Tween Bridge Solar Farm

8.21 Written Responses to ExQ2

Planning Act 2008

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

Document Reference: 8.21

Deadline 4 21 July 2026

Revision 1

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1 Introduction

1.1.1. The purpose of this document is to provide the responses of RWE (the Applicant) to the Examining Authority's first written questions (ExQ2) issued on, relating to Tween Bridge Solar Farm (the Scheme).

1.1.2. The response to questions directed to the Applicant can be found in **Table 1** below. Where the responses refer to other documentation, these are either provided separately as part of the examination submissions. This is made clear in the written response.

2 Responses to the Examining Authority's Second Written Questions

Table 1: Applicant's response to the Examining Authority's second written questions

ExQ1	Question to	Question	Applicant's Response
1. General and cross-topic			
Q2.1.1	Applicant	**Battery Energy Storage System (BESS) – Associated Development** 2.1.1. Could the applicant explain how the BESS is associated development with reference to relevant Government Guidance. Where is this information in the application documentation? 2.1.2. Would the BESS have any functions which are not solely related to the solar array (for example, grid balancing services)? if so, how often would the BESS be used for these unrelated functions?	A) It is important to note the context of BESS in an NPS policy perspective because while it has been explicitly removed as development which falls under the remit of the Planning Act 2008 as an NSIP in its own right (by virtue of the Infrastructure Planning (Electricity Storage Facilities) Order 2020, NPS EN-1 and EN-3 provide policy support for co-location and set out the key role electricity storage has in helping achieving decarbonisation of the UK's electricity system. Paragraph 3.3.25 NPS EN-1 recognises that electricity storage has a key role to play in achieving net zero and providing flexibility in

			the energy system. Paragraph 3.3.26 further advises that storage is needed to reduce costs of the electricity system and increase reliability. Paragraph 3.3.27 specifically identifies that storage can "*maximise usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to NESO and Distribution Network*". Paragraph2.10.24 of EN-3 advises that where located on agricultural land, Applicants should considering co-locating solar with other functions, including storage, to maximise the efficiency of land use. The implication of these specific references to storage in the Energy NPS is such that it has a critical role to play in new energy infrastructure that is consented under the Planning Act 2008. Government guidance on Associated Development, set out in the 'Planning Act 2008: Guidance on associated development

			applications for major infrastructure projects' sets out 4 principles related to Associated Development: *(i) The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts.* *(ii) Associated development should not be an aim in itself but should be subordinate to the principal development.* *(iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross-subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then*

			that part should not be treated as associated development. *(iv) Associated development should be proportionate to the nature and scale of the principal development. However, this core principle should not be read as excluding associated infrastructure development (such as a network connection) that is on a larger scale than is necessary to serve the principal development if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project.3 When deciding whether it is appropriate for infrastructure which is on a larger scale than is necessary to serve a project to be treated as associated development, each application will have to be assessed on its own merits. For example, the Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application, and the time period in which a*

			future application is proposed to be submitted. The proposed BESS will primarily support the NSIP element, i.e. the solar generating station, by storing generated electricity and exporting that electricity at a time of demand. The proposed BESS capacity is 400MW and, by that measure, clearly subordinate to the principal function of the Scheme and proportionate to the nature and scale of the solar development. In addition, it is not being proposed simply as a means of funding the principal development. The Applicant considers that it clearly meets the Associated Development tests set out in the relevant guidance, as set out above. The **Explanatory Memorandum [Document Reference 3.2 Revision 5]** sets out the Applicant's position that the BESS is associated development in accordance with the Planning Act 2008 and relevant guidance (see paragraph 2.4). This response further elaborates on that conclusion.

			B) The use of BESS is two fold; to charge from the solar PV at times of excess generation, and to import electricity from the national grid to facilitate wholesale trading and provide balancing services. It is estimated that the use of the BESS for charging at times of excess generation would be around 50%. There is no operational need to aim for this figure and the BESS would be used as required by the solar PV or the national grid.
2. Biodiversity and ecology			
Q2.2.1	Applicant	**Culverts** Paragraphs 3.10.78 and 3.10.79 of the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), outline that the culverting of existing watercourse/drainage ditches should be avoided, and where culverting for access is unavoidable, it should be demonstrated that no reasonable alternatives exist. Page 52 of the applicant's response to Relevant Representations (RR) [REP1-042] suggests that 'it is the Applicant's	Effort has been made to utilise and improve existing culvert crossings for access where possible. However, there are a number of locations where there are no existing crossing points between fields, or existing accesses lie outside the Order Limits, accessible via the public highway. If public highway access was used in these instances, it would drastically increase the amount of street works required, and thus the disruption to the local road network. It

		intention to utilise existing culvert crossings and/or bridge structures where possible within the site and construct new culvert crossings where this has been identified to be necessary through detailed design survey work'. However, the applicant has identified culvert crossing locations in Environmental Statement (ES) Figure 2.5: Indicative Culverts Crossing Plan [APP-138]'. On that basis, could the applicant please explain why these culverts are required and how/ whether there are 'no reasonable alternatives'?	would also create an extremely inefficient site with convoluted access routes that would increase both the time it takes to construct and maintain the Scheme. Those accesses that would need to be created or require improvement are: Access B - Moor Edges Road (new access / culvert) Access E - Green Bank (extended culvert) Access F - High Levels Bank (extended culvert) Access I - Low Levels Bank (extended culvert) Access J - Low Levels Bank (extended culvert) Access M - High Levels Bank (extended culvert) Access AD - Crook O'Moor Road (new culvert) Access AH - High Levels Bank (new culvert) Measures are also proposed that will enhance the ecological importance of the ditch network, which will compensate for the creation of culverts, with measures proposed such as scrub

			removal, new native planting and appreciate management, as detailed in Table, 4-1 of the **Outline Landscape Ecological Management Plan (LEMP) [Document Reference 7.6 Revision 5].** The water quality of the ditch network is also likely to increase as a consequence of the cessation of agricultural farming within the Order Limits as confirmed **w**ithin the Relevant Representation provided by City of Doncaster Council **[RR-006**] at paragraph 7.9, which states: '*It is considered that the cessation of agricultural inputs and physical disturbance from ploughing and harrowing will have a beneficial impact on water quality and this is accepted*." The enhancements that will take place to the ditch network result in measurable gains in biodiversity, with a score of +10.26% for watercourse units to be achieved as detailed in **ES Appendix 7.12 Biodiversity Net Gain Assessment (Rev 3) [REP3-028]**.
Q2.2.2	Applicant	**Land within Thorne & Hatfield Moors Special Area of Conservation (SAC), Special**	The Applicant can confirm that discussions are ongoing

		Protection Area (SPA) and Site of Special Scientific Interest (SSSI) In its response to RR [REP1-042] (page 67) the applicant states in part: "The Applicant is also proposing that this land is transferred to Natural England, or another appropriate body, to enable its long-term management in accordance with the conservation objectives of the designated site, although understand that previously this was not considered feasible due to Natural England's lack of resources." Could the applicant please explain whether this is still proposed and if so, what progress has been made?	with Natural England regarding transferring this land. Natural England stated within correspondence in June 2026 (details will be provided in the updated Statement of Common Ground with Natural England being submitted at Deadline 5) that their Internal Assurance Team have confirmed that in principle they can accept the land where they are also providing advice as a statutory consultee. A further meeting was completed on 16 July to discuss detail on timings, land management and potential future liabilities. Natural England have confirmed that their next step is to agree the proposals with their Internal Estate's Panel. Should the transfer of this land to Natural England not be confirmed, then the management proposed and detailed within the **Outline Landscape Ecological Management Plan (LEMP) [Document Reference 7.3 Revision 5]** will be completed by the Applicant and will ensure

			that biodiversity benefits from this parcel are achieved.
Q2.2.3	Applicant	**Q2.0.20** The applicant's response to EXQ1 Q2.0.20 [REP2-087] indicates that paragraph 7.5.138 of the previous version of ES Chapter 7 [AS-012] was deleted. Could the applicant explain why and whether it was replaced with a different paragraph?	Paragraph 7.5.138 of the previous version of **Chapter 7: Ecology and Nature Conservation [AS-012]** detailed an assessment of operational impacts for non-statutory designed sites and was included in a headed section that also detailed operational impacts to statutory designated sites. As a consequence of responding to the Examining Authority's Written Questions 1 (ExQ1) Q2.0.20 this section was subsequently divided to provide separate detail for statutory and non-statutory designated sites. The Applicant can confirm that an assessment of operational impacts is still provided for non-statutory designated sites, but the paragraph numbering has changed, and this is now included at 7.5.99 to 7.5.107 of **Chapter 7: Ecology and Nature Conservation [Document Reference 6.2.7 Revision 4].**

Q2.2.4	Applicant	**Q2.0.21** Further to EXQ1 Q2.0.21 [PD-010], could the applicant please update ES Chapter 7 [REP2-035] paragraphs 7.5.192 to 7.5.197 to describe exactly which habitats are being created or enhanced? It is noted that descriptions are provided in relation to the construction phase (para 7.5.105) but not the operational phase effects (at paragraphs 7.5.192 to 7.5.197).	The Applicant confirms that **Chapter 7: Ecology and Nature Conservation [Document Reference 6.2.7 Revision 4]** has been updated for Deadline 4 to describe exactly which habitats are being created or enhanced during the operational phase. This is provided at paragraphs 7.5.197 to 7.5.198 and includes detail on: • modified grassland creation located underneath and around solar panels; • other neutral grassland created outside the security fencing, along buffers to retained hedgerows, ditches and woodland, and margins around mitigation parcels; • mixed native scrub creation across the Scheme, • new native hedgerow creation, including hedgerows with trees, across the Scheme, along with retained hedgerows to be enhanced;

			• new tree planting across the Scheme as well as retained and enhanced existing mature and semi-mature trees; and • new native woodland across the Scheme and enhancement to retained woodland. All new and retained habitats can be seen within the **Environmental Statement Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5].**
Q2.2.5	City of Doncaster Council (CDC), North Lincolnshire Council (NLC) and the applicant	**Biodiversity Net Gain (BNG) Monitoring** CDC's LIR [REP1-062] paragraph 9.35 sets out its suggested requirements for monitoring of BNG. It suggests that a Habitat Management and Monitoring Plan (HMMP) should be produced and implemented with involvement from both CDC and NLC. It suggests that normally a section 106 agreement (s106) would secure this. In response [REP2-089], the applicant has stated: 'The Outline Landscape and Ecology Management Plan [Document Reference 7.6	The Applicant confirms that **Outline Landscape and Ecology Management Plan [Document Reference 7.6 Revision 5]** is secured by Requirement 8 of Schedule 2 to the **draft DCO [Document Reference 3.1 Revision 7].** The Outline Landscape and Ecology Management Plan includes relevant implementation and monitoring requirements, particularly in Table 4-1 and sections 6 and 7. The final Landscape and Ecology Management Plan must be

		Revision 3] is secured by Requirement 8 of Schedule 2 to the draft DCO [Document Reference 3.1 Revision 4]. The Outline Landscape and Ecology Management Plan includes relevant implementation and monitoring requirements, particularly in Table 4-1 and sections 6 and 7.' Can CDC, NLC and the applicant set out their latest position on this and, where relevant, make reference to any precedent in solar Development Consent Orders (DCO) for approaches to BNG monitoring?	substantially in accordance with the **Outline Landscape and Ecology Management Plan [Document Reference 7.6 Revision 5]** and would need to be approved by the local planning authority before construction commences, following consultation by the undertaker with the Environment Agency (in respect of its functions), Natural England (in respect of its functions) and National Highways (in respect of its functions), as secured by Requirement 8 of the draft DCO**.** The Applicant confirms that a section 106 agreement would not be appropriate in this instance. A DCO made under the Planning Act 2008 is not analogous to a planning permission. A DCO is fundamentally different as it is a statutory consent which confers powers directly. The draft DCO already provides clear and comprehensive statutory obligations for the monitoring of the Scheme, and it would therefore be inappropriate and unnecessary for the same monitoring to be agreed within

			an additional bilateral agreement. Nor is it necessary for management and monitoring to be addressed via a separate Habitat Management and Monitoring Plan, in circumstances where the Landscape and Ecology Management Plan is plainly capable of performing (and will perform) the same function. This mechanism for securing monitoring via a Landscape and Ecology Management Plan is heavily precedented and reflects standard practice for NSIPs. The Outline Landscape and Ecology Management Plan provides for habitat condition assessment monitoring in years 2, 5, 10, 15, 20, 25, 30 and 35, with reports submitted to the relevant local authorities detailing the condition of all created and enhanced habitats, identifying any areas that are failing or have sustained damage and specifying any remedial measures or amendments to the management prescriptions required. This approach is consistent with that taken on other NSIPs, including the consented Gate

			Burton Energy Park [EN010131], Longfield Solar Farm [EN010118] where BNG condition assessment monitoring is required in years 2, 5, 10, 15, 20, 25 and 30 and controlled within their associated Landscape and Ecological Management Plans (LEMPs) In both cases the relevant LEMP and BNG provisions were secured through the DCO requirements rather than a section 106 agreement. The Tween Bridge approach therefore follows established solar DCO precedent and goes further by providing an additional habitat condition assessment and monitoring report in year 35, with habitat management continuing throughout the 40-year operational lifetime of the Scheme. For completeness, the Applicant also notes that the approach proposed in respect of the Scheme (i.e., BNG monitoring via a LEMP, not a section 106 agreement or separate Habitat Management and Monitoring Plan) is consistent with each of the three most recently consented solar DCOs, those being: • Peartree Hill Solar Farm Order 2026;

			• Dean Moor Solar Farm Order 2026; and One Earth Solar Farm Order 2026.
Q2.2.6	Applicant	**Reporting of effects in ES** There are at least two instances where the applicant asserts in ES Chapter 7 [REP2-035] that operational effects would be no greater than construction effects (ES paragraphs 7.6.124 and 7.6.126). There may be others. The ExA needs to understand exactly what the operational effects would be. As such, it is not sufficient to state that operational effects would not be greater than construction effects. It is not easy to identify the construction, operation and decommissioning effects for each receptor. As such, please could the applicant produce a table to include the following: Column 1- Description of construction effects prior to mitigation. Column 2- Description of construction mitigation proposed.	The Applicant confirms that a table has been produced to identify the construction, operation and decommissioning effects for each ecological receptor and is included as **Appendix 7.15 - Construction, Operation and Decommissioning Effects for Ecological Receptors of [Document Reference 6.3.17.5 Revision 1]** of **Chapter 7: Ecology and Nature Conservation [Document Reference 6.2.7 Revision 4]**.

