Tween Bridge Solar Farm

8.30 Written Responses to ExQ3

Planning Act 2008

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

Deadline 6 September 2026

Document Reference: 8.30

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Introduction

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

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

2 Responses to the Examining Authority's Third Written Questions

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

ExQ1	Question to	Question	Applicant's Response
1. General and cross–topic			
Q3.1.1	Applicant	**Closing statements** Please submit a closing statement at deadline 8. The closing statement should set out the final position with regard to each of the issues identified in the initial assessment of principle issues [PR-005] and any other issues where there is a disagreement as to the residual effects of the proposed development. Where the Councils dispute or disagree with any part of the applicant's assessment contained in the	The Applicant notes the request and confirms that a closing statement will be submitted at Deadline 8, to include the matters requested by the Examining Authority.

		Environmental Statement (ES), they should set out an explanation as to why they disagree and confirm what they consider the effects to be (i.e. how do the Council's conclusions differ from the applicant's). Please ensure that closing statements are concise and identify the outstanding issues as opposed to providing a historical chronology of how the issues have evolved over the examination.	
Q3.1.2	CDC and NLC	**Emerging development plan policies** Where not already provided, could NLC and CDC please provide the most up-to-date position of emerging development plan documents. Where not already addressed, please confirm the relevance	

		of any policies contained in emerging documents.	
Q3.1.3		**Changes to layout** The applicant's Deadline 4 covering letter [REP4-001] noted a number of design amendments, which are summarised as follows: • Removal of solar panels from fields E19 and E20. • Spatial refinement of 132 kilovolt (kV) substation and 100 megawatt (MW) battery energy storage system (BESS) within Flood Zone 3b. • Reconfiguration of solar panels within field E15. All parties are invited to provide representations in relation to these amendments. The ExA accepted the amendments in its procedural decision dated 11 August 2026.	The Applicant notes that this question is directed to interested parties. The Applicant's response to any third party responses to this question will be provided at Deadline 7.

2. Biodiversity and ecology			
Q3.2.1	Applicant	Land within Thorne & Hatfield Moors Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) (NE11B) The applicant's response to EXQ2 2.3.2 [REP4-062] is noted but could the applicant please provide the following information: 1: Update on the likelihood of an agreement being reached and the likely timescale for this? 2: Explanation for why a transfer to Natural England (NE) is being sought? Is this necessary? 3: Explanation for what mechanism would be used to transfer the land and how	1. The Applicant is continuing discussions with Natural England, who are seeking approval from their Internal Estate Panel. The Applicant is in the process of arranging a further meeting with Natural England to establish clearer timescales, with a meeting proposed for the week commencing 28th September 2026, and will provide an update when further detail is known. 2. No management within the Thorne Moor SAC or Thorne and Hatfield Moors SPA and SSSI is proposed as part of the DCO application. The management measures secured through the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]** relate to land within the Order Limits outside of the designated site, including mitigation area M1A, which lies adjacent to the designated site. The management measures set out in the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]** are secured through Requirement 8 of the **Draft DCO [Document Reference 3.1 Revision 9]** and can be delivered by the Applicant without any involvement from Natural England.

		this would alter or have a bearing on the draft Development Consent Order (dDCO) [REP5-002]? 4: Fully signposted explanation of how the current dDCO [REP5-002] and relevant management plans would ensure that the land is managed in the event that an agreement is not reached with NE prior to the closure of the examination. The applicant is advised that this matter should be settled before the examination closes and a full explanation given as to the consequences for this application. For example, is this a matter which is ultimately going to be addressed outside of the DCO process? If it is, then	Given the proximity of mitigation area M1A to the designated site, the Applicant has discussed with Natural England the potential for Natural England to undertake management of M1A as part of a more integrated approach to the management of adjoining land. However, such an arrangement is not necessary to secure the mitigation strategy or the environmental outcomes of the DCO. The Applicant confirms that the management provisions contained within the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]** ensure that the required outcomes will be delivered regardless of whether responsibility for the management of M1A remains with the Applicant or is transferred to Natural England. 3. Should a transfer ultimately be pursued, it would be implemented by agreement with Natural England. In those circumstances, the management obligations secured through **Requirement 8 of the Draft DCO [Document Reference 3.1 Revision 9]** and the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]** would remain in force and continue to constitute a binding legal requirement on the Applicant pursuant to the draft DCO. Any contractual arrangements that might be agreed with Natural

		does the applicant consider that it is even material to the consideration of this application?	England regarding the management of the land should a transfer proceed would have no effect on this position. 4. If agreement with Natural England is *not* reached, all obligations contained within the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]** will remain binding on the Applicant, who will continue to be responsible for implementing the prescribed management measures for mitigation area M1A and the wider Order Limits. As no management is proposed within the designated site as part of the DCO application, the absence of an agreement with Natural England would have no implications for the management of the Thorne Moor SAC or Thorne and Hatfield Moors SPA and SSSI. The Applicant therefore considers that any agreement with Natural England regarding the future management of M1A is a matter that sits outside the DCO examination process. The environmental outcomes relied upon by the application are secured through **Requirement 8 of the Draft DCO [Document Reference 3.1 Revision 9]** and the **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6],** and would be legally binding upon the Applicant under the DCO.

Q3.2.2	Applicant	Biodiversity Net Gain (BNG) The ExA notes CDC's response to EXQ2 Q2.2.5 [REP4-082]. Could CDC and the applicant please come to an agreement on draft wording for dDCO Requirement 8(3)(a). Reference should be made to specific percentages for different area-based habitat units. The applicant is advised to acknowledge the approach taken by the Secretary of State (SoS) and ExA in considering the Peartree solar farm made Order. In that case, the applicant's final dDCO omitted any commitment to percentage BNG in the wording of the Landscape and Ecological Management Plan (LEMP) requirement. However, paragraph 3.4.54	The Applicant refers to DCO.7.2 of the Applicant Responses to ExA Commentary on the dDCO [**Document Reference 8.27 Revision 1**] which sets out the Applicant's position in respect of BNG and how specific percentages have been secured in the Draft DCO [**Document Reference 3.1 Revision 9**], in agreement with CDC, as well as the position on CDC's involvement in BNG post consent.

		of the recommendation report shows that the applicant provided additional wording, including area-based habitat unit BNG percentages, on a without prejudice basis. Ultimately that alternative wording was included in the made DCO. In addition, the applicant should also note the examples cited in CDC's response to EXQ2 Q2.2.5. If a different approach is proposed for Tween Bridge then the applicant will need to fully justify this. CDC and the applicant should also explain how CDC's involvement in monitoring would be secured and funded within the dDCO.	

		NLC should also provide representations confirming whether it intends to be involved in the monitoring of new habitats in relation to BNG.	
Q3.2.3	Applicant	Desk Study and Walkover Surveys In response to EXQ2 Q2.2.11 [REP4-080], NE states in part: "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	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 9].** The Applicant confirms that this detail regarding the desk study and walkover survey prior to construction is also provided within

		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)."	the response to EXQ2 Q2.2.11 within the **Applicant Responses to Stakeholder Responses to ExQ2 [REP5-041]**. The Applicant also confirms that all matters relating to the Humber Estuary SPA and Ramsar have been agreed with Natural England as demonstrated in their **Statement of Common Ground [Document Reference 9.9. Revision 4]** point NE1a.

		Could the applicant please confirm how the dDCO and/ or application documents will ensure that desk studies and walkover surveys are undertaken where necessary (i.e. where existing surveys become out-of-date)?	
Q3.2.4	Applicant	Outline ecological construction management plan Paragraph 11.2 of the applicant's outline ecological construction management plan (OECMP) [RE5-030] states in part: "The Development Consent Order (DCO) will contain a requirement providing that the final Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 4] shall be submitted to and approved	This is correct. The **Outline Ecological Construction Management Plan (ECMP) [Document Reference 7.5 Revision 6]** is secured by Requirement 8(2)(b) of the **Draft DCO [Document Reference 3.1 Revision 9]**. The measures set out in the Outline ECMP would therefore be approved via and contained within the final Landscape Ecological Management Plan for each phase of the authorised development. The Applicant understands from NE's Deadline 5 submission **[REP5-066]** that NE is content with this approach.

		by the relevant local planning authority." However, it does not appear that schedule 2 of the latest version of the dDCO [REP5-002] includes a separate requirement for a final ecological construction management plan. Requirement 8(b) requires that the landscape and ecological management plan is substantially in accordance with the OECMP. Is this the requirement which effectively secures the measures set out in the OECMP? Please note, this appears to be NE's conclusion at Table 1 (issue NE0) of its deadline 5 representation [REP5-066].	
Q3.2.5	Applicant	Non-breeding birds and construction	The Applicant confirms that the **Outline Ecological Construction Management Plan [Document Reference 7.5.**

		NE's deadline 5 representation [REP5-066] (NE7) states in part: "Following email communications with the Applicant dated 29 July 2026 in which we enquired around the justification for the months of restriction considering the bird survey results, the Applicant has confirmed they will be amending these to October to February in all relevant documents at Deadline 5. Based on the proposed October to February restriction period, alongside the measures outlined in 7.2.67 – 7.2.76 of the HRA, we consider this point is now resolved." Could the applicant explain how this is secured in the dDCO [REP5-002]? If it isn't	**Revision 6]** is updated at Deadline 6 to confirm that the months of restriction with regards to noise mitigation, which has been amended to October to February. This detail is in paragraphs 3.3.37 and 3.3.39. In addition, this update is included in an amended **Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 8]** submitted at Deadline 6 within paragraphs 7.2.71 and 7.2.73.

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<tr><td></td><td></td><td>secured, please amend accordingly.</td><td></td></tr>
<tr><td>Q3.2.6</td><td>Applicant</td><td>NE deadline 5 submission
For each of the issues identified by NE in its deadline 5 submission [REP5-066] the applicant should identify which plan or document mitigation measures referred to by NE are secured in. The applicant should also explain how any such measures are secured in the DCO [REP5-002]. In undertaking this exercise, if the applicant identifies any instances where measures relied upon in NE's conclusions are not secured, documents should be updated accordingly. This should be set out in tabulated form with the following headings:</td><td><table><tr><td>Issue</td><td>Effect</td><td>Mitigation (or addressed by)</td><td>Document and DCO reference</td></tr></table></td></tr>
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		Issue (i.e. NE1, NE2) | Effect | Mitigation (or addressed by) | Document and DCO reference	NEO	International designated sites: Thorne Moor SAC; Thorne and Hatfield Moors SPA. Potential direct habitat loss or damage during construction and operation.	No works within the designated sites; protection through construction controls and exclusion measures.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.7 **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6],** paragraph 3.2.1 and Table 3-2; DCO Requirement 8(2)(b).

