

Tween Bridge Solar Farm

8.26 Applicant Response to Deadline 4 Submissions

Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009

Document Reference: 8.26

Deadline 5 August 2026

Revision 1

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1 Introduction

- 1.1.1. 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 4 for the Development Consent Order Application (the 'Application') for Tween Bridge Solar Farm ('the Scheme').
- 1.1.2. This report responds to submissions made at Deadline 4 by each of the following Interested Parties (IPs) at Section 2:
- Canal & River Trust
 - Environment Agency
 - Mrs. V. Lindley; and
 - National Highways
- 1.1.3. The Applicant notes that in addition to the submissions referred to above, the Examining Authority (ExA) accepted a late Deadline 4 submission from the City of Doncaster Council on 31 July 2026 **[REP4-084]**. This submission comprised CDC's preferred form of protective provisions for CDC as a highway authority. The Applicant has reviewed CDC's preferred protective provisions and has incorporated a version of these into the **Draft Development Consent Order (DCO) [Document Reference 3.1 Revision 8]** submitted at Deadline 5, with amendments included by the Applicant to ensure their relevance and appropriateness to the Scheme. In light of this, the Applicant has not provided a separate response to CDC in relation to this matter within this document. Further details can be found in the **Applicant's Responses to Stakeholder Responses to ExQ2 [Document Reference 8.25 Revision 1]** (ref Q2.5.4 of Table 1) and **Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 2]**.

2 Applicant's Response to Deadline 4 Submissions

Table 1: Applicant's response to Canal & River Trust

Canal & River Trust Comment	Applicant's Response
Disapplication of Historic Legislation We note article 9 of the draft DCO (REP3-006 / REP3-007) seeks to disapply historic legislation listed in Schedule 3 "in so far as the provisions still in force are incompatible with the powers contained within this Order and do not have a materially adverse impact on the operation or maintenance of the Stainforth and Keadby Canal" (words in question underlined). Whilst we appreciate that the applicant has made amendments to the originally submitted draft Order, the wording that the powers should not have a materially adverse impact, as emphasised above, does allow the potential for the provisions to impact the operation or maintenance of the canal as the determination as to	The Applicant has amended article 9(1)(h) of the Draft DCO at Deadline 5 [Document Reference 3.1 Revision 8] to remove the words "materially adverse" in response to the Trust's submissions. Article 9(1)(h) (as amended) provides: <i>"9. –(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the authorised development–</i> <i>[...]</i> <i>(h) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order and do not impact on the operation or maintenance of the</i>

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whether the powers will have a material impact is open to interpretation. The Trust's relevant representation, provided examples of made DCOs which observe the principle that the operation and maintenance of the Trust's undertaking is not to be affected by disapplying legislation. The equivalent wording to article 9(1)(h) of the draft DCO in those DCOs is: <i>"the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order and do not impact on the operation or maintenance of the [name of relevant waterway]"</i> (The references from the Trust's relevant representation are repeated here for ease: SI 2024/943 (Cottam Solar), SI 2025/116 (West Burton); SI 2025/585 (East Yorkshire Solar); SI 2024/807 (Gate Burton); SI 2025/1105 (Tillbridge Solar).) The Trust considers that the wording of the draft DCO should reflect this straightforward position: the legislation governing its undertaking should remain in force in order that it may operate and maintain its undertaking. The	<i>Stainforth and Keadby Canal unless such an impact is authorised by the provisions of Schedule 14;"</i> The Applicant has added the words <i>"unless such an impact is authorised by the provisions of Schedule 14"</i> at the end of article 9(1)(h). This is because, in the context of the protective provisions for the benefit of the Trust currently under negotiation, the Trust is insisting on the inclusion of a provision which would prevent the Applicant from doing anything in the exercise of Order powers which would result in the Canal being incapable of being maintained, or which would affect the safe operation of the Canal. The Applicant has made the reasonable suggestion that the temporary occupation of the land adjacent to the waterway which arises as a necessary consequence of the carrying out of works authorised by the Order shall not be construed to mean that the Canal is incapable of being maintained by the Trust (provided also that the Trust's consent has been obtained for those works where relevant). The Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 2] sets out why the Applicant considers this to
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applicant has not provided any reasoning why it may need to disapply legislation to the extent it does not materially adversely impact the Trust's undertaking. Unless the Secretary of State fully understands the legislation that the draft DCO seeks to disapply they should not entertain any modification to the straightforward position they have authorised previously.	be a necessary and sensible moderation of the provision which the Trust is seeking. If the principle of that limited exception is accepted by the decision maker, article 9 should also include an appropriate reference to Schedule 14, which would (assuming the Applicant's drafting is adopted) recognise that a temporary impact on the maintenance of the Canal is permissible within appropriate limits, contrary to the default position that such interference is not authorised. The Applicant has also made some minor updates to Appendix 1 of the Explanatory Memorandum at Deadline 5 to reflect this change [Document Reference 3.2 Revision 6].
Negotiation on Protective Provisions The Protective Provisions in the latest draft DCO (REP3-006 / REP3-007) are not in the form that the Trust has requested and negotiations are ongoing. In our most recent negotiations with the applicant, the Trust is being challenged on the following key issues to which the Trust has provided its response to the applicant:	The Applicant is continuing to discuss the protective provisions with the Trust and a revised version of the same was returned to the Trust on 28 July 2026. The Applicant awaits the Trust's response. In the meantime, the Applicant has included in Schedule 14, Part 4 of the Draft DCO at Deadline 5 [Document Reference 3.1 Revision 8] a revised version of the protective provisions for the protection of the Trust. Whilst these provisions have not yet been

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1. Powers requiring the Canal & River Trust's consent (not to be unreasonably withheld or delayed), including in relation to the exercise of compulsory acquisition powers and, separately, in relation to surface water discharge (this is pertinent to the Trust as discharges to the canal can have an impact on navigational safety and water management, and we have the expertise to advise on the effects of water discharges) 2. the amount at which the undertaker's indemnity should be capped (including with respect to the downstream costs of any damage related to a canal breach caused by the works in a worst-case scenario) 3. consultation with the Trust on any amendments to certain approved design documents and management plans (i.e. after they have been approved under the requirements) relevant to the Trust's undertaking. The following issues have also been raised by the applicant and, following discussions with the Trust, are being considered by the applicant: definitions of 'detriment',	agreed in all respects between the parties, substantial progress has been made and a number of matters have now been resolved. For example, the Applicant has agreed to the Trust's position in relation to surface water discharge. Any remaining substantive areas of disagreement are set out in the Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 2] submitted at Deadline 5. The Applicant will provide a further update on progress at Deadline 6. In relation to the specific points raised by the Trust, the Applicant's position in respect of points 1 and 2 (as well as further matters not identified by the Trust here) were set out in Table 2: status of protective provisions for the benefit of CRT of the Justification for the Applicant's Preferred Protective Provisions at Deadline 4 [REP4-064]. The Applicant has accepted the Trust's position in respect of point 3, and it has included a requirement sought by the Trust to consult the Trust prior to submitting amendments or approvals to the approved design documents in
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'engineer' and 'waterway'; wording relating to alterations to the waterway and wording describing the type of losses covered by the undertaker's indemnity.	Schedule 14, Part 4, paragraph 31(c) of the Draft DCO submitted at Deadline 5 [Document Reference 3.1 Revision 8]. The Applicant has also accepted the Trusts positions in relation to the definitions of 'detriment', 'engineer' and 'waterway', together with the description of the types of losses covered by the undertaker's indemnity. Subject to some clarificatory amendments, it has included revised wording in Schedule 14, Part 4 of the Draft DCO submitted at Deadline 5 [Document Reference 3.1 Revision 8] accordingly. However, the Applicant does not accept the Trusts proposed wording in relation to alterations to the waterway. The Applicant's position on this matter is set out in the updated Justification for the Applicant's Preferred Protective Provisions [Document Reference 8.23 Revision 2] submitted at Deadline 5.
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Table 2: Applicant's response to the Environment Agency (EA)