		Column 3 – Description of residual construction effects. Column 4 – Description of operational effects prior to mitigation. Column 5 – Description of operational mitigation. Column 6 – Description of operational residual effects. Column 7- Description of decommissioning effects prior to mitigation. Column 8 – Description of decommissioning mitigation. Column 9- Description of residual decommissioning effects. Each row should be a different receptor (for example an SPA, or particular species). All descriptions of effects should include the overall significance (for example 'significant' 'not significant'). All descriptions should also signpost to the relevant ES paragraph. Where effects have not been clearly stated in the ES (for example paragraphs 7.6.124 and 7.6.126) the ES should be updated to include a full	

		description of the relevant effects and significance.	
Q2.2.7	NE	**Additional impact pathways requiring consideration:** The ExA notes that the NE relevant representation [RR-023] and subsequent risks and issues log [REP3-075] refers to the following potential additional impact pathways: NE0 - Direct loss / damage of habitat NE3 - Collision risk with turbines due to displacement (from nesting / foraging sites) NE5 - Recreational disturbance from new permissive paths NE8a – Collision risk with solar panels. Can NE confirm: -whether it considers that these are impact pathways which have the potential to result in Likely Significant Effects (LSE) (and / or Adverse Effects on Integrity (AEoI)) -whether these are required to be assessed within the applicants HRA Report [CR1-012]? -which European sites and qualifying features	N/A

		do the impact pathways have the potential to effect?	
Q2.2.8	Applicant and NE (and any other interested parties)	**Amendments to mitigation area M1(A) as a result of change request 1:** The ExA notes that part of change request 1 is to amend the layout of mitigation area M1(A) to be able to construct and fence off the permissive path (by avoiding common land). Can the applicant and NE (and any other interested parties) confirm their position on any HRA implications of the altered layout and size of the mitigation parcel, or the requirement for additional construction works (fence installation)?	The Applicant can confirm that mitigation area M1(A) does not contribute towards the mitigation strategy for any International designated sites. and therefore, Change Request 1 has no implications to the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6].** That document states at paragraph 1.1.7 'the updates as a consequence of the Change Request do not change the conclusions of this document, with no adverse effects on integrity to the features of the above designations which were screened in for Appropriate Assessment predicted to take place.'
Q2.2.9	Applicant	**Conservation objectives and site favourable / unfavourable condition** Can the applicant please confirm the favourable / unfavourable status of the sites assessed within the HRA Report [CR1-012],	The Applicant has updated the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6]** at Deadline 4 to confirm the favourable / unfavourable status of the sites assessed.

		and explain how this has been considered in the assessment?	Paragraphs 8.1.1 to 8.1.4 now include updated i nformation that confirms that the identified impact pathways relating to Humber Estuary SPA, SAC and Ramsar, and the Thorne and Hatfield Moors SPA, which were scoped in for further assessment, have been avoided, reduced or otherwise fully mitigated through the design of the Scheme and the implementation of the proposed mitigation and enhancement measures. Consequently, there will be no loss, degradation or fragmentation of qualifying habitats, nor any disturbance or other effects that would undermine the population, distribution, structure, function, supporting processes or conservation objectives of the qualifying features of the European sites. The implementation of the proposed mitigation measures will ensure that the conservation objectives of the Humber Estuary SPA, SAC and Ramsar, and the Thorne and Hatfield Moors SPA, will continue to be met and that the favourable conservation status and favourable condition of their

			qualifying features will be maintained in the short, medium and long term.
Q2.2.10	Applicant	**Assessment of operational impacts:** The ExA notes the applicant's response [REP2-087] to Q2.0.24, which states that the ES chapter has been updated [REP2-035] to include further detail on operational impacts. Can the applicant confirm how these changes have been considered in the HRA Report [CR1-012] (with reference to any further updates as a result of Q2.0.6 above).	The Applicant confirms that the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6]** has been updated at Deadline 4 to confirm how operational impacts have been considered, with detail provided in paragraphs 7.2.30 to 7.2.43. These measures are consistent with those provided within paragraphs 7.5.178 – 7.5.196 of the **ES: Chapter 7 Ecology and Nature Conservation [Document Reference 6.2.6 Revision 4],** and include detail on potential operation impacts from disturbance, lighting, land-use change and water quality.
Q2.2.11	NE and all interested parties	**Revised HRA assessment in the sensitivity test** To assess the implications of a revised construction period and connection date, the applicant has provided a sensitivity test report [REP2-091] which includes an assessment of the HRA conclusions. NE and all interested parties are invited to provide	The Applicant confirms that the Sensitivity Tests detailed in the **Sensitivity Test Report [REP2-091]** do not result in any material change to the conclusions presented within the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6]**.

		comments on the HRA implications of the conclusions of the sensitivity report.	The construction programmes detailed in the **Sensitivity Test Report [REP2-091]** remain within the parameters of the previously assessed worst-case scenario. Embedded mitigation and good practice measures secured through the **Outline Ecological Construction Plan [Document Reference 7.5 Revision 4]** and via Schedule 2 of the **draft Development Consent Order** [**Document Reference 3.1 Revision 7]**, would continue to ensure that ecological effects during construction are effectively managed. Across the operational and decommissioning phases, the timings detailed in the Sensitivity Tests do not alter the nature, magnitude or significance of ecological effects. Mitigation, enhancement and monitoring measures secured through the **Outline Ecological Construction Plan [Document Reference 7.5 Revision 4], Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5]** and **Outline Decommissioning Management Plan [Document Reference 7.3 Revision 4] and** Schedule 2 of the **draft**

			Development Consent Order [**Document Reference 3.1 Revision 7]**, will ensure that ecological receptors are protected and that habitat creation and management remain effective throughout the lifecycle of the Scheme. No new pathways for cumulative effects are introduced, and the conclusions of the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6]** remain valid. Overall, the Sensitivity Tests do not give rise to any materially new or materially different likely significant ecological effects. The findings and conclusions of the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6],** as well as the **ES: Chapter 7 Ecology and Nature Conservation [Document Reference 6.2.6 Revision 4],** therefore remain robust and applicable, and no changes to the proposed mitigation and enhancement measures are necessary.

Q2.2.12	Applicant	**Conclusions omitted from Table 7-2:** Table 7-2 of the revised HRA Report [CR1-012], which lists relevant mitigation measures and therefore AEoI conclusions, appears to omit the Estuarine habitat feature of the Humber Estuary Ramsar site, and all features assessed for Adverse Effects on Integrity (AEoI) for the Humber Estuary SAC. Can the applicant please provide a revised HRA report to include mitigation measures and conclusions on all qualifying features taken forwards to the assessment of AEOI.	The Applicant confirms that Table 7-2 within the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6]** has been updated at Deadline 4 to include the Estuarine habitat features of the Humber Estuary Ramsar site and all features assessed for Adverse Effects on Integrity (AEoI) for the Humber Estuary SAC.
Q2.2.13	Applicant	**Consistency of impact pathways between the Humber Estuary SAC and Ramsar site** Table 6-3 of the revised HRA Report [CR1-012] considers that the estuarine habitat of the Humber Estuary Ramsar site is vulnerable to impacts from changes to water quality / quantity only. However, the habitats of the overlapping Humber Estuary SAC are vulnerable to impacts from change to water quality / quantity and air quality. Can the applicant confirm its position on this matter and provide a further justification for the	The Applicant confirms that Table 6-3 within the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 6]** has been updated at Deadline 4 to consider potential impacts to air quality to the Humber Estuary Ramsar, in addition to those already detailed relating to water quality / quantity.

		Ramsar habitats only being vulnerable to one impact pathway?	
Q2.2.14	NE	**Current position on AEoI** The ExA notes NE's comments in the SOCG [REP2-095] that it is not currently in a position to agree that there would be no AEoI. Can NE provide its current position on where AEoI cannot be ruled out (ideally in tabular form with reference to sites, project phase, impact pathways (alone and in combination) and qualifying features)? If AEoI cannot be ruled out, then please explain in detail why and what the applicant could do within the remaining examination time to resolve this.	N/A
Q2.2.15	Applicant	**Natural England representations** Could the applicant please ensure that it addresses all outstanding issues set out in NEs deadline 3 representation [REP3-075] as soon as possible? This should be reflected in	The Applicant confirms that the outstanding issues set out in Natural England's Deadline 3 representation **[REP3-075]** are being discussed with Natural England. The Statement of Common Ground

		an updated SoCG to be submitted at deadline 4.	with Natural England is being progressed for submission at Deadline 5.
3. Climate change			
Q2.3.1	Applicant	**Peat** Please could the applicant fully address Natural England's response to written question 9.0.17 [REP2-105] and update the ES if necessary?	The Applicant refers the ExA to the detailed response provided to Natural England's question as part of the **Written Responses to ExQ1 Revision 1 [REP2-087]** at Table 9, page 301, submitted at Deadline 2, and the detailed response provided as part of the **Applicant's Comments on Interested Party Responses to ExQ1 [REP3-046]** at Table 6, page 58, submitted at Deadline 3. The Applicant considers these responses fully address Natural England's comments relating to peat, and therefore no further commentary is provided here or via the Environmental Statement.
4. Compulsory acquisition, temporary possession and other land or rights considerations			
Q2.4.1	Applicant	**Common Land Q4.0.4**	The Applicant's position on this issue was set out in the **Notification of intention**

		The applicant's response to written question Q4.0.4 is noted, but it is not clear why this land needs to be included within the order limits. Taking into account the change request, why does the land need to be within the order limits if there are no DCO powers applicable to it?	**to submit change request [AS-028]**, specifically: *"The Applicant considers [its] approach to be a legally effective and proportionate means to affect the update proposed. The Applicant does not consider it necessary to amend the Order Limits (and shown on the Works Plans and Land Plans) to remove these parcels entirely. Doing so would not secure a different outcome"*. The Applicant has fairly assumed that the Examining Authority is content with this approach on the basis of the decision to accept the changes into the examination **[PD-009]**. The Applicant reiterates its view that formally modifying the Order Limits to remove the land would not achieve a different legal outcome to that achieved by the approach which has been taken and accepted. The Order Limits in the areas affected by the change request follow the line of land interests which are subject to option agreements. Though no powers are sought through the DCO in these areas, the Applicant

			retains rights as a tenant of this land which means that it is logical in the Applicant's view to retain the Order Limits in these areas to indicate the extent of the interests of the Scheme. It is also considered that the areas not subject to DCO powers are negligible, and it would not be proportionate to update the Order limits with the consequent requirement for updates to application documents.
Q2.4.2	Applicant	**Requirement 21 and CA** The applicant's response to Q4.0.5 [REP2-087] is noted. However, could the applicant please clearly explain why dDCO [REP3-006] articles 22, 24, 32-33 and 47 would prevent the applicant from acquiring land and rights prior to obtaining a grid connection?	The Applicant did not, in its response to Q4.0.5, intend to suggest that the DCO articles referenced wou ld prevent the Applicant from acquiring land rights prior to obtaining a grid connection. These articles were cited in the Applicant's response to provide important context to the robust and precedented safeguards that are already in place governing the exercise of CA and TP powers. The specific justification for declining to link compulsory acquisition powers to the discharge of Requirement 21 was emphatically

			set out in the remainder of the Applicant's response to Q4.0.5. The Applicant has not identified equivalent drafting (linking the exercise of CA and TP powers to provisions analogous to Requirement 21) in made Orders, notwithstanding that similar factual circumstances have arisen in other cases (see e.g., the Springwell Solar Farm and Morgan Offshore Wind Project cases cited in response to Q4.0.5). Extending the scope of Requirement 21 would represent a radical and unjustified departure from established precedent.
Q2.4.3	Applicant	**Q4.0.11 – Human Rights** The applicant's response to Q4.0.11 [REP2-087] is noted but could the applicant refer specifically to the relevant provisions of the Human Rights Act (1998) in its response?	The Applicant has updated its response to Q4.0.11 and this is provided below. The Applicant confirms that the existing uses of the land proposed to be acquired were an important consideration in assessing whether any interference with private property interests would be justified for the purposes of Article 1 of the First Protocol to the European Convention on Human Rights (A1P1). A1P1 protects the rights of

			natural and legal persons to the peaceful enjoyment of their possessions and is a "Convention right" (see section 1(1)(b) of the Human Rights Act 1998). Section 6(1) of the Human Rights Act 1998 in turn provides: *"It is unlawful for a public authority to act in a way which is incompatible with a Convention right"*. Much of the land within the Order Limits is agricultural land and is in arable farming use, by a mixture of tenures and management methods. There would be an overall reduction in land available for farming as a result of the Scheme and this will give rise to some adverse effects for farm businesses, as set out in **Environmental Statement (ES) Chapter 15 Agricultural Circumstances [REP3-022]**. The Applicant has had due regard to these adverse effects in developing the case for compulsory acquisition. As set out in the **Statement of Reasons [REP3-010]**, the Applicant submits that the proposed interference with the A1P1 rights of those with an interest in the Order Land is "provided for by law and by the general principles of international law"

			because it is for a legitimate purpose, is necessary and proportionate to that purpose and justified in the public interest. This conclusion is supported by the following: • the emphatic need and policy support for the Scheme set out in the **Planning Statement [REP2-012]**; • the detailed land assembly process, which has ensured that the extent of land within the Order Limits is reasonable and proportionate, is no more than is reasonably necessary and is in each case is required for the Scheme or is required to facilitate or is incidental to the Scheme; • the fact that all reasonable alternatives to compulsory acquisition have been explored, as set out in **Environmental Statement Chapter 3 Site Description, Site Selection and Iterative Design Process [REP2-**