			NE1a (previously NE1–NE6)	International designated sites: Humber Estuary SPA; Humber Estuary Ramsar. Loss of functionally linked land and the adequacy, delivery and monitoring of replacement habitat for non-breeding birds.	Provision of replacement habitat before relevant impacts occur, supported by long-term management, monitoring and remedial measures.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, Table 7-2; **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**, paragraphs 6.22–6.27 and Sections 7–9; DCO Requirement 8(2)(a).

			NE7	International designated sites: Humber Estuary SPA; Humber Estuary Ramsar. Construction noise and visual disturbance affecting functionally linked land.	Seasonal restrictions during construction, noise controls during construction, acoustic screening, supervision and monitoring by the Ecological Clerk of Works.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs **7.2.67–7.2.76; Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.32–3.3.39; DCO Requirement 8(2)(b).

			NE8	International designated site: Thorne and Hatfield Moors SPA. Displacement and disturbance affecting nightjar foraging habitat.	Retention and creation of species-rich grassland buffers and connected nightjar foraging habitat.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.7, and 7.2.93–7.2.94; **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**, paragraph 2.3.1 and Figures 6–7; Landscape and Visual

						Mitigation Strategy [REP4-042]; DCO Requirement 8(2)(a) and (c).

			NE8a	International designated site: Thorne and Hatfield Moors SPA. Potential operational collision risk to nightjar.	Scheme layout and habitat buffers, together with monitoring and appropriate remedial measures where required.	**Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**, paragraphs 7.25–7.28 and 8.8; DCO Requirement 8(2)(a).

			NE9	International designated site: Thorne and Hatfield Moors SPA. Construction noise and visual disturbance affecting breeding nightjar.	Seasonal construction exclusion, noise limits, acoustic measures and supervision by the Ecological Clerk of Works.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.67–7.2.76; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.32–3.3.39; DCO Requirement 8(2)(b).

			NE10	International designated sites: Thorne and Hatfield Moors SPA; Humber Estuary SPA. Construction lighting and light-spill effects on qualifying bird features and functionally linked land.	Daytime working where practicable; directional, low-intensity lighting; and avoidance of illumination of hedgerows, ditches and sensitive habitats.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.62–7.2.65; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.27–3.3.31; DCO Requirement 8(2)(b).

			NE11A	International designated site: Thorne Moor SAC. Management of mitigation area M1(A), particularly the proposed permissive footpath.	M1(A) is not relied upon as a core mitigation area. Management proposed will enhance the biodiversity value of the grassland.	**Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6**], paragraphs 6.32–6.33; R**eport to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**; DCO Requirement 8(2)(a).

			NE11B	International designated site: Thorne Moor SAC. Potential hydrological effects from the management of M1(A).	The proposed management does not include ditch blocking or other changes to hydrology and would not conflict with future hydrological enhancements to the SAC.	**Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**, paragraphs 6.32–6.33; R**eport to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**; DCO Requirement 8(2)(a).

			NE12	International designated site: Thorne and Hatfield Moors SAC. Construction dust effects on designated features.	Dust suppression, monitoring and pollution-prevention measures during construction.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8**], Table 7-2; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.19–3.3.24; DCO Requirement 8(2)(b).

			NE13	International designated site: Thorne and Hatfield Moors SAC. Construction air-quality effects associated with non-road mobile machinery and generators.	Emission controls and siting of generators away from sensitive designated habitats.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.60–7.2.61; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.25–3.3.26; DCO Requirement 8(2)(b).

			NE14	International designated sites: Humber Estuary SPA; Humber Estuary SAC; Humber Estuary Ramsar; Thorne Moors SAC; Hatfield Moors SAC; Thorne and Hatfield Moors SPA. Potential effects from water abstraction for horizontal directional drilling.	Water required for drilling will be brought to the Scheme and will not be abstracted from the on-site ditch network.	**Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6**], Table 3-2; DCO Requirement 8(2)(b).

			NE15	International designated sites: Humber Estuary SAC; Humber Estuary Ramsar; Humber Estuary SPA; Thorne Moors SAC; Hatfield Moors SAC; Thorne and Hatfield Moors SPA. Construction pollution and contaminated-runoff effects on water quality.	Pollution prevention, spill response, drainage and contaminated -runoff controls.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.55–7.2.57; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.17–3.3.18; DCO Requirement 8(2)(b).

			NE16	International designated sites: Humber Estuary SAC; Humber Estuary Ramsar; Humber Estuary SPA; Thorne Moors SAC; Hatfield Moors SAC; Thorne and Hatfield Moors SPA; Hatfield Chase SSSI. Bentonite breakout and water-quality effects from horizontal directional drilling.	Breakout prevention, monitoring, containment and response measures, to be developed further through the detailed HDD Method Statement.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.77–7.2.78; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, paragraphs 3.3.43–3.3.44; DCO Requirement 8(2)(b).

			NE17	International designated sites: Humber Estuary SAC; Humber Estuary Ramsar; Thorne Moors SAC; Hatfield Moors SAC; Thorne and Hatfield Moors SPA. Operational runoff from cleaning solar modules.	Routine cleaning using de-ionised water. A Pollution Prevention Plan will apply if cleaning products are exceptionally required.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraph 7.2.48; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**; DCO Requirement 8(2)(b).

			NE18	International designated sites: Humber Estuary SAC; Humber Estuary Ramsar; Thorne Moors SAC. Potential contaminated firefighting-water runoff from the battery energy storage system.	Containment within the drainage system, use of penstocks and impermeable liners, and testing before any discharge.	**Outline Battery Safety Management Plan [REP5-028]**; **Flood Risk Assessment and Outline Surface Water Drainage Strategy [REP2-047, REP2-049 and REP2-051]**, Section 7 and paragraph 7.42; DCO Requirements 7 and 11.

			NE19	International designated sites: Humber Estuary SAC; Humber Estuary Ramsar; Thorne and Hatfield Moors SAC; Thorne and Hatfield Moors SPA. Potential in-combination effects.	The in-combination assessment concludes that no additional mitigation is required. The mitigation relied upon for the individual pathways remains applicable.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]**, paragraphs 7.2.109–7.2.118; **ES Appendix 17.4 Ecology Cumulative Assessment Table [REP2-056]**; underlying mitigation secured through DCO Requirement 8.

			NE20	Nationally designated site: Humber Estuary SSSI. Construction and operational effects on the SSSI's designated features.	The habitat, disturbance, air-quality and water-quality mitigation identified for the Humber Estuary European sites also protects the corresponding SSSI features.	**Report to Inform Habitats Regulations Assessment [Document Reference 5.3 Revision 8]; Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]; Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**;

						DCO Requirement 8.

			NE21	Nationally designated site: Thorne, Crowle & Goole Moors SSSI. Construction and operational effects on designated features, including loss of foraging resources and potential effects from honeybee hives.	Development excluded from the SSSI; grassland buffers and habitat creation provided; honeybee hives located more than 1 km from the SSSI.	**ES Ecology and Nature Conservation Chapter [REP5-012]**, paragraphs 7.5.75–7.5.77; **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**, paragraphs 5.1 and 5.3; DCO Requirement 8(2)(a).

			NE22	Nationally designated site: Hatfield Chase Ditches SSSI. Construction water-quality effects.	Pollution-prevention measures, HDD controls and protection of the ditch network.	**ES Ecology and Nature Conservation Chapter [REP5-012]**, paragraph 7.5.81; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, Table 3-2; DCO Requirement 8(2)(b).

			NE23	Protected species. Adequacy of surveys, mitigation and licensing arrangements generally.	Pre-construction surveys, Precautionary Working Method Statements and applications for protected-species licences where required.	**Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**; DCO Requirement 8(2)(b). Licences would be secured separately under the relevant legislation.

			NE23a	Protected species—otter. Survey coverage and construction disturbance.	Updated pre-construction surveys, retention and buffering of suitable habitat, restrictions on working hours and pre-works checks.	**ES Ecology and Nature Conservation Chapter [REP5-012]**; **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, Table 3-2; DCO Requirement 8(2)(b).

			NE23b	Protected species—badger. Potential disturbance or damage to setts during construction.	Updated pre-construction surveys, working buffers, mammal access measures and licensing where required.	**Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, Table 3-2; DCO Requirement 8(2)(b).

			NE23c	Protected species—bats. Loss or disturbance of roosting, commuting and foraging habitat.	Retention and buffering of hedgerows, ditches, ponds and woodland; lighting controls; tree checks and Reasonable Avoidance Measures.	**Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, Table 3-2 and paragraphs 3.3.27–3.3.31; DCO Requirement 8(2)(b).

			NE23d	Protected species—great crested newt. Incomplete survey coverage and potential effects on unsurveyed populations.	Updated surveys before construction, further efforts to obtain access, precautionary working measures and licensing where required.	**Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, Table 3-2; **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**; DCO Requirements 8(2)(b) and 8(2)(a).

			NE23e	Protected species—water vole. Potential effects from construction, culverts and ditch-management works.	Updated pre-construction surveys, buffers, coverage of culvert locations and pre-works checks by a suitably qualified ecologist.	**Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, Table 3-2; DCO Requirement 8(2)(b).

			NE23f	Protected species—breeding birds. Compatibility of skylark habitat management with the requirements of wintering birds.	Coordinated habitat management, wider field margins and long-term objectives, monitoring and management targets.	**Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**; DCO Requirement 8(2)(a).

			NE24	Biodiversity Net Gain. Delivery of at least 10% BNG, compliance with the trading rules and long-term monitoring.	Minimum 10% BNG across the relevant biodiversity unit types; the updated assessment confirms that the trading rules have been satisfied; monitoring secured through the LEMP.	**ES Appendix 7.12 Biodiversity Net Gain Assessment [REP3-028]**, paragraph 3.33; **Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**, paragraphs 7.1–7.2; DCO Requirements 8(3)(a) and 8(2)(a).

			NE25a	Soils and best and most versatile agricultural land. Identification and appropriate handling of peaty soils.	Detailed soil information and controls for identifying, excavating, storing and reinstating peaty soils.	**ES Appendix 15.1 Agricultural Land Classification [APP-120]**, Appendix 3; **ES Agriculture Chapter [REP3-022]**, paragraphs 15.3.43 and 15.7.3; **Outline Soil Management Plan [REP2-078]**, paragraphs 4.5.10–4.5.11; DCO Requirement 10.

