RWE

Tween Bridge Solar Farm

Response to Deadline 3 Submissions

Document Reference: 8.24

Deadline 4

July 2026

1 Contents

2 Introduction

2.1.1. The purpose of this report is to provide RWE Renewables UK Solar and Storage Ltd (the Applicant's) comments to the matters raised in the written submissions made by Interested Parties, which were submitted to the Planning Inspectorate at Examination Deadline 3 for the Development Consent Order Application (the 'Application') for Tween Bridge Solar Farm ('the Scheme').

2.1.2. This report responds to submissions made at Deadline 3 by each of the following Interested Parties (IPs) at Section 2:

- Natural England **[REP3-075];**
- Environment Agency **[REP3-076];**
- Natural England **[REP3-077];**
- Natural England **[REP3-078];**
- North Lincolnshire Council **[REP3-079];**
- Canal & Rivers Trust **[REP3-080];**
- City of Doncaster Council **[REP3-081];**
- Environment Agency **[REP3-082];**
- National Highways Limited **[REP3-083];**
- Mr Raymond Lindley **[REP3-084]**

3 Applicant's Response to Written Representations

Table 1: Applicant's response to Natural England [REP3-075];

Ref	Applicant's Response
NEO- NE 27	The Applicant has provided a detailed response to each of the Natural England's key comments within the latest **Statement of Common Ground [Document Reference 9.9 Revision 3**] which has been submitted at Deadline 4. The Applicant has set out its response to all points set out within Natural England's updated advice for Deadline 3, Part II, Table 1 between NEO and NE27.

Table 2: Applicant's response to Environment Agency [REP3-076];

Ref	Environment Agency Comments	Applicant's Response
EN1	3.1 Draft Development Consent Order (Rev 4) [CR1-006/CR1-007] 1.1 Part 4, Article 19, Discharge of water We have no updates regarding our concerns raised on the addition of sub paragraph (10) in our Deadline 2 Written Representations (REP2-102). We therefore maintain our position on this matter and request that the addition is removed.	In circumstances where there was a need to construct outfall infrastructure to facilitate discharge into a main river, the Applicant agrees that permission would need to be sought from the Environment Agency (EA) under the protective provisions in Schedule 14, Part 5 of the **Draft DCO [Document Reference 3.1 Revision 7]**. A discharge permit could also be required where discharging into controlled waters under regulation 12(1)(b) of the Environmental Permitting Regulations 2016. Robust controls are therefore already in place and subject to appropriate oversight by the EA. The Applicant does not consider that it would be necessary or appropriate in

		these circumstances for consent to be required from the EA under article 19 as well. For completeness, in **REP2-102**, the EA stated that it does not own watercourses, public sewers or drains for the purposes of article 19(10). However, the EA also acknowledges that it is a riparian landowner in some instances and it is in these circumstances where the Applicant considers article 19(10) would apply. The Applicant further notes that, under article 19(8)(a), the term "public sewer or drain" means a sewer or drain which belongs *inter alia* to the EA. This drafting is widely precedented and the Applicant is not aware that the EA has sought to contest this point in the context of previous DCO examinations or otherwise.
EN2	Article 9 and Schedule 14, Part 5, For the protection of the Environment Agency In our Deadline 2 Written Representations (REP2-102), we raised that the revised draft Development Consent Order (dDCO) included some additional wording beyond the Protective Provisions (PPs) agreed between ourselves and the Applicant. We have received further correspondence from the Applicant that the insertion will be removed in a revised version of the dDCO. We welcome this and will be in a position to confirm that the PPs are agreed upon receipt of their submission.	The Applicant can confirm that the additional wording referenced by the EA was removed from Schedule 14, Part 5 of the **Draft DCO** submitted at Deadline 3 **[REP3-006]**. The Applicant therefore considers that this matter is now resolved and this will be reflected in the Statement of Common Ground to be submitted at Deadline 5.
EN3	Schedule 2, Part 1- request for additional Requirement- Land Contamination We note the Applicants response to our request for the removal of paragraph (e) from Article 2 and that they maintain their position regarding our request for an additional Requirement in respect of land contamination (REP2-088). We maintain our position regarding our request for an additional Requirement; however, we consider that a slightly different approach could be appropriate to strike a balance	The Applicant notes the EA's detailed comments on this matter in **REP3-082** and the EA's recommended Requirement dealing with land contamination. First, the Applicant notes that, in the **Draft DCO** submitted at Deadline 3 **[REP3-006]**, Requirement 14 (Construction environmental management plan) was updated to clarify

	between flexibility and environmental protection. We have included further details on our updated position on this matter in our Deadline 3 Written Summary of Oral Representations submission.	that "commence", in the context of that requirement, does not include any remedial work in respect of contamination. This means that such works could not take place without a construction environmental management plan (CEMP) being approved pursuant to Requirement 14. The EA would be a consultee in respect of any CEMP which includes provisions relevant to the EA's functions. The Applicant considers this goes some way to addressing the EA's concerns. Second, as regards the EA's request for an additional requirement in relation to land contamination. The Applicant's firm view is that matters relating to contamination are appropriately secured via the **Outline CEMP [Document Reference 7.1 Revision 5]** (at p50 of the **Response to Relevant Representations [REP1-043]**, the Applicant set out the extensive commitments relating to land contamination which are secured by the Outline CEMP and this is further underscored by the Applicant's decision to amend Requirement 14 in the Draft DCO submitted at Deadline 3 **[REP3-006]** to confirm that the carrying out of any remedial work in respect of contamination would engage the requirement for a CEMP (substantially in accordance with the Outline CEMP) to be approved. As set out in oral submissions at Issue Specific Hearing 2, support for the Applicant's approach can be drawn from the Secretary of State's decision in respect of the Springwell Solar Farm decision dated 8 April 2026. In that case, despite the EA's submissions to the contrary (with which that Examining Authority agreed), the Secretary of

		State agreed with the Applicant that "the matter can be adequately considered through the Proposed Development's construction programme via the CEMP". The EA contends that there are important differences between this case and Springwell. The Applicant understands the EA's position to be that, in their view, contamination has been identified which will require remediation and this justifies the imposition of a specific requirement. The Applicant does not agree and this is not a distinction that was made, nor was any rule laid down to that effect, by the Secretary of State in the context of Springwell. The EA's reliance on this distinction is also somewhat undermined by the fact that it was seeking a specific requirement dealing with (unidentified) contamination in the Springwell Order, ultimately without success. The Applicant considers that the core issue raised by the EA is one of form over substance. Appropriate and robust measures are secured via the Outline CEMP and it is striking that the EA has not sought to say otherwise, beyond asserting (incorrectly in the Applicant's submission) that the CEMP is not designed to control detailed contamination risk assessment. Clearly, this was not the view that was adopted by the Secretary of State on Springwell and the same conclusion applies here. In short, the measures are identified and secured as legally binding commitments within the Outline CEMP. To impose an additional requirement on contamination under the Draft DCO would be unnecessary, contrary to established

		DCO drafting practice. In this regard, paragraph 5,115 of the DCO drafting guidance confirms that: *"Requirements should … be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects".* The Applicant's approach meets all of these requirements.
EN4	Schedule 2, Part 1- request for additional Requirement- Piling Risk Assessment Commitment 118 of the 7.10 Commitments Register (Rev 1) (APP-185) for a piling risk assessment is noted as being relevant to Pre-construction / Construction / Operation / Decommissioning phases. It is unclear whether the Applicant anticipates that a piling risk assessment may be required during construction, operation and decommissioning. We would welcome further clarification on when and under what circumstances the Applicant considers a piling risk assessment may be required, over the lifetime of development.	The Applicant notes this comment and refers to its response to Q2.14.1 of **Written Responses to ExQ2 [Document Reference 8.21 Revision 1]** and page 51 of **Responses to Relevant Representations [REP1-043]**. In addition, during the operational phase, no piling activities are anticipated. The Scheme comprises passive infrastructure with routine maintenance limited to inspection, repair and replacement of above-ground equipment as necessary. Therefore, no piling risk assessment is anticipated to be needed during the operational phase. In relation to decommissioning, the current expectation is that mounting structure piles would be removed using extraction techniques rather than the installation of new piles. Decommissioning activities will be controlled through the final Decommissioning Environmental Management Plan, which includes measures for managing land, soil and groundwater risks. As piling is not anticipated during decommissioning, a separate piling risk assessment is not considered to be necessary.
EN5	Book of Reference [CR1-010/CR1-011] 2.1 We are still in the process of carrying out assessments to understand the potential effects of the acquisitions sought by the Application. Please refer to our answer to ExQ1 Q4.0.9 for details on the issues we are currently considering on this matter.	The Applicant notes this comment and awaits the EA's comments.

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EN6	Chapter 7: Ecology and Nature Conservation (Rev 3) [REP2-035/REP2 036] 3.1 We have reviewed the revised Chapter 7 of the Environmental Statement and can confirm that we are satisfied with the amendments made.	The Applicant notes this comment. The Applicant confirms that an updated ES Chapter has been submitted at Deadline 4 **ES Chapter 7 Ecology and Nature Conservation [Document Reference 6.2.7 Revision 4**].
EN7	Chapter 10: Water Resources (Rev 2) [REP2-021/REP2-022] 4.1 We have reviewed the revised Water Resources Chapter. Paragraphs 10.5.11 and 10.5.22 provide further details of culverting proposed as part of the scheme. The assessment outlines that it is proposed to culvert the North Soak Drain, which is considered to have a Moderate Adverse (significant) effect, due to the width of the river.	The below response addresses comments in Paragraph 4.0 to 4.6 (row EN7-EN13 of this document) within the EA's response document **[REP3-076]**. The Applicant can confirm that it is not proposed to culvert the North Soak Drain. The **Indicative Culvert Crossing Plan [APP-138]** is correct and as noted by the EA, does not show proposed culverting of the North Soak Drain. Within Paragraph 10.5.11 and 10.5.22 **ES Chapter 10: Water Resources [REP2-021],** the sensitivity of watercourses to impacts on existing flow patterns associated with culverts is defined as Medium, based on the presence of the North Soak Drain on Site being over 10m wide. The Applicant has conservatively defined the sensitivity of watercourses on Site as a whole, rather than defining based on those watercourses which are proposed to be culverted. This approach results in a greater sensitivity of watercourses on site being defined, noting also that most watercourses within the Order Limits are less than 10m wide, as confirmed in **ES Chapter 10: Water Resources [REP2-021].** In terms of culvert design, as detailed in Paragraph 10.6.13 of **ES Chapter 10: Water Resources [REP2-21]** confirms that "any culverts proposed within the Order Limits will be

		designed to ensure existing flow patterns and associated flood risk do not change. Culvert design will be confirmed during detailed design but will ensure the capacity of the watercourses do not change". It is at detailed design where the potential for employment of clear span methods to prevent loss of habitat community in the river corridor will be considered, as requested by the EA. In terms of the **Indicative Culvert Crossing Plan [APP-138]** and the requirement to demonstrate no reasonable alternatives to culverting exist, efforts have been made to utilise and improve existing crossings where possible. However, there are a number of locations where there are no existing crossing points between fields as they either lie outside the Order Limits, or on the public highway. If public highway access was used in all these instances, it would drastically increase the amount of street works required, and thus the disruption to the local road network. It would also create an extremely inefficient site with complex access routes that would increase both the time it takes to construct and maintain the Scheme. With regards to Paragraph 10.3.38 of **ES Chapter 10: Water Resources [REP2-021]**, the version of NPS EN-3 referenced is the January 2024 edition, which applies to the Application. The latest version of NPS EN-3 was designated in January 2026, after submission of the Application. The Applicant therefore confirms that the revision to NPS EN-3 does not require any further assessment or updates to the conclusions presented within **ES Chapter 10: Water Resources [REP2-021]**.

EN8	Culverting watercourses has the potential to cause adverse ecological, flood risk and geomorphological effects. NPS EN-3 outlines that culverting of watercourses should be avoided, The Policy outlines where it is unavoidable, then it should be demonstrated that no reasonable alternatives exist.	See Applicant response above addressing comments in Paragraph 4.0 to 4.6 within the EA's response document.
EN9	The ES does not provide demonstration that there are no reasonable alternatives to culverting the North Soak Drain and we request that this is considered further. We advise that reasonable alternatives should be considered for all culverts proposed to meet the requirements of NPS EN-3.	See Applicant response above addressing comments in Paragraph 4.0 to 4.6 within the EA's response document.
EN10	To avoid the potential impacts of culverts on watercourses, we would support the employment of clear span methods to prevent loss of habitat continuity in the river corridor where possible. We request that the option of clear span methods where culverts are proposed is considered further.	See Applicant response above addressing comments in Paragraph 4.0 to 4.6 within the EA's response document.
EN11	We note that the proposed culverting of the North Soak Drain does not appear to be shown on the Indicative Culvert Crossings Plan [APP-138]. If the Applicant cannot find a reasonable alternative to culverting the North Soak Drain then this plan should be updated to include its intended location.	See Applicant response above addressing comments in Paragraph 4.0 to 4.6 within the EA's response document.
EN12	Paragraph 10.3.38 of Chapter 10 refers to guidance on Culverts outlined in National Policy Statement (NPS) EN-3. The Environmental Statement references the outdated version of NPS EN-3, and we advise that the paragraph references are updated.	See Applicant response above addressing comments in Paragraph 4.0 to 4.6 within the EA's response document.
EN13	Any culverting of main rivers would also require approval from the Environment Agency under the Protective Provisions. We will normally only grant consent for such works if there is no reasonably practicable alternative, and we think the detrimental effects would be so minor that	See Applicant response above addressing comments in Paragraph 4.0 to 4.6 within the EA's response document.

	a more costly alternative would not be justified or there are reasons of overriding public or economic interest.	
EN14 EN15	Flood Risk Assessment (Rev 3) [REP2-047/REP2-049/REP2-051] 5.1 We have reviewed the revised Flood Risk Assessment (FRA) in respect of the Battery Energy Storage System (BESS) proposals (revisions in relation to BESS were made at Deadline 1). Paragraph 7.26 of the FRA outlines that 'The details of the below ground storage proposed are subject to detailed design. During detailed design, it will be ensured that the design is suitable to manage potentially contaminated fire water.' Considering that we are included as a specific consultee to Requirement 7 (Battery safety management plan) and Requirement 11 (Surface and foul water drainage), we are satisfied that we will have the opportunity to engage with the Applicant on the detailed design of the BESS development post-consent. We therefore wish to withdraw our previous objection on this matter.	The Applicant notes and welcomes this response and the Statement of Common Ground with the Environment Agency will be updated at Deadline 5 to reflect the EA's position.
EN16	Outline Landscape Ecological Management Plan (Rev 4) [REP2 070/REP2-071] We have reviewed the amendments to the outline Landscape Ecological Management Plan. Overall, we are satisfied with the amendments made. We note that Table 4-1: Habitat Management by Type – Retained ditches and ponds on Page 20 states: 'Ongoing management will then comprise continued scrub control, sensitive dredging works and rotational management to ensure that entire lengths of ditch are affected at the same time.'. We understand that this paragraph is intended to state 'are not affected' and we advise that this is amended.	The Applicant has amended Table 4-1 of the **Outline Landscape and Ecological Management Plan [Document Reference 7.6, Revision 5]** to confirm that ongoing management will include scrub control, sensitive dredging and rotational management to ensure that entire lengths of ditch are not affected at the same time.
EN17	Summary Our views are given without prejudice to any future detailed representations that we may make throughout the examination process. We reserve the right to add to or amend these representations, including requests for DCO Requirements, should further information be forthcoming during the examination on issues within our remit. Should	The Applicant notes this response.

	you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.	

Table 3: Applicant's response to Natural England [REP3-077];

3.1.1. Natural England provided responses to ExQ1 **[PD-010]** at Deadline 2 and subsequently submitted the same document again at Deadline 3 to supplement their response to Q9.0.17. The Applicant previously provided a response to the above at Deadline 3 in **REP-046**. In view of the resubmission by Natural England at Deadline 3 the Applicant has taken the opportunity to supplement answers it provided at **REP-046** where there is substantive new information to provide in the table below.

ExA question ref	Question addressed to	Question	Answer	Applicant's Response
Q2.0.28	Applicant and Natural England	Nightjar NEs relevant representation (RR) [RR-023] indicates that areas within the order limits may constitute functionally linked land for the Thorne and Hatfield Moor SPA, given the evidence of foraging behaviour of nightjar. What is the applicant's response to this point and what are the implications for the assessment contained in the ES and set out in the Report to inform Habitat Regulations Assessment (in	Natural England notes that this question is primarily addressed to the Applicant. However, we confirm this issue remains outstanding and under discussion. We have note key mitigation measures for impacts on foraging nightjar associated with Thorne and Hatfield Moor SPA should focus on provision of sufficient margins adjacent to the southern boundary of Thorne Moor and the northern boundary of Hatfield Moor, as well as in areas identified through	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 47-48 for the Applicant's response. The Applicant confirms that, further information and details of the distribution of more significant field margins,

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		particular at paragraph 7.2.8) [AS-004]?	tagging studies as supporting nightjar foraging activity. Natural England have previously highlighted that the proposed 2m margins are relatively narrow and may not be sufficient to adequately avoid or reduce effects, and we have advised that wider margins should be considered in key areas to provide greater confidence in the efficacy of mitigation. We are aware that the Applicant has now submitted a revised Outline Landscape and Ecological Management Plan and Habitats Regulations Assessment at Deadline 1 (published 07 May 2026). Due to significant capacity constraints, Natural England will not be able to review these documents prior to Deadline 2 (ExQ1) but will undertake review and provide further update at Deadline 3 (Tuesday 30 June 2026). Natural England will also continue to engage constructively with the Applicant to seek resolution of this matter outside of the formal Examination process.	as well as margins along watercourses, hedgerows and woodland edges provided for the benefit of nightjar is provided in paragraph 2.3.1 and Figures 4 and 5 within the **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 3]** and paragraphs 7.2.7, 7.2.9 and 7.2.78, as well as Figures 7-2 and 7-3 within the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 4]** submitted at Deadline 4.
Q2.0.35	Applicant and Natural England	Habitats Regulations Assessment - Inclusion of the Thorne and Hatfield Moors SPA and Thorne Moor SAC within the Order limits 1. Throughout the HRA report [AS-	In our Relevant Representations response, Natural England stated that "We welcome that no works are scheduled within the SAC/SPA/SSSI; however, we advise that this	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to**

		004], it is stated that an area of 0.53 hectares of the Thorne and Hatfield Moors SPA and Thorne Moor SAC is within the Order limits. Whilst it is stated in the HRA that there is no development planned within the SPA/ SAC, it is not stated why the applicant has considered it necessary to include these sites within the Order limits. There are, however, references in the HRA and accompanying documents to the use of buffer zones. Please can the applicant provide the rationale for the inclusion of the Thorne and Hatfield Moors SPA and Thorne Moor SAC within the order limits? 2. If it is the case that this (1) is for the purpose of ensuring a buffer zone between the qualifying features of the SPA/ SAC and the proposed development, this does not appear to be applied anywhere else as the order limits are instead offset from the SPA/ SAC boundary elsewhere. Please can the applicant provide the rationale for the inclusion of this area only and no other areas of the European sites adjacent to the order limits? 3. If it is the case that the areas are proposed to	restriction to works within the designated site boundary should be suitably secured via the DCO or associated plans. We would welcome clarification as to how this is secured." This matter remains under discussion between Natural England and the Applicant. However, we are aware, through initial review and comments provided to the Applicant on 08 May 26 on the draft Statement of Common Ground (SoCG), that the Applicant is updating the proposed approach to securing the restriction of works within designated sites. We acknowledge that a first draft of the SoCG has been published on 07 May 26, however, due to capacity restrictions Natural England were only able to send comments to the Applicant by 08 May 26. The Applicant was informed that we would not be able to send comments until this date on 29 April 2026. We have therefore requested the Applicant to provide an updated version of the SoCG, incorporating our comments, to be submitted by Deadline 2. Natural England will review the Applicant's updated Outline Environmental Construction Management Plan (oECMP) and associated documents	**ExQ1 [REP3-046]**, page 49 for the Applicant's response.

		provide a buffer zone, then it is not specified whether this is a mitigation measure relied upon within the HRA report to exclude Adverse Effects on Integrity. Please could the applicant provide clarification? 4. Additionally, the 0.53ha area does not appear to be clearly referenced on any of the accompanying figures, as the order limits appear to follow the boundary of the SPA/ SAC rather than overlapping. The applicant is requested to update all relevant examination documents to clarify the boundary of the proposed development in relation to the adjacent European sites. Natural England are also requested to provide any comments on the above matters.	and will provide further detailed comments for Deadline 3. At this stage, Natural England has no specific additional comments regarding the proposed buffers until such time as a full review of the updated information has been undertaken.	
Q2.0.36	Natural England	Habitats Regulations Assessment - Qualifying features - Species within the assemblage - Humber Estuary SPA The applicants HRA [AS-004] includes an assessment of individual qualifying features and then individual species considered to be part of the Humber Estuary assemblage qualifying feature, with some species assessed both individually and as part of the	Natural England does not have any outstanding concerns with the assessment the Applicant has undertaken to identify whether the site constitutes functionally linked land (FLL). The key issues in relation to FLL for the Humber Estuary SPA/Ramsar (as identified under references NE1–NE7 within our Relevant Representations) relate primarily to the design and	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 51 for the Applicant's response.

		assemblage. Can NE provide its position on whether all required species have been considered and have been assessed for the correct season and as individual or assemblage features, with reference to the latest available list of the assemblage component species if published?	functionality of the proposed mitigation areas for relevant qualifying species, including greylag goose, lapwing, mallard, pink-footed goose and golden plover. Natural England has requested that matters NE1–NE7 remain 'under discussion' within the Statement of Common Ground, as reflected in our comments to the Applicant dated 08 May 2026 (see above answer also). We note however, if required by Your Authority, that the most up-to-date list of assemblage component species is set out in Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage (Version 3, July 2025). Natural England will continue to engage constructively with the Applicant outside of the Examination process to seek resolution of these matters	
Q2.0.37	Applicant and Natural England	Habitats Regulations Assessment - Qualifying features - Species within the assemblage - Humber Estuary SPA The published datasheet for the Humber Estuary SPA includes wintering ringed plover, grey plover and sanderling. However, the HRA (predominately in Table 6-3) presents conclusion on these species in relation to being a	Natural England advises that assemblage features of the Humber Estuary need to be assessed in the way as other species listed in the SPA citation. the most up-to-date list of assemblage component species is set out in Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage.	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 51-52 for the Applicant's response.

		component of the assemblage. Can the applicant and NE confirm if the conclusions are also considered to be relevant for these species as wintering qualifying features?		
Q2.0.38	Applicant and Natural England	Habitats Regulations Assessment - Qualifying features - Humber Estuary SPA Tables 6-1 and 6-2 of the HRA report [AS 004] present survey data for SPA qualifying features and a number of additional species. Whilst an explanation is given for the inclusion of pink footed goose and greylag goose, no explanation appears to be given for the inclusion of green sandpiper, little egret, shoveler and common crane in these tables. To the applicant - Please provide the rationale for the inclusion of these species in the HRA when they are not listed or assessed as qualifying features? To Natural England - Please confirm if the other additional species presented in tables 6-1 and 6-2 are required to be included in the assessment of LSE and subsequently AEoI if LSE are identified, and if so, why (with reference to the latest available list of the assemblage component species if published)? To Natural	The most up-to-date list of assemblage component species is set out in Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage Species that form part of the assemblage qualification should be assessed the same as other species listed in the SPA citation. Pink footed goose and greylag goose are species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count.	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 52 for the Applicant's response.