				019] and section 5.4 of the Statement of Reasons; • the Applicant's determined and persistent efforts to engage and negotiate with landowners, as set out in the **Statement of Reasons – Appendix 2: Schedule of Landowner Negotiations [Application Document 8.6 Revision 2]**. The Applicant has secured Option Agreements for land representing 96% of the Order Land. Many of those with whom Options have been agreed have farming interests in the land but have, by executing an Option, accepted the proposed use of the land in connection with the Scheme. They will in turn benefit from a new income stream associated with the energy generated by the Scheme; • whilst the farm impact assessment undertaken and documented in **ES Chapter**

				15 Agricultural Circumstances [REP3-022] confirms that there would be some adverse effects on farm businesses as a result of the Scheme, these would be no higher than minor adverse in significance and therefore 'not significant' in EIA terms (see in particular Tables 15-14 and 15-16 of ES Chapter 15); • the areas within the Scheme will not necessarily be lost to farming. Large areas will be made available for sheep grazing, as identified in **Environmental Statement Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5]**. This will also give rise to new labour and income generating opportunities; and • for those who would be affected by expropriation or dispossession, compensation will be payable in

			accordance with the Compensation Code. The Applicant therefore considers that the Order (if made) will strike the right balance between the public interest in the delivery of the Scheme and the A1P1 rights of those that will be affected by the Order. This includes the rights of those that currently farm the land.
Q2.4.4	Applicant	**Q4.0.14 – Funding** The Applicant's response to 4.0.14 [REP2-087] states in part: "Notwithstanding this, the Applicant has made worst case assumptions on potential costs and confirms that such assumed costs would be funded by RWE AG's balance sheet. However, the Applicant considers that this would be a matter for any future application for consent for the remainder of the cable route from the Order Limits to the eventual point of connection." What worst case assumptions has the applicant applied and can the applicant	The aspect of the response to ExQ4.0.14 relates to cabling costs, so the Applicant has confined its response to this question to that element of the Scheme. The Applicant's cabling costs are informed by empirical evidence of costs incurred in connection with other projects in the Applicant's portfolio. The cost assumed provides a prudent degree of float to accommodate unforeseen circumstances. In addition, the costs described are based on the maximum amount incurred by the Applicant in the context of recently developed projects.

		please set these out in the funding statement [REP2-006]?	The figure of £20m (real 2025) for the construction of cable routes throughout the Order Limits is based on an application of the following worst case assumptions: 1. Costs could be at the higher end of those incurred by the Applicant in implementing other recent projec ts within its portfolio. The figures reported in the **Funding Statement [Document Reference 4.2 Revision 3]** are therefore based on empirical evidence. 2. The Applicant was mindful that it could not be ruled out that cabling costs could be higher than those incurred in implementing other schemes in its portfolio to date. A reasonable and prudent degree of float has therefore been included in the figures reported in the Funding Statement.

Q2.4.5	Applicant	**4.0.15 and 4.0.16 – Article 39** What is the applicant's view on whether dDCO [REP3-006] article 39 addresses the funding implications alluded to in written questions 4.0.15 and 4.0.16 [REP2-087]?	The Applicant does not consider that article 39 is relevant to the issues raised in written questions 4.0.15 and 4.0.16. Article 39 (application of landlord and tenant law) governs the leasing of land by the Applicant to any person. It would override landlord and tenant law so far is it would prejudice the operation of any agreement for leasing the whole of, or any part of, the Scheme or the right to operate the same or any agreement entered into by the undertaker for the construction, maintenance, use or operation of the Scheme or any part of it. The provision is required to ensure that landlord and tenant law does not impede the construction, maintenance, use or operation of the Scheme. Q4.0.15 sought further evidence of the Applicant's balance sheet and an explanation of the proportion of funds which would be required from its parent company in order to facilitate the Scheme. Q4.0.16 sought further evidence as to the funding arrangements for the Scheme and the decision making processes that would

			need to be engaged by the Applicant's parent company. The Applicant does not therefore consider that there is a relevant connection between the function(s) performed by article 39 and the issues in respect of which the Examining Authority sought further information via Q4.0.15 and Q4.0.16. For the avoidance of doubt, the Applicant considers that its responses to those questions **[REP2-087]** provide sufficient certainty as to the basis on which funding for the Scheme would be brough forward.
Q2.4.6	Applicant	**Operation and decommissioning costs** The applicant's response to written question Q4.0.17 [REP2-087] is noted but could the applicant please explain what the operation and decommissioning costs are likely to be in the submitted funding statement [REP2-006]?	This information is commercially confidential, and the Applicant does not consider it appropriate or necessary to be included within the Funding Statement. The Applicant refers the Examining Authority to Reg 5(1)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 which states that "if the proposed order would authorise the compulsory acquisition of land or an interest

			in land or right over land, a statement of reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded". This is what the Applicant has done in the **Funding Statement [Document Reference 4.2 Revision 3]** and it is not necessary for this document to cover operation and decommissioning costs. That is also reflected in the wording of revised guidance on content of DCO applications https://www.gov.uk/guidance/planning-act-2008-guidance-on-preparing-an-application-part-2-application-contents#statutory-requirements at paragraphs 5.10 to 5.12.
Q2.4.7	Applicant	**Timing** The applicant's response to Q4.0.18 is noted. However, could the applicant please update the funding statement to explain the timing of the funds for the reasons given in written question Q4.0.18 [PD-010]?	The Applicant submitted an updated Funding Statement at Deadline 2 **[REP2-007]**, this was updated to include an explanation (paragraph 6.1.2) of funding timescales, which mirrored the response to Q4.0.18 **[PD-010].**

5. Draft DCO			
Q2.5 Articles			
Q2.5.1	Applicant	**Article 3(2) and Q5.1.1** The ExA notes that dDCO [REP3-006] Article 3(2) contains an all-encompassing provision stating that *"Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order."* Concurrently, Article 9 and Schedule 3 seek to disapply specific, named legislative provisions. The Applicant is requested to: • **(a) Justify redundancy:** Explain why the blanket override in Article 3(2) is strictly necessary given the inclusion of a dedicated, targeted disapplication mechanism under Article 9 and Schedule 3. If Article 3(2) is retained, does it not render the precision of Article 9 redundant? • **(b) Compliance with guidance:** Demonstrate how a broad, unspecified "any enactment" clause complies with the gov.uk guidance, which requires all	(a) Article 3(2) and article 9 perform different functions and are not duplicative. Article 9, together with Schedule 3, identifies specific enactments which the Applicant's proportionate review has identified as requiring modification or disapplication insofar as they would otherwise be inconsistent with the exercise of powers granted by the Order. Schedule 3 sets out the detailed modifications and disapplication which apply to the identified enactments and the justification for those provisions is provided in Appendix 1 to the **Explanatory Memorandum [Document Reference 3.2 Revision 5]**. Article 3(2) serves a different purpose. It provides that enactments applying to land within or adjacent to the Order Limits have effect subject to the provisions of the Order.

		articles to be justified within the explanatory memorandum. • **(c) Define spatial scope ("adjacent"):** Provide a precise definition of the term "adjacent" as used in Article 3(2). How can the applicant ensure that this phrasing does not create legal uncertainty or an unjustified extra-territorial extension of powers over land outside the Order limits?'	The provision operates as a general conflict-resolution mechanism to clarify the interaction between the Order and other legislative provisions (inclusive of those identified in Article 9) where the exercise of powers authorised by the Order would otherwise be impeded. The Applicant has carried out a proportionate review of local legislation applying within reasonably close proximity to the Order limits and has identified those enactments requiring specific modification through article 9 and Schedule 3. However, no review can be wholly exhaustive and there remains the possibility that a local Act, byelaw or other statutory provision may have been overlooked, or that a previously unidentified conflict may arise during implementation. Article 3(2) is intended to address such circumstances by ensuring that the construction, operation, maintenance and decommissioning of the authorised development are not hindered by incompatible statutory provisions which have

			not been specifically identified elsewhere in the Order. Accordingly, article 9 and Schedule 3 provide the detailed and targeted disapplication of known enactments, whereas article 3(2) provides a residual safeguard against unforeseen conflicts. The Applicant does not therefore consider that article 3(2) renders article 9 redundant; rather the provisions operate alongside one another and perform distinct functions. Furthermore, the Applicant notes that article 3(2) does not operate as a free-standing disapplication of legislation. The provision applies only to the extent that an enactment is inconsistent with, or would otherwise frustrate, the exercise of powers expressly conferred by the Order. The wording provides that enactments have effect "subject to the provisions of this Order", meaning that article 3(2) only engages where there is an actual interaction between another enactment and a specific provision of the Order. It therefore operates as a conflict-resolution provision

			which clarifies the primacy of the Order where inconsistencies arise, rather than as a blanket or unrestricted override of legislation more generally. (b) The Applicant considers that article 3(2) is consistent with the Government's guidance on preparing a draft Development Consent Order. The guidance recognises that a DCO may include provisions relating to the application, modification or exclusion of statutory provisions and that such provisions may be justified by reference to the circumstances of the particular development. The guidance further acknowledges that DCOs are bespoke instruments and that drafting may be informed by precedents from made DCOs, provided that justification is given for the inclusion of the provision in the specific case. The guidance does not prescribe an exhaustive approach to the modification or disapplication of statutory provisions, nor does it prohibit the inclusion of a general provision addressing conflicts between the Order and other enactments. Rather, the

			principal requirement is that the purpose and effect of each provision is explained and justified within the Explanatory Memorandum. It is the Applicant's view that this provision has been justified within the Explanatory Memorandum at paragraphs 4.2.9-4.2.11. The Applicant also notes that provisions materially similar to article 3(2) have been included in a number of made DCOs, including article 5(2) of the Boston Alternative Energy Facility Order 2023, article 3(2) of the A417 Missing Link Development Consent Order 2022 and article 3(2) of the M42 Junction 6 Development Consent Order 2020. While the Applicant does not rely on precedent alone as justification, these examples demonstrate that the use of a general conflict-resolution provision is well-established within the DCO regime. The Applicant acknowledges that these examples relate to different categories of nationally significant infrastructure projects than the Scheme. However, the issue

			addressed by article 3(2) is not infrastructure-specific and concerns the legal relationship between a DCO and other enactments, rather than any characteristic unique to a particular infrastructure sector. The Applicant therefore considers it appropriate to have regard to precedent from across the DCO regime where provisions address the same drafting principle. The Government's guidance recognises that drafting may be informed by precedents from made DCOs and does not suggest that applicants should only rely upon precedents from projects of the same infrastructure type. Rather, the guidance emphasises that the relevant consideration is whether the provision is justified in the circumstances of the particular application. The Applicant has therefore considered precedent from the wider DCO regime whilst also providing project-specific justification for the inclusion of article 3(2) in the Explanatory Memorandum.

			(c) The term “adjacent” is not specifically defined in the Draft DCO and is intended to bear its ordinary meaning. Support for this proposition can be drawn from precedent; none of the Orders cited in the **Explanatory Memorandum [Document Reference 3.2 Revision 5]** (para 4.2.12) define the expression. The inclusion of the term "adjacent to" reflects the fact that certain powers contained in the Order are capable of being exercised outside the Order limits. For example, article 20 (protective works to buildings), article 21 (authority to survey and investigate the land) and article 42 (felling or lopping of trees) permit activities beyond the Order limits in defined circumstances. Article 3(2) therefore ensures that enactments applying to land where those powers may lawfully be exercised are similarly subject to the provisions of the Order should any inconsistency arise. The Applicant does not consider that the use of the term "adjacent" gives rise to legal

			uncertainty or any unjustified extra-territorial effect. Article 3(2) does not confer any new powers over land outside the Order limits. Rather, it simply governs the relationship between the Order and other enactments where powers expressly granted elsewhere in the Order may be exercised beyond the Order limits. The extent of any land considered "adjacent" for the purposes of article 3(2) would therefore depend on the particular circumstances in which a power under the Order is being exercised. By way of example, article 21 authorises entry onto land outside the Order limits where that land may be affected by the authorised development or where entry is required to undertake surveys or monitoring in respect of the authorised development. In practice, therefore, the operation of article 3(2) would be limited to the extent reasonably necessary for the exercise of powers expressly authorised by the Order and would not extend beyond the scope of those powers.

Q2.5.2	Applicant	**Article 8** The ExA notes that the text of **Article 8(3)** expands automatic transfer privileges beyond the established thresholds seen in recently made solar DCOs. For instance, Article 36 of the Tillbridge Solar Order 2025 and Article 33 of the Gate Burton Energy Park Order 2024 effectively limit automatic, un-audited transfers to entities holding an electricity generation or transmission license under Section 6 of the *Electricity Act 1989*. During ISH2 I asked the applicant to address this. In its written summary of oral submissions at ISH2 [REP3-047] the applicant states in part: "The Applicant has considered this issue further, including a review of recently made solar DCOs. The Applicant notes that the approach in article 8(9)(c) of the draft DCO, which provides that any transferee is subject to the same restrictions, liabilities and obligations as would apply to the undertaker in exercising those rights, is consistent with	**(a) Justification for the approach adopted in article 8(3)** The Applicant does not consider that article 8(3) represents an unjustified departure from established solar DCO precedent. Whilst the Applicant acknowledges that some recently made solar DCOs have adopted a more restrictive approach to provisions authorising transfers of all or part of an Order to be made without Secretary of State consent, it remains the case that there is recent solar precedent for provisions permitting transfers or grants to holding companies and subsidiaries without such consent. This includes article 6(4)(b) of the Byers Gill Solar Order 2025 and article 35(3)(c) of the Cottam Solar Project Order 2024. The drafting is also precedented in the wider context of projects in the field of energy. See for example article 7(3)(a)(ii) of the Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024. The rationale for the inclusion of article 8(3)(b) is to provide appropriate and proportionate

		drafting in a number of recent Orders, including, for example, article 36(8)(c) of the Springwell Solar Farm Order 2026, article 36(9)(c) of the Fenwick Solar Farm Order 2026, and article 6(9)(c) of the Helios Renewable Energy Project Order 2025. The Applicant has not identified any specific drafting within these Orders which is germane to the issues raised by the ExA." However, it is my understanding that recently made solar Orders typically include far stricter instances where the benefit can be transferred without SoS approval and none include such flexibility for holding companies and subsidiaries. Why is a different approach being taken to that established in recently made orders? Whilst I acknowledge the applicant's response, this does not deal with the issue of funding, which is a matter which the SoS typically considers in instances where a transfer is sought to anyone who does not hold an electricity license.	commercial flexibility in the event that it would be preferable that a connected corporate entity takes the benefit of all or part of the Order. The Applicant considers that the Examining Authority and Secretary of State would be entitled to proceed on the basis that funding for the compulsory acquisition of land would be available in the event of a transfer or grant pursuant to article 8(3)(b). As explained in the **Funding Statement [Document Reference 4.2 Revision 3]**, the Applicant is a member of the wider RWE group and the Scheme would ultimately be funded from the balance sheet of RWE AG, with any exercise of compulsory acquisition powers only anticipated following a positive final investment decision and the approval of the necessary funding arrangements. The Applicant can confirm that these arrangements would apply in circumstances where the benefit of all or part of the Order were transferred to a subsidiary or parent company of the Applicant.

