Tween Bridge Solar Farm

8.25 Applicant Responses to Stakeholder Responses to ExQ2

Planning Act 2008
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Revision 1

Table of Contents:

List of Tables:

1 Applicant's Responses to Stakeholder Responses to ExQ2

Table 1: Applicant's response to City of Doncaster Council's (CDC) responses to ExQ2

Ref	Question	CDC's response	Applicant's response
Q2.2.5	**Biodiversity Net Gain (BNG) Monitoring** CDC's LIR [REP1-062] paragraph 9.35 sets out its suggested requirements for monitoring of BNG. It suggests that a Habitat Management and Monitoring Plan (HMMP) should be produced and implemented with involvement from both CDC and NLC. It suggests that normally a section 106 agreement (s106) would secure this. In response [REP2-089], the applicant has stated: 'The Outline Landscape and Ecology Management Plan [Document Reference 7.6 Revision 3] is secured by Requirement 8 of Schedule 2 to the draft DCO [Document Reference 3.1 Revision 4]. The Outline Landscape and Ecology Management Plan includes relevant implementation and monitoring requirements, particularly in Table 4-1 and sections 6 and 7.' Can CDC, NLC and the applicant set out their latest position on this and, where relevant, make reference to any precedent in	**Background** The Biodiversity Net Gain Assessment report as set out in document Reference: 6.3.7.12 June 2026 Revision 3 [REP3 028] may need further revision which will be dependent upon the inclusion of a single type of post development grassland type under and between solar panels. After final revisions and acceptance of the BNG outcomes the delivery of a Habitat Management and Monitoring Plan ("HMMP") using the standard DEFRA template will be required. Although not a mandatory requirement for this proposal the applicant is keen to replicate the mandatory process to ensure best practice and therefore the LPAs should be fully involved in the post development on site delivery, through the approval of the HMMP and monitoring of habitat delivery. The principle of monitoring the on-site delivery of Biodiversity Net Gain follows the approval of the Biodiversity Gain Plan which sets out in detail the delivery of on-site biodiversity net gain. Ordinarily, this is secured through a section 106 agreement which ensures a greater degree of legal weight to guarantee the delivery of all the net gain habitats at target conditions. Any section 106 should also provide for an appropriate monitoring fee to be paid to CDC. This is paid to ensure consistency and compliance throughout the on-site habitat management period. **Requirement 8** Disappointingly, the Applicant has not indicated a willingness to enter into a section 106 agreement along the lines mentioned above. Without prejudice to CDC's preferred position (i.e. that there should be a section 106 agreement) CDC would comment as	The Applicant confirms that the Biodiversity Net Gain Assessment was updated at Deadline 3 to include a single type of post development grassland under and between panels. This is detailed in **Environmental Statement Appendix 7.12 Biodiversity Net Gain Assessment [REP3-028]** and the associated **Statutory Biodiversity Metric Calculation Tool [REP3-085]**that was also emailed to City of Doncaster Council and North Lincolnshire Council on the 27 July 2026. The Applicant confirms that after final revisions and acceptance of the BNG outcomes, the delivery of a Habitat Management and Monitoring Plan ("HMMP") using the standard DEFRA template will be completed and incorporated into the Final Landscape Ecological Management Plan and this will be detailed in the **Outline Landscape Ecological Management Plan [REP4-055]** submitted at Deadline 6. In relation to CDC's comments on Requirement 8, the Applicant set out in detail why a section 106 agreement to secure the biodiversity net gain (BNG) proposals for the Scheme would not be appropriate in this case in **Comments on Local Impact Reports (City of Doncaster Council) [REP2-089]** at Table 1, ref 9.35. CDC has itself acknowledged the specific circumstances of this application, as a nationally significant infrastructure project, at paragraph 9.35 of its Local Impact Report **[REP1-062]**, where it noted (emphasis added): *"There is also the matter of how to legally secure the post intervention habitats .... **This is normally done through a Section 106 agreement under normal circumstances, but this will need to be clarified as the project is an NSIP**"*. No clarification has been provided by CDC as to why it considers that the Applicant's approach of securing all BNG proposals via the Landscape and Ecological Management Plan (LEMP) under Requirement 8 would not be appropriate.

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	solar Development Consent Orders (DCO) for approaches to BNG monitoring?	follows as requirement 8 (landscape and ecology management plan). Regarding requirement 8(3)(a) CDC notes the LEMP must include, for each phase, details of the extent to which the phase contributes to ensuring the authorised development achieves a minimum of 10% BNG during its operational lifetime. Unlike equivalent requirements in other DCOs, requirement 8(3)(a) makes no reference to area-based habitat units, hedgerow units, or watercourse units. For instance, the One Earth Solar Farm Order 2026 was made on 8 July 2026. Requirement 9(2) (biodiversity net gain) of that Order states – "The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 50% biodiversity net gain in area-based habitat units, a minimum of 50% biodiversity net gain in hedgerow units, and a minimum of 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' Statutory Biodiversity Metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body)". [Emphasis added]. Similarly, the Dean Moor Solar Farm Order 2026 (SI 2026/754), which was made on 2 July 2026, includes requirement 7(2) (landscape and ecological management plan) which states – "Any LEMP submitted for approval under sub-paragraph (1) must be in accordance with the outline LEMP and must demonstrate how a minimum biodiversity net gain of 60% for area habitat units, 20% for hedgerow units and 5% for watercourse units, calculated using the Department of Environment Food and Rural Affairs' Statutory Biodiversity Metric (February 2024), or if this is withdrawn or replaced, a biodiversity metric approved by the local planning authority in	The Applicant considers that the LEMP is an appropriate, robust securing mechanism and it is precedented in a number of DCOs for solar development (see e.g., the Peartree Hill Solar Farm Order 2026 for a very recent example). The Applicant does not consider that there is any basis for CDC to say *"... a section 106 agreement ... ensures a greater degree of legal weight to guarantee the delivery of all the net gain habitats at target conditions"*. No evidence is provided in support of this assertion, for example by reference to previous DCO decisions in which the Secretary of State has expressed a preference for BNG proposals to be secured via a section 106 agreement over a LEMP or similar management plan. Securing a LEMP via the DCO, as the Applicant has done, plainly provides a significant degree of legal weight to guarantee the delivery of the BNG proposals. As regards CDC's contention that Requirement 8 should include reference to area-based habitat units, hedgerow units, or watercourse units, by reference to previously made Orders, the Applicant has provided a detailed response in its **Response to Relevant Representations [REP1-043]**, Table 2-1 (responding to paras 7.20-7.21 of CDC's Relevant Representation **[RR-006]**). This is summarised as follows: As set out in para 6.7.18 of the **Planning Statement [REP2-013]**, whilst the provisions relating to BNG for NSIPs are not currently in force, the biodiversity gain statement for energy, published in June 2026, sets out that DCO applications made on or after 2 November 2026 will need to provide a minimum 10% BNG. This will become a statutory requirement for NSIPs under sections 103 to 105 of and the insertion of Schedule 2A to the Planning Act 2008 (via section 99 and Schedule 15 to the Environment Act 2021) in November. The drafting of Requirement 8 of the **Draft DCO [Document Reference 3.1 Revision 8]**, which commits to the Scheme achieving a minimum of 10% BNG during is operational lifetime, is reflective of this. Accordingly, the Applicant does not consider that it is necessary to go further by providing actual percentage gains across habitat types.

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		consultation with the relevant statutory nature conservation body, will be delivered". [Emphasis added]. In addition, and most pertinent for CDC, requirement 8(2) (biodiversity net gain) of the Fenwick Solar Farm Order 2026 states – "The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 20% biodiversity net gain for habitat units, a minimum of 20% biodiversity net gain for hedgerow units and a minimum of 10% biodiversity net gain for watercourse units, calculated using the Department of the Environment, Food and Rural Affairs' Statutory Metric (July 2025), or if this is withdrawn or replaced, a biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body and must be implemented as approved". [Emphasis added]. It is not clear from either the Explanatory Memorandum or the Outline Landscape Ecological Management Plan why a similar drafting approach has not been followed here. To allow CDC to understand the Applicant's reasoning, it would be helpful if the Applicant could explain why no reference is made to these matters in the requirement.	
Q2.5.4	**Draft DCO [REP3-006] Articles 11 and 12** Could CDC please provide an updated response on the suitability of article 12 (and specifically 12(4)), taking into account ongoing progress and/ or discussions between CDC and the applicant?	On 13 July 2026, the Applicant shared its proposed amendments to Part 3 (streets) of the draft DCO with CDC officers. These amendments include (as new article 12) an article which provides for the application of CDC's permit scheme to the instant project. CDC welcomes this amendment. CDC hopes that further agreement can be reached in terms of the inclusion of satisfactory highways protective provisions. CDC had hoped to submit these into the Examination at deadline 4; however, these are being finalised. CDC now intends to share the highways protective provisions with the Applicant before Deadline 5.	The Applicant notes CDC's comments in relation to article 12 (application of permit scheme), which was added to the **Draft DCO** at Deadline 4 **[REP4-003]**. As regards highways protective provisions, the Applicant has received from CDC a proposed set of protective provisions for CDC's benefit as highway authority on 24 July 2026. The Applicant has considered these and provided a response to CDC, with a revised draft version of the protective provisions, on 30 July 2026. In addition, the Applicant has also included the revised version returned to CDC in Schedule 14, Part 9 of the **Draft DCO** submitted at Deadline 5 **[Document Reference 3.1 Revision 8]**. Whilst this version of the protective provisions is not agreed in all respects by the parties, substantial positive progress is being made and the