			NE25b	Soils and best and most versatile agricultural land. Risk of soil damage from handling in unsuitable conditions.	Soil handling in a dry and friable condition, normally between April and September, under competent supervision and in accordance with good practice.	**Outline Soil Management Plan [REP2-078]**, Section 3, paragraph 4.3.8 and Sections 4.3 and 4.5; DCO Requirement 10.

			NE26	Biodiversity enhancement. Opportunities to maximise habitat enhancement beyond the minimum BNG commitment.	Habitat creation and long-term management, including species-rich grassland, hedgerows, trees, ponds and other ecological features.	**Outline Landscape and Ecological Management Plan [Document Reference 7.6 Revision 6]**; DCO Requirement 8(2)(a).

			NE27	Ancient woodland and ancient/veteran trees. Potential effects on irreplaceable habitat.	No specific mitigation is required because the assessment confirms that there is no ancient woodland within or close to the Order Limits and no veteran trees.	**Arboricultural Impact Assessment [APP-070]**; no specific DCO mitigation provision required.
Q3.2.7	Applicant	Air quality effects NE's deadline 5 response [REP5-066] (NE13) states in part: "Natural England has now changed its approach to	**Appendix 14.1 - Air Quality Impacts on Designated Ecological Sites [APP-115]** considers the effect of emissions during both construction and operation phases of the Scheme; it is anticipated that emissions during construction will occur from construction vehicles and on-site plant and machinery, whilst			

		responding to air quality impacts and we have attached our standard advice on NSIPs (Appendix 1). You should review any further information received in line with Natural England's advice to assess the application. This standard advice is Natural England's formal statutory advice. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on NSIP applications with potential air pollution impacts. Any overall conclusion regarding impacts on statutory protected sites must take into account the standard advice for air pollution." Please could the applicant consider the standing	operational emissions will be limited to road traffic. **Appendix 14.1 - Air Quality Impacts on Designated Ecological Sites [APP-115]** discusses the effect of vehicle movements on internal roads separately to those vehicle movements on the existing road network. Natural England's Standard Advice for NSIPs sets out five stages, divided into six steps, that should be followed to assess the air quality impacts from a Development on Protected Sites (Sites of Special Scientific Interest (SSSIs)) and European Sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsars). During consultation on the Preliminary Environmental Information Report (PEIR), Natural England commented that "*if it is determined that the access routes will be within 200 m of designated sites then an assessment of potential air quality impacts should be undertaken in the HRA* [Habitats Regulations Assessment] (see Table 14-3 in **ES Chapter 14 Air Quality and Greenhouse Gases [REP2-025]**). *The assessment should be undertaken in line with Natural England's guidance NEA001.*" The application, following the NEA001 guidance, was submitted for examination in September 2025, and therefore predates the new Standard Advice, which was issued in December 2025. How the

		advice and set out the implications for the proposed development and consideration of this application? Please refer to relevant application documents where necessary.	assessment of air quality effects set out in Appendix 14.1 [Ref APP-115] aligns with the Standard Advice is summarised below. It should be noted that the comment from Natural England (Key Issue Reference NE13) is specifically in relation to the Thorne Moor SAC and Hatfield Moor SAC. However, for completeness, consideration of the Standard Advice is provided for all habitats considered in Appendix 14.1 [Ref APP-115]. **Stage: Initial screening for credible risk of an effect** *Step 1: Check distance criteria – could significant emissions reach a protected site?* For combustion sources, the Standard Advice provides a range of distances depending on the type and size of the source, whilst for emissions from road traffic, the Standard Advice states that affected roads within 200 m of a protected site should be considered. Taking into consideration consultation comments provided by Natural England, and based on the routeing of traffic flows generated by the Scheme during construction and operation, it was determined that there was a credible risk of an effect on the following Protected Sites:

			2.1.1. Thorne Moor SAC, Thorne and Hatfield Moors SPA and Thorne, Crowle and Goole Moors SSSI; 2.1.2. Hatfield Moor SAC and SSSI; 2.1.3. Hatfield Chase Ditches SSSI; and 2.1.4. Crowle Borrow Pits SSSI. Since the response to Step 1 is 'Yes', it is necessary to move to Step 2. *Step 2: Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts.* Following discussions with the Project Ecologists it was determined that there were habitats sensitive to air quality impacts at the Protected Sites identified during Step 1. Since the response to Step 2 is 'Yes', it is necessary to move to Step 3. **Stage: Detailed AQ modelling** *Step 3: Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS)*

			The assessment set out in Appendix 14.1 [Ref APP-115] does not use dispersion modelling. The justification for this is set out under Step 4, below. **Stage: Applying screening thresholds** *Step 4: Apply Screening Thresholds Alone (4a) and In-Combination (4b)* Step 4 requires the Process Contributions from the Scheme alone and in-combination to be compared to a screening threshold of 1% of the assessment level. Where the 1% threshold will not be exceeded, the Standard Advice states "*the emission is not likely to have a significant effect*". Prior to publication of the Standard Advice, Natural England's guidance on advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations recommended the use of the Design Manual for Roads and Bridges (DMRB) criteria[1]. These criteria are a change in Annual Average Daily Traffic (AADT) flows of 1,000 vehicles or more, or a change in Heavy Duty Vehicle flows of 200 vehicles or more.

[1] Highways England (2019), Design Manual for Roads and Bridges LA 105 Air Quality.

			Below these criteria, the DMRB guidance concludes that the air quality impacts can be scoped out of further assessment. Because the assessment predates the Standard Advice, it follows the approach set out in Natural England's pre-existing guidance. Traffic flows were therefore compared against the 1,000 AADT criterion. **Stage: Detailed Assessment of ecological impacts** *Step 5: This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures* Whilst the majority of Protected Sites could be screened out as part of Stage 3, further consideration was required with respect to in-combination effects on sections of Hatfield Chase Ditches SSSI within 200 m of the M180. As described in **ES Chapter 7: Ecology and Nature Conservation (Rev 5) [REP5-012]**, the majority of the SSSI is in a declining state, largely as a result of agricultural run-off; proximity to road traffic emissions has not been identified as a reason for this decline. Further, a Briefing Paper drafted between North Lincolnshire Council and Natural England to assist with the North Lincolnshire

			Local Plan examination[2] states *"Air pollution may have some impact on the ditches. Realistically though, this is going to have a tiny contribution in comparison to the water quality issues created by agricultural run-off and management of adjacent farmland which causes nutrient enrichment"*. **ES Chapter 7: Ecology and Nature Conservation (Rev 5) [REP5-012]** concludes that "*with protection measures in place, impacts on the SSSI are assessed as negligible magnitude on a receptor of National value and sensitivity, which is Not Significant."* **Stage: Appropriate Assessment for habitats sites** Since the assessment concludes that there will be no significant effect, it is not necessary to progress to this stage. **Summary** A summary of the findings for each Protected Site during construction is set out in Table 1 below. Where the cell is shaded green, the effect is concluded to be scoped out at Step 1 or 2, whilst yellow shaded cells demonstrate the effect is concluded to be scoped out at Step 4, and orange shaded cells demonstrate the effect is concluded to be scoped out following consideration

[2] North Lincolnshire Council (2023), 'Briefing Paper: Position with Natural England'.

			by the Project Ecologist at Step 5. During operation, the Scheme is anticipated to generate just one vehicle per month; for brevity these findings have not been reproduced in the table.

Table 2: Assessment of Air Quality Impacts during Construction on Protected Sites

Habitat	Scenario	External Roads	Internal Roads	On-site Plant and Machinery
Thorne Moor SAC, Thorne and Hatfield Moors SPA and Thorne, Crowle and Goole Moors SSSI	Alone	Boundary is >200 m from any existing road used by construction vehicles.	Peak construction flows of 143 HDVs and 164 LDVs are below the screening criteria.	Generally, each construction compound will include a back-up diesel generator, whilst other plant that will operate across the Site and within the compounds will include tractors with trailers, piling rigs, cement mixers and cranes. The Standard Advice provides screening distances of 500 m (for general combustion
	In-combination		No access for non-development traffic, therefore no change to the 'Alone' traffic flows.	
Hatfield Moor SAC and SSSI	Alone	Boundary is >200 m from any existing road used by construction vehicles.	Peak construction flows of 67 HDVs and 76 LDVs are below the screening criteria.	
	In-combination		No access for non-development traffic,	

			therefore no change to the 'Alone' traffic flows.	processes under 20 MW input) and 2 km (for general combustion processes between 20 and 50 MW input). The Site covers over 1,830 hectares and extends for more than 4 km north-south and nearly 9 km east-west; as part of the measure to *"plan the site layout so that machinery and dust-causing activities are located away from receptors"* specified in the **Outline Construction Environmental Management Plan (CEMP) [Document Reference 7.5 Rev 6]**, which will be secured
Hatfield Chase Ditches SSSI	Alone	Peak construction flows on any road within 200 m of the SSSI are 42 HDVs and 42 LDVs (on the A18) which are below the screening criteria.	Peak construction flows of 155 HDVs and 175 LDVs are below the screening criteria.	
	In-combination	No additional cumulative trips identified on the A18 or unnamed road, therefore no change to the 'Alone' traffic flows. For the M180, the Standard Advice advises that external trips can be excluded from the initial screening assessment, and therefore consideration	No access for non-development traffic, therefore no change to the 'Alone' traffic flows.	

		of in-combination AADT flows is not required. Notwithstanding, further consideration from the Project Ecologist concluded that air pollution might have some impact on the ditches, but this would be small compared to the effects of water and flushing events.		through DCO requirement 14, the screening distances set out in the Standard Advice will be used as minimum offset distances. Impacts will therefore screen out at Step 1. Further, the Outline CEMP commits to "*selecting electrically driven equipment in preference to internal combustion powered*", such that there may be no combustion processes, and thus no emissions, during the construction phase of the Scheme.
Crowle Borrow Pits SSSI	Alone	Construction traffic flows on the section of the A161 within 200 m of the SSSI are zero.	No access roads proposed through the Scheme.	
	In-combination			
Q3.2.8	Applicant	Great Crested Newts The applicant should address and provide an	The Applicant confirms that during surveys, which were first completed in 2023 and then repeated in 2025, no GCN have been recorded present within the Order Limits and that they	

		update on NE's deadline 5 submissions [REP5-066] in relation to Great Crested Newts (GCN). Could NE please advise what the implications of this are for the consideration of this application. In particular, NE advises that a precautionary approach should be taken - where GCN should be considered present in ponds. If this were the case, what are the implications? Please bear in mind that the examination is at a very advanced stage. As such, it is not clear whether the applicant would have sufficient time to undertake additional survey effort during the examination.	are therefore considered absent from the Order Limits. Nonetheless, the Applicant confirms that updated GCN surveys will be undertaken prior to construction, as set out in Table 3-2 of the **Outline Ecological Construction Management Plan [Document Reference 7.5. Rev 6].** The updated survey results will be used to determine whether any protected species licence is required and to inform the detailed mitigation measures. Where GCN are identified, the required mitigation will be implemented under a mitigation licence or another appropriate licensing route, such as District Level Licensing. Where GCN are not identified, Reasonable Avoidance Measures for amphibians will be implemented during construction. As part of the updated survey work, reasonable and repeated efforts will be made to obtain survey access to all ponds within 250 m of the Order Limits. A written record will be maintained of access requests, follow-up attempts, responses received, any refusal of access and any health and safety constraints that prevent a survey from being completed. These records will be retained and provided to Natural England upon request, including where they may be required to support any future protected species license application.