		The Applicant is requested to: • **(a) Justify the Departure from approach taken in recently made solar DCOs** • **(b) Provide Parent Company Guarantees:** Given that that it appears that no independent decommissioning bond is provided in the DCO or the Outline DEMP, explain why Article 8(3) should not be amended to require that any transfer to an unlicensed subsidiary is legally invalid unless supported by a legally binding Parent Company Guarantee (PCG). Please note the gov.uk guidance which states: 'Where the principle of the provision is well established, the detailed drafting should follow the relevant Government Department's preferred drafting unless there are particular	The Applicant further notes that article 8(9)(c) ensures that any transferee or lessee is subject to the same restrictions, liabilities and obligations as would apply to the undertaker in exercising the transferred benefit. Accordingly, the transfer mechanism does not remove the obligations imposed by the Order. This would include any obligations arising by virtue of a guarantee or other form of security put in place pursuant to article 47 of the Draft DCO and approved by the Secretary of State. In circumstances where no guarantee was in place prior to a transfer pursuant to article 8(3)(b), the later exercise of any compulsory acquisition or temporary possession powers by a transferee or lessee of the Order would be subject to the requirement for a guarantee or other form of security to be approved by the Secretary of State under article 47. Together, these provisions provide a comprehensive and robust set of controls to address any funding implications arising from a transfer pursuant to article 8(3)(b).

		circumstances arising from the nature of the specific NSIP.”	**(b) Parent Company Guarantee (PCG)** In view of the comprehensive and robust controls cited, the Applicant does not consider that the inclusion of a PCG under article 8 is necessary or justified. The Applicant infers that the request to include a PCG within article 8 arises from a concern that funding as regards the implementation of the Order may not be available. For the reasons explained in response to part (a), this concern does not arise. As noted, the transfer of all or any part of the Order pursuant to article 8(3)(b) would carry with it any associated obligations (by virtue of article 8(9)) and this would include any guarantee or other form of security that is in place under article 47. In circumstances where no guarantee or other form of security was in place prior to a transfer pursuant to article 8(3)(b), the exercise by the transferee of any compulsory acquisition or temporary possession powers would be subject to a guarantee or other form of security being

			approved by the Secretary of State before the event. The Applicant therefore considers that the addition of a provision requiring a PCG to be in place prior to a transfer or grant to a subsidiary or parent company is unnecessary on the basis that it would effectively duplicate the legally binding and precedented controls which are already provided for by the Draft DCO, and which would be subject to the oversight of the Secretary of State. For completeness, the Applicant notes that it has not identified any equivalent provisions in made DCOs where provision has been made for transfers of all or part of an Order within a corporate group. This is persuasive evidence that the Secretary of State does not consider such drafting to be necessary, in view of the established controls applying elsewhere.
Q2.5.3	Applicant	**Framework Highways Agreement** In its written summary of oral submissions at ISH2 [REP3-047] the applicant states in part:	The Applicant has considered the draft highways agreement provided by CDC and now returned comments on the same.

		"TM confirmed that the Applicant is reviewing the draft highways agreement provided by the Council to identify whether any of its provisions could be incorporated into the Draft DCO (or related control documents), with the aim of avoiding the need for additional consents outside the DCO." Please could the applicant provide an update at deadline 4? If a framework highway agreement is not addressed in the dDCO then what articles could be amended to provide commensurate controls?	However, matters have evolved since ISH2 with respect to CDC's request for a highways agreement. In particular, in CDC's **written summary of oral submissions made at hearings in w/c 22 June 2026 [REP3-081]**, CDC has confirmed that: *"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) (Part 3; Schedule 16)."* The Applicant agrees that CDC's concerns can be addressed by an appropriate form of protective provisions. The Applicant will therefore consider and provide a response to CDC's suggested protective provisions (which CDC has indicated are to be submitted at

			Deadline 4) at Deadline 5. In addition, the Applicant will provide its suggested form of protective provisions in the Draft DCO to be submitted at Deadline 5, which will be informed by a review of CDC's proposal. On this basis, the Applicant considers that the changes which would be required to the Draft DCO to provide commensurate controls in respect of highway matters would be limited to the addition of protective provisions for CDC's benefit (in its capacity as local highway authority) in Schedule 14. The Applicant does not anticipate that further drafting amendments would be necessary, but will keep this under review and provide confirmation at Deadline 5.
Q2.5.4	CDC	**Draft DCO [REP3-006] Articles 11 and 12** Could CDC please provide an updated response on the suitability of article 12 (and specifically 12(4)), taking into account ongoing progress and/ or discussions between CDC and the applicant?	The Applicant notes that this question is directed to CDC.

Q2.5.5	CDC and NLC	**Draft DCO [REP3-006] Article 13** CDC's position on the 28 period is noted. Could NLC please confirm whether a deemed consent period of 28 days is acceptable (please give reasons in your response)?	The Applicant notes that this question is directed to CDC and NLC.
Q2.5 Schedules			
Q2.5.1	CDC	**Schedule 2 – Requirement 12 [REP3-006]** Could CDC please explain why it requires the submission of a further iteration of the Outline Archaeological Mitigation Strategy (oAMS)? What is likely to change, if anything?	The Applicant notes that this question is directed to CDC.
Q2.5.2	EA	**Schedule 2 – Requirement 14 [REP3-006]** The applicant has amended dDCO [REP3-006] Requirement 14 (Construction environmental management plan) to clarify that the term "commence" does not include any remedial works in respect of contamination. Could the EA confirm whether this addresses its concerns regarding ensuring provision for ground contamination risk assessment prior to preliminary works?	The Applicant notes that this question is directed to the EA.
Q2.5.3	Applicant	**Schedule 12**	The Applicant has updated Schedule 12 of the **Draft DCO [Document Reference 3.1,**

		The list at draft DCO schedule 12 [REP3-006] is not detailed enough. For example, "Environmental Statement" includes a whole host of documents, some of which are particularly important and many of which have been revised at different dates and with different references. On that basis, the applicant should update schedule 12 to reflect the Fenwick Order Schedule 12 and the way that documents have been split out. For example, the AMS and the Landscape and Visual Mitigation Strategy should be listed (just to give two examples). Please could the applicant amend the dDCO accordingly?	**Revision 7]** to reflect the approach requested by the ExA.
Q2.5.4	Applicant	**5.2.10 Phases** The applicant's response to written question Q5.2.10 [REP2-087] is noted but the word 'phase' still needs to be defined in the dDCO [REP3-006] (the applicant can cross-refer to Requirement 3 in the definition) to avoid ambiguity. Please could the applicant amend the dDCO accordingly?	The Applicant has updated the Draft DCO at Deadline 4 **[Document Reference 3.1 Revision 7]** to include a definition of 'phase' in paragraph 1 of Schedule 2 (Requirements). The drafting is based on the definition of the equivalent definition in the Little Crow Solar Park Order 2022 and the Stonestreet Green Solar Order 2025. Notwithstanding the change to the Draft DCO at Deadline 4, the Applicant remains of the

			view that, in context of the requirements of the Draft DCO, it is sufficiently clear that a phase is to be construed in accordance with the scheme approved pursuant to Requirement 3, such that a specific definition is not strictly necessary. In this regard, the Applicant notes that, in addition to the Orders cited in response to ExQ5.2.11 **[Document Reference REP2-087]**, the following Orders made in July 2026 do not include an equivalent definition: • The Peartree Hill Solar Farm Order 2026. • The Dean Moor Solar Farm Order 2026.
Q2.5.5		**5.2.11 Controlled site** The applicant's response to written question Q5.2.11 [REP2-087] is acknowledged but full evidence - providing certainty or at least suspicion of crash site locations - is required in order to justify restricting the effect of this requirement only to work no. 1A and 1B. What	As detailed in the Applicant's response to Q5.2.11 **[REP2-087]**, **Chapter 8 (Cultural Heritage and Archaeology) of the Environmental Statement [Document Reference 6.2.8 Revision 3]** provides (at paragraphs 8.4.31 – 8.4.36) details of crash sites which are protected by the Protection of

		measures are included in the dDCO [REP3-006] to accommodate those crash sites being discovered elsewhere within the order limits?	Military Remains Act 1986. These sites are also discussed in ES **Appendix 8.1 Heritage Baseline Assessment [Document Reference 6.3.6.2 Revision 2]** (paras 5.153 – 5.138 and mapped on Figures 6 and 8) and are located within or in close proximity to Works Nos. 1A and 1B. This validates the Applicant's decision to limit in a proportionate way the scope of Requirement 13 to Works 1A and 1B and provides clarity for interested parties, the Examining Authority and the Secretary of State that a controlled site interpretation scheme would be required (and what that scheme would contain) for any licenced works in these locations. It is not necessary to extend the scope of Requirement 13 to include additional Works because the Applicant's assessments do not indicate that there are further protected crash sites located within or in close proximity to the Order Limits. Extending Requirement 13 to other works or locations would therefore be disproportionate, as it would require

			additional and superfluous confirmations to be provided to the relevant planning authority, imposing unnecessary procedural steps and further work for local planning authorities. However, it should be noted that, for the purposes of the 1986 Act, a licence would need to be obtained under section 4 if any prohibited operations (as defined by section 2 of the 1986 Act) were proposed in respect of any unknown crash sites. In granting a licence, the Secretary of State may impose conditions for any purpose connected with protecting or preserving any remains to which the licence relates (section 4). Further details of the licensing of excavations in the UK is set out in Ministry of Defence Guidance[12] The Applicant therefore considers that the protections already afforded by the 1986 Act are manifestly sufficient to address the position of crash sites other than those which are subject to the controls set out in Requirement 13.

			For completeness, the **Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision 3]** also includes at para 5.29 the following confirmation (emphasis added): *"Modern materials, such as animal bone, plastics, glass, tractor parts, and any other hazardous material will not be collected.* ***<u>An exception to this policy will be for any modern material collected in areas of possible Second World War aircraft crashes which should be recovered to determine whether it relates to military remains</u>****."* This will ensure that an appropriate level of scrutiny is applied to account for any potential for crash sites and remains to be present and therefore subject to Requirement 13 and/or the 1986 Act (as applicable).
6. Cultural heritage			

Q2.6.1	Applicant	**Affected properties** CDC's LIR paragraph 8.8 [REP1-062] suggests that 'affected' properties have not been included in the applicant's assessment in terms of their contribution to the heritage significance of the local landscape. Is this correct? If so, why has this approach been taken? Have any properties been excluded from the heritage assessment on this basis?	This is incorrect. The Applicant has not discounted any properties on this basis. The Applicant confirms that all "affected" properties have been considered in **Appendix 3, Assessment Methodology, of the Environmental Statement Appendix 8.1 Heritage Baseline Assessment [Document Reference 6.3.8.1 Revision 3].** Any built heritage assets, within the Study Area (Order Limits, SZTV and 1km buffer around Order Limits) were assessed in accordance with the GPA-3 setting assessment methodology. Any assets discounted from detailed assessment were considered at Stage 1 of the process. This issue was discussed with the Conservation Officer for CDC on 14th July 2026 and the position noted above was explained.
Q2.6.2	Applicant	**Historic Landscape** CDC's LIR [REP1-062] Paragraph 8.16 suggests that - given the open character of the historic landscape - 'proposed planting to mitigate the impacts of the development	It is acknowledged by the Applicant, CDC and North Lincolnshire Council, that the majority of the Scheme lies within the Recently Enclosed Land (REL) as defined by Miller's 1997 HLC assessment of the Isle of Axholme.

		would, in and of itself, cause harm in historic landscape terms.' Could the applicant provide a response?	The REL character area includes elements of 17th-century reclaimed land but the majority of the area is defined by a composite of these elements and the more widespread 19th-century activity that improved the drainage and include warping. Much of the 19th-century works were pursuant to Inclosure Acts which required field parcels to be bounded by both ditches and hedges (usually of quickthorn). The open character of much of the landscape within the Order Limits derives from the 20th century, when increased mechanisation of agriculture led to the increase in field sizes and the removal of both hedges and ditches that had been planted as part of the Inclosure. Miller's 1997 Historic Landscape Characterisation study forms the evidence base underlying North Lincolnshire Council's LC14 Isle of Axholme Area of Special Historic Landscape Interest policy area. Miller notes in the management recommendations for the Historic Landscape Character of the Isle of Axholme that the reintroduction of hedges would be beneficial as it would help to better

			reveal the fieldscape of the area which is largely inaccessible. As such, the Applicant does not accept the assertion that the introduction of hedges would be harmful.
Q2.6.3	CDC and the Applicant	**Archaeology** CDC's LIR [REP1-062] paragraph 8.30 states in part: 'In order for appropriate weight to be given to the effects of the proposals on the significance of any affected heritage assets, it will be necessary for the Applicant to demonstrate that sufficient flexibility remains within the scheme design and the mitigation options to respond to archaeological discoveries made and to avoid unnecessary harm.' Could CDC please elaborate and explain what this would look like in practice? Could the applicant also provide a response?	As noted at Issue Specific Hearing 2, the Applicant's approach ensures that there is sufficient flexibility within the Scheme design and mitigation options to respond to archaeological discoveries and minimise the level of harm. The Applicant has prepared an **Outline Archaeological Management Strateg**y **[Document Reference 6.3.8.6 Revision 3]** which details a range of mitigation methods that include preservation in situ, micro-siting, archaeological trenching or strip map and sample excavation and watching briefs. Alternate methodologies for addressing geoarchaeological deposits are also detailed. Furthermore, Requirement 12 of the Draft DCO **[Document Reference 3.1 Revision 7]** secures the **Outline**

