

## Tween Bridge Solar Farm

### 8.31 Applicant Responses to Deadline 6 Submissions

Planning Act 2008

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

Deadline 7 September 2026

Document Reference: 8.31

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# 1 Introduction

- 1.1.1. The purpose of this report is to provide the response made by RWE Renewables UK Solar and Storage Ltd (the Applicant) to the matters raised in the written submissions made by Interested Parties, which were submitted to the Planning Inspectorate at Examination Deadline 6 for the Development Consent Order Application (the 'Application') for Tween Bridge Solar Farm ('the Scheme').
- 1.1.2. This report responds to submissions made at Deadline 6 by each of the following Interested Parties (IPs) at Section 2:
- Cllr Dave Knight (City of Doncaster Council) **[REP6-094]** (refer to Table 1 below)
  - Environment Agency **[REP6-092]** (refer to Table 2 below)
  - National Grid Electricity Transmission **[REP6-080]** (refer to Table 3 below)
  - National Highways **[REP6-081]** (refer to Table 4 below)
  - North Lincolnshire Council **[REP6-083]** (refer to Table 5 below)
  - Annette Exley **[REP6-097]** (refer to Table 6 below)
  - Elizabeth Thompson **[REP6-096]** (refer to Table 7 below)
  - Mr Raymond Lindley **[REP6-079]** (refer to Table 8 below)
  - Karen Howell **[REP6-095]** (refer to Table 9 below)

## 2 Applicant's Response to Deadline 6 Submissions

Table 1: Applicant's response to Cllr Dave Knight (City of Doncaster Council) [REP6-094]

| Ref | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 1   | I attended a meeting of our Drainage Board. Subsequently, I here bring a series of questions to be included in the considerations of the planning application. At the meeting a member raised issues regarding Tween Bridge Solar – (proposed). 6500 acres approx.. Initially pointing out that we are to expect more hot dry summers in the years to come. This year we have seen many grassland fires. The point being raised that a substantial proportion of the land earmarked for solar sits upon a bed of peat. Should a fire ignite the peat below the surface, extinguishing is very difficult. These fires can burn for years underground and clearly need to be extinguished, not less than twice in the past 20 years has this situation arisen. | <p>The Applicant acknowledges the comment regarding the hot dry summer the UK has experienced and that this is expected to become a more common occurrence into the future as a result of climate change. If consented, the Scheme would generate 800MW of renewable energy, supporting the UK's net zero targets by displacing the carbon emissions associated with equivalent fossil fuel energy.</p> <p>In respect of fire risk, the design of the Scheme has been developed with regard to guidance from the National Fire Chiefs Council, as set out in Table 1-1 of <b>Outline Battery Safety Management Plan (BSMP) [REP5-028]</b>. In addition, the Applicant would be required under Requirement 7 of the <b>draft DCO [REP6-002]</b> to submit a final Battery Safety Management Plan that substantially accords with the Outline BSMP for the approval of the relevant local planning authority following consultation with the local fire service prior to the commencement of works in connection with the construction of the battery energy storage system comprised in Work No. 5.</p> <p>The Applicant would further note that it has produced a Statement of Common Ground (SoCG) with South Yorkshire Fire and Rescue Service <b>[REP3-061]</b>, where all matters are agreed. The Applicant will submit a final version of this SoCG at Deadline 8.</p> |
| 2   | From a dyking and drainage point of view will ample distance be made to allow for dyke cleaning machinery ? The land covered by solar can become 'pan' but still grow a coarse grass, once it becomes dry it becomes very inflammable. Will all 6500 acres be mowed regularly both around and under the solar panels to reduce the risk of fire ? Will the layout of the solar panels allow for suitable 'ridings' to allow access for mobile machinery e.g. tractors, fire engines, mowers, maintenance equipment etc ?                                                                                                                                                                                                                                     | The Applicant confirms that the layout of the Scheme includes sufficient offsets from existing watercourses, drains and other infrastructure to enable ongoing maintenance. This includes in-between the various components that make-up the solar farm itself. The maintenance regime for the Scheme will include mowing and is outlined in the <b>Outline Landscape Ecological Management Plan [REP6-036]</b> and will be confirmed in the final Landscape Ecological Management Plan that will be submitted for the approval of the relevant planning authority post-consent pursuant to Requirement 8 of the <b>draft DCO [REP6-002]</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3   | In a worst-case scenario of an underground fire could the solar panels be removed within hours to enable the excavation or flooding of the burning peat ? Likewise has due consideration been given to a potential 'battery storage' fire and effects ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The design of the Scheme has been developed with regard to guidance from the National Fire Chiefs Council, as set out in Table 1-1 of <b>Outline Battery Safety Management Plan (BSMP) [REP5-028]</b> . In addition, the Applicant would be required under Requirement 7 of the <b>draft DCO [REP6-002]</b> to submit a final Battery Safety Management Plan that substantially accords with the Outline BSMP for the approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Ref | Comment | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|     |         | of the relevant local planning authority following consultation with the local fire service prior to the commencement of works in connection with the construction of the battery energy storage system comprised in Work No. 5. The Applicant would further note that it has produced a Statement of Common Ground (SoCG) with South Yorkshire Fire and Rescue Service [REP3-061], where all matters are agreed. The Applicant will submit a final version of this SoCG at Deadline 8. |

Table 2: Applicant's response to the Environment Agency (EA)

| Ref                                                                                                                                               | EA Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| Outline Operational Environmental Management Plan – Rev 4 [REP5 024] and Outline Decommissioning Environmental Management Plan – Rev 5 [REP5-026] |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1.1                                                                                                                                               | We noted from the Applicant's response to Deadline 3 Submissions [REP4 065] (page 8, ref: EN4) that no piling activities were anticipated and, consequently, no piling risk assessment was expected to be required during either the operational or decommissioning phases of the development. However, we note that the oOEMP and the oDEMP both now reference that "A Piling Risk Assessment will be prepared, if piling is required as part of the Scheme", and that it will be prepared in accordance with Environment Agency guidance. | No piling is anticipated during the operational or decommissioning phases. However, the <b>Outline Operational Environmental Management Plan [REP5-024]</b> and <b>Decommissioning Environmental Management Plan [REP5-026]</b> were updated at Deadline 5 to include a commitment for a Piling Risk Assessment to be prepared if, contrary to current expectations, piling is required during operation (e.g. in a scenario where a mounting frame was unexpectedly damaged and needed to be replaced, and piling was required as part of that) and/or decommissioning.                                                                                                                                                                                                                                                                         |
| 1.2                                                                                                                                               | Whilst we welcome the acknowledgement that, should piling be required as part of the Scheme, the necessary risk assessment will be prepared, we remain concerned that the mechanism for securing the review and approval of such an assessment is inadequate. Please see our response to Q3.14.1 (submitted at Deadline 6) for the wording of a separate Requirement that we recommend is included within the DCO to ensure that the appropriate mechanism is secured.                                                                      | <p>As confirmed in response to Q3.14.1 in <b>Written Responses to ExQ3 [REP6-050]</b>, the Applicant's position is that the appropriate securing mechanism for this commitment is the <b>Outline Construction Environmental Management Plan (CEMP) [REP6-032]</b>, which is intended to provide a comprehensive source of the mitigation and management measures that are required to be implemented during the construction of the Scheme, and which is secured through Requirement 14. The Applicant sees no reason why this particular commitment warrants an approach that differs from the wider suite of construction-stage mitigation commitments.</p> <p>The Applicant will however review and update the wording of the commitment within the Outline CEMP at Deadline 8 to align more closely with the EA's preferred Requirement.</p> |

## Applicant Responses to Deadline 6 Submissions

| Ref                                                                                 | EA Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Justification for the Applicant's preferred protective provisions [REP5 040]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.1                                                                                 | We note that the Applicant states at paragraph 1.3 that the Protective Provisions for the Environment Agency have been agreed. As set out under Ref. 1 of our Statement of Common Ground [REP5-051], we would emphasise the caveat that these provisions are agreed only insofar as they relate to the disapplication of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in respect of flood risk activities only.                                                                                           | This is noted as is the EA's confirmation at ref 2.2 of this table immediately below.                                                                                                                                                                                                                                                                                                       |
| 2.2                                                                                 | However, we are now able to confirm that it is unlikely that any further additions will be required to the Protective Provisions in respect of the Environment Agency's landholdings and statutory undertakings.                                                                                                                                                                                                                                                                                                                                | The Applicant welcomes the EA's confirmation on this point.                                                                                                                                                                                                                                                                                                                                 |
| <b>Applicants Responses to Deadline 4 Submissions [REP5-042]</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.1                                                                                 | The Applicant's confirmation under ref 2.2 (pages 12-14) that the Environment Agency's mowing regime is considered compatible with the environmental mitigation it is to deliver, is noted. However, as this land (plot 3/32) is an active flood embankment we do not believe that environmental mitigation (planting of species rich grassland) is compatible with our flood risk management priorities. Consequently, we must object to this activity on our land and request that this plot is recategorised in Schedule 8 of the draft DCO. | The Applicant notes this position from the EA and confirms that it will re-categorise this plot in the version of the <b>Draft DCO [REP6-002]</b> to be submitted at Deadline 8 such that the purposes for which rights over the plot may be acquired and restrictive covenants imposed are limited to 'Access Rights', 'Cable Rights', 'Cable Restrictive Covenant' and 'Drainage Rights'. |
| 3.2                                                                                 | Given the subject plot represents just 0.04% of the habitat provision it is hoped a suitable alternative site can be sourced by the Applicant where the planting of such does not conflict with flood risk management activities.                                                                                                                                                                                                                                                                                                               | Please refer to the Applicant's response to ref. 3.1 immediately above. In addition, the Applicant notes that revised Biodiversity Net Gain calculations will be provided at Deadline 8 to reflect the change, which the Applicant notes would make only a minor overall difference to the metric and as such no alternative site where equivalent provision can be made is required.       |
| 3.3                                                                                 | We note the Applicant's response in Table 2 under ref 2.3 (pages 14-16) regarding the Environment Agency's right of access to the New Zealand Pumping Station via Plot 2/67. However, we do not agree with the Applicant's interpretation of paragraph 54 of the protective provisions.                                                                                                                                                                                                                                                         | The Agency's position is noted and the Applicant has provided an update on proposals for plot 2/67, including the Agency's access to New Zealand Pumping Station, at 3.6 below. The Agency's overarching confirmation at 3.7 below is also noted.                                                                                                                                           |
| 3.4                                                                                 | Paragraph 54 is limited in scope and applies only where access is materially obstructed as a result of the construction or failure of a "specified work", a defined term in the protective provisions. It does not provide a general or ongoing right of access, nor does it operate to preserve existing access arrangements more broadly.                                                                                                                                                                                                     | See the Applicant's response to 3.6 below.                                                                                                                                                                                                                                                                                                                                                  |
| 3.5                                                                                 | Accordingly, the Applicant's statement that paragraph 54 "would operate to preserve access to Environment Agency apparatus" overstates the effect of the provision. The paragraph merely requires alternative access to be provided in the specific                                                                                                                                                                                                                                                                                             | See the Applicant's response to 3.6 below.                                                                                                                                                                                                                                                                                                                                                  |