Ref	EA's Comment	Applicant's Response
3.1 Draft Development Consent Order (Rev 6) [REP3-006]		
1.1	Part 4, Article 19, Discharge of water The Environment Agency has received no substantive response from the Applicant in respect of its representation regarding Article 19. We continue to maintain our position that paragraph 19(10) must be deleted. The Environment Agency does not agree to the inclusion of this paragraph because it does not 'own' watercourses, public sewers or drains. While there may be instances where the Environment Agency is a riparian landowner, even in such cases, where outfall infrastructure is required to facilitate discharge into a main river, permission must be sought under the Protective Provisions in Part 5 of Schedule 14 to the DCO. This requirement would apply in addition to the need to obtain consent to discharge into controlled waters under	The Applicant provided a response to this matter at Table 2: Applicant's response to Environment Agency, ref EN1 of its Response to Deadline 3 submissions [REP4-065].

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	regulation 12(1)(b) of the Environmental Permitting Regulations 2016.	
1.2	Requirement 14 Construction Environmental Management Plan The Environment Agency does not agree to the addition of sub-paragraph (4) to this Requirement, as this now specifically excludes remedial works in respect of contamination from the definition of 'commence' for the purposes of the CEMP. Please also refer to the Environment Agency's response to the Examining Authority's Question Q2.5.2 (Schedules) in relation to this matter.	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: <i>"For the purposes of sub-paragraph (1), the term "commence" includes any permitted preliminary works involving remedial works in respect of contamination".</i> The Applicant trusts that this amendment addresses the EA's comments. See also Table 3: Applicant's response to Environment Agency's (EA) responses to ExQ2, ref 2.5.2 of Applicant Responses to Stakeholder Responses to ExQ2 [Document Reference 8.25]

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		Revision 1] document which addresses the same point.
1.3	Article 9 and Schedule 13, Part 5, For the protection of the Environment Agency The Environment Agency welcomes the deletion of paragraph 56(5) from the Protective Provisions. We can confirm that these are now agreed, insofar as they relate to the disapplication of Regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016, in respect of flood risk activities only. The Environment Agency reserves the right to seek further amendments to the Protective Provisions, if necessary, following completion of its review of the proposed acquisition of land, rights, and associated interests affecting the Environment Agency.	The Applicant notes this response and welcomes the EA's confirmation that the protective provisions are agreed. The Applicant is continuing to engage with the EA in respect of the land matters referenced by the EA.
1.4	Request for additional Requirements – Land Contamination & Groundwater and Piling Risk Assessment The Environment Agency maintains its position in requesting additional requirements to secure these – please also see	Please refer to the Applicant response to Q2.5.2 and Q2.14.1 within the Responses to ExA Written Questions 2 [REP4-062] .

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	our answers to the ExA's questions Q2.5.2 (Schedules) and Q2.14.1 in relation to this.	
2.0 Book of reference [REP1-008]		
2.1	The Environment Agency is continuing to work with the Applicant's land agents to fully understand the implications of the proposed acquisition of land and rights on its undertakings.	The Applicant notes this comment and agrees that work is continuing regarding the implications of the proposed acquisition of land rights.
2.2	Further information was requested in respect of the planting of species-rich grassland on the flood bank of the Stainforth and Keadby Canal (Plot 3/32). This has recently been received and is being considered by our Asset Performance Team. This land must be mown approximately three to four times per year to comply with flood risk management obligations. Therefore, this area may not be suitable for environmental mitigation, and the Applicant may need to identify suitable alternative land on which to deliver this mitigation.	The Applicant notes the requirement for the Stainforth and Keadby Canal flood bank within Plot 3/32 to be mown approximately three to four times per year. The affected area extends to approximately 0.15 ha and lies adjacent to Mitigation Area 5, which is proposed to be established as species-rich neutral grassland in moderate condition, as set out in the Environmental Statement Appendix 7.12 Biodiversity Net Gain Assessment [REP3-028]. Across the Scheme, a total of 343.988 ha of species-rich neutral grassland in moderate condition is proposed. The flood-bank section

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		therefore represents approximately 0.04% of the total habitat provision. The mowing regime identified in point 2.2 by the Environment Agency is considered compatible with both the proposed habitat type and the target condition specified in Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-O28]. Under the Defra <i>Statutory Biodiversity Metric Condition Assessments</i> for grassland, one of the criteria for achieving moderate condition is the presence of a varied sward structure, with at least 20% of the sward below 7 cm in height and at least 20% above 7 cm¹. The more frequently mown flood-bank section will contribute to the shorter-sward element of this requirement, while the adjacent and wider grassland areas will
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¹ Department for Environment, Food and Rural Affairs (Defra) (2025). *Statutory Biodiversity Metric Condition Assessments*, Grassland Condition Sheet. July 2025

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		provide the taller-sward component. Consequently, the proposed mowing regime is not expected to compromise the attainment or maintenance of the target moderate condition for the species-rich neutral grassland habitat. The requirement to mow this area approximately three to four times per year can therefore be incorporated into the management of species-rich neutral grassland of moderate condition, while continuing to meet the relevant flood risk management obligations, and no alternative land is required or amendments to the BNG assessment.
2.3	The Environment Agency will need to maintain rights of access in certain areas where it is not the landowner to allow flood risk management activities to continue. For example, access will be required to the New Zealand Pumping Station via Plot 2/67 for both routine maintenance and during flood events.	The Applicant notes this comment and will continue to engage with the Environment Agency in respect of such rights. The Applicant confirms that the Environment Agency's existing right of access to the New Zealand Pumping Station via Plot 2/67 will not be affected by the Scheme and would simply highlight for completeness that paragraph 54 of the protective provisions for the benefit of the

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		Environment Agency, as set out in Schedule 15 Part 5 of the draft DCO [Document Reference 3.1 Revision 8] would operate to preserve access to Environment Agency apparatus. Paragraph 54 is copied below for ease of reference (emphasis added): “54. If by reason of construction of the specified work or the failure of any such work the Agency’s access to flood defences or equipment maintained for flood defence purposes is materially obstructed, the undertaker must notify the Agency immediately and provide such alternative means of access that will allow the Agency to maintain the flood defence or use the equipment no less effectively than was possible before the obstruction occurred and such alternative access must be made available as soon as reasonably practicable after the undertaker becomes aware of such obstruction, except in the case of an emergency in which case the
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		undertaker must provide such alternative means of access on demand.”
2.4	We will continue to liaise with the Applicant on these matters and update the ExA on progress at the earliest opportunity.	The Applicant notes the comment. The Applicant will also keep the Examining Authority informed of progress in discussions with the EA.
3.0 Biodiversity Net Gain (BNG) Assessment (Rev 3) [REP3-028]		
3.1	The Environment Agency has reviewed the revised BNG Assessment and the Statutory Biodiversity Metric Calculation Tool [CR1-002] submitted as part of Change Request 1. In our Deadline 1 Written Representations [REP1-064] we outlined that Paragraph 2.12 of the BNG Assessment states that all ditches are to be retained and enhanced, but this was not reflected in the Metric. The submitted Metric still does not appear to reflect the BNG Assessment in this regard. The BNG Assessment also refers to slightly different figures for net gain compared to those included in the Metric.	The Environment Agency’s comments relate to the Biodiversity Net Gain Assessment and Statutory Biodiversity Metric submitted with Change Request 1 [CR1-002/CR1-003]. These have been superseded by the version submitted at Deadline 3 [REP3-028] and its associated updated Statutory Biodiversity Metric [REP3-085]. Paragraphs 2.13 and 2.14 of the Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028] confirm that the ditch network has been included within the BNG calculations. Paragraph 3.30 confirms that 0.625

