

North Lincolnshire Council

**PLANNING ACT 2008 (AS AMENDED)
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

Planning Inspectorate's Reference: EN010148

**Subject: Application for an Order Granting Development Consent for the
Tween Bridge Solar Farm**

Applicant: RWE Renewables UK Solar and Storage Limited

**Site: Land East of Thorne; South of Tween Bridge Moors; West of Crowle;
North and Northwest of Sandtoft & Sandtoft industrial estate; north of Hatfield
Moors; and Northeast of Hatfield.**

DEADLINE 3 SUBMISSION

30 June 2026

Contents

Section	Page
1.0 Introduction	1
2.0 Summary of the Council's oral submissions made at the hearings in w/c 22 June 2026	1
3.0 NLC's comments on responses to ExQ1	4
4.0 The Council's comments on responses to LIRs	6
5.0 The Council's comments on responses to WRs	6
6.0 The Council's response to deadline 2 submissions	6
Appendix 1 - North Lincolnshire Council's Response to the Applicants Comments on NLCs Local Impact Assessment (REP2-090)	8

1.0 Introduction

- 1.1 This Statement comprises the Deadline 3 Submission of North Lincolnshire Council ('the Council', or 'NLC') in accordance with the Examining Authority's Rule 6 Letter dated 13th March 2026, and following Issue Specific Hearings 2 and 3 ('ISH2' and 'ISH3') held on the 23rd and 24th of June 2026 respectively.
- 1.2 This document represents the Council's latest position in respect of the application for Tween Bridge Solar Farm Project made by RWE Renewables UK Solar and Storage Limited ('the Applicant') and includes-
- a written summary of the Council's oral submissions made at the hearings in w/c 22 June 2026;
 - the Council's comments on responses to ExQ1;
 - the Council's comments on responses to LIRs;
 - the Council's comments on responses to WRs;
 - The Council's response to other matters raised by the ExA; and
 - the Council's response to deadline 2 submissions.

The Council is not aware of any further information requested from it by the ExA under rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.

- 1.3 The Council will seek to continue to work proactively with the Applicant's to resolve outstanding issues. Any matters which cannot be agreed will be set out clearly in the Statement of Common Ground between NLC and the Applicant.

2.0 Summary of the Council's oral submissions made at the hearings in w/c 22 June 2026

- 2.1 These comments are set out in the order the topics were considered during the hearing sessions on 23rd and 24th June.

ISH 2 - Development Consent Order

- 2.2 The Inspector's questions in this respect were largely directed towards the Applicant and City of Doncaster Council. NLC supports the comments made by City of Doncaster Council during the hearing.
- 2.3 Furthermore, the Council agrees with the ExA that a balance needs to be struck in the formulating of the DCO between the Applicant's desire for flexibility and ensuring adequate environmental protections are in place, to ensure there are no undue environmental impacts on the local community and the environment.

ISH2 Item 4a – Transport and Access

- 2.4 The Council has no further comments at this stage in respect of the transport and access issues discussed at ISH2.

ISH2 Item 4b – Biodiversity and Ecology

- 2.5 The Council has no further comments at this stage in respect of the biodiversity and access issues discussed at ISH2.
- 2.6 The Council notes that the Applicant intends to submit further information to resolve some of the issues discussed. The Council welcomes this intention and will comment further as appropriate once this information has been submitted.

ISH2 Item 4c – Cultural Heritage

- 2.7 The Council supports the comments made by South Yorkshire Archaeological Service (SYAS), speaking on behalf of City of Doncaster Council, during ISH2.
- 2.8 The Council welcomes the revised Geoarchaeological Assessment and zoning plans provided by the Applicant to the Council's Historic Environment Officer and SYAS, and the Council will seek to respond to these documents shortly.
- 2.9 At this stage, the Council maintains its position that there are significant shortcomings in the assessment of the archaeological potential of the site which should be resolved before Development Consent is granted.