## Applicant Responses to Deadline 6 Submissions

| Ref | EA Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|     | circumstances described and cannot be relied upon as a mechanism for protecting existing access rights generally.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.6 | Whilst the Environment Agency notes the Applicant's separate confirmation that access via Plot 2/67 will not be affected by the Scheme, that assurance is not secured by, paragraph 54. Additional information regarding the continued access requirements were requested to the Applicant's agent on 10th August but further information was not received until 16th September. Consequently, a thorough review of this information has not been able to be carried out. We are still awaiting a plan from the Applicant's agent documenting all plot numbers corresponding to Environment Agency freehold land subject to rights to be exercised by the Applicant and third party-owned land whereby the Environment Agency accesses for statutory functions respectively. The plan has not been received ahead of deadline 6 so we are unable to comment further. | The Applicant notes that an email was sent by the Applicant to the EA on 16 September 2026, which confirmed the rights sought by the Applicant in respect of all EA plots, including plot 2/67. The Applicant has now issued the plan that was referred to in that email, providing further information in addition to that supplied with the Heads of Terms. The Applicant hopes that this information will enable the EA to respond on the Heads of Terms. |
| 3.7 | However, we have now taken legal advice in respect of the Environment Agency's existing statutory powers, and we are satisfied that these will not be diminished by the DCO and access across third party land under permissive powers, for flood risk management related purposes, will continue. Accordingly, we can now confirm that the Environment Agency is satisfied that the development will not cause serious detriment to it carrying out its undertakings and withdraws its objection on this matter.                                                                                                                                                                                                                                                                                                                                                    | The Applicant thanks the EA for its engagement with the Scheme and for confirming that the EA are satisfied the Scheme will not cause serious detriment to the carrying out of its undertakings.                                                                                                                                                                                                                                                             |

Table 3: Applicant's response to National Grid Electricity Transmission (NGET)

| Ref                                            | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant’s Response |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Precedent                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6                                              | <p>The Applicant’s position in the Justification is entirely inconsistent with the approach taken in recent made DCOs, both in the solar sector and other DCOs which interact with NGET’s assets. NGET has identified the following made DCOs containing provisions materially similar to the Consent drafting:</p> <table><tr><th>Order</th><th>Provision</th></tr><tr><td colspan="2">Orders in the Solar Sector</td></tr><tr><td>The East Yorkshire Solar Farm Order 2025</td><td>Schedule 14, Part 7, Paragraph 88</td></tr><tr><td>The Fenwick Solar Farm Order 2026</td><td>Schedule 14, Part 7, Paragraph 89</td></tr><tr><td>The Heckington Fen Solar Park Order 2025</td><td>Schedule 13, Part 6, Paragraph 61</td></tr><tr><td>The Mallard Pass Solar Farm Order 2024</td><td>Schedule 15, Part 4, Paragraph 38</td></tr><tr><td>The Springwell Solar Farm Order 2026</td><td>Schedule 15, Part 7, Paragraph 78</td></tr><tr><td>The Stonestreet Green Solar Order 2025</td><td>Schedule 13, Part 5, Paragraph 50</td></tr><tr><td>The Oaklands Farm Solar Park Order 2025</td><td>Schedule 10, Part 2, Paragraph 100</td></tr><tr><td>The One Earth Solar Farm Order 2026</td><td>Schedule 14, Part 9, Paragraph 104</td></tr><tr><td>The Peartree Hill Solar Farm Order 2026</td><td>Schedule 11, Part 6, Paragraph 61</td></tr><tr><td>The Beacon Fen Energy Park Order 2026</td><td>Schedule 11, Part 13, Paragraph 168</td></tr><tr><td>The Gate Burton Energy Park Order 2024</td><td>Schedule 14, Part 9, Paragraph 102</td></tr><tr><td>The Helios Renewable Energy Project Order 2025</td><td>Schedule 9, Part 6, Paragraph 60</td></tr><tr><td>The Byers Gill Solar Order 2025</td><td>Schedule 11, Part 4, Paragraph 34</td></tr><tr><td>The Cottam Solar Project Order 2024</td><td>Schedule 15, Part 3, Paragraph 23</td></tr></table> | Order                | Provision | Orders in the Solar Sector |  | The East Yorkshire Solar Farm Order 2025 | Schedule 14, Part 7, Paragraph 88 | The Fenwick Solar Farm Order 2026 | Schedule 14, Part 7, Paragraph 89 | The Heckington Fen Solar Park Order 2025 | Schedule 13, Part 6, Paragraph 61 | The Mallard Pass Solar Farm Order 2024 | Schedule 15, Part 4, Paragraph 38 | The Springwell Solar Farm Order 2026 | Schedule 15, Part 7, Paragraph 78 | The Stonestreet Green Solar Order 2025 | Schedule 13, Part 5, Paragraph 50 | The Oaklands Farm Solar Park Order 2025 | Schedule 10, Part 2, Paragraph 100 | The One Earth Solar Farm Order 2026 | Schedule 14, Part 9, Paragraph 104 | The Peartree Hill Solar Farm Order 2026 | Schedule 11, Part 6, Paragraph 61 | The Beacon Fen Energy Park Order 2026 | Schedule 11, Part 13, Paragraph 168 | The Gate Burton Energy Park Order 2024 | Schedule 14, Part 9, Paragraph 102 | The Helios Renewable Energy Project Order 2025 | Schedule 9, Part 6, Paragraph 60 | The Byers Gill Solar Order 2025 | Schedule 11, Part 4, Paragraph 34 | The Cottam Solar Project Order 2024 | Schedule 15, Part 3, Paragraph 23 | <p>The Applicant acknowledges that its position in this regard departs from precedent but also that it is consistent with, and justified by, recent guidance and policy. Given that, the Applicant considers that it is entitled to maintain its position as regards the non-inclusion of such provisions in the DCO on that basis but will submit, at Deadline 8, a set of protective provisions highlighting the "veto" provisions to be included in the protective provisions should the Secretary of State disagree with the Applicant's position.</p> |
| Order                                          | Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Orders in the Solar Sector                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The East Yorkshire Solar Farm Order 2025       | Schedule 14, Part 7, Paragraph 88                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Fenwick Solar Farm Order 2026              | Schedule 14, Part 7, Paragraph 89                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Heckington Fen Solar Park Order 2025       | Schedule 13, Part 6, Paragraph 61                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Mallard Pass Solar Farm Order 2024         | Schedule 15, Part 4, Paragraph 38                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Springwell Solar Farm Order 2026           | Schedule 15, Part 7, Paragraph 78                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Stonestreet Green Solar Order 2025         | Schedule 13, Part 5, Paragraph 50                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Oaklands Farm Solar Park Order 2025        | Schedule 10, Part 2, Paragraph 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The One Earth Solar Farm Order 2026            | Schedule 14, Part 9, Paragraph 104                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Peartree Hill Solar Farm Order 2026        | Schedule 11, Part 6, Paragraph 61                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Beacon Fen Energy Park Order 2026          | Schedule 11, Part 13, Paragraph 168                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Gate Burton Energy Park Order 2024         | Schedule 14, Part 9, Paragraph 102                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Helios Renewable Energy Project Order 2025 | Schedule 9, Part 6, Paragraph 60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Byers Gill Solar Order 2025                | Schedule 11, Part 4, Paragraph 34                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| The Cottam Solar Project Order 2024            | Schedule 15, Part 3, Paragraph 23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |           |                            |  |                                          |                                   |                                   |                                   |                                          |                                   |                                        |                                   |                                      |                                   |                                        |                                   |                                         |                                    |                                     |                                    |                                         |                                   |                                       |                                     |                                        |                                    |                                                |                                  |                                 |                                   |                                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## Applicant Responses to Deadline 6 Submissions

