2025 (SI 2025/116) (requirement 2);</li> <li>• Cottam Solar Project Order 2024 (SI 2024/943) (requirement 2); and</li> <li>• Mallard Pass Solar Farm</li> </ul>	<p>The Applicant considers it unnecessary to set out this detail at this stage.</p> <p>The Applicant acknowledges that the drafting requested by CDC has been included in the solar DCOs cited. However, it also notes that this wording is not included in several solar DCOs including:</p> <ul style="list-style-type: none"> <li>• The Byers Gill Solar Order 2025 (Requirement 2);</li> <li>• The Stonestret Green Solar Order 2025 (Requirement 3);</li> <li>• The Longfield Solar Farm Order 2023 (Requirement 3)</li> </ul>	<p>CDC considers the provision of this information would benefit CDC and the Applicant.</p>

	(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
	Order 2024 (SI 2024/796) (requirement 3).		
1 9	<p><b><u>Schedule 2, part 2, paragraph 4 (fees)</u></b></p> <p>The first point to make is that while CDC will be required to deal with applications for consent under articles and under requirements, by paragraph 4(1), <b><u>a fee is only payable in respect of requirements.</u></b> CDC considers that a fee should also be paid for dealing with applications under articles.</p> <p><b><u>The second point to make is that the proposed fee is too low.</u></b> Paragraph 4(1) applies the fee prescribed in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed</p>	<p>The Applicant has arranged to meet with CDC on 21 May 2026 to discuss the drafting of the <b>draft Development Consent Order [Document Reference 3.2 Revision 4] [REP2-002]</b> and will discuss these matters with CDC.</p> <p>The Applicant does however note that the prescribed fee under regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 is now £298. This is more than double the figure quoted by CDC (which</p>	<p>CDC maintains its position on this point. In addition, CDC would make the following points.</p> <p>While £298 is better than £145 it is still not enough to address (to borrow the Applicant's words) the "<b><u>very significant role</u></b> [CDC will have] in the discharge of requirements". [Emphasis added].</p> <p>On 26 May 2026, CDC shared its template DCO PPA with the Applicant. CDC understands the Applicant is not opposed to agreeing a PPA and CDC hopes that meaningful discussions on the PPA can begin in earnest once CDC receives the Applicant's comments on the template document.</p>

<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
<p>Applications, Requests and Site Visits) (England) Regulations 2012. This amounts to £145.</p> <p>If we assume an hourly rate of £100 for an officer to deal with this work, it will mean the officer would have to deal with any discharge application within approximately 3 hrs before dealing with the application was costing CDC money. It is unlikely that any application will be capable of determination within that time.</p> <p>While no local authority can make a profit for this work, it is reasonable for it to seek the full recovery of the actual costs incurred.</p> <p>This is not only about fairness but also about the way in which the Order is drafted. For example, by</p>	<p>applied before 1 April 2025). The Applicant hopes that this clarification will address CDC's concerns but will discuss the matter further with CDC.</p>	

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>paragraph 1(1) of Part 2 Schedule 2, CDC will have 8 weeks to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. A similar regime applies in respect of consents sought under articles.</p> <p>Dealing with any application for consent under this Order will therefore be a matter of high priority for the relevant planning authority and it is possible that external help will be sought to ensure matters are dealt with on time.</p> <p>Rather than the regime currently proposed in the Order, CDC considers it would be preferable if the applicant and CDC entered into a planning performance agreement ("<b>PPA</b>") for the full recovery of CDC's costs in</p>		

(i) CDC's comment	(ii) Applicant's response	(iii) CDC's reply
<p>discharging any application under the Order. There is enough time to agree a PPA during the Examination and CDC would welcome discussions to begin in earnest on the same.</p> <p>Once the PPA is agreed, existing paragraph 4 can be replaced with a provision which states fees for applications will be paid in accordance with the PPA. This was achieved in respect of the Fenwick Solar Farm Order 2026 (SI 2026/151). Paragraph 5 (fees) of Schedule 15 (procedure for discharge of requirements) to that Order states –</p> <p>“Where an application is made to the relevant planning authority for written consent, agreement or</p>		

	<b>(i) CDC's comment</b>	<b>(ii) Applicant's response</b>	<b>(iii) CDC's reply</b>
	<p>approval in respect of a requirement, or any other consent or approval under the articles of the Order, the applicant shall pay the costs in accordance with the agreement entered into by the undertaker and City of Doncaster Council on 20 August 2025, or any subsequent replacement agreement as to costs”.</p> <p>This is a key point for CDC. CDC trusts an equivalent provision can be included in the instant Order.</p>		

### **3. Transport and Access**

#### Matters Considered at ISH2

- 3.1 Other than the matters discussed under the heading of “Development Consent Order” set out above the Council has no other comments at this stage relating to the Transport and Access issues discussed at ISH2.