			AMS [Document Reference 6.3.8.6 Revision 3] by stipulating that the written scheme of investigation for each development phase must be substantially in accordance with the **Outline AMS [Document Reference 6.3.8.6 Revision 3]**. Requirement 12 also provides approval rights to the relevant local planning authority of a written scheme of investigation for each phase of development.
Q2.6.4	Applicant, CDC and NLC	**Archaeology** Could the applicant please provide a response to the assertions made at paragraphs 8.19 to 8.29 of CDC's LIR [REP1-062]? Specifically, could the applicant explain whether it considers that it has sufficiently taken a holistic approach to the consideration of below ground heritage assets and the extent to which they are likely to be present? Please could both Councils and the applicant also provide an update on discussions with regard to the extent of archaeological works to be secured post consent (in the event that consent is	The Applicant is clear that the assessment provided within **ES Volume 2 Chapter 8: Cultural Heritage and Archaeology [Document Reference 6.2.8 Revision 3]** is robust and appropriate for decision making and supported by an extensive suite of surveys and research. The data has been collated to enable a reasoned consideration of the heritage resource within the assessment area, and accords with the standards and guidance set out by the Chartered Institute for Archaeologists. This approach is entirely sufficient to determine the nature and character of the identified archaeological resource within the Order Limits to provide

		granted)? Any disagreement should be clearly explained with reasons given.	the necessary data for a mitigation strategy (either by design or by record). The Applicant met with SYAS on behalf of CDC and the Archaeology Officer for North Lincolnshire Council on 15 July 2026. There remains disagreement between SYAS and the Applicant on the following points: • The type and timing of evaluation methods • The inclusion of evaluation techniques within the **Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision 3]** The disagreements arise as a result of the differing positions of SYAS and the Applicant with regard to the need to undertake fieldwalking and intrusive archaeological evaluation pre-determination. The Applicant is confident that there has been sufficient information provided within the application to allow decision making and that there is sufficient flexibility within the Scheme, and sufficient oversight provided

			through Requirement 12, to minimise adverse effects to the archaeological resource at the post-consent stage. The Applicant has submitted an **Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision 3]**. Requirement 12 of the **draft DCO [Document Reference 3.1 Revision 7]** secures a staged programme of archaeological investigation and reporting, appropriate to the importance and significance of the archaeological remains within the Order Limits. Engagement with SYAS and North Lincolnshire Council is ongoing and it has been agreed that the zoning plan (under development) within the Outline Archaeological Mitigation Strategy will be a key means of developing understanding and agreement with the Stakeholders regarding potential areas of archaeological sensitivity. The version of the zoning plan in **Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision**

			3] represents an interim stage for the zoning plan with a more detailed version that will include zones of sensitivity (this will be coloured on the basis of the identified level of effect and the sensitivity of any receptors in those parts of the Order Limits).
Q2.6.5	Applicant	**Archaeology** Please could the applicant respond to the CDC's suggested DCO wording in respect of archaeological mitigation. The wording is set out at paragraph 16.2 of CDC's LIR [REP1-062].	At paragraph 16.2 of CDC's LIR [REP1-062], CDC proposes alternative wording for Requirement 12 (Archaeology), to require the Applicant to submit a final Archaeological Mitigation Strategy, in addition to the **Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision 3**] submitted as part of the DCO application. The Applicant does not consider that would achieve any additional benefit than what the Applicant proposes. Requirement 12 of the **draft DCO [Document Reference 3.1 Revision 7]** secures a staged programme of archaeological investigation and reporting, appropriate to the importance and significance of the archaeological remains within the Order Limits.

			Under Requirement 12, the Applicant must submit a Written Scheme of Investigation ("WSI") for approval by the relevant planning authority prior to the commencement of any phase of the authorised development. In accordance with Requirement 12(3), the scope of works under each WSI must be substantially in accordance with the outline Archaeological Mitigation Strategy. Requirement 12 therefore ensures that appropriate archaeological mitigation, tailored to each phase of development, is secured and implemented at each stage of the authorised development. This approach allows mitigation measures to be refined as further information becomes available, while remaining substantially in accordance with the outline strategy. In the Applicant's view, Requirement 12 already provides a robust and flexible framework for archaeological mitigation. It is not clear what additional benefit would be delivered by requiring submission of a final Archaeological Mitigation Strategy, over and above the

			existing requirement for approved WSIs that must substantially accord with the outline strategy. The Applicant therefore does not consider that any amendment to Requirement 12 is necessary.
Q2.6.6	NLC and the applicant	**Dirtness Pumping Station (Grade II)** Paragraphs 12.28 to 12.30 of NLC's LIR [REP1-063] address the effect of the proposed development on dirtness pumping station. Could NLC please confirm whether it is suggesting 'less than substantial harm' would occur? Could the applicant also provide a response on this? Could the applicant and NLC update the ExA on any progress made in amending the proposed layout, as indicated at NLC LIR paragraph 12.30?	The Applicant's position regarding Dirtness Pumping Station is that it will experience temporary Less than Substantial Harm, at the lowest end of this spectrum to its significance as a result of changes to its setting. The Applicant has agreed to make a minor alteration the layout of panels to accommodate NLC's request to ensure the retention of filtered views of Dirtness Pumping Station from approaches to the south (Idle Bank). This change of reconfiguration of solar PV panel arrangement in parcel E5 has allowed for improved opportunities for filtered and partial views of Dirtness Pumping Station that would otherwise have been more restricted. However, the changes do not alter the conclusions drawn of temporary Less than Substantial Harm and no documentation

			is therefore updated in this regard. See **ES Figure 2.2a Indicative Operational Layout Plan (Fixed Solar Panels) [Document Reference 6.4.2.2a Revision 3**] and **ES Figure 2.2b Indicative Operational Layout Plan (Fixed Solar Panels) [Document Reference 6.4.2.2a Revision 3]** for confirmation of the panel layout reconfiguration. Further details of the design proposals brought forward by the Applicant in response to stakeholder comments (including to the Dirtness Pumping Station) at Deadline 4 can be seen within the **Design Evolution Document [Document Reference 8.22 Revision 1].**
Q2.6.7	Applicant	**Heritage Balance** In response to EXQ1 Q6.0.1 [PD-006] the applicant provided appendix B to the Planning Statement [REP2-012]. However, please update this to include a table identifying all designated and non-designated heritage assets where harm would arise ('no harm' 'less than substantial harm' 'substantial harm').	**Appendix B: Heritage Statement [Document Reference 5.5.2 Revision 3]** has been updated to include a summary table at Appendix 1 within the document.

Q2.6.8	Applicant	**Heritage assets** The applicant's response to EXQ1 6.0.3 [REP2-087] states in part: "The Applicant has revised Figure 1 in ES Appendix 8.1 Heritage Baseline Assessment Document Reference 6.3.8 Revision 2] to show all of the designated heritage assets within the SZTV or 1km buffer around the Order Limits". However, there appear to be some heritage assets located north of Sandtoft and south of the M180 which are within 1km of the order limits. There also appear to be an even larger number which are located within the ZTV (in Sandtoft for example). These are not shown on the figure and should be. They should also be assessed accordingly.	All designated heritage assets within 1km or the ZTV are shown in Figure 1A of **Environmental Statement (ES) Appendix 8.1: Heritage Baseline Assessment [Document Reference 6.3.8.1 Revision 3]** submitted at Deadline 4. Additional zoomed-in viewsheds of other clusters of designated heritage assets are now provided as Figures 1E – 1H of **Appendix 8.1: Heritage Baseline Assessment [Document Reference 6.3.8.1 Revision 3]** to aid clarity. The Applicant confirms that all designated heritage assets within 1km or the ZTV have been assessed as part of the ES process, in accordance with the GPA3 methodology.
Q2.6.9	Applicant	**Q6.0.10** The applicant has provided a response to EXQ1 Q6.0.10 [REP2-087]. However, could the applicant update the ES to include this explanation?	The Applicant has included the relevant explanation within **Environmental St atement Chapter 8: Cultural Heritage and Archaeology [Document Reference 6.2.8 Revision 3]** at paragraphs 8.6.68; 8.6.81 and 8.6.94.

Q2.6.10	Applicant	**Archaeology** CDC's response to written question 6.0.7 [REP2-099] states in part: "Magnetometry has been relied on as the main evaluation technique but the influence of the alluvial deposits on the effectiveness of the geophysical survey technique has not been resolved. The applicants contend that the survey was targeted at understanding near surface archaeological remains- "Magnetometry was not intended for consideration of deep deposits" (APP-045 ES Ch 8. Table 8-3: Summary of Consultation)- and the geoarchaeological desk-based assessment is the only site wide consideration of the potential for deeply buried remains. In addition, the effectiveness of the geophysical survey in identifying near surface archaeological remains is uncertain. Cropmark data indicated Romano-British activity in the Sandtoft area. Area 3 of the trial trench evaluation targeted this area identifying a Romano-British settlement dated to the 2nd/ 3rd century recording features consistent with the cropmark evidence. Despite only	CDC's position is noted but the Applicant disagrees. The Applicant's position remains that the assessment provided within **Chapter 8: Cultural Heritage and Archaeology [Document Reference 6.2.8 Revision 3]** is robust and appropriate for decision making and supported by an extensive suite of surveys and research. The exact routes and construction details for the higher impact elements of the Scheme will be developed as part of the detailed design of the Scheme and secured by Requirements, notably Requirement 6 (detailed design approval) of the **draft DCO [Document Reference 3.1 Revision 7]**. The Applicant notes that any potential evaluation or mitigation required will be targeted on the basis of archaeological potential, rather than the extent of groundworks proposed. The Applicant is confident that any potential evaluation or mitigation required within these areas can be delivered in a timely fashion post-consent.

		being covered by, on average, 30cm-50cm of topsoil and subsoil, none of the features associated with this settlement were recorded as anomalies by the geophysical survey. Given this, it remains unclear whether apparent absences of archaeology reflect genuine patterns or are the result of masking by alluvial deposits. This results in a level of uncertainty that, in SYAS' view, is too great to be addressed solely through post-decision mitigation." This is part of its argument that magnetometry surveys are not sufficient. CDC also refers to other projects, including Fenwick which it asserts include much higher degrees of trial trenching. What is applicant's response?	The Applicant has prepared an **Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision 3]** (AMS). Requirement 12 of the draft DCO secures compliance with the Outline AMS by stipulating that the written scheme of investigation for each development phase must be substantially in accordance with the Outline AMS. Requirement 12 also provides approval rights to the relevant local planning authority of a written scheme of investigation for each phase of development. The Outline AMS was revised at Deadline 2 to include a zoning plan which will be used to inform discussions with stakeholders moving forwards. The combination of the inherent flexibility in many elements of a solar development and the methodologies for additional mitigation detailed in the Outline AMS allow for adverse effects to archaeological remains to be avoided or minimised. The Outline AMS identifies the possibility of preserving archaeological remains in situ within the Order Limits. This would be achieved through either

			no-dig foundations for solar arrays or areas excluded from development. Where solar arrays will have push-pin foundations the scale of effect upon below-ground archaeological remains is minimal. In areas of more intrusive elements of the Scheme (such as cable runs, BESS facilities or Substations) archaeological mitigation will likely take the form of preservation by record (trenching, watching brief or excavation). The application of the mitigation to the assets would reduce the scale of effect to the extent that it is not significant. As well as detailing mitigation methods, the Outline AMS details that the Scheme will consider micro-siting elements of solar development during construction to allow for the further minimisation of direct adverse effects to archaeological remains in accordance with paragraphs 2.10.137 and 2.10.138 of NPS EN-3. In accordance with the test set out at paragraph 5.9.33 of NPS EN 1 and considering paragraph 4.2.16 of NPS EN-1, the residual

			effects to the non-designated assets have been minimised and they do not therefore represent the most exceptional circumstances. The Archaeology and Solar Good Practice Guide (launched in April 2026) details 10 key principles and the Applicant notes that the following are particularly pertinent in this instance: • Principle 4: Design flexibility can be utilised to protect the significance of archaeological remains • Principle 8: A pragmatic approach to trial trenching will enhance confidence while enabling development Following these principles, the Applicant is clear that there is a high degree of flexibility for much of the design which could be employed to reduce or remove impacts to below ground remains. Further, as the exact routes of the most intrusive elements of the Scheme (such as cable routes) will not be determined until detailed design. Undertaking any trial trenching after this information is available is appropriate as it

			will avoid the need for potentially abortive works and reduce the potential for harm to below ground remains arising from trenching which was ultimately not necessary. SYAS on behalf of CDC note trenching was undertaken in relation to Fenwick Solar (PINS Reference: EN010152). There is an apparent inconsistency with the approaches taken to geoarchaeological assessment between Fenwick Solar and the Scheme. The whole of the Fenwick Solar Order Limits are recorded by the British Geological Survey as containing Glaciolacustrine deposits but no geoarchaeological assessment was deemed necessary whereas, in respect of the Scheme, SYAS state that borehole survey is required despite the submission of a specialist assessment. These deposits continue into the western part of the Order Limits. Despite the very similar potential of Fenwick Solar for prehistoric lithic material to the Scheme, no request for fieldwalking was made by SYAS. The magnetometry was generally successful as it identified a number of anomalies likely to

			represent heritage assets, as well as palaeochannels that had not been previously recorded and which in combination with other data sources, such as aerial photographs, previous fieldwalking and excavation, and previous geoarchaeological assessment provides a detailed and robust picture of the archaeological potential of the Order Limits. The different approaches regarding archaeology at Tween Bridge (a wide range of surveys and limited trenching) and Fenwick (limited survey and extensive trenching) can be viewed as different means to achieve the same aim. The Applicant considers the most proportionate, and appropriate, approach is that which they have followed as it removes the potential for abortive works and possible harm, through excavation, to archaeological deposits that could have been protected through mitigation following detailed design.
Q2.6.11		**Archaeology** Please could the applicant address paragraphs 5.4 to 5.7 of CDC's deadline 3	The Applicant notes that in a bid to abridge data from a number of sources errors crept into the examples presented.