		England – please confirm whether you agree with the applicant's inclusion of pink footed goose and greylag goose as qualifying features in the HRA report?		
Q2.0.48	Natural England	Habitats Regulations Assessment – Screening conclusions The Natural England relevant representation [RR-023] does not refer to the applicants' conclusions on: • Lower Derwent Valley SPA, Ramsar site and SAC • Skipwith Common SAC • River Derwent SAC Can NE confirm its position on these sites within the applicants HRA report [AS-004]?	The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur to the listed sites, either alone or in combination. On the basis of the information provided, including distance and no record of any significant numbers of the Lower Derwent SPA and Ramsar species utilising the Order Limits, Natural England concurs with this view.	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 53 for the Applicant's response.
Q2.0.50	Natural England	Habitats Regulations Assessment – Confirmation of international designated sites The Natural England relevant representation [RR-023] NE11 refers to the Thorne Moor SAC, however the commentary also refers to this entry being relevant to the Humber Estuary SPA. Can NE confirm which site(s) this entry relates to?	Natural England advises that this is currently relevant to both Thorne Moor SAC and the Humber Estuary SPA. This point remains under discussion as the Applicant is considering removing this parcel (M1(A)) from the mitigation strategy for the Humber Estuary SPA and further considering the next steps in managing this in relation to Thorne Moor SAC.	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 54 for the Applicant's response.
Q2.0.51	Natural England	Habitats Regulations Assessment – Confirmation of international designated sites The Natural	Natural England can confirm whether these entries relate to both of the Thorne Moors SAC and Hatfield Moor	The Applicant notes this response. Please refer to **Applicant Responses to**

		England relevant representation [RR-023] NE12 and NE13 refers to the "Thorne and Hatfield Moors SAC". Can NE confirm whether these entries relate to one or both of the Thorne Moors SAC and Hatfield Moor SAC?	SAC The Applicant has provided further clarification in the draft SoCG on next steps. We advise that subject to these updates being provided we can agree these issues are resolved.	**Stakeholder Responses to ExQ1 [REP3-046]**, page 55 for the Applicant's response.
Q2.0.52	Natural England	Habitats Regulations Assessment - Confirmation of international designated site The Natural England relevant representation [RR-023] NE15 to NE18 are all described as relating to potential water quality impacts during construction or operation. However, the ExA notes that NE15 and 16 refer to 6 sites, NE17 to 5 sites, and NE18 to 4 sites. Can NE confirm the rationale for the reduced number of sites in NE17 and then NE18 compared to NE15 and NE16?	Natural England advises that the Humber Estuary SPA and Thorne and Hatfield Moors SPA should have been included NE17 and NE18	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 55 for the Applicant's response.
Q5.2.9	Applicant, CDC, NLC EA and NE.	Draft DCO Schedule 2 Requirement 22 [AS-003] Please could the applicant provide justification for the 21-day consultation period referred to with reference to recently made solar DCOs? Please could the Councils, EA and Natural England provide comments on the acceptability or otherwise of this consultation period, with reasons given?	Natural England have not been consulted on this at time of writing. Due to capacity constraints, we request longer than this where possible.	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 55 for the Applicant's response.

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Q9.0.1	Natural England and the Applicant	Detailed ALC Survey Natural England's RR [RR-023] states in part: "Natural England re-iterate that a detailed ALC and soil survey of the agricultural land should be undertaken across the full Study Area. Our advice remains that this data should be provided prior to consent in order to inform decision making." However, it is not clear whether this means that NE are not satisfied with the level of survey undertaken and presented at ES Appendix 15.1 – Agricultural Land Classification [APP-120]. Could NE please clarify and explain whether it is asserting that a more detailed survey is required and, if so, provide a rationale for this? Could the applicant also please provide its response? Within this context could the applicant explain what it means by 'detailed or semi-detailed' at ES paragraph 15.4.10 [APP-052]?	Natural England's rationale that a more detailed survey is required due to some of the land within the Order Limits have not had detailed ALC surveys completed. It is our advice that detailed surveys should be taken across the study area to inform decision making, however, we advise that it should be for the Examining Authority to determine whether the proposed approach is acceptable.	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 56 for the Applicant's response.
Q9.0.17	NE, CDC and the Applicant	Peatland CDC RR [RR-006] paras 11.5 to 11.8 suggest that the Council considers the applicant has not sufficiently considered the effect of the proposed development on Peat. It appears that this is only addressed in ES Chapter 14 [APP-	LT has emailed soils specialists about this query – await response. Please include the following information in the final response: National Policy Statement for Renewable Energy Infrastructure (EN-3) 2.10.26 Applicants are encouraged to develop	The Applicant notes this response. Please refer to **Applicant Responses to Stakeholder Responses to ExQ1 [REP3-046]**, page 58-60 and **Written Responses to ExQ1 [REP2-087]**, page

		051] at paragraphs 14.4.15 to 14.4.17. Could NE and CDC explain what, if any, effects might arise associated with peat and whether these are sufficiently addressed in these paragraphs. The applicant asserts that shallow construction depths (similar to cultivation) are such that "minimal disturbance of peat soils will occur and carbon emissions will not be materially different to the current agricultural use of the land." Could the applicant please explain how this conclusion applies to BESS units, substations, other infrastructure and cable laying? Please could the applicant also consider the likely effects during each phase of the development?	and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030. This should include consideration of mitigation against impacts to peat soils where these are present. 2.10.119 The Defra Construction code of practice for the sustainable use of soils on construction sites103 provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover,	301-304 for the Applicant's response. In direct response to this additional comment the Applicant has provided an **Outline SMP [REP2-078]**, including adherence to Defra's Construction Code of Practice for the sustainable use of soils.

			multispecies cover crops – especially during the winter – minimising compaction and adding soil organic matter. Mitigation of impacts to peat soils should include water table management and minimising soil disturbance.	

Table 4: Applicant's response to Natural England [REP3-078];

Ref	Question addressed to	Question
NE1	Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage (Version 2, July 2024) The Humber Estuary Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature. Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:	The Applicant notes this response and considers that no further action is required

	a) All species listed individually under the assemblage feature on the SPA citation (i.e the species that qualified in 2007 when the site was designated). b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count (currently 2018/19 - 2022/23). c) Species where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.	
NE2	The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.	The Applicant notes this response.
NE3	Natural England advises that the main component species of the Humber Estuary SPA non- breeding waterbird assemblage include (July 2024): a) Species listed individually under the assemblage feature on the SPA citation: • Avocet, Recurvirostra avosetta (non-breeding) • Bar-tailed godwit, Limosa lapponica (non-breeding) • Bittern, Botaurus stellaris (non-breeding) • Black-tailed godwit, Limosa limosa islandica (non-breeding) • Brent goose, Branta bernicla (non-breeding) • Curlew, N. arquata (non-breeding)	The Applicant notes this response.

	• Dunlin, Calidris alpina alpina (non-breeding) • Golden plover, Pluvialis apricaria (non-breeding) • Goldeneye, Bucephala clangula (non-breeding) • Greenshank, T. nebularia (non-breeding) • Grey plover, P. squatarola (non-breeding) • Knot, Calidris canutus (non-breeding) • Lapwing, Vanellus vanellus (non-breeding) • Mallard, Anas platyrhynchos (non-breeding • Oystercatcher, Haematopus ostralegus (non-breeding) • Pochard, Aythya farina (non-breeding) • Redshank, Tringa totanus (non-breeding • Ringed plover, Charadrius hiaticula (non-breeding) • Ruff, Philomachus pugnax (non-breeding) • Sanderling, Calidris alba (non-breeding) • Scaup, Aythya marila (non-breeding) • Shelduck, Tadorna tadorna (non-breeding) • Teal, Anas crecca (non-breeding) • Turnstone, Arenaria interpres (non-breeding) • Whimbrel, Numenius phaeopus (non-breeding) • Wigeon, Anas Penelope (non-breeding) And b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count: • Green sandpiper, Tringa ochropus (non-breeding) • Greylag goose, Anser anser (non-breeding) • Little egret, Egretta garzetta (non-breeding) • Pink-footed goose, Anser brachyrhynchus (non-breeding)	

	• Shoveler, Anas clypeata (non-breeding) • Crane, Grus grus (non-breeding)1	
NE4	As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only. It should be noted that some species, such as Snipe (Gallinago gallinago), Jack Snipe (Lymnocryptes minimus) and Water Rail (Rallus aquaticus) have known undercounts in the WeBS data. Therefore, high counts of these species should also be considered. Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include: • Hen harrier, Circus cyaneus (non-breeding) • Marsh Harrier, Circus aeruginosus (breeding) • Little tern, Sterna albifrons (breeding) • Avocet, Recurvirostra avosetta (breeding) • Bittern, Botaurus stellaris (breeding)	The Applicant notes this response.

Response to Deadline 3 Submissions

Table 5: Applicant's response to North Lincolnshire Council Comments on responses to Local Impact Report [REP3-079];

Ref		
Summary of the Council's oral submissions made at the hearings in w/c 22 June 2026		
NLC1	ISH 2 - Development Consent Order The Inspector's questions in this respect were largely directed towards the Applicant and City of Doncaster Council. NLC supports the comments made by City of Doncaster Council during the hearing. Furthermore, the Council agrees with the ExA that a balance needs to be struck in the formulating of the DCO between the Applicant's desire for flexibility and ensuring adequate environmental protections are in place, to ensure there are no undue environmental impacts on the local community and the environment.	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 3 DCO and to table 3-10 of the Statement of Common Ground with CDC submitted at Deadline 4. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 3 DCO and table 3-10 of the Statement of Common Ground with CDC submitted at Deadline 4 **[Document Reference 9.2 Revision 3]**.
NLC2	ISH2 Item 4a – Transport and Access The Council has no further comments at this stage in respect of the transport and access issues discussed at ISH2.	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 4a Transport and Access.
NLC3	ISH2 Item 4b – Biodiversity and Ecology The Council has no further comments at this stage in respect of the biodiversity and access issues discussed at ISH2. The Council notes that the Applicant intends to submit further information to resolve some of the issues discussed. The Council welcomes this intention and will comment further as appropriate once this information has been submitted.	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 4b Biodiversity and Ecology. The Applicant notes the Council's position. Further information was submitted at Deadline 3 within **ES Appendix 7.12: Biodiversity Net Gain Assessment [REP3-**

		028]. This confirms that the grassland beneath and between the solar panels has been assessed on a precautionary basis as modified grassland in poor condition. The proposals also include approximately 1 ha of mixed native scrub, comprising a minimum of five native woody species, to ensure that the biodiversity metric trading rules are met.
NLC4	ISH2 Item 4c – Cultural Heritage The Council supports the comments made by South Yorkshire Archaeological Service (SYAS), speaking on behalf of City of Doncaster Council, during ISH2. The Council welcomes the revised Geoarchaeological Assessment and zoning plans provided by the Applicant to the Council's Historic Environment Officer and SYAS, and the Council will seek to respond to these documents shortly. At this stage, the Council maintains its position that there are significant shortcomings in the assessment of the archaeological potential of the site which should be resolved before Development Consent is granted.	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 4c Cultural Heritage and also **Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP1-046]** for further details summarised as part of agenda Item 4c Cultural Heritage. The Applicant notes the concerns raised and is committed to continuing engagement with the Archaeological Officer to seek agreement of areas of outstanding disagreement. However, the Applicant categorically rejects the suggestion that there are "significant shortcomings in the assessment of the archaeological potential of the site" and has set out its position in detail with respect to this matter during the course of the examination so far.
NLC5	ISH3 Item 3a – Landscape and Visual During the Hearing, the Council's landscape advisor (Tetra Tech) advised that high sensitivity areas within the application site have not been assessed in sufficient detail, the consequence of which is that the assessment, of properly carried out, could result in different outcomes.	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** for further details summarised as part of agenda Item 3a Landscape and Visual. As set out in those submissions, the Applicant does not accept that

		high sensitivity areas have not been assessed in sufficient detail.
NLC6	As has been the Council's position throughout, the Applicant should have used more recent baseline landscape character assessment details than the character assessments used to inform the report (which are 20 and 27 years old). From an NLC perspective, this includes the North Lincolnshire Landscape Character Assessment, North Lincolnshire Council, JBA (2021) which forms part of the evidence base to the emerging local plan. These more contemporary documents should have been considered when informing the baseline studies for the assessment. The Council would therefore welcome a more detailed assessment of the effect of the proposals on landscape character, informed by current available studies at a more detailed scale.	The Applicant confirms that the adopted landscape character assessments relied upon with **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4]** remain extant and have not been superseded. The Applicant however confirms that an update has been made to **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4]** to reflect the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021) and has been submitted as part of Deadline 4.
NLC7	Tetra Tech also clarified that the addition of hedgerows to the landscape can be considered a beneficial effect where appropriate, and this is not disputed. However, in this case the consideration of the proposed new hedgerows maturing in the landscape over the 40-year period has not been acknowledged as part of the decommissioning assessment. NLC considers that this should be addressed in more detail within the Applicant's assessment.	The Applicant has submitted an updated **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4]** (Table 6-6) to provide additional detail supporting the conclusions of the decommissioning assessment in respect of proposed planting.
NLC8	In response to the ExAs question regarding RVAA and the lack of acknowledgement to the change in views due to the proposed hedgerows, Tetra Tech highlighted that there is no acknowledgement that a shortened screened view (due to mitigation hedgerow planting) is still likely to result in adverse effects on RVAA receptors and should be addressed in more detail in the RVAA.	The Applicant has submitted an updated **ES Appendix 6.2: RVAA [Document Reference 6.3.6.2 Revision 2]** at Deadline 4.
NLC9	ISH3 Item 3b – Flood Risk In response to the ExAs questions about the need to locate substation and BESS infrastructure partly within Flood Zone 3b, the Council	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** for further details summarised as

	expressed its concerns from both a planning policy perspective in the context of the sequential and exception tests, and in respect of the real-life potential impacts of doing so. The Council's concerns in this respect are set out in more detail in its LIR and at Appendix 1 below and are not repeated here.	part of agenda Item 3b Flood Risk. The Applicant has confirmed as part of the Deadline 4 submissions that the siting of the onsite 132kv substation within Flood Zone 3b has been partially relocated to remove the extent within the Flood Zone 3b area. The Applicant also reviewed whether the 100MW BESS could be similarly reconfigured. However, relocation of the BESS is constrained by the wind turbine topple zone associated with the existing Tween Bridge Wind Farm to the east and areas of peat. As a result, it has not been possible to relocate the 100MW BESS entirely outside Flood Zone 3b. Further details can be seen within **Design Evolution Document [Document Reference 8.22]** which has been submitted at Deadline 4.
NLC10	ISH3 Item 3c – Overall Planning Balance The ExA requested that NLC review its position in respect of the overall planning balance. In doing so , the ExA referred the Council to NPS-EN1 paragraph 4.2.15 which states: '*Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.*' The Council's LIR sets out its position on various matters where it considered that there were various shortcomings in the information provided by the applicant. This is a position that the Council has maintained throughout the course of the examination given the inadequacy of the Applicant's submission. The Applicant's response has hitherto been that it did not consider it necessary to provide any further	The Applicant notes this comment and wholly disagrees that there were shortcomings in the submission. It is entirely normal, and an anticipated part of the DCO process, for Applicants to provide clarification, evidence and explanation on a range of matters and issues while they are explored through the examination, during hearings and written questions. The Planning Inspectorate's decision to accept the application at the point of submission further supports the Applicant's position, on this matter of disagreement with the Council, that the relevant statutory and procedural requirements have been adequately met. The Applicant has provided their **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** which includes submissions relating to ISH3 Agenda Item 3c (Planning Balance) and the ExA's question to North

	information and it was only during the hearing sessions held on 23rd and 24th of June, having been pressed by the ExA, that it has agreed to do so.	Lincolnshire Council, and City of Doncaster Council, to advise on their position in respect of the overall planning balance exercise. Please refer to paragraphs 4.86 - 8.94 of **REP3-048**. The Applicant has also set out their position on the planning balance exercise within the **Planning Statement [REP2-012]**. The **Statement of Common Ground with North Lincolnshire [Document Reference 9.3 Revision 3]** submitted at Deadline 4 identifies the agreed, under discussion and not agreed position on various matters, between the Applicant and North Lincolnshire Council. The Applicant is continuing to engage with officers at North Lincolnshire to progress any outstanding matters as quickly as possible.
NLC11	More recently the Applicant has provided additional information in respect to archaeology, which is welcomed, and the Council looks forward to receiving the additional information requested by the ExA in respect of landscape and visual impact and flood risk.	The Applicant notes this response. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 4c Cultural Heritage. At Deadline 4 the following documents are updated in regard to the discussions at Issue Specific Hearing 2 for Cultural Heritage: **ES Chapter 8 Cultural Heritage and Archaeology [Document Reference 6.2.8 Revision 3]; 5.5.2 Appendix B: Heritage Assessment [Document Reference 5.5.2 Revision 2]; ES Appendix 8.1 Heritage Baseline Assessment [Document Reference 6.3.8.1 Revision 3]; ES Appendix 8.6 Outline Archaeological Mitigation Strategy [Document Reference 6.3.8.6 Revision 3].** Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** for further

		details summarised as part of agenda Item 3a Landscape and Visual and Item 3b Flood Risk. At Deadline 4 the following documents are updated in regard to the discussions at Issue Specific Hearing 3 for landscape and visual impact and flood risk: **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4], ES Appendix 6.2: RVAA [Document Reference 6.3.6.2 Revision 2], ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5]** and **Design Evolution Document [Document Reference 8.22].**
NLC12	Whilst it is noted that residual impacts are unlikely to outweigh the urgent need for this type of infrastructure, without the baseline being properly identified and assessed, it is not possible for the Council to judge with any certainty that the likely significant negative effects of the development would be adequately avoided, reduced, mitigated or compensated for.	The ES contains a robust assessment of the baseline environment, informed by appropriate surveys, desk-based research and consultation, as set out within the relevant technical chapters. The baseline conditions have been identified, assessed and used to inform both the Scheme design and the embedded and additional mitigation measures proposed. The Applicant therefore considers that sufficient information has been provided to enable a reasoned assessment of the likely significant effects of the Scheme to be undertaken and to consider the effectiveness of the proposed mitigation. Against this backdrop, there is no force in NLC's submission that the baseline has not been properly identified and assessed and, in the Applicant's view, NLC's submissions on this matter are simply not evidenced and therefore sustainable. The Applicant further notes that a number of management plans are secured by requirement through the **Draft DCO**

		[Document Reference 3.1 Revision 7], which secure the mitigation commitments identified in the ES, ensuring the mitigation will be implemented, managed, monitored and maintained throughout the relevant phase of development.
NLC13	Therefore, in the context of paragraph 4.2.15 of NPS-EN1, at this stage the Council maintains its position that there are a number of significant issues which need to be addressed before Development Consent can be granted. The Council will clarify its position on the planning balance following receipt of the further information expected from the Applicant prior to Deadline 4.	The Applicant notes this comment.
NLC's comments on responses to ExQ1		
NLC14	Q1.0.1 NLC notes the Applicant's comment that 'Panels may be replaced if they fail, with a worst-case estimate of 10% of panels needing replacement due to breakage of failure, having been assumed' in the context of the proposed overplanting rate of 1.5/1.6 discussed at ISH2.	The Applicant notes this comment.
NLC15	Q8.0.5 NLC welcomes the additional consideration of construction effects upon visual receptors, however, the assessment is brief for each identified receptor relative to the likely scale of the construction works and lacks detail with regards to what will be seen in terms of infrastructure and works activities. The is also a lack of reasoning provided with regards to the outcomes that have been assessed for some of the receptors.	This is not accepted; the assessment of Construction Effects is considered to be proportionate and the assessments have been made in line with the methodology.
NLC16	Q8.0.6 NLC welcomes the updates to Table 6-6 and Table 18-1 to clarify and confirm worst case residual effects for individually named receptors.	The Applicant notes and welcomes this comment.