#### Comments Related from the Submission of Other Documents

- 3.2 The Council has no comments at this stage.

3.3 The Council has no comments at this stage.

Review of RWE responses to ExA questions [REP2-087]

3.4 The Council has no comments at this stage.

Other Matters

3.5 The Council has no comments on any other matters related to Landscape and Visual impact at this stage.

**4. Biodiversity and Ecology**

Matters Considered at ISH2

4.1 At ISH2 held on 23<sup>rd</sup> June 2026, the ExA asked the City of Doncaster to provide clarifications in relation to Biodiversity and Ecology. The following sets out City of Doncaster responses to the points raised:

*Nightjar - What the Council is looking for in terms Nightjar Mitigation;*

4.2 As nightjar are a qualifying feature in respect of the Thorne and Hatfield Moors Special Protection Area the Council expects that greater detail would have been provided as the mitigation plans shown in the Outline Landscape Ecological Management Plan (oLEMP) [REP2-070], Figures 1 and 2. There has been further discussion with the Applicant's ecologist, Tyler Grange following ISH2; details of the discussed nightjar mitigation are set out below in the section on skylark.

*Skylark - What the Council's view is on the mitigation for Skylark and in particular on what is the Council's view is of the mitigation actually proposed?*

4.3 In the oLEMP [REP2-070] the individual areas and mitigation plots along with other functional features are shown on two A4 landscape plans Figure 1 and Figure 2 with no clarification. Given the amount of information included in the whole submission the Council would have expected that there would be further detail to make clear, the locations and nature of the mitigation either as habitats or functional features. Figure 3 in the oLEMP [REP2-070] attempts to provide a simplified layout of mitigation areas but it is graphically not embedded into the document but merely pasted so that any detail is lost.

4.4 Rather than just text and crowded annotated maps, there should be more illustrative descriptions of how mitigation areas for priority species such as

skylark and nightjar will operate in relation to optimal physical landforms and related features. Cross-sections would certainly be useful for this.

- 4.5 All of these matters were discussed further with Tyler Grange on the 25th June 2026 following ISH2 and it was agreed that for both species (Nightjar and Skylark) a greater degree of detail will be provided for clearly identified mitigation areas. This will include cross sections which will identify landforms and vegetation features at-scale so as to confirm heights and distances. Figure 3 of the oLEMP [\[REP2-070\]](#) will be reformatted and provided separately to the Council and other parties.

*BNG - The Council's view on the percentage range for BNG. If not what is the Councils' estimated percentages?*

- 4.6 As mentioned at ISH2 South Yorkshire Local Planning Authorities have an emerging stance on the application of habitats to solar panels with a requirement for under panel grasslands to be of low distinctiveness, which is attached as Appendix 1 to this submission. This would be part of a potential three tiered approach to grassland establishment in solar farms with: beneath panel, in-between panels and wider boundary grassland which can be of medium distinctiveness moderate condition. Tyler Grange have accepted the principle of only having low distinctiveness grassland under the panels and also included this level for in-between panel grassland areas of the same type. This removes the need to carry out detailed scaled measurements off-plan when the net gain biodiversity units are in a significant surplus (+70%). This is a reasonable and appropriate approach as if the in-between grassland improves beyond expectations then this is ultimately beneficial to wildlife and BNG outcomes have not been jeopardised. Tyler Grange will amend the BNG metric with this approach to post intervention habitats.
- 4.7 A further issue in relation to BNG is identified at in Tween Bridge Solar Farm Environmental Statement Appendix 7.12: Biodiversity Net Gain report [\[CR1-016\]](#) at 3.21 it states that trading rules have been broken and Rule 1 has been broken where Mycelia states "There are net losses of Medium distinctiveness area habitats in 1 broad habitat group, and too few gains at higher distinctiveness categories to offset these losses".
- 4.8 The broad habitat group concerned is: Heathland and shrub, which loses 5.97 BU, from "Heathland and shrub - Bramble scrub" (1.59 BU pre-intervention, and 0.0 BU post-intervention, so a loss of 1.59 BU), "Heathland and shrub - Mixed scrub" (4.38 BU pre-intervention, and 0.0 BU post-intervention, so a loss of 4.38 BU).
- 4.9 The Council considers that it is not acceptable that there is a + 79.82 % net change in area biodiversity but the Biodiversity metric rules in the BNG guidance are not being adhered to. Having discussed this with Tyler Grange

they have accepted that it would not be difficult or compromising to amend the BNG Metric to ensure that BNG trading rules are not broken.