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		km of ditch affected by the proposed new culverts has been recorded as lost, with the remaining retained ditch network recorded for enhancement. The net gain figures in the Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028] assessment correspond with the associated updated metric. Paragraph 3.34 and Figure 4.1 confirm gains of 1,339.96 habitat units, 349.75 hedgerow units and 99.39 watercourse units. These represent net gains of 29.50% habitats, 172.57% for hedgerows and 10.26% watercourses. The associated updated metric was emailed to the Environment Agency, City of Doncaster Council and North Lincolnshire Council on 27 July 2026. Its omission from the Examination Library has been raised with the Planning Inspectorate, and it is available on the document
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		library [REP3-085]. The discrepancies identified by the Environment Agency relate to the superseded Change Request 1 documents [CR1-002/CR1-003] and have been addressed in the current assessment and metric – Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028] .
3.2	In our previous representations, we also advised that the Metric did not appear to take into account impacts to existing culverts and new culverts. In line with The Statutory Biodiversity Metric User Guide (June, 2026), we consider that any new culverts should be recorded as lost. The updated Metric includes a note on tab 10, referring to 45 new culverts but it does not record any length of watercourse or units lost. This conflicts with the advice in the BNG Metric User Guide.	The current Statutory Biodiversity Metric (Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028]) fully accounts for the baseline watercourse network and the impacts associated with the proposed new culverts. As confirmed by paragraph 3.30 of the Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028], all 125 proposed new culverts have been included within the watercourse module. A precautionary impact length of 5 m has been applied to each culvert, resulting in 0.625 km of existing ditch being recorded as lost. The corresponding 0.625 km has been recorded as

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		created culvert within the Watercourse Creation tab. The current metric therefore records the loss of the affected watercourse habitat and the creation of the proposed culverts, in accordance with the Statutory Biodiversity Metric User Guide (June 2026). The reference to 45 culverts and the absence of a recorded watercourse loss relate to the superseded Change Request 1 metric and have been addressed.
3.3	As noted in our Deadline 2 Written Representations [REP2-102], it is unclear whether the BNG Metric is complete due to there being no information on the Watercourse Creation tab. We consider it likely that additional enhancements may be required to ensure delivery of 10% net gain for watercourses.	The Environment Agency's comment regarding the absence of information from the Watercourse Creation tab relates to the superseded Change Request 1 metric. The Watercourse Creation tab within the current updated metric – [REP3-028], has been completed and records the creation of 0.625 km of culvert associated with the 125 proposed new crossings. The corresponding 0.625 km of

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		existing ditch is recorded as lost within the watercourse calculations. The current metric also includes the proposed enhancement of the retained ditch network. As confirmed by paragraph 3.34 and Figure 4.1 of the Environmental Statement Appendix 7.12: Biodiversity Net Gain Assessment [REP3-028], the completed watercourse module demonstrates a gain of 99.39 watercourse units, equivalent to a watercourse net gain of 10.26%. The Watercourse Creation tab is therefore complete, the proposed culvert impacts have been accounted for, and the metric demonstrates that over 10% watercourse net gain will be achieved. No additional watercourse enhancement is required.
4.0 Detailed Unexploded Ordnance Risk Assessment (Rev 1) [REP3-030]		

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4.1	The Environment Agency welcomes the submission of the Detailed Unexploded Ordnance Risk Assessment and the information provided is acceptable at this stage. Many UXO items contain compounds that can leach into soil if the casing corrodes; these can migrate into groundwater. It is important that the findings of any UXO risk assessment are incorporated, where appropriate, into future site investigations and risk assessments going forward.	The Applicant notes the comment and confirms that the results of the UXO risk assessment will be incorporated into any future site investigations. The results of the Detailed Unexploded Ordnance Risk Assessment [REP3-030] have been incorporated into the Outline Construction Environmental Management Plan [REP4-046] at Deadline 3 and 4 at section 4.15.1, which requires the preparation and implementation of a site specific UXO Risk Management Plan as part of the detailed management plans to be approved pursuant to Requirements 14, 15 and 19 of the draft DCO [Document Reference 3.1, Revision 8].
4.2	If UXO is encountered during construction works, or if updated information comes to light, we should be notified and provided with a report documenting, explaining and demonstrating the location of the UXO, the measures proposed to safely remove or decommission it, and the measures taken to prevent contamination from being released into the environment and Controlled Waters.	Please see the Applicant's response to Ref 4.1 of this document on proposed controls managing the risk of UXO.

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4.3	Records and photographic evidence should be obtained at all stages and included within a verification report to demonstrate that the UXO has been dealt with appropriately. We expect matters relating to contamination arising from UXO to be addressed in the same manner as general land contamination. Accordingly, our request for an additional Requirement [see REP3-082 for the exact wording], together with the associated investigation, assessment and remediation procedures, applies equally to this matter.	Please see the Applicant's response to Ref 4.1 of this document on proposed controls managing the risk of UXO.
5.0 Outline Construction Environmental Management Plan (Rev 4) [REP3 033]		
5.1	We note the additional text added to this plan in respect of unexploded ordnance. The final CEMP will need to incorporate further details to address the information requirements of the Environment Agency, as set out in section 4.0 above.	The Applicant has provided details of controls to manage UXO within the Order Limits at Deadline 4 as detailed within Outline Construction Environmental Management Plan [REP4-046] .
6.0 Outline Battery Safety Management Plan (Rev 2) [REP3-035]		
6.1	We welcome the amendments to the outline Battery Safety Management Plan which cross-reference the National Fire Chiefs Council's guidance. We also welcome the assurance	The Applicant notes the comment.

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	that the Applicant will consult the Environment Agency regarding the drainage arrangements for the BESS sites.	
6.2	We note that paragraph 7.9 has been added to the document to confirm that, as part of the detailed Battery Safety Management Plan (BSMP) [we assume the reference to a detailed OSMP is a typo], a post-incident recovery plan will be provided. We recommend that the removal of contaminants from the drainage system is also referenced in this paragraph, as the BSMP will need to set out in detail the measures that will be implemented to remove contaminants from the drainage system following an incident.	The Applicant notes the comments and confirms the typo and should read 'detailed BSMP'. The Applicant has updated section 7.9 of the Outline Battery Safety Management Plan [Document Reference 7.4 Revision 3] at Deadline 5 to include reference to the removal of contaminants from the drainage system as recommended by the EA.
6.3	Summary We welcome the additional information that has resolved some of the outstanding issues of concern included in our previous representation. However, there are still some matters that we need to consider further, and we will update the Examining Authority on these during the course of the examination.	The Applicant notes the comments and welcomes further engagement with the EA with a view to resolving any outstanding matters where possible.