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NLC17	Q8.0.11 NLC agrees that there is limited assessment of how the landscape character would be affected by the development in the LVIA. A number of factors should be taken into consideration when predicting and determining landscape effects. As described in GLVIA3 these included 'change in and/or partial loss of elements, features or aesthetic or perceptual aspects that contribute to the character and distinctiveness of the landscape; addition of new features that will influence the character and distinctiveness of the landscape, the combined effect of these changes on overall character'. These should all be described as fully as possible.	**ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** has been updated at Deadline 4 in regard to the landscape character assessment to account for the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021).
NLC18	Q8.0.11 The description of the magnitude should have reference to size or scale relating to the extent that existing elements that will be lost and the degree to which the landscape will be altered. This is different to the proportion of the LCA affected. Geographical extent is also an important consideration, but this relates to whether the proposals influence the site at various scales – such as site level, immediate setting, character area or larger scale.	See Applicant response at row NLC17. The Applicant has responded to this at 9.13 of the comments on Local Impact Reports (NLC).
NLC19	Q8.0.11 The LVIA does not detail the size or scale of the change and it does not address the landscape character at the various geographical extents for each parcel. For a site of this size NLC would have expected the assessment to address the effect on landscape character with consideration given to the various parcels of land, rather than a generic assessment of the whole site. It does not contain sufficient detail to determine the outcomes assessed.	See Applicant response at row NLC17. The Applicant has responded to this at 9.13 of the comments on Local Impact Reports (NLC).
NLC20	Q8.0.11 In addition, it is noted that the applicant states in their response that 'Each of the local character areas are relatively large scale and extend beyond the extents of the study area'. The acknowledgement of the	See Applicant response at row NLC17.

	large scale of these landscape character areas suggests that smaller areas should be considered within the assessment to understand the effects at a local scale.	This is not accepted the assessment of effects across the Order Limits in addition to the individual character areas is considered to be proportionate.
NLC21	Q8.0.12 NLC welcome the updates to Table 6-6 clarify and confirm worst case residual effects for individually named residential properties. The Council has no further comments at this stage on responses to EXQ1 (document REP2-087).	The Applicant notes this comment.
The Council's response to deadline 2 submissions		
NLC22	Environmental Statement Chapter 3: Site Description, Site Selection and Iterative Design Process (Tracked) (Rev 2) [REP2-020]: No additional detail has been added in relation to the landscape design proposals. The Council considers that the iterative design process carried out to develop the landscape proposals should be explained and demonstrated to allow for a full appreciation of the proposals;	The Applicant does not agree that additional information is required in this regard. **ES Chapter 3: Site Description, Site Selection and Iterative Design Process [REP2-020]** explains the iterative design process undertaken and how consultation, environmental constraints and technical considerations informed the evolution of the Scheme. Detail of the landscape design proposals is set out through **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4],** **ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5]** and the **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5]**.
NLC23	Environmental Statement Chapter 17: Cumulative Impacts (Tracked) (Rev 2) [REP2-030]: The Council notes that there has been no update to the landscape section of ES Chapter 17.	The Applicant notes this response. **ES Chapter 17: Cumulative Impacts [REP2-030]** was not required to be updated. A full response and justification is set out in the Applicant's Response to Q8.0.17 in **Written Responses to ExQ1 [REP2-087]**. However, at Deadline 4, **ES Chapter 17 Cumulative Impacts [Document Reference 6.2.17 Revision 3]** has been updated to align the Applicant's

		Response to Q8.0.17 of **Written Responses to ExQ1 [REP2-087]**.
NLC24	Environmental Statement Chapter 6: Landscape and Visual (Tracked) (Rev 3) [REP2-034]: The Council notes that additional description has been added regarding the construction compounds; additional assessment has been included regarding the construction effects on visual receptors; significant construction effects are now stated upon footpath and road users. It is also noted that there are no updates made to the landscape character assessment or to provide additional description re value and sensitivity. The Council consider the landscape character assessment requires more detail with regards to baseline information, sensitivity descriptions, magnitude assessment and effects assessment for the reasons set out in the LIR. It is therefore not possible at this stage to determine if the stated outcomes are accurate. NLC also considers that the visual assessment requires more detail with regards to magnitude assessment and effects assessment for the reasons set out in the LIR. Similarly, without more detail it is not possible to determine if the stated outcomes are accurate.	**ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** has been updated at Deadline 4 in regard to the landscape character assessment to account for the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021). Further detail of the assessment of landscape value and sensitivity has been added to the updated **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4].** Visual receptors - The sensitivity (a combination of value and susceptibility) of visual receptors is determined and set out in the methodology at **Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP-061].** The magnitude of change has been assessed in line with the methodology set out in **Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP-061].**
NLC25	Environmental Statement Appendix 6.4: Photomontage Visualisations Winter (Rev 2) [REP2-039]:The Council notes that the Substation has been added to Viewpoint 26. The substation is now illustrated in the	The onsite 132kv substation has always been in the visualisation for Viewpoint 26, it was missing from the Landscape Visual Mitigation Strategy Plan only and was

	photomontage for Viewpoint 26 as previously it had not been included. The assessment states that only glimpsed views would be available during construction and operation, however the Council would query this as it appears to be a direct view of the substation.	added in Revision 2 of the plan submitted at Deadline 1 **[REP1-027]**.
NLC26	Environmental Statement Appendix 6.8: Photomontage Methodology [REP2 040]: This is a new document. The Council has reviewed the methodology provided for the photomontages and agrees it is appropriate for the assessment.	The Applicant notes and welcomes this response.
NLC27	Outline Landscape Ecological Management Plan (Tracked) (Rev 3) [REP2 071]: Additional high level landscape strategy detail has been added to the scheme design section. The Council considers that additional detail is still required in relation to the landscape design. For a development of this size the landscape proposals for each parcel (A, B, C, D and E) should be adequately explained to demonstrate how the proposals fit into the landscape characteristics and key feature of each parcel.	This is not agreed, the proposed landscape mitigation proposals using locally appropriate mixed native species informed by existing vegetation are considered to be appropriate. The layout of the Scheme and the resultant landscape strategy is responsive to local pattern and context.

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Table 6: Applicant's response to North Lincolnshire Council's response to Comments on Local Impact Reports (North Lincolnshire Council) [REP2-090]

Paras.	NLC LIR Comment	Applicant's Response (Deadline 2)	NLC Further Response (Deadline 3)	Applicant's Response (Deadline 4)
Environmental Statement				
4.1 – 4.11	In summary, the Council questions whether the Environmental Assessment has been carried properly, having regard particularly to whether 'the project' has been correctly identified. It appears to the Council that, with reference to the Ashchurch Parish Council case, the off-site NGET substation and grid connections are a functionally interdependent and an integral part of the development.	In submissions 4.01 to 4.11, North Lincolnshire Council have made detailed submissions about the definition of the "project" in EIA terms. However, those submissions are not germane to the issue currently under consideration, namely whether there is sufficient understanding of the location of the point of connection for the Scheme to enable a meaningful assessment of the point of connection itself and the route of the proposed 400 kV export connection cable. The purpose of EIA is to identify and assess the likely significant environmental effects of development, having regard to current knowledge and	The Council remains concerned that the Applicant has not properly identified 'the project' for the purposes of the ES. As referred to in the [Raeshaw Farms Ltd v Scottish Ministers [202C] CSIH 10] judgment, the practical and commercial difficulties of grid connections not being known in the early stages of development are recognised. Nevertheless, the Irish cases referred to in the judgment indicate that 'the lack of formulated proposals for grid connections did not justify treating phase 1 of a scheme as a stand-alone project, rather it was	The Applicant refers to its detailed response at Deadline 2 and to its **Annex to Written Summary of Oral Submissions made at Issue Specific Hearing 1 [REP3-052]**, specifically para 8.54 of the same, which sets out the Applicant's position insofar as the treatment of the grid infrastructure, which does not form part of the present Application from an EIA perspective. The Applicant does not consider that NLC's submissions provide a balanced view of the decision in *Raeshaw*. Most strikingly, NLC have overlooked the fundamental point that, in

		available assessment methodologies. The Applicant refers to ES Chapter 4: Approach to Environmental Impact Assessment [APP-041], in particular paragraph 4.6.5, which explains the approach adopted in relation to grid connection infrastructure. At present, there is no confirmed point of connection for the Scheme. In those circumstances, any attempt to draw conclusions as to the likely environmental effects of the grid connection would be premature and would necessarily be based on uncertain or incomplete information. The EIA regime does not require, and indeed does not permit, speculative or hypothetical assessment. As the Supreme Court has recently confirmed, "conjecture and speculation have no place in the EIA process" (R (Finch v Surrey County Council) [2024] UKSC 20; [2024] 4 All ER 717).	suggestive of permission being sought prematurely'. The Council also notes the Scoping Opinion provided by PINS for the proposed Sedgeby Solar Farm in North Yorkshire (DCO Case Reference: EN0110026) which dealt with Off-site grid connection (para 2.1.2) and flexibility (para 2.1.3). In short, PINS said that if there is a requirement to accommodate flexibility within the draft Development Consent Order (DCO) in order to facilitate connection of the proposed development to the national grid, the ES should confirm how this flexibility been considered and assessed in the relevant assessments. Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option	contrast to *Raeshaw* where there was a known point of connection for the Wull Muir Wind Farm and (in the Court's view) and the assessment work could have progressed on that basis, the opposite is true here. This is clearly evidenced by National Grid's submissions in relation to this matter; at **[REP2-107]** NGET confirmed: *"Discussions between NGET and the Applicant in relation to the location and form of the point of connection are ongoing. NGET is exploring all options as part of these discussions but is currently unable to provide any further details"*. This is essential context. Without a known point of connection, it is not possible for the Applicant to conduct a meaningful assessment of the environmental impact of the grid connection (see in this regard paragraph 2.6.10 of **ES**

			assessed and how these have been used to inform an adequate assessment in the ES. Ultimately, this is of course a matter of planning judgement for the Secretary of State.	**(ES) Chapter 2 Scheme Description [APP-039]**). Insofar as NLC references Irish jurisprudence to suggest that development consent may have been sought prematurely in the present case, in the absence of a known point of connection, no weight should be given to this. The Applicant has already addressed the key point that NPS EN-1, at paragraph 4.11.8, expressly recognises and endorses the consenting of electricity network infrastructure separately from the generating asset element of a project. NLC's reference to Sedgeby Solar Farm is noted but not suggestive (as NLC appear to infer) that the Applicant's approach is misguided. At paragraph 2.1.2 of the Sedgeby Solar Farm Scoping Opinion, the Secretary of State notes:

				"… the ES should clearly describe the relationship between the proposed development and connected projects". The Applicant has done this in **ES Chapter 2 Scheme Description [APP-039]**, at paragraph 2.6.10. The Scoping Opinion further notes: *"If there is a requirement to accommodate flexibility within the draft Development Consent Order (DCO) in order to facilitate connection of the proposed development to the national grid, the ES should confirm how this flexibility been considered and assessed in the relevant assessments"*. No such flexibility is being sought in this case, because the grid connection does not form part of the Application on the basis that the form and location of the point of

				connection are unknown and National Grid is, at the current time, unable to provide further details **[REP2-107]**. None of the above indicates that the Applicant has fallen into error in the approach it has taken to EIA in respect of the grid connection. Rather, the approach is entirely robust, logical and legally compliant.
4.12 – 4.16	In summary, the Council's position in respect of the benefits of the scheme is that, if the Secretary of State takes the view that the proposed development is part of a wider project, and the benefits of the development cannot be realised without the, as yet unknown and therefore untested, off-site NGET substation and grid connections (i.e. because they are a functionally interdependent and an integral part of the development), then, having regard to the Ashchurch Parish Council case, it may be irrational to take those benefits into account in determining this DCO application.	The Applicant submits that the Scheme does not fall into the error identified in Raeshaw Farms Ltd v Scottish Ministers C Energiekonto UK Ltd [2026] CSIH 10 and R (Ashchurch Rural Parish Council) v Tewkesbury BC) [2023] EWCA Civ 101; [2023] Env LR 25, namely of seeking to have weight attributed to the environmental and climate change benefits of the Scheme without considering the environmental demerits of an anticipated wider development (in this	The Applicant's position that the environmental effects and benefits assessed in the Environmental Statement are explicitly those arising from the Scheme as applied for, ignores the fact that the main benefits, i.e. the production of renewable energy, cannot be realised without connections to the grid, and explicitly avoids any assessment of the possible environmental effects of those connections (and the off-site NGET substation).	The Applicant reiterates its submissions at Deadline 2 in column 3 of this row. The Applicant of course recognises that the degree to which the demerits of future grid connection works (which are undefined at the current time) should be a material consideration in the planning balance is a matter for the decision maker. However, for the avoidance of doubt, it is the Applicant's clear view that, in circumstances where the decision maker did give

		case, the future grid connection infrastructure). The environmental effects and benefits assessed in the Environmental Statement are explicitly those arising from the Scheme as applied for. Any additional environmental effects, whether adverse or beneficial, arising from future grid connection infrastructure will be assessed at the appropriate time as part of the separate consenting process for those works, when they are known and capable of meaningful assessment. The Applicant's approach is consistent with the Gateshead principle: where future infrastructure will be controlled by another competent authority exercising its own statutory functions, it is neither necessary nor appropriate for the DCO process to duplicate that assessment prematurely and speculatively. The planning and EIA systems are intended to operate coherently, not redundantly.	It is the Council's view that the Gateshead principle is not relevant in this case. That is because the Council understands that the Gateshead Principle is concerned with different consenting regimes, whereas in this case the grid connections and off-site infrastructure would be regulated by the provisions of the Town and Country Planning Act. It appears that the Applicant is suggesting that the works could be carried out as permitted development however that is not certain as any screening opinion for those works would have to (at least) consider the cumulative effects of those works with the current proposals. In any event, even if they were determined to be permitted development, the works would be considered under the Town and Country Planning	consideration to those matters, these would be manifestly outweighed by the compelling need case for the Scheme, underpinned as that is by emphatic policy support throughout NPS EN-1, EN-3 and EN-5, and the wider benefits of the Scheme.

			Act and not a separate consenting regime.	
Landscape and Visual Impact				
9.5-9.37	Overall, NLC concludes that the proposed development would have a negative impact on landscape character and visual amenity within the local area contrary to the policies set out above. Further details are required to demonstrate the conclusions made in the LVIA are substantiated, i.e. that the landscape design proposals are achievable and consider a wider green infrastructure strategy; and the value of the landscape has been sufficiently considered when carrying out the assessment.	The Applicant's responses to the detailed points made by NLC are set out in their response to NLCs LIR (REP2-090).	As explained at ISH3 on 24th June 2026, NLC maintains that the Applicant has not used the most up to date landscape character assessment (LCA) available to inform their assessment. Adopted character assessment guidance has been used but it has not been acknowledged that this is now nearly 20 and 27 years old respectively (CDC LCA and NLC LCA) and there are more recent character guidance studies available for reference. The fact that NLCs LCA is supplementary to the 2003 Development Plan policy is not a justification for ignoring more recent studies. The character assessment in the LVIA does not look at a	**ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** has been updated at Deadline 4 in regard to the landscape character assessment to account for the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021). A further assessment of landscape value in relation to the Order Limits with reference to TGN 02-21 is set out in the updated **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4].** In terms of valued landscapes, a response has been provided previously at paragraph 10.18 of Document 8.10 Comments

			sufficiently fine grain of landscape character to inform the assessment. GLVIA3 states in para 5.16 that even when a LCA is available 'it is still likely that it will be necessary to carry out specific and more detailed surveys of the Order Limits and perhaps its immediate setting or surrounding'. This is to 'pick up other characterises that may be important in considering the effects of the proposal' . The Applicant has not addressed landscape value in accordance with TGN 02-21: Assessing landscape value outside national designations. This landscape has been designated previously and areas within the Order Limits or study area lie within areas recommended for consideration as an 'Area of High Landscape Value' (ref example JBA LCA 2021: Trent Levels – Flat Drained Treed Farmland).	on **Local Impact Reports (City of Doncaster Council) [REP1-062]** whilst it is considered that the landscape contains elements of value it does not on balance constitute a valued landscape in respect of NPPF para 187). It was explained by the Applicant at the Issue specific Hearing 1 (see **Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP1-046]** para 5.9) that in addition to the road corridors there are other influences and detractors on the Order Limits. A further paragraph has been added to the **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4].** Landscape receptors- the updated **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** has been updated to show the value and

			Consideration as to whether this is a valued landscape should be fully explored in accordance with the TGN. NLC disagrees with the Applicant in relation to the influence on the landscape character of major road corridors over the Order Limits. The major road corridors do influence the landscape character within their immediate environs, but not over the whole character of the Order Limits. The landscape character assessment should readdress this point. NLC considers that the Applicant has not sufficiently described value and susceptibility in relation to landscape or visual receptors so it is difficult to say if the conclusions they have reached are accurate and considered. NLC considers that the	susceptibility judgements underpinning the sensitivity assessments. Visual receptors – The sensitivity (a combination of value and susceptibility) of visual receptors is determined and set out in the methodology at **Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP-061].** The onsite 132kv substation has always been in the visualisation for Viewpoint 26, it was missing from the Landscape Visual Mitigation Strategy Plan only and was added in Revision 2 of the plan submitted at Deadline 1 **[REP1-027]**. The assessment considers the Scheme as a whole including the component parts. Re landscape design: This is not accepted. The proposed landscape mitigation proposals using locally appropriate mixed native

			applicant has not provided enough detail in addressing magnitude and effect, particularly in relation to the visual assessment and RVAA. It is therefore difficult to say if the conclusions are accurate and considered. NLC does not consider that all the ancillary infrastructure has been adequately considered in the assessment of landscape and visual effects. For example, the 400kv substation was originally omitted from the landscape design proposal plans and the visualisations. It has subsequently been added to both, but the assessment text has not been updated to reflect its addition. NLC considers that more detail is required in relation to the landscape design proposals in order to fully appreciate the landscape strategy. Details are provided	species informed by existing vegetation are considered to be appropriate. The layout of the Scheme and the resultant landscape strategy is responsive to local pattern and context. The Applicant has submitted an updated **ES Appendix 6.2: RVAA [Document Reference 6.3.6.2 Revision 2]** at Deadline 4. which includes further detail on the landscape proposals/ mitigation planting. Soil Sampling: Please refer to **Applicant's Responses to Stakeholder Responses to ExQ1 [REP3-046]**, Table 9 row 2 response. The **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5]** confirms – "*Prior to habitat creation, soil testing will be completed to confirm the PH and nutrient levels and determining the appropriate seed mix to ensure the maximum beneficial mix for the soils and nutrients status.*"

			in the LEMP in relation to the mitigation parcels but there is little detail on how the landscape strategy for each parcel has evolved e.g., hedgerow strategy specific to the parcels, vegetation connectivity with surrounding landscape, how the characteristics of each parcel has been addressed. NLC considers that the ability for the landscape to host the proposed habitat is an important element of the design proposals and therefore soil sampling to determine suitability for the proposed habitat should not be left to a later stage. NLC considers that all vegetation within the Order Limits should be surveyed in accordance with BS 5837. This is to ensure all vegetation has been taken into account in the design, any removal adequately acknowledged and any protection measures for retained vegetation	As the land is largely currently in active arable production and subject to continued application of nitrates and phosphates, soil sampling would be best deployed as part of the detailed development of seed mixes and management regimes depending on identified fertility levels prior to implementation as the persistence of these chemicals varies over time. Landscape proposals & decommissioning: Further detail on decommissioning in relation to the hedgerows has been provided in **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4].**

			implemented appropriately. NLC suggest that it should be made clear in the LVIA that proposed ecological habitat created as part of the project may not be retained following decommissioning. NLC agrees that hedgerow planting and enhancement are appropriate mitigation proposals however, the mitigation proposals themselves have not been considered sufficiently in terms of their effect on the landscape and visual receptors, particularly with regards to the changes in open views and open landscape characteristics that will be experienced. This should be explained in the LVIA in further detail and further detail added to the design proposal description to demonstrate how the hedgerow mitigation has also considered the open landscape characteristics	