- 4.10 Discussions between the ExA and Tyler Grange addressed the matter of the operational area of the Order Area being within the statutory designated site (Thorne Moors) and this can be resolved through a commitment from the applicants to ensure non-operational land in this area.

*The Change Request – In particular because if the area of land still involved to be used to calculate the BNG gain, then there is a potential problem because if the DCO powers do not apply, how can this be controlled?*

- 4.11 The Council notes the Applicant's explanation regarding the removal of DCO powers from part of the mitigation area to the north of the order limits and the use of that area for BNG/habitat creation purposes. The Council will review the Applicant's post-hearing note on this point and, if necessary, will respond at Deadline 4 with any comments.

#### Comments Related from the Submission of Other Documents

- 4.12 The Council has no comments at this stage.

#### Comments on Local Impact Report (City of Doncaster Council) [\[REP2-089\]](#)

- 4.13 The Council has no comments at this stage.

#### Review of RWE responses to ExA questions [\[REP2-087\]](#)

- 4.14 The Council has no comments at this stage.

#### Other Matters

##### *Habitat Management*

- 4.15 The Council has significant concerns about the management of habitats delivered through BNG. It is appreciated that much work goes into the planning and establishment of habitats within a solar farm but the aftermath of long term management is generally dealt with briefly, with no detail or clear specification. 'Hopes' and proposals' for grazing do a disservice to the careful planning and survey work that would have preceded the creation of the solar farm. It can also compromise the planned target conditions within the BNG assessment and in turn the Net Gain Plan.

## *Water Quality Monitoring*

4.16 In respect of water quality the Council requests that Applicant confirms whether they will have a water quality monitoring regime. It is easy to assume that the cessation of arable cropping with absence of inputs and land/soil disturbance will lead to improved water quality as stated 3.2.3 of the oLEMP [\[REP2-070\]](#) But, it should not be assumed that this is the case and there should be some monitoring over a 10 year period at specific locations to ensure that these benefits do accrue and that there are not other adverse impacts that are currently unknown. The Council also requires the Applicant to confirm if there is any potential for unexpected contaminating inputs as a result of the locations of the panels, e.g. any fixings or connecting equipment. It is understood that there is a significant stand-off between the operational areas and watercourses but gravitational effect cannot be easily overcome. The Council considers that a water quality monitoring programme should be put in place. It would request that the Applicant puts forward a water quality monitoring plan that includes:

- Objectives of water quality monitoring
- Sampling locations
- The types of pollutants to be tested at sampling locations; Frequency and duration of monitoring programme; and
- Reporting and sharing of data reviews.

## **5. Cultural Heritage**

### Matters Considered at ISH2

5.1 In relation to Cultural Heritage and in particular archaeology the South Yorkshire Archaeological Service (SYAS) on behalf of City of Doncaster Council continues to consider that insufficient work has been undertaken to adequately describe the significance of potentially affected heritage assets. However, we remain committed to constructive engagement with the Applicant to better understand the potential impacts of the scheme.

### Comments Related from the Submission of Other Documents

5.2 SYAS has since ISH2 received an updated zoning plan from the Applicant. This will be reviewed in discussion with both the Applicant and the archaeological advisor for North Lincolnshire Council. SYAS will provide a formal view on this at Deadline 4.

### Comments on Local Impact Report (City of Doncaster Council) [\[REP2-089\]](#)

5.3 The Council has no comments at this stage.

- 5.4 In their question, the Examining Authority requested that ‘examples of work undertaken on other DCO solar developments should be identified’. SYAS and the Applicant have both referred to two recent DCO solar projects; however, the Applicant’s response does not accurately reflect the archaeological work undertaken on those schemes.
- 5.5 Fenwick Solar [PINS Reference: [EN010152](#)] is cited as an example of a project where no intrusive archaeological investigations were undertaken prior to application. This does not align with the examination evidence. A comprehensive programme of archaeological evaluation was carried out in advance of submission, comprising 649 trial trenches. This work is documented in the Fenwick Solar Farm Trial Trench Evaluation Report [[REP1-045](#)] submitted at Deadline 1 of the Fenwick examination, which confirms that trenching took place between May and July 2024. The Fenwick scheme was granted consent in February 2026.
- 5.6 Tillbridge Solar Project [PINS Reference: [EN010142](#)] is cited as an example of a scheme where limited, targeted trenching was undertaken pre-application. Again, this is not consistent with the submitted evidence. An Archaeological Evaluation Overarching Executive Report, provided as Appendix 8-6 of the Environmental Statement [[APP-068](#)], confirms that a substantial programme of evaluation was completed. This included 2628 archaeological trial trenches and 52 geoarchaeological boreholes across approximately 1400 hectares between April and September 2023. The Tillbridge scheme was granted consent in 2025.
- 5.7 In both cases, the scale of pre-application archaeological investigation was significantly greater than indicated in the Applicant’s response.