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Table 3: Applicant's response to Mrs. V. Lindley

Ref	Mrs. V. Lindley Comment	Applicant's Response
1	I directly challenge the Applicant's generic assertion that this project represents a "limited physical interference" [4.36].	The Applicant notes this comment and has provided a full response against point 4 below.
2	Lack of Contractual Certainty (Corridor Width -Cable): The Applicant has failed to provide any written, dimensioned certainty regarding the permanent easement footprint. • They have provided only a scale map. No actual, binding corridor width is specified in writing within either the option or easement documents. • This lack of written technical data makes it impossible to accurately calculate the long-term operational and financial liabilities imposed on our holding.	The Easement Strip proposed within the Heads of Terms is aligned to the Order Limits, which are 30m wide. The Applicant confirmed in a meeting on 24 th July 2026 with Mrs V and Mr A Lindley and their agents that the Easement Strip width will be kept under review and would be reduced at completion of the Easement if possible.
3	Immediate Interference with Planning Permission & Succession: Route A-B directly compromises the future viability of this farming business, actively blocking the path for our fourth generation of farmers to sustain and grow the holding [4.34]. • Full Planning Decision 2016: We hold a valid full planning decision granted in 2016 by Doncaster	The Applicant and Mrs V and Mr A Lindley have now met with their agents on 24 th July 2026 and agreed that the planning decision in 2016 does not affect the Order Limits or the proposed Easement Strip. The Applicant understands that this matter is now agreed.

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	Metropolitan Borough Council (DMBC) for a 20m x 30m agricultural shed. • Sterilisation of Growth: Laying a permanent legal encumbrance over this site legally prohibits the completion of this development. It permanently strips our fourth generation of the potential to expand our agricultural infrastructure, expand our current sheds, and execute vital diversification plans [4.37].	Regarding future expansion of the agricultural business, in a meeting held on 24th July 2026, the Applicant proposed a number of measures to accommodate future agricultural operations and potential development, as set out below.
4	Cable Restrictive Covenant: The Applicant's claim that the cable represents a "limited physical interference" [4.36] is completely disproved by the language of their own proposed Cable Restrictive Covenant. • Permanent Development Veto: Under parts (a) and (b) of this covenant, I am legally prohibited from erecting any buildings, constructing footings, executing works requiring supporting structures, or laying concrete hard surfacing without the Applicant's prior written consent. This legal veto effectively nullifies our 2016 full planning decision for the 20m x 30m shed. The Applicant can easily withhold consent by arguing that a heavy agricultural building restricts their maintenance access or risks cable damage.	The Applicant maintains that the cable represents "limited physical interference" and considers the terms of the proposed restrictive covenant to be appropriate and proportionate. Regarding agricultural operations and potential future expansion of the agricultural business and development, in a meeting held on 24th July 2026, the Applicant proposed a number of measures for future discussion: 1. The inclusion of a lift and shift clause in the proposed Easement, operable in the event of future consented development.

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	Ban on Deep Cultivation and Drainage: Part (c) bans all agricultural practices, excavations, or changing of soil levels exceeding 0.5 metres in depth without written consent. This directly covers—and cripples—essential modern farming methods and field management.	2. That, subject to provision of a Risk Assessment Method Statement (RAMS) to, and approval by, the Applicant, concrete hard surfacing could be laid within the proposed Easement Strip. 3. An increase re cultivation from 0.5 metres to 0.6 metres (beyond which depth a RAMS will be required to be approved by the Applicant) providing the works do not affect the Applicant's cables. The Applicant understands that this matter is now agreed.
5	Severe and Irreparable Drainage Impact: The Applicant's generic reliance on the Outline CEMP to "repair or replace" infrastructure [4.36] is entirely inadequate and legally contradicted by their own covenant terms. - Plot 8/6 relies on an intense, highly systematic sub-surface field drainage network spaced precisely every 22 yards [4.28]. - Conflict with the 0.5m Restriction: Agricultural land drainage sits significantly deeper than 0.5 metres.	The Applicant is aware of land drainage systems in this area. However the Applicant does not agree that reliance on the Outline CEMP to secure the repair and replacement of impacted drainage infrastructure is inadequate. Requirement 14 of Schedule 2 to the draft DCO [Document Reference 3.1 Revision 8] will require a full CEMP that is in accordance with the Outline CEMP to be prepared and approved by the local planning authority prior to

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	Because part (c) of the covenant strips away my right to excavate below 0.5 metres without written permission, I am legally blocked from independently maintaining, repairing, or clearing our high-density 22-yard tile network. Cutting through this network will permanently sever the gravity-fed flows. Standard trench repairs cannot prevent long-term soil settlement and back-up waterlogging, leading to permanent crop yield degradation across the entire field.	construction commencing, compliance with which will be a legal requirement under Requirement 14. The Applicant's position therefore is that the commitment to repair and replace land drainage infrastructure is adequately secured. In a meeting on 24th July 2026 between the Applicant and Mrs V and Mr A Lindley and their agents, the Applicant agreed to employ a specialist land drainage consultant to design land drainage by the installation of cut off drains if required for where the proposed cable crosses existing land drains and for the works to be undertaken by a specialist land drainage contractor. The Applicant understands that this matter is now agreed.
6	Violation of Selection Principles & Factual Inaccuracies: The Applicant admits that Route C-D was identified as a shorter, direct, and significantly less disruptive option [4.28]. Crucially, as recorded in the hearing transcript, the Applicant's representative (TM) openly admitted to the Inspector that their analysis and justification for picking	Reference RL1 of the Applicant's Responses to Deadline 3 Submissions [REP4-065] and paragraph 4.33 of the Applicant's updated Written Summary of Oral Submissions made at Compulsory Acquisition Hearing (Rev 2) [REP4-060] set out the reasoning for the

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	Route A-B over Route C-D was entirely missing from their application documents [4.30]. An examination of the project library indicates that RWE's justification for selecting route A-B over the less disruptive route C-D relies on demonstrably incorrect facts. • Factual Error in Document APP-O40 (Section 6.1.3): The Applicant states that the design was amended to move access into Field A6 to remove access through an existing farmhouse, implying that Route C-D requires accessing a private residential yard. • The Factual Reality: Route C-D is located entirely within an adjacent agricultural field completely separate from the farmhouse. This field has its own independent, established farm access gate. Route C-D would never require access through the farmhouse. (see attached map). • Misleading Consultation Claims: The Applicant notes these changes followed "ongoing discussions with the owners of the existing farmhouse." However, the farmhouse owners are not an Interested Party in this	chosen cable route including the history of engagement with Mrs V and Mr A Lindley. Regarding the factual error in 6.1.3 Environmental Statement Chapter 3 Site Description, Site Selection and Iterative Design Process (Rev 1) [APP-O40] and reference to access at Field A6; this field is in a different part of the Scheme approximately 4km north of the affected land. The submission made regarding the Applicant's decision making and site selection as set out in [APP-O40] is therefore not relevant.
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Applicant Response to Deadline 4 Submissions

	examination and REPI 077 clearly demonstrates that the owners have had no engagement with RWE. • Failure of Statutory Test: The Applicant is using an incorrect narrative to justify abandoning a less damaging route in favour of Route A-B. Because their design evolution rationale is based on a false premise, their statutory justification for Compulsory Acquisition completely fails.	
7	I respectfully request that the ExA reject the Compulsory Acquisition of rights via Route A-B. If the ExA is minded to grant the order, the following legally binding protections must be inserted: 1. Written Footprint Cap: The final permanent easement must be legally restricted to the absolute minimum footprint required for the operation. This must be secured in writing to a maximum width of 6 to 10 metres, with all remaining temporary working land formally handed back free of all legal restrictions within 6 months of cable installation. 2. Infrastructure Protection Zone: A strict, written exclusion zone must be enforced around our DMBC-approved 2016 full planning decision development site	In a meeting on 24th July 2026 between the Applicant and Mrs V and Mr A Lindley and their agents— 1. It was made clear that the Order Limits, cannot be reduced as the land is required to facilitate the construction of the cable. However, the Applicant confirmed that the Easement Strip width will be kept under review and would be reduced at completion of the Easement if possible. 2. It was agreed between the parties that the Order Limits do not affect or overlap with the 2016 planning decision area.