			Where access is continually denied, or ponds remain unsuitable or otherwise unable to be surveyed, the Applicant confirms that the available survey results, historical records, terrestrial habitat mapping and the connectivity between aquatic and terrestrial habitats will be used to assess the 'reasonable maximum' population of great crested newts that the relevant un-surveyed areas could support. Although GCN are likely absent from the Order limits, appropriate mitigation will be implemented on the basis of that precautionary assessment to prevent an impact taking place and would include: • Storage of materials will be located away from potentially suitable terrestrial habitat for GCN, to be discussed and agreed with the ECoW, in order to avoid creating potential refugia for GCN. Ideally to be located on hard standing or bare ground. • Habitat manipulation required for reptiles would also provide reasonable avoidance measures (RAMs) for GCN. As a result, these works should be supervised by a Natural England GCN licensed ecologist.

			• Hedgerow removal preceded by a hand-search for GCN and other herptiles in the active season (March – October). • Should any GCN be recorded during works, all works would stop, a Natural England licence applied for, and the approved mitigation measures implemented prior to any works re-commencing. • In the unlikely event a GCN Is recorded, all works would stop in that location and a Natural England licence applied for. No works would re-commence in that location until the licence is in place and the required mitigation implemented. The Applicant confirms that the above points are included in Table 3-2 within the **Outline Ecological Construction Management Plan [Document Reference 7.5 Rev 6].** The Applicant confirms that no ponds or waterbodies are to be lost to the proposed Scheme and that the majority of habitats that are to be impacted are not suitable or sub-optimal for GCN, comprising intensively managed arable farmland. Therefore, impacts to GCN are likely to be negligible. If they are present, although surveys in 2023 and 2025 recorded them as absent, the precautionary methods to be implemented, provide

			further confidence that no impact to GCN would occur. In addition, the Scheme will provide benefits for amphibians, including GCN, through the retention and protection of ponds and the ditch network, the provision of grassland buffers alongside ditches and other retained boundary features, and the conversion of intensively managed arable land to grassland. The cessation of intensive arable cultivation and reduction in agricultural inputs adjacent to aquatic habitats will reduce existing pressures on the ditch and pond network. Long-term management of ponds, ditches, grassland margins, hedgerows and scrub, together with the provision of amphibian and reptile refugia, will increase sheltering, foraging, dispersal and hibernation opportunities for amphibians compared with the existing intensively managed arable baseline. The habitat benefits are detailed within the **Outline Landscape Ecological Management Plan [Document Reference 7.6. Rev 6]**, which covers retained ponds and ditches, created grassland along ditch buffers and 50 amphibian/reptile refugia. The Applicant considers that the commitments set out above address the matters raised by Natural England in relation to further survey effort, repeated access requests and the precautionary assessment of ponds that remain inaccessible or

			otherwise unable to be surveyed. These measures are secured through the **Outline Ecological Construction Management Plan [Document Reference 7.5]** and will ensure that the presence or likely absence of great crested newts is appropriately established prior to construction and that any necessary mitigation or licensing is implemented. Natural England issued a letter on the 22 September 2026 (Reference: 558101) to confirm that the commitment by the Applicant to further GCN surveys and proposed mitigation and licensing as necessary, is acceptable and that this matter is now resolved within the **Statement of Common Ground [Document Reference 9.9. Revision 4**.
Q3.2.9	Applicant	BNG Please could the applicant provide a full response to NE's deadline 5 submission [REP5-066] in respect to the applicant's approach to 'trading rules'?	The Applicant confirms that the trading rules have been satisfied, as detailed at paragraph 3.33 of **ES Appendix 7.12 Biodiversity Net Gain Assessment (Rev 3) [REP3-028]**. Natural England's concern related to the loss of scrub without like-for-like replacement. In response, the BNG assessment and metric were updated at Deadline 3 to include the creation of new areas of mixed native scrub. This provides like-for-like replacement for the scrub habitats affected by the Scheme and addresses the scrub trading requirement as detailed in **ES**

			Appendix 7.12 Biodiversity Net Gain Assessment (Rev 3) [REP3-028].
3. Climate change			
Q3.3.1	Applicant	No further questions at this time	This is noted.
4. Compulsory Acquisition, temporary possession and other land or rights considerations			
Q3.4.1	NLC	NLC It is not clear why NLC has not responded to the applicant with regard to plot 10/12, as addressed at paragraph 4.58 of the applicant's written summary of oral submissions at the compulsory acquisition hearing [REP4-061]. A response should be provided by deadline 6. If agreement cannot be reached then NLC should set out the areas of disagreement and outline	

		what the implications are when considering the relevant statutory tests contained in the Planning Act 2008.	
Q3.4.2	Applicant	Q4.0.14 – Funding The Applicant's response to EXQ2 2.4.4 [REP4-062] is noted but the question was related to total development cost worst-case assumptions. Please could the applicant update its response accordingly?	The Applicant can confirm that the same principles which are referred to in the **Applicant's response to EXQ 2.4.4 [REP4-062]** are applied to the total estimated development costs for the Scheme, which are £820 million as set out in the **Funding Statement [REP4-009]**. For completeness the Applicant sets out below its response to ExQ2.4.4 with amendments confirming that the explanation provided applies to total development costs: The Applicant's development costs are informed by empirical evidence of costs incurred in connection with other projects in the Applicant's portfolio. The cost assumed provides a prudent degree of float to accommodate unforeseen circumstances. In addition, the costs described are based on the maximum amount incurred by the Applicant in the context of recently developed projects. The figure of £820m (real 2025) for the construction of the Scheme is based on an application of the following worst-case assumptions:

			1. Costs could be at the higher end of those incurred by the Applicant in implementing other recent projects within its portfolio. The figures reported in the Funding Statement [Document Reference 4.2 Revision 3] are therefore based on empirical evidence. 2. The Applicant was mindful that it could not be ruled out that cabling costs could be higher than those incurred in implementing other schemes in its portfolio to date. A reasonable and prudent degree of float has therefore been included in the figures reported in the Funding Statement. The Applicant will update Section 5.1 of the Funding Statement to reflect the response to this question at Deadline 7.
Q3.4.3	Applicant	Private loss, public benefit and diligent enquiry The applicant's written summary of oral subs at CAH [REP4-061] indicates that the schedule of land owner negotiations has been updated on the basis that it included category 2 and 3 persons. However, the ExA requires the applicant to	The Applicant has reviewed all cases where no contact has been made or no agreement has been reached with a person that holds a Category 1 interest. For clarity, the Applicant is not formally seeking rights or agreement from Category 2 or 3 parties. However, contact has been made with all Category 2 and 3 parties with an interest in land identified in the **Book of Reference (BoR) [REP3-012]**, save where the beneficiary of the relevant interest is identified as "unknown" in the BoR, and these parties have therefore been afforded an opportunity to engage in the examination process.

		identify (where no contact has been made or no agreement reached) how private loss would be outweighed by public benefits in each category 1, 2 and 3 case. This can be done on the basis of the evidence before the applicant. Where a category 2 or 3 person has not made a representation or contacted the applicant, then the applicant should base its response on any available evidence of private loss. If necessary, the applicant can provide a blanket justification in certain circumstances (for example, X to X are lenders and their private loss extends to x, this is outweighed by x). Please also provide a statement of diligent enquiry for each	Further commentary on unknown land interests and steps taken to establish the identity of unknown category 2 and 3 interests is set out at the end of this response. The Applicant sets out below the relevant Category 1 land interests and the Applicant's consideration of how any potential private loss would be outweighed by the benefits of the Scheme. **Canal and River Trust** Plot numbers: 3/25, 3/26 Protective Provision status: Draft under discussion; see **Justification for the Applicant's Preferred Protective Provisions submitted at Deadline 6 [Document Reference 8.23 Revision 3]**. Current position on land agreement negotiations: Draft Heads of Terms (HoTS) under discussion; see **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**. Applicant's comment on private loss: Notwithstanding that negotiations in respect of a land agreement are ongoing with the Trust, the protective provisions for the benefit of the Trust will ensure the continued safe operation of the canal and

		party (in all categories) who has not responded. This should include documentary evidence of efforts to contact APs.	appropriate management of any proposed works affecting the canal. The Applicant is in particular legally committed to implement horizontal directional drilling under the canal, which is secured by **Appendix A Design Parameters Document [REP3-014]**. Therefore, having regard to the protective provisions for the Trust's benefit, any private loss to the Trust (arising from the construction and operation of works affecting the Trust's land interests), is considered to be limited, would be appropriately compensated in accordance with the Compensation Code where an agreement with the Trust is not concluded and would be manifestly outweighed by the benefits of the Scheme as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007].** **Doncaster East Internal Drainage Board** Protective Provision Status: Under discussion; see **Justification for the Applicant's Preferred Protective Provisions submitted at Deadline 6 [Document Reference 8.23 Revision 3]**. Current position on land negotiations: Draft HoTS under discussion; see **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4].**

			Applicant comment on private loss: Notwithstanding that negotiations in respect of a land agreement are ongoing with the IDB, protective provisions for the benefit of the IDB will ensure the continued safe operation of IDB drainage assets and appropriate management of any proposed works affecting those assets. Therefore, having regard to the protective provisions for the IDB's benefit, any private loss to the IDB (arising from the construction and operation of works affecting the IDB's land interests) is considered to be limited, would be appropriately compensated in accordance with the Compensation Code where an agreement with the IDB is not concluded and would be manifestly outweighed by the benefits of the Scheme as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007].** **Environment Agency** Protective Provision status: Protective provisions agreed; see **Justification for the Applicant's Preferred Protective Provisions submitted at Deadline 6 [Document Reference 8.23 Revision 3]**

			Current position on land: Draft HoTS under discussion; see **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]** Applicant comment on private loss: Notwithstanding that negotiations in respect of a land agreement are ongoing with the EA, the agreed protective provisions for the protection of the EA will ensure the continued safe operation of EA assets and appropriate management of any proposed works affecting those assets. Therefore, having regard to the protective provisions for the EA's benefit, any private loss to the EA (arising from the construction and operation of works affecting the EA's land interests) is considered to be limited, would be appropriate compensated in accordance with the Compensation Code where an agreement with the EA is not concluded and would be manifestly outweighed by the benefits of the Scheme as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007].** **Mary Carmel Oades** Protective provision status: Not required.