#### Other Matters

##### *DCO Wording and Further Archaeological Works.*

- 5.8 The Environmental Statement Appendix 8.6: Outline Archaeological Strategy [[REP2-045](#)] states that “Each phase of archaeological works will require a specific Written Scheme of Investigation (WSI)” (paragraph 5.6). It also sets out a range of evaluation techniques and mitigation measures and clarifies that these should be treated as separate phases within a broader iterative approach (paragraph 5.7). SYAS agrees with this overall approach. However, Requirement 12 [[CR1-006](#)] refers only to a WSI for each phase. As it is likely that more than one WSI may be required within a given phase, this wording may not provide sufficient clarity as to which document would enable discharge of the pre-commencement element of the requirement. SYAS considers that this should be clarified to ensure consistent interpretation.

- 5.9 Section 9 of the Outline Archaeological Mitigation Strategy [\[REP2-045\]](#) outlines the process for preserving archaeological remains in situ where these are identified as being of high significance during evaluation. Paragraph 9.2 allows for the preparation of an Archaeological Mitigation Statement for each case. Paragraph 9.5 further indicates that details of areas preserved in situ, and associated restrictions, will be included within other relevant outline plans. SYAS considers that the relationship between these elements requires further clarification. In particular:
- It is unclear whether Archaeological Mitigation Statements will form part of the archaeological mitigation WSI for each phase or be standalone documents;
  - It is unclear whether the statements will be fully incorporated into other plans or only summarised within them;
  - It is not evident how these documents would be secured through Requirement 12 [\[CR1-006\]](#).
- 5.10 Greater clarity on these processes would assist in ensuring that the proposed approach is clear and capable of effective implementation.
- 5.11 Paragraph 9.4 of the Outline Archaeological Mitigation Strategy [\[REP2-045\]](#) sets out general design parameters for areas where preservation in situ is agreed as the mitigation measure. SYAS agrees with these principles. However, Requirement 12 [\[CR1-006\]](#) does not provide a clear mechanism for approving the detailed design measures required to deliver preservation in situ once final design has been completed for each phase.
- 5.12 Requirement 6 [\[CR1-006\]](#) provides an established mechanism for securing detailed design in other technical areas, including landscape and ecology. SYAS considers that a similar approach could be applied to archaeology. SYAS therefore suggests that Requirement 6 is amended to include the following provision:

“6. (2) (d) the archaeological mitigation WSI for that phase as approved under requirement 12.”

*Sensitivity Test Report*

- 5.13 SYAS agrees with the conclusions of the Sensitivity Test Report, which indicate that the proposed timing changes would not result in any alteration to the nature, magnitude, or significance of the effects reported in the Environmental Statement.

## 6. Landscape and Visual

### Matters Considered at ISH3

- 6.1 In relation to Landscape and Visual impacts a number of discussion were raised at ISH3. The following sets out City of Doncaster responses to the points raised:

*The ExA asked about City of Doncaster Council's consideration of sensitivity of the Thorne and Hatfield Peat Moorlands character area and the use of the 2007 character assessment as the baseline character descriptions, as referred to in paragraph 10.15 the City of Doncaster Council Local Impact Report (LIR) [REP1-062].*

- 6.2 City of Doncaster Council feels that the Applicant should have used more recent baseline landscape character assessment details than the character assessments used to inform the report (which are 20 and 27 years old). Two character area assessments were identified in particular: (with further information on the 2014 assessment subsequently provided in this written response):
- 6.3 Landscape Character Assessment for the Isle of Axholme and Hatfield Chase Landscape Partnership with Countryside and Steven Warnock (2014)
- 6.4 Additional information provided in written response: The Isle of Axholme and Hatfield Chase Landscape Partnership was a programme funded by the National Lottery Heritage Fund lead by North Lincolnshire Council. The report was prepared as part of an application to a heritage lottery fund and highlights 'several rare and valuable ecological and cultural landscapes, including England's largest areas of lowland raised mire, some of the most extensive surviving medieval strip field systems in the country'.
- 6.5 North Lincolnshire Landscape Character Assessment, North Lincolnshire Council, JBA (2021) Forms part of the evidence base to the emerging local plan.
- 6.6 Both these character assessments highlight the valuable landscapes within City Doncaster Council and North Lincolnshire area and should have been considered when informing the baseline studies for the assessment. An example given is that in the 2021 assessment, in relation to the Trent Levels, it is recommended for consideration as an 'Area of High Landscape Value'.
- 6.7 The Council would therefore welcome a more detailed assessment of the effect of the proposals on the landscape character, informed by current available studies at a more detailed scale. This should then address if the Thorne and Hatfield Peat Moorlands should have been given a sensitivity rating of very high rather than high.