ISH3 Item 3a – Landscape and Visual

- 2.10 During the Hearing, the Council's landscape advisor (Tetra Tech) advised that high sensitivity areas within the application site have not been assessed in sufficient detail, the consequence of which is that the assessment, of properly carried out, could result in different outcomes.
- 2.11 As has been the Council's position throughout, 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). From an NLC perspective, this includes the North Lincolnshire Landscape Character Assessment, North Lincolnshire Council, JBA (2021) which forms part of the evidence base to the emerging local plan.
- 2.12 These more contemporary documents should have been considered when informing the baseline studies for the assessment. The Council would therefore

welcome a more detailed assessment of the effect of the proposals on landscape character, informed by current available studies at a more detailed scale.

- 2.13 Tetra Tech also clarified that the addition of hedgerows to the landscape can be considered a beneficial effect where appropriate, and this is not disputed. However, in this case the consideration of the proposed new hedgerows maturing in the landscape over the 40-year period has not been acknowledged as part of the decommissioning assessment. NLC considers that this should be addressed in more detail within the Applicant's assessment.
- 2.14 In response to the ExAs question regarding RVAA and the lack of acknowledgement to the change in views due to the proposed hedgerows, Tetra Tech 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 and should be addressed in more detail in the RVAA.

ISH3 Item 3b – Flood Risk

- 2.15 In response to the ExAs questions about the need to locate substation and BESS infrastructure partly within Flood Zone 3b, the Council expressed its concerns from both a planning policy perspective in the context of the sequential and exception tests, and in respect of the real-life potential impacts of doing so.
- 2.16 The Council's concerns in this respect are set out in more detail in its LIR and at **Appendix 1** below and are not repeated here.

ISH3 Item 3c – Overall Planning Balance

- 2.17 The ExA requested that NLC review its position in respect of the overall planning balance. In doing so, the ExA referred the Council to NPS-EN1 paragraph 4.2.15 which states:

'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.'

- 2.18 The Council's LIR sets out its position on various matters where it considered that there were various shortcomings in the information provided by the applicant. This is a position that the Council has maintained throughout the

course of the examination given the inadequacy of the Applicant's submission. The Applicant's response has hitherto been that it did not consider it necessary to provide any further information and it was only during the hearing sessions held on 23rd and 24th of June, having been pressed by the ExA, that it has agreed to do so.

- 2.19 More recently the Applicant has provided additional information in respect to archaeology, which is welcomed, and the Council looks forward to receiving the additional information requested by the ExA in respect of landscape and visual impact and flood risk.
- 2.20 Whilst it is noted that residual impacts are unlikely to outweigh the urgent need for this type of infrastructure, 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.
- 2.21 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 will clarify its position on the planning balance following receipt of the further information expected from the Applicant prior to Deadline 4.

3.0 NLC's comments on responses to ExQ1

- 3.1 Issues in respect of archaeology and flood risk in particular are dealt with elsewhere in this Statement (including at Appendix 1) and are not repeated here.

Q1.0.1

- 3.2 NLC notes the Applicant's comment that '*Panels may be replaced if they fail, with a worst-case estimate of 10% of panels needing replacement due to breakage of failure, having been assumed*' in the context of the proposed overplanting rate of 1.5/1.6 discussed at ISH2.

Q8.0.5

- 3.3 NLC 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.

Q8.0.6

- 3.4 NLC welcomes the updates to Table 6-6 and Table 18-1 to clarify and confirm worst case residual effects for individually named receptors.

Q8.0.11

- 3.5 NLC 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.
- 3.6 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.
- 3.7 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 NLC 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.
- 3.8 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.

Q8.0.12

- 3.9 NLC welcome the updates to Table 6-6 clarify and confirm worst case residual effects for individually named residential properties.
- 3.10 The Council has no further comments at this stage on responses to EXQ1 (document REP2-087).

4.0 The Council's comments on responses to LIRs

- 4.1 The Council's comments on the Applicant's response to its Local Impact Report (LIR) are contained in the table attached at **Appendix 1** attached to this Statement. The comments only respond to issues where the Council takes a different view to the Applicants, otherwise the Applicant's responses (set out in document REP2-090) can be taken as 'noted'.

5.0 The Council's comments on responses to WRs

- 5.1 The Council has no further comments at this stage on written representations.