			Current position on land: HoTS agreed; see **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]** Applicant comment on private loss: HoTs have been agreed in respect of an Option for the acquisition of two strips of land (plots 4/8 and 4/9), one relating to agricultural land and one an access track (Crook O'Moor Road).. The Applicant is seeking to permanently acquire the access track but will seek to retain a permanent right of access over it for the landowner. The Applicant considers that the private loss would be limited given the Applicant's intention to reserve access in favour of the landowner, and the small amount of land impacted, for which the party would receive compensation in accordance with the Compensation Code if a voluntary agreement is not concluded. Any loss would therefore be limited and manifestly outweighed by the benefits of the Scheme. **Michael and Sarah Child** Protective provision status: Not required. Current position on land: HoTS agreed; see **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**

			Applicant comment on private loss: Any private loss would relate to the landowner's access, which the Applicant would seek to maintain for the benefit of the landowner. The Applicant considers that, in the unlikely event that agreement should not be reached, the private loss would be limited given the intent to retain access, and the small amount of land impacted for which the party would receive compensation in accordance with the Compensation Code. Any loss would therefore be limited and manifestly outweighed by the benefits of the Scheme. **National Highways Limited** Protective Provision status: Draft under discussion; see **Justification for the Applicant's Preferred Protective Provisions submitted at Deadline 6 [Document Reference 8.23 Revision 3]** Current position on land: Draft HoTS under discussion; see Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]. Applicant comment on private loss: Notwithstanding that negotiations in respect of a land agreement are ongoing with National Highways, the protective provisions for the benefit of National Highways will ensure the continued safe operation of the strategic road network (SRN) and appropriate management

			of any proposed works affecting the SRN. The Applicant is in particular legally committed to implement horizontal directional drilling under the SRN, which is secured by **Appendix A Design Parameters Document [REP3-014]**. Therefore, having regard to the protective provisions for the National Highways' benefit, any private loss to National Highways (arising from the construction and operation of works affecting the National Highways' land interests), is considered to be limited, would be appropriately compensated in accordance with the Compensation Code where an agreement with the National Highways is not concluded and would therefore be manifestly outweighed by the benefits of the Scheme as set out in Section 8 of the Planning Statement [REP2-012] and Section 6 of the Statement of Reasons [REP4-007]. **Network Rail Infrastructure Limited** Protective Provisions status: Draft under discussion see **Justification for the Applicant's Preferred Protective Provisions submitted at Deadline 6 [Document Reference 8.23 Revision 3].** Current position on land: HoTS agreed; see **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**.

			Applicant comment on private loss: Notwithstanding that negotiations in respect of a land agreement are ongoing with Network Rail, the protective provisions for the benefit of Network Rail will ensure the continued safe operation of the railway network and appropriate management of any proposed works affecting that network. The Applicant is in particular legally committed to implement horizontal directional drilling under the railway, which is secured by **Appendix A Design Parameters Document [REP3-014]**. Therefore, having regard to the protective provisions for Network Rail's benefit, any private loss to Network Rail (arising from the construction and operation of works affecting the Network Rail's land interests), is considered to be limited, would be appropriately compensated in accordance with the Compensation Code where an agreement with Network Rail is not concluded and would therefore be manifestly outweighed by the benefits of the Scheme as set out in Section 8 of the Planning Statement [REP2-012] and Section 6 of the Statement of Reasons [REP4-007]. **North Lincolnshire Council** Protective Provisions status: protective provisions for North Lincolnshire Council as local highway authority under discussion; see **Justification for the Applicant's Preferred**

			Protective Provisions submitted at Deadline 6 [Document Reference 8.23 Revision 3]. Current position on land: Difficulty in obtaining response from Council. HoTS issued to team and awaiting response. See **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**. Applicant comment on private loss: The Applicant notes the land comprises a small area of verge adjacent to the A18 with no known operational use or status. Accordingly, any private loss in relation to the land parcel would be highly limited given its function and size and would be manifestly outweighed by the benefits of the Scheme as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007]**. **Raymond Everatt Lindley** Protective Provisions status: Not required. Current position on land: Draft HoTS under discussion. See **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**. Applicant comment on private loss: the Applicant notes that the landowner considers there to be future development potential

			(hope value) on the land through which the proposed cable route would run. Private loss associated with the proposed acquisition of rights over the land also relates to crop loss and drainage. The Applicant notes that the private loss relates to a single field. The Applicant continues to seek voluntary agreement, however in the event that this is not concluded compensation would be payable to the landowner in accordance with the Compensation Code. The Applicant therefore considers any private loss would be outweighed by the substantial benefits that would be delivered by the Scheme, as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007]**. **Satvinder Sindhar** Protective Provisions status: Not required. Current position on land: Draft HoTS under discussion. See **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**. Applicant comment on private loss: The Applicant notes that agreement is expected to be reached. Potential private loss relates to the proposed acquisition of access rights over part of the landowner's access road running north from Low Levels Bank across the M18 and a narrow parcel of land south from Low

			Levels Bank (Permanent acquisition of land). The identified private loss is limited and the Applicant would seek to maintain access for the landowner over the track. In the event that an agreement is not reached, the landowner would be entitled to claim compensation for the acquisition of rights in accordance with the Compensation Code. Any private loss would therefore be manifestly outweighed by the substantial benefits that would be delivered by the Scheme, as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007]**. **JJ and DS Stubley Ltd** Protective Provision status: Not required. Current position on land: HoTS agreed. See **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**. Applicant comment on private loss: The Applicant is confident that agreement can be reached for the proposed permanent acquisition. Any loss would relate to the landowner's access to neighbouring property and the use of the owner's agricultural land, which would be required for proposed mitigation in connection with the Scheme. The Applicant considers that in the unlikely event that agreement should not be reached the

			loss is limited given the limited amount of land that would be impacted, and in respect of which compensation would be payable in accordance with the Compensation Code. Any loss would therefore be limited and manifestly outweighed by the benefits of the Scheme. **Richard David James Stubley** Protective Provision status: Not required Current position on land: Draft HoTS under discussion. See **Statement of Reasons Appendix 2 Schedule of Landowner Negotiations [Document Reference 8.6 Revision 4]**. Applicant comment on private loss: The Applicant is confident that agreement can be reached for the permanent acquisition of the landowner's agricultural field immediately west of the A161 and smaller associated plots. Any loss would relate to the landowner's access to neighbouring property and the use of the owner's agricultural land, which would be required for proposed mitigation in connection with the Scheme. The Applicant considers that in the unlikely event that an agreement is not reached with the owner, the private loss to the owner would be limited, having regard to the owner's right to claim compensation in accordance with the Compensation Code, and

			therefore significantly outweighed by the benefits of the Scheme. **Unknown Category 2 and 3 interests** Private loss for Category 2 parties would comprise the temporary suspension or permanent extinguishment of rights over land, to the extent that the continued existence of those rights would be incompatible with the exercise of powers under the Order. As a responsible promoter the Applicant would not seek to unnecessarily suspend or extinguish rights and where possible would look to preserve such rights in agreement with rights holders in accordance with the provisions of article 27(2) of the **Draft DCO [Document Reference 3.1 Revision 9]**. However, it is important that the Applicant retains the capacity and flexibility to make appropriate provision in respect of third party rights at the detailed design stage. The draft Order in its current form would enable the Applicant to do this. Category 3 interest Category 3 land interest holders could suffer private loss as a result of the construction and/or operation of the Scheme where land is not directly part of the Order Limits and/or subject to compulsory acquisition. To date, the Applicant has not received any representations from potential Category 3

			interests. Private loss in this regard may relate to interference with private means of access, interference with a property right, physical effects of construction on adjacent land, or interference which makes land less useful. For clarity, all persons with Category 2 and 3 interests in land have been notified and consulted about the Scheme during both Statutory Consultation and during the Section 56 notification process. The Consultation Report **[APP-022]** sets out the process and scope of the consultation under Section 42 of the Planning Act. This includes, at Section 7.11, a description of on-site notices erected where it had not been possible to ascertain any rights or interests in land. An example of the site notice is at Appendix 6.9 to the Consultation Report. Section 9.9 of the Consultation Report further sets out the Applicant's approach to ongoing diligent enquiry where it has not been possible to ascertain those with rights or interest over land. In addition, both the **Statement of Reasons [REP4-007]** and **Book of Reference [REP3-012]** refer to the approach to diligent inquiry and unknown land ownership which the Applicant has observed. Notwithstanding the lack of representations received, all Category 2 or 3 interest would be entitled to make a claim for

compensation in accordance with the Compensation Code where the Scheme would give rise to a compensatable loss.

The Category 2 and 3 land interests that have been identified in the Book of Reference **[REP3-012]** can be broadly grouped to summarise the nature of the interest and mitigation and/or justification for loss. Given the volume of interests within each category it is not practicable to repeat every specific interest / person with an interest in land under the headings below, however, this information is available within the Book of Reference should cross-referencing be required:

Group	General nature of potential private loss	Applicant position on potential private loss
Utility easement holders (including National Grid Electricity, Northern Powergrid Ltd, British Telecommunications plc, Yorkshire Water	Loss or impairment of existing easements; diversion and protection costs; reduced access to apparatus; increased	All utility providers benefit from Protective Provisions set out at Schedule 14 of the draft DCO. These ensure that the ability of the operator to

			Services Ltd, Exolum Pipeline system ltd)	maintenance expenditure.	undertake its statutory functions and those operators' assets would be protected. The Applicant considers that any loss in these circumstances would be limited and that the benefits of the Scheme, as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007].**], manifestly outweigh such loss.