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	to safeguard our expansion, diversification, and multi-generational farming rights from the building veto. 3. Exemption for Agricultural Drainage: The 0.5-metre depth restriction must be completely deleted or modified to explicitly permit normal agricultural operations, subsoiling, and the deep maintenance/reinstallation of land drainage networks without requiring developer consent. 4. Specialist Drainage Scheme: A pre- and post-construction drainage remediation scheme must be designed and signed off by an independent agricultural drainage consultant funded by the Applicant, with a mandatory 5-year defect liability guarantee.	3. It was agreed between the parties that the cultivation depth can increase to 0.6 metres and Mrs V and Mr A Lindley can excavate deeper to cultivate providing it does not affect the Applicant's cables and subject to a RAMS being approved by the Applicant. It is considered by the Applicant that this matter is now agreed. 4. The Applicant agreed to employ a specialist land drainage consultant to design land drainage by the installation of cut off drains if required where the proposed cable crosses existing land drains and for the works to be undertaken by a specialist land drainage contractor. It is considered by the Applicant that this matter is now agreed.
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Table 4: Applicant's response to National Highways (NH)

Ref	NH's Comment	Applicant's Response
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Applicant Response to Deadline 4 Submissions

Introduction		
1.1	This is the Deadline 4 submission of National Highways Limited ("NH") provided in respect of the application by RWE Renewables UK Solar and Storage Limited ("Applicant") for a Development Consent Order ("DCO") for the Tween Bridge Solar Farm ("Proposed Development").	The Applicant notes the comment.
1.2	Terms used in this submission have the same definition as set out in NH's Written Representation [REP1-O67] unless otherwise defined.	The Applicant notes the comment.
1.3	This submission has been prepared to respond to requests made by the Examining Authority ("ExA") at the recent Issue Specific Hearing 2 ("ISH2") and Compulsory Acquisition Hearing ("CAH") held on 23 and 24 June 2026 and to assist the ExA in understanding the current status of NH's objection and the outstanding matters between the parties.	The Applicant notes the comment.
1.4	In view of the brevity of this document, a summary has not been provided.	The Applicant notes the comment.

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2. Protective Provisions		
2.1	During the CAH, the ExA asked NH to submit its preferred form of protective provisions into the Examination at Deadline 4.	The Applicant notes the comment.
2.2	Whilst the Applicant and NH remain in active discussion regarding the form of the NH protective provisions, agreement has not yet been reached between the parties.	The Applicant provided an outline of the aspects that are yet to be agreed with NH and justification for its preferred provisions within the document Justification for the Applicant's Preferred Protective Provisions [REP4-O64] , which was submitted at Deadline 4.
2.3	In this context, NH considers that the form of protective provisions which best protects its interests remains the template version previously submitted into the Examination as an appendix to NH's Relevant Representation [RR-O22], also appended to this submission for ease of reference.	Please refer to the Applicant's response to point 2.2 immediately above. As noted in the updated version of the Justification for the Applicant's preferred provisions document submitted at Deadline 5 [Document Reference 8.23 Revision 2] , the Applicant is still awaiting an updated version of the protective provisions from NH, setting out its full proposed drafting and comments.

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		Accordingly, the Applicant does not consider that there has been sufficient progress at this time to justify including an updated version of the protective provisions in the Draft DCO [Document Reference 3.1 Revision 8]. The absence of an updated draft should not be taken as an indication that discussions have stalled and engagement between the parties remains ongoing. Notwithstanding that the Applicant remains committed to continuing discussions with National Highways with a view to reaching agreement on the protective provisions, the Applicant considers that the protective provisions in Schedule 14, Part 7 of the Draft DCO provide a comprehensive level of protection for National Highways, commensurate with the specific (and limited) interfaces between the Scheme and the strategic road network in this case.
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Applicant Response to Deadline 4 Submissions

2.4	NH is aware that the Applicant has prepared a Deadline 4 submission covering its justification for its preferred form of protective provisions. NH awaits sight of this document and will provide its response at Deadline 5, as agreed during the CAH.	The Applicant welcomes further engagement with NH following its review of Justification for the Applicant's Preferred Protective Provisions [REP4-O64] .
3. Compulsory Acquisition		
3.1	As set out in its Written Representation [REP1-O67], NH has been approached by the Applicant regarding the possibility of a voluntary agreement to acquire the necessary land rights from NH, and discussions are continuing in this regard. However, it appears unlikely that any such agreement will be concluded by the close of Examination.	The Applicant has issued Heads of Terms for comments from NH with a view to reaching a voluntary agreement. The Applicant will continue to engage with NH on this matter.
3.2	In this context, NH remains of the view that powers of compulsory acquisition over the NH plots is acceptable only where the DCO contains appropriate NH protective provisions, in the form appended to this submission, in order to ensure that exercise of such powers over NH's undertaking is appropriately controlled.	The Applicant notes NH's position and is, as noted, engaging with NH to seek to agree protective provisions for the protection of NH before the end of the examination. For the avoidance of doubt, however, the Applicant considers that the protective provisions included as Schedule 14, Part 7 of the Draft DCO at

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		Deadline 5 [Document Reference 3.1 Revision 8] are appropriate and confer extensive protection for NH and the strategic road network. Accordingly, the Applicant considers that these protective provisions would ensure that there is no serious detriment to NH's ability to carry on its statutory undertaking, in accordance with the test laid out in section 127 of the Planning Act 2008. The decision maker would therefore be entitled to conclude that the inclusion of provision authorising the compulsory acquisition of NH's land (including rights in respect of the same) is justified in this case.
3.3	For ease of reference NH has provided below a high-level summary of the latest position with respect to the NH plots: Plot(s): 9/24 Nature of NH interest: Category 1 NH position: The Applicant proposes to undertake cabling works beneath the SRN within this plot. Any works within and/or exercise of compulsory acquisition powers over this plot will need to be controlled by the NH PPs.	The Applicant's responses are as follows: Plot: 9/24 – the Applicant agrees with the description provided by NH and notes that this is <i>the</i> key interface between the Scheme and the strategic road network (SRN) in this case. The Applicant accepts that proposed cabling works beneath the SRN in this location should be subject to