Ref	Question	CDC's response	Applicant's response
			Applicant is confident that agreement will be reached with CDC before the end of the examination. The Applicant has included these protective provisions in the Draft DCO at Deadline 5 principally to enable the Examining Authority to take them into consideration as part of the preparation of the commentary on, or schedule of changes to, the Draft DCO, which is due to be published on 11 August 2026. The Applicant considers that the protective provisions provide robust protections, addressing the substantive matters which CDC had indicated it would wish to see covered in a framework highways agreement. The Applicant will continue to engage with CDC beyond Deadline 5 in order to seek to agree a mutually acceptable set of provisions before the end of the examination. A further update will be provided at Deadline 6 (including, subject to sufficient progress having been made, the inclusion of protective provisions in a further iteration of the DCO) and thereafter.
Q2.5.5	**Draft DCO [REP3-006] Article 13** CDC's position on the 28 day period is noted. Could NLC please confirm whether a deemed consent period of 28 days is acceptable (please give reasons in your response)?	Based on previous discussions between CDC and NLC officers, CDC understand NLC supports CDC's position.	The Applicant has set out its detailed position in respect of this matter at Ref #3 of Table 3-11 (Draft Development Consent Order Matters agreed, under discussion and not agreed between the parties) of the **Statement of Common Ground with City of Doncaster Council** submitted at Deadline 4 **[Document Reference 9.2 Revision 4]**.
Q2.5.1	**Schedule 2 – Requirement 12 [REP3-006]** Could CDC please explain why it requires the submission of a further iteration of the Outline Archaeological Mitigation Strategy (oAMS)? What is likely to change, if anything?	The Outline Archaeological Mitigation Strategy (oAMS) [REP2-045] is a framework document that identifies a range of archaeological mitigation measures that may be applied across the Order Limits. At this stage, it does not assign specific mitigation measures to particular areas of the site nor does it set out detailed archaeological objectives for each area. Following completion of the evaluation phase, the proposed amendment to Requirement 12 would allow the oAMS to be updated and submitted as a Final Archaeological Mitigation	The Applicant's position was set out in detail in response to ExQ6.0.14 **[REP2-087]**. In short, the Applicant considers that the function which CDC says should be performed by a Final Archaeological Mitigation Strategy will be performed just as effectively by the written schemes of investigation to be prepared and submitted for approval under Requirement 12 of the **Draft DCO [Document Reference 3.1 Revision 8].** CDC's proposal would introduce an unnecessary additional step and would not provide

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		Strategy (Final AMS). The Final AMS would set out the agreed archaeological mitigation for specific areas of the site and would incorporate the Archaeological Mitigation Statements referred to in paragraph 9.2 of the oAMS. In CDC's view, this would provide a clearer and more transparent mechanism for documenting agreed archaeological mitigation and would consolidate archaeological decisions within a single approved document. It would also record the agreed approach in areas where no further archaeological investigation is required (and therefore no WSI is required) including locations where archaeological remains are to be preserved in situ through the design of the scheme.	any further protection for potential features of archaeological interest. The drafting of Requirement 12 is heavily precedented. See for example Requirement 13 of the Peartree Hill Solar Farm Order 2026 and Requirement 10 of the Dean Moor Solar Farm Order 2026 for two very recent Orders where the same substantive approach has been taken (and then endorsed by the Secretary of State) to that proposed by the Applicant in Requirement 12 of this Order.
Q2.6.3	**Archaeology** CDC's LIR [REP1-062] paragraph 8.30 states in part: 'In order for appropriate weight to be given to the effects of the proposals on the significance of any affected heritage assets, it will be necessary for the Applicant to demonstrate that sufficient flexibility remains within the scheme design and the mitigation options to respond to archaeological discoveries made and to avoid unnecessary harm.' Could CDC please elaborate and explain what this would look like in practice? Could the applicant also provide a response?	CDC's position, as set out in the LIR, is that sufficient weight can only be given to the potential effects on heritage assets where there is a clear understanding of both: • the likely archaeological significance of different parts of the Site; and • the extent to which individual scheme components can be modified or relocated in response to archaeological discoveries. While the Applicant has identified design flexibility as a characteristic of solar farm development, it is recognised that the degree of flexibility is not uniform across all elements of the scheme. Some components may be more constrained in their location or may result in greater levels of ground disturbance than others. CDC therefore considers that the Applicant should demonstrate how the anticipated archaeological significance of different areas relates to the flexibility available within the scheme design and how this relationship would inform the selection of appropriate mitigation measures should archaeological remains be identified. In practice, the datasets gathered for the heritage baseline suggest the varying archaeological sensitivities across the order	The Applicant is committed to continuing engagement with SYAS on behalf of CDC to seek agreement on the topics outlined in this comment. The Applicant considers that the revised zoning plan provided within **6.3.8.6 Appendix 8.6 Outline Archaeological Strategy [Document Reference 6.3.8.3 Revision 4],** which has been provided at Deadline 5 following feedback from SYAS and NLC, will be pivotal in articulating the zones of archaeological sensitivity that arise from the construction impacts and the identified archaeological/geoarchaeological potential of different areas within the Order Limits.

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		limits. These can be used as a proxy for significance and, when mapped against the different impacts of the components of the scheme, produce a zoning plan which spatially defines the anticipated magnitude of effects. This spatial definition provides a mechanism for understanding the degree of design flexibility available within particular locations of the scheme and therefore the extent to which adverse effects on archaeological remains can be avoided through design changes or whether alternative mitigation measures would be necessary.	
Q2.6.4	**Archaeology** Could the applicant please provide a response to the assertions made at paragraphs 8.19 to 8.29 of CDC's LIR [REP1-062]? Specifically, could the applicant explain whether it considers that it has sufficiently taken a holistic approach to the consideration of below ground heritage assets and the extent to which they are likely to be present? Please could both Councils and the applicant also provide an update on discussions with regard to the extent of archaeological works to be secured post consent (in the event that consent is granted)? Any disagreement should be clearly explained with reasons given.	The broad framework for post-consent archaeological works is currently set out within the oAMS [REP2-045]. However, detailed discussions regarding the precise extent of archaeological works that may ultimately be required post consent have not yet been concluded. Discussions between the Applicant, SYAS (on behalf of CDC) and NLC have instead focused on the development of the zoning plan as a means of understanding the varying archaeological sensitivities and potential impacts across the Order Limits, and thereby informing a proportionate approach to any future archaeological works. Following discussion at ISH2, the Applicant revised the zoning plan which had been submitted as part of the updated oAMS [REP2-045] to include two figures. Those figures were subsequently discussed at a meeting between the Applicant, SYAS and NLC. During that meeting, SYAS provided detailed comments regarding the incorporation of existing archaeological datasets and other baseline evidence, with the aim of enabling the zoning plan to better illustrate the varying potential magnitude of effect across the Order Limits. It was agreed that a further iteration of the zoning plan would be prepared and submitted at Deadline 5. Discussions regarding the detailed scope of post-consent archaeological works remain ongoing and will continue to be informed by the development of that zoning plan.	The Applicant is committed to continuing engagement with SYAS on behalf of CDC to seek agreement on the topics outlined in this comment. As noted, the Applicant considers that the revised zoning plan provided within **6.3.8.6 Appendix 8.6 Outline Archaeological Strategy [Document Reference 6.3.8.3 Revision 4],** which has been provided at Deadline 5 following feedback from SYAS and NLC, will be pivotal in articulating the zones of archaeological sensitivity that arise from the construction impacts and the identified archaeological/geoarchaeological potential of different areas within the Order Limits.

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Q2.9.3	**Unexploded Ordinance (UXO) risk assessment** The applicant has submitted a Detailed Unexploded Ordnance Risk Assessment (Rev 1) [REP3-030]. Could the applicant confirm how the recommendations of this assessment would be implemented? It is noted that some measures are set out at paragraphs 5.15.1 to 5.15.10 of the CEMP [REP3-030]. However, paragraph 20.1 of the risk assessment [REP3 030] states in part: "It is recommended that a site-specific plan for the management of UXO risk be written for this site. This plan should be kept on site and be referred to in the event that a suspect item of UXO is encountered at any stage of the project. It should detail the steps to be taken in the event of such a discovery, considering elements such as communication, raising the alarm, nominated responsible persons etc.(ExA emphasis added). Please append this management plan to the CEMP, OEMP and DEMP. Details of UXO risk	CDC has reviewed the Detailed Unexploded Ordnance Risk Assessment [REP3-030] and offer the following observations: The risk assessment/report appears comprehensive and provides appropriate consideration of the various types of UXO that could potentially be encountered within the site. The assessment also draws upon relevant historical information relating to the area, which is important in establishing an evidence-based understanding of the potential risk and ensuring the assessment is proportionate and robust. With regard to mitigation measures, CDC supports the recommendation that a site-specific UXO Management Plan should be developed and implemented. In addition, information relating to UXO risks and procedures should be made readily available to personnel working on the site through inductions, regular briefings, and appropriate on site signage/posters. CDC's rationale for supporting these measures is set out below: • Parts of the proposed development site are located in relatively close proximity to residential properties. As such, the discovery of UXO could present a risk not only to site personnel but also to local residents. • Early identification and reporting of suspected UXO will be critical in ensuring that appropriate specialist advice and intervention can be sought at the earliest opportunity. • Clear and effective incident management arrangements should be established and maintained to ensure a prompt, coordinated, and proportionate response in the event that a suspected UXO item is discovered. • Consideration should also be given to the potential wider impacts on the local community. The discovery of UXO may necessitate a multi-agency emergency response, including evacuation of neighbouring properties and the	The Applicant notes and welcomes CDC's comments.