| Ref | NGET Comment                                                                          |                                                                                                                                                                                                                         | Applicant’s Response |                                                                                                                                                                                   |  |
|-----|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|     | The Sunnica Energy Farm Order 2024                                                    | Schedule 12, Part 6, Paragraph 63                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | The Tillbridge Solar Order 2025                                                       | Schedule 15, Part 17, Paragraph 267                                                                                                                                                                                     |                      |                                                                                                                                                                                   |  |
|     | The West Burton Solar Project Order 2025                                              | Schedule 15, Part 3, Paragraph 23                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | Orders not in the Solar Sector                                                        |                                                                                                                                                                                                                         |                      |                                                                                                                                                                                   |  |
|     | The A12 Chelmsford to A120 Widening Development Consent Order 2024                    | Schedule 11, Part 4, Paragraph 39                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | The A66 Northern Trans-Pennine Development Consent Order 2024                         | Schedule 9, Part 3, Paragraph 24                                                                                                                                                                                        |                      |                                                                                                                                                                                   |  |
|     | The Dogger Bank South East and West Offshore Wind Farms Order 2026                    | Schedule 15, Part 7, Paragraph 88                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 | Schedule 12, Part 3, Paragraph 24                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | The Five Estuaries Offshore Wind Farm Order 2025                                      | Schedule 9, Part 14, Paragraph 172                                                                                                                                                                                      |                      |                                                                                                                                                                                   |  |
|     | The Mona Offshore Wind Farm Order 2025                                                | Schedule 10, Part 7, Paragraph 89                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | The North Falls Offshore Wind Farm Order 2026                                         | Schedule 14, Part 11, Paragraph 145                                                                                                                                                                                     |                      |                                                                                                                                                                                   |  |
|     | The Outer Dowsing Offshore Wind Farm Order 2026                                       | Schedule 18, Part 7, Paragraph 6                                                                                                                                                                                        |                      |                                                                                                                                                                                   |  |
|     | The Rampion 2 Offshore Wind Farm Order 2025                                           | Schedule 10, Part 3, Paragraph 5                                                                                                                                                                                        |                      |                                                                                                                                                                                   |  |
|     |                                                                                       |                                                                                                                                                                                                                         |                      |                                                                                                                                                                                   |  |
|     | The Sheringham Shoal and Dudgeon Extension Offshore Wind Farm Order 2024              | Schedule 14, Part 7, Paragraph 6                                                                                                                                                                                        |                      |                                                                                                                                                                                   |  |
|     | The Viking CCS Carbon Dioxide Pipeline Order 2025                                     | Schedule 9, Part 3, Paragraph 20                                                                                                                                                                                        |                      |                                                                                                                                                                                   |  |
|     | The HyNet Carbon Dioxide Pipeline Order 2024                                          | Schedule 10, Part 3, Paragraph 20                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | A122 (Lower Thames Crossing) Development Consent Order 2025                           | Schedule 14, Part 7, Paragraph 85                                                                                                                                                                                       |                      |                                                                                                                                                                                   |  |
|     | 7                                                                                     | The Applicant has not identified any valid reason to distinguish between its project and each of these recently made DCOs, and in particular to distinguish between its project and the other recently made solar DCOs. |                      | See Applicant's response at ref. 6 of this table above. The Applicant does not accept that it has not identified a valid reason for the position it has taken on the inclusion of |  |

## Applicant Responses to Deadline 6 Submissions

| Ref                                  | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant’s Response                                                                                                                                                                                                                                              |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------------|-----------------------------------|-------------------------------|--------------------------|---------------------------------|-----------------------------------|--------------------------------------|-------------------------------------|---------------------------------------------------------------|
|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | a veto mechanism over land acquisition powers under the DCO. It should be noted that NGET has made no attempt to engage with the specific matters addressed in section 3 of <b>Justification for the Applicant's Preferred Protective Provisions [REP6-045]</b> . |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| 8                                    | <p>NGET also notes that, in both the Rampion 2 Offshore Wind Farm Order 2025 and the Dogger Bank South East and West Offshore Wind Farms Order 2026, the respective applicants sought removal of drafting equivalent to the Consent drafting. In each case, the Secretary of State retained the protection sought by NGET. In relation to Rampion 2, the Examining Authority concluded, and the Secretary of State accepted, that:</p> <p>(a) that the Order should make provision to ensure that NGET can protect its assets and carry out its role and functions; and</p> <p>(b) provisions including the Consent Drafting had been included in the Sheringham and Dudgeon Order and thus had previously been accepted as necessary.</p> <p>(see paragraph 6.13 of the Rampion 2 decision letter and paragraph 7.6.20 to 7.6.25 of the Rampion 2 Examining Authority’s Recommendation Report)</p> | See Applicant's response at ref. 6 and 7 of this table above.                                                                                                                                                                                                     |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| 9                                    | <p>The Applicant’s position in the Justification is also inconsistent with other DCOs in the solar sector which impact NGET’s assets and which have been through the examination process and which are pending determination:</p> <table><tr><th>Order</th><th>Provision</th></tr><tr><td>The Fosse Green Energy Order</td><td>Schedule 14, Part 8, Paragraph 90</td></tr><tr><td>The Frodsham Solar Farm Order</td><td>Schedule 21, Paragraph 6</td></tr><tr><td>The Green Hill Solar Farm Order</td><td>Schedule 15, Part 3, Paragraph 28</td></tr><tr><td>The Steeple Renewables Project Order</td><td>Schedule 10, Part 13, Paragraph 166</td></tr></table>                                                                                                                                                                                                                                     | Order                                                                                                                                                                                                                                                             | Provision | The Fosse Green Energy Order | Schedule 14, Part 8, Paragraph 90 | The Frodsham Solar Farm Order | Schedule 21, Paragraph 6 | The Green Hill Solar Farm Order | Schedule 15, Part 3, Paragraph 28 | The Steeple Renewables Project Order | Schedule 10, Part 13, Paragraph 166 | See Applicant's response at ref. 6 and 7 of this table above. |
| Order                                | Provision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                   |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| The Fosse Green Energy Order         | Schedule 14, Part 8, Paragraph 90                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                   |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| The Frodsham Solar Farm Order        | Schedule 21, Paragraph 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                   |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| The Green Hill Solar Farm Order      | Schedule 15, Part 3, Paragraph 28                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                   |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| The Steeple Renewables Project Order | Schedule 10, Part 13, Paragraph 166                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                   |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| 10                                   | The Applicant has not identified any valid reason to distinguish between its project and each of these other solar projects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | See Applicant's response at ref. 6 and 7 of this table above.                                                                                                                                                                                                     |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |
| 11                                   | The weight of precedent demonstrates a consistent approach throughout all decision making in relation to the inclusion of the Consent drafting in favour of NGET.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | See Applicant's response at ref. 6 and 7 of this table above.                                                                                                                                                                                                     |           |                              |                                   |                               |                          |                                 |                                   |                                      |                                     |                                                               |