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	- Plot(s): 10/21, 11/25 Nature of NH interest: Category 1 NH position: Following discussions between NH and the Applicant, the Applicant has amended the application (in particular the Land Plans [REP3-002], the Works Plans [REP3-003] and the Street Works Access and Public Rights of Way Plans [REP3-004]) to clarify that no compulsory acquisition powers or works are proposed within these plots. This is welcomed by NH. - Plot(s): 10/12, 10/15 Nature of NH interest: Category 1 NH position: These parts of the highway have been de-trunked, meaning they have been vested in and are the responsibility of the local highway authority pursuant to section 265 of the Highways Act 1980. - Plot(s): 10/33, 10/35, 10/36, 10/39 Nature of NH interest: Category 1 NH position: Whilst these plots constitute local highway, the subsoil remains in NH's ownership. Any rights required from NH will need to be negotiated privately and form part of the terms being agreed between the parties. - Plot(s): 10/26 Nature of NH interest: TBC NH position: Following further investigation by NH, and although not reflected in the application documents, it appears that	reasonable and proportionate controls via protective provisions for the protection of NH. The Applicant considers that the protective provisions included at Schedule 14, Part 7 of the Draft DCO [Document Reference 3.1 Revision 8] meet these criteria but discussions on protective provisions are continuing with NH in order to seek to address NH's outstanding areas of concern. - Plots: 10/21 and 11/25: The Applicant notes and welcomes NH's confirmation that it is content with the approach which has been taken by the Applicant in relation to these plots. - Plots: 10/12 and 10/15: The Applicant notes NH's comments and can confirm that the Book of Reference will be updated at Deadline 8 to replace reference to NH's interest in these plots to North Lincolnshire Council. - Plots: 10/33, 10/35, 10/36 and 10/39: NH's comments are noted and the Applicant is
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	this plot (like 10/21) comprises an embankment supporting a bridge on which the local highway network overpasses the SRN. NH is investigating the nature of its interest in this plot and has asked the Applicant to confirm the nature of the works proposed in this area. This information is awaited. Plot(s): 7/7, 7/13, 7/14, 7/17, 11/22, 11/24, 11/26, 12/6, 12/8, 12/9, 12/10, 12/11, 12/12, 12/13, 12/14, 12/15 Nature of NH interest: Category 2 NH position: NH benefits from rights over these plots which are required for the purposes of its undertaking. Any interference with these rights must be subject to NH's consent in accordance with the NH PPs.	engaging with NH's estates department to seek to agree heads of terms for the acquisition of rights by voluntary agreement over these plots. An update was provided at Deadline 4 via the Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [REP4-O66]. - Plot 10/26: the Applicant notes NH's comments and will continue to engage with NH in relation to this plot. - Plots: 7/7, 7/13, 7/14, 11/22, 11/24, 11/26, 12/6, 12/8, 12/9, 12/10, 12/11, 12/12, 12/13, 12/14, 12/15: the Applicant notes NH's comments. The Applicant notes that the definition of "strategic road network", to which the protective provisions apply, is broad in scope and includes "any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority including drainage infrastructure, street furniture, verges and vegetation and all
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		other land, apparatus and rights located in, on, over or under the highway". Accordingly, any NH interests falling within that definition will benefit from the protections afforded by Schedule 14, Part 7 of the Draft DCO [Document Reference 3.1 Revision 8] . Further, the Applicant remains in ongoing discussions with NH to ensure that NH's interests in relation to these plots are afforded appropriate protection via the protective provisions in Schedule 14, Part 4 of the Draft DCO [Document Reference 3.1 Revision 8] .
4. M180 Renewal Works		
4.1	During ISH2, the ExA asked the Applicant and NH to provide greater clarity on the parties' positions regarding the potential interaction between the Proposed Development and the M180 renewal works at Deadline 4. The Applicant subsequently updated the Outline CTMP [REP3-037 - REP3-042] at Deadline 3 to address the potential need to enter into an interface agreement in relation to these works.	The Applicant notes and agrees with the comment.

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4.2	NH agrees that the Outline CTMP [REP3-037 – REP3-042] is an appropriate document to deal with any arrangements required in respect of the M180 renewal works. However, NH has reviewed the updated Outline CTMP [REP3-037 – REP3-042] and notes that the commitment made by the Applicant (at 6.11.3) states: "The Applicant is willing to discuss entering into an interface agreement to the extent it proves necessary to do so."	The Applicant notes the comment and a substantive response is provided at ref 4.3 below.
4.3	NH considers that this is insufficient (amounting only to a commitment to "discuss" with NH), and suggests that the Outline CTMP [REP3-037 – REP3-042] should instead provide a firmer commitment as follows: "The Applicant will enter into an interface agreement with National Highways prior to undertaking any part of the Proposed Development that could interact with the M180 renewal works, should this be considered necessary by National Highways (acting reasonably)."	The Applicant does not accept the form of commitment sought by NH. Its effect would be to <i>require</i> the Applicant to enter into an agreement, the terms of which are not known (and would not on the Applicant's understanding be known until the post-consent stage) and would effectively be at NH's discretion. This would be the necessary consequence of NH's suggested commitment because, unless the Applicant accepted the terms of the interface agreement, it would not be able to comply with Requirement 16 of the Draft

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		DCO [Document Reference 3.1 Revision 8], which secures the Outline Construction Traffic Management Plan (CTMP) [Document Reference 7.7 Revision 4]. The decision maker should be in no doubt that this would be the effect of the commitment which NH is seeking. The Applicant has included a reasonable form of commitment in the Outline CTMP, which has been deliberately drafted to reflect the important point that the potential for overlap between the M180 renewal works and the Scheme is not certain at the current time. NH will have the opportunity, in its capacity as an approving body under Requirement 16, to consider the detailed CTMP when it is submitted for approval. By that stage, the timing of the Scheme and the potential for overlap with the M180 renewal works will be better understood. The Applicant therefore considers that the existing drafting appropriately addresses NH's concerns without imposing an uncertain and open-ended obligation on the Applicant.
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		The Applicant is willing to discuss a reasonable compromise with NH and will continue to engage with NH on this, but the Applicant will resist any commitment in the absolute terms sought by NH here.
5. Approval of Requirements		
5.1	During ISH2, NH provided comments on the drafting of Requirement 22, which the Applicant agreed to address. NH has reviewed the updates made to Requirement 22 by the Applicant in the Draft DCO [REP3-007] submitted at Deadline 3, and is comfortable that these amendments address the specific comments raised at ISH2.	The Applicant notes this comment and welcomes confirmation from NH that its comments have been addressed.
5.2	Notwithstanding this, NH wishes to reiterate its position set out in its Written Representation [REP1-067] that it is entirely appropriate for NH to have approval rights in respect of the discharge of Requirements 5 (approved details and amendments to them), 8 (landscape and ecology management plan), 9 (fencing and other means of enclosure), 11 (surface and foul water drainage), 16	The Applicant does not agree and has set out its position on this matter in the following documents: • Response to Relevant Representations [REP1-043] (Table 8-1, in response to