6.0 The Council's response to deadline 2 submissions

- 6.1 Environmental Statement Chapter 3: Site Description, Site Selection and Iterative Design Process (Tracked) (Rev 2) [REP2-020]: 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;
- 6.2 Environmental Statement Chapter 17: Cumulative Impacts (Tracked) (Rev 2) [REP2-030]: The Council notes that there has been no update to the landscape section of ES Chapter 17.
- 6.3 Environmental Statement Chapter 6: Landscape and Visual (Tracked) (Rev 3) [REP2-034]: The Council notes that additional description has been added regarding the construction compounds; additional assessment has been included regarding the construction effects on visual receptors; significant construction effects are now stated upon footpath and road users. It is also noted that there are no updates made to the landscape character assessment or to provide additional description re value and sensitivity.
- 6.4 The Council consider the landscape character assessment requires more detail with regards to baseline information, sensitivity descriptions, magnitude assessment and effects assessment for the reasons set out in the LIR. It is therefore not possible at this stage to determine if the stated outcomes are accurate. NLC also considers that the visual assessment requires more detail with regards to magnitude assessment and effects assessment for the reasons set out in the LIR. Similarly, without more detail it is not possible to determine if the stated outcomes are accurate.

- 6.5 Environmental Statement Appendix 6.4: Photomontage Visualisations Winter (Rev 2) [REP2-039]: 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, however the Council would query this as it appears to be a direct view of the substation.
- 6.6 Environmental Statement Appendix 6.8: Photomontage Methodology [REP2-040]: This is a new document. The Council has reviewed the methodology provided for the photomontages and agrees it is appropriate for the assessment.
- 6.7 Outline Landscape Ecological Management Plan (Tracked) (Rev 3) [REP2-071]: Additional high level landscape strategy detail has been added to the scheme design section. The Council considers 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.
- 6.8 The Council has no further comments at this stage on the deadline 2 submissions, except where contained within this Statement.

Appendix 1

North Lincolnshire Council’s Response to the Applicants Comments on NLCs Local Impact Assessment (REP2-090)