		submission [REP3-081]? This questions the examples alluded to by the applicant in justifying the degree of pre-consent archaeological work.	In response the Applicant would note the alternate examples of recently granted DCO's, below: Helios Renewable Energy (EN010140) The application was supported by a desk-based assessment, a geophysical survey and an archaeological mitigation strategy. No intrusive archaeological works have been completed in relation to this scheme. North Yorkshire Council accepted the principle that archaeological investigation could be completed through the AMS secured by DCO Requirement. The Local Impact Report noted: *'The known cropmarks are unlikely to be fully representative of the entire archaeological resource. The construction of a solar farm may have a negative impact on sub-surface archaeological remains through direct impact from piling, cable trenching, construction works and foundations for sub-stations etc, along with access roads, security fencing and other related infrastructure.* *The application includes a Cultural Heritage chapter (Chapter 6; June 2024) and Cultural*

			Heritage Technical Appendix (Appendix 6.1) with regards to the impact of the proposal on heritage assets of archaeological interest. These documents are supported by an archaeological geophysical survey (Appendix 6.3) which has identified a number of anomalies consistent with archaeological features, many of which correspond with the previously recorded cropmark sites. Taken together these documents are a proportionate assessment commensurate to the expected significance of the archaeological remains. *The application includes an Outline Archaeological Mitigation Strategy (Appendix 6.2). This strategy takes the approach of a combination of designing out the more complex anomalies whilst ensuring that where impact might occur that this is mitigated by archaeological monitoring (watching brief). The Authority agrees that this is a reasonable response and is an approach that has been supported elsewhere on solar schemes in North Yorkshire.'* <u>East Yorkshire Solar Farm (EN010143)</u>

			The application was supported by a desk-based assessment, a geophysical survey and targeted trial trenching (500no. 50m x 1.8m trenches across a site of 1276.5ha). The geophysical survey was unable to include all of the land within the Order Limits due to access constraints (around 120ha were not surveyed). The results of the geophysical survey appeared to be very similar in character to the results produced at Tween Bridge with a large number of drains and focused pockets of archaeological anomalies. The site was within the study area for the Humberhead Levels as with Tween Bridge and included land that was drained in the 1620s by Vermuyden before being warped in the post-medieval period. The approach to additional archaeological investigations was outlined in the Overarching WSI which was submitted at Deadline 1 and secured by DCO Requirement. Unlike Tween Bridge no concerns were raised by the LPA regarding the need for geoarchaeological assessments to better

			understand the reclaimed landscape and warping. Nor were the findings of the geophysical survey questioned due to the possibility of warp or alluvial deposits masking archaeological remains. Springwell Solar (EN010149) The application was supported by a desk-based assessment, a geophysical survey, an assessment of airborne survey data, a geoarchaeological desk-based assessment (which included deposit modelling based on available GI data) and targeted trial trenching (196no. 50m x 1.8m trenches across a site of 1772ha). The geoarchaeological deposits were broadly consistent with those not investigated as part of the Fenwick scheme. The extent of archaeological trenching (and subsequent progress) and setting of built heritage assets were raised at ISH1 and ISH2. Targeted trenching sample equated to 0.1% by area and focused on 5 areas where there was an identified high potential for remains on the basis of HER data, air photos and geophysical

			survey and which were in locations for proposed infrastructure. The Applicant argued that the targeted trenching was sufficient pre-determination and further archaeological investigations were proposed to be secured by DCO Requirement with an outline WSI prepared which included methodologies for further trial trenching, mitigation and preservation in situ. This position was accepted by the LPA at Deadline 3. Oaklands Farm Solar Park (EN010122) The application was supported by a desk-based assessment and a geophysical survey. No intrusive archaeological works have been completed in relation to this scheme. The draft DCO secured archaeological investigation by means of Requirement 18 but this was not supported by the upfront provision of an outline WSI or Archaeological Mitigation Strategy. Stonestreet Green Solar (EN010135) The application was supported by a desk-based assessment, a geophysical survey, targeted geoarchaeological test-pitting and

			targeted trial trenching (13no. 50m x 1.8m across a site of 192ha). The approach to additional archaeological investigations was outlined in a submitted oAMS to be secured by DCO Requirement. The LPA consistently noted their opinion that further, widespread trenching was essential in the various draft versions of the SOCG. In the final version of the Kent CC SOCG the LPA changed their position and accepted that *'significant effects upon below ground archaeological remains and heritage assets from the project are possible but can be appropriately mitigated.'* The Applicant in this instance had not undertaken any additional works subsequent to the 13 trenches that had been excavated pre-application.
7. Flood risk, hydrology and water resources			
Q2.7.1	Applicant	**Q7.0.13** The applicant's response to EXQ1 7.0.13 [REP2-087] states:	The Applicant is agreeing to exceed the minimum policy requirements by adopting the present-day 1 in 1,000-year fluvial flood event, together with 100 mm freeboard, as

		"Paragraph 002 of the Flood Risk and Coastal Change Planning Practice Guidance (PPG) confirms that the standard design basis for flood risk assessment is generally the 1 in 100-year fluvial event (plus climate change allowance) and the 1 in 200-year tidal event (plus climate change allowance). These represent the conventional design events for planning purposes, as supported by Environment Agency guidance. For this Scheme, detailed review of the Environment Agency's 2023 River Trent hydraulic model demonstrated that the fluvially dominated 1 in 1,000-year event produces higher flood levels and more extensive inundation than the 1 in 100 year fluvial and 1 in 200-year tidal design events (including climate change). It was therefore agreed with the Environment Agency that mitigation should be designed to the more precautionary 1 in 1,000-year fluvial event, plus 100 mm freeboard, as a conservative proxy for extreme flood conditions. Refer to Item 7 in Environment Agency SoCG [Document Reference 9.4, Revision 1]."	the basis for the Scheme's flood risk mitigation. However, the Applicant did not *assume* that the present-day 1 in 1,000-year event would automatically represent the most onerous flood scenario. As noted in Q7.0.13 **[REP2-087]**, the Planning Practice Guidance defines the policy design events as the 1 in 100-year fluvial event and the 1 in 200-year tidal event, each with an appropriate allowance for climate change. Depending on the characteristics of the catchment and the hydraulic model outputs, these policy design events with climate change can, in some circumstances, produce flood levels that are comparable to, or greater than, those of the present-day 1 in 1,000-year event. Accordingly, the Applicant reviewed all flood events and associated water levels provided within the Environment Agency's hydraulic model, including the policy design events with climate change allowances and the present-day 1 in 1,000-year event. This review demonstrated that, for the Scheme, the present-day 1 in 1,000-year event

		However, isn't the 1 in 1000 event always greater than 1 in 100. Please expand on the rationale provided? Is the applicant effectively agreeing to exceed policy requirements?	produces the highest flood levels and greatest flood extents. On that basis, and in agreement with the Environment Agency (refer to Item 7 of the Statement of Common Ground **[Document Reference 9.4, Revision 1]**), the present-day 1 in 1,000-year event, together with 100 mm freeboard, was adopted as the design basis for the Scheme's flood risk mitigation.
Q2.7.2	Applicant	**Flood Emergency Plan** The applicant's responses to EXQ1 questions 7.0.24 and 7.0.25 are noted [REP2-087]. However, could the applicant please update the relevant management plans (for example, construction and operation) to cross refer directly to the applicant's Flood Emergency Plan and require final details to be submitted for approval for that stage of development?	The Outline Construction Environmental Management Plan **[Document Reference 7.1 Revision 5]** references the Flood Emergency Management Plan (Appendix K of the Flood Risk Assessment **[REP2-047, REP2-049, REP2-051]**) in paragraph 4.12.1, also noting that the Emergency Response Plan (which will be in accordance with the Flood Emergency Management Plan), will be developed in consultation with the relevant local authority emergency planning officer, emergency services and the Environment Agency in relation to responding to flood warnings. An additional cross reference to the Flood Emergency Management

			Plan (Appendix K of the Flood Risk Assessment **[REP2-047, REP2-051]**) has been added to paragraph 3.2.2 of the Outline Construction Management Plan **[Document Reference 7.1 Revision 5]** for submission at Deadline 4. The Outline Operational Environmental Management Plan **[Document Reference 7.2 Revision 3]** references the Emergency Response Plan (including Flood Risk) at paragraph 4.8.1. Paragraph 4.8.1 also details that the Emergency Response Plan will be developed in consultation with City of Doncaster Council, North Lincolnshire Council, emergency services and the Environment Agency in relation to responding to flood warnings. A direct reference to the Flood Emegergency Management Plan (Appendix K of the Flood Risk Assessment **[REP2-047, REP2-049, REP2-051]**) has been added to paragraph 4.8.1 and Table 5-1 of the Outline Operational Environmental Management Plan **[Document Reference 7.2 Revision 3]** submitted at Deadline 4.

			The Outline Decommissioning Management Plan **[Document Reference 7.3 Revision 4]** references the Emergency Response Plan (including Flood Risk) at paragraph 3.91. Paragraph 3.91 also details that the Emergency Response Plan will be developed in consultation with City of Doncaster Council, North Lincolnshire Council, emergency services and the Environment Agency in relation to responding to flood warnings. A direct reference to the Flood Emegergency Management Plan (Appendix K of the Flood Risk Assessment **[REP2-047, REP2-049, REP2-051]**) has been added to paragraph 3.91 of the Outline Decommissioning Management Plan submitted at Deadline 4.
Q2.7.3	Applicant	**Sequential Test** Please could the applicant provide a response to the assertions made at pages 23 to 25 of NLC's deadline 3 submission [REP3-079]? These representations suggest that the	The Applicant notes the NLC's comments and recognises that NLC would not have seen the Applicant's submissions **[REP3-048]** also made at Deadline 3**.** The purpose of the Sequential Test is to determine whether development can be directed to areas at lower risk of flooding,

		applicant has not properly undertaken the sequential test.	thereby avoiding inappropriate development in flood-prone locations where a reasonably available alternative exists. The Applicant has explained the operational and technical reasons why the substation and BESS are located within Flood Zone 3b. This matter was addressed during ISH3 and in the Applicant's Written Summary of Oral Submissions for ISH3 **[REP3-048]**, at paragraphs 4.40-4.46. The Applicant has also submitted a **Design Evolution Document [Document Reference 8.22 Revision 1]** at Deadline 4. This document confirms that, as agreed at Issue Specific Hearing 3 (see Action 6 of the Written Summary of Oral Submissions **[REP3-048]**), the Applicant has given further consideration to whether the substation and BESS can be relocated outside of Flood Zone 3b, in Field A20. Paragraphs 3.3.1 - 3.3.4 of the Design Evolution Document confirm that the substation has been moved to a minor extent so that it would now avoid Flood Zone 3b. The minor area of the 100MW BESS within Flood Zone 3b remains due to the

			environmental and technical constraints; namely, the presence of peaty soils and the topple zone associated with an existing wind turbine (part of the existing Tween Bridge Wind Farm). The following plans have been updated and submitted at Deadline 4 to reflect the minor adjustment to the substation location: **ES Figure 6.4.2.2a Indicative Operational Layout Plan (Fixed Solar Panels) [Document Reference 6.4.2.2a Revision 3]** and **ES Figure 6.4.2.2a Indicative Operational Layout Plan (Fixed and Tracker Solar Panels) [Document Reference 6.4.2.2b Revision 3]** as well as within the **Works Plans [Document Reference 2.2 Revision 4].**
8. Landscape and visual			
Q2.8.1	Applicant	**Viewpoint 1** In response to CDC's LIR the applicant [REP2-089] states in part: "The Applicant acknowledges that there appears to be a difference in assessment of residual effects from Viewpoint 1 within	The **ES Chapter 6 Landscape and Visual [Document Reference 6.2.6 Revision 4]** has been updated to reflect this. Table 6-6: Summary of Assessment of Residual Landscape and Visual Effects of **ES Chapter 6 Landscape and Visual [Document Reference**

		Appendix 6.5 Viewpoint Assessment [APP-069], when compared to the assessment of Public Right of Way FP15 (Thorne) (Ref: DR/Thorne/15) within Chapter 6 Landscape and Visual [Document Reference 6.2.6 Revision 3]. It is considered that the conclusions within Chapter 6 Landscape and Visual are overstated and that the assessment of Viewpoint 1 within Appendix 6.5 Viewpoint Assessment [APP-069] should take precedent as a single static viewpoint representing a gap in the vegetation along this route." Please could the applicant update the ES to reflect this?	**6.2.6 Revision 4]** aligns with the residual effects from Viewpoint 1 within **Appendix 6.5 Viewpoint Assessment [APP-069]**.
Q2.8.2	Applicant	**Receptors** Paragraph 5.16 of the applicant's Written Summary of Oral Submissions at ISH1 [REP1-046] states in part: "the Applicant has identified the residential receptors in respect of which significant effects are reported in ES Appendix 6.2 and included this as part of the ES Chapter 6:	At Deadline 2, the ES Chapter 6 Landscape and Visual (Revision 3) was updated in this regard **[REP2-033]**.The Applicant confirms Table 6-6: Summary of Assessment of Residual Landscape and Visual Effects specifies the individual receptors for 'Users of publicly accessible BOATs,