			Drainage rights holders (including Doncaster East IDB, Isle of Axholme IDB Environment Agency)	Loss of access to drainage assets; increased operational costs; interference with statutory functions.	All bodies benefit from Protective Provisions set out at Schedule 14 of the draft DCO. These ensure that the ability of the operator to undertake its statutory functions and their parties' assets would be protected. The Applicant considers that any loss in these circumstances would be limited and that the benefits of the Scheme, as set out in Section 8 of the Planning Statement **[REP2-**

					012] and Section 6 of the Statement of Reasons **[REP4-007]**, manifestly outweigh any loss incurred.
			Leaseholders and Development Interest holders	Diminution in leasehold value; loss of development opportunity; interference with contractual and commercial rights.	The Applicant has not received any objection from any such persons with an interest in the Order land. The Applicant considers the nature of any private loss would be limited and, in any event, manifestly outweighed by the substantial benefits provided by the Scheme having particular

					regard to those parties' right to make a claim for compensation in accordance with the Compensation Code.
			Mortgagees and charge holders (including HSBC UK Bank Plc, Lloyds Bank Plc, Agricultural Mortgage Corporation)	Reduction in security value of the underlying asset	The Applicant has not received any representation from any such persons with an interest in the land. The Applicant considers the nature of any loss to be limited and, in any event, manifestly outweighed by the substantial benefits which

					would be provided by the Scheme.
			Private Easement Beneficiaries	Extinguishment, suspension or interference with private rights; increased travel or operational costs; reduction in value of benefited land	Where necessary and practicable, the Applicant will seek to accommodate replacement rights or alternative access arrangements. The Applicant's design has sought to limit potential impacts and will continue to do so during detailed design (see Requirement 3 of the **draft DCO [Document Reference 3.1 Revision 9]**). The Applicant considers that any

					residual private loss would be manifestly outweighed by the need for and benefits of the Scheme, Having particular regard to the parties' ability to make a claim for compensation in accordance with the Compensation Code.
			Mineral and Mining Interest Holders	Sterilisation of mineral resources and loss of extraction potential	The Applicant has not received any representation in this regard. The Scheme would in any event not permanently sterilise any such resource and

					therefore any loss would be highly limited and significantly outweighed by both the need for and benefits of the Scheme as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007].**
			Restrictive covenant beneficiaries	Loss of or interference with the benefit of restrictions protecting neighbouring land	The Applicant has not received any representation from any such persons with an interest in the Order land. In instances where any private loss

					would be incurred the Applicant considers the nature of any loss would be limited and manifestly outweighed by the substantial benefits provided by the Scheme, having particular regard to parties' ability to make a claim for compensation in accordance with the Compensation Code.
			Income and rentcharge beneficiaries	Loss or reduction of income stream	The Applicant has not received any representation from any such persons with an interest in the

					Order land. In instances where any private loss would be incurred the Applicant considers the nature of any loss would be limited and, in any event, manifestly outweighed by the substantial benefits provided by the Scheme as set out in Section 8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007]**, having particular regard to parties' rights to make a claim for compensation in

					accordance with the Compensation Code.
			Home rights and occupational interests	Reduction or interference with statutory occupation protections	The Applicant has not received any representation from any such persons with an interest in the Order land. In instances where any private loss would be incurred the Applicant considers the nature of any loss would be limited and, in any event, manifestly outweighed by the substantial benefits provided by the Scheme as set out in Section

					8 of the Planning Statement **[REP2-012]** and Section 6 of the Statement of Reasons **[REP4-007]**, having particular regard to parties' rights to make a claim for compensation in accordance with the compensation code.
Q3.4.4		Identification of plots In the Peartree Solar Farm recommendation report, pages 131 to 144 address objections to CA or site-specific issues. In each case, the ExA sets out all affected plots under the following categories: • "CA of land". • "CA of rights". • "TP of land".	The Applicant sets out below the various Category 1 owners below with which a voluntary land agreement is yet to be reached *or* where protective provision discussions remain ongoing. The **Justification for the Applicant's preferred protective provisions [8.23]** outlines the latest position on Protective Provisions with the various relevant parties, including the application of section 127 of the Planning Act 2008 where land held by or on behalf of a statutory undertaker for the purposes of its undertaking is subject to compulsory acquisition.		

		Could the applicant please provide a breakdown under these categories of relevant plots in all cases where agreements haven't been reached, where there are disagreements on protective provisions or other disagreements/ objections. The aim is to assist the ExA in clearly setting out affected plots in producing the recommendation report. Please also provide a broad description of the location of the plots. For example: "Land in the north of the order limits".	**<u>Compulsory Acquisition of land: Owners</u>** **JJ and DS Stubley Ltd** Plot numbers: 12/14, 12/15, 12/16, 12/17, 12/18 Protective Provision status: Not applicable. Current position on land: HoTS agreed in principle Description of land: Land in far south-east of Order Limits **Richard David James Stubley** Plot number: 12/18 Protective Provision status: Not applicable. Current position on land: Draft HoTS under discussion Description of land: Land in far south-east of Order Limits **<u>Compulsory Acquisition of Rights: Owners</u>**

			Canal and River Trust Plot numbers: 3/25, 3/26 Protective Provision status: Draft under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]**. Current position on land: Draft HoTS under discussion. Description of land: Land in the north-east of the Order Limits **Doncaster East Internal Drainage Board** Plot numbers: '1/21, 2/69, 3/27, 3/28, 3/31, 5/1, 5/2, 5/15, 5/16, 6/7, 6/13, 6/14, 6/15, 6/16, 6/21, 6/22, 7/1, 7/2, 7/3, 7/5, 7/6, 7/19, 7/23, 8/13, 9/3, 9/8, 9/10, 9/11, 9/12, 9/13, 9/14, 9/16, 9/17, 10/2, 10/8, 10/9, 10/33,10/34, 10/47, 11/3, 11/4, 11/5, 11/6, 11/7, 11/13 Protective Provision Status: Draft under discussion. Current position on land: Draft HoTS under discussion Description of land: Land parcels throughout the Order Limits not confined to a specific location

			Environment Agency Plot numbers: 2/1, 3/23, 3/32, 4/4, 5/14, 6/4, 6/5, 6/25, 7/10, 7/18, 7/22, 8/14, 8/15, 9/9, 9/13, 9/18, 10/7, 10/11, 10/37, 10/38, 10/48, 10/49, 10/50, 11/1, 11/2, 11/10, 11/11, 11/12, 11/13, 11/14, 11/15, 11/16, 11/17, 11/18, 11/20, 11/21, 12/1, 12/2, 12/3, 12/4, 12/5,12/7 Protective Provision status: Protective provisions agreed. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Draft Substantive engagement around issues. HoTS issued, Applicant awaiting comments. Description of land: Land parcels throughout the Order Limits not refined to a specific location **Mary Carmel Oades** Plot numbers: 4/8, 4/9 Protective provision status: Not applicable. Current position on land: HoTS agreed

			Description of land: Land in far north-east of Order Limits **Michael and Sarah Child** Plot numbers: 3/13, 3/15, 3/17, 3/18 Protective provision status: Not applicable. Current position on land: HoTS agreed Description of land: Land in north-east of Order Limits **National Highways Limited** Plot numbers: 9/24, 10/12, 10/33,10/35, 10/36, 10/39 Protective Provision status: Draft under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Draft HoTS under discussion. Description of land: Land extending across south-west and south-central of Order Limits

			Network Rail Infrastructure Limited Plot numbers: 3/24 Protective Provisions status: Draft under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: HoTS agreed. Description of land: Land in north-east of Order Limits. **North Lincolnshire Council** Plot numbers: 10/12 Protective Provisions status: Protective Provisions for the Council as local highway authority under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Difficulty in obtaining response from Council. HoTS issued to team and awaiting response. Description of land: Land in south-central of Order Limits

			Raymond Everatt Lindley Plot numbers: 8/5, 8/6 Protective Provisions status: Not applicable. Current position on land: Draft HoTS under discussion. Description of land: Land in central-west of Order Limits **Satvinder Sindhar** Plot numbers: 10/12 Protective Provisions status: Not applicable. Current position on land: Draft HoTS under discussion. Description of land: Land in west-central of Order Limits. **<u>Compulsory Acquisition of Rights: Occupiers</u>** **Environment Agency** Plot numbers: 4/4

			Protective Provisions status: Protective provisions agreed. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Draft HoTS under discussion. Description of land: Land in west-central of Order Limits. **Northern Powergrid Ltd** Plot numbers: 4/4, 4/7 Protective Provisions status: Under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Draft HoTS under discussion. Description of land: Land in west-central of Order Limits **National Grid Electricity Transmission Plc** Plot numbers: 4/4, 4/8

			Protective Provisions status: Under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Draft HoTS under discussion. Description of land: Land in west-central of Order Limits. **Mary Carmel Oades** Plot numbers: 4/8 Protective Provisions status: Not applicable. Current position on land: HoTS agreed. Description of land: Land in west-central of Order Limits. **Michael and Sarah Child** Plot numbers: 3/15 Protective Provisions status: Not applicable. Current position on land: Draft HoTS under discussion. Description of land: Land in north-east of Order Limits.

			National Highways Limited Plot numbers: 9/24, Protective Provision status: Draft under discussion. Please see Justification for the Applicant's Preferred Protective Provisions **[Document Reference: 8.23]** for further information. Current position on land: Draft HoTS under discussion. Description of land: Land in the south-west of the Order Limits. **RWE Renewables UK Onshore Wind Limited** Plot numbers: 1/13, 1/22, 1/23, 1/25, 1/26, 1/29, 1/32, 1/33, 1/34, 1/35, 1/36, 1/37, 1/40, 1/41, 1/43, 1/46, 1/50, 1/52, 1/57, 1/58, 1/59, 1/60, 2/5, 2/6, 2/9, 2/11, 2/12, 2/13, 2/20, 2/21, 2/22, 2/23, 2/26, 2/34, 2/37, 2/41, 2/50, 2/51, 2/53, 2/54, 2/59, 2/60, 2/64, 2/66, 3/1, 3/5, 3/6, 3/7, 3/8, 3/9, 3/11 Protective Provision status: Same corporate group as Applicant – therefore no bespoke protective provisions progressed. Current position on land: Same corporate group as Applicant – no bespoke land agreements progressed at the current time.