Response to Deadline 3 Submissions

			and views in its design.	
Traffic and Transport and Public Rights of Way				
10.12	As set out at paragraph 2.2 above, Five separate Land Parcels have been identified, of which Parcel B is fully within North Lincolnshire, along with the majority of Parcel E and a small section of Parcels C and A. Proposed access points have been provided however as set out at paragraph 12.7.3, these are 'anticipated' points of access. Of those points of access within NLCs area, the Council makes the following observations- Access N - Figure 3.5 shows HGVs entering the opposite lane to enter the site. Access O - Although the swept path shows the movement can be achieved, the bridge looks very tight. Access Q - This shows a reduced visibility splay to the south, but	An updated oCTMP [Document Reference 7.7 Revision 2], has been prepared and submitted at Deadline 2. This covers specific site access matters, including updates to Access N, O, Q and X.	Accesses N, O C P – no further comments. Access O - although the swept path shows the movement can be achieved, it does look tight with the existing bridge and there is the risk that this may be damaged. However, it is noted from the OTMP that a survey would be carried out to confirm suitability of the bridge to accommodate anticipated construction vehicle movements and if required it would be replaced/reinforced to accommodate construction traffic. The Applicant has confirmed that The oCTMP will be updated at Deadline 3 to include a commitment to survey the culvert crossings, including the one at Access O,	The **Outline CTMP** [**REP3-037 – REP3-042**] was updated at Deadline 3 and includes a commitment to survey the existing culvert crossings at Accesses K, O and P.

	unclear why this is the case as it looks like there should be good visibility. Details on measures to mitigate against the reduced visibility splay need to be provided. Access X – There is very reduced visibility to the south, but it is unclear whether there are any proposals to mitigate against this.		as part of the condition surveys.	
10.14	The proposed routes to Land Parcels B C C would appear to be acceptable in principle, however, NLC would query the routeing to Accesses R C Q. It appears to NLC that it would make more sense for vehicles to these points to access High Levels Bank directly from the A18, rather than the A161, as this would be a more appropriate route (ES paragraph 12.5.9 refers). Consideration should also be given for a one-way route to Access Point R, as this would reduce the risk of construction vehicles passing each other with limited space with which to pass. Paragraph 4.7.4 of the OCTMP refers to temporary traffic management measures at each	An updated oCTMP [Document Reference 7.7 Revision 2] has been prepared and submitted at Deadline 2. Section 4.6 of the oCTMP [Document Reference 7.7 Revision 2] has been updated to refer to the construction traffic route for Land Parcel E (Figure 4.1 shows the correct routing). Thisincludes a review of the proposed routes to Access R and Q and concludes that the	Access R - comments in the latest OTMP are noted regarding the stone pillars at the junction with the A161, so all access/egress will need to be from the west. The commitment in para 4.7.1 to arrivals/departures of HGVs being strictly managed by site managers is welcomed, particularly with regards to Access R. It would be beneficial to undertake swept paths from High Levels/Idle Bank onto the unnamed road to Access R and to ensure there are no forward visibility issues for road users	This response is noted by the Applicant. Swept Path assessments of a HGV at the High Levels / Idle Bank junction with the unnamed road to Access R can be undertaken and documented in the next iteration of the oCTMP.

	individual access point to assist drivers entering/exiting, but it is unclear what these measures would be.			
10.15	NLC considers that it is difficult to fully understand the impact of construction traffic on the local highway network. The construction periods for each land parcel have been provided, including the length of the peak construction period, along with the predicted two-way Annual Average Daily Traffic (AADT)movements per day, including HGV movements. It is assumed that these are average movements across the construction period and it would be useful to have further information n this to fully understand the impact - including a monthly profile for vehicle movements (including HGVs) across the whole construction period and also the vehicle movements per access point. It is also unclear on how the anticipated HGV movements for each land parcel have been derived.	An updated oCTMP [Document Reference 7.7 Revision 2] has been prepared and submitted at Deadline 2. This includes additional information on the anticipated peak and off-peak construction traffic movements associated with each Land Parcel. The number of HGVs per Land Parcel has been derived based upon a number of vehicle movements per hectare and the Applicant's experience of constructing solar farms to date.	Although more details have been provided on peak daily deliveries and non-peak daily deliveries (including HGV movements) for each land parcel, the Local Highway Authority would like to see a visual representation of this (e.g. monthly profile for the construction period) and also a breakdown for each access point, not just land parcel. The rationale for calculating HGV movements is acceptable.	The **Outline CTMP** was updated at Deadline 3 and includes a breakdown of the AADT at each access point [**REP3-037]** page 38.

10.16	The ES (paragraph 12.5.16) assumes that 4.94 workers per acre would be on site at any one time, but there is no justification for how this has been calculated. It is predicted (ES paragraph 12.5.17) that 75% of workers would travel by minibus, with the remainder travelling by car which is assumed to be 41 cars per day. Again, there is no justification for this assumption or how the use of staff minibuses would be encouraged/enforced.	The number of construction workers per acre set out at paragraph 12.5.16 of the ES Chapter 12 – Transport & Access [APP 049] is based on the Applicant's experience of constructing solar farms to date.	NLC notes the Outline Construction Traffic Management Plan [APP-182] assumption of 4.94 workers per hectare. It is predicted that 75% of workers would travel by minibus, with the remainder travelling by car which is assumed to be 41 cars per day however there is no justification for this assumption or how the use of staff minibuses would be encouraged or enforced.	The Applicant refers back to the original response at column two of this row. In addition, the **Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 5]** sets out measures to **"***Implement a Travel Plan that supports and encourages sustainable travel" and "Ensure that there is coordination with construction staff on measures to minimise the GHG emissions associated with commuting during construction. Such measures include provision of staff minibuses and promoting lower carbon modes of travel such as car sharing , Active travel and use of public transport."*
Cultural Heritage				

12.10 – 12.23	NLCs view is that individual Written Schemes of Investigation (WSIs) for the outstanding evaluation stages should be prepared for the works to be commissioned as soon as possible. A separate WSI for appropriate mitigation should only be produced once the previously outlined evaluation works are completed, and prior to the determination of the DCO. A detailed WSI for mitigation only would ensure that all parties are aware of the archaeological implications of the development, both to inform the detailed design of the development and for the archaeological mitigation work to be timetabled to avoid any unnecessary delay to the construction programme.	The Applicant acknowledges NLC's position but does not agree with the suggested approach or timescales. The reasoning behind this is provided in the Applicant's response to 12.22 above and is therefore not repeated here.	Notwithstanding their response, as explained at ISH2 the Applicant has recently provided a revised Geoarchaeological Assessment and zoning plans to the Council's archaeological adviser. Once the revised/additional information has been assessed NLC will provide an updated position on this matter.	The Applicant notes this response. The Applicant and SYAS have discussed this matter in detail at a meeting on 15 July 2026. It has been agreed that the zoning plan will be revised in accordance with feedback received from SYAS for Deadline 5.
Noise and Vibration				
13.21	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.	Table 13-7 of ES Chapter 13 Noise and Vibration Revision 2 [Document Reference 6.2.13 Revision 2]places a rating level of +5dB between the LOAEL and SOAEL effect levels. It does not equate a rating level of +5dB to the No Adverse Effect Level.	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.	The Applicant notes this response. Paragraph 13.4.18 of **ES Chapter 13 Noise and Vibration Revision 2 [Document Reference 6.2.13 Revision 2]** identifies that operational noise limits are

		BS4142:2014 derives the significance of the noise impact from the difference between the rating level and the background sound level and, in accordance with the standard, would depend on the context. The standard considers a rating level of +5dB as an indication of an adverse impact so it would not be at the No Adverse Effect Level.		set at parity with the typical background sound level.
Air Quality				
14.12	NLC notes that the OCEMP refers to the requirement to "Avoid bonfires or burning of waste material." As it is an offence to burn controlled waste without a relevant waste exemption under the Environmental Protection Act 1990, NLC consider that it would be more appropriate to employ a 'no burning of waste policy' on the application site. Furthermore, as set out at paragraph 13.12 above, whilst the Operational Construction Environment Management Plan (OCEMP) includes construction working hours, NLC practice is to limit working hours as follows, so as to	The Applicant has updated the Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 3] to confirm there will be a "no burning" policy on site. This commitment will be secured through Requirement 14 of the draft DCO [Document Reference 3.1 revision 3]. The request for revised working hours is noted by the Applicant, but the Applicant considers the proposed working hours to be appropriate and necessary to facilitate the timely delivery of the Scheme which policy	NLC notes and welcomes the comments in relation to a no burning of waste policy. In line with other DCOs, NLC would be willing to accept working hours of: 07:00 – 19:00 Monday to Friday 07:00 – 13:00 Saturday No times on a Sunday. NLC considers that the Applicant's proposal offers very little respite to residents on weekends and is not deemed appropriate.	The Applicant notes this response. In relation to revised working hours, the Applicant refers back to the original response at column two of this row.

	ensure there is appropriate respite for nearby residents from the effects of the development- • 08:00 to 18:00 Monday to Friday • 08:00 to 13:00 Saturday • No times on a Sunday	confirms is a critical national priority.		
Hydrology and Flood Risk				
16.8	The application site falls within the Isle of Axholme Compartment (3F2) as identified in the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA). In this area, NLC would expect development to be raised above the critical flood level (CFL) of 4.1m AOD plus 300mm freeboard (i.e., 4.4.AOD). The proposals do not seek to elevate infrastructure, including BESSs and substations, above the CFL and therefore the Applicant has not demonstrated that the development would be safe for its lifetime in accordance with PPG guidance.	The Applicant has provided in the Response to Relevant Representations [REP1-043] a response in relation to this comment. See Table 4-1, Item 7.8 on page 56 for the Applicant's Response. The Applicant has also provided in the North Lincolnshire Council SoCG [REP1-051] a response in relation to this comment. See Table 3-8, Ref 1 on page 64-65 for the Applicant's response.	Whilst there is a clear conflict with the SFRA in his respect, NLC recognises that the Secretary of State must consider this objection in the round. It is noted that the Environment Agency is satisfied with the 1:1000 year plus 100mm design level, and that achieving the CFL would be likely to render the development unacceptable from a landscape and visual perspective and potentially unviable for the reasons the Applicant has given. As indicated in NLCs LIR, it remains a matter for the decision-maker whether the residual risk is acceptable in the overall planning balance, however, for the avoidance of doubt, NLC does not object to	The Applicant notes this response.

			the use of the 1:1000 year plus 100mm freeboard flood level in this instance.	
16.13	NLC does not consider that the Applicant has demonstrated clear operational reasons as to why elements of the development need to be located within Flood Zone 3b, having regard to paragraph 5.8.41 of NPS EN-1. Notwithstanding the unresolved questions around the sequential/exceptions tests (see above), whilst it is acknowledged that the wider site is constrained by flood risk, the Applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure, such as BESS facilities and substations, cannot be reasonably located within areas of lower flood risk within the Order Limits. As such, the justification for siting development within the functional floodplain is not evidenced. The fact that PPG guidance allows for essential infrastructure within Flood Zone 3b subject to the exception test, does not obviate the need for exploring sequentially more preferable parts of the site at lower risk of flooding	The Applicant has provided in the ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] a response in relation to this comment. See paragraph 5.29-5.32 on page 23 for the Applicant's response.	NLC considers that the applicant has not properly applied the sequential test to the development. In respect of the sequential test and avoiding flood risk, the PPG says- *Within sites, using site layout to locate the most vulnerable aspects of development in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.*' (Paragraph: 004 Reference ID: 7-004 20220825) It is therefore not the intention of the sequential/exception tests to put the elements of a development at most risk in the areas at highest risk, like in this case where the applicant has proposed substation and BESS infrastructure in Flood Zone 3b (FZ3b). Despite the Applicant's assertion, there is no robust explanation why in operational terms all	The Applicant notes this comment. Please refer to the **Applicant's response to ExQ2 [Document Reference 8.21 Revision 1],** specifically Q2.7.2, submitted at Deadline 4. The Applicant is seeking consent for the development defined within the **ES Appendix A Design Parameters Document [REP3-014]** and which has been assessed within the ES. The layout of the Scheme reflects the infrastructure for which it is seeking consent, including an element of overplanting, and has been designed to maximise the grid connection offer which RWE has. The associated infrastructure proposed is commensurate to the level that is required for the PV arrays and the sequential and exception tests have been properly applied to the

	to accommodate such development.		substation and BESS infrastructure cannot avoid FZ3b. The starting point should be as per paragraph 174 of the NPPF. That is, '*to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test*'. It appears that the Applicant has attempted to rely on table 2 which allows for critical infrastructure to be located in FZ3b following application of the exception test. However, the exception test only comes into play once the sequential test is passed. It is NLCs view that this hasn't been addressed in the applicants updated ST document (REP2 080 and 081). The sequential test hasn't been applied	Scheme as a whole. The Applicant further refers to the its response to ExQ2 2.9.1 in **Written Responses to ExQ2 [Document Reference 8.21 Revision 1]** for further detail on the rationale for the siting of relevant infrastructure within the Scheme.

			properly and the Applicant has failed to demonstrate that it is not possible for all substation and BESS development to be located in areas with a lower risk of flooding (i.e. outside FZ3b). In this context there are no wider sustainability benefits to the community that outweigh the flood risk (our emphasis). The Applicant's approach became more concerning to NLC during the discussion at ISH3 where it was explained that the applicant proposes to 'overplant' the number of panels required to provide 800mW at a ratio of either 1.5 or 1.6, depending on the type of panels used. Bearing in mind that the application site comprises some 1800 hectares of land, in NLCs view is that it has not been demonstrated that there is no other feasible design option than to put substation and BESS infrastructure in functional floodplain. It	

			therefore remains NLCs view that the siting of any infrastructure in FZ3b conflicts with national and local planning policies	
6.14	In addition, the proposals do not provide confidence that there would be no net loss of floodplain storage or that flows will remain unimpeded. Whilst some elements of the scheme are described as permeable or elevated, infrastructure such as BESS compounds, substations and associated hardstanding would introduce areas of displacement and potential obstruction. This is particularly relevant within Flood Zone 3b, where land is required to store and convey floodwater during more frequent events, and any loss can have significant and wider reaching impacts.	The Applicant has provided in the Response to Relevant Representations [REP1-43] a response in relation to this comment. See Table 4-1, Item 7.4-7.5 on page 55-56 for the Applicant's Response. The Applicant has also provided in the North Lincolnshire Council SoCG [REP1-051] a response in relation to this comment. See Table 3-8, Ref 2 on page 66 for the Applicant's Response.	As discussed at ISH3, the Council is concerned that the proposals would result in the loss of flood storage capacity in FZ3. Whilst the Applicant advised that this would only represent a small amount of flood storage loss, this would be of no comfort to neighbouring residents whose properties may flood as a result of the proposals, particularly given the context set out in the Council's response to paragraph 6.13 above.	Following Issue Specific Hearing 3 (24 June 2026), and as set out in the **Written Summary of Oral Submissions for Issue Specific Hearing 3 [REP3-048]**, the Applicant committed under Action 6 to reviewing the Scheme design to identify whether the extent of development within Flood Zone 3b could be reduced. The review focused on the two elements of the Scheme located within Field A20: the proposed 132kV substation and the 100MW BESS. Following this review, the proposed onsite 132kV substation has been repositioned approximately 6.5 m eastwards and is now located entirely outside Flood Zone 3b. The Applicant also reviewed whether the 100MW

				BESS could be similarly reconfigured. However, relocation of the BESS is constrained by the wind turbine topple zone associated with the existing Tween Bridge Wind Farm to the east and areas of peat. As a result, it has not been possible to relocate the 100MW BESS entirely outside Flood Zone 3b. The revised site layout is submitted at Deadline 4 (**Indicative Operational Layout Plan (Fixed Solar Panels) [Document Reference 6.4.2.2a Revision 3]** and **Indicative Operational Layout Plan (Fixed and Tracker Solar Panels) [Document Reference 6.4.2.2b Revision 3])**. The **Flood Risk Assessment [REP2-047 to REP2-052]** will subsequently be updated at Deadline 5 to reflect the revised layout and provide further explanation of the operational requirements and environmental constraints

				that necessitate the partial location of the BESS within Flood Zone 3b. Infrastructure that is operationally required to be located within Flood Zone 3b will be raised above the 1 in 1,000-year flood level, with an additional 100 mm freeboard. This represents a significantly higher design standard than the flood event defining Flood Zone 3b and ensures the infrastructure remains operational during extreme flood events. Importantly, this will not involve raising existing ground levels within Flood Zone 3b. Instead, the infrastructure will generally be supported on isolated foundation blocks over a 300 mm gravel base. Accordingly, the Applicant considers that the proposed development will not result in a loss of floodplain storage within the Order Limits. The Environment Agency also confirmed in its response to

				the Representations on Further Information submitted at Deadline 1 **[REP2-102]** that it was satisfied the proposed development would not increase flood risk to third parties.
6.15	There are also concerns regarding the residual risk associated with locating higher risk infrastructure within Flood Zone 3b. These areas are expected to flood relatively frequently over the lifetime of the development, and the combination of floodwater interaction with BESS infrastructure presents a credible pathway for pollution. In the event of damage, failure or fire, there is potential for contaminants to enter the wider water environment, which could result in a significant pollution incident. Given that alternative areas within the site appear to be available outside of Flood Zone 3b, the current layout does not represent a risk-based or policy-aligned approach.	The Applicant has provided in the ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1, Revision 3] a response in relation to this comment. See paragraph 5.29-5.32 on page 23 for the Applicant's response.	As discussed at ISH3, it remains NLCs position that it objects to the location of infrastructure in FZ3b. The Council has particular concerns about the impact of BESS areas within Flood Zone 3b due to associated fire and pollution risk and about the potential local flood risk impact of the proposed 300mm gravel base for BESS, inverters and spare containers within Flood Zone 3b.	The Applicant refers the Council to the **Outline Surface Water Drainage Strategy** contained within the submitted **Flood Risk Assessment [REP2-047 to REP2-052]**. The Applicant notes the Council's concerns regarding the location of the BESS within Flood Zone 3b and the associated fire and pollution risks. Flood Zone 3b comprises land that is inundated during the 1 in 30-year flood event. However, infrastructure that is operationally required to be located within Flood Zone 3b will be raised above the 1 in 1,000-year flood level, with an additional 100 mm freeboard,

				as set out in the submitted **Flood Risk Assessment [REP2-047 to REP2-052]**. This represents a significantly higher design standard than the flood event defining Flood Zone 3b and ensures that the BESS infrastructure remains above predicted flood levels during extreme flood events. The Outline Surface Water Drainage Strategy includes measures to contain potentially contaminated fire water generated during a BESS fire event, in accordance with the National Fire Chiefs Council (NFCC) guidance available at the time of writing. The latest NFCC guidance will be considered, where appropriate, during the detailed design stage. As summarised in paragraphs 7.23 to 7.29 and Appendix L of the submitted **Flood Risk Assessment [REP2-047 to REP2-052]**, the proposed fire water containment measures comprise a sealed, below-

				ground drainage system specifically designed to contain potentially contaminated fire water and prevent it from entering the surrounding water environment. The below-ground containment system is separate from the above-ground flood mitigation measures for the BESS and is designed to function as a sealed system. As stated in paragraphs 7.26 to 7.28 of the submitted **Flood Risk Assessment [REP2-047 to REP2-052]**, the detailed design of the below-ground containment system will be undertaken at the post-consent stage to ensure it provides sufficient capacity and is suitable for the anticipated fire water volumes, temperatures and contaminants. A range of established engineering solutions is available to achieve this, including sealed below-ground storage and

				impermeable BESS lining systems. Accordingly, the Applicant does not consider that the location of the BESS within Flood Zone 3b compromises the proposed fire water containment strategy or gives rise to an unacceptable pollution risk.