## Applicant Responses to Deadline 6 Submissions

| Ref                             | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>The Applicant's Examples</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12                              | In support of its position, the Applicant relies on three previous DCOs in support of its contention that the Consent drafting would confer a "veto". None concerns the removal of equivalent protection for NGET. The Justification refers to those examples at a high level without reference to the underlying issues. The three examples relied upon by the Applicant are: (a) (b) (c) 13. The HyNet Carbon Dioxide Pipeline Order 2024; A122 (Lower Thames Crossing) Development Consent Order 2025; and The Dogger Bank South East and West Offshore Wind Farms Order 2026.                                                                                                                                                                                                                                                                                                                                                                                                                                               | It is noted that NGET acknowledges that there is recent precedent in support of the position advanced by the Applicant.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 13                              | NGET notes that in each of the examples cited by the Applicant, whilst the supposed "veto" powers were excluded for the parties indicated in the Justification, the Consent drafting was actually included in relation to NGET (as indicated in the table above). The Applicant has therefore not provided any precedent where the Consent drafting has not been included in respect of NGET interests.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | See Applicant's response at ref. 6 and 7 of this table above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>The Guidance</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 14                              | In the Justification, the Applicant refers to "Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project" (the "2024 Guidance"). The 2024 Guidance, which was published on 30 April 2024 was withdrawn on 24 July 2026 on the basis that it was out of date. The majority of the precedent referred to above was determined whilst the 2024 Guidance was in effect and still saw protective provisions for NGET secured in the same form as NGET requires in this scheme including the Consent drafting.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | There is no force in this point. In the <b>Justification for the Applicant's Preferred Protective Provisions [REP6-045]</b> , the Applicant cites and applies Planning Act 2008: Guidance on preparing an application: Part 3 – Content of a Development Consent Order published on 3 July 2026. As set out in <b>REP6-045</b> , the Applicant considers that the 2026 Guidance supports its position on the non-inclusion of veto powers on the exercise of powers relating to the acquisition of land (see in particular paras 3.20–3.22). |
| 15                              | <p>The 2024 Guidance has now been superseded by the "Planning Act 2008: Guidance on preparing an application: Part 3 – Content of a Development Consent Order" (the "2026 Guidance"). The 2026 Guidance was published on 3 July 2026. The 2026 Guidance provides, at paragraphs 4.25 to 4.26 (emphasis added):</p> <p><i>4.25 Applicants should therefore aim to agree the form of protective provisions with the relevant parties for inclusion in the draft DCO prior to submitting the application for development consent. Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. Furthermore, they should not simply negate the principal provisions of the DCO and thereby become an impediment to implementation of the project, for example by conferring unfettered plan approval procedures at detailed</i></p> | These are direct quotes from the 2026 Guidance and are noted. The Applicant's response is below.                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Ref | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <p><i>design stage that could be operated by the statutory undertaker to frustrate delivery of the project.</i></p> <p><i>4.26 However, provisions exempting land belonging to a statutory undertaker from broad compulsory acquisition provisions within the draft DCO, for example to avoid engaging the additional requirements in section 127 of the Planning Act, may be acceptable if the applicant can demonstrate that the necessary land interests and rights have been, or will be, obtained by agreement with the statutory undertaker concerned.</i></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 16  | <p>The 2026 Guidance expressly notes that protective provisions exempting land belonging to a statutory undertaker from broad compulsory acquisition powers may be acceptable.</p>                                                                                                                                                                                                                                                                                                                                                                                   | <p>This is a selective reference to the 2026 Guidance, which to be clear says (emphasis added):</p> <p><i>However, provisions exempting land belonging to a statutory undertaker from broad compulsory acquisition provisions within the draft DCO, for example to avoid engaging the additional requirements in section 127 of the Planning Act, may be acceptable if the applicant can demonstrate that the necessary land interests and rights have been, or will be, obtained by agreement with the statutory undertaker concerned.</i></p> <p>The Applicant is not seeking to obtain an interest or right in land from NGET by agreement, as no such interest or right is required to deliver the Scheme. However, NGET does have rights in land affected by the Scheme and, whilst it is not currently anticipated there would be a need to interfere with those rights, it is essential that the <b>draft DCO [REP6-002]</b> (via article 35) includes proportionate powers to do so, should this prove to be necessary at the detailed design stage when a contractor is appointed, subject to robust controls under the draft DCO and the protective provisions for NGET's benefit.</p> <p>This part of the 2026 Guidance is not therefore engaged and NGET's reliance upon it is not tenable.</p> |
| 17  | <p>The Applicant has not demonstrated why the Consent drafting must be adapted in this case, and the Consent drafting does not negate the principal provisions of the DCO. It provides a consent mechanism for the acquisition of NGET's land and interests in order to protect NGET's electricity transmission infrastructure which is critically important to the electricity grid and the security of supply of electricity.</p>                                                                                                                                  | <p>See Applicant's response at ref. 16 of this table above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Ref                         | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 18                          | Importantly, the Applicant is not compliant with the approach encouraged by the 2026 Guidance. It did not agree protective provisions with NGET before submitting the application and did not provide its proposed drafting until Deadline 5. By contrast, NGET submitted its preferred form of Protective Provisions alongside its Written Representation at Deadline 1. The Applicant had not commented on that drafting in the examination until Deadlines 4 and 5.                                             | <p>The Applicant has been in correspondence with NGET for a substantial period of time dating back to the pre-application stage. In reference to the 2026 Guidance, paragraph 4.25 encourages applicants to aim to agree the form of protective provisions ahead of submission and this is the spirit in which the Applicant has operated throughout.</p> <p>The Applicant intends to submit its preferred form of protective provisions at Deadline 8. Given the substantial progress made in discussions with NGET during the Examination, the Applicant considered it more useful and proportionate to present an updated and consolidated position at Deadline 8, rather than submitting drafting at earlier deadlines which was likely to become outdated as negotiations continued.</p>                                                                                                                                                                                                                          |
| <b>The Fingleton Review</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 19                          | The Applicant refers to the Fingleton Review, but does not explain how that review supports the removal of the Consent drafting.                                                                                                                                                                                                                                                                                                                                                                                   | The Applicant's rationale for referring to the Fingleton Review is clearly set out in paragraph 3.22 of <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 20                          | The Fingleton Review recommends at Recommendation 28 that the Model Provisions "should include....Acceptable protective provisions for statutory undertakers". As demonstrated by the substantive precedent above, NGET has a preferred form of Protective Provisions which are routinely secured in DCOs and which routinely contain the Consent drafting.                                                                                                                                                        | The Applicant's response to this aspect of the Fingleton Review can be found at Table 9, ref 2.22 of <b>Applicant Response to Deadline 5 submissions [REP6-O48]</b> , in response to National Highways, who raised substantially the same point in their Deadline 5 submissions as NGET seeks to make here.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 21                          | The NGET Protective Provisions are well precedented, and well understood. Paragraph 392(c) of the Fingleton Review expands upon this recommendation by stating the following: "Developers must negotiate project specific "protective provisions" with statutory undertakers (organisations responsible for critical national infrastructure like railways and sewers). These usually cover the same issues as previous DCOs but are treated as completely fresh and bespoke, leading to protracted negotiations". | <p>This is simply providing further justification and support for the recommendation to implement model provisions, including protective provisions. It is not saying that statutory undertakers' preferred protective provisions should be accepted unquestioningly when recent developments in policy and guidance do not support such an approach.</p> <p>This view is also consistent with the Guidance on preparing an application: Part 1 – Pre-application steps, which at paragraph 4.27 states:</p> <p><i>"4.27 Where agreement on protective provisions has not been reached during the pre-application stage, it is recommended that applicants include their preferred drafting taking into account the protective provisions commonly agreed by the relevant party (usually statutory undertakers). The Examining Authority will recommend a final form of any protective provisions which are bespoke to the application under consideration for final decision by the Secretary of State, which</i></p> |

## Applicant Responses to Deadline 6 Submissions

| Ref               | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><i>may mean that departures from the relevant party's template or standard protective provisions are required".</i></p> <p>It is therefore right to acknowledge that the Guidance expressly identifies that there is scope for scheme specific or bespoke protective provisions and changes from "commonly agreed" versions. This is how the Applicant has proceeded in this case, in recognition of recent policy and guidance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 22                | In this case, the Applicant is treating the process as fresh and bespoke, rather than accepting the significant precedent and the requirements of NGET as a statutory undertaker.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The Applicant has set out in significant detail in the Justification for the <b>Applicant's Preferred Protective Provisions [REP6-O45]</b> why it has not been able to reach full agreement with NGET.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>The Powers</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 23                | As well as the significant weight of precedent in favour of the Consent drafting, the lack of suitable examples cited by the Applicant and the misconceived reference to the Fingleton Review, the Applicant's suggestion that the powers sought by NGET through the Consent drafting are already covered by other provisions within the Protective Provisions is misplaced.                                                                                                                                                                                                                                                                                                                                                | See Applicant's response at ref. 6-7 and 19-21 of this table above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 24                | The Applicant's submission in the Justification confuses and ignores the distinction between an approval process for physical works (which provides protection for NGET's physical assets and imposes control over the works which can interact with NGET's assets, as summarised in section 3.5 of the Justification) and a consent process for compulsory acquisition (which ensures that NGET retains the necessary land rights in respect of the electricity transmission network). If NGET's assets remain in situ (as is intended as part of the Proposed Development) then NGET must retain the land rights to access NGET's assets so that it can safely maintain and operate the electricity transmission network. | <p>These comments are noted but, to be clear, the Applicant has not ignored the distinction as NGET suggest. If NGET's assets remain in place, the Applicant has no intention of interfering with NGET's land rights and this position is secured by the <b>draft DCO [REP6-002]</b>, which requires that any compulsory acquisition powers must be exercised for a proper purpose (see e.g., article 23(1) of the draft DCO).</p> <p>The Applicant is concerned with the very different scenario where NGET's assets do need to be altered or repositioned to accommodate the Scheme, in which case recourse to compulsory acquisition powers may be necessary to ensure that the Scheme is not impeded by the existence of NGET's existing rights. However, if the exercise of those powers is subject to NGET's prior agreement, this represents a potential impediment to the delivery of the Scheme. The Applicant regards this impediment to be unacceptable and unnecessary.</p> |
| 25                | The Applicant does not specifically engage with the Protective Provisions in the Justification (other than at Table 4 and by reference to its broad position) and does not identify how the Protective Provisions are said to negate any other provisions of the DCO. To be clear, the Protective Provisions do not negate any provisions of the DCO and instead set out a process around and to manage compulsory acquisition. This is the same approach as the remainder of the Protective Provisions which set out a process for                                                                                                                                                                                         | The specific compulsory acquisition (CA) veto provision in dispute between the parties is set out in Table 4 of <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b> . This provides that (emphasis added) "...the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement, other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## Applicant Responses to Deadline 6 Submissions

| Ref                                          | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | carrying out the authorised development. The Applicant has accepted the remainder of the Protective Provisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>interest or right and/or apparatus of National Grid Electricity Transmission Plc <u>otherwise than by agreement</u>".</p> <p>This clearly does negate the Applicant's powers of CA under the <b>draft DCO [REP6-002]</b> (see especially article 35 in relation to acquisition of statutory undertakers' land) because if NGET withheld its agreement to the exercise of CA powers under the draft DCO, those powers (which are not otherwise subject to such a restriction) would have no effect.</p>                              |
| 26                                           | NGET's Protective Provisions are not a "veto"; they are a process to regulate the interaction of land rights, which would otherwise not be controlled. Paragraph 8 does not negate any powers of compulsory acquisition; instead, it limits the acquisition of NGET's interest until such time as there is agreement from NGET and it is always subject to the other terms of the Protective Provisions. Other elements of the Protective Provisions address practical matters such as the removal of apparatus (paragraph (9)), and the protection of retained apparatus (paragraph (11)). These matters are not a veto or negation of any powers in the draft DCO, and are instead important controls to address ongoing land rights matters. | See Applicant's response at ref. 20 and 25 of this table above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 27                                           | It would be wholly inappropriate for the DCO to authorise powers which could lead to the extinguishment of NGET's land rights, which are required so that it can safely own and operate the electricity transmission network. The Applicant itself acknowledges the importance of protecting the infrastructure comprised within the electricity transmission network, and ensuring that land rights are retained is a key element of this protection.                                                                                                                                                                                                                                                                                          | The Applicant confirms that the protective provisions for NGET which will be included in the draft DCO submitted at Deadline 8 provide the protection to prevent the scenario that NGET refers to. The crucial point which NGET's submission overlook is that any existing rights belonging to it could not be extinguished, or apparatus removed, until new rights and apparatus are in place, in accordance with the protective provisions for its benefit, thus ensuring that NGET can continue to operate its network effectively. |
| 28                                           | If NGET does not retain control and ownership of land rights to access NGET's assets, this would cause serious detriment to NGET's undertaking. The Applicant has at no stage explained why it considers that the test in section 127 of the Planning Act 2008 can be met. NGET's position is that this serious detriment can only be addressed through including suitable protective provisions in the DCO. The inclusion of a consent process for compulsory acquisition will enable NGET to ensure that serious detriment does not occur.                                                                                                                                                                                                    | The Applicant's section 127 / 138 justification was set out in <b>Justification for the Applicant's Preferred Protective Provisions at Deadline 6 [REP6-045]</b> .                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Conclusions on Compulsory Acquisition</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 29                                           | NGET's preferred form of Protective Provisions are not an impediment to delivery, and the Applicant has identified no project-specific circumstance in which the Consent drafting would prevent or materially delay the authorised development. The Applicant's submission does not address the Protective Provisions or the interaction with the                                                                                                                                                                                                                                                                                                                                                                                               | These comments are noted but not agreed or accepted. NGET is right to say that the Applicant's position applies to a number of different undertakers. As set out in the <b>Justification for the Applicant's Preferred Protective Provisions [REP6-045]</b> , the Applicant does not consider that the inclusion of provisions which would prevent the                                                                                                                                                                                 |