Para	NLC LIR Comment	Applicant’s Response (Deadline 2)	NLC further Response (Deadline 3)
<i>Environmental Statement</i>			
4.1 – 4.11	<p>In summary, the Council questions whether the Environmental Assessment has been carried properly, having regard particularly to whether ‘the project’ has been correctly identified.</p> <p>It appears to the Council that, with reference to the <i>Ashchurch Parish Council</i> case, the off-site NGET substation and grid connections are a functionally interdependent and an integral part of the development.</p>	<p>In submissions 4.01 to 4.11, North Lincolnshire Council have made detailed submissions about the definition of the “project” in EIA terms. However, those submissions are not germane to the issue currently under consideration, namely whether there is sufficient understanding of the location of the point of connection for the Scheme to enable a meaningful assessment of the point of connection itself and the route of the proposed 400 kV export connection cable. The purpose of EIA is to identify and assess the likely significant environmental effects of development, having regard to current knowledge and available assessment methodologies. The Applicant refers to ES</p>	<p>The Council remains concerned that the Applicant has not properly identified ‘the project’ for the purposes of the ES.</p> <p>As referred to in the <i>[Raeshaw Farms Ltd v Scottish Ministers [2026] CSIH 10]</i> judgment, the practical and commercial difficulties of grid connections not being known in the early stages of development are recognised. Nevertheless, the Irish cases referred to in the judgment indicate that <i>‘the lack of formulated proposals for grid connections did not justify treating phase 1 of a scheme as a stand-alone project, rather it was suggestive of permission being sought prematurely’</i>.</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
		<p>Chapter 4: Approach to Environmental Impact Assessment [APP-041], in particular paragraph 4.6.5, which explains the approach adopted in relation to grid connection infrastructure.</p> <p>At present, there is no confirmed point of connection for the Scheme. In those circumstances, any attempt to draw conclusions as to the likely environmental effects of the grid connection would be premature and would necessarily be based on uncertain or incomplete information. The EIA regime does not require, and indeed does not permit, speculative or hypothetical assessment. As the Supreme Court has recently confirmed, “conjecture and speculation have no place in the EIA process” (R (Finch v Surrey County Council) [2024] UKSC 20; [2024] 4 All ER 717).</p>	<p>The Council also notes the Scoping Opinion provided by PINS for the proposed Sedgeby Solar Farm in North Yorkshire (DCO Case Reference: EN0110026) which dealt with Off-site grid connection (para 2.1.2) and flexibility (para 2.1.3).</p> <p>In short, PINS said that if there is a requirement to accommodate flexibility within the draft Development Consent Order (DCO) in order to facilitate connection of the proposed development to the national grid, the ES should confirm how this flexibility been considered and assessed in the relevant assessments.</p> <p>Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES.</p> <p>Ultimately, this is of course a matter of planning judgement for the Secretary of State.</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
4.12 – 4.16	<p>In summary, the Council's position in respect of the benefits of the scheme is that, if the Secretary of State takes the view that the proposed development is part of a wider project, and the benefits of the development cannot be realised without the, as yet unknown and therefore untested, off-site NGET substation and grid connections (i.e. because they are a functionally interdependent and an integral part of the development), then, having regard to the <i>Ashchurch Parish Council</i> case, it may be irrational to take those benefits into account in determining this DCO application.</p>	<p>The Applicant submits that the Scheme does not fall into the error identified in <i>Raeshaw Farms Ltd v Scottish Ministers & Energiekonto UK Ltd</i> [2026] CSIH 10 and <i>R (Ashchurch Rural Parish Council) v Tewkesbury BC</i> [2023] EWCA Civ 101; [2023] Env LR 25, namely of seeking to have weight attributed to the environmental and climate change benefits of the Scheme without considering the environmental demerits of an anticipated wider development (in this case, the future grid connection infrastructure). The environmental effects and benefits assessed in the Environmental Statement are explicitly those arising from the Scheme as applied for. Any additional environmental effects, whether adverse or beneficial, arising from future grid connection infrastructure will be assessed at the appropriate time as part of the separate consenting process for those works, when they are known and capable of meaningful assessment. The Applicant's approach is consistent with the Gateshead principle: where future</p>	<p>The Applicant's position that the environmental effects and benefits assessed in the Environmental Statement are explicitly those arising from the Scheme as applied for, ignores the fact that the main benefits, i.e. the production of renewable energy, cannot be realised without connections to the grid, and explicitly avoids any assessment of the possible environmental effects of those connections (and the off-site NGET substation).</p> <p>It is the Council's view that the Gateshead principle is not relevant in this case. That is because the Council understands that the Gateshead Principle is concerned with different consenting regimes, whereas in this case the grid connections and off-site infrastructure would be regulated by the provisions of the Town and Country Planning Act.</p> <p>It appears that the Applicant is suggesting that the works could be carried out as permitted development however that is not certain as any screening opinion for those works would have to (at least)</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
		<p>infrastructure will be controlled by another competent authority exercising its own statutory functions, it is neither necessary nor appropriate for the DCO process to duplicate that assessment prematurely and speculatively. The planning and EIA systems are intended to operate coherently, not redundantly.</p>	<p>consider the cumulative effects of those works with the current proposals. In any event, even if they were determined to be permitted development, the works would be considered under the Town and Country Planning Act and not a separate consenting regime.</p>
<i>Landscape and Visual Impact</i>			
9.5-9.37	<p>Overall, NLC concludes that the proposed development would have a negative impact on landscape character and visual amenity within the local area contrary to the policies set out above. Further details are required to demonstrate the conclusions made in the LVIA are substantiated, i.e. that the landscape design proposals are achievable and consider a wider green infrastructure strategy; and the value of the landscape has been sufficiently considered when carrying out the assessment.</p>	<p>The Applicant's responses to the detailed points made by NLC are set out in their response to NLCs LIR (REP2-090).</p>	<ul style="list-style-type: none"> • As explained at ISH3 on 24th June 2026, NLC maintains 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 NLC LCA) and there are more recent character guidance studies available for reference. • The fact that NLCs LCA is supplementary to the 2003 Development Plan policy is not a