Table 7: Applicant's response to Canal and River Trust Comments on responses to written representations [REP3-080];

Ref	Canal and River Trust comment	Applicant's response
CRT1	The applicant's response to written representations submitted at Deadline 2 states that they are in ongoing discussions with the Canal and River Trust regarding the protective provisions in Part 4 of Schedule 2 to the Draft DCO and are seeking to engage with the Trust to seek to agree these provisions prior to the close of the examination. As an update, the Trust is continuing to negotiate Protective Provisions. The draft Protective Provisions are not yet agreed in a form which is acceptable to the Trust, but the Trust anticipates making further progress ahead of DL4. The Trust intends to provide a more substantive update, including an updated Statement of Common Ground. We aim for this to be at DL4.	The Applicant notes this response and confirms that an updated **Statement of Common Ground with the Canal and River Trust** was submitted at Deadline 3 **[REP3-059]**. The Applicant confirms that discussions are still ongoing between the Applicant and the Canal and River Trust regarding protective provisions. A comprehensive summary of outstanding areas of disagreement with respect to protective provisions is set out in the **Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 1]**. The Applicant will continue to engage with the Trust with a view to closing out outstanding areas of disagreement wherever possible.

Response to Deadline 3 Submissions

Table 8: Applicant's response to City of Doncaster Written summary of oral submissions made at hearings in w/c 22 June 2024 [REP3-081];

Ref	CDC Comments	Applicant Response
CDC 1	Matters Considered at ISH2 Agenda Item 3 Article 2 (interpretation): the definition of commence and exclusion of "permitted preliminary works" In summary, the Council made the following points in respect of the above article at ISH2: The Council welcomed the Applicant's commitment to reconsider, by Deadline 3, whether the requirements (excluding requirements 9 (fencing and other means of enclosure) and 12 (archaeology)) should be amended to provide that the use of the term "commence" in the requirement includes any permitted preliminary works. The Council will consider the Applicant's position and comment on the same by Deadline 4.	The Applicant has given detailed consideration to the interface between the Schedule 2 Requirements and the "permitted preliminary works" and a full response is provided in an updated **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [Document Reference 8.16 Revision 2]** submitted at Deadline 4. This is also accompanied by a revised **Draft DCO** at Deadline 4 **[Document Reference 3.1 Revision 7]**, which incorporates further amendments to Schedule 2. The effect of the various amendments brought forward to the Draft DCO during the course of the examination is that the definition of "commence" now includes specified permitted preliminary works in the context of Requirements 8 (landscape and ecology management plan), 9 (fencing), 12 (archaeology) and 14 (construction environmental management plan). The Applicant considers this is an appropriate and proportionate approach, consistent with a number of made solar orders.
CDC 2	The Council confirmed it was aware of local authorities who have been host authorities for several DCOs in their administrative areas and whose approach to the carve outs from the definition of "commence" has evolved over time. For example, for the first Order, the local authority accepted that the "permitted preliminary works"	The Applicant notes these comments and references its response to CDC 1. To be clear, the Applicant has made further amendments to Schedule 2 to address the matters raised during the course of Issue Specific Hearing 2. The Applicant considers that the **Draft DCO**

	would be de minimus, because that it how they are described in the Explanatory Memorandum; however, the power to carry out "permitted preliminary works" is often unconstrained, and the Council is aware of several unhappy instances with local authorities where the contractor has taken a far more liberal approach with (say) vegetation clearance than was ever anticipated ever in the Explanatory Memorandum or during the examination. This has led to the local authority seeking greater control of "permitted preliminary works" in respect of subsequent applications.	**[Document Reference 3.1 Revision 7]** strikes an appropriate balance between the need to promote expedition in delivering the Scheme, for which there is a recognised critical national priority, on the one hand, and ensuring works are subject to appropriate controls, on the other.
CDC 3	The Council noted the additional controls included in Schedule 2 (requirements) of the Fenwick Solar Farm Order 2026 (SI 2026/151) where requirements 7 (landscape and ecological management plan) and 10 (surface and foul water drainage) include additional protection.	The Applicant has considered the Fenwick Solar Farm Order 2026 as part of its review of precedent and this is documented in an updated **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [Document Reference 8.16 Revision 2]** submitted at Deadline 4**.** An amendment to requirement 8 (landscape ecological management plan) of the **Draft DCO** has been made at Deadline 4 **[Document Reference 3.1 Revision 7]** to confirm that "commence", in the context of that requirement, includes site clearance. The Applicant's position in respect of Requirement 11 (surface and foul water drainage) was set out in **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** (paras 4.61 – 4.63). In short, the Applicant does not consider that an amendment to this requirement is justified on the basis of those submissions.
CDC 4	The Council noted the Applicant referred to the ultimate control or safeguard is that the Applicant cannot do anything that would give rise to any materially new or materially different environmental	The Applicant can confirm that the permitted preliminary works form part of the Scheme overview

	effects to those assessed in the environmental statement. The Council welcomed the Applicant's commitment to confirm, at Deadline 3, where the "permitted preliminary works" have been assessed in the environmental statement. The Council can then consider the matter further.	described in non-exhaustive terms in section 2.3 of **ES Chapter 2 Scheme Description [APP-039]**. By way of illustration only, the activities expressly identified at paragraph 2.3.2 of ES Chapter 2, include: *"associated infrastructure including access tracks, parking, CCTV, gates and fencing, lighting, drainage infrastructure, storage containers, earthworks, culverts, surface water management, maintenance and welfare facilities, security cabins and any other works identified as necessary to enable the development";* *"environmental mitigation and enhancement measures, including landscaping, habitat management and biodiversity enhancement";* *"temporary development during the construction phase of the Scheme including construction compounds, parking, temporary diversions of Public Rights of Way, and temporary access roadways to facilitate access to all parts of the Order Limits".* These activities are therefore wide ranging and, without limitation to their scope, *specifically* embrace the following permitted preliminary works identified in article 2 of the **Draft DCO [Document Reference 3.1 Revision 7]** (lettered references below correspond to the definition in article 2):

		(a) pre-construction ecological mitigation (including advanced planting to allow for the early establishment of protective screening); (d) above ground site preparation for temporary facilities for the use of contractors; (g) the provision of temporary means of enclosure and site security for construction. For the avoidance of doubt, the Applicant confirms that the full list of activities included within the definition of "permitted preliminary works" has been considered and assessed as part of the Scheme overview in Chapter 2 of the ES and the specific ES topic chapters.
CDC 5	Article 8 (consent to transfer benefit of Order): In the event the undertaker exercises Article 8 to split the development, for example, transferring the operational benefit of the battery storage system to a third-party storage operator while retaining the solar generation arrays, raises the question of who would be liable for breach of requirements in such instances? In summary, the Council made the following points in respect of the above article at ISH2: By section 167(1) (power to require information) of the Planning Act 2008, if it appears to the "relevant planning authority" (which in the Council's administrative area would be CDC) that an offence has taken place under section 160 or 161 of that Act, the relevant local planning authority may (by section 167(2)) serve an information notice.	The Applicant notes this response. The Applicant's position was set out in **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** (paras 4.25 – 4.28).

	By section 167(3), the information notice may be served on any person who (a) is the owner or occupier of the land or has any other interest in it, or (b)is carrying out operations on the land or is using it for any purpose. By section 167(4), the information notice may demand – (a) information about any operations being carried out in, on, over or under the land, any use of the land and any other activities being carried out in, on, over or under the land, and (b) information about the provisions of any order granting development consent for development of the land. The Council looks forward to receiving the Applicant's post-hearing response to this note and will comment on that at Deadline 4, if it considers it necessary to do so	
CDC 6	Article 8(3) (consent to transfer benefit of Order): expands the automatic transfer of privileges beyond the established threshold seen in recently made solar DCOs … allowing an automatic transfer to any internal corporate holding company or subsidiary without needing the prior written consent of the Secretary of State.	The Applicant has provided a full response to this matter in **Written Responses to ExQ2 [Document Reference 8.21 Revision 1]**, specifically the response to Q2.5.2.
CDC 7	The Council notes the Applicant's position (as explained during ISH2) that the main safeguard in relation to funding arises from the existence of Article 47 (guarantees in respect of payment of compensation) and that provision requires a party who proposes to exercise compulsory opposition powers under the order to have in place a guarantee in a form approved by the Secretary of State.	See response to CDC 6 but the Applicant agrees with CDC's assessment.
CDC 8	The Council assumes that a transfer to any internal corporate holding would trigger article 8(9) (consent to transfer benefit of Order) and would include (for example) any obligations related to the transferred	See response to CDC 6 but the Applicant agrees with CDC's assessment.

	benefit (per article 8(9)(a)) and the same restrictions, liabilities and obligations as would apply under the Order if the benefit were exercised by the undertaker (per article 8(9)(c).	
CDC 9	Currently, the Tween Bridge draft DCO lacks a dedicated permit scheme application clause, and it also fails to require a framework highway works agreement, so to the applicant, what, why is the applicant omitted a dedicated article governing the application of a permit scheme equivalent to article nine in Fenwick could you explain how the day-to-day road space coordination and network management will be maintained without such a framework?	The Applicant has now included a dedicated permit scheme application article in the **Draft DCO** submitted at Deadline 4 **[Document 3.1 Revision 7]**. This is article 12. Associated amendments have been made to the provisions of Part 3 of the Draft DCO to ensure that the Draft DCO can operate in a manner that is compatible with the CDC permit scheme.
CDC 10	Permit Scheme In summary, the Council stated at ISH2 – A general point: the Council's permit scheme is helpful in allowing the Council to better manage activities on the highway network, minimising disruption caused by highway works in their area.	See response to CDC 9.
CDC 11	Article 9 (application of permit scheme) of the Fenwick Solar Farm Order 2026 (SI 2026/151) was not included in the draft Order as applied for. It was included following discussions between the Council and the Fenwick Applicant. Article 9 modifies the permit scheme, and those modifications were agreed with the Council during the Examination. The Council approached its discussions on the modification of the permit scheme with an open mind and would do likewise in respect of any reasonable modifications sought by the Applicant of the instant Order.	See response to CDC 9.
CDC 12	The Council welcomes the Applicant's commitment to consider what changes need to be made to the Order to bring it in line with CDC's permit scheme. The Council looks forward to seeing the revised drafting in due course.	See response to CDC 9.

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CDC 13	The Council and the Applicant met on 21 May 2026 and 10 June 2026 and discussed, amongst other things, the permit scheme. The Council found these meetings helpful and would welcome further discussions with the Applicant.	The Applicant continues to liaise with CDC on points relating to the Draft DCO. As noted in response to CDC 9, appropriate amendments have been made to the **Draft DCO** at Deadline 4 **[Document Reference 3.1 Revision 7]** to provide that the CDC permit scheme will apply to the authorised development.
CDC 14	Highways Agreement On 26 May 2026, the Council shared its standard s.278 highways agreement with the Applicant and the Applicant's comments on the same are awaited.	This is noted and comments have now been returned to CDC by email dated 14 July 2026. The Applicant acknowledges that CDC will need some time to react and respond to the Applicant's comments. However, in summary, the Applicant is proposing that the protections which CDC is seeking can be secured by way of protective provisions for CDC's benefit, as opposed to an agreement which is exterior to the **Draft DCO [Document Reference 3.1 Revision 7]** and will inevitably create additional time and cost implications at the post-consent stage. The Applicant notes that, at CDC 21, CDC has confirmed it is content in principle to proceed on the basis of protective provisions for highway matters and will be submitting its preferred form of protective provisions at Deadline 4. The Applicant will provide a detailed response to these at Deadline 5 and will, if it would be appropriate to do so, include in the Draft DCO at the same deadline its suggested form of protective provisions for CDC's benefit.

CDC 15	It is commonplace for highways agreements to be entered into by DCO Applicant and local highway authorities and this has been the position since the onset of the DCO regime.	See response to CDC 14. The Applicant accepts this and has not sought to suggest that highways agreements cannot be entered into under the Planning Act 2008 regime. To say otherwise would be incorrect. The Applicant is however concerned that an agreement in the form and terms previously suggested by CDC could give rise to avoidable additional time and cost implications (e.g., in drafting and settling the terms of further agreements) at the post-consent stage. The Applicant considers that this can be avoided by settling upon a mutually acceptable set of protective provisions for the benefit of CDC in its capacity as highway authority. This is therefore how the Applicant is proposing to proceed, as set out in response to CDC 15, and notes that CDC appears to be of the same mind (see CDC 21).
CDC 16	Model Provision 16 (agreements with street authorities) of Schedule 2 to the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 includes a Provision that provides a street authority, and undertaker may enter into agreements in respect of certain highways works. The draft Order as applied for [APP-016] included article 18 (agreements with street authorities) which have based on the Model Provision and paragraph 4.3.22 of the first Explanatory Memorandum [APP-017] said article 18 "is a model provision which authorises street authorities and the undertaker to enter into agreements relating to the strengthening, improvement, repair or reconstruction of any streets; the closure, prohibition, restriction, alteration or diversion of any street; the undertaking in any street of any works authorised under articles 11 (Street works), 13 (Power to alter layout, etc. of streets) and 14 (Construction and maintenance of altered streets) of	This is noted and for completeness the Applicant does not seek to suggest that agreements in respect of highway works cannot be entered into. The relevant provision (article 18 in the **Draft DCO** submitted with the DCO application **[APP-016]**) was removed from the **Draft DCO** at Deadline 1 **[REP1-004]** and the rationale for this was captured in the **Schedule of Changes to the draft DCO [REP1-048]** in the following terms: *"The Applicant considers the inclusion of this article to be unnecessary. The Applicant and street authorities are already able to enter into agreements under the Highways Act 1980. The inclusion of this article is therefore unnecessary and could in fact imply that the ability to enter into agreements should be constructed*

	the Order; and the adoption of works". Paragraph 4.8.23 names three recent DCOs which include the provision.	*more narrowly than it would be if reliance was placed on the Highways Act 1980 instead. This would not be a logical outcome."* The real issue is not whether an agreement can be entered into with CDC but whether it is appropriate for CDC to insist upon one in circumstances where the controls it seeks are capable of being addressed via the Draft DCO itself and / or the management plans which form part of the DCO package. The Applicant does not think it would be appropriate, hence the parties are now at the early stage of discussions in respect of protective provisions for CDC's benefit.
CDC 17	Entering into highways agreements has been part of the DCO regime since its beginning. In practice, the drafting is often based on the highway authority's template section 278 agreement because the highway authority is well used to operating in accordance with that document and it would be sensible to maintain a consistent approach in respect of the DCO highway works.	See response to CDC 16.
CDC 18	In respect of the Fenwick Solar Farm Order 2026 (SI 2026/151) a framework highways agreement was agreed between the Council and the Fenwick applicant during the Examination of that Order and article 16 (agreements with street authorities) was subsequently amended to include new paragraph (3), which states –	See response to CDC 16.
CDC 19	"(3) Prior to the commencement of any works under Part 3 of this Order, the undertaker must enter into an agreement which is substantially in accordance with the framework highways works agreement between the Council and the undertaker dated 20 August 2025, or any subsequent replacement agreement as to highways works".	See response to CDC 16.

CDC 20	This provision was included because the framework highways agreement had been agreed. During ISH2, the Applicant has indicated it does not intend to enter into a highways agreement because of the "one stop shop" principle of DCO drafting, whereby the statutory instrument can include things that would otherwise feature in an agreement.	See response to CDC 16.
CDC 21	Protective Provisions In the light of the Applicant's position regarding the "one stop shop" principle, CDC would be content to agree highways protective provisions ("PPs") with the Applicant. While local highway authority PPs are less commonplace than highway agreements, several DCOs do include them, and CDC intends to submit its proposed PPs at Deadline 4.	The Applicant welcomes CDC's response and, as noted, will provide a response to CDC's proposed protective provisions at Deadline 5. If it would be appropriate to do so, the Applicant will also include in the Draft DCO at Deadline 5 its suggested protective provisions for CDC's benefit, without prejudice to the fact that discussions will continue with CDC on the terms of these, with further updates to be provided to the Examining Authority at subsequent deadlines.
CDC 22	These will include provisions which are incredibly important to the Council, for instance, a requirement that the applicant provides a bond to protect financial loss on behalf of CDC (as highway authority) in the event of works not being done to a satisfactory standard or works not being completed as they ought to have been completed. During ISH2, the Council explained it would like confirmation of how that issue will be dealt with, and awaits the Applicant's confirmation in that regard.	This is noted and the response to CDC 21 applies. The Applicant will address the specific point regarding bond payments in its Deadline 5 response, following receipt of CDC's proposed protective provisions.
CDC 23	The Council's reply to the Applicant's response to CDC's comments on the draft DCO Appendix 2 to the Council's Local Impact Report (LIR) [REP1-062] included a table of CDC's comments on the draft DCO [AS-003]. The Applicant responded in its document Comments on Local Impact Reports (City of Doncaster Council) [REP2-089].	No response is required.

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CDC 24	In the Council's LIR [REP1-062] CDC made 19 comments on the draft DCO, and 6 of these have been dealt with to CDC's satisfaction. The 6 comments are – • Comment 1 – (fourth recital of the draft DCO – replacement of reference to "s.105" with "s.104"); • Comment 3 – (art. 8 – consent to transfer benefit of Order); • Comment 8 – (miscellaneous articles – some referred to the 28-day period for determining applications beginning with the date on which the application was made; others referred to the 28-day period beginning with the date on which the application was received. Now all refer to date it was received); • Comment 11 – (art.19 – traffic regulations measures); • Comment 12 – (miscellaneous articles – regarding consents being subject to terms and conditions), and	The Applicant notes this comment and welcomes CDC's confirmation that these matters have been addressed to its satisfaction.
CDC 25	The Table 1 below sets out the unresolved comments. Column (i) sets out CDC's unresolved comments from [REP1-062], Column (ii) sets out the Applicant's response as set out in [REP2-089] and Column (iii) sets out CDC's reply to the Applicant's response. The comment numbers used in the table below are the same as those used in Appendix 2 to [REP1-062]. ***please note that Table 1 is not copied into this document. The full submission made by CDC can be seen within [REP3-081].**	The Applicant has included a table at the end of the **Statement of Common Ground with CDC** submitted at Deadline 4 **[Document Reference 9.1 Revision 3]**, which sets out the parties' respective positions regarding outstanding matters of disagreement on the Draft DCO.
CDC 26	Comments on Local Impact Report (City of Doncaster Council) [REP2-089]. The Council has no comments at this stage.	The Applicant notes this comment.
CDC 27	Review of RWE responses to ExA questions [REP2-087] The Council has no comments at this stage.	The Applicant notes this comment.
CDC 28	Other Matters	The Applicant notes this comment.