*Question relates to point 10.22 in the City of Doncaster Local Impact Report [REP1-062] regarding the lack of consideration of the hedgerows maturation at decommissioning or the change in the landscape character over the 40 year period.*

- 6.8 The Council clarified that the addition of hedgerows to the landscape can be considered a beneficial effect where appropriate and this is not disputed, however it feels that the consideration of the hedgerows maturing in the landscape over the 40 year time period has not been acknowledged as part of the decommissioning assessment. This should be addressed in more detail within the report.

*Question relates to point 10.27 in the CDC LIR [REP1-062] regarding Residential Visual Amenity Assessment (RVAA) [APP-062] and the lack of acknowledgement to the change in views due to the proposed hedgerows.*

- 6.9 The Council highlighted that there is no acknowledgement that a shortened screened view (due to mitigation hedgerow planting) is still likely to result in adverse effects on RVAA receptors. This should be addressed in more detail in the RVAA.

#### Comments Related from the Submission of Other Documents

- 6.10 City of Doncaster Council has the following additional comments related to Submission of Other Documents:
- (i) Environmental Statement Chapter 3: Site Description, Site Selection and Iterative Design Process (Rev 2) [REP2-019]: The Council notes that no additional detail has been added in relation to the landscape design proposals. The Council considers that The iterative design process carried out to develop the landscape proposals should be explained and demonstrated to allow for a full appreciation of the proposals;
  - (ii) Environmental Statement Chapter 17: Cumulative Impacts (Rev 2) [REP2-029]. The Council notes that there has been no update to landscape section and it therefore has no additional comments to make.
  - (iii) Environmental Statement Chapter 6: Landscape and Visual (Rev 3) [REP2-033]. The Council notes that the Substation has been added to Viewpoint 26. The substation is now illustrated in the photomontage for Viewpoint 26 as previously it had not been included. The assessment states that only glimpsed views would be available during construction and operation. City of Doncaster Council would query this as it appears to be a direct view of the substation.

- (iv) Environmental Statement Appendix 6.8: Photomontage Methodology [\[REP2-040\]](#). This is a new document. City of Doncaster Council has reviewed the methodology provided for the photomontages and agrees it is appropriate for the assessment.
- (v) Environmental Statement Figure 6.7: Cumulative Screened Zone of Theoretical Visibility Plan [\[REP2-057\]](#). This is a new document. City of Doncaster Council has no additional comment to make on this document.
- (vi) Outline Landscape Ecological Management Plan (Rev 3) [\[REP2-070\]](#). Additional high level landscape strategy detail has been added to the scheme design section. City of Doncaster Council feels that additional detail is still required in relation to the landscape design. For a development of this size the landscape proposals for each parcel (A, B, C, D and E) should be adequately explained to demonstrate how the proposals fit into the landscape characteristics and key feature of each parcel.

Comments on Local Impact Report (City of Doncaster Council) [\[REP2-089\]](#)

6.11 In relation to the Comments on Local Impact Reports (City of Doncaster Council) [\[REP2-089\]](#). CDC feel there are still a number of issues to be addressed as follows:

- The Council feels that the applicant has not used the most up to date Landscape Character Assessment (LCA) available to inform their assessment. Adopted character assessment guidance has been used but it has not been acknowledged that this is now nearly 20 and 27 years old respectively (CDC LCA and NL LCA) and there are more recent (although not adopted) character guidance studies available for reference;
- The character assessment in the LVIA does not look at a sufficiently fine grain of landscape character to inform the assessment. GLVIA3 states in para 5.16 that even when a LCA is available 'it is still likely that it will be necessary to carry out specific and more detailed surveys of the Order Limits and perhaps its immediate setting or surrounding'. This is to 'pick up other characterises that may be important in considering the effects of the proposal';
- The Applicant has not addressed landscape value in accordance with TGN 02-21: Assessing landscape value outside national designations<sup>1</sup>. This landscape has been designated previously and areas within the Order Limits or study area lie within areas recommended for consideration as an

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<sup>1</sup> [Technical Guidance Note \(TGN\) 02-21: Assessing landscape value outside national designations, Landscape Institute, 2021](#)