			Description of land: Land extending across north-west and north-east of Order Limits
5. Draft DCO			
Q3.5.1	Applicant	DCO Commentary Please note that the ExA's commentary on the dDCO [REP5-002] is provided under separate cover.	The Applicant's response to the ExA's commentary on the draft DCO is provided separately **[Document Reference 8.27 Revision 1]**.
6. Cultural heritage			
Q3.6.1	Applicant	Archaeology Please could the applicant respond to CDC's response to EXQ2 Q2.6.3 [REP4-082]. In particular, could the applicant please provide a response to CDC's request for further information in relation to the archaeological potential and mitigation options where components of the proposed development do	The Applicant provided a revised version of E**nvironmental** S**tatement** Appendix 8.6 Outline Archaeological Mitigation Strategy [REP5-020] at Deadline 5, which includesd a zoning plan to spatially define the areas of archaeological sensitivity within the Order Limits. The zoning plan is formed of Figures 2-5 in Appendix 2 of the Outline Archaeological Mitigation Strategy. The figures that make up the plan detail the recorded archaeological assets and findspots within Order Limits (Figure 2), the anticipated scale of effect arising from construction (Figure 3) and archaeological areas of sensitivity (Figure 4). This data has been compiled to form Figure 5 which presents a sensitivity score ranging from 0 (low) to 9 (high) and which will be used to develop location specific mitigation requirements that will employ the appropriate methods, detailed in revision 5 of Appendix 8.6

		not include flexibility, or only include limited flexibility (for example substations and battery energy storage systems (BESS))?	Outline Archaeological Mitigation Strategy which has been submitted at Deadline 6. The zoning plan identifies a small number of areas within the Order Limits which have components of the Scheme (such as substations and BESS facilities) that are spatially constrained and have less flexibility with regard to mitigating potential adverse effects to archaeological remains and that are located in areas of archaeological sensitivity. The Applicant acknowledges that in these circumstances mitigation by means of preservation in situ would not be possible and that alternate means of mitigation would be necessary. The mitigation within these locations is anticipated to take the form of preservation by record with consideration afforded to the possibility of micrositing these elements of the Scheme or whether the whole footprint would need to be excavated under archaeological supervision. The specific measures would be defined in written schemes of investigation and submitted to the relevant planning authority for approval in accordance with Requirement 12 of the **draft DCO [Document Reference 3.1 Revision 9]**.
7. Flood risk, hydrology and water resources			
Q3.7.1	Applicant	Flood Plain Storage and Sequential/Exceptions Test It is noted that the applicant has revised the indicative layout of the proposed development such that a reduced part of one BESS	In response to 1, the effect of the Scheme on floodplain storage is negligible. This conclusion remains unchanged when accounting for the revisions to the indicative layout.

		unit would be located in Flood Zone 3b. However, could the applicant please respond to the following queries: 1) Please could the applicant clearly set out the effect of the proposed development on floodplain storage, taking into account the revisions to the indicative layout? 2) Please could the applicant update the sequential and exceptions tests to take account of the revised layout and representations from NLC at deadline 3 [REP3-079] (including references to proposed overplanting). Please could the CDC, NLC and the EA provide representations on the revised layout and the extent to which any	The effect of the Scheme on floodplain storage is assessed in detail within the submitted Flood Risk Assessment (Revision 4) **[REP5-014 to REP5-017]** at paragraphs 5.36 to 5.41. In response to 2, Revision 4 of the Flood Risk Assessment **[REP5-014 to REP5-017]** takes account of the latest site layout where the 132kV substation within Field A20 has been relocated to reduce the extent of proposed development within Flood Zone 3b (refer to paragraph 1.17). Revision 4 of the Flood Risk Assessment **[REP5-014 to REP5-017]** sets out that it has not been possible to relocate the 100MW BESS in Field A20 to be located outside of Flood Zone 3b (refer to paragraph 5.31). These layout changes did not change the Flood Risk Assessment conclusions with regards to floodplain storage which has been assessed against the 2025 River Torne 1 in 100 year plus climate change extent. Revision 4 of the Flood Risk Assessment **[REP5-014 to REP5-017]**, which accounts for the latest site layout revisions, concludes that, with proposed mitigation measures in place, the effect of the proposed development on floodplain storage is negligible (refer to paragraphs 5.36 to 5.41). Revision 4 of the Flood Risk Assessment [**REP5-014 to REP5-017]** details the following design and mitigation measures that ensure the impact of the proposed

		previous objections or concerns have been addressed?	development on floodplain storage, assessed within the 2025 River Torne 1 in 100 year plus climate change extent, is negligible: • The impermeable area of any proposed fixed solar PV modules will comprise small, piled foundation driven drilled directly into the ground with no need for concrete foundations. • Where any fixed solar PV modules proposed within the Order Limits require ballasting, ballast slabs will be sat on a permeable gravel sub-base. • Proposed tracker panels within the Order Limits will be piled, resulting in a negligible increase in impermeable area. • Where any tracker panels require ballasting, the ballast slabs will have a pile of stones and geotextile membrane below. • The proposed solar PV modules will be raised above the ground, remaining above the modelled 1 in 1,000 year flood level plus 100mm of freeboard as discussed above. This raising will be achieved without raising existing ground levels, with the raising achieved using small piles installed directly into the ground. • Inverter buildings, battery containers, customer switchgear containers and spares containers will be sat on a 300mm gravel base and be raised at least 0.5m above the ground, ensuring raising above the modelled 1 in 1,000 year flood level plus 100mm freeboard. This raising will not include raising of existing

			ground levels. The infrastructure will generally be raised using isolated blocks sat on a 300mm gravel base. • The proposed access tracks across the Order Limits will be comprising impermeable material. In addition, the majority of proposed access tracks require no raising above existing ground levels. There are no areas proposed for access track raising within Flood Zone 3b (2025 Torne 1 in 30 year flood extent) and there are just two isolated locations where access track raising is expected to be required within the 2025 River Torne 1 in 100 year plus climate change flood extent. Where raising is required, this will be minimal, along a length of just 5 to 10m to provide mitigation for other factors such as Root Protection Areas or utilities where a no-dig methodology is required. Given the very limited extent of track raising and the use of impermeable materials, the impact of the proposed access tracks on floodplain storage and flood flow conveyance is considered to be negligible. Based on the details outlined above, the proposed solar PV modules and associated infrastructure will be predominantly permeable in nature, allowing floodwaters to flow freely beneath them. The solar PV modules will be supported on piled foundations that allow floodwaters to pass freely beneath them, and access tracks will comprise permeable materials and generally remain at existing ground levels. As a result, the Scheme within the 2025 River Torne 1 in

			100-year plus climate change flood extent is considered to have a negligible impact on floodplain storage It is also noted that item 9 "Loss of Floodplain Storage" within the Environment Agency Statement of Common Ground **[Document Reference 9.4 Revision 4]**, is agreed between the Environment Agency and the Applicant. The Applicant does not consider an update to the Flood Risk Sequential Test **[REP4-043]** necessary. The Sequential Test was undertaken on a whole-site basis, assessing the Site's suitability for the proposed development in accordance with national policy and guidance. Its conclusions are based on the Site's overall flood risk characteristics and these do not depend on the precise location of individual infrastructure components. The layout amendments are minor refinements within the established Order Limits. They do not alter the site boundary, the assessed land, or the overall flood risk context, and therefore do not affect the assessment's methodology, findings, or conclusions. There are also no plans within the Flood Risk Sequential Test **[REP4-043]** that would require updating, following the amendments to the indicative operational layouts **[REP4-037 and REP4-038]**.

			Accordingly, the Applicant considers that the submitted Flood Risk Sequential Test **[REP4-043]** remains robust, proportionate, and does not require updating in response to the minor layout amendments.
8. Landscape and Visual			
Q3.8.1	CDC	Residential Visual Amenity Assessment (RVAA) The applicant has updated the RVAA [REP4-028] to include an assessment of involved properties. Could CDC and NLC provide any representations on this, if considered necessary?	
Q3.8.2	Applicant	Landscape and Visual Mitigation Strategy (LVMS) [REP4-042] The LVMS is not cross referenced properly in the outline landscape ecological management plan (OLEMP) [REP4-055]. Please refer to the latest version submitted at deadline 4 [REP4-042]	The Applicant has updated the **Outline Landscape Ecological Management Plan** at Deadline 6 **[Document Reference 7.6 Revision 6]** to correctly cross-reference to the most recent version of the **Landscape and Visual Mitigation Strategy (LVMS) [REP4-042]**. The LVMS is secured by Requirement 8(2)(c) of the **draft DCO [Document Reference 3.1 Revision 9]**. This Requirement confirms that the written landscape and ecology management plan (LEMP) for a phase of the authorised development must be

		and amend references accordingly. How is the LVMS secured? It is noted that it is listed as a plan to be certified in the dDCO. It is also noted that dDCO requirement 6 requires that each phase must include a programme for landscaping works. It is acknowledged that this must be in accordance with the LVMS. However, a 'programme' is not the same as a plan. The ExA is concerned that there is no DCO mechanism to make changes to the LVMS or means by which to set out detailed landscape proposals for each phase of the development. Please could the applicant address this? The ExA advises that the	substantially in accordance with the LVMS. This will ensure that all landscape proposals are included in the relevant LEMP submitted for approval under Requirement 8. It should be noted that Requirement 8(2)(c) is additional and separate to Requirement 6(2)(b) (which the Examining Authority has referenced in WQ3.8.2), which provides that the detailed design of the authorised development must accord with the LVMS. Together, these requirements ensure that the LVMS is appropriately secured by the draft DCO. As regards the mechanism to make changes to the LVMS, Requirement 5(1) confirms that the undertaker may submit to the relevant planning authority for approval any amendments to the approved documents, plans, details or schemes. This term includes the plans and documents certified under article 44, which includes the LVMS. Appropriate provision is therefore already made by the draft DCO for the approval of changes to the LVMS. Given that the LVMS is both appropriately secured by the draft DCO and within the scope of the documents, plans, details or schemes in respect of which there is an ability to secure changes subject to a robust approval process, the Applicant does not consider that there is a need for the LVMS to be appended to the