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	<p>NLCs detailed comments in respect of landscape and visual matters are set out in Chapter 9 of its LIR (REP1-063).</p>		<p>justification for ignoring more recent studies.</p> <ul style="list-style-type: none"> • 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 <i>'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'</i> . • The Applicant has not addressed landscape value in accordance with TGN 02-21: Assessing landscape value outside national designations. This landscape has been designated previously and areas within the Order Limits or study area lie within areas recommended for consideration as an 'Area of High Landscape Value' (ref example JBA LCA 2021: Trent Levels – Flat Drained Treed Farmland). Consideration as to whether this is a

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
			<p>valued landscape should be fully explored in accordance with the TGN.</p> <ul style="list-style-type: none"> • NLC disagrees 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. • NLC 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. • NLC 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.

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
			<ul style="list-style-type: none"> • NLC 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. • NLC 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.

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
			<ul style="list-style-type: none"> • NLC 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. NLC 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. • NLC suggest 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. • NLC agrees that hedgerow planting and enhancement are appropriate mitigation proposals however, the mitigation proposals themselves have not been considered sufficiently in terms of their effect on the landscape

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
			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.
Traffic and Transport and Public Right of Way			
10.12	<p>As set out at paragraph 2.2 above, Five separate Land Parcels have been identified, of which Parcel B is fully within North Lincolnshire, along with the majority of Parcel E and a small section of Parcels C and A. Proposed access points have been provided however as set out at paragraph 12.7.3, these are 'anticipated' points of access. Of those points of access within NLCs area, the Council makes the following observations-</p> <p>Access N - Figure 3.5 shows HGVs entering the opposite lane to enter the site.</p>	An updated oCTMP [Document Reference 7.7 Revision 2], has been prepared and submitted at Deadline 2. This covers specific site access matters, including updates to Access N, O, Q and X.	<p>Accesses N, O & P – no further comments.</p> <p>Access O - although the swept path shows the movement can be achieved, it does look tight with the existing bridge and there is the risk that this may be damaged. However, it is noted from the OTMP that a survey would be carried out to confirm suitability of the bridge to accommodate anticipated construction vehicle movements and if required it would be replaced/reinforced to accommodate construction traffic. The Applicant has confirmed that The oCTMP will be updated at Deadline 3 to include a</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	<p>Access O - Although the swept path shows the movement can be achieved, the bridge looks very tight.</p> <p>Access Q - This shows a reduced visibility splay to the south, but unclear why this is the case as it looks like there should be good visibility. Details on measures to mitigate against the reduced visibility splay need to be provided.</p> <p>Access X – There is very reduced visibility to the south, but it is unclear whether there are any proposals to mitigate against this.</p>		<p>commitment to survey the culvert crossings, including the one at Access O, as part of the condition surveys.</p>
10.14	<p>The proposed routes to Land Parcels B & C would appear to be acceptable in principle, however, NLC would query the routing to Accesses R & Q. It appears to NLC that it would make more sense for vehicles to these points to access High Levels Bank directly from the A18, rather than the A161, as this would be a more</p>	<p>An updated oCTMP [Document Reference 7.7 Revision 2] has been prepared and submitted at Deadline 2. Section 4.6 of the oCTMP [Document Reference 7.7 Revision 2] has been updated to refer to the construction traffic route for Land Parcel E (Figure 4.1 shows the correct routing). This includes a review of the proposed routes to Access R and Q and concludes that the</p>	<p>Access R - comments in the latest OTMP are noted regarding the stone pillars at the junction with the A161, so all access/egress will need to be from the west. The commitment in para 4.7.1 to arrivals/departures of HGVs being strictly managed by site managers is welcomed, particularly with regards to Access R. It would be beneficial to undertake swept</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	<p>appropriate route (ES paragraph 12.5.9 refers). Consideration should also be given for a one-way route to Access Point R, as this would reduce the risk of construction vehicles passing each other with limited space with which to pass. Paragraph 4.7.4 of the OCTMP refers to temporary traffic management measures at each individual access point to assist drivers entering/exiting, but it is unclear what these measures would be.</p>	<p>proposed routing is appropriate. The oCTMP [Document Reference 7.7 Revision 2] has been updated to make it clear that Banksmen will not control background traffic.</p>	<p>paths from High Levels/Idle Bank onto the unnamed road to Access R and to ensure there are no forward visibility issues for road users.</p>
10.15	<p>NLC considers that it is difficult to fully understand the impact of construction traffic on the local highway network. The construction periods for each land parcel have been provided, including the length of the peak construction period, along with the predicted two-way Annual Average Daily Traffic (AADT) movements per day, including HGV movements. It is assumed that these are average movements across the construction period and it would be useful to have further information</p>	<p>An updated oCTMP [Document Reference 7.7 Revision 2] has been prepared and submitted at Deadline 2. This includes additional information on the anticipated peak and off-peak construction traffic movements associated with each Land Parcel. The number of HGVs per Land Parcel has been derived based upon a number of vehicle movements per hectare and the Applicant's experience of constructing solar farms to date.</p>	<p>Although more details have been provided on peak daily deliveries and non-peak daily deliveries (including HGV movements) for each land parcel, the Local Highway Authority would like to see a visual representation of this (e.g. monthly profile for the construction period) and also a breakdown for each access point, not just land parcel. The rationale for calculating HGV movements is acceptable.</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	on this to fully understand the impact - including a monthly profile for vehicle movements (including HGVs) across the whole construction period and also the vehicle movements per access point. It is also unclear on how the anticipated HGV movements for each land parcel have been derived.		
10.16	The ES (paragraph 12.5.16) assumes that 4.94 workers per acre would be on site at any one time, but there is no justification for how this has been calculated. It is predicted (ES paragraph 12.5.17) that 75% of workers would travel by minibus, with the remainder travelling by car which is assumed to be 41 cars per day. Again, there is no justification for this assumption or how the use of staff minibuses would be encouraged/enforced.	The number of construction workers per acre set out at paragraph 12.5.16 of the ES Chapter 12 – Transport & Access [APP 049] is based on the Applicant's experience of constructing solar farms to date.	NLC notes the Outline Construction Traffic Management Plan [APP-182] assumption of 4.94 workers per hectare. It is predicted that 75% of workers would travel by minibus, with the remainder travelling by car which is assumed to be 41 cars per day however there is no justification for this assumption or how the use of staff minibuses would be encouraged or enforced.
Cultural Heritage			
12.10-12.23	NLCs view is that individual Written Schemes of Investigation (WSIs) for the outstanding evaluation stages	The Applicant acknowledges NLC's position but does not agree with the suggested approach or timescales. The	Notwithstanding their response, as explained at ISH2 the Applicant has recently provided a revised