	The Council has no comments on any other matters related to Landscape and Visual impact at this stage.	
CDC 29	Biodiversity and Ecology Matters Considered at ISH2 At ISH2 held on 23rd June 2026, the ExA asked the City of Doncaster to provide clarifications in relation to Biodiversity and Ecology. The following sets out City of Doncaster responses to the points raised: Nightjar - What the Council is looking for in terms Nightjar Mitigation; As nightjar are a qualifying feature in respect of the Thorne and Hatfield Moors Special Protection Area the Council expects that greater detail would have been provided as the mitigation plans shown in the Outline Landscape Ecological Management Plan (oLEMP) [REP2-070], Figures 1 and 2. There has been further discussion with the Applicant's ecologist, Tyler Grange following ISH2; details of the discussed nightjar mitigation are set out below in the section on skylark.	The Applicant notes the Council's comments. Following the discussion held on 23 June 2026, the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5**] has been updated to provide further detail on the habitat that will benefit nightjar as shown in Figures 4 and 5.
CDC 30	Skylark - What the Council's view is on the mitigation for Skylark and in particular on what is the Council's view is of the mitigation actually proposed? In the oLEMP [REP2-070] the individual areas and mitigation plots along with other functional features are shown on two A4 landscape plans Figure 1 and Figure 2 with no clarification. Given the amount of information included in the whole submission the Council would have expected that there would be further detail to make clear, the locations and nature of the mitigation either as habitats or functional features. Figure 3 in the oLEMP [REP2-070] attempts to provide a simplified layout of mitigation areas but it is graphically not embedded into the document but merely pasted so that any detail is lost.	The Applicant notes the Council's comments. The **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5],** which includes the incorporation of Figures 4 and 5, has been updated to provide further detail on the habitat creation and management measures within the Order Limits, and also provides more detail for each mitigation parcels for skylark, within section 6. These measures include the creation and management of grassland margins, provision of beetle banks, retained and enhanced hedgerows, ditch corridors,

		woodland edges and other structurally varied habitats which will provide increased foraging opportunities for skylark. Figure 2 of the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5]** identifies the location and extent of the bird mitigation areas, including those managed specifically for skylark, and should be read alongside the detailed parcel-specific prescriptions in Section 6.
CDC 31	Rather than just text and crowded annotated maps, there should be more illustrative descriptions of how mitigation areas for priority species such as skylark and nightjar will operate in relation to optimal physical landforms and related features. Cross-sections would certainly be be useful for this.	Further information has been provided in the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5]** to clarify how the mitigation areas will function for priority bird species, including skylark and nightjar. This includes additional detail on the location, extent, habitat structure and management of the mitigation areas, supported by updated illustrative figures.
CDC 32	All of these matters were discussed further with Tyler Grange on the 25th June 2026 following ISH2 and it was agreed that for both species (Nightjar and Skylark) a greater degree of detail will be provided for clearly identified mitigation areas. This will include cross sections which will identify landforms and vegetation features at-scale so as to confirm heights and distances. Figure 3 of the oLEMP [REP2-070] will be reformatted and provided separately to the Council and other parties.	The Applicant notes the Council's request for clearer illustrative information. Additional figures have been created and are now included within the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5].** This includes Figure 4 that has been created with no annotations for clarity of breeding bird mitigation areas, and Figure 6 which provides details of grassland areas around the Order Limits that will provide nesting and foraging habitat for skylark and foraging areas for nightjar. These figures should be read alongside the parcel-specific descriptions in Section 6 of the **Outline Landscape and Ecological Management Plan [Document**

		Reference 7.6 Revision 5] , which sets out the relevant dimensions, vegetation structure, seasonal sward heights and management measures to be undertaken.
CDC 33	BNG - The Council's view on the percentage range for BNG. If not what is the Councils' estimated percentages? As mentioned at ISH2 South Yorkshire Local Planning Authorities have an emerging stance on the application of habitats to solar panels with a requirement for under panel grasslands to be of low distinctiveness, which is attached as Appendix 1 to this submission. This would be part of a potential three tiered approach to grassland establishment in solar farms with: beneath panel, in-between panels and wider boundary grassland which can be of medium distinctiveness moderate condition. Tyler Grange have accepted the principle of only having low distinctiveness grassland under the panels and also included this level for in-between panel grassland areas of the same type. This removes the need to carry out detailed scaled measurements off-plan when the net gain biodiversity units are in a significant surplus (+70%). This is a reasonable and appropriate approach as if the in-between grassland improves beyond expectations then this is ultimately beneficial to wildlife and BNG outcomes have not been jeopardised. Tyler Grange will amend the BNG metric with this approach to post intervention habitats.	The Applicant confirms the **ES Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028]**, and the accompanying Statutory Biodiversity Metric were updated at Deadline 3 so that grassland beneath and between the solar panels is recorded as modified grassland in poor condition, which is a low-distinctiveness habitat. A further precautionary allowance has been made by recording a proportion of the solar-compartment area as developed land to account for panel supports and associated infrastructure. Grassland outside the solar compartments is treated separately where the habitat creation and management prescriptions support the relevant higher-value habitat classification. The revised assessment continues to demonstrate a biodiversity net gain exceeding 10%.
CDC 34	A further issue in relation to BNG is identified at in Tween Bridge Solar Farm Environmental Statement Appendix 7.12: Biodiversity Net Gain report [CR1 016] at 3.21 it states that trading rules have been broken and Rule 1 has been broken where Mycelia states "There are net losses of Medium distinctiveness area habitats in 1 broad habitat group, and too few gains at higher distinctiveness categories to offset these losses".	The Applicant confirms that the **ES Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028]**, and the accompanying Statutory Biodiversity Metric have been updated at Deadline 3 to include approximately 1 ha of mixed native scrub to meet the trading rules.

CDC 35	The broad habitat group concerned is: Heathland and shrub, which loses 5.97 BU, from "Heathland and shrub - Bramble scrub" (1.59 BU pre-intervention, and 0.0 BU post-intervention, so a loss of 1.59 BU), "Heathland and shrub - Mixed scrub" (4.38 BU pre-intervention, and 0.0 BU post-intervention, so a loss of 4.38 BU).	The Applicant confirms that the **ES Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028]**, and the accompanying Statutory Biodiversity Metric have been updated at Deadline 3 to include approximately 1 ha of mixed native scrub to meet the trading rules.
CDC 36	The Council considers that it is not acceptable that there is a + 79.82 % net change in area biodiversity but the Biodiversity metric rules in the BNG guidance are not being adhered to. Having discussed this with Tyler Grange they have accepted that it would not be difficult or compromising to amend the BNG Metric to ensure that BNG trading rules are not broken.	At Deadline 3 the Applicant has amended **ES Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028]**, and the accompanying Statutory Biodiversity Metric in accordance with the discussions held with the Council. The revised assessment therefore complies with the trading rules and continues to demonstrate a biodiversity gain exceeding 10%.
CDC 37	Discussions between the ExA and Tyler Grange addressed the matter of the operational area of the Order Area being within the statutory designated site (Thorne Moors) and this can be resolved through a commitment from the applicants to ensure non-operational land in this area.	The Applicant confirms that no works or operational infrastructure are proposed within the Thorne and Hatfield Moors SPA, Thorne Moors SAC or Thorne, Crowle and Goole Moors SSSI. The land within the designated site boundaries will remain non-operational and will be retained and protected. The **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 4]** requires the implementation of habitat-protection measures and prohibits works within retained sensitive areas, while ES **Chapter 7: Ecology and Nature Conservation [Document Reference 6.2.7 Revision 4]** confirms that there will be no operational land take or direct operational habitat loss within any statutory designated site. These measures are secured through Requirement 8 of the **Draft DCO [Document Reference 3.1 Revision 7]**.

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CDC 38	The Change Request – In particular because if the area of land still involved to be used to calculate the BNG gain, then there is a potential problem because if the DCO powers do not apply, how can this be controlled?	The Applicant notes from CDC39 that the Council will be reviewing the Applicant's submissions on this point (see paragraph 5.46 of **REP3-047**, which sets the Applicant's position out in detail) and will respond at Deadline 4 with any comments. Should it prove necessary to do so, the Applicant will provide a further response at Deadline 5.
CDC 39	The Council notes the Applicant's explanation regarding the removal of DCO powers from part of the mitigation area to the north of the order limits and the use of that area for BNG/habitat creation purposes. The Council will review the Applicant's post-hearing note on this point and, if necessary, will respond at Deadline 4 with any comments.	See the Applicant's response to CDC 38 immediately above.
CDC 40	Comments Related from the Submission of Other Documents The Council has no comments at this stage.	The Applicant notes this comment.
CDC 41	Comments on Local Impact Report (City of Doncaster Council) [REP2-089] The Council has no comments at this stage.	The Applicant notes this comment.
CDC 42	Review of RWE responses to ExA questions [REP2-087] The Council has no comments at this stage.	The Applicant notes this comment.
CDC 43	Other Matters Habitat Management The Council has significant concerns about the management of habitats delivered through BNG. It is appreciated that much work	The Applicant notes the Council's concern and confirms that the delivery of the proposed habitats will not depend upon an undefined regime. The **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5]** provides measurable management requirements in Table 4-1

	goes into the planning and establishment of habitats within a solar farm but the aftermath of long term management is generally dealt with briefly, with no detail or clear specification. 'Hopes' and proposals' for grazing do a disservice to the careful planning and survey work that would have preceded the creation of the solar farm. It can also compromise the planned target conditions within the BNG assessment and in turn the Net Gain Plan.	and Section 6, including required sward heights, margin widths, seasonal management, rotational management and the management of woodland, hedgerows, ditches and arable mitigation land. Section 7 requires monitoring by a Suitably Qualified Ecologist, assessment against the target BNG habitat conditions and submission of monitoring reports to the relevant local authorities. Section 8 requires remedial measures and amendments to management prescriptions where habitats are not progressing towards or maintaining their intended condition. Section 9 confirms that the Applicant is responsible for funding and implementing the management and any necessary remedial action. The final LEMP must be approved by the relevant local planning authority and implemented as approved under Requirement 8 of the **Draft DCO [Document Reference 3.1 Revision 7]**.
CDC 44	Water Quality Monitoring In respect of water quality the Council requests that Applicant confirms whether they will have a water quality monitoring regime. It is easy to assume that the cessation of arable cropping with absence of inputs and land/soil disturbance will lead to improved water quality as stated 3.2.3 of the oLEMP [REP2-070] But, it should not be assumed that this is the case and there should be some monitoring over a 10 year period at specific locations to ensure that these benefits do accrue and that there are not other adverse impacts that are currently unknown. The Council also requires the Applicant to confirm if there is any potential for unexpected contaminating inputs as a result of the locations of the panels, e.g. any fixings or connecting equipment. It is understood that there is a significant stand-off	The results will be included as part of the monitoring reports detailed within paragraph 7.15 of the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5]** updated at Deadline 4.

	between the operational areas and watercourses but gravitational effect cannot be easily overcome. The Council considers that a water quality monitoring programme should be put in place. It would request that the Applicant puts forward a water quality monitoring plan that includes: • Objectives of water quality monitoring • Sampling locations • The types of pollutants to be tested at sampling locations; Frequency and duration of monitoring programme; and • Reporting and sharing of data reviews.	
CDC 45	Cultural Heritage Matters Considered at ISH2 In relation to Cultural Heritage and in particular archaeology the South Yorkshire Archaeological Service (SYAS) on behalf of City of Doncaster Council continues to consider that insufficient work has been undertaken to adequately describe the significance of potentially affected heritage assets. However, we remain committed to constructive engagement with the Applicant to better understand the potential impacts of the scheme.	The Applicant is absolutely clear that the assessment provided within **ES Volume 2 Chapter 8: Cultural Heritage and Archaeology [~~APP-045~~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 allow a reasoned consideration of the heritage resource within the assessment which is in accordance with the standard and guidance set out by the Chartered Institute for Archaeologists and which is sufficient to determine the nature and character of the identified archaeological resource within the Order Limits to provide the necessary data for a mitigation strategy (either by design or by record). The Applicant welcomes the commitment of SYAS to on-going constructive engagement and confirms they are likewise happy to continue this engagement moving forwards.

CDC 46	Comments Related from the Submission of Other Documents SYAS has since ISH2 received an updated zoning plan from the Applicant. This will be reviewed in discussion with both the Applicant and the archaeological advisor for North Lincolnshire Council. SYAS will provide a formal view on this at Deadline 4.	The Applicant notes this comment. The Applicant and SYAS have discussed this matter in detail at a meeting on 15 July 2026. It has been agreed that the zoning plan will be revised in accordance with feedback received from SYAS for Deadline 5.
CDC 47	Comments on Local Impact Report (City of Doncaster Council) [REP2-089] The Council has no comments at this stage.	The Applicant notes this comment.
CDC 48	Review of RWE responses to ExA questions [REP2-087] In their question, the Examining Authority requested that 'examples of work undertaken on other DCO solar developments should be identified'. SYAS and the Applicant have both referred to two recent DCO solar projects; however, the Applicant's response does not accurately reflect the archaeological work undertaken on those schemes.	The Applicant notes that in a bid to abridge data from a number of sources errors crept into the examples presented meaning that Fenwick and Tillbridge were erroneously presented as examples. The Applicant has responded on this point in further detail at Examining Authority Question Q2.6.11 **[Document Reference 8.21 Revision 1]**.
CDC 49	Fenwick Solar [PINS Reference: EN010152] is cited as an example of a project where no intrusive archaeological investigations were undertaken prior to application. This does not align with the examination evidence. A comprehensive programme of archaeological evaluation was carried out in advance of submission, comprising 649 trial trenches. This work is documented in the Fenwick Solar Farm Trial Trench Evaluation Report [REP1-045] submitted at Deadline 1 of the Fenwick examination, which confirms that trenching took place between May and July 2024. The Fenwick scheme was granted consent in February 2026.	The Applicant notes that in a bid to abridge data from a number of sources errors crept into the examples presented meaning that Fenwick and Tillbridge were erroneously presented as examples. The Applicant has responded on this point in further detail at Examining Authority Question Q2.6.11 **[Document Reference 8.21 Revision 1]**.

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CDC 50	Tillbridge Solar Project [PINS Reference: EN010142] is cited as an example of a scheme where limited, targeted trenching was undertaken pre-application. Again, this is not consistent with the submitted evidence. An Archaeological Evaluation Overarching Executive Report, provided as Appendix 8-6 of the Environmental Statement [APP-068], confirms that a substantial programme of evaluation was completed. This included 2628 archaeological trial trenches and 52 geoarchaeological boreholes across approximately 1400 hectares between April and September 2023. The Tillbridge scheme was granted consent in 2025.	The Applicant notes that in a bid to abridge data from a number of sources errors crept into the examples presented meaning that Fenwick and Tillbridge were erroneously presented as examples. The Applicant has responded on this point in further detail at Examining Authority Question Q2.6.11 **[Document Reference 8.21 Revision 1]**.
CDC 51	In both cases, the scale of pre-application archaeological investigation was significantly greater than indicated in the Applicant's response.	The Applicant notes that in a bid to abridge data from a number of sources errors crept into the examples presented meaning that Fenwick and Tillbridge were erroneously presented as examples. The Applicant has responded on this point in further detail at Examining Authority Question Q2.6.11 **[Document Reference 8.21 Revision 1]**.
CDC 52 CDC 53	Other Matters DCO Wording and Further Archaeological Works. The Environmental Statement Appendix 8.6: Outline Archaeological Strategy [REP2-045] states that "Each phase of archaeological works will require a specific Written Scheme of Investigation (WSI)" (paragraph 5.6). It also sets out a range of evaluation techniques and mitigation measures and clarifies that these should be treated as separate phases within a broader iterative approach (paragraph 5.7). SYAS agrees with this overall approach. However, Requirement 12 [CR1-006] refers only to a WSI for each phase. As it is likely that more	The Applicant acknowledges that there may be circumstances in which more than one WSI for archaeological works is required. The Applicant proposes that no WSI for evaluation is accepted for the purposes of discharge. Where evaluation works identify no requirement for further mitigation, completion documents clearly stating that no mitigation WSI is required will be prepared and will include plans of the areas subject to

	than one WSI may be required within a given phase, this wording may not provide sufficient clarity as to which document would enable discharge of the pre-commencement element of the requirement. SYAS considers that this should be clarified to ensure consistent interpretation.	the decision. These will be considered appropriate for the purposes of discharge. WSI's for archaeological mitigation will be considered suitable for the purposes of discharge.
CDC 54	Section 9 of the Outline Archaeological Mitigation Strategy [REP2-045] outlines the process for preserving archaeological remains in situ where these are identified as being of high significance during evaluation. Paragraph 9.2 allows for the preparation of an Archaeological Mitigation Statement for each case. Paragraph 9.5 further indicates that details of areas preserved in situ, and associated restrictions, will be included within other relevant outline plans. SYAS considers that the relationship between these elements requires further clarification. In particular: • It is unclear whether Archaeological Mitigation Statements will form part of the archaeological mitigation WSI for each phase or be standalone documents; • It is unclear whether the statements will be fully incorporated into other plans or only summarised within them; • It is not evident how these documents would be secured through Requirement 12 [CR1-006].	The Applicant proposes that the scope of mitigation will be set out in mitigation statements that will be agreed with the relevant Archaeological Officer prior to being incorporated into the appropriate WSI for formal approval in respect of each stage. Where other documents (for example **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5])** require input relating to archaeological mitigation it is proposed that suitable plans detailing the extent are appended to these documents along with a reference to the relevant archaeological WSI.
CDC 55	Greater clarity on these processes would assist in ensuring that the proposed approach is clear and capable of effective implementation.	The Applicant notes this comment and refers CDC to the response relating to comment CDC 54.
CDC 56	Paragraph 9.4 of the Outline Archaeological Mitigation Strategy [REP2-045] sets out general design parameters for areas where preservation in situ is agreed as the mitigation measure. SYAS agrees with these principles. However, Requirement 12 [CR1-006] does not provide a clear mechanism for approving the detailed design measures required to deliver preservation in situ once final design has been completed for each phase.	It is proposed that the extent of areas of preservation in situ, and a detailed methodology for this to be achieved, will be agreed with the relevant Archaeological Officer prior to being incorporated the appropriate WSI for formal approval. The WSI for each stage must be approved by the relevant planning authority (and then implemented as approved) pursuant to Requirement 12 of the **Draft DCO**

		[Document 3.1 Revision 7]. It is not therefore clear on what basis CDC say there is no clear mechanism for approving the detailed design measures.
CDC 57	Requirement 6 [CR1-006] provides an established mechanism for securing detailed design in other technical areas, including landscape and ecology. SYAS considers that a similar approach could be applied to archaeology. SYAS therefore suggests that Requirement 6 is amended to include the following provision: "6. (2) (d) the archaeological mitigation WSI for that phase as approved under requirement 12."	The Applicant has amended the **Draft DCO at Deadline 4 [Document Reference 3.1 Revision 7]** to include this amendment.
CDC 58	Sensitivity Test Report SYAS agrees with the conclusions of the Sensitivity Test Report, which indicate that the proposed timing changes would not result in any alteration to the nature, magnitude, or significance of the effects reported in the Environmental Statement.	The Applicant notes and welcomes this comment.
CDC 59	Landscape and Visual Matters Considered at ISH3 In relation to Landscape and Visual impacts a number of discussion were raised at ISH3. The following sets out City of Doncaster responses to the points raised: The ExA asked about City of Doncaster Council's consideration of sensitivity of the Thorne and Hatfield Peat Moorlands character area and the use of the 2007 character assessment as the baseline character descriptions, as referred to in paragraph 10.15 the City of Doncaster Council Local Impact Report (LIR) [REP1-062].	The Applicant confirms that the adopted landscape character assessments relied upon within **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4]** remain extant and have not been superseded. The Applicant however confirms that an update has been made to **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4]** to reflect the Isle of Axholme and Hatfield Chase Landscape Partnership Assessment (2014) and the North Lincolnshire Landscape Character Assessment (2021) and has been submitted as part of Deadline 4.

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CDC 60 CDC 61	City of Doncaster Council feels that the Applicant should have used more recent baseline landscape character assessment details than the character assessments used to inform the report (which are 20 and 27 years old). Two character area assessments were identified in particular: (with further information on the 2014 assessment subsequently provided in this written response): Landscape Character Assessment for the Isle of Axholme and Hatfield Chase Landscape Partnership with Countryside and Steven Warnock (2014)	See Applicant's response to CDC 59.
CDC 62	Additional information provided in written response: The Isle of Axholme and Hatfield Chase Landscape Partnership was a programme funded by the National Lottery Heritage Fund lead by North Lincolnshire Council. The report was prepared as part of an application to a heritage lottery fund and highlights 'several rare and valuable ecological and cultural landscapes, including England's largest areas of lowland raised mire, some of the most extensive surviving medieval strip field systems in the country'.	The Applicant notes this comment.
CDC 63	North Lincolnshire Landscape Character Assessment, North Lincolnshire Council, JBA (2021) Forms part of the evidence base to the emerging local plan.	The Applicant notes this comment.
CDC 64	Both these character assessments highlight the valuable landscapes within City Doncaster Council and North Lincolnshire area and should have been considered when informing the baseline studies for the assessment. An example given is that in the 2021 assessment, in relation to the Trent Levels, it is recommended for consideration as an 'Area of High Landscape Value'.	See Applicant's response to CDC 59.
CDC 65	The Council would therefore welcome a more detailed assessment of the effect of the proposals on the landscape character, informed by current available studies at a more detailed scale. This should then address if the Thorne and Hatfield Peat Moorlands should have been given a sensitivity rating of very high rather than high.	See Applicant's response to CDC 59. It is not accepted that Thorne and Hatfield Peat Moorlands should have been given a very high sensitivity rating. Whilst there are elements of high

	Question relates to point 10.22 in the City of Doncaster Local Impact Report [REP1-062] regarding the lack of consideration of the hedgerows maturation at decommissioning or the change in the landscape character over the 40 year period.	value within the landscape, on balance the sensitivity is judged to be medium (as a combination of value and susceptibility). Further detail on decommissioning in relation to the hedgerows has been provided in **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4].**
CDC 66	The Council clarified that the addition of hedgerows to the landscape can be considered a beneficial effect where appropriate and this is not disputed, however it feels that the consideration of the hedgerows maturing in the landscape over the 40 year time period has not been acknowledged as part of the decommissioning assessment. This should be addressed in more detail within the report. Question relates to point 10.27 in the CDC LIR [REP1-062] regarding Residential Visual Amenity Assessment (RVAA) [APP-062] and the lack of acknowledgement to the change in views due to the proposed hedgerows.	The Applicant has submitted an updated **ES Appendix 6.2: RVAA [Document Reference 6.3.6.2 Revision 2]** at Deadline 4.
CDC 67	The Council highlighted that there is no acknowledgement that a shortened screened view (due to mitigation hedgerow planting) is still likely to result in adverse effects on RVAA receptors. This should be addressed in more detail in the RVAA.	See Applicant's response to CDC 66.
CDC 68	Comments Related from the Submission of Other Documents City of Doncaster Council has the following additional comments related to Submission of Other Documents:	The Applicant notes this comment.
CDC 69	Environmental Statement Chapter 3: Site Description, Site Selection and Iterative Design Process (Rev 2) [REP2-019]: The Council notes	The Applicant does not agree that additional information is required in this regard. **ES Chapter 3:**

	that no additional detail has been added in relation to the landscape design proposals. The Council considers that The iterative design process carried out to develop the landscape proposals should be explained and demonstrated to allow for a full appreciation of the proposals;	**Site Description, Site Selection and Iterative Design Process [REP2-020]** explains the iterative design process undertaken and how consultation, environmental constraints and technical considerations informed the evolution of the Scheme. Detail of the landscape design proposals is set out through **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4], ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5]** and the **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5]**.
CDC 70	Environmental Statement Chapter 17: Cumulative Impacts (Rev 2) [REP2-029]. The Council notes that there has been no update to landscape section and it therefore has no additional comments to make.	The Applicant notes this response. **ES Chapter 17: Cumulative Impacts [REP2-030]** was not required to be updated. A full response and justification is set out in the Applicant's Response to Q8.0.17 in **Written Responses to ExQ1 [REP2-087]**. However, at Deadline 4, **ES Chapter 17 Cumulative Impacts [Document Reference 6.2.17 Revision 3]** has been updated to align the Applicant's Response to Q8.0.17 of **Written Responses to ExQ1 [REP2-087]**.
CDC 71	Environmental Statement Chapter 6: Landscape and Visual (Rev 3) [REP2-033]. The Council notes that the Substation has been added to Viewpoint 26. The substation is now illustrated in the photomontage for Viewpoint 26 as previously it had not been included. The assessment states that only glimpsed views would be available during construction and operation. City of Doncaster Council would query this as it appears to be a direct view of the substation.	The onsite 132kV substation has always been in the visualisation for Viewpoint 26, it was missing from the Landscape Visual Mitigation Strategy Plan only and was added in Revision 2 of the plan submitted at Deadline 1 **[REP1-027]**.