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	management should be set out in the OEMP and DEMP bearing in mind the risks associated with 'maintenance' and decommissioning works respectively. Could CDC and NLC provide any representations on the applicant's risk assessment [REP3-030]?	establishment of exclusion zones while assessment and disposal activities are undertaken. • Depending on the nature and size of any item located, disruption may extend beyond the immediate site area. In some circumstances, specialist transportation of UXO to a safe disposal location may be required, potentially affecting local residents and transport networks. A recent example of the potential scale of such impacts occurred in Plymouth in 2024, where the discovery of a large World War Two bomb resulted in the evacuation of approximately 10,000 residents whilst the ordnance was safely removed and disposed of. See: https://www.bbc.co.uk/news/uk-england-devon-68390787 It's also worth noting as well as the primary risks from UXO i.e. detonation, explosion, fire etc, dependent on the type of UXO there could be a risk from chemicals leading to increased risk to those exposed and/or to the environment. An explosion may also cause damage to other infrastructure causing disruption to utility supplies for example. On this basis, CDC supports the recommendation that a dedicated UXO Management Plan is developed and incorporated within the relevant Construction, Operational and Environmental Management Plans, together with suitable training, awareness and incident response arrangements for those working on the site.	
Q2.13.1	**Abnormal Indivisible Loads (AIL)** Are the Councils satisfied with the applicant's approach to AILs set out in its response to written question 13.0.5 [REP2-087].	CDC is generally satisfied with the applicant's approach to AILs set out in its response to written question 13.0.5 [REP2 087]. However the following requirements should be met as part of the approach: • Agree that movements for AILs need to be agreed with CDC, NLC, the Police but should also include National Highways;	The Applicant agrees in principle to the suggested requirements regarding the AILs. With regard to the hardstanding area, it is confirmed in the oCTMP **[REP3-041]** that the first 20 metres of the proposed accesses will be provided with hardstanding (if there is no existing provision). The detail of the construction composition will be agreed as part of the detailed design works.

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		• All movement applications should be made by the haulier to ESDAL (Electronic Service Delivery for Abnormal Loads) which will serve as the conduit and set out the communications of AIL movements; and • Any removal of street furniture or temporary alterations to the highway to accommodate AIL movement would be at the cost of the developer. CDC also has a concern about the hardstanding area and length from the highway boundary into each of the development parcels; CDC has been unable to find where construction for these is specified.	
Q2.14.2	**Air Quality** CDCs LIR [REP1-062] states at paragraph 14.7: "CDC is still considering the air quality impacts of the development and whether there would be more prescriptive requirements in relation to PM10s than the nuisance regime and what measures are likely to be required to mitigate any likelihood of nuisance arising." Could CDC please confirm its position on the air quality effects of the proposed development? In responding, please take into account the construction management measures proposed by the applicant.	Having further reviewed Chapter 12 of the Environmental Statement Appendix 1.2: Applicant's EIA Scoping Report [APP-058], Environmental Statement Chapter 14 : Air Quality & Greenhouse Gases [REP2-025] and Environmental Statement Appendix 14.5: Construction Mitigation [APP-119] CDC confirms that it is satisfied that the development is unlikely to have a significant detrimental effect on air quality. Additionally, CDC can confirm that it is satisfied with the proposed dust mitigation measures contained in Environmental Statement Appendix 14.5: Construction Mitigation [APP-119] for air quality as these follow the guidance contained in IAQM Guidance on the assessment of dust from demolition and construction. As long as the proposed mitigation measures are implemented, CDC requires no further assessment for air quality.	The Applicant notes and welcomes CDC's comments.

Table 2: Applicant's response to the North Lincolnshire Council's (NLC) responses to ExQ2

Ref	Question	NLC's response	Applicant's response
Q2.2.5	**Biodiversity Net Gain (BNG) Monitoring** CDC's LIR [REP1-062] paragraph 9.35 sets out its suggested requirements for monitoring of BNG. It suggests that a Habitat Management and Monitoring Plan (HMMP) should be produced and implemented with involvement from both CDC and NLC. It suggests that normally a section 106 agreement (s106) would secure this. In response [REP2-089], the applicant has stated: 'The Outline Landscape and Ecology Management Plan [Document Reference 7.6 Revision 3] is secured by Requirement 8 of Schedule 2 to the draft DCO [Document Reference 3.1 Revision 4]. The Outline Landscape and Ecology Management Plan includes relevant implementation and monitoring requirements, particularly in Table 4-1 and sections 6 and 7.' Can CDC, NLC and the applicant set out their	NLC is aware that recent solar DCOs have included requirements for years 1,3 & 5 then every 5 years for the reporting schedule. The Applicant's suggested years 2 and 5 then every 5 years set out in the LEMP is broadly acceptable although we would generally advise the former approach to allow proactive measures to be undertaken. With the HMMP to be incorporated into the LEMP, it would be valuable to detail what is expected for maintenance and monitoring during the establishment years (0-5 years), the long-term management for years 6-40 (or the scheme lifetime) and then the restoration and decommissioning phase, alongside remedial actions. The division of the mitigation parcels for management and monitoring purposes in the LEMP is appreciated and clear detail regarding phased creation useful. NLC notes that the Heckington Fen Solar Park DCO considered BNG recently which Lincolnshire colleagues highlighted as a suitable approach to BNG monitoring. The BNG monitoring approach was provided within the LEMP, which was similarly secured by requirement. Although pre mandatory BNG, Little Crow Solar Park DCO also secured net gains through the LEMP requirement. It is possible that, if discrete elements of the HMMP require s106 obligations to discharge those elements, then agreements can be entered into at the time.	The Applicant confirms that after final revisions and acceptance of the BNG outcomes, the delivery of a Habitat Management and Monitoring Plan ("HMMP") using the standard DEFRA template will be completed and incorporated into the Final Landscape Ecological Management Plan and this will be detailed in the **Outline Landscape Ecological Management Plan [REP4-055]** submitted at Deadline 6.

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	latest position on this and, where relevant, make reference to any precedent in solar Development Consent Orders (DCO) for approaches to BNG monitoring?		
Q2.6.4	**Archaeology** Could the applicant please provide a response to the assertions made at paragraphs 8.19 to 8.29 of CDC's LIR [REP1-062]? Specifically, could the applicant explain whether it considers that it has sufficiently taken a holistic approach to the consideration of below ground heritage assets and the extent to which they are likely to be present? Please could both Councils and the applicant also provide an update on discussions with regard to the extent of archaeological works to be secured post consent (in the event that consent is granted)? Any disagreement should be clearly explained with reasons given.	Following a meeting on Wednesday 15th July between the Applicant's heritage adviser, NLC and CDC the current position in respect of archaeology and the recently submitted draft zoning plan can be summarised as follows: 1. NLCs current position is as set out in its LIR and the travelling draft SoCG. 2. NLC has agreed to continue to collaborate with regard to advancing the zoning plan and Outline Archaeological Mitigation Strategy (oAMS). 3. NLC agree that the zoning plans and broader oAMS are working documents that will evolve with the project/data available. 4. NLC notes that the Applicant intends to revise the zoning plan (in line with feedback from CDC); to colour the archaeological assets mapped on the basis of their sensitivity; and to provide an additional plan which will provide zones of sensitivity (to be coloured on the basis of the identified level of effect and the sensitivity of any receptors in those parts of the Order Limits). 5. NLC agrees that the zones of sensitivity should be prepared on a worst-case scenario basis 6. NLC notes that CDC has agreed to provide examples of zoning plans received from other schemes as examples. 7. NLC notes that due to the complexity of finalising the revisions to the zoning plan the Applicant intends to issue it at Deadline 5, with the additional zones of sensitivity and a revised version of the oAMS using the currently available version issued at Deadline 4.	The Applicant makes the following responses to the points raised: 1. This point is noted. 2. The Applicant is committed to continuing engagement with NLC to seek agreement on the zoning plan and Outline Archaeological Mitigation Strategy. 3. This point is noted and agreed. **4.** The zones of sensitivity have been mapped as part of a revision to the Zoning Plan contained in **6.3.8.6 Appendix 8.6 Outline Archaeological Strategy [Document Reference 6.3.8.6 Revision 4].** 5. The zones of sensitivity have been prepared on a worst-case scenario basis. 6. The examples were provided by SYAS and have been used to inform revisions to the zoning plan. 7. The revision has been prepared and issued at Deadline 5 as previously agreed with stakeholders.