‘Area of High Landscape Value’ (ref example JBA LCA 2021: Trent Levels – Flat Drained Treed Farmland). Consideration as to whether this is a valued landscape should be fully explored in accordance with the TGN;

- The Council disagree with the applicant in relation to the influence on the landscape character of major road corridors over the Order Limits. The major road corridors do influence the landscape character within their immediate environs, but not over the whole character of the Order Limits. The landscape character assessment should readdress this point;
- The Council considers that the applicant has not sufficiently described value and susceptibility in relation to landscape or visual receptors so it is difficult to say if the conclusions they have reached are accurate and considered;
- The Council considers that the applicant has not provided enough detail in addressing magnitude and effect, particularly in relation to the visual assessment and RVAA. It is therefore difficult to say if the conclusions are accurate and considered;
- The Council does not consider that all the ancillary infrastructure has been adequately considered in the assessment of landscape and visual effects. For example the 400kv substation was originally omitted from the landscape design proposal plans and the visualisations. It has subsequently been added to both, but the assessment text has not been updated to reflect its addition;
- The Council considers that more detail is required in relation to the landscape design proposals in order to fully appreciate the landscape strategy. Details are provided in the LEMP in relation to the mitigation parcels but there is little detail on how the landscape strategy for each parcel has evolved e.g., hedgerow strategy specific to the parcels, vegetation connectivity with surrounding landscape, how the characteristics of each parcel has been addressed;
- The Council considers that the ability for the landscape to host the proposed habitat is an important element of the design proposals and therefore soil sampling to determine suitability for the proposed habitat should not be left to a later stage.
- The Council considers that all vegetation within the Order Limits should be surveyed in accordance with BS 5837. This is to ensure all vegetation has been taken into account in the design, any removal adequately acknowledged and any protection measures for retained vegetation implemented appropriately.

- The Council considers that it should be made clear in the LVIA that proposed ecological habitat created as part of the project may not be retained following decommissioning;
- The Council agrees that hedgerow planting and enhancement are appropriate mitigation proposals however, it feels that the mitigation proposals themselves have not been considered sufficient in terms of their effect on the landscape and visual receptors, particularly with regards to the changes in open views and open landscape characteristics that will be experienced. This should be explained in the LVIA in further detail and further detail added to the design proposal description to demonstrate how the hedgerow mitigation has also considered the open landscape characteristics and views in its design;
- The Council has reviewed the methodology on photography received from the applicant and are satisfied that this is in accordance with current guidance.

Review of RWE responses to ExA questions [REP2-087]

- 6.12 In response to the Review of RWE responses to ExA questions [REP2-087] the City of Doncaster Council has the following comments:
- 6.13 Q8.0.5 - This question relates to the very limited provision of the assessment of construction effects. City of Doncaster Council welcomes the additional consideration of construction effects upon visual receptors, however, the assessment is brief for each identified receptor relative to the likely scale of the construction works and lacks detail with regards to what will be seen in terms of infrastructure and works activities. There is also a lack of reasoning provided with regards to the outcomes that have been assessed for some of the receptors.
- 6.14 Q8.0.6 - The EXA has raised that ES Tables 6-6 and 18-1 (residual effects) summarise a range of effects rather than worst case effects and requests that the tables are updated. City of Doncaster Council welcomes the updates to Table 6-6 and Table 18-1 to clarify and confirm worst case residual effects for individually named receptors.
- 6.15 Q8.0.11 - This question relates to queries how the LCA was carried out in relation to discounting areas due to the development only occupying a small portion of the character area. City of Doncaster Council agrees that there is limited assessment of how the landscape character would be affected by the development in the LVIA. A number of factors should be taken into consideration when predicting and determining landscape effects. As described in GLVIA3 these included 'change in and/or partial loss of elements, features or aesthetic or perceptual aspects that contribute to the character and

distinctiveness of the landscape; addition of new features that will influence the character and distinctiveness of the landscape, the combined effect of these changes on overall character'. These should all be described as fully as possible.

- 6.16 The description of the magnitude should have reference to size or scale relating to the extent that existing elements that will be lost and the degree to which the landscape will be altered. This is different to the proportion of the LCA affected. Geographical extent is also an important consideration, but this relates to whether the proposals influence the site at various scales – such as site level, immediate setting, character area or larger scale.
- 6.17 The LVIA does not detail the size or scale of the change and it does not address the landscape character at the various geographical extents for each parcel. For a site of this size we would have expected the assessment to address the effect on landscape character with consideration given to the various parcels of land, rather than a generic assessment of the whole site. It does not contain sufficient detail to determine the outcomes assessed.
- 6.18 In addition, it is noted that the applicant states in their response that 'Each of the local character areas are relatively large scale and extend beyond the extents of the study area'. The acknowledgement of the large scale of these landscape character areas suggests that smaller areas should be considered within the assessment to understand the effects at a local scale.
- 6.19 Q8.0.12 - The EXA questions that specific residential properties haven't been identified with regards to residual effects upon residential visual amenity and requests of table 6-6 to be updated. City of Doncaster Council welcomes the updates to Table 6-6 clarify and confirm worst case residual effects for individually named residential properties.