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CDC 72	Environmental Statement Appendix 6.8: Photomontage Methodology [REP2-040]. This is a new document. City of Doncaster Council has reviewed the methodology provided for the photomontages and agrees it is appropriate for the assessment.	The Applicant notes this response.
CDC 73	Environmental Statement Figure 6.7: Cumulative Screened Zone of Theoretical Visibility Plan [REP2-057]. This is a new document. City of Doncaster Council has no additional comment to make on this document.	The Applicant notes this response.
CDC 74	Outline Landscape Ecological Management Plan (Rev 3) [REP2-070]. Additional high level landscape strategy detail has been added to the scheme design section. City of Doncaster Council feels that additional detail is still required in relation to the landscape design. For a development of this size the landscape proposals for each parcel (A, B, C, D and E) should be adequately explained to demonstrate how the proposals fit into the landscape characteristics and key feature of each parcel.	This is not accepted. The proposed landscape mitigation proposals using locally appropriate mixed native species informed by existing vegetation are considered to be appropriate. The layout of the Scheme and the resultant landscape strategy is responsive to local pattern and context.
CDC 75	Comments on Local Impact Report (City of Doncaster Council) [REP2-089] In relation to the Comments on Local Impact Reports (City of Doncaster Council) [REP2-089]. CDC feel there are still a number of issues to be addressed as follows:	The Applicant notes this comment.
CDC 76	The Council feels that the applicant has not used the most up to date Landscape Character Assessment (LCA) available to inform their assessment. Adopted character assessment guidance has been used but it has not been acknowledged that this is now nearly 20 and 27 years old respectively (CDC LCA and NL LCA) and there are more recent (although not adopted) character guidance studies available for reference;	See Applicant's response to CDC 59.
CDC 77	The character assessment in the LVIA does not look at a sufficiently fine grain of landscape character to inform the assessment. GLVIA3 states in para 5.16 that even when a LCA is available ‘it is still likely that it will be necessary to carry out specific and more detailed	See Applicant's response to CDC 59.

	surveys of the Order Limits and perhaps its immediate setting or surrounding'. This is to 'pick up other characterises that may be important in considering the effects of the proposal';	
CDC 78	The Applicant has not addressed landscape value in accordance with TGN 02-21: Assessing landscape value outside national designations1. This landscape has been designated previously and areas within the Order Limits or study area lie within areas recommended for consideration as an 'Area of High Landscape Value' (ref example JBA LCA 2021: Trent Levels – Flat Drained Treed Farmland). Consideration as to whether this is a valued landscape should be fully explored in accordance with the TGN;	A further assessment of landscape value in relation to the Order Limits with reference to TGN 02-21 is set out in the updated **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** In terms of valued landscapes, a response has been provided previously at 10.18 of **Comments on Local Impact Reports (City of Doncaster Council) [REP2-089]**. Whilst it is considered that the landscape contains elements of value, it does not on balance constitute a valued landscape with reference to NPPF para 187).
CDC 79	The Council disagree with the applicant in relation to the influence on the landscape character of major road corridors over the Order Limits. The major road corridors do influence the landscape character within their immediate environs, but not over the whole character of the Order Limits. The landscape character assessment should readdress this point;	It was explained by the Applicant at the Issue specific Hearing 1 (see **Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP1-046]** para 5.9) that in addition to the road corridors there are other influences and detractors on the Order Limits. A further paragraph has been added to the **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4].**
CDC 80	The Council considers that the applicant has not sufficiently described value and susceptibility in relation to landscape or visual receptors so it is difficult to say if the conclusions they have reached are accurate and considered;	Landscape receptors- the updated **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** has been updated to show the value and susceptibility judgements underpinning the sensitivity assessments.

		Visual receptors - The sensitivity (a combination of value and susceptibility) of visual receptors is determined and set out in the methodology at **Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP-061].**
CDC 81	The Council considers that the applicant has not provided enough detail in addressing magnitude and effect, particularly in relation to the visual assessment and RVAA. It is therefore difficult to say if the conclusions are accurate and considered;	See Applicant's response to CDC 66.
CDC 82	The Council does not consider that all the ancillary infrastructure has been adequately considered in the assessment of landscape and visual effects. For example the 400kv substation was originally omitted from the landscape design proposal plans and the visualisations. It has subsequently been added to both, but the assessment text has not been updated to reflect its addition;	The onsite 132kV substation has always been in the visualisation for Viewpoint 26, it was missing from the Landscape Visual Mitigation Strategy Plan only and was added in Revision 2 of the plan submitted at Deadline 1 **[REP1-027]**.
CDC 83	The Council considers that more detail is required in relation to the landscape design proposals in order to fully appreciate the landscape strategy. Details are provided in the LEMP in relation to the mitigation parcels but there is little detail on how the landscape strategy for each parcel has evolved e.g., hedgerow strategy specific to the parcels, vegetation connectivity with surrounding landscape, how the characteristics of each parcel has been addressed;	This is not accepted. The proposed landscape mitigation proposals using locally appropriate mixed native species informed by existing vegetation are considered to be appropriate. There is not enough local difference in the landscape character of areas A-E to warrant different landscape proposals, (i.e. hedgerow, shrub and woodland mixes) for each of the parcels. The layout of the scheme and the resultant landscape strategy is responsive to local pattern and context.
CDC 84	The Council considers that the ability for the landscape to host the proposed habitat is an important element of the design proposals and therefore soil sampling to determine suitability for the proposed habitat should not be left to a later stage.	Please refer to **Applicant's Responses to Stakeholder Responses to ExQ1 [REP3-046]**, Table 9 row 2 response. The **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 5]** confirms – "*Prior to habitat creation, soil testing will be completed to confirm the PH and nutrient levels and determining the appropriate seed mix to ensure*

		the maximum beneficial mix for the soils and nutrients status." This is not accepted, as the land is largely currently in active arable production and subject to continued application of nitrates and phosphates. Soil sampling would be best deployed as part of the detailed development of seed mixes and management regimes depending on identified fertility levels prior to implementation as the persistence of these chemicals varies over time.
CDC 85	The Council considers that all vegetation within the Order Limits should be surveyed in accordance with BS 5837. This is to ensure all vegetation has been taken into account in the design, any removal adequately acknowledged and any protection measures for retained vegetation implemented appropriately.	**ES Appendix 6.6 Arboricultural Impact Assessment [APP-070]** has been produced in compliance with BS5837:2012 'Trees in relation to design, demolition and construction - recommendations'.
CDC 86	The Council considers that it should be made clear in the LVIA that proposed ecological habitat created as part of the project may not be retained following decommissioning;	Further detail has been added to the updated **ES Chapter 6 – Landscape and Visual [Document Reference 6.2.6 Revision 4]** making it clear that, following decommissioning, the land would be returned to landowners for future management. Whilst the habitats created as part of the Scheme may not be retained, it is noted the retention of the hedgerows in particular, which generally follow existing field boundaries, would not restrict the return of the land to arable production
CDC 87	The Council agrees that hedgerow planting and enhancement are appropriate mitigation proposals however, it feels that the mitigation proposals themselves have not been considered sufficient in terms of their effect on the landscape and visual receptors, particularly with regards to the changes in open views and open landscape	Whilst the proposal in general would be relatively low-level bar the taller elements of the substations, the changes to open views are a direct result of the proposed Scheme i.e. the panels and associated infrastructure, rather than the proposed landscape

	characteristics that will be experienced. This should be explained in the LVIA in further detail and further detail added to the design proposal description to demonstrate how the hedgerow mitigation has also considered the open landscape characteristics and views in its design;	mitigation which the Council agrees is appropriate. The design of the Scheme follows existing field patterns and provides additional planting and habitat networks which would be reflective of existing landscape elements,
CDC 88	The Council has reviewed the methodology on photography received from the applicant and are satisfied that this is in accordance with current guidance.	The Applicant notes this comment.
CDC 89 CDC 90	Review of RWE responses to ExA questions [REP2-087] In response to the Review of RWE responses to ExA questions [REP2-087] the City of Doncaster Council has the following comments:	This is not accepted; the assessment of Construction Effects is considered to be proportionate and the assessments have been undertaken in line with the methodology.
	Q8.0.5 - This question relates to the very limited provision of the assessment of construction effects. City of Doncaster Council welcomes the additional consideration of construction effects upon visual receptors, however, the assessment is brief for each identified receptor relative to the likely scale of the construction works and lacks detail with regards to what will be seen in terms of infrastructure and works activities. The is also a lack of reasoning provided with regards to the outcomes that have been assessed for some of the receptors.	
CDC 91	Q8.0.6 - The EXA has raised that ES Tables 6-6 and 18-1 (residual effects) summarise a range of effects rather than worst case effects and requests that the tables are updated. City of Doncaster Council welcomes the updates to Table 6-6 and Table 18-1 to clarify and confirm worst case residual effects for individually named receptors.	The Applicant notes and welcomes this comment.
CDC 92 CDC 93	Q8.0.11 - This question relates to queries how the LCA was carried out in relation to discounting areas due to the development only occupying a small portion of the character area. City of Doncaster Council agrees that there is limited assessment of how the landscape character would be affected by the development in the LVIA. A	The Applicant refers to **Written Responses to ExQ1 [REP2-087]** and the response to ExA Q8.0.11: *"The spatial extent of the Landscape Character Areas is set out in the respective character studies and ES Figure 6.2 Landscape Character Areas [APP-146] and*

	number of factors should be taken into consideration when predicting and determining landscape effects. As described in GLVIA3 these included 'change in and/or partial loss of elements, features or aesthetic or perceptual aspects that contribute to the character and distinctiveness of the landscape; addition of new features that will influence the character and distinctiveness of the landscape, the combined effect of these changes on overall character'. These should all be described as fully as possible.	*ES Figure 6.6 Screened Zone of Theoretical Visibility with Landscape Character Areas and Viewpoints [APP-150]. Each of the local character area areas are relatively large scale and extend beyond the extents of the study area.* *Significant effects are identified in ES Chapter 6: Landscape and Visual [Document Reference 6.2.6 Revision 3] at both Year 1 and Year 15 of the operational phase for those parts of the Landscape Character Areas that are located within the Order Limits and the immediate surroundings. These effects diminish in this largely level landscape with distance from the Order Limits and therefore the proportion of each of the character areas as a whole experiencing significant effects does not result in overall significant effects on each of the identified character areas as set out in ES Chapter 6."*
CDC 94	The description of the magnitude should have reference to size or scale relating to the extent that existing elements that will be lost and the degree to which the landscape will be altered. This is different to the proportion of the LCA affected. Geographical extent is also an important consideration, but this relates to whether the proposals influence the site at various scales – such as site level, immediate setting, character area or larger scale.	The magnitude of change has been assessed in line with the methodology set out in **Appendix 6.1 Landscape and Visual Impact Assessment Criteria Document [APP-061].**and includes a consideration of the extent to which landscape features are lost or altered, the introduction of new features and the resulting alteration to the physical and perceptual characteristics of the landscape.
CDC 95	The LVIA does not detail the size or scale of the change and it does not address the landscape character at the various geographical extents for each parcel. For a site of this size we would have expected the assessment to address the effect on landscape character with consideration given to the various parcels of land,	This is not accepted; assessment of the Landscape Character of the Order Limits as a single local unit is considered to be proportionate. There are no notable differences in character across the parcels to warrant this approach.

	rather than a generic assessment of the whole site. It does not contain sufficient detail to determine the outcomes assessed.	
CDC 96	In addition, it is noted that the applicant states in their response that 'Each of the local character areas are relatively large scale and extend beyond the extents of the study area'. The acknowledgement of the large scale of these landscape character areas suggests that smaller areas should be considered within the assessment to understand the effects at a local scale.	A specific assessment is made in the LVIA of the effects on the Landscape Character of the Order Limits and immediate surroundings to understand the effects at a local scale.
CDC 97	Q8.0.12 - The EXA questions that specific residential properties haven't been identified with regards to residual effects upon residential visual amenity and requests of table 6-6 to be updated. City of Doncaster Council welcomes the updates to Table 6-6 clarify and confirm worst case residual effects for individually named residential properties.	The Applicant refers to **Written Responses to ExQ1 [REP2-087]** and the response to ExA Q8.0.12: *"Table 6-6 in ES Chapter 6 Landscape and Visual [Document Reference 6.2.6 Revision 2] was updated for Deadline 1 in relation to residential properties and has been further updated in relation to other visual receptors and the assessment outcome at each phase of the Scheme at Deadline 2 (ES Chapter 6 Landscape and Visual [Document Reference 6.2.6 Revision 3]. This table records, in expanded tabular form, the conclusions set out in the main body of Chapter 6."*
CDC 98	Other Matters The Council has no comments on any other matters related to Landscape and Visual impact at this stage.	The Applicant notes this response.
CDC 99	Flood Risk Matters Considered at ISH3	The Applicant notes this response.

	There were no additional issue raised ExA concerning Flood Risk in relation to which the ExA request clarifications from City of Doncaster Council.	
CDC 100	Comments Related from the Submission of Other Documents The Council has no additional comments at this stage.	The Applicant notes this response.
CDC 101	Comments on Local Impact Report (City of Doncaster Council) [REP2-089] The Council has no additional comments at this stage.	The Applicant notes this response.
CDC 102	Review of RWE responses to ExA questions [REP2-087] The Council has no additional comments at this stage.	The Applicant notes this response.
CDC 103	Other Matters At ISH3 North Lincolnshire Council raised the issue of the location and design infrastructure as part of the proposed development being located in Flood Zone 3b and citing harm as a result of the submission. City of Doncaster Council was asked to clarify our position on the application of the Sequential Test and Exception Test.	The Applicant notes this comment. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** for further details summarised as part of agenda Item 3b Flood Risk. The Applicant has confirmed as part of the Deadline 4 submissions that the sitting of the infrastructure within Flood Zone 3b has been partially relocated to remove the extent within the Flood Zone 3b area. Further details of the amendments can be seen within **Design Evolution Document [Document Reference 8.22]** which has been submitted at Deadline 4.
CDC 104	Planning Practice Guidance on Flood Risk and Coastal Change Paragraph 004 (Reference ID: 7-004-2022082) makes clear that where an assessment shows that flood risk is a consideration for a	The Applicant notes this response.

	development proposal, then it should within sites make use of the site layout "to locate the most vulnerable aspects of development in areas of lowest flood risk, unless there are overriding reasons to prefer a different location", and it makes clear that "where necessary, planning authorities [should] also apply the Sequential Test and, if needed, the Exception Test, to ensure that flood risk is minimised and appropriately addressed" and that "where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed".	
CDC 105	The Environmental Statement Appendix 10.1: Flood Risk Assessment Part 1, Paragraph 1.7 acknowledges that NPS EN-1 Paragraph 5.8.21 states that, "following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk, the Exception Test can be applied, as defined by Table 2 of the Planning Practice Guidance (PPG). The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available".	The Applicant notes this response.
CDC 106	The Council understand that North Lincolnshire Council's main concern is that the Applicant, as discussed at ISH3, has simply not provided adequate explanation as to why in operational terms all the BESS infrastructure cannot located so as avoid Flood Zone 3b.	See the Applicant's Response to CDC 103.
CDC 107	Not the intention of the sequential/exception tests to put the elements of a development at most risk in the areas at highest risk – for example in this case where the applicant has chosen to put BESS infrastructure in FZ3b. City of Doncaster Council agrees with North Lincolnshire Council that the starting point should be as set out in paragraph 174 of the NPPF to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted	See the Applicant's Response to CDC 103.

Response to Deadline 3 Submissions

	if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. City of Doncaster Council agrees with North Lincolnshire Council that it is not enough simply to rely in Table 2 of the PPG, because this only come into play once the sequential test is passed.	
CDC 108 CDC 109	Planning Balance At ISH3 the ExA requested that City of Doncaster Council review its position in respect of the overall planning balance having regard to NPS-EN1 paragraph 4.2.15 which states: "Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.' City of Doncaster's Local Impact Report (LIR) and the subsequent discussions at ISH2 and ISH3, as set out above make clear that the Council considers that there are still significant shortcomings in the information provided by the Applicant. This is a position that the Council has maintained to date in the course of the examination	The Applicant notes this comment and wholly disagrees that there are shortcomings in the submission. The Applicant has provided its **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** which includes submissions relating to ISH3 Agenda Item 3c (Planning Balance) and the ExA's question to City of Doncaster Council, to advise on their position in respect of the overall planning balance exercise. Please refer to paragraphs 4.86 - 8.94 of **REP3-048**. The Applicant has also set out its position on the planning balance exercise within the Planning Statement **[REP2-012]**. The Statement of Common Ground with City of Doncaster Council **[Document Reference 9.2 Revision 3]** submitted at Deadline 4 identifies the agreed, under discussion and not agreed position on various matters, between the Applicant and City of Doncaster Council. The Applicant is continuing to engage with officers at City of Doncaster Council to progress any outstanding matters as quickly as possible.
CDC 110	The Applicant has, as set out above, provided additional information in respect of archaeology, which is welcomed, and the Council looks forward to receiving the additional information in respect of	The Applicant notes this response. Please refer to **Written Summary of Oral Submissions at the Issue Specific Hearing 2 [REP3-047]** for further details summarised as part of agenda Item 4a Transport and

	Transport and Access, Biodiversity and Ecology, Cultural Heritage (already partially provided), Landscape, and Visual and Flood Risk.	Access and Item 4b Biodiversity and Ecology, and **Written Summary of Oral Submissions at the Issue Specific Hearing 3 [REP3-048]** for further details summarised as part of agenda Item 3a Landscape and Visual and Item 3b Flood Risk. At Deadline 3, **ES Chapter 12 Transport and Access [REP3 -020], ES Appendix 12.2 Summary of Sensitive Receptors [REP3-025], Appendix 12.4 Proposed Access Arrangements [REP3-026]** and **Appendix 7.12 Biodiversity Net Gain Assessment [REP3-029]** was updated in response to Issue Specific Hearing 2. At Deadline 4 the following documents are updated with regard to the discussions at Issue Specific Hearing 3, **ES Chapter 6 Landscape and Visual [Document Reference 6.3.6 Revision 4], ES Appendix 6.2: RVAA [Document Reference 6.3.6.2 Revision 2], ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 5]** and **Design Evolution Document [Document Reference 8.22].**
CDC 111	Whilst the Applicant appears to rely on the proposed development falling within the meaning of Critical National Priority, as discussed at ISH1, and it is unlikely that residual impacts would outweigh the urgent need for development, without the baseline being properly identified and assessed, it is not possible for the Council to judge with any certainty that the likely significant negative effects of the development would be adequately avoided, reduced, mitigated or compensated for.	The ES contains a robust assessment of the baseline environment, informed by appropriate surveys, desk-based research and consultation, as set out within the relevant technical chapters. The baseline conditions have been identified, assessed and used to inform both the Scheme design and the embedded and additional mitigation measures proposed. The Applicant therefore considers that sufficient information has been provided to enable a reasoned assessment of the likely significant effects of the Scheme to be undertaken and to consider the effectiveness of the proposed

		mitigation. Against this backdrop, there is no force in NLC's submission that the baseline has not been properly identified and assessed and, in the Applicant's view, NLC's submissions on this matter are simply not evidenced and therefore sustainable. The Applicant further notes that a number of management plans are secured by requirement through the **Draft DCO [Document Reference 3.1 Revision 7]**, which secure the mitigation commitments identified in the ES, ensuring the mitigation will be implemented, managed, monitored and maintained throughout the relevant phase of development.
CDC 112	Therefore, in the context of paragraph 4.2.15 of NPS-EN1, at this stage the Council maintains its position that there are a number of significant issues which need to be addressed before Development Consent can be granted. The Council hopes to be in a position to clarify its position on the planning balance following receipt of the further information expected from the Applicant.	The Applicant notes this comment but for the reasons set out elsewhere strongly rejects the suggestion that there are a number of significant issues which need to be addressed before development consent can be granted.