## Applicant Responses to Deadline 6 Submissions

| Ref                                                  | NGET Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      | Proposed Development. Instead, it adopts a high-level position which it sweepingly applies to a number of different undertakers without differentiation, nuance or any consideration of the specific requirements of each statutory undertaker.                                                                                                                                                                                                                                                                                                                                                                                                                          | exercise of Order powers in respect of statutory undertaker land in justified in this case.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 30                                                   | NGET does not object in principle to the Proposed Development and does not seek to prevent its delivery. It seeks only the protections necessary to preserve the land rights and operational controls required for the safe and reliable operation of the transmission network, and to avoid serious detriment to its undertaking.                                                                                                                                                                                                                                                                                                                                       | These comments are noted and, to be clear, the Applicant confirms that the protective provisions for NGET which will be included in the draft DCO submitted at Deadline 8 do provide the protection which NGET refers to. These will provide inter alia that NGET's rights must not be extinguished or apparatus removed until alternative rights are in place. These provisions ensure there would be no serious detriment to NGET's undertaking for the purposes of section 127 of the Planning Act 2008.                                                                                                                                                                                                                                                                |
| 31                                                   | NGET has submitted its preferred form of Protective Provisions into this examination. The Applicant has not responded at earlier deadlines, has not set out its position and has not identified how this would, in fact, be an impediment to this scheme. The Applicant relies on the 2026 Guidance, but has not complied with the same 2026 Guidance in the promotion of its draft DCO.                                                                                                                                                                                                                                                                                 | <p>The Applicant has been engaging with NGET for a significant period of time and the protective provisions to be submitted at Deadline 8 will reflect the significant progress made by the parties in negotiations.</p> <p>The Examining Authority will of course be aware that the Applicant's position with regards to the veto provision insisted upon by NGET and a number of other statutory undertakers was set out at Deadline 4 on 21 July 2026, more than two months ago, via the <b>Justification for the Applicant's Preferred Protective Provisions [REP4-064]</b>. The Applicant is not therefore clear why NGET has chosen to say that the Applicant has not responded at earlier deadlines, or has not set out its position. This is clearly incorrect</p> |
| 32                                                   | The Applicant has not demonstrated why this scheme should be treated as an exception to the significant precedent identified above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The Applicant does not agree, for the reasons set out in this response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Other provisions in the Protective Provisions</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 33                                                   | NGET is in discussion with the Applicant in relation to the inclusion of drafting in relation to the North Humber to High Marnham Project DCO in the Protective Provisions. The Applicant has proposed that management of any interaction between the Proposed Development and the North Humber to High Marnham Project DCO could be dealt with through the inclusion of a commitment (most likely within the Construction Environmental Management Plan) to enter into an interface agreement should one be required to manage the interaction. NGET is considering the Applicants proposals and will provide an update to the Examining Authority as soon as possible. | The Applicant looks forward to NGET's response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Ref        | NGET Comment                                                                                                                                                                                                | Applicant's Response                                                                            |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Next steps |                                                                                                                                                                                                             |                                                                                                 |
| 34         | NGET will continue to liaise with the Applicant with a view to concluding matters as soon as possible during the DCO Examination, keeping the Examining Authority updated in relation to these discussions. | The Applicant is committed to continuing to engage with NGET to reach agreement where possible. |

Table 4: Applicant's response to National Highways (NH)

| Ref | NH Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 3.2 | NH does not agree that the protective provisions included at Schedule 14, Part 7 of the Draft DCO at Deadline 5 [Document Reference 3.1 Revision 8] provide "appropriate and extensive protection to NH or the SRN. NH maintains its position that to include such terms in any made order for the Proposed Development would represent serious detriment to NH pursuant to section 127 of the Planning Act 2008 and NH's position on this is set out in its response to DCO.9.9 in section 3 below. | <p>The Applicant notes NH's comments. However, the Applicant maintains its previously expressed position that the protective provisions in Schedule 14, Part 7 of the <b>draft DCO [REP6-002]</b> provide a comprehensive level of protection for NH, commensurate with the specific and limited interfaces between the Scheme and the strategic road network in this case.</p> <p>The Applicant does not agree that the inclusion of those provisions in the made Order would result in serious detriment to NH. In this regard, the Applicant notes that similar protective provisions have been included for NH's benefit in other made DCOs, including the HyNet Carbon Dioxide Pipeline Order 2024 and the Southampton to London Pipeline Development Consent Order 2020, in circumstances involving interfaces with the strategic road network comparable to those arising in respect of the Scheme. The Applicant does not therefore accept that the protective provisions currently included in the draft DCO would result in serious detriment to NH's ability to carry on its statutory undertaking, in accordance with the test laid out in section 127 of the Planning Act 2008.</p> <p>Notwithstanding this position, the Applicant remains in discussions with NH with a view to further narrowing any outstanding areas of disagreement on the protective provisions. Positive progress has been made to date in this regard, and the Applicant remains confident that further progress can be made prior to the close of the Examination. The Applicant's final position in respect of the protective provisions will be provided at Deadline 8.</p> |
| 3.3 | NH awaits any further information from the Applicant regarding its proposals for plot 10/26, having made various requests for this. As explained in NH's Deadline 4                                                                                                                                                                                                                                                                                                                                  | The Applicant confirms that plot 10/26 includes the eastern embankment of the bridge, however National Highways do not own plot 10/26 and neither the Applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Ref | NH Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | Submission [REP4-O78], it appears that this plot (like 10/21, which has since been removed from the scope of the works and compulsory acquisition powers sought in the Application) comprises an embankment supporting a bridge on which the local highway network overpasses the SRN.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>nor the landowner have identified that National Highways have any interest or rights over plot 10/26 (including the embankment). The Order would authorise Works Nos. 2 and 8 to be carried out and maintained within this area, as shown on the <b>Works Plans [REP4-002]</b>.</p> <p>The Applicant notes from National Highway's submission at Deadline 4 <b>[REP4-078]</b> that NH was investigating the nature of its interest in plot 10/26, however the Applicant has not yet received confirmation on this from National Highways. The Applicant would welcome clarification from National Highways as to what rights it has over this land, if any.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.3 | NH and the Applicant have engaged further on this and agreed revised wording as follows: "If the M180 renewal works will commence or be ongoing during the construction phase of the authorised development and it is considered by NH (acting reasonably) that a construction coordination agreement is required to manage any interface between the works, the Applicant will use reasonable endeavours to enter into a construction coordination agreement with NH on such terms to be agreed between the parties."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The Applicant thanks NH for its engagement on this matter and confirms that the revised wording is agreed and forms part of the <b>Outline Construction Traffic Management Plan [REP6-040, 042 and 044]</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5.2 | <p>NH considers that the Applicant's position is as follows:</p> <ul style="list-style-type: none"> <li>• There is no precedent to NH having approval rights over specific requirements; and</li> <li>• The LPA is the appropriate discharging authority.</li> </ul> <p>No attempt has been made by the Applicant to respond to or address the substantive concerns raised by NH.</p> <p>It is not uncommon for third parties other than the LPA to have responsibility for discharging approvals for requirements. There are various precedents for this. It is common practice for the detailed design of highway works to be submitted for the approval of the relevant highway authority.<sup>1</sup> There is precedent for amendments to approved details being discharged by other third parties.<sup>2</sup> There is precedent for NH being the approving body in relation to CEMPs and Operational Freight Management Plans on matters related to its functions.<sup>3</sup> There is precedent for other bodies, such as Network Rail, being the approving body in respect of lighting requirements.<sup>4</sup> The request which NH makes is borne out of a genuine concern that its view may not be taken into account due to circumstances outside of its control. This could conceivably give rise to safety concerns or regulatory concerns leading to breach of its licence conditions. There is clear precedent across a variety of orders – recent and historic – showing examples of where third parties have been made approving bodies in respect of matters which are relevant to their specific functions, where they have so requested.</p> | <p>The Applicant categorically disagrees with the statement that it has made no attempts to respond to the concerns raised by NH. The Applicant has set out its position, in detail, on this matter in the following documents:</p> <ul style="list-style-type: none"> <li>• <b>Response to Relevant Representations [REP1-043]</b> (Table 8-1, in response to paragraph/section 6 of <b>NH's Relevant Representation [RR-022]</b>);</li> <li>• <b>Responses to Written Representations [REP2-088]</b> (Table 1, in response to paragraph/section 9 of NH's written representation <b>[REP1-067]</b>); and</li> <li>• <b>Statement of Common Ground with National Highways [REP4-070]</b> (Table 3- 1, ref. 9)</li> <li>• <b>Applicant Response to Deadline 4 Submissions [REPP5-042]</b> (Table 5.2)</li> </ul> <p>As explained in those submissions, the Applicant considers that the relevant planning authority is the appropriate approval body for Requirements 5, 8, 9, 11 and 19 of the <b>draft DCO [REP6-002]</b>. This reflects the conventional approach to the discharge of DCO requirements. The Applicant has already accepted that a different approach is appropriate in respect of Requirement 16, under which the relevant highway authority, including NH where relevant, has approval of the CTMP for each phase.</p> |