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	<p>should be prepared for the works to be commissioned as soon as possible. A separate WSI for appropriate mitigation should only be produced once the previously outlined evaluation works are completed, and prior to the determination of the DCO. A detailed WSI for mitigation only would ensure that all parties are aware of the archaeological implications of the development, both to inform the detailed design of the development and for the archaeological mitigation work to be timetabled to avoid any unnecessary delay to the construction programme.</p>	<p>reasoning behind this is provided in the Applicant's response to 12.22 above and is therefore not repeated here.</p>	<p>Geoarchaeological Assessment and zoning plans to the Council's archaeological adviser. Once the revised/additional information has been assessed NLC will provide an updated position on this matter.</p>
Noise and Vibration			
13.21	<p>Table 13-7 of the ES appears to consider 'No Adverse Effect Level' at a Rating level less than or equal to noise limit +5dB. However, according to BS4142:2014 a difference of around +5dB is likely to be an indication of an 'Adverse Impact', depending on the context.</p>	<p>Table 13-7 of ES Chapter 13 Noise and Vibration Revision 2 [Document Reference 6.2.13 Revision 2] places a rating level of +5dB between the LOAEL and SOAEL effect levels. It does not equate a rating level of +5dB to the No Adverse Effect Level. BS4142:2014 derives the significance of the noise impact from the difference between the rating level and the background sound level and, in accordance with the standard,</p>	<p>NLC agrees that +5dB is an indication of an adverse impact and advocates that any rating level associated with the development is less than or equal to the background.</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
		would depend on the context. The standard considers a rating level of +5dB as an indication of an adverse impact so it would not be at the No Adverse Effect Level.	
Air Quality			
14.12	<p>NLC notes that the OCEMP refers to the requirement to “Avoid bonfires or burning of waste material.” As it is an offence to burn controlled waste without a relevant waste exemption under the Environmental Protection Act 1990, NLC consider that it would be more appropriate to employ a ‘no burning of waste policy’ on the application site. Furthermore, as set out at paragraph 13.12 above, whilst the Operational Construction Environment Management Plan (OCEMP) includes construction working hours, NLC practice is to limit working hours as follows, so as to ensure there is appropriate respite for nearby residents from the effects of the development-</p> <ul style="list-style-type: none"> • 08:00 to 18:00 Monday to Friday • 08:00 to 13:00 Saturday • No times on a Sunday 	<p>The Applicant has updated the Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 3] to confirm there will be a “no burning” policy on site. This commitment will be secured through Requirement 14 of the draft DCO [Document Reference 3.1 revision 3].</p> <p>The request for revised working hours is noted by the Applicant, but the Applicant considers the proposed working hours to be appropriate and necessary to facilitate the timely delivery of the Scheme which policy confirms is a critical national priority.</p>	<p>NLC notes and welcomes the comments in relation to a no burning of waste policy.</p> <p>In line with other DCOs, NLC would be willing to accept working hours of:</p> <p>07:00 – 19:00 Monday to Friday 07:00 – 13:00 Saturday No times on a Sunday.</p> <p>NLC considers that the Applicant’s proposal offers very little respite to residents on weekends and is not deemed appropriate.</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
Hydrology and Flood Risk			
16.8	The application site falls within the Isle of Axholme Compartment (3F2) as identified in the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA). In this area, NLC would expect development to be raised above the critical flood level (CFL) of 4.1m AOD plus 300mm freeboard (i.e., 4.4.AOD). The proposals do not seek to elevate infrastructure, including BESSs and substations, above the CFL and therefore the Applicant has not demonstrated that the development would be safe for its lifetime in accordance with PPG guidance.	The Applicant has provided in the Response to Relevant Representations [REP1-043] a response in relation to this comment. See Table 4-1, Item 7.8 on page 56 for the Applicant's Response. The Applicant has also provided in the North Lincolnshire Council SoCG [REP1-051] a response in relation to this comment. See Table 3-8, Ref 1 on page 64-65 for the Applicant's response.	Whilst there is a clear conflict with the SFRA in his respect, NLC recognises that the Secretary of State must consider this objection in the round. It is noted that the Environment Agency is satisfied with the 1:1000 year plus 100mm design level, and that achieving the CFL would be likely to render the development unacceptable from a landscape and visual perspective and potentially unviable for the reasons the Applicant has given. As indicated in NLCs LIR, it remains a matter for the decision-maker whether the residual risk is acceptable in the overall planning balance, however, for the avoidance of doubt, NLC does not object to the use of the 1:1000 year plus 100mm freeboard flood level in this instance.
16.13	NLC does not consider that the Applicant has demonstrated clear operational reasons as to why elements of the development need to be located within Flood Zone 3b, having regard to paragraph 5.8.41 of NPS EN-1. Notwithstanding the	The Applicant has provided in the ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] a response in relation to this comment. See paragraph 5.29-5.32 on page 23 for the Applicant's response.	NLC considers that the applicant has not properly applied the sequential test to the development. In respect of the sequential test and avoiding flood risk, the PPG says-