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Table 8: Applicant's response to Environment Agency Written summary of oral submissions made at hearings in w/c 22 June 2024 [REP3-082];

Ref	Environment Agency Written summary	Applicant's response
EAWS1	Concerns raised during ISH2 We previously made representations on the draft DCO regarding land contamination and remain concerned that the current drafting does not adequately manage the risk of contamination, including securing the necessary contamination assessments before remediation works can take place. Chapter 9 of the Environmental Statement (ES) (APP-046) identifies potential sources of contamination that require further investigation. The ES outlines the assessments will be secured by the Construction Environmental Management Plan (CEMP) under Requirement 14. However, remedial work in respect of any contamination is currently included as a permitted preliminary work, and the CEMP is not required to be approved before such works commence. In our Relevant Representations (RR-009), we requested the removal of 'remedial work in respect of contamination' from the definition of 'Permitted preliminary works' in Part 1, Article 2, Interpretation. We also requested the inclusion of an additional Requirement for Land Contamination. In the Applicants Response to Relevant Representations (REP1-043), they outlined that the inclusion of remediation works as a permitted preliminary work has been included to ensure a 'proportionate degree of flexibility'. They outline that the exclusion of this permitted preliminary work would require the submission of detailed plans for approval under	The Applicant has amended Requirement 14 (Construction Environmental Management Plan) of Schedule 2 to the **Draft DCO [Document Reference 3.1, Revision 7]** to provide that the term "commence" includes any permitted preliminary works involving remedial works in respect of contamination. The effect of this amendment is that no remedial works in respect of contamination may be undertaken pursuant to the permitted preliminary works carve-out unless and until a Construction Environmental Management Plan has been submitted to and approved by the relevant planning authority, following consultation with the EA. Accordingly, the Draft DCO now secures Environment Agency oversight of any pre-commencement remediation works in respect of contamination and addresses the concern that such works could proceed before the approval of the CEMP. The Applicant therefore considers that Requirement 14, as amended, provides an appropriate and proportionate mechanism for the management of contamination risks and affords the EA sufficient protection and opportunity for input in relation to contamination remediation works.

	Schedule 2 requirements. We have further considered this point raised by the Applicant. The Applicant has outlined that they do not consider the additional Requirement to be necessary and that the current procedure for managing land contamination is appropriate. The Applicant's view is that Requirement 14 will afford the Environment Agency with sufficient oversight and that an additional Requirement would duplicate measures already secured and capable of being influenced by ourselves. We do not agree with the Applicants position on this. The current approach means that remedial works could effectively commence prior to the submission and approval of further assessment under the CEMP. This approach presents a gap in the drafting in the DCO, and the necessary contamination assessments are not fully secured by the current provisions. Whilst we are a consultee to Requirement 14 (CEMP), it is our view that this is a broad construction document that is not designed to control detailed contamination risk assessment. Contamination is usually dealt with through a phased, risk-based process with clear approval points. It is essential that the risk of mobilising contaminants before they've been properly characterised is eliminated and that risk to controlled waters must be properly understood before works begin.	The Applicant's response to the EA's suggestion that additional contamination specific requirements are required is set out in response to EN3 in Table 2.
EAWS2	Regarding flexibility, we acknowledge the approach outlined in our previous advice would result in no remedial works being able to take place until all relevant Requirements for that phase of works had been discharged. We are therefore now of the view that remedial works could remain as a permitted preliminary work, provided that the necessary land contamination assessments and any potential subsequent remediation/verification are secured beforehand.	The Applicant notes this comment and refers to the s response to EAWS1 as well as the response to EN3 in Table 2.

	To balance flexibility and environmental protection, we consider the inclusion of our originally requested Requirement, with additional wording to carve out remedial works as a permitted preliminary work would be an appropriate approach. Remedial works would then be able to take place subject to only one requirement being discharged, affording greater flexibility.	
EAWS3	Comparison to Springwell Solar Farm The Applicant also referred to the Secretary of State's decision on the recently approved Springwell Solar DCO to justify its stance. The Environment Agency explained during ISH2 that it provides advice on a site-specific basis and that there are fundamental differences between the Springwell application and the Tween Bridge application, in that the latter has identified contamination which will require remediation. The Springwell application did not identify the presence of contamination and the debate in that case related only to the discovery of unsuspected contamination. Notably the Examining Authority did agree with the Environment Agency's request for the Springwell DCO concluding "the ExA agrees with the EA that due to the vicinity of areas of groundwater sensitivity and abstraction, that provides significant quantities of drinking water to the area, and the importance of protecting this for human health, the procedure for dealing with unexpected contamination should be on the face of the dDCO" (Planning Inspectorate, Springwell Solar DCO Report, Paragraph 8.4.37, Jan 2026). This approach is also well precedented in other DCOs, such as the Sunnica Energy Farm 2024 (Requirement 18) and Oaklands Farm Solar Park 2025 (Requirement 55). The Infrastructure Planning (Model Provisions)(England and Wales) Order 2009, Schedule 4, part 15, also includes this as a model Requirement	The Applicant notes this comment and refers to the response to EAWS1 of this table and EN3 in Table 2.

EAWS4	In principle, we consider that land contamination is a matter that should be managed on the face of the DCO in this instance. The Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders provides guidance on the drafting of Requirements. Paragraph 15.1 outlines that these may correspond with planning conditions that would be applied to planning permissions under the Town and Country Planning Act 1990 (TCPA). Under similar circumstances, we would request respective planning conditions on a TCPA application. Paragraph 15.2 of the Advice Note Fifteen outlines that Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects. It is our view that our recommended Requirement on Land Contamination meets these tests. Table 9-16 of Chapter 9 (Page 50) [APP-046] reports the potential effects as 'Minor or locally Moderate Adverse (Significant)'. The assessment of likely significant effects may take account of mitigation only where such measures are sufficiently defined and secured. In the absence of certainty as to their delivery or effectiveness, the Examining Authority should assess the effects without reliance on that mitigation, in which case significant effects may arise. It is our view that where contamination is a known issue/risk that requires further investigation and remediation, if this is not regulated on the face of the DCO then there is no certainty as to its delivery or effectiveness. A standalone DCO Requirement for this is both proportionate and consistent with standard practice.	The Applicant notes this comment and refers to the response to EAWS1 of and EN3 of Table 2.
EAWS5	We also have concerns regarding the enforceability of any remediation strategy or verification report that is provided following the discharge of Requirement 14 and provided outside of the formal process. We are concerned that if any subsequent remediation strategy or verification report does not form part of the approved and discharged CEMP, then	The Applicant does not consider that there is a lack of clarity. In both scenarios, the sources of the measures is ultimately the Construction Environmental Management Plan and requirement 14(3) would apply.

	the requirement for development to accord with the strategy/report would not seem to apply. Unless the remediation strategy and verification reports are provided as part of the Requirement 14 submission, ahead of its discharge, then it is unclear whether Paragraph (3) would be triggered.	
EAWS6	We would also question if the Applicant's approach would fully engage the procedure set out in Requirement 22, Consultation. We consider that where further consultation may be required, this should be dealt with through a formal procedure. This would provide certainty and clarity on the procedure that will be followed and the timescales that will be adhered to.	The Applicant considers that the drafting mechanisms in place already provide sufficient clarity. Details of any further consultation that may be required, for example where contamination is discovered, would be identified and controlled by the Construction Environmental Management Plan approved.
EAWS7	In summary it is the Environment Agency's view that the Applicants current approach lacks clear process and approval points if contamination is discovered through further investigation or unexpectedly. For contamination discovered by further investigation, there is no provision for any necessary remediation strategy, for remediation to be carried out in accordance with any approved strategy or for a verification report to be provided as part of the CEMP. We do not consider it acceptable for any remediation strategy or verification report to be provided outside of the formal process, post discharge of the Requirement. For unexpected contamination, without the issue being managed on the face of the DCO, the mitigation depends on informal engagement. Similarly to the management of contamination discovered through further investigation, there is no provision for a remediation strategy and verification report to be agreed with the Environment Agency. The premise for our concerns lies in the site-specific need for environmental protection, potential gap in timescales, unclear approval points, lack of formal process and concerns around enforceability.	The Applicant does not agree and refers to its response to EN3 (see Table 2).

	Accordingly, the EA requests following Requirement is included in the draft DCO Schedule 2, Part 1 - Request for additional Requirement (Land Contamination) (1) No phase of the authorised development shall commence until a contamination investigation and assessment report applicable to that phase, together with a written remediation strategy if applicable to deal with any contamination discovered, which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency on matters related to its function. (2) In the event that any unexpected contamination is discovered during the construction of any part of the works, including any permitted preliminary works, the part of the works to which the contamination relates must cease until a site investigation and assessment report applicable to that part and, if necessary, a remediation strategy to deal with any contamination which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency on matters related to its function. (3) Any remediation required pursuant to sub-paragraphs (1) or (2) must be carried out in accordance with the remediation strategy approved pursuant to sub-paragraphs (1) or (2) unless otherwise approved by the relevant planning authority. (4) Any verification report required by a remediation strategy approved pursuant to sub paragraphs (1) or (2) must be submitted to the relevant planning authority in accordance with that remediation strategy. (5) For the purposes of sub-paragraph (1), “commence” includes any permitted preliminary works comprising remedial work in respect of any contamination.	The Applicant notes this comment and would refer to the Applicant’s response to EAWS1 of this table and EN3 of Table 2.

EAWS8	Please note that we also maintain our position for the inclusion of a Piling Risk Assessment Requirement.	The Applicant notes this comment and refers to the Applicant response to Q2.14.1 of **Written Responses to ExQ2 [Document Reference 8.21 Revision 1]** and page 51 of **Responses to Relevant Representations [REP1-043]**.

Response to Deadline 3 Submissions

Table 9: Applicant's response to National Highways Limited Written summary of oral submissions made at hearings in w/c 22 June 2024 [REP3-083];

Ref	National Highways Written summary	Applicant's response
NH1	Mr Corser queried whether NH (in its capacity as consultee to certain Requirements) would have sight of the submission made by the Applicant to the Council following consultation with NH. Mr Corser welcomed confirmation from Tom McNamara of TLT LLP, on behalf of the Applicant, that the Applicant would seek to amend Requirement 22 to provide for this, and to provide that the summary consultation report submitted to the Council must append copies of the consultation responses received. Mr Corser also noted that the timeframe provided for consultation responses within Requirement 22 (21 business days) seemed tight and risked being missed by NH officers, given its divergence from precedent. Mr Corser confirmed he would seek instructions on this from NH officers.	Requirement 22 was amended in the revised **Draft DCO** submitted at Deadline 3 **[REP3-006]**. The drafting provides that, when making a submission to a discharging authority for approval under the Schedule 2 requirements, this must be accompanied by a summary report setting out *inter alia* copies of any representations made by a consultee about the details proposed to be submitted for approval. This addresses NH's second submission under NH1. As regards NH's third submission under NH1, regarding the timeframe for consultation, the Applicant can confirm that this period was increased to 28 business days in the **Draft DCO** submitted at Deadline 3 **[REP3-006]**, and these timescales are consistent with the recommendations of the Nuclear Regulatory Review 2025.
NH2	Mr Corser confirmed that the progression of an interface agreement had not been the key focus of negotiations between NH and the Applicant to date. Protective provisions (PPs) had instead been the focus, and these do not currently provide for an interface agreement. Mr Corser also noted the current uncertainty regarding programming for the M180 renewal works, and suggested that the parties could either agree to seek to progress an interface agreement now within the timescales of the Examination, or include this as a requirement of the oCTMP. Mr Corser noted that this latter approach has precedent on other DCOs. Mr Corser	The Applicant updated the **Outline CTMP** at Deadline 3 **[REP-037, REP3-039** and **REP3-041]** to confirm (at section 6.11) that the Applicant is willing to continue discussions with NH regarding a potential interface agreement pertaining to the M180 renewal works to the extent it proves necessary to do so. The Applicant awaits NH's confirmation that it is content with this approach.

	confirmed that NH was open to discussions with the Applicant as to how to move this forward with greater certainty. The ExA requested that greater clarity be provided on this by Deadline 4, with confirmation of the parties' precise position and preference for securing mechanisms. Mr Corser confirmed this was achievable from NH's perspective.	
NH3	NH would additionally note that the terms of the draft DCO were not subject to consultation with statutory bodies or presumably other parties prior to its submission. NH, for example, had no ability to direct the terms of these provisions. The Applicant is of course not under any requirement to consult on the draft DCO in this way, however if the Applicant wishes to rely on the fact that the terms of the DCO secure all the controls required for the Proposed Development, then insofar as those terms affect the highway network, they need to be acceptable to the relevant highway authorities. NH would submit that this is particularly the case given the broadness of the powers sought in the Application. From NH's perspective, this is primarily for safety reasons, noting that millions of people use the SRN every day, however cost and budgetary considerations are also relevant. For these reasons, NH does not consider that it is proportionate for the Applicant to argue that the controls over the Proposed Development must be limited to those currently provided within the DCO, to the detriment of other parties who must ultimately be left to bear the burden.	The Applicant notes these comments (which to be clear were not made in oral submissions on behalf of NH at ISH2) but is not clear if NH is saying there are matters relevant to its own functions that should be addressed via controls that are exterior to the DCO, or instead NH lending support to submissions made on behalf of CDC regarding CDC's earlier request for a framework highways agreement. If the former, the Applicant understands that NH is content to proceed on the basis that all relevant controls are secured via the Draft DCO, including protective provisions for NH's benefit and the associated management plans (subject, perhaps, to an interface agreement regarding the M180 renewal works, on which see below). If the latter, the Applicant notes that CDC has now confirmed it is willing to progress discussions on the basis of protective provisions. The Applicant has, as noted in response to NH2, amended the Outline CTMP at Deadline 3 **[REP-037, REP3-039 and REP3-041]** to confirm that it is will to continue discussions with NH regarding a potential interface agreement pertaining to the M180 renewal works, to the extent it proves necessary to do so.

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NH4	Ciar Donnelly of Pinsent Masons LLP, on behalf of NH, made submissions under Agenda Item 3c (Statutory Undertakers). Ms Donnelly confirmed that some progress had been made between the Applicant and NH on negotiation of PPs and the parties were in a better position than had been the case at Deadline 1. Ms Donnelly confirmed that a key outstanding issue related to the so-called "veto" provisions which Mr McNamara had referred to earlier in the hearing (what Mr McNamara described as provisions which seek to restrict the exercise of powers secured in the DCO without the relevant statutory undertakers' consent). Ms Donnelly noted that Mr McNamara had confirmed the Applicant's intention to submit a position statement at Deadline 4 setting out the Applicant's position on the status of negotiations on the various sets of PPs, including its position on the proposed "veto" provisions, with details of supporting precedent and guidance. Ms Donnelly confirmed that NH would wish to review that statement and provide its response at Deadline 5. The ExA queried how these "veto" provisions are typically dealt with on other schemes. Ms Donnelly confirmed that they form part of NH's template PPs and so are always requested by NH. Ms Donnelly confirmed that NH can point to precedent of these provisions being accepted, albeit each scheme is different and there have been specific exceptions.	The Applicant agrees that there has been some positive progress regarding protective provisions and is now awaiting a full response from NH with a revised version of the protective provisions for consideration. A further response will be provided by the Applicant thereafter. The Applicant has set out in detail the status of negotiations with NH and other parties where protective provisions are under negotiation in the **Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 1]**. This includes the Applicant's detailed rationale for rejecting any "veto" provisions requested by third parties.
NH5	The ExA noted that another concern raised by NH in its representations is the proposed horizontal directional drilling (HDD) works beneath the SRN. The ExA asked for details of NH's specific concerns and how this had been addressed in respect of other schemes.	The Applicant agrees that appropriate controls can be included via the protective provisions for NH's benefit in respect of any horizontal directional drilling beneath the M180.

	Ms Donnelly confirmed that NH considers this issue capable of being addressed with appropriate controls in place, and that such controls are provided in NH's proposed form of PPs. Ms Donnelly noted that these controls, together with the "veto" provisions discussed above, were the main outstanding issues in respect of the NH PPs. However, Ms Donnelly noted that positive discussions had taken place with the Applicant on this point and that NH is hopeful that agreement can be reached on this aspect of the PPs before close of Examination.	For clarity, the protective provisions for NH's benefit included at Part 7 of Schedule 14 to the **Draft DCO [Document Reference 3.1 Revision 7]** already include robust controls in this regard. Notwithstanding that this is the Applicant's firm position, in view of NH's submissions to date, the Applicant is continuing to discuss the terms of these protective provisions with NH and the status of negotiations with NH is set out in the **Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 1]**. The Applicant anticipates that a revised version of the protective provisions for NH's benefit will be included in a later version of the Draft DCO, which will be reflective of the negotiations which are ongoing. However, those negotiations have not progressed at the speed necessary to facilitate the inclusion of a revised version of the protective provisions in the Draft DCO submitted at Deadline 4. That being the case, the Applicant maintains its view that the protective provisions for NH's benefit which are currently included in the draft DCO are proportionate and represent a robust level of protection for NH and its interest in the SRN.

Table 10: Applicant's response to the Raymond Lindley Written summary of oral submissions made at hearings in w/c 22 June 2024 [REP3-084];

Ref	Raymond Lindley Written summary	Applicant's response
RL1	Core Legal Objections (section 122). Failure of meaningful negotiation. The applicant has failed to establish a consistent case or stable baseline for genuine consultation. Erratic proposals have swung wildly from grass seed to solar panels before withdrawing these offers. Failure to prove strict necessity. The applicant has failed to justify forcing the highly disruptive Route A-B over the viable and by their own admission least disruptive Route C-D.	The Applicant consulted with Mr Lindley in its non-statutory consultation on the Scheme in October 2023, where panels were not proposed on the Lindley family's land. The Applicant began discussions regarding a cable route across the land in March 2024. This proposal included the alternative C-D route now preferred by Mr Lindley. It also included the A-B route which is the proposed route for the Scheme. Following an expression of interest from Mr Lindley in October 2024, the Applicant proposed an area of solar panels on the land. This negated the proposed cable routes as the land would now have formed part of the solar panel area. The solar panels on this property formed part of the Scheme that was consulted on at the Statutory Consultation in March 2025. In May 2025, due to the impending application, the Applicant made clear to Mr Lindley that the Applicant needed a decision on whether they agreed to host solar panels as part of the Scheme. This was not confirmed. As no terms had been accepted by Mr Lindley regarding the solar panels on their land, the Applicant removed this panelled area from the DCO Application design for the

		Scheme in May 2025. The Applicant presented the currently proposed cable route for the Scheme at this time. Mr Lindley had not provided comments on the proposed cable route which was set out in communications with them from May 2025, August 2025, September 2025, October 2025 and March 2026, as well in the DCO Application which was originally made in July 2025, In May 2026 Mr Lindley, through his representatives, informed the Applicant that they preferred the C-D route which was provided to them in March 2024. This is no longer possible, and was not since the removal of panels from the land of Mr Lindley following statutory consultation, for the reasons set out below: 1. The discounted C - D route does not connect the panel areas directly and would have required the cable route to use a stretch of road. This would be more disruptive and costly to do. The type of cabling proposed would require at least 4 separate ducts which would be more disruptive to the road than the usual one duct, and would require full closure. This would not have been known at the time of engagement in March 2024. Had this route been chosen at that time, it is likely the Applicant would have later sought the proposed route in any case. 2. The proposed A - B route is direct between panel areas and does not require any cable route to follow the road route, only a single crossing point of the road which is anticipated to avoid full closure of the road.

		3. The proposed A - B was originally in a field proposed to be used for panels, before the negotiations with Mr Lindley ceased. Its position within a field to be used for panels was originally advantageous in planning and cost terms. 4. This route of cabling only affects one landowner and the C-D route affected 3 landowners. 5. The C-D route affected residential properties that the Applicant would try to avoid.
RL2	Timeline of Negotiation Failures and Blackouts. 2024 established and communicated to applicant that freeholder Mr Raymond Lindley unable to handle matters personally. Applicant bypassed appointed representative sending complex correspondence directly to Mr Raymond Lindley. From February 2025 to 21st August 2025 - 6 month blackout - no correspondence received. August-October 2025 letters from applicants surveyors FGP stating both cable route options still available A-B and C-D. No further correspondence until March 2026 which referenced previous letters but omitted route C-D.	The Applicant disputes this characterisation of communications and refers to its response above.
RL3	Drainage. Irreparable disruption to vital agricultural land drainage systems. Farm Succession. Severely restricts planned expansion of agricultural sheds, blocking the fourth generation of the Lindley family from diversifying and continuing to farm.	The Applicant will avoid or restore any existing field drainage in line with the Drainage Strategy as part of the **Flood Risk Assessment[REP2-047 to REP2-052]**. The Applicant will require existing land drainage information from Mr Lindley post consent to inform the final strategy.