| Ref | NH Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|     | <p>If third parties do not require approval rights or do not routinely request them, then that is their decision. Where such rights are requested and evidence is presented as to why the third party would be prejudiced without the imposition of that control, that view should be considered seriously. NH is making the same request across all current DCO applications in which it is an interested party and where a specific need to be an approving body on a particular requirement has been identified. In all cases, this request is specifically limited to matters related to its functions, in order to be as limited and proportionate as possible.</p> | <p>In respect of Requirements 8, 9, 11 and 19, the draft DCO already requires the Applicant to consult NH before the relevant plans are submitted to the planning authority for approval. This ensures that NH has an opportunity to consider and comment upon matters relevant to its statutory functions and that those comments can be considered and, where appropriate, addressed before an application for approval is made. The Applicant therefore does not accept that NH having a consultative rather than approving role prevents its legitimate interests from being properly taken into account.</p> <p>Crucially, NH has still not identified any clear Scheme specific reason why those consultation rights are insufficient or why it additionally requires the status of an approving authority. The approach adopted in the draft DCO, whereby NH is consulted on matters relevant to its interests but the relevant planning authority remains the approving authority, reflects the well-established and widely precedented approach, where NH is a consultee in respect of equivalent DCO Requirements. It remains particularly noteworthy that NH has not identified any directly relevant DCO precedent in which it has been afforded equivalent approval rights. Nor has NH identified any evidence that the established approach, under which it is consulted rather than given approval functions, has proved inadequate on other schemes, or explained why the circumstances of this Scheme require a departure from that approach.</p> <p>To the extent that examples have now been identified involving approval functions being afforded to other statutory undertakers, those examples concern highly specific circumstances and do not establish any general principle that a statutory undertaker should be given approval rights under DCO Requirements simply because its interests may be affected by the authorised development.</p> <p>That absence of precedent is significant because the powers sought by NH would confer a substantial additional degree of control over the implementation of the Scheme. NH is not simply seeking to ensure that it is consulted and that its representations are properly considered. It is seeking a further approval role in respect of matters for which the draft DCO already identifies the relevant planning authority as the appropriate discharging authority. In practical terms, that would introduce a further layer of regulatory oversight and control in circumstances where</p> |

| Ref      | NH Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>NH has not demonstrated that the existing mechanisms are inadequate. Furthermore, the local planning authorities have not expressed any concern that they would not be competent to operate as discharging authority in these circumstances.</p> <p>The proportionality of NH's request must also be considered against the protections afforded to NH as a whole. NH would have the benefit of express consultation rights under the relevant Requirements, it would have approval rights under Requirement 16, and it would separately have the benefit of the protective provisions in Schedule 14, Part 7 of the draft DCO. The Applicant considers that these mechanisms provide a comprehensive suite of protections for NH's legitimate interests. This is especially true when the extent of the controls sought is benchmarked against the specific and limited interfaces between the Scheme and NH's interests.</p> <p>Accordingly, the Applicant maintains its firm position that NH has not demonstrated any Scheme specific need, precedent or other justification for the additional approval powers sought. The consultation provisions already included in the draft DCO, together with NH's specific approval role under Requirement 16 and the protections afforded through the protective provisions, provide an appropriate and proportionate level of control having regard to NH's statutory functions and the limited interface between the Scheme and the SRN. The additional approval rights sought by NH are therefore neither necessary nor justified.</p> |
| 5.3.3(a) | <p>The Applicant's position is noted, but does not acknowledge the fact that the LPA may not provide a response within the eight-week period, resulting in deemed discharge of the requirement with no regard had to NH's consultation response. Nothing in the Applicant's argument addresses this fact, save to say that the LPA is likely to respond in that timeframe. Whilst that may be the case, why should NH take that risk when it is perfectly feasible and proportionate to prevent that risk occurring now by making NH an approving body.</p> | <p>The Applicant does not agree with NH's concern. As explained in the Applicant's response above, under the draft DCO Requirements, consultation with NH must take place before the relevant application is submitted to the local planning authority for approval. NH's consultation response will therefore have been received and considered by the Applicant prior to the application being submitted for approval. The subsequent operation of the eight-week determination period does not alter or circumvent that process. NH's suggestion that deemed discharge could therefore occur without regard having been had to its consultation response is misplaced.</p> <p>In addition, the Applicant does not accept that this concern provides justification for making NH an approving authority. As set out in the Applicant's response above, the Draft DCO adopts the widely precedented approach whereby NH is consulted on matters relevant to its interests, while the relevant planning authority remains the appropriate approving authority. NH has not demonstrated why the possibility of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Applicant Responses to Deadline 6 Submissions

| Ref      | NH Comment                                                                                      | Applicant's Response                                                                                                                                                             |
|----------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |                                                                                                 | deemed discharge of Requirements, which is preceded in recent solar DCO's, justifies departing from that established approach and conferring additional approval powers upon NH. |
| 5.3.4(a) | NH is considering this point internally and will endeavour to provide a response at Deadline 7. | The Applicant notes that the comments relate to fencing and awaits NH's response at Deadline 7.                                                                                  |
| 5.3.5(a) | NH is considering this point internally and will endeavour to provide a response at Deadline 7. | The Applicant notes that the comments relate to drainage matters and awaits NH's response at Deadline 7.                                                                         |

**Table 5: Applicant's response to North Lincolnshire Council (NLC)**

| Ref | NLC Comment                                                                                                    | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 | NLC has no further comments in respect of deadline 5 submissions, or any other matters, to those set out above | The matters referred to by NLC in this comment relate to the ExA's Third Written Questions and Commentary on the draft DCO, which the Applicant has responded to in <b>Applicant Responses to Interested Party Responses to Third Written Questions [Document Reference 8.32 Revision 1]</b> and <b>Applicant Responses to Interested Party Comments on the Examining Authority's Commentary on the Draft DCO [Document Reference 8.33 Revision 1]</b> respectively. |

**Table 6: Applicant's response to Annette Exley**

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant's Response                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                              |
| <p>The applicant asks to buy, permanently and outright, 1,727.66 hectares — 4,269 acres — being 94 per cent of the 1,831-hectare site. The remaining six per cent is taken by rights and temporary powers. Development consent lasts 40 years. The ownership does not expire, and nothing in the Order requires the land to be returned. The applicant's own documents say it does not need to buy the land:</p> <ul style="list-style-type: none"> <li>• It has already negotiated voluntary leasehold options across all Panel Areas, which it says secure everything the Scheme needs including cabling (Grid Connection Statement, 4.1.1).</li> <li>• It has secured 25 Option Agreements where the solar panels are proposed (Statement of Reasons, 13.1.8).</li> </ul> | The Applicant has responded to the individual matters summarised here below. |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's Response                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• It expects never to use the powers: using them is “not envisaged” (Funding Statement, 5.1.4).</li> <li>• It keeps them over all the land anyway, “even where option agreements have been concluded” (Statement of Reasons, 6.2.9). The schedule does not match the justification. The applicant says freehold is only for the panels, habitat land, substations and batteries, and that cable and access land “will not be acquired compulsorily” (7.4.4). Yet 51 of the 202 plots carry no solar panels at all: 39 are for cabling, laydown or access only, seven are for habitat only, and three are for an access track alone. At the electrical infrastructure the pattern is absolute. All eight substation plots and all six battery plots are bought outright. Not one is taken by rights anywhere in the Scheme. Meanwhile the connection this all depends on is not fixed. The connection point has no agreed location, the window is 2031 to 2035, the export cable route lies outside this Order, and the applicant has refused to link the acquisition powers to obtaining a grid connection at all. The final investment decision has not been taken. At Deadline 5 the draft Order contained no protective provisions for National Grid, and six statutory undertakers who asked for a say before their land is taken were all refused. The land also comes with the water. Buying 1,727 hectares of drained peatland transfers control of the drainage regime in a landscape where Natural England identifies water management as the control on wildfire spread, and where a fire on Hatfield Moors burned for 22 days in 2020. No obligation governs that management after 2072. I do not ask for the Scheme to be refused. I ask that the land powers be tested plot by plot against section 122(2), and granted only where no lesser interest will do</li> </ul> |                                                                                                                                                                                                                                                   |
| <b>1 Request for acceptance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                   |
| <p>I am not a registered Interested Party and I recognise that the principal deadlines have passed. I respectfully ask the Examining Authority to accept this submission at its discretion. The matters raised arise from the applicant's most recent documents – the Statement of Reasons Revision 4 [REP4-007], the Book of Reference Revision 5 [REP3-012], the Grid Connection Statement Revision 3 [REP1-014], the Statement of Common Ground with National Grid Electricity Transmission Revision 3 [REP5-053] and the Justification for the Applicant's Preferred Protective Provisions Revision 2 [REP5-039]. Several were filed at Deadline 5. They go to the tests in sections 122 and 127 of the Planning Act 2008, which the Examining Authority must address before the examination closes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>The Applicant notes that this party is not registered as an Interested Party, nor does the party own any land interest within the Order limits. For ease of reference, the Applicant will refer to this party as 'Interested Party' below.</p> |
| <b>2. Scope of this submission, and what is not contended</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                   |
| <p>I do not contend that development consent should be refused. I accept that solar photovoltaic generation is Critical National Priority infrastructure under paragraph 4.2.4 of National Policy Statement EN-1, that substantial weight attaches to the need case, and that the principle of the development is supported by policy. This submission concerns the land powers sought in the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The Applicant welcomes confirmation from the Interested Party that they do not contend that consent should be refused.</p>                                                                                                                     |