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	<p>unresolved questions around the sequential/exceptions tests (see above), whilst it is acknowledged that the wider site is constrained by flood risk, the Applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure, such as BESS facilities and substations, cannot be reasonably located within areas of lower flood risk within the Order Limits. As such, the justification for siting development within the functional floodplain is not evidenced. The fact that PPG guidance allows for essential infrastructure within Flood Zone 3b subject to the exception test, does not obviate the need for exploring sequentially more preferable parts of the site at lower risk of flooding to accommodate such development.</p>		<p><i>'Within sites, using 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.'</i></p> <p>(Paragraph: 004 Reference ID: 7-004-20220825)</p> <p>It is therefore not the intention of the sequential/exception tests to put the elements of a development at most risk in the areas at highest risk, like in this case where the applicant has proposed substation and BESS infrastructure in Flood Zone 3b (FZ3b).</p> <p>Despite the Applicant's assertion, there is no robust explanation why in operational terms all substation and BESS infrastructure cannot avoid FZ3b.</p> <p>The starting point should be as per paragraph 174 of the NPPF. That is, <i>'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</i></p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
			<p><i>available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test'.</i></p> <p>It appears that the Applicant has attempted to rely on table 2 which allows for critical infrastructure to be located in FZ3b following application of the exception test. However, the exception test only comes into play once the sequential test is passed. It is NLCs view that this hasn't been addressed in the applicants updated ST document (REP2-080 and 081). The sequential test hasn't been applied properly and the Applicant has failed to demonstrate that it is not possible for all substation and BESS development to be located in areas with a lower risk of flooding (i.e. outside FZ3b). In this context there are no wider sustainability benefits to the community that outweigh the flood risk (our emphasis).</p> <p>The Applicant's approach became more concerning to NLC during the discussion</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
			<p>at ISH3 where it was explained that the applicant proposes to 'overplant' the number of panels required to provide 800mW at a ratio of either 1.5 or 1.6, depending on the type of panels used.</p> <p>Bearing in mind that the application site comprises some 1800 hectares of land, in NLCs view is that it has not been demonstrated that there is no other feasible design option than to put substation and BESS infrastructure in functional floodplain.</p> <p>It therefore remains NLCs view that the siting of any infrastructure in FZ3b conflicts with national and local planning policies</p>
6.14	<p>In addition, the proposals do not provide confidence that there would be no net loss of floodplain storage or that flows will remain unimpeded. Whilst some elements of the scheme are described as permeable or elevated, infrastructure such as BESS compounds, substations and associated hardstanding would</p>	<p>The Applicant has provided in the Response to Relevant Representations [REP1-43] a response in relation to this comment. See Table 4-1, Item 7.4-7.5 on page 55-56 for the Applicant's Response.</p> <p>The Applicant has also provided in the North Lincolnshire Council SoCG [REP1-051] a response in relation to this comment. See</p>	<p>As discussed at ISH3, the Council is concerned that the proposals would result in the loss of flood storage capacity in FZ3. Whilst the Applicant advised that this would only represent a small amount of flood storage loss, this would be of no comfort to neighbouring residents whose properties may flood as a result of the proposals, particularly given the context</p>