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Q2.6.6	**Dirtness Pumping Station (Grade II)** Paragraphs 12.28 to 12.30 of NLC's LIR [REP1-063] address the effect of the proposed development on Dirtness pumping station. Could NLC please confirm whether it is suggesting 'less than substantial harm' would occur? Could the applicant also provide a response on this? Could the applicant and NLC update the ExA on any progress made in amending the proposed layout, as indicated at NLC LIR paragraph 12.30?	NLCs view is that the submitted layout would result in less than substantial harm, but not 'at the lower end' as suggested by the Applicant. NLC notes that, in response to the Council's comments, the Applicant has considered the feasibility of increasing the extent of mitigation proposed in relation to Dirtness Pumping Station and proposes to alter the scheme in this area to include a strip of land that allows glimpsed views of the asset when approaching along the road to the south-west. Subject to those amendments, NLC would conclude that, subject to the SoS's conclusions in respect of the weight to be afforded to the benefits of the scheme, that those benefits would outweigh any residual effects on the setting of the pumping station.	The Applicant notes and welcomes NLC's comments. The Applicant brought forward a minor modification to the layout of solar panels in proximity to Dirtness Pumping Station at Deadline 4. Full details were set out in section 3.4 of the **Design Evolution Document [REP4-063]**. This also included (at paragraph 3.4.1) a full list of the documents which were provided at Deadline 4 to incorporate the modification. At paragraph 3.4.2, the Applicant confirmed: *"This reconfiguration of solar PV panel arrangement in Field E5 has allowed for improved opportunities for filtered and partial views of Dirtness Pumping Station that would otherwise have been more restricted. However, the changes do not alter the conclusions drawn, in Environmental Statement Chapter 8 Cultural Heritage and Archaeology [Document Reference 6.2.8 Revision 3], of temporary Less than Substantial Harm and no documentation is therefore updated in this regard."*
Q2.8.6	**Receptor sensitivity** Please could NLC address the applicant's response to paragraph 9.21 of the NLC LIR [REP2-090]?	NLC has not identified any particular areas where there is a disagreement in the sensitivity ratings identified, however the Council's view is that there is not enough detailed information included to make an informed judgement. NLCs concern lies with the generic approach being adopted for each receptor rather than consideration of each individual receptor's value and susceptibility being evident in the LVIA, as would be expected in accordance with GLVIA3.	The Applicant provided a detailed response to these matters within **Response to Deadline 3 Submission [REP4-065]** Table 5, row reference 'NLC 24'.
Q2.9.3	**Unexploded Ordinance (UXO) risk assessment** The applicant has submitted a Detailed Unexploded Ordnance Risk Assessment (Rev 1) [REP3-030]. Could the applicant confirm how the recommendations of	The limitations of the 'Detailed Unexploded Ordnance Risk Assessment (Rev 1)' [REP3-030] are clearly set out within the document (see Executive Summary on page ii). NLC considers that the details of risk management procedures included in the CEMP [REP3-033] are appropriate for the site as a whole. However, for those areas identified as having medium/medium-high risk of UXO within the site a more detailed management plan than set out in the outline CEMP would be required, as set out in the submitted	The Applicant notes NLC's comments and confirms that the **Outline Construction Environmental Management Plan (CEMP) [REP4-045]** was updated at Deadline 4 to include the following commitment at paragraph 4.15.2: *"The Final Construction Environmental Management Plan(s) (CEMP) should be developed and implemented in accordance with the mitigation measures set out within the UXO Risk Assessment and*

Ref	Question	NLC's response	Applicant's response
	this assessment would be implemented? It is noted that some measures are set out at paragraphs 5.15.1 to 5.15.10 of the CEMP [REP3-033]. However, paragraph 20.1 of the risk assessment [REP3-030] states in part: **"It is recommended that a site-specific plan for the management of UXO risk be written for this site.** This plan should be kept on site and be referred to in the event that a suspect item of UXO is encountered at any stage of the project. It should detail the steps to be taken in the event of such a discovery, considering elements such as communication, raising the alarm, nominated responsible persons etc.(ExA emphasis added) Please append this management plan to the CEMP, OEMP and DEMP. Details of UXO risk management should be set out in the OEMP and DEMP bearing in mind the risks associated with 'maintenance' and decommissioning works respectively. Could CDC and NLC provide any representations on the	risk assessment. This would need to be included as part of any submission to meet Requirements 14 and 19 of the Draft DCO.	*include a. site-specific plan for the management of UXO risk. This plan will be kept on site and be referred to in the event that a suspect item of UXO is encountered at any stage of the project. It will detail the steps to be taken in the event of such discovery, considering elements such as communication, raising the alarm, and nominated responsible persons."* Corresponding commitments were also added to the **Outline Operational Environmental Management Plan (OEMP) [REP4-049]** and the **Outline Decommissioning Environmental Management Plan (DEMP)** submitted at Deadline 4 **[REP4-051]**. The Outline CEMP, OEMP and DEMP are secured by Requirements 14, 15 and 19 of the **Draft DCO [Document Reference 3.1 Revision 8]** respectively. The obligation for detailed site-specific management plans in respect of UXO risk is therefore legally secured for construction, operation and decommissioning.

Ref	Question	NLC's response	Applicant's response
	applicant's risk assessment [REP3-030]?		
Q2.10.1	**Definition** Paragraph 4.17 of NLCs LIR [REP1-063] states in part: "Overall NLC is not convinced that the Applicant's definition of the project is legally sound. It is accepted that an assessment of NGET substation and grid connections may not be possible to the same level as the parts of the project that are (more) certain. However, NLC considers that those elements should have been included in the definition of the project and an assessment should be carried out" Could the Council please expand on when it says that the 'definition' is not legally sound? The preceding text and the points raised are acknowledged but it is not clear how this makes the actual definition unsound? Please also consider other solar DCO cases where the point of connection (POC)	NLC notes that the description 'unsound' in respect of the definition may not be the correct approach and it is the issuing of any DCO by the Secretary of State which could be found to be legally unsound for the reasons explained in Chapter 4 of NLCs LIR [REP1-063]. NLC is not aware of any DCO made by the SoS where this issue has arisen, since the Raeshaw Farms Ltd v Scottish Ministers [2026] CSIH 10. It is NLCs view that the NGET substation and grid connections are functionally interdependent and an integral part of the wider project. On that basis, they should be included in the definition of the project and assessed appropriately, looking at potential worst-case scenarios. As set out at paragraph 4.10 of the Council's LIR, there is a risk of falling foul of the Ó Grianna judgment in that the lack of formulated proposals for the NGET substation and design and route of the connection of the solar farm to the grid does not justify treating what is effectively phase 1 of the wider scheme as a stand-alone project. In the same way, as in Ó Grianna, this may be suggestive of development consent being sought prematurely. In respect of more recently submitted DCOs the Council is aware of [DCO reference EN0110013], The Droves Solar Farm proposed in West Norfolk. This is an undetermined DCO application. Chapter 4 of the ES (Document reference: APP/6.1) explains the journey the Applicant has been on in respect of grid connections and the approach to assessing reasonable alternatives.	The Applicant does not consider there is any merit in NLC's submission on this matter and has provided detailed responses to the same in its **Response to Deadline 3 submissions [REP4-065**at Table 6 (Applicant's response to NLC's response to Comments on Local Impact Reports), paragraphs 4.1 – 4.11 and 4.12 – 4.16. The Applicant also highlights its **Annex to the Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP3-053]** which, at section 8.44, sets out a detailed list of DCO and Town and Country Planning Act 1990 precedent where electricity generating projects and their grid connection infrastructure have been promoted and consented separately. NLC's comments in respect of the Droves Solar Farm are noted but, respectfully, misguided. This is apparent from a review of the Grid Connection Statement[1] submitted with that application, where at paragraph 2.1.4, it is confirmed that Island Green Power's current grid connection agreement with NESO contracts them to provide the land and obtain consent for a new NGET substation and for that reason, it has been included in the DCO application for the Droves Solar Farm. The 400kV substation is identified as Work No. 4A in the Droves Solar Farm Draft Development Consent Order and shown on the Works Plans which were submitted with the application. As such and in light of the contractual obligations in the grid connection agreement for The Droves Solar Farm, the applicant proceeded to seek consent for the grid connection elements within the application for development consent. This is distinguishable from the present case, where the Applicant's current grid connection agreement does not contract it to provide land and seek consent for a new NGET substation and, in addition, NGET have confirmed **[REP2-107]** (emphasis added):

[1] The Droves (EN0110013) Grid Connection Statement (available at: https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN0110013-000047-7.1%20Grid%20Connection%20Statement.pdf)