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	(construction traffic management plan) and 19 (decommissioning and restoration), to the extent that the phase or the relevant details which are the subject of the relevant discharge application affects the SRN.	paragraph/section 6 of NH's Relevant Representation [RR-022]); • Responses to Written Representations [REP2-088] (Table 1, in response to paragraph/section 9 of NH's written representation [REP1-067]); and • Statement of Common Ground with National Highways [REP4-070] (Table 3-1, ref. 9). For the reasons explained in the above submissions, the Applicant is emphatically of the view that the relevant planning authority is the appropriate approval body for the requirements listed, reflecting the conventional approach to discharge of planning conditions in the Town and Country Planning context. The exception is Requirement 16, where the Applicant accepts that the relevant highway authority (which would include National Highways where relevant) is the appropriate body to approve the construction traffic management plan for each phase. This is
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		already provided for by Requirement 16 of the Draft DCO [Document Reference 3.1 Revision 8]. It is notable that NH has not cited any precedent in support of its position on this matter, nor has the Applicant been able to identify any. The Applicant considers it particularly noteworthy that NH does not have approval rights in respect of equivalent Requirements in any of the DCOs which NH cited in support of its positions at paragraph 10.3 of its Written Representation [REP1-067]. Appropriate provision is made for NH's views to be given and acted upon via the process of prior consultation which is baked into the Schedule 2 Requirements. This is a precedented approach and NH has failed to provide any <i>specific</i> justification in support of a different approach being taken in this case. All of the reasons given by NH would apply in principle to other schemes where NH's interests are engaged and yet, beyond the CTMP which the Applicant has
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		already addressed, no precedents have been cited that support NH's position. Furthermore, NH has not suggested that, in relation to other schemes, it has experienced any difficulty where its role under a requirement is consultative as opposed to approbative. No other statutory undertaker has sought to suggest that it should be afforded approval rights under the DCO requirement; NH is alone in this regard. Like other statutory undertakers with assets affected by the Scheme, NH will receive the benefit of protective provisions which control the manner in which the undertaker's powers can be exercised under the Order (if made). The Applicant's firm view is that there is no justification for the decision maker to take a different approach to that which has been consistently adopted in previous Orders in relation to this matter.
5.3	Full details of NH's justification for this position are set out in its Written Representation [REP1-O67] (at section 9) and the NH Statement of Common Ground [REP3-O57] (items 7 and	The Applicant notes NH's position and has provided a response at 5.2 above, with further points made added below where relevant.

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	10) and proposed drafting that NH would accept is set out in section 9 of [REP1-O67]. For completeness in presenting the full picture of NH's current objection as at Deadline 4, we reiterate those points in summary form here:	
5.3.1	Article 2 (Interpretation) – NH has requested that a definition of "National Highways" is inserted at Article 2. This matter has now been satisfactorily addressed by the Applicant.	The Applicant notes this comment and welcomes confirmation from NH that its comments have been addressed.
5.3.2 Requirement 5 (Approved details and amendments to them):		
5.3.2(a)	NH Position: (i) NH considers that, where it is consulted on or approves details in respect of any Requirement (for example, the CTMP under Requirement 16), it is entirely reasonable that it should be given the opportunity to approve any details or amendments to the approved details which NH originally approved. (ii) Where detail submitted to NH for approval under Requirement 16 was later amended (e.g. matters	The Applicant's response at ref 5.2 of this table is applicable. The Applicant's Responses to Written Representations [REP2-O88] (Table 1, in response to paragraph/section 9 of NH's written representation [REP1-O67]) specifically addressed NH's comments in relation to Requirement 5.

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	specific to the SRN in the CTMP), it is not clear why those amendments should be subject to the approval of the Local Planning Authority. The original approver was NH and NH has the knowledge and interest in the subject matter. The Local Planning Authority would have no interest in the amendments as it would not have had a role in the original approval. (iii) Accordingly, NH requests that the drafting in Requirement 5 is amended as set out in section 9 of [REP1-067].	
5.3.2(b)	Applicant's Position: (i) The Applicant does not consider that it is necessary to make express provision for consultation with NH in respect of matters within the scope of Requirement 5. The Applicant considers that, in the exercise of its discharge functions under Requirement 5 and acting as a responsible public authority, the relevant planning authority can be relied upon to undertake consultation with such bodies as it deems	This reflects the Applicant's position, as confirmed at ref 5.3.2(a).

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	appropriate in relation to the particular amended document or plan for which approval is sought. It would not be appropriate to circumscribe the consultation required to be undertaken by the relevant planning authority, in this regard, given the range of matters which may fall to it to consider as discharging authority under Requirement 5.	
5.3.3 Requirement 8 (Landscape and ecology management plan):		
5.3.3(a)	NH Position: (i) The Proposed Development will result in a moderate impact on separate 0.2km and 1.6km sections of the M180 and a 0.1km section of the A18 under baseline conditions [REP1-025, page 4]. Planting, once matured, is expected to mitigate that impact. (ii) If that planting does not reach maturity or the planting which is approved by the Local Planning Authority under the Landscape and Ecology Management Plan is not of a suitable quality or type	The Applicant's response at ref 5.2 of this table is applicable. NH's interests would be secured as a named consultee in respect of a relevant landscape and ecology management plan pursuant to Requirement 8. As regards NH's comments in relation to deemed consent, the point is overstated. The relevant planning authority will have 8 weeks to determine an application for approval under the Requirements (see Schedule 2, Part 2 of the Draft DCO [Document Reference 3.1 Revision 8]).

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	to provide adequate mitigation, then the direct impact on NH's asset and the public who use it has not been mitigated. (iii) It is entirely reasonable and proportionate that NH have the requisite say on the planting which is adjacent to its network, rather than this decision being left in the hands of a third party with no interest in the SRN. NH requests an approval right on the detail to be submitted under Requirement 8 to ensure that the appropriate oversight is given over matters which directly affect the SRN and its users. (iv) NH is currently listed as a consultee on Requirement 8. Whilst Requirement 22 now ensures that NH's consultation response on Requirement 8 reaches the Local Planning Authority as the discharging body, the Local Planning Authority is still subject to deemed consent provision in the DCO. Meaning, notwithstanding the fact it will now receive NH's comments, there is still a material risk that the Local Planning Authority does not action those comments in time to meet the deemed consent provisions. In which case, the Applicant	Because the Draft DCO requires consultation to be undertaken by the Applicant prior to the submission of an application for approval under the Requirements, none of this 8 week period would be consumed by the relevant planning authority undertaking consultation with third parties such as NH. Each application for approval would need to include a statement that refers to the timeframe for consideration of the application and the consequences of a failure to meet that timeframe (article 50(4) of the Draft DCO). It is also open to the relevant planning authority to refuse an application within the 8 week timescales. For these reasons, the Applicant does not consider that there is a "material risk" that there would be a failure to action NH's comments, as NH contend.
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	can deem the requirement discharged, without NH's concerns suitably addressed. Accordingly, it is reasonable and proportionate that NH be granted an approval right over Requirement 8.	
5.3.3(b)	Applicant's Position: (i) NH understands the Applicant's position on Requirement 8 to be that NH is listed as a consultation body, with whom the Local Planning Authority must consult as part of its function as the approving body. The amendments made to Requirement 22 ensure that NH's consultation response is appended to the summary report which is submitted to the Local Planning Authority by the Applicant. (ii) As per the NH Statement of Common Ground, the Applicant states that <i>"this approach is sufficient and appropriate in the circumstances and it would not be proportionate to include National Highways as an approving authority"</i>.	This reflects the Applicant's position, as confirmed at ref 5.3.3(a) subject to the additional points made in that response.