		Landscape and Visual [Document Reference 6.2.6 Revision 2] submitted at Deadline 1." Could the applicant also please update these documents (and specifically ES table 6-6) to specify individual receptors for the following categories: 'Users of publicly accessible BOATs, bridleways and footpaths' and 'Users of the transport network'? For example, which specific footpath is being referred to.	bridleways and footpaths' and 'Users of the transport network'.
Q2.8.3	Applicant	**Residential Visual Amenity Assessment (RVAA)** Paragraph 5.31 of the applicant's Written Summary of Oral Submissions at ISH1 [REP1-046] states in part: "The Applicant has entered into agreements with the owners of these properties for the acquisition of land interests and rights in respect of the Scheme, which indicate that those parties (and by extension any other occupiers of the land who would, by virtue of the nature of their interest in the land, ultimately be bound by any agreement entered into by the owner) have accepted the principle of development and the inevitable	Without prejudice to the Applicant's view that the approach taken to "financially involved" properties in the submitted **ES Appendix 6.2 Residential Visual Amenity Assessment [APP-062]** is appropriate. **ES Appendix 6.2** has been updated at Deadline 4 **[Document Reference 6.3.6.2 Revision 2]** to include a review of the involved properties and a specific assessment of the tenanted properties has been provided. This approach also addresses both City of Doncaster Council's and North Lincolnshire Council's recommendation in

		impact on views from their properties that the Scheme will have. The Applicant notes that the Landscape Institute Technical Guidance Note (TGN) 2/19 (Ref 1-15) RVAA provides examples of factors which might contribute to the threshold being reached, including 'unavoidable', 'overwhelming', 'oppressive' and 'overly intrusive'. Based on the informed professional judgement that TGN 2/19 states is required to determine such conclusions, the Applicant does not consider that such impacts would arise in those circumstances." Could the applicant please update the RVAA [APP-062] to include an assessment of 'involved' properties? TGN 2/19 does not appear to endorse the applicant's approach of excluding 'involved' properties. Please update the RVAA accordingly.	response to ExQ8.0.7 **[REP2-099 and REP2-101]**.
Q2.8.4	Applicant	**Q8.0.9, 8.0.10 and 8.0.17** The applicant's responses to these written questions [REP2-087] are noted but could	The Applicant confirms the responses provided to written questions 8.0.9 (Hedgerows), 8.0.10 (Grassland) **[REP2-087]** have been added to **ES Chapter 6 Landscape and Visual [Document**

		the applicant please update the ES to include this information?	**Reference 6.2.6 Revision 4]** submitted at Deadline 4. The Applicant's response to ExQ 8.0.17 (Cumulative visual effects) **[REP2-087]** has been added to **ES Chapter 17 Cumulative Impacts [Document Reference 6.2.17 Revision 3]**.
Q2.8.5	Applicant	**Applicant response to NLC LIR** In the applicant's response [REP2-090] to paragraph 9.10 of NLC's LIR, the applicant refers to the draft SoCG [REP1-051]. However, it is not clear how or where paragraph 9.10 is addressed in the SoCG. Please could the applicant explain?	In line with Action 1 of **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]**, the Applicant has updated **ES Chapter 6 Landscape and Visual [Document Reference 6.2.6 Revision 4]** to take account of the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021) and the associated landscape Character Areas and Types. Accompanying **ES Figure 6.2 Landscape Character Areas [Document Reference 6.4.6.2 Revision 2**] and **ES Figure 6.6 Screened Zone of Theoretical Visibility with Landscape Character Areas and Viewpoints**

			[Document Reference 6.4.6.6 Revision 2] have also been updated to reflect the updated character areas.
Q2.8.6	NLC	**Receptor sensitivity** Please could NLC address the applicant's response to paragraph 9.21 of the NLC LIR [REP2-090]?	The Applicant notes that this question is directed to NLC.
9. Land use, soil and ground conditions			
Q2.9.1	Applicant	**BESS** The applicant's response to EXQ1 [Q9.0.4] is noted but isn't the BESS in question located in Flood Zone 3a and 3b anyway? As such, how is this an adequate justification?	The Applicant notes that the vast majority of the Site is located in Flood Zone 3a and a small portion of the BESS in Field A20 is located within Flood Zone 3b. The siting of infrastructure has been driven by the 1-in-1000 year model as it represents a much more severe event than the 1 in 100 year and 1 in 30 year events which define the extent of Flood Zone 3a and Flood Zone 3b, respectively. The BESS in Field A20 has been located in an area with little to no flooding according to the 1 in 1, 000 year modelling (see Appendix J within the **Flood Risk Assessment** [**REP2-047 to**

			REP2-051], so while it does intersect with Flood Zone 3b, it will be raised above the more stringent requirement (1 in 1,000 year flood level plus 100mm freeboard) and thus be resilient to extreme flood events. The Flood Zone Mapping for the 1 in 1,000 year flood event (River Torne) at Appendix A of the Flood Risk Assessment Part 1 **[REP1-021]** indicates that there is a limited space outside of the 1 in 1,000 year event either adjacent to or in close proximity to the substation's location in Field A20 where the BESS could be reasonably otherwise located. It is also important to note that the Scheme has been designed to an extent where, even with a small part of the BESS being located in Flood Zone 3b, it is assessed that there would be a negligible impact on floodplain storage in the Order Limits, as set out in Section 5 of the Environmental Statement **Appendix 10.1 Flood Risk Assessment Part 1 [REP2-047].** Furthermore, this land is a mixture of predominantly higher grade (BMV) and

			therefore relocating elsewhere would not reduce the amount of higher quality land that is required to be utilised. It is noted that there is a small area of land to the north of the BESS which is non BMV, however, as explained in paragraph 4.5 of the **Micro-siting Analysis to Minimise Effects on BMV Agricultural Land [REP3-051],** the BESS has been sited in this specific location to minimise additional land disturbance by virtue of being located adjacent to existing access tracks and by seeking to avoid a designated ecological site. Additionally, while flood risk is a key constraint, it is not the only consideration the Scheme must take into account. As described in the previous response, it must also account for strict engineering and safety criteria such as the topple zones of the wind turbines, among other things (e.g. Peat). This is now clearly **visualised Figure 2 (Technical and Environmental Constraints Surrounding the 100MW BESS)** within the **Design Evolution Document [Document Reference 8.22**

			Revision 1] which was produced to illustrate why it was not possible to avoid Flood Zone 3b, though the same logic can be applied to the higher ALC grades. It was also not possible to locate this BESS and Substation elsewhere in the Scheme due to the impact this would have on cable losses and overall efficiency. Full details of the requirement to locate the 100MW BESS compound within Field A20, partially within a Flood Zone 3b area is detailed within **Design Evolution Document [Document Reference 8.22 Revision 1].** The Applicant considers that the grounds set out above, particularly the detailed modelling outcomes, provide strong justification for the decisions relating to the BESS location. It is important to reiterate the multitude of factors that influence siting details and the Applicant has sought to manage these effectively to provide a layout which minimises potential environmental impacts while ensuring the Scheme can operate safely and efficiently.

Q2.9.2	Applicant	**Q9.0.16 site selection** The applicant's response to written question Q9.0.16 [Q9.0.4] is noted. However, assertions made regarding the site selection process should be evidenced. The applicant should either append a statement to the Planning Statement or produce a separate document which provides evidence to support the assertions made in response to Q9.0.16. In other words, the applicant should update the application documents to confirm that it has met the selection requirement's at NPS EN-3 paragraph 2.10.30.	The Applicant considers that the evidence for site selection is not confined to a single document or map, but is demonstrated through the combined assessment of grid availability, land assembly, environmental constraints, alternatives appraisal and design evolution set out in **ES Chapter 3 Site Description, Site Selection and Iterative Design Process [REP2-020]**, supported by the wider environmental assessments and the **Design Approach Document [APP-032]** and the **Flood Risk Sequential Test and Exception Test [REP3-043].** The Applicant's site selection process is principally evidenced within **ES Chapter 3: Site Description, Site Selection and Iterative Design Process [REP2-020]**, particularly paragraphs 3.3.21 to 3.3.42, which set out the methodology adopted, the alternative sites and technologies considered, the constraints assessment undertaken, and the reasons for selecting the proposed location. The consideration of alternative sites is specifically evidenced through the constraints illustrated on **ES Figure 3.1**

			Environmental Designations Plan [APP-140] and the review described in paragraphs 3.3.37 to 3.3.40 of **ES Chapter 3 Site Description, Site Selection and Iterative Design Process [REP2-020]**. These paragraphs explain that the Applicant reviewed a 10 km search area around the anticipated point of connection to identify potential alternatives and determine whether a more suitable location existed. The review considered a comprehensive range of environmental, planning and technical constraints, including residential receptors, accessibility, topography, agricultural land quality, ecological designations, flood risk, heritage assets, landscape designations, Green Belt, public rights of way and other environmental designations. The site selection process is further evidenced by the iterative design evolution described in **ES Chapter 3 Site Description, Site Selection and Iterative Design Process [REP2-020]**, undertaken following identification of the preferred

			location. Section 3.4 explains how environmental assessment, statutory consultation, technical assessment and stakeholder engagement informed successive refinements to the Scheme. Tables 3-1 and 3-2 record numerous amendments to the Order Limits and layout, including the removal of land in response to landscape and visual effects, the expansion of areas to accommodate increased grid connection capacity, and changes made following consultation feedback. This demonstrates that environmental constraints and stakeholder comments were taken into account in the evolution of the Scheme and influenced the final design.
Q2.9.3	Applicant, CDC and NLC	**Unexploded Ordinance (UXO) risk assessment** The applicant has submitted a Detailed Unexploded Ordnance Risk Assessment (Rev 1) [REP3-030]. Could the applicant confirm how the recommendations of this assessment would be implemented? It is noted that some measures are set out at paragraphs 5.15.1 to 5.15.10 of the CEMP [REP3-033]. However,	The Applicant acknowledges the recommendation in the UXO risk assessment, and agrees with the principle, of preparing a site-specific Unexploded Ordnance (UXO) Risk Management Plan. The Applicant has updated the **Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 5]** , **Outline Operational Environmental**

		paragraph 20.1 of the risk assessment [REP3-030] states in part: "**It is recommended that a site-specific plan for the management of UXO risk be written for this site**. This plan should be kept on site and be referred to in the event that a suspect item of UXO is encountered at any stage of the project. It should detail the steps to be taken in the event of such a discovery, considering elements such as communication, raising the alarm, nominated responsible persons etc.(ExA emphasis added) Please append this management plan to the CEMP, OEMP and DEMP. Details of UXO risk management should be set out in the OEMP and DEMP bearing in mind the risks associated with 'maintenance' and decommissioning works respectively. Could CDC and NLC provide any representations on the applicant's risk assessment [REP3-030]?	**Management Plan [Document Reference 7.3 Revision 3]** and **Outline Decommissioning Environmental Management Plan [Document Reference 7.3 Revision 4]** to specifically require the preparation and implementation of a site-specific UXO Risk Management Plan as part of the detailed management plans to be approved pursuant to Requirements 14, 15 and 19 of the **draft Development Consent Order [Document Reference 3.1, Revision 7].** This reflects what the Applicant was already proposing via paragraph 4.15.2 of the Outline CEMP [REP3-033], which provides: *"The Final Construction Environmental Management Plan(s) (CEMP) should be implemented in accordance with the mitigation measures set out within the UXO Risk Assessment"*. To be clear, the Applicant does not consider that the preparation at this stage of a site-specific UXO Risk Management Plan is necessary for the determination of the application or that its content would

			influence the acceptability of the Scheme. The need for UXO risk management has been identified, the requirement for appropriate mitigation is established, and the mechanism for securing and approving a detailed site-specific plan prior to the commencement of the relevant stage of development is provided through Requirements 14, 15 and 19 of the **draft DCO [Document Reference 3.1 Revision 7].** As such, the Applicant considers that the detailed content of the site-specific UXO Risk Management Plan is appropriately a matter for post-consent approval, when detailed construction methodologies, ground investigation information and site conditions will be available and can inform the documents to be prepared and submitted for the approval of the relevant planning authority.
10. Network connection			

Q2.10.1	NLC	**Definition** Paragraph 4.17 of NLCs LIR [REP1-063] states in part: "Overall NLC is not convinced that the Applicant's definition of the project is legally sound. It is accepted that an assessment of NGET substation and grid connections may not be possible to the same level as the parts of the project that are (more) certain. However, NLC considers that those elements should have been included in the definition of the project and an assessment should be carried out" Could the Council please expand on when it says that the 'definition' is not legally sound? The preceding text and the points raised are acknowledged but it is not clear how this makes the actual definition unsound? Please also consider other solar DCO cases where the point of connection (POC) and cable route did not form part of the application.	The Applicant notes that this question is directed to NLC.
Q2.10.2	NLC	**Ashchurch** Paragraph 4.6 of NLC's LIR [REP1-063] concludes that on the basis of the judgement	The Applicant notes that this question is directed to NLC.

		in R (Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA 101] the applicant 'may be guilty of salami slicing'. However, what does this mean in practice? Is it a legal point? Does it go to the principle of development or benefits? Please expand on this.	
Q2.10.3	Applicant	**Point of connection** Paragraph 8.19.2 of annex 1 to the applicant's Written Summary of Oral Submissions at ISH1 [REP1-046] states in part: "While a Gate 2 offer confirms the identity of the PoC (for example, the relevant substation or node), it does not necessarily provide certainty as to the precise geographical location of that PoC where new substations or extensions are required, as opposed to connection into an existing substation" Please could the applicant provide evidence of how the Gate 2 offer defines or identifies the 'relevant substation or node'?	As noted in **Annex 1 of the Written Summary of Oral Submissions at ISH1 [REP1-046]**, the Applicant has not received its Gate 2 offer, which it expects to be issued by NESO by January 2027, according to the latest information from NESO on the grid reform process. The Applicant has however received a Gate 2 Phase 2 notification from NESO in December 2025 and holds a Grid Connection Agreement with NESO. This connection agreement identifies the contractual Connection Site as "Trent Valley North Connection Node B 400kV Substation." However, the agreement does not define its geographical location. The Applicant further refers to paragraphs 3.3.29 – 3.3.37 of the **Environmental Statement Chapter 3: Site Description, Site Selection and Iterative**

			Design Process [REP2-019] which explains the background to and rationale behind the approach to site selection in the context of a non-specific connection agreement. Once the Applicant receives and accepts its Gate 2 offer, that offer will replace the existing Grid Connection Agreement as a legally-binding agreement with NESO, giving rise to obligations on NESO, and through it, NGET, to plan and deliver the relevant substation or node that the Scheme can connect into, in accordance with their statutory, licence and code obligations. The final physical location and configuration of the point of connection, therefore, remain subject to confirmation by NESO and NGET through the Gate 2 process and the associated connection design.
Q2.10.4	Applicant	**Existing substation** Paragraph 8.22 of annex 1 to the applicant's Written Summary of Oral Submissions at ISH1 [REP1-046] states in full:	Figure 1 of this document shows existing substations within 10km of the Scheme, reflecting the Applicant's initial site search criteria as set out in paragraph 3.3.37 of the **ES**

		"The Applicant was aware of the realistic possibility that, following the issue of formal Gate 2 offers, the Scheme's PoC could ultimately be accommodated within an existing substation as projects fall away or were re-sequenced within the queue. However, the PoC remains unconfirmed and uncertain at the current time" Could the applicant please provide details of the existing substations which the development could connect to, including their location.	**Chapter 3: Site Description, Site Selection and Iterative Design Process [REP2-019]**. Thorpe Marsh substation is almost 9km away with several significant constraints (such as the M18, the villages of Hatfield and Barnby Dun, the River Don and River Don navigation canal) between the Scheme and the substation. Given this, the Applicant considers connection to this substation technically challenging, regardless of capacity to provide a grid connection. Keadby substation is almost 5km away from the Scheme with some constraints (Sheffield and South Yorkshire Navigation Canal, the transpennine railway) between the Scheme and the substation. The Applicant considers a connection to this substation more likely than Thorpe Marsh, if an existing substation is chosen. The primary factor would be whether there is capacity to connect at the existing substation, which is not known to the Applicant.