Ref	Question	NLC's response	Applicant's response
	and cable route did not form part of the application.	The Applicant in that case was uncertain as to where the grid connection, including the required National Grid Substation, would be and proposed to engage the 'Rochdale Envelope' to provide flexibility in design. Nevertheless, in NLCs view the scheme and the draft DCO rightly included the proposed National Grid substation and an assessment of possible options for its design and siting.	*"Discussions between NGET and the Applicant in relation to the location and form of the point of connection are ongoing. NGET is exploring all options as part of these discussions* ***but is currently unable to provide any further details****.* ***Although the process for identifying a point of connection is ongoing****, the Project benefits from a contractually binding Grid Connection Agreement with the National Energy System Operator and is guaranteed to receive a Gate 2 offer in due course. This creates a legally binding obligation upon NGET to provide a point of connection to the electricity transmission network."* As stated in paragraphs 4.1 – 4.11 of the **Applicant's Response to Deadline 3 submissions [REP4-065]**, the Applicant does not consider NLC's reliance on *Raeshaw Farms Ltd v Scottish Ministers* [2026] CSIH 10 to be persuasive. Fundamentally, *Raeshaw* does not establish a fixed rule that a generating station and its associated grid connection must always constitute a single project for EIA purposes. On the contrary, the Court of Session noted that *"it cannot be said in absolute terms that the only permissible way in which a planning application for a windfarm can be made is to apply for the whole project to include the grid connection."* The judgment is therefore not an authority requiring the mandatory inclusion of grid connection infrastructure in all cases. In any event, as previously noted, *Raeshaw* is readily distinguishable on its facts. In that case, there was a known point of connection for the Wull Muir Wind Farm and environmental assessment work could therefore have progressed on that basis. This is simply not the case for the Scheme. Similarly, NLC's reference to *Ó Grianna v An Bord Pleanála* [2014] IEHC 632 is taken out of context given that the subsequent authority following that case made clear that where uncertainty exists, the scope of environmental assessment should be limited to those effects capable of meaningful assessment at the relevant time (*North Westmeath Turbine Action Group v An Bord Pleanála* 2025 IEHC 608 and *R (Khan) v London Borough of Sutton* [2014] EWHC 3663 (Admin)). Without seeking to repeat points made in detail in previous submissions, the Applicant would emphasise the fundamental point

Ref	Question	NLC's response	Applicant's response
			that, whilst the process to identify a point of connection for the Scheme is ongoing, the present application is entirely consistent with the approach set out in NPS EN-1, paragraph 4.11.8, which expressly recognises and endorses the consenting of electricity network infrastructure separately from the generating asset element of a project. NLC continues to overlook this point and its reference to distinguishable case law and developments is unhelpful.
Q2.10.2	**Ashchurch** Paragraph 4.6 of NLC's LIR [REP1-063] concludes that on the basis of the judgement in R (Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA 101] the applicant 'may be guilty of salami slicing'. However, what does this mean in practice? Is it a legal point? Does it go to the principle of development or benefits? Please expand on this.	This is a legal point which potentially impacts on the principle of development and the weight that can be afforded to the benefits. As per the Court of Appeal judgement and the passage repeated at paragraph 4.5 of NLCs LIR, the decision-maker may fall into legal error if they rely on the difficulty of assessing the environmental impacts of the wider project when making a decision on an application. Furthermore, error may also occur if the decision-maker relies on the fact that EIA assessments will (or may) be carried out in the future as and when other parts of a project become the subject of planning applications. Therefore, if the SoS is to rely on the renewable energy benefits of the scheme once connected as weighing in favour of granting development consent, they would also need to consider the potential environmental effects of the grid connection that would be needed to deliver those benefits. That is not possible in this case because the grid connection and NGET substation have been excluded from the project and consequently, their impacts have not been assessed at all. The Council simply seeks to highlight the risks of not doing so in this case.	The Applicant has addressed these matters in its **Response to Deadline 3 submissions [REP4-065]** at Table 6 (Applicant's response to NLC's response to Comments on Local Impact Reports), paragraphs 4.1 – 4.11 and 4.12 – 4.16. NLC's continued reference to *Ashchurch* is misguided and the points raised are not persuasive. In *Ashchurch*, the Court was specifically considering the correct approach to EIA screening where a proposal forms part of wider development. The bridge development under consideration in *Ashchurch* was promoted specifically to facilitate an identified wider development and the Court considered there to be sufficient information available to understand at some level the nature of that wider project and its likely consequences. The Applicant does not understand the basis on which NLC considers the decision is relevant to this Application. NLC's comments lack clarity or specificity in this respect. NLC continue to ignore the critical point, made clear in the **Grid Connection Statement [REWP1-014]**, that *"there is currently no meaningful information for the Applicant to assess this export cable connection with the Environmental Impact Assessment for the Scheme"*. This is underscored by National Grid's submissions during the course of the examination **[REP2-107]**. The factual circumstances are therefore fundamentally different from those considered in *Ashchurch*. The Applicant respectfully considers that NLC has also overstated the relevance of *Ashchurch* in relation to benefits and disbenefits. The Court's concern in *Ashchurch* was that the decision-maker had relied on the benefits of an identified wider development whilst simultaneously directing itself that the potential harms of that same

Ref	Question	NLC's response	Applicant's response
			development could not be taken into account, notwithstanding that there was sufficient information available to understand the nature and likely effects of the wider project. The position in the present case is clearly different. The Applicant is not inviting the Secretary of State to disregard the environmental effects of an identified grid connection project. Rather, there is presently no identified grid connection project, and no meaningful information as to its route, design, extent or environmental effects which would enable a reliable assessment to be undertaken. NLC has failed to explain why the reasoning in *Ashchurch* applies to the circumstances of this Application. Further, consistent with the principle in Gateshead MBC v Secretary of State for the Environment *and Northumbrian Water Group plc* [1996] 71 P. & C.R. 350 (CA), decision-makers are entitled to proceed on the basis that separate statutory controls and consenting regimes will operate effectively and discharge their functions lawfully. The Secretary of State is therefore entitled to recognise the renewable energy benefits of the Scheme whilst also recognising that any future grid connection infrastructure will be considered under the appropriate regulatory framework if and when sufficient detail exists to enable such assessment. For NLC to refer in abstract terms to the distinguishable facts of past case law and decisions (which in any event appear to share the common characteristic that the future development in question was known to varying levels of detail) is therefore unhelpful, because the correct approach to EIA in any case is necessarily fact specific. The Applicant has set out its clear position in this regard and the approach adopted has, correctly, been guided by the factual circumstances in play. NLC have failed to particularise why the Applicant's approach is flawed and its comments are unsustainable and entirely without merit when viewed in context of the facts of the present Application.
Q2.11.1	**Rating level** Paragraphs 13.21 to 13.22 of NLC's LIR [REP1-063] state:	NLC notes that this matter would be controlled by draft DCO Requirement 17.	The Applicant notes and welcomes NLC's comment.

Ref	Question	NLC's response	Applicant's response
	'Table 13-7 of the ES appears to consider 'No Adverse Effect Level' at a Rating level less than or equal to noise limit +5dB. However, according to BS4142:2014 a difference of around +5dB is likely to be an indication of an 'Adverse Impact', depending on the context. On this basis, NLC therefore recommends that the rating level should be either less than or equal to the measured background noise level at the NSR's to ensure a low impact.' How would NLC propose that this is controlled? What is the applicant's response?		
Q2.11.2	**Decommissioning** NLC LIR [REP1-063] paragraph 13.28 states in part that 'there is no robust assessment of the effects and the Decommissioning Environmental Management Plan does not present any specific mitigation measures to address any effects which may arise.'	Having further reflected on the likely noise and vibration impacts during the decommissioning phase, NLC is satisfied with the Applicant's suggested approach in its response to paragraph 13.28 of the Council's LIR (set out on pages 152/153 of Document ref: REP2-090). The Council accepts that the noise and vibration effects during the decommissioning phase would be similar to or less than noise and vibration effects during the construction phase and no further assessment is required. NLC notes that mitigation measures would be subject to the approval of a Decommissioning Environmental Management Plan, pursuant to Requirement 19 of the draft DCO .	The Applicant notes and welcomes NLC's comment.

Ref	Question	NLC's response	Applicant's response
	What measures would NLC propose in this regard and can the applicant please provide a response (updating documents where necessary)?		
Q2.13.1	**Abnormal Indivisible Loads (AIL)** Are the Councils satisfied with the applicant's approach to AILs set out in its response to written question 13.0.5 [REP2-087].	NLC is satisfied with the Applicant's suggested approach to AIL, the final details of which would be secured via the Construction Phase Traffic Management Plan (CTMP) which would require approval of NLC (and CDC) subject to Requirement 16 in the draft DCO.	The Applicant notes and welcomes NLC's comment.