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5.3.4 Requirement 9 (Fencing and other means of enclosure):		
5.3.4(a)	NH Position: (i) The Proposed Development immediately abuts the SRN in several locations (see for example, plots 5/17, 5/18, 7/1, 7/7, 7/8, 7/13, 7/17, 7/20, 7/21, 8/1, 8/2, 8/4, 9/2, 9/19, 9/20, 9/23, 10/3, 10/26, 10/28, 10/29, 11/24 of the Land Plans [REP3-002]). (ii) The Work Plans [REP3-003] show each of these plots as including Work No. 2 of Schedule 1 of the Applicant's draft DCO, which includes "(b) fencing, gates, boundary treatment and other means of enclosure" and "(e) works for the provision of security and monitoring measures such as CCTV columns, lighting columns and lighting, cameras, weather stations, communication infrastructure and perimeter fencing". (iii) Fencing adjacent to the SRN is a safety hazard that has to be managed in accordance with strict standards. Inclement weather conditions can result in fencing being displaced if not built to the correct	The Applicant's response at ref 5.2 of this table is applicable. NH's interests would be secured as a named consultee in respect of fencing in proximity to the strategic road network pursuant to Requirement 9. The Applicant also notes that, under the protective provisions contained in Schedule 14, Part 7 of the Draft DCO [Document Reference 3.1 Revision 8], it would be required to submit detailed design information to NH for approval prior to commencing any specified work. The definition of "detailed design information" expressly includes details of "(b) boundary, environmental and mitigation fencing". Accordingly, NH will have the opportunity to review and approve the proposed fencing through the protective provisions. The Applicant therefore considers that this provides appropriate and sufficient protection for NH's

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	standards, which could result in catastrophic safety implications for road users. (iv) It is entirely proportionate and reasonable that NH have a requisite approval right in respect of details of boundary treatment adjacent to its operational land, to ensure the design and construction of the fencing is in accordance with appropriate technical standards. This should not be controversial. (v) NH is currently listed as a consultee on Requirement 9. Whilst Requirement 22 now ensures that NH's consultation response reaches the Local Planning Authority as the discharging body, the Local Planning Authority is still subject to deemed consent provision in the DCO. Meaning, notwithstanding the fact it will now receive NH's comments, there is still a material risk that the Local Planning Authority does not action those comments in time to meet the deemed consent provisions. In which case, the Applicant can deem the requirement discharged, without NH's concerns suitably addressed. Accordingly, it is reasonable and proportionate that NH be granted an approval right over Requirement 9.	interests. The inclusion of an additional approval mechanism for fencing within the Requirements would be duplicative, unnecessary and impose an additional burden on the Applicant without delivering any corresponding benefit. The Applicant has addressed NH's comments in relation to the deemed consent provision at 5.3.3(a) of this table.
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5.3.4(b)	Applicant's Position: (i) NH understands the Applicant's position on Requirement 9 to be that NH is listed as a consultation body, with whom the Local Planning Authority must consult as part of its function as the approving body. The amendments made to Requirement 22 ensure that NH's consultation response is appended to the summary report which is submitted to the Local Planning Authority by the Applicant. (ii) As per the NH Statement of Common Ground, the Applicant states that "this approach is sufficient and appropriate in the circumstances and it would not be proportionate to include National Highways as an approving authority".	This reflects the Applicant's position, as confirmed at ref 5.3.4(a).
5.3.5 Requirement 11 (Surface and Foul Water Drainage)		

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5.3.5(a)	NH Position: (i) The NH Statement of Common Ground states at Row 8 that the Applicant does not propose any outfall of surface water runoff into highway drainage apparatus. It also states that the exact surface water outfall locations are to be confirmed at a later stage of design. At this stage however, the Outline Surface Water Drainage Strategy is based on surface water discharging into the numerous watercourses located within the Order Limits. (ii) In the absence of an express and legally enforceable commitment not to discharge into NH's surface water drainage system, that could include NH's drainage apparatus. (iii) Government policy on this matter is clear. Paragraph 59 of the Government's SRN and the delivery of sustainable development policy mandates that no new connections into highway drainage systems from third party development and proposed drainage schemes will be accepted. (iv) Additional run off into NH's surface water drainage system could lead to increased instances of	The Applicant's response at ref 5.2 of this table is applicable. NH's interests would be secured as a named consultee in respect of a relevant drainage strategy pursuant to Requirement 11. The Applicant has addressed NH's comments in relation to the deemed consent provision at 5.3.3(a) of this table. In addition, and as NH notes, the Applicant is not proposing any outfall of surface water runoff into highway drainage apparatus. If the Applicant sought to do so, NH's consent would be required pursuant to article 20(3) of the Draft DCO [Document Reference 3.1 Revision 8]. This protects NH's position.
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	pooling on the SRN, which can lead to serious adverse safety implications for road users. (v) Accordingly, NH requires an approval right over Requirement 11, to ensure that no proposed surface and foul water drainage connections are made to NH drainage infrastructure. (vi) NH is currently listed as a consultee on Requirement 11. Whilst Requirement 22 now ensures that NH's consultation response reaches the Local Planning Authority as the discharging body, the Local Planning Authority is still subject to deemed consent provision in the DCO. Meaning, notwithstanding the fact it will now receive NH's comments, there is still a material risk that the Local Planning Authority does not action those comments in time to meet the deemed consent provisions. In which case, the Applicant can deem the requirement discharged, without NH's concerns suitably addressed. Accordingly, it is reasonable and proportionate that NH be granted an approval right over Requirement 11.	
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5.3.5(b)	Applicant's Position: (i) NH understands the Applicant's position on Requirement 11 to be that NH is listed as a consultation body, with whom the Local Planning Authority must consult as part of its function as the approving body. The amendments made to Requirement 22 ensure that NH's consultation response is appended to the summary report which is submitted to the Local Planning Authority by the Applicant. (ii) (ii) As per the NH Statement of Common Ground, the Applicant states that "this approach is sufficient and appropriate in the circumstances and it would not be proportionate to include National Highways as an approving authority".	This reflects the Applicant's position, as confirmed at ref 5.3.5(a), subject to the additional points made in that response.
5.3.6	Requirement 16 (Construction Traffic Management Plan) – The Applicant has now included NH as an approving body in respect of Requirement 16 and so, except for the M180 renewal work drafting (see above), this matter is agreed.	The Applicant notes this comment from NH and welcomes confirmation that this matter is agreed.

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5.3.7 Requirement 19 (Decommissioning and Restoration Plan):		
5.3.7(a)	NH Position: (i) The future baseline of the traffic and transport assessment at the point of decommissioning is not known. What is clear is that the SRN will be relied upon by the Applicant or some future owner of the Proposed Development as part of the eventual decommissioning works. (ii) It is important that NH is put into a position where it has sufficient oversight and control over the measures to form part of any decommissioning and restoration plan, insofar as that plan assumes usage of the SRN. It is not appropriate for these responsibilities to be left to a third party who has no interest in the SRN. (iii) NH is currently listed as a consultee on Requirement 19. Whilst Requirement 22 now ensures that NH's consultation response reaches the Local Planning Authority as the discharging body, the Local Planning Authority is still subject to	The Applicant's response at ref 5.2 of this table is applicable. NH's interests would be secured as a named consultee in respect of a relevant decommissioning environmental management plan pursuant to Requirement 19. The Applicant has addressed NH's comments in relation to the deemed consent provision at 5.3.3(a) of this table.

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	deemed consent provision in the DCO. Meaning, notwithstanding the fact it will now receive NH's comments, there is still a material risk that the Local Planning Authority does not action those comments in time to meet the deemed consent provisions. In which case, the Applicant can deem the requirement discharged, without NH's concerns suitably addressed. Accordingly, it is reasonable and proportionate that NH be granted an approval right over Requirement 19.	
5.3.7(b)	Applicant's Position: (i) NH understands the Applicant's position on Requirement 19 to be that NH is listed as a consultation body, with whom the Local Planning Authority must consult as part of its function as the approving body. The amendments made to Requirement 22 ensure that NH's consultation response reaches the Local Planning Authority as the discharging body. The Local Planning Authority is still subject to deemed consent provision in the DCO.	This reflects the Applicant's position, as confirmed at ref 5.3.7(a), subject to the additional points made in that response.

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	(ii) As per the NH Statement of Common Ground, the Applicant states that <i>"this approach is sufficient and appropriate in the circumstances and it would not be proportionate to include National Highways as an approving authority"</i> .	
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