Para	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC further Response (Deadline 3)
	introduce areas of displacement and potential obstruction. This is particularly relevant within Flood Zone 3b, where land is required to store and convey floodwater during more frequent events, and any loss can have significant and wider reaching impacts.	Table 3-8, Ref 2 on page 66 for the Applicant's Response.	set out in the Council's response to paragraph 6.13 above.
6.15	There are also concerns regarding the residual risk associated with locating higher risk infrastructure within Flood Zone 3b. These areas are expected to flood relatively frequently over the lifetime of the development, and the combination of floodwater interaction with BESS infrastructure presents a credible pathway for pollution. In the event of damage, failure or fire, there is potential for contaminants to enter the wider water environment, which could result in a significant pollution incident. Given that alternative areas within the site appear to be available outside of Flood Zone 3b, the current layout does not represent a risk-based or policy-aligned approach.	The Applicant has provided in the ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] a response in relation to this comment. See paragraph 5.29-5.32 on page 23 for the Applicant's response.	As discussed at ISH3, it remains NLCs position that it objects to the location of infrastructure in FZ3b. The Council has particular concerns about the impact of BESS areas within Flood Zone 3b due to associated fire and pollution risk and about the potential local flood risk impact of the proposed 300mm gravel base for BESS, inverters and spare containers within Flood Zone 3b.