#### Other Matters

- 6.20 The Council has no comments on any other matters related to Landscape and Visual impact at this stage.

### **7. Flood Risk**

#### Matters Considered at ISH3

- 7.1 There were no additional issue raised ExA concerning Flood Risk in relation to which the ExA request clarifications from City of Doncaster Council.

#### Comments Related from the Submission of Other Documents

- 7.2 The Council has no additional comments at this stage.

Comments on Local Impact Report (City of Doncaster Council) [REP2-089]

7.3 The Council has no additional comments at this stage.

Review of RWE responses to ExA questions [REP2-087]

7.4 The Council has no additional comments at this stage.

Other Matters

7.5 At ISH3 North Lincolnshire Council raised the issue of the location and design infrastructure as part of the proposed development being located in Flood Zone 3b and citing harm as a result of the submission. City of Doncaster Council was asked to clarify our position on the application of the Sequential Test and Exception Test.

7.6 [Planning Practice Guidance on Flood Risk and Coastal Change](#) Paragraph 004 (Reference ID: 7-004-2022082) makes clear that where an assessment shows that flood risk is a consideration for a development proposal, then it should within sites make use of the site layout “to locate the most vulnerable aspects of development in areas of lowest flood risk, unless there are overriding reasons to prefer a different location”, and it makes clear that “where necessary, planning authorities [should] also apply the Sequential Test and, if needed, the Exception Test, to ensure that flood risk is minimised and appropriately addressed” and that “where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed”.

7.7 The Environmental Statement Appendix 10.1: Flood Risk Assessment Part 1, Paragraph 1.7 acknowledges that NPS EN-1 Paragraph 5.8.21 states that, “following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk, the Exception Test can be applied, as defined by Table 2 of the Planning Practice Guidance (PPG). The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available”.

7.8 The Council understand that North Lincolnshire Council’s main concern is that the Applicant, as discussed at ISH3, has simply not provided adequate explanation as to why in operational terms all the BESS infrastructure cannot located so as avoid Flood Zone 3b.

7.9 Not the intention of the sequential/exception tests to put the elements of a development at most risk in the areas at highest risk – for example in this case where the applicant has chosen to put BESS infrastructure in FZ3b.

7.10 City of Doncaster Council agrees with North Lincolnshire Council that the starting point should be as set out in paragraph 174 of the NPPF to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. City of Doncaster Council agrees with North Lincolnshire Council that it is not enough simply to rely in Table 2 of the PPG, because this only come into play once the sequential test is passed.

## **8. Planning Balance**

8.1 At ISH3 the ExA requested that City of Doncaster Council review its position in respect of the overall planning balance having regard to NPS-EN1 paragraph 4.2.15 which states:

8.2 “Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.’

8.3 City of Doncaster’s Local Impact Report (LIR) and the subsequent discussions at ISH2 and ISH3, as set out above make clear that the Council considers that there are still significant shortcomings in the information provided by the Applicant. This is a position that the Council has maintained to date in the course of the examination.

8.4 The Applicant has, as set out above, provided additional information in respect of archaeology, which is welcomed, and the Council looks forward to receiving the additional information in respect of Transport and Access, Biodiversity and Ecology, Cultural Heritage (already partially provided), Landscape, and Visual and Flood Risk.

8.5 Whilst the Applicant appears to rely on the proposed development falling within the meaning of Critical National Priority, as discussed at ISH1, and it is unlikely that residual impacts would outweigh the urgent need for development, without the baseline being properly identified and assessed, it is not possible for the Council to judge with any certainty that the likely significant negative effects of the development would be adequately avoided, reduced, mitigated or compensated for.

8.6 Therefore, in the context of paragraph 4.2.15 of NPS-EN1, at this stage the Council maintains its position that there are a number of significant issues which need to be addressed before Development Consent can be granted. The Council hopes to be in a position to clarify its position on the planning balance following receipt of the further information expected from the Applicant.