Table 3: Applicant's response to Environment Agency's (EA) responses to ExQ2

Ref	Question	EA's response	Applicant's response
Q2.5.2	**Schedule 2 – Requirement 14 [REP3 006]** The applicant has amended dDCO [REP3-006] Requirement 14 (Construction environmental management plan) to clarify that the term "commence" does not include any remedial works in respect of contamination. Could the EA confirm whether this addresses its concerns regarding ensuring provision for	The amendment made to Requirement 14 does not address the EA's concerns regarding ensuring provision for ground contamination risk assessment prior to preliminary works taking place. The additional wording added to the Requirement 14 does the opposite of what we are wanting to secure. The wording included now makes it explicitly clear that the Applicant can do any preliminary works without discharging Requirement 14 because it states that "For the purposes of sub-paragraph (1), the term "commence" does not include any remedial works in respect of contamination. We would expect 'commence' to include any remedial works in respect of contamination. The additional wording contrasts to the wording of other Requirements in the draft Development Consent Order where	The Applicant notes the EA's comments regarding the definition of "commence" in Requirement 14 and can confirm that the drafting was corrected in the **Draft DCO** submitted at Deadline 4 **[REP4-003]**. Requirement 14(4) provides as follows: *"For the purposes of sub-paragraph (1), the term "commence" includes any permitted preliminary works involving remedial works in respect of contamination".* The Applicant trusts that this amendment addresses the EA's comments in response to ExQ2.5.2. As regards the EA's continued request for the inclusion of separate DCO requirements addressing contamination, the Applicant provided a detailed response in its **Response to Deadline 3 Submissions [REP4-065]**. See Table 2: Applicant's response to EA,

Ref	Question	EA's response	Applicant's response
	ground contamination risk assessment prior to preliminary works?	certain preliminary works are subject to the definition of commence, for example: • Requirement 9- (3) *For the purposes of sub-paragraph (1), "commence" includes any permitted preliminary works.* • Requirement 12- (5) *Unless otherwise agreed in writing by the relevant planning authority, for the purposes of paragraph (1) "commence" includes any permitted preliminary works which involve intrusive archaeological surveys (including trenching) and other investigations for the purpose of assessing ground conditions (including the making of boreholes).* Notwithstanding this, we maintain our position set out in our Deadline 3 oral submissions representation [REP3-082] that further land contamination risk assessments should be secured through an additional, separate Requirement. T he Applicant's proposed approach does not adequately secure a contamination investigation, assessment and remediation strategy to be undertaken, consulted on and approved, or for any remediation to be carried out in accordance with the approved strategy and a verification report provided on completion of the works. We also note the Applicant's Post Hearing Note to its oral submissions made at Issue Specific Hearing 2 on this matter [REP3 047]. Paragraph 4.19 incorrectly explains that the effect of the amendment *'would be subject to the requirement to have a CEMP for that phase approved'* - the amendment has the opposite effect. The applicant also states at paragraph 4.20 that the proposed amendment was shared with the Environment Agency through the SoCG. The proposed amendment was included as the Applicant's comment on this matter and the ExA will note that this is a matter still under discussion. In addition, the Applicant's Post Hearing Note (paragraph 4.72) states a review of the Springwell Solar Farm Order 2026 has been undertaken and *"The Applicant does not consider that the*	ref. EN3 and Table 8: Applicant's response to EA Written summary of oral submissions made at hearings in w/c 22 June 2024, refs. EAWS1 – EAWS7. However, for completeness the Applicant notes as follows: • The EA refer to the Examining Authority's recommendation report in the context of the Springwell Solar Farm Order 2026 as evidence for the proposition that contamination should be addressed via a specific DCO requirement. This is clearly not persuasive given that the Secretary of State went on to remove from the made Order the very requirement which the Examining Authority and EA recommended should be included. • The One Earth Solar Farm Order 2026 is distinguishable from the present case. A review of the examination library for that application reveals that Requirement 21 (Ground conditions) of the made Order featured in substantively the same form in the draft DCO submitted with the application for development consent. Its inclusion was not therefore contested by the applicant; quite the opposite, the applicant included the requirement itself. That was a decision taken by the applicant for that Order and the Applicant does not seek to challenge or question it. However, it cannot be construed on any reasonable view as indicating that the Secretary of State has a firm policy in relation to this matter, not least because in Springwell, where the EA's view was challenged by the applicant, the Secretary of State ultimately accepted the applicant's position that contamination was capable of being appropriately managed via a construction environmental management plan. On the other hand, in the decision letter for the One Earth Solar Farm Order 2026, no reference is made by the Secretary of State to the securing mechanism for matters relating to contamination and this is not surprising given that the issue was not contested and was not subject to any detailed scrutiny in the Examining Authority's recommendation report.

Ref	Question	EA's response	Applicant's response
		approach taken in the Springwell Solar Farm Order is driven by any site-specific assessment of contamination risk. Rather, the Applicant understands the Examining Authority's conclusion in that case to reflect general support for the principle that contamination matters can appropriately be addressed through the CEMP or equivalent control document, rather than necessarily requiring a standalone Requirement". We would draw your attention to paragraph 8.4.37 of the ExA's report to the Secretary of State (8 January 2026), which states "*The ExA notes that there was no specific contamination risks identified in the applicant's assessment. However, 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****"* (emphasis added). We submit that this conclusion is very much driven by a site-specific assessment of risk. Requirement 22 that the ExA included in the dDCO related to unsuspected contamination only, but was subsequently removed by the Secretary of State. As explained during ISH2, it is the EA's view the site-specific circumstances at Tween Bridge are such that this matter should be dealt with by a specific Requirement relating to contamination. We would also draw the ExA's attention to the most recent solar DCO decision, published on 8th July 2026, for the One Earth Solar Farm. The circumstances of that application are directly comparable to the Tween Bridge Solar Farm application, as contamination has been identified and further site investigation is required. Notwithstanding this, the Secretary of State was satisfied that the matter should be addressed through Schedule 2, Requirement 21, which secures a Phase 2 site investigation and risk assessment, a remediation strategy, a verification report, and measures to address any previously unidentified contamination encountered during construction on the face of the DCO. We urge you to take a consistent approach with this latest decision.	Therefore, whilst the EA's comments are noted, the Applicant does not consider that the precedents cited advance the EA's case in relation to this matter, as the EA appear to suggest.

Ref	Question	EA's response	Applicant's response
Q2.14.1	**Piling Method Statement** Could the EA please provide a response to the applicant's statement in respect of the EA request for a requirement pursuant to a piling risk assessment? The applicant's response is provided at page 51 of its response to RR [REP1 043]. Could the applicant please explain whether the existing commitments referred to include provision (and suitable implementation and control) for a piling method statement?	It is the EA's view that (similar to the need for a separate contamination Requirement) when piling is required this should be controlled separately on the face of the DCO. Any pilling undertaken will require a method statement informed by a piling risk assessment. This needs to be based on the hydrogeological information contained in the contamination investigation and assessment report. These all require review, approval and should be secured by specific implementation requirements – the CEMP is a broad construction document that is not designed to capture and secure specific approval of detailed risk assessments. Issues such as pilling, will need to be dealt with through a phased risk-based process with clear approval points, method statements and implementation requirements. To leave these matters unsecured on the face of the DCO would present a risk that piling could cause contaminants to migrate to groundwater through a source–pathway–receptor linkage, undermining confidence that groundwater receptors will be adequately protected. In addition to this, as set out in the EA's Deadline 3 submission, ([REP3-076] paragraph 1.4), Commitment 118 indicates that piling could be required at the pre-construction, construction, operation and decommissioning phases of the project. Therefore, the CEMP does not cover every phase of the project when piling could be required.	The Applicant provided a detailed response to these matters within **Response to Relevant Representations [REP1-043]** (at page 51), **Written Responses to ExQ2** **[REP4-062]** (at ExQ2.14.1) and **Responses to Deadline 3 Submissions [REP4-065]** (at row EN4 page 8) .

Table 4: Applicant's responses to Natural England (NE) responses to ExQ2

Ref	Question	NE's response	Applicant's response
Q2.2.7	Additional impact pathways requiring consideration: The ExA notes that the NE relevant representation [RR-023] and subsequent risks and issues log [REP3-	Natural England's Relevant Representation [RR-023] included the impact pathways referenced, and we confirm these are not additional to our Deadline 3 response [REP3-075]. These have either already been under discussion with the Applicant and/or already assessed in the HRA. For key issue NE0, following REP3-075, we await clarification from the Applicant at Deadline 4 as to how exceptions to works within	The Applicant confirms that Natural England's Relevant Representation **[RR-023]** has been addressed in the latest Statement of Common Ground with Natural England **[Document Reference 9.9 Revision 3].** With regards to NE0, as set out in Revision 3 of the **Statement of Common Ground with Natural England** which has been submitted at Deadline 5, the Applicant has agreed to provide further