		LVMS should be appended to the OLEMP. This is the approach normally taken in respect of solar DCO proposals and would address the lack of flexibility and future scope for further detail set out above. The applicant would need to amend the dDCO wording to account for this. NLC and CDC should provide representations on this matter.	Outline LEMP. This would not secure a different legal outcome to that which the Applicant is proposing. No drafting changes are proposed to the draft DCO as a result.
9. Land use, soil and ground conditions			
Q3.9.1	Applicant	No further questions at this time.	This is noted.
10. Network Connection			
Q3.10.1	Applicant	NLC references to case law Could the applicant provide a legal opinion on the	As prepared by the Applicant's legal advisors, the Applicant has provided a detailed response to the case law references cited by NLC in the Annex to the Written Summary of Oral Submissions for

		submissions made by NLC in response to EXQ2 Q2.10.1 and Q2.10.2 [REP4-081]?	Issue Specific Hearing 1, which has been updated and submitted for Deadline 6 **[Document Reference 8.5 Revision 3]**.
Q3.10.2	Applicant	Point of connection The applicant's response to EXQ2 2.10.3 [REP4-062] is noted. However, if the gate 2 offer has not yet been made then what implications does this have for the asserted legally binding obligation on NGET to provide a point of connection? This is particularly important, because part of the premise of the applicant's case - in response to previous questions concerning the prospect of a connection being secured - relies on this asserted legal obligation. Please provide a clear summary of the overall legal obligations and how	The Applicant remains the beneficiary of a contractually binding Grid Connection Agreement with the National Energy System Operator (NESO). That agreement remains in force unless and until it is superseded by a subsequent accepted Gate 2 offer. Accordingly, the Applicant's position does not depend upon the future issue of a Gate 2 offer. At the present time, there is already a legally binding contractual arrangement in place in respect of connection of the Scheme to the transmission network. For clarity, the Applicant's receipt of a Gate 2 Phase 2 notification does not replace, suspend or diminish the effect of the existing Grid Connection Agreement. Rather, the notification confirms that the Scheme has successfully passed NESO's readiness and strategic alignment assessment and will receive a formal Gate 2 offer once the detailed engineering studies required under the reformed connections process have been completed. Upon issue and acceptance, the Gate 2 offer will supersede the current agreement and become the operative contractual arrangement governing the Scheme's connection.

		they interrelate to ensure that a grid connection will be secured. Please support this with evidence and append it to the applicant's response to EXQ3.	The Applicant's position is therefore that there is no gap in contractual or regulatory protection. The Scheme currently benefits from a legally binding Grid Connection Agreement and is guaranteed to receive a Gate 2 Phase 2 offer in due course. The purpose of the Gate 2 process is therefore not to determine whether a connection will be provided, but rather to finalise the detailed connection arrangements, including confirmation of the connection date and the point of connection following completion of the relevant engineering and optioneering work. As explained in the Annex to the Written Summary of Oral Submissions for Issue Specific Hearing 1 [**Document Reference 8.5 Revision 3**], once a Grid Connection Agreement is in place, NESO and NGET's respective statutory, licence and code obligations are engaged. NESO is responsible for strategic electricity system planning and coordination, whilst NGET is subject to statutory and licence obligations requiring it to develop and maintain an efficient, coordinated and economical transmission system and to facilitate approved connection arrangements. In practical terms, those obligations require NESO and NGET to identify and deliver an appropriate point of connection for the Scheme. The Applicant also notes that NGET has expressly confirmed to the Examining Authority in **[REP2-107]** that the Scheme benefits from a contractually binding Grid Connection Agreement, is

			guaranteed to receive a Gate 2 offer in due course and that this gives rise to a legally binding obligation upon NGET to provide a point of connection to the electricity transmission network. NGET further confirmed that the Examining Authority can proceed on the basis that a point of connection will be delivered in due course in accordance with those legal obligations. The Applicant further notes that this position is neither unusual nor exceptional. As demonstrated by the precedents summarised in the Annex to the Written Summary of Oral Submissions at Issue Specific Hearing 1, at paragraph 8.53, numerous energy generation projects have proceeded through the planning process in advance of finalisation of detailed connection arrangements, including where the precise location of the point of connection or associated connection infrastructure was not yet known. The consistent approach adopted by decision-makers has been to consider whether there are any obvious reasons why a connection could not be delivered, rather than requiring all connection details to be settled before determination of the generating asset application.

			Accordingly, the Applicant maintains that there remains a high degree of certainty that a point of connection will be secured for the Scheme. That conclusion is supported by: • the existing legally binding Grid Connection Agreement; • the Scheme's Gate 2 Phase 2 notification and guaranteed future Gate 2 offer; • NESO's statutory role in determining and coordinating required transmission infrastructure; • NGET's statutory and licence obligations in relation to the provision of transmission infrastructure and new connections; and • established industry and planning precedent demonstrating the accepted progression of generating projects ahead of finalisation of detailed connection arrangements.
11. Noise and Vibrations			
		Nighttime working The applicant's response to EXQ2 question 3.11.3 [REP4-062] highlights that ES Chapter 13 [REP4-018] has	The Applicant reiterates that HDD drilling would primarily be undertaken during daytime hours. Night-time drilling would be limited to situations where circumstances necessitate it i.e. over running daytime works or due to requirements of relevant authorities.

		been updated to take into account worst-case scenario assumptions in relation to nighttime horizontal directional drilling (HDD). However, ES paragraph 13.5.34 does not clearly set out what the pre-mitigation likely significant effects would be. Neither does it explain what the residual effects would be post-mitigation. It is noted that ES table 13-25 has not been amended and that construction effects prior to mitigation are minor (not significant) with residual effects also unchanged at 'negligible/minor adverse'. However, is this accurate when taking into account that ES paragraph 13.4.34 states in part: "At dwellings in the vicinity	Paragraph 13.5.34 of **Environmental Statement Chapter 13 Noise and Vibration [Document Reference 6.2.13 Revision 4]** outlines the calculated levels, based on assumed noise source levels and distance attenuation alone, which indicates the potential for unmitigated noise levels to exceed the SOAEL criterion at dwellings in the vicinity of drilling site 19, identified as Crow Tree Farm. This would be attributed as a temporary, moderate significance of effect. If drilling at this location were to take place during the night (or potentially extend outside of typical daytime hours) and detailed calculations identify a potential for an exceedance of the relevant criteria, simple mitigation measures i.e. temporary noise barriers, would provide sufficient attenuation to result in noise levels falling below the SOAEL level resulting in a temporary, minor significance effect. Additionally, any exceedance would be confined to the limited duration of HDD activities at a discrete crossing location and would not represent a continuous noise source throughout the construction phase. Once the HDD activity at that location is completed, noise levels would return to typical construction levels. The temporary and short-duration nature of the activity has therefore been taken into account in determining the significance of effect.

		of drill location 19 as identified on drawing reference ES Figure 2.4 Indicative HDD Crossing Plan [APP-137], the initial calculation indicates the SOAEL criterion could be exceeded, with a predicted level of LAeq 58dB." The applicant should explain which dwellings would be affected and what the effects would be prior to mitigation and post mitigation. Table 13-25 should be updated to reflect these conclusions. If it is the case that the applicant considers the limited duration of HDD to be a mitigating factor, then this should be explained and factored into the assessment. The OCEMP should also include specific	The detailed calculations necessary to identify the requirements for mitigation would be undertaken as part of a Section 61 application under the Control of Pollution Act 1974. These would be undertaken once the requirements for HDD have been identified and specific elements, including the timings, duration, location, equipment to be used etc have been confirmed. The **Outline CEMP [Document Reference 7.1 Revision 6]** at paragraph 4.6.1 has been updated to secure that specific noise mitigation measures will be put in place to ensure noise will not exceed the SOAEL threshold criteria to secure there will be no unacceptable impacts at nearby noise sensitive receptors, if required. Such mitigation may include the installation of temporary acoustics barriers where necessary. The **Outline Ecological Construction Management Plan (ECMP) [Document Reference 7.5 Revision 6]** includes relevant ecological measures relating to HDD activity at paragraph 3.3.42. The **Environmental Statement Chapter 13 Noise and Vibration [Document Reference 6.2.13 Revision 4]** and relevant tables have been updated as requested in line with the above response.

		HDD construction noise (and ecological) mitigation measures. Please could the applicant respond accordingly?	
12. Socio-economic			
Q3.12.1		No further questions at this time.	This is noted.
13. Transport and Access			
Q3.13.1	Applicant	Abnormal Indivisible Loads (AIL) CDC's response to EXQ2 Q2.13.1 [REP4-082] sets out various recommendations with regard to the approach to AIL. Could the applicant please explain how these are secured in the dDCO [REP5-002]. If not secured, could the applicant please	The Applicant submitted an updated **Outline Construction Traffic Management Plan (CTMP)** at Deadline 5 **[REP5-032 TO REP5-037]**. This incorporates CDC's requests in terms of Abnormal Indivisible Loads (AILs) and the Applicant understand that this is now agreed. Requirement 16 of the dDCO secures a CTMP for each phase of the authorised development and therefore the details relating to the AIL movements are secured.

		amend the dDCO or otherwise explain why these measures do not need to be incorporated.	
14. Other matters			
Q3.14.1		Piling Method Statement The applicant's response to EXQ2 Q2.14.1 [REP4-062] suggests that a piling method statement and piling risk assessment are the same thing. However, this is not the case, the piling risk assessment sets out theoretical risks associated with piling but a method statement is a more technical and precise document which forms the basis for piling operations in practice. The applicant should address this and	The Outline Construction Environmental Management Plan (Outline CEMP) secures the preparation of a Piling Risk Assessment if piling is required as part of the Scheme. The Applicant has revised the **Outline CEMP [Document Reference 7.1 Revision 6]** at Deadline 6 to update the commitment to refer to a 'Piling Risk Assessment and Method Statement', in turn securing both the theoretical assessment of the potential piling risks together with the requirement to set out a methodology for any piling that appropriately responds to and mitigates the identified risks. The Outline CEMP is the appropriate securing mechanism for this commitment, as its purpose is to provide a consolidated and comprehensive record of the mitigation measures that are required to be implemented during construction of the Scheme. The final CEMP must be substantially in accordance with the Outline CEMP and will be for the approval of the relevant planning

		explain how the dDCO secures a piling method statement. If it is the applicant's contention that these matters should all be addressed in the CEMP [REP4-046] then the CEMP should be amended to address the concerns raised by the EA. The EA should provide suggested wording for the relevant requirement.	authority under Requirement 14 of the **Draft DCO [Document Reference 3.1 Revision 9]** following consultation with the Environment Agency. The Applicant considers that it would be illogical and confusing for the ultimate implementation of the Scheme to extract this specific construction mitigation commitment from the Outline CEMP to secure it on the face of the Order. The Applicant would also highlight that the **Draft DCO [Document Reference 3.1 Revision 9]** does not seek to disapply the environmental permitting regime, which affords the Environment Agency an additional layer of control beyond the CEMP.
Q3.14.2	NLC and CDC	Fees Could NLC and CDC please confirm exactly what fees they would be seeking in respect of the discharge of requirements in Schedule 2 of the dDCO [REP5-002]? NLC's [REP5-057] and CDC's [REP5-058] deadline 5 representations in respect	

		of fees are noted. However, please provide the exact position (amount) of NLC and CDC including a justification.	