## **Appendix 1**

**Advice Note – Post-development habitat creation and enhancement measures on solar farm sites for the purposes of Biodiversity Net Gain (BNG)**

**South Yorkshire Councils (Barnsley, Doncaster, Rotherham and Sheffield) position**

# Advice Note – Post-development habitat creation and enhancement measures on solar farm sites for the purposes of Biodiversity Net Gain (BNG)

## South Yorkshire Councils (Barnsley, Doncaster, Rotherham and Sheffield) position

### Purpose of this advice note

This advice note aims to provide a consistent approach to realistically achievable habitat creation and enhancement measures proposed on solar farm sites across the county of South Yorkshire and how this is translated within Biodiversity Net Gain (BNG) calculations. This is in line with Principle 7 of the Biodiversity Metric used for BNG calculations, which states that habitat interventions need to be realistic and deliverable within a relevant project timeframe.

### Published guidance

Evidence used to inform this advice note is taken from the following sources:

- UKHab Briefing Note: Definition and Use of 83: Solar Panel Array (Consultation Draft), November 2025
- Solar Habitat 2025: Ecological trends on solar farms in the UK, Solar Energy UK

The UKHab Briefing Note states the following in relation to mapping solar panel arrays:

*When viewed from above, the impermeable photovoltaic panels in a solar array are best described as the UKHab habitat type u1b6 83 532: Other developed land, Solar panel array, Scattered grass. This combination of UKHab codes seems broadly appropriate for many baseline conditions observed in UK solar farms. UKHab’s definition was written to ensure that the typically grassland habitats (UKHab g~) between rows within a photovoltaic array did not get “lost” through classifying all the land within a solar array as the urban ecosystem (u1b6: Other developed land); recognising that large areas of grassland remain intact under a typical solar array design in the UK.*

In line with the above, it is appreciated that vegetation can persist beneath solar panels; however, habitats proposed in these parts of a new solar farm need to be realistically achievable. Consideration must be given to the altered microclimate likely to be created through the installation of solar panels through shade, rain shadow, etc. and disturbance, through maintenance works, of habitats in proximity of solar panel arrays.

Solar UK Energy published the findings of ecological monitoring surveys carried out in 2024 at 124 existing solar farm sites, representing 11% of sites across the UK. Botanical surveys were undertaken of grassland habitats on these sites with data collected from 2146 quadrats. Quadrat information was collected from different areas of the solar

farms, including beneath solar panels, within the rows between solar panels, outside of the main footprint of the solar panels and in areas managed/enhanced for biodiversity.

Average plant species richness recorded beneath solar panels was < 4 species and ≤ 6 species recorded between panels, with species richness increasing at the margins and outside of the arrays and in areas where biodiversity enhancement works have been undertaken.

### **South Yorkshire planning ecologist's stance**

On the basis of the above evidence, it is agreed that post-development habitats proposed beneath and between solar panels and input within the post-development tab of the biodiversity metric, be habitats of low distinctiveness, such as modified grassland, bare ground and ruderal/ephemeral vegetation. The data published by Solar UK Energy indicates that habitats beneath and between solar panels cannot be assigned a higher distinctiveness habitat, i.e. other neutral grassland. When referring to the UK Habitat Classification guide in relation to this habitat, criterion 2 is a neutral grassland with >8 species per m<sup>2</sup>. The Statutory Biodiversity Metric condition assessment sheet for grasslands of low distinctiveness also states that where 9 or more characteristic species per m<sup>2</sup> are recorded (excluding those listed in Footnote 1 of the sheet), grasslands can then be classed as a medium or higher distinctiveness habitat. The Solar Energy UK document indicates that the most frequently recorded plant type within the solar farms surveyed was grass species, while the most frequently recorded broadleaf species were creeping buttercup *Ranunculus repens*, creeping thistle *Cirsium arvense* and white clover *Trifolium repens*. These species are all listed within footnote 1 of the condition assessment sheet as sub-optimal species of medium and higher distinctiveness grasslands, providing further justification that higher-distinctiveness habitats beneath or between panels are not realistically achievable.

A condition of poor should be assigned to habitats below panels, with a higher condition potentially accepted for habitat between the panels depending on distance between panels, proposed management and predicted levels of disturbance through maintenance. Robust justification would have to be provided where a condition of moderate or higher is proposed.

Where there are blocks of solar arrays, 10% of the area beneath the panels should be input into the metric as built structure, allowing for supporting structures and footings.

It is encouraged that habitats proposed beyond blocks of solar panels include those more beneficial to biodiversity and aim for higher distinctiveness habitats of a higher condition. Again, consideration of principle 7 of the metric needs to be given and habitats should be realistically achievable, with justification for habitats proposed based on environmental conditions, habitat requirements and deliverability of future management.