Ref	Question	NE's response	Applicant's response
	075] refers to the following potential additional impact pathways: NE0 - Direct loss / damage of habitat NE3 - Collision risk with turbines due to displacement (from nesting / foraging sites) NE5 - Recreational disturbance from new permissive paths NE8a - Collision risk with solar panels. Can NE confirm: - whether it considers that these are impact pathways which have the potential to result in Likely Significant Effects (LSE) (and / or Adverse Effects on Integrity (AEoI)) - whether these are required to be assessed within the applicants HRA Report [CR1-012]? - which European sites and qualifying features do the impact pathways have the potential to effect?	the designated site (Thorne Moor SAC; of which 0.54ha is within the DCO limits) are planned to be agreed with the Ecological Clerk of Works to ensure that impacts to the designated site are avoided. We consider this a matter of clarification at this stage as to how damaging works will be avoided, and how this will be secured. We consider the Applicant is committed to avoiding works within the designated site. We consider adverse effects are unlikely if this can be effectively secured. For key issues NE3 and NE5, REP3-075 confirms that the new overarching issue NE1a now comprises all updated advice for previous sections NE1 - NE6, as these all relate to the proposed mitigation strategy for loss of FLL for the Humber Estuary SPA/Ramsar. These were amalgamated into one key issue for ease moving forward in the Examination. We consider adverse effects are unlikely but require this further assessment/information in relation to the mitigation strategy to determine this. It is our understanding that the Applicant is submitting further information around NE1a at Deadline 4. For key issue NE8a (Thorne and Hatfield Moors SPA) we have highlighted in REP3-075 that in addition to operational monitoring of disruption to nightjar flight pathways and bird collisions, we advise that details of the remedial measures to be undertaken, should be outlined in the oLEMP. We consider adverse effects are unlikely but require this further assessment in the HRA to determine this. It is our understanding that the Applicant is submitting further information around NE8a at Deadline 4.	information to confirm that construction works within the designated site will be avoided to provide Natural England with further comfort. The Applicant confirms that paragraph 3.2.1 and Table 3-2 of the **Outline Ecological Construction Management Plan [REP4-053]** was updated at Deadline 4 to confirm that no works will take place within the Thorne Moor SAC and Thorne and Hatfield Moors SPA. In relation to NE1, which now comprises all updated advice from Natural England's previous sections NE1 through to NE6, the Applicant welcomes that Natural England consider adverse effects are unlikely to the Humber Estuary SPA/Ramsar. The Applicant can confirm that further detail has been provided that includes further assessment/information in relation to the mitigation strategy within the **Outline Ecological Construction Management Plan [REP4-053]** and **Report to Inform Habitat Regulations Assessment [REP4-011]** submitted at Deadline 5 and the **Outline Landscape Ecological Management Plan [REP4-055]** submitted at Deadline 4. <u>Parcel-Specific Information</u> The Applicant has provided further parcel-specific information on the boundary features and surrounding habitats of Mitigation Parcels M1, M2, M3, M4, M5, M7, M8, M11, M12, M13 and M15 in Section 6 of the **Outline Landscape Ecological Management Plan [REP4-055]**. This identifies proposed infrastructure within the Order Limits and, where relevant, open arable land and other habitats beyond the Order Limits. <u>Mitigation Areas M11, M12 and M13</u> The Applicant has provided further information on the connectivity between Mitigation Parcels M11, M12 and M13 at paragraph 6.74 of the **Outline Landscape Ecological Management Plan [REP4-055].** This confirms that the narrowest connection between M11 and M12 is approximately 110 m, M11 and

Ref	Question	NE's response	Applicant's response
			M13 share a common boundary, and the narrowest point between the northern and southern sections of M13 is approximately 125 m. Existing and proposed vertical features within these areas were considered within the Bird Days calculations detailed in Appendix 2 within the Environmental Statement Appendix 7.10 Non-Breeding Bird Mitigation Strategy (Tracked) (Rev 7) [REP4-030]. The surrounding open arable land beyond the Order Limits is not relied upon as mitigation, but will provide opportunities for bird species. <u>Habitat Provision for Pink-Footed Geese, Greylag Goose and Lapwing</u> The Applicant has provided further information in Section 6 of the **Outline Landscape Ecological Management Plan [REP4-055]** on how the grassland mitigation parcels will provide foraging habitat for pink-footed geese, greylag goose and lapwing, which Natural England have confirmed forage differently in the same habitat. This includes extensive areas maintained at approximately 5 cm and 10 m wide margins maintained at approximately 15 cm throughout the year. Mitigation Parcel M15 will provide arable foraging habitat in addition to the grassland areas that will also provide suitable foraging habitat for pink-footed geese. Parcel-specific details of the grassland margins are provided in Section 6 of the **Outline Landscape Ecological Management Plan [REP4-055].** <u>Scrapes</u> The Applicant has provided further information on the management and monitoring of the scrapes within Mitigation Parcels M11, M12 and M13 at paragraphs 6.77 to 6.78, 6.87 to 6.88 and 6.95 to 6.96 of the **Outline Landscape Ecological Management Plan [REP4-055].** The scrape margins will be managed by light grazing, mowing or topping to retain short wet grassland, damp marginal vegetation and accessible damp ground for foraging waders. The scrapes will also be checked following periods of heavy precipitation to confirm that they retain sufficient water. Monitoring and remedial provisions are set out at paragraphs 7.4 and 8.4 of the **Outline Landscape and Ecological**

Ref	Question	NE's response	Applicant's response
			Management Plan [Document Reference 7.6 Revision 5] submitted at Deadline 4. <u>Grassland Management</u> The Applicant has clarified within Table 4-1 of **the Outline Landscape Ecological Management Plan [REP4-055]** that grazing and mowing will both form part of the regular grassland management regime, with low-density sheep or other livestock grazing used where practicable. The management method, timing and intensity will be selected to achieve the required sward heights and may be adjusted in response to monitoring and ground conditions, including where grazing causes poaching or the ground is too wet to support machinery. <u>Monitoring</u> The Applicant has provided further information at paragraphs 7.19 to 7.20 of the **Outline Landscape Ecological Management Plan [REP4-055]** on how the baseline bird survey data will be used to compare against monitoring records to assist with determining any remedial measures that may be required, whilst recognising that bird numbers may be affected by factors beyond the Order Limits and outside the control of the Applicant. Where monitoring records show a decline in bird numbers or a change in use of the mitigation parcels, a Suitably Qualified Ecologist will review the habitat conditions, management and relevant wider factors. Remedial measures will be implemented where the required habitat conditions are not being provided. Natural England will be consulted where habitats or mitigation parcels are failing to meet the relevant management objectives, habitat targets or bird numbers are declining. The Applicant confirms that monitoring reports will be submitted to Natural England with the results of the relevant bird and habitat surveys as detailed in paragraph 7.21 of the **Outline Landscape Ecological Management Plan [REP4-055].** The Applicant has clarified at paragraph 6.10 of **the Outline Landscape Ecological Management Plan [REP4-055]** that pre-construction monitoring will be undertaken by a Suitably Qualified

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			Ecologist to confirm that the relevant mitigation habitats are functioning as intended and available for use by the target species. Paragraphs 7.3 to 7.6 of the **Outline Landscape Ecological Management Plan [REP4-055]** provide further details of the pre-construction monitoring and confirm that the results will inform any necessary adjustments before construction begins. In addition, the Applicant provides further detail on mitigation area provision prior to construction commencing within paragraphs 3.3.11 to 3.3.12 of the **Outline Ecological Construction Management Plan [REP4-055]**, and 6.10 to 6.11 within the **Outline Landscape Ecological Management Plan [REP4-055],** both of which were submitted at Deadline 4. <u>Mitigation Parcel M1</u> The Applicant has provided further information on the permissive footpath within Mitigation Parcel M1 at paragraph 6.19 of the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 5].** The path will be enclosed by post-and-wire fencing and supported by positive signage to direct users and dogs along the defined route and detail the ecological importance of the adjacent SPA and species it supports. A permanent screening fence will not be provided, as this would introduce a substantial permanent vertical feature and reduce the openness of the parcel. The **Outline Landscape Ecological Management Plan [REP4-055]** also confirms that M1 is not relied upon within the non-breeding bird mitigation calculations as detailed in paragraph 6.19 of the **Outline Landscape Ecological Management Plan [REP4-055].** <u>Remedial Measures</u> The Applicant updated paragraph 8.3 of the **Outline Landscape Ecological Management Plan [REP4-055]** to provide further detail on remedial measures where monitoring identifies that bird use has fallen below the pre-construction baseline due to insufficient invertebrate prey availability. Potential interventions

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			include changes to cutting regimes, retention of uncut refuges, overseeding to increase floral diversity, creation of localised bare or disturbed ground and, where appropriate, localised application of well-rotted farmyard manure. Subsequent monitoring will assess the effectiveness of any intervention and inform any further remedial measures required.
Q2.2.8	**Amendments to mitigation area M1(A) as a result of change request 1:** The ExA notes that part of change request 1 is to amend the layout of mitigation area M1(A) to be able to construct and fence off the permissive path (by avoiding common land). Can the applicant and NE (and any other interested parties) confirm their position on any HRA implications of the altered layout and size of the mitigation parcel, or the requirement for additional construction works (fence installation)?	We have no specific comments to make on the change request in terms of the size of this mitigation parcel, however, we are currently awaiting further information on the mitigation strategy as a whole, as detailed in NE1a of REP3 075. The Applicant has outlined in the latest HRA that they do not consider M1(A) a 'core' part of the mitigation strategy due to size and proximity to operational wind turbines. We have made comments on the permissive footpaths in mitigation area in NE1a (page 9) of REP3-075. We are waiting for additional information to inform the HRA, however, we consider it unlikely there will be adverse effects from this element but require the additional information to make a conclusion. We have replicated the comments below for reference: *'We acknowledge that the Applicant is not considering parcel M1a as a 'core' aspect of the non-breeding bird mitigation strategy (as per information in section 2 of the oNBBMS). However, we note that additional information has been provided in the oNBBMS and oLEMP in relation to management of this parcel for the benefit of SPA birds and the incorporated permissive footpath.* *We also note the recent non-material change (accepted into Examination on 16 June 2026) has also reduced the size of this parcel due to the presence of adjacent registered common land and Countryside and Rights of Way Act 2000 access land. We note that this parcel continues to include a permissive footpath and welcome that some additional information has been provided in relation to this, including that this will be mown and fenced. We advise that further information should be provided as to whether positive signage will also be considered, as detailed in our relevant representation's response. If the parcel is managed for non-*	The Applicant welcomes that Natural England consider it unlikely that the Change Request will have an adverse effects to the Thorne and Hatfield Moors SPA . The Applicant confirms that additional information has been included within the **Report to Inform Habitat Regulations Assessment [REP4-011]** submitted at Deadline 4.