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant’s Response                                                                                                                                                                                                                           |                                  |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>draft Order, and nothing else. The question is not whether the scheme should be built, but whether the applicant has demonstrated that the interests it seeks to take are no more than reasonably required, and whether statutory undertakers' land can be acquired consistently with section 127.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>The Applicant has robustly demonstrated that the interests sought are no more than reasonable required, as evidenced by the <b>Statement of Reasons [REP4-007]</b> and <b>Appendix 2 Schedule of Landowner Negotiations [REP6-053]</b>.</p> |                                  |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>3. The extent of the freehold sought</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                |                                  |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Appendix 3, Table 2 of the Statement of Reasons Revision 4 lists 202 plots for permanent freehold acquisition. Table 3 lists 230 plots for permanent rights and restrictive covenants only. Cross-referring those plots to the areas recorded in Part 1 of the Book of Reference Revision 5 gives:</p> <table><tr><th></th><th>Plots</th><th>Area</th></tr><tr><td>Permanent freehold acquisition</td><td>202</td><td><b>1,727.66 ha</b> (4,269 acres)</td></tr><tr><td>Permanent rights and covenants only</td><td>230</td><td>90.46 ha</td></tr><tr><td>Order Limits</td><td>–</td><td>1,831 ha</td></tr></table> <p>Freehold acquisition therefore covers approximately 94 per cent of the Order Limits. The land to be taken by rights rather than purchase amounts to some five per cent. The largest single plot, 11/22, extends to 171.82 hectares — on its own, nearly twice the total area taken by rights across the whole scheme. These figures do not appear anywhere in the application documents.</p> <p>I ask the Examining Authority to require the applicant to confirm or correct them, and to state the total hectarage of freehold sought. Precisely what is proposed to be purchased Table 2 records, against each plot, the Work Numbers for which the land is required. Grouping the 202 plots by the purposes stated for them, and applying the areas in the Book of Reference, produces the following. I set it out in full because the composition of the acquisition is not otherwise apparent from any application document.</p> |                                                                                                                                                                                                                                                | Plots                            | Area | Permanent freehold acquisition | 202 | <b>1,727.66 ha</b> (4,269 acres) | Permanent rights and covenants only | 230 | 90.46 ha | Order Limits | – | 1,831 ha | <p>The Applicant notes the analysis from the Interested Party. It is unclear how these figures have been calculated and regrettable that the Interested Party has produced them at this late stage in the process, with little to no time for analysis and response.</p> <p>The Examining Authority will note that the relevant information is already provided within the Application documents. The <b>Book of Reference [REP3-012]</b> sets out the precise size of each plot and the extent of acquisition. It is unclear what benefit would be obtained by setting out the "total hectarage of freehold sought" when this is presented visually on the <b>Land Plans [REP3-002]</b> already, however the Applicant can confirm that the total extent of freehold sought (i.e. the plots shown in blue on the <b>Land Plans [REP3-002])</b> amounts to 1,735 hectares.</p> <p>The Examining Authority will note that:</p> <ul style="list-style-type: none"><li>Plots: 2/16, 2/17, 2/68, 2/72, 12/14, 12/16 and 12/17: As stated at paragraph 7.3.2 of the <b>Statement of Reasons [REP4-007]</b>, permanent acquisition is required for plots subject to Work No. 3 (works to create, enhance and maintain green infrastructure and habitat management). This is because of the nature of the works proposed within those plots. The Applicant has successfully secured option agreements for plots 2/16, 2/17, 2/68, 2/72 and is in negotiation for the remaining plots (as set out in <b>Appendix 2: Schedule of Negotiations [REP6-053]</b>). However, regardless of any agreement being reached, compulsory powers are still required to ensure the Applicant is able to deliver the Scheme. The rationale for this is explained in section 4.4 of the Statement of Reasons.</li><li>Plots 3/4, 3/10 and 3/34: As clearly set out on the Land Plans and in the Schedule of Negotiations, these plots are small strips of land that are already under an option agreement in favour of the Applicant. Again, regardless of</li></ul> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Plots                                                                                                                                                                                                                                          | Area                             |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Permanent freehold acquisition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 202                                                                                                                                                                                                                                            | <b>1,727.66 ha</b> (4,269 acres) |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Permanent rights and covenants only                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 230                                                                                                                                                                                                                                            | 90.46 ha                         |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Order Limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | –                                                                                                                                                                                                                                              | 1,831 ha                         |      |                                |     |                                  |                                     |     |          |              |   |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Applicant Responses to Deadline 6 Submissions