			Notwithstanding the presence of existing substations within the vicinity of the Scheme, the Applicant has not received any confirmation from NGET as to the final geographical point of connection for the Scheme. This is consistent with NGET's own submissions during the course of the examination **[REP2-107]**. Accordingly, it is not currently known whether the Scheme will ultimately connect into an existing substation or a new substation. The Applicant's position therefore remains as set out in **REP1-046**, namely that whilst connection to an existing substation is a possibility, the precise point of connection is unconfirmed at the present time.
Q2.10.5	Applicant	**Grid connection offer** Paragraph 8.27 of annex 1 to the applicant's Written Summary of Oral Submissions at ISH1 [REP1-046] states in full:	The Grid Connection Offer is contractually binding for an 800MW connection capacity. The Gate 2 offer will have to provide this connection capacity when received.

		"As noted, in December 2025, the Scheme received notification from NESO that it is included in Gate 2 Phase 2 and a subsequent formal Gate 2 offer is due to be issued no later than mid-January 2027. Once issued and accepted, that offer will replace the existing Grid Connection Agreement as a legally binding bilateral agreement with NESO, giving rise to obligations on NESO, and through it, NGET, to plan for and deliver a PoC in accordance with their statutory, licence and code obligations. The fact that the Scheme is now guaranteed to receive a Gate 2 Phase 2 offer, therefore, places the Scheme in a materially stronger position than projects that will not receive a Gate 2 offer (i.e. will receive a Gate 1 offer)." Please could the applicant explain (with evidence) whether there is a prospect of a lower total MW connection being offered in phase 2 when compared to the original offer? If so, what are the implications for the proposed development? Is NESO obligated to match it's existing offer in terms of MW?	

11. Noise and vibrations			
Q2.11.1	NLC and the Appli cant	**Rating level** Paragraphs 13.21 to 13.22 of NLC's LIR [REP1-063] state: '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. On this basis, NLC therefore recommends that the rating level should be either less than or equal to the measured background noise level at the NSR's to ensure a low impact.' How would NLC propose that this is controlled? What is the applicant's response?	At Deadline 2, the Applicant provided a response to this point in **Comments on Local Impact Reports (North Lincolnshire Council) [REP2-090]** at row 13.21, page 149. Subsequently in **Comments on responses to Local Impact Report (LIRs) from North Lincolnshire** document **[Document Reference REP3-079]** received at Deadline 3 NLC reviewed the Applicant response and stated: *'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.'* Paragraph 13.4.18 of **ES Chapter 13 Noise and Vibration Revision 2 [Document Reference 6.2.13 Revision 3]** identifies that operational noise limits are set at parity with the typical background sound level. No further response is required.

Q2.11.2	NLC and the Applicant	**Decommissioning** NLC LIR [REP1-063] paragraph 13.28 states in part that 'there is no robust assessment of the effects and the Decommissioning Environmental Management Plan does not present any specific mitigation measures to address any effects which may arise.' What measures would NLC propose in this regard and can the applicant please provide a response (updating documents where necessary)?	The Applicant has addressed the points in Paragraph 13.28 of the **Comments on Local Impact Reports (North Lincolnshire Council)** document **[REP1-063]** at row 13.28, page 152 of its **Comments on Local Impact Reports (North Lincolnshire Council) [REP2-090] submitted** at Deadline 2, as follows: *"The construction noise calculations presented within ES Chapter 13 Noise and Vibration Revision 2 [Document Reference 6.2.13 Revision 2] demonstrate that noise during the construction phase would not exceed the Lowest Observed Adverse Effect Level. It is therefore reasonable to assume that noise during the decommissioning phase would similarly fall below the LOAEL. Where necessary, mitigation measures detailed in the Outline Decommissioning Environmental Management Plan [Document Reference 7.3 Revision 3]] (see Table 4-1, under heading 'Noise and Vibration') could be employed to ameliorate any noise impacts. Such measures would need to be approved by the relevant planning authority as part of a*

			Decommissioning Environmental Management Plan, pursuant to Requirement 19 of the draft DCO [Document Reference 3.1 Revision 4]. No further response has been received by NLC at this time in relation to this issue.
Q2.11.3	Applicant	**Nighttime working** In response to written question 11.0.6 [REP2-087] the applicant states in part: "Works outside the core working hours would need to be approved with the relevant planning authority, as set out in section 4.1 of the Outline Construction Environmental Management Plan (CEMP) [Document Reference 7.1 Revision 3]. This includes night-time working. The Outline CEMP is secured by Requirement 14 of the draft DCO [Document Reference 3.1 Revision 4]. A CEMP submitted to the relevant planning authority for approval under Requirement 14 must be substantially in accordance with the Outline CEMP." Whilst it is acknowledged that there is some control over nighttime working and associated noise effects, these effects do not	The Applicant reiterates that the construction works would be undertaken during core working hours as far as possible. That said, there may be occasions that, exceptionally, require working outside of these hours e.g. where works, such as HDD works, once commenced, must then be completed without pause. Given the above potential circumstances, additional calculations have been undertaken to establish the potential worst case noise impacts associated with construction activities outside of core hours, specifically HDD works. These are presented in a revision to the **ES Chapter 13 Noise and Vibration Revision 3 [Document Reference 6.2.13 Revision 3].** Additionally, the **Outline Construction Environmental Management Plan**

		appear to have been assessed on a worst-case scenario basis in the ES. Please could the applicant update the assessment accordingly or justify the omission of such information?	**[Document Reference 7.1 Revision 5]** sets out appropriate commitments for the control of noise, including in the above circumstances, at paragraph 4.6.1 of the document.
Q2.11.4	Applicant	**Cumulative Effects** The applicant's response to Q11.0.12 [REP2-087] states in part: "Heritage receptor Her05 is approximately 225m from the boundary of ID23 and has a greater potential for cumulative noise effects. The predicted construction noise level from the Scheme at this receptor is LAeq 49dB. For the cumulative noise level to exceed the LOAEL limit, noise from construction activities at ID23 would have to be approximately LAeq 65dB. In this instance, no level of mitigation from the Scheme would ameliorate these impacts and it would be necessary for Cumulative site ID23 to address their noise emissions. The Applicant confirms that the assessment has been carried out on a reasonable worst-case basis."	The calculations to HER05 demonstrate that construction noise from The Scheme would not result in any adverse noise impacts at HER05. Noise from Cumulative Site ID23 (North Humber to High Marnham NSIP [EN020034]) may have some cumulative bearing on receptor HER05 though it cannot be quantified at this time due to lack of information as that project is at pre-application stage and no detailed noise assessment has been undertaken. Consequently, there is insufficient information to quantify cumulative construction noise effects at HER05 or to conclude that a cumulative significant effect would arise under a reasonable worst-case scenario. The Applicant therefore does not conclude that a significant cumulative effect would occur at HER05 and indeed it

		This statement is also repeated in the updated ES chapter 18 [REP2-030] at paragraph 17.4.90. Despite this, ES paragraph 17.4.91 concludes as follows: "Given the above, the cumulative noise and vibration effects from construction are shown to be, at worst, minor (not significant), with the operational effects remaining negligible (not significant). The cumulative effects are unlikely to be significant." Could the applicant please confirm whether it is suggesting that significant effects could arise upon receptor HER05? If so, then ES paragraph 17.4.91 needs to be updated to reflect this. The assertion that Cumulative Site ID23 would need to address the effects does not mean that they would not arise in a reasonable worst-case scenario. Please also ensure that any significant effects are taken into account in the heritage assessment, insofar as they relate to HER05.	is anticipated given the low noise level identified at receptor HER05 no cumulative increase would occur over the construction noise criterion. Paragraph 17.4.90 of **ES Chapter 17 [Document Reference 6.2.17 Revision 3]** has been updated to clarify this position. The heritage assessment within the ES has not been updated with regard to HER05 (Mosswood Cottage, NHLE 1083286) as the cumulative effect arising from noise is not considered to result in the reduction of the asset's heritage significance.
13. Transport and access			

Q2.13.1	CDC and NLC	**Abnormal Indivisible Loads (AIL)** Are the Councils satisfied with the applicant's approach to AILs set out in its response to written question 13.0.5 [REP2-087].	The Applicant notes that this is a question for the CDC and NLC.
Q2.13.2	Applicant	**Q13.0.8** The Applicant has not fully answered written question Q13.0.9 [REP2-087]. This states in part: "ES paragraph 12.5.25 concludes that there would not be any likely significant effects on 'road safety' during the construction phase. So it is not clear why there would be such effects during the decommissioning phase. Please provide a full explanation." **Please could the applicant respond and amend the ES if necessary?**	The Applicant assumes the ExA is referring to Q13.0.8 **[REP2-087]** on which the Applicant's response below is based. This was addressed in the updated **ES Chapter 12 Transport and Access [REP3-020]** at Deadline 3. Paragraph 12.5.97 to paragraph 12.5.101 confirm that there will be no significant effects on road safety during the construction phase. Paragraph 12.5.134 confirms that the vehicle movements during decommissioning would be similar to those during the construction phase. Paragraph 12.5.135 confirms that there would only be significant effects upon driver delay on Links 8 (Green Bank) and Link 19 (Marsh Road) during the decommissioning phase.
Q2.13.3	Applicant	**Diversion of CROW21** In response to written question Q13.0.13 [REP2-087] the applicant states in part:	**ES Chapter 12 Transport and Access [Document reference 6.2.12 Revision 3]** has been updated at Deadline 4 to

		"The IEMA Guidelines state at paragraph 1.15 that non-motorised impacts should typically be assessed in a Transport Assessment or other such document and as such this is not included in the ES" However, this is not a justification for excluding consideration of this diversion from the ES. IEMA Guideline paragraph 1.15 does not exempt the applicant from assessing major physical diversions, community severance, or non-motorised user (NMU) delay, such as a PRoW diversion in this case. Please update the ES accordingly. In addition, how will the diverted route remain 'equally commodious' as suggested by the applicant?	include assessment of the potential diversion of public right of way (PRoW) CROW21. Temporary diversion of PRoW CROW 21, which traverses Land Parcel B, may be required during the construction period in order to separate and keep apart members of the public from the construction vehicles and machinery. If the PRoW needs to be closed temporarily during construction, an alternative route will be provided. Any temporary route will be equally commodious for users in terms of length, terrain and amenity. At this stage, it is anticipated that CROW21 could be diverted into panel areas B6 and B5 to avoid any works being undertaken on Crook O'Moor Road before emerging again on to CROW21. This would result in a minimal extension to the length of the PRoW route, of no more than around 50 metres, for a temporary period. ES Chapter 12 confirms that a total of two AADT vehicle movements (including one HGV AADT movements) could be required to cross Crook O'Moor Road and CROW21 during the

			construction phase. This is not considered to be material. The addition of the construction traffic associated with the Proposed Development will have a negligible impact on severance, NMU delay and NMU amenity. The effect of any diversion is considered to be Negligible and therefore Not Significant. Where a diversion is proposed, these works will take place in advance of construction, allowing continued access to the public across the diverted route. PRoW temporary diversion management, which includes advanced notice of management measures such as diversions, is secured through the oCEMP which is controlled by Requirement 14 of the draft **DCO [Document Reference 3.1 Revision 7]**.
14. Other matters			
Q2.14.1	Applicant	**Piling Method Statement** Could the EA please provide a response to the applicant's statement in respect of the EA request for a requirement pursuant to a piling risk assessment? The applicant's response is	Commitment 118 of the Commitments Register **[APP-185]** and page 55 of the Outline Construction Environmental Management **Plan [Document Reference 7.1 Outline Construction Environmental**

		provided at page 51 of its response to RR [REP1-043]. Could the applicant please explain whether the existing commitments referred to include provision (and suitable implementation and control) for a piling method statement?	**Management Plan (Rev 5)]** refer to the Piling Risk Assessment which is another phrase for the Piling Method Statement. The Applicant considers this suitably provides for the provision of a statement regarding piling methods which includes implementation and control of these methods.
Q2.14.2	CDC	**Air Quality** CDCs LIR [REP1-062] states at paragraph 14.7: "CDC is still considering the air quality impacts of the development and whether there would be more prescriptive requirements in relation to PM10s than the nuisance regime and what measures are likely to be required to mitigate any likelihood of nuisance arising." Could CDC please confirm its position on the air quality effects of the proposed development? In responding, please take into account the construction management measures proposed by the applicant.	The Applicant notes that this question is directed to CDC.

Figure 1: Substations within 10km of Order Limits