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		breeding SPA birds, the footpath should be well-screened to reduce disturbance. We advise further detail on the fencing/screening to be used is provided, and whether this will be effective. We would also recommend that consideration is given to the location of the footpath if possible. For example, is there any potential for the path be re-routed to the edge of the parcel.'	
Q2.2.11	**Revised HRA assessment in the sensitivity test** To assess the implications of a revised construction period and connection date, the applicant has provided a sensitivity test report [REP2-091] which includes an assessment of the HRA conclusions. NE and all interested parties are invited to provide comments on the HRA implications of the conclusions of the sensitivity report.	We acknowledge the assessment of the implications of a revised construction period and connection date carried out by the Applicant in the sensitivity test report [REP2-091] sections 5.2 and 6.2. In terms of HRA implications, we broadly agree with the conclusions drawn, however, whilst it is clear which protected species surveys will be carried out, it is not clear how assessment of the pre-construction baseline will be gathered for impacts on Humber Estuary SPA/Ramsar birds. With later construction start dates, the wintering/passage bird surveys to inform the baseline become increasingly out of date. We would suggest, at a minimum, commitment to complete a desk study and walkover survey prior to construction to determine if habitat suitability has increased for SPA/Ramsar birds. We advise overall that any re-assessment of the ecological baseline conditions should be to determine if any additional ecological mitigation is required beyond that already specified in the outline Landscape and Ecological Management Plan (oLEMP) (and any other relevant environmental documents). We also highlight that the in-combination assessment for impacts on designated sites will be made with less confidence as a result of the proposed delayed construction period. However, we acknowledge that any future applications coming into the planning/ permitting system will have to make their own assessment with the Tween Bridge Solar Farm as an in-combination/ cumulative project. In relation to protected species, we welcome the requirement for updated ecological surveys to be undertaken prior to construction to ensure mitigation measures are informed by the most up-to-	The Applicant confirms that the **Outline Ecological Construction Management Plan [REP4-053]** and **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 7]** submitted at Deadline 5 includes details that a desk study and walkover survey prior to construction will be undertaken within the Order Limits to determine whether the suitability of habitats for passage and non-breeding birds associated with the Humber Estuary SPA and Ramsar site has increased since the baseline surveys were completed. The results of this pre-commencement survey will be used to inform the ecological mitigation to be included within the Landscape and Ecological Management Plan to be prepared and approved for the relevant phase of the Scheme in accordance with Requirement 8 of the **Draft DCO [Document Reference 3.1 Revision 8].** The Applicant welcomes that Natural England confirm that any future applications coming into the planning/ permitting system will have to make their own assessment with the Tween Bridge Solar Farm as an in-combination/ cumulative project. The Applicant welcomes confirmation from Natural England regarding the proposed protected species surveys and confirms that their advice in key issues NE23a-NE23f of REP3-075 regarding recommendations around pre-construction/commencement surveys for each of the relevant protected species is noted and that no further response in this regard is needed.

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		date baseline conditions (as outlined in the conclusions for both Sensitivity Test 1 (5.2.29) and Sensitivity Test 2 (6.2.27)). We also direct the Applicant to our advice in key issues NE23a-NE23f of our REP3-075 for recommendations around pre-construction/commencement surveys for each of the relevant protected species.	
Q2.2.14	**Current position on AEoI** The ExA notes NE's comments in the SOCG [REP2-095] that it is not currently in a position to agree that there would be no AEoI. Can NE provide its current position on where AEoI cannot be ruled out (ideally in tabular form with reference to sites, project phase, impact pathways (alone and in combination) and qualifying features)? If AEoI cannot be ruled out, then please explain in detail why and what the applicant could do within the remaining examination time to resolve this.	Natural England is not currently in a position to agree that there would be no AEoI as we are currently awaiting additional information. We consider all issues outstanding to be 'amber' issues, for which further information is required to determine the impacts of the project. Natural England has been in regular discussion with the Applicant to continue the progression of these issues and we are confident these can be resolved with continued engagement. We also note that, based on discussions in our latest meeting with the Applicant on 09 July 2026, that they intend to submit updated documents at Deadline 4 to address the outstanding issues NE summarised at Deadline 3. We will be able to re-assess the status of the issues following these submissions. Please refer to Table B for a summary of our current position on AEoI (as at 21 July 2026) based on the issues outlined in REP3-075. At this stage, we also consider that issues NE14, NE15, NE17 and NE18, generally speaking, require minor clarifications to conclude that impacts will be avoided/mitigated. Please note that the pathways detailed in Table B refer to 'alone' impacts. We have requested the following information from the Applicant with regards to in combination impacts (refer to NE19 of REP3-075): *'We welcome the addition of the in-combination assessment table in Appendix 6 in the HRA. We would advise, however, that a written summary is also provided highlighting the key points and providing a conclusion on in-combination impacts. It remains our advice that for impact pathways taken through to appropriate assessment,*	The Applicants confirms that all Natural England's outstanding amber issues have been responded to within the updated **Statement of Common Ground with Natural England [Document Reference 9.9 Revision 3]** submitted at Deadline 5, and addressed in updates to documents submitted at Deadlines 4 and 5 including, the **Outline Ecological Construction Management Plan [REP4-053]** and **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 7]** submitted at Deadline 5, and the **Outline Landscape Ecological Management Plan [REP4-055]** submitted at Deadline 4. The applicant confirms that clarifications have been provided for NE14, NE15, NE17, NE18 and NE19 in the updated **Statement of Common Ground with Natural England [Document Reference 9.9 Revision 3]** submitted at Deadline 5 as set out below. NE14 – Water supply for Horizontal Directional Drilling: The Applicant has confirmed that water required for Horizontal Directional Drilling will be sourced from offsite and that no water will be abstracted from the ditch network within the Order Limits. This is confirmed in Table 3.2 of the O**utline Ecological Construction Management Plan [Document Reference 7.5 Revision 5].** NE15 – Construction-related water quality impacts: The potential for contaminated runoff from construction activities to affect nearby watercourses and downstream designated sites has been assessed in the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 7]**. The assessment refers to the pollution prevention, surface-water management and watercourse protection measures secured through the **Outline**

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		detailed in combination assessment should be made at this stage also. *In relation to in-combination impacts on functionally linked land, please note that impacts of the project 'alone' are still under discussion. We can provide further comments on the in-combination assessment, once the additional assessment of impacts of the project alone is complete.* *We previously advised that mitigation area M15 is within relatively close proximity to the proposed North Humber to High Marnham overhead powerline development. We welcome that potential in-combination impacts have been assessed for this, and concur that based on the information provided in pages 117-118, that in-combination impacts can be ruled out.'*	**Ecological Construction Management Plan [Document Reference 7.5 Revision 5]**. NE17 – Cleaning of solar photovoltaic modules: Paragraph 7.2.48 of the **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 7]** confirms that modules will ordinarily be cleaned using de-ionised water without chemicals. It also sets out the Pollution Prevention Plan that will be implemented in the exceptional event that cleaning products are required, including controls relating to the products used, weather conditions, wash-water containment and disposal, watercourse buffers and spill response. NE18 – Firefighting water runoff: Measures for the containment and management of potentially contaminated firefighting water are set out in the **Outline Battery Safety Management Plan [Document Reference 7.4 Revision 3]** and Section 7 of **ES Appendix 10.1: Flood Risk Assessment, including the Outline Surface Water Drainage Strategy [Document Reference 6.3.10.1 Revision 4]**. These measures include the use of a penstock to retain potentially contaminated water within the drainage system, an impermeable liner beneath the battery energy storage system and testing of retained water before any potential release. NE19 – In-combination assessment: The **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 7]** has been updated to provide a written summary of the in-combination assessment presented in Appendix 6. Paragraphs 7.2.109 to 7.2.118 summarise the relevant plans and projects, the potential pathways for in-combination effects and the assessment conclusions. Further project-specific assessment is provided in **ES Appendix 17.4: Ecology Cumulative Assessment Table [Document Reference 6.3.17.4 Revision 1]**. The assessment includes consideration of the North Humber to High Marnham overhead powerline development and concludes that no significant in-combination ecological effects will arise.