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                    | Applicant’s Response                                                                                                                                                                                                                                                            |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <table><tr><th>Stated purposes</th><th>Plots</th><th>Area</th></tr><tr><td>Solar arrays, cabling, access</td><td>92</td><td>540.6 ha</td></tr><tr><td>Solar arrays, cabling, habitat, access</td><td>14</td><td>350.5 ha</td></tr><tr><td>Solar arrays, cabling, laydown, access</td><td>19</td><td>257.5 ha</td></tr><tr><td>Solar arrays, cabling, substations, BESS, laydown, access</td><td>3</td><td>214.1 ha</td></tr><tr><td>Solar arrays, cabling, substations, laydown, access</td><td>2</td><td>100.2 ha</td></tr><tr><td>Solar arrays, cabling, habitat, substations, laydown, access</td><td>2</td><td>56.6 ha</td></tr><tr><td>Solar arrays, cabling, habitat, laydown, access</td><td>3</td><td>54.6 ha</td></tr><tr><td><b>Cabling and access only</b></td><td><b>36</b></td><td><b>53.8 ha</b></td></tr><tr><td><b>Habitat and green infrastructure only</b></td><td><b>7</b></td><td><b>41.5 ha</b></td></tr><tr><td>Solar arrays, cabling, habitat, BESS, laydown, access</td><td>1</td><td>31.0 ha</td></tr><tr><td>Cabling, habitat, access</td><td>5</td><td>15.2 ha</td></tr><tr><td>Solar arrays, cabling, substations, BESS, access</td><td>1</td><td>5.9 ha</td></tr><tr><td>Solar arrays and cabling</td><td>12</td><td>5.8 ha</td></tr><tr><td><b>Access only</b></td><td><b>3</b></td><td><b>0.4 ha</b></td></tr><tr><td>Solar arrays, cabling, habitat</td><td>1</td><td>0.1 ha</td></tr><tr><td>Solar arrays, cabling, BESS, laydown, access</td><td>1</td><td>&lt;0.1 ha</td></tr><tr><td><b>Total</b></td><td><b>202</b></td><td><b>1,727.66 ha</b></td></tr></table> <p>Two figures follow directly. 151 plots totalling 1,616.8 hectares include the solar arrays themselves. The remaining 51 plots, totalling 110.9 hectares, do not. Of those 51, 39 plots covering 54.2 hectares are proposed for outright freehold purchase where the only stated purposes are cabling, temporary laydown or access, and a further seven plots covering 41.5 hectares — 2/16, 2/17, 2/68, 2/72, 12/14, 12/16 and 12/17 — are proposed for purchase where the only stated purpose is habitat and green infrastructure. Plots 3/4, 3/10 and 3/34 are proposed for purchase for access alone.</p> <p>The applicant's own paragraph 7.4.4 states that the freehold of cable and access land will not be acquired compulsorily. On the face of Table 2, it is being acquired</p> | Stated purposes | Plots              | Area                                                                                                                                                                                                                                                                            | Solar arrays, cabling, access | 92 | 540.6 ha | Solar arrays, cabling, habitat, access | 14 | 350.5 ha | Solar arrays, cabling, laydown, access | 19 | 257.5 ha | Solar arrays, cabling, substations, BESS, laydown, access | 3 | 214.1 ha | Solar arrays, cabling, substations, laydown, access | 2 | 100.2 ha | Solar arrays, cabling, habitat, substations, laydown, access | 2 | 56.6 ha | Solar arrays, cabling, habitat, laydown, access | 3 | 54.6 ha | <b>Cabling and access only</b> | <b>36</b> | <b>53.8 ha</b> | <b>Habitat and green infrastructure only</b> | <b>7</b> | <b>41.5 ha</b> | Solar arrays, cabling, habitat, BESS, laydown, access | 1 | 31.0 ha | Cabling, habitat, access | 5 | 15.2 ha | Solar arrays, cabling, substations, BESS, access | 1 | 5.9 ha | Solar arrays and cabling | 12 | 5.8 ha | <b>Access only</b> | <b>3</b> | <b>0.4 ha</b> | Solar arrays, cabling, habitat | 1 | 0.1 ha | Solar arrays, cabling, BESS, laydown, access | 1 | <0.1 ha | <b>Total</b> | <b>202</b> | <b>1,727.66 ha</b> | <p>any agreement being reached, compulsory powers are still required as a fall back to ensure the Applicant is able to deliver the Scheme.</p> <p>The Applicant does not recognise the Interested Party's version of paragraph 7.4.4 of the Statement of Reasons. Paragraph 7.4.4 does not refer to the freehold of cable and access land and instead states: <i>"Where land is shown coloured pink and green on the Land Plans, the freehold of that land will not be acquired compulsorily. Rather the nature of the compulsory acquisition powers will be limited to the acquisition of new rights or the imposition of restriction covenants."</i></p> |
| Stated purposes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Plots           | Area               |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 92              | 540.6 ha           |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, habitat, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 14              | 350.5 ha           |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 19              | 257.5 ha           |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, substations, BESS, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3               | 214.1 ha           |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, substations, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2               | 100.2 ha           |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, habitat, substations, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2               | 56.6 ha            |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, habitat, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 3               | 54.6 ha            |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Cabling and access only</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>36</b>       | <b>53.8 ha</b>     |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Habitat and green infrastructure only</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>7</b>        | <b>41.5 ha</b>     |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, habitat, BESS, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1               | 31.0 ha            |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Cabling, habitat, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5               | 15.2 ha            |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, substations, BESS, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1               | 5.9 ha             |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays and cabling                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 12              | 5.8 ha             |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Access only</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>3</b>        | <b>0.4 ha</b>      |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, habitat                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1               | 0.1 ha             |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Solar arrays, cabling, BESS, laydown, access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1               | <0.1 ha            |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>202</b>      | <b>1,727.66 ha</b> |                                                                                                                                                                                                                                                                                 |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Every substation and battery plot is bought outright; none is taken by rights</b></p> <p>The pattern at the electrical infrastructure is absolute. Cross-referring Tables 2 and 3:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                    | <p>The Examining Authority will note agreements have already been reached for the land required for substations and the BESS (i.e. all of the plots referred to by the Interested Party). This is clearly set out in <b>Appendix 2: Schedule of Negotiations [REP6-O53]</b></p> |                               |    |          |                                        |    |          |                                        |    |          |                                                           |   |          |                                                     |   |          |                                                              |   |         |                                                 |   |         |                                |           |                |                                              |          |                |                                                       |   |         |                          |   |         |                                                  |   |        |                          |    |        |                    |          |               |                                |   |        |                                              |   |         |              |            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <ul style="list-style-type: none"> <li>• Eight plots carry Work No. 4, the on-site substations — 1/48, 1/56, 3/8, 3/29, 8/2, 9/20, 10/19 and 11/22, extending to 376.85 hectares. All eight are in Table 2.</li> <li>• Six plots carry Work No. 5, the battery energy storage systems — 1/48, 1/56, 2/8, 3/8, 3/33 and 11/22, extending to 251.05 hectares. All six are in Table 2.</li> <li>• Not one plot carrying a substation or a battery compound appears in Table 3. There is no instance anywhere in this application of substation or BESS land being taken by permanent rights rather than by purchase.</li> </ul> <p>Together these are ten plots covering 407.85 hectares, including plot 11/22 at 171.82 hectares. The land carrying the substations that connect this Scheme to the national electricity transmission system, and the land carrying the battery storage, is to be owned outright without exception.</p> <p>I do not suggest that operational infrastructure of this kind requires no security of tenure. I ask the Examining Authority to note, however, that the applicant has not explained why a long lease of the substation and battery compounds — which is what it has negotiated voluntarily elsewhere on the Scheme — would be insufficient, when Article 29 of the same Order contemplates acquiring no more than the subsoil where that will serve.</p>                                                                                                            | <p>The Examining Authority will be aware that the compulsory purchase regime does not permit an Applicant to impose a lease on a third-party landowner, hence the need to include permanent powers to acquire this land in the event that the voluntary grant of a lease does not occur for any reason.</p> <p>The Examining Authority will also be aware that compulsory powers are included in the draft Order notwithstanding any agreement which may have been reached (see paragraph 4.4.1 of the <b>Statement of Reasons [REP4-007]</b>).</p>                                                                                                                                                                                                                      |
| <p><b>What the freehold carries with it</b></p> <p>Freehold acquisition transfers more than the surface on which the Scheme sits. It carries control of the land drainage and water level regime across 1,727 hectares of a drained lowland peat landscape presently managed with two Internal Drainage Boards; control of watercourses, ditches and field drains within the Order Limits; and control of everything on and beneath the land, subject only to the Minerals Code incorporated by Article 24. That matters here for a specific reason. As set out at section 8 below, Natural England has identified water management of the peatland as a control on the spread of wildfire in this landscape, following a fire on Hatfield Moors in 2020 that burned for 22 days. The Order Limits include 0.53 hectares of Thorne Moor Special Area of Conservation and Thorne &amp; Hatfield Moors Special Protection Area, and adjoin the Humberhead Peatlands National Nature Reserve. Under a lease, the landowner and the drainage boards retain their interest in how the land is managed, and the reversion disciplines that management. Under freehold, they do not. The Outline Decommissioning Environmental Management Plan imposes no water management obligation after the operational period ends. The question of what interest is taken is therefore not only a question of extent; it determines who controls the water regime of this landscape after 2072, and to whom they answer.</p> | <p>The proposed acquisition of freehold land does not alter the regulatory regime. The <b>draft DCO [REP6-002]</b> clearly contains protections for the relevant water and sewerage undertakers (Part 1, Schedule 14), drainage authorities (Part 3, Schedule 14), and Environment Agency (Part 5, Schedule 14). The provisions in favour of the EA are agreed between the parties and those in favour of the internal drainage boards are also substantially agreed.</p> <p>The Examining Authority will also note requirement 11 of the draft DCO, Surface and foul water drainage, which requires details of a surface water drainage strategy and (if required) a foul water drainage system to be submitted to and approved by the relevant planning authority.</p> |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>4. Section 122(2) – the land taken is more than is reasonably required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Paragraph 11 of the Compulsory Acquisition Guidance requires the Secretary of State to be satisfied that the land to be acquired is no more than is reasonably required. Paragraph 6.2.4 of the Statement of Reasons asserts that the applicant has limited freehold acquisition “to where it is absolutely necessary and where required to ensure that the Applicant has the necessary exclusive possession and control of the land”. Five matters in the applicant's own documents are inconsistent with that assertion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>The Applicant has responded to these points below.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>(a) The applicant has already secured leasehold interests over the land it needs</b></p> <p>Paragraph 4.1.1 of the Grid Connection Statement Revision 3 states: “The Applicant has successfully negotiated voluntary option agreements for leasehold interests to allow for the construction, operation and decommissioning of the Scheme within all Panel Areas.” Paragraph 4.3.1 adds that those agreements “include provision for all Scheme infrastructure, including cabling”, and concludes that the applicant “has secured the necessary land, rights and interests to facilitate the construction and operation of 400kV cabling within the Order Limits”. If leasehold options negotiated voluntarily already secure what the scheme requires across all Panel Areas, the case that freehold is absolutely necessary across 1,727 hectares is not made out. What freehold adds is not operational control but the quality of the asset and its value on resale. Those are not matters section 122(2) is concerned with</p>   | <p>Voluntary agreements do not preclude the need for compulsory powers. The reasons for this are clearly set out at paragraph 4.4.1 of the <b>Statement of Reasons [REP4-007]</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>(b) The schedule contradicts the applicant's own stated policy</b></p> <p>Paragraph 7.3.2 of the Statement of Reasons states that freehold is sought for land required for the solar arrays (Work No. 1), green infrastructure and habitat management (Work No. 3), the on-site substations (Work No. 4) and the battery energy storage systems (Work No. 5). Paragraph 7.4.4 states that for cable and access land “the freehold of that land will not be acquired compulsorily”. Table 2 does not follow that policy. On my reading, 39 plots are listed for freehold where the only stated purpose is cabling (Work No. 2), temporary laydown (Work No. 7) or access (Work No. 8). Three plots — 3/4, 3/10 and 3/34 — are listed for outright freehold acquisition where the sole stated purpose is “works to facilitate access”. I ask the applicant to explain why the freehold of land required only for a buried cable or an access track must be acquired, when paragraph 7.4.4 of the same document says it will not be.</p> | <p>The Applicant notes the concern, but it seems that the Interested Party has misconstrued the information set out in the <b>Statement of Reasons [REP4-007]</b>.</p> <p>Paragraph 7.4.4 of the Statement of Reasons states: <i>Where land is shown coloured pink and green on the Land Plans, the freehold of that land will not be acquired compulsorily. Rather the nature of the compulsory acquisition powers will be limited to the acquisition of new rights or the imposition of restriction covenants.</i> This paragraph is not referring to solely cable and access land.</p> <p>The Applicant is not proposing to comment on each plot in the Interested Party's Table 2 but notes that all of the information is readily available within the Application already. As noted above, these plots are already subject to agreement with the relevant landowners.</p> |
| <p><b>(c) The same category of work is treated in two different ways</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The Examining Authority will note that no plot in Table 2 of the Statement of Reasons (land subject to permanent acquisition) is required solely for Work No. 2. Those plots are required for other works.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>Work No. 2 is cited on 192 plots listed for freehold and on 194 plots listed for rights only. Paragraph 7.5.4 explains the intended approach for cable land: take a wider corridor temporarily during construction, then acquire permanent rights over a lesser area once the route is fixed. If that approach is adequate for 194 plots, no explanation is offered as to why the freehold is required for a comparable number.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>The proportionate approach towards land acquisition set out in paragraph 7.5.4 of the Statement of Reasons for rights/ temporary possession equally applies to permanent acquisition, as set out in paragraph 7.5.3: <i>"This enables the Applicant to take a proportionate approach to permanent acquisition so as to only compulsorily acquire the minimum amount of permanent land and rights/restrictions over land required to construct, operate and maintain the Scheme."</i></p>                                                                                                                                                             |
| <p><b>(d) Habitat land is to be bought outright</b></p> <p>Thirty-three freehold plots cite Work No. 3, green infrastructure and habitat management. Seven – 2/16, 2/17, 2/68, 2/72, 12/14, 12/16 and 12/17 – cite it as their sole purpose. Landscape planting and biodiversity mitigation are not infrastructure requiring exclusive possession, and the justification at paragraph 6.2.4 does not extend to them.`</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>As set out above, the Applicant has successfully secured option agreements for plots 2/16, 2/17, 2/68, 2/72 and is in negotiation for the remaining plots (as set out in <b>Appendix 2: Schedule of Negotiations [REP6-053]</b>).</p> <p>However, regardless of any agreement being reached, compulsory powers are still required to ensure the Applicant is able to deliver the Authorised Development. The rationale for this is clearly set out in section 4.4 of the <b>Statement of Reasons [REP4-007]</b></p> <p>Permanent powers are the most effective way of ensuring the Applicant is able to implement the Scheme without impediment.</p> |
| <p><b>(e) The applicant accepts that lesser interests can suffice</b></p> <ul style="list-style-type: none"> <li>• Paragraph 7.4.11: without the power to impose restrictive covenants the applicant “would need to acquire a greater extent of freehold land”. The interests are expressly substitutable.</li> <li>• Article 29 permits acquisition of the subsoil only, its stated purpose being “to minimise so far as is possible the extent of interests that need to be acquired”.</li> <li>• Paragraph 7.2.12: “detailed design may avoid acquisition of some of the land that is within the scope of compulsory acquisition powers” – an acceptance that the Order Land exceeds what will be taken.</li> <li>• The common land plots (1/A to 1/E, 2/A and 3/A to 3/E) are excluded from compulsory acquisition altogether because an option agreement was considered sufficient. That is a worked example, within this application, of a lesser interest being adequate.</li> </ul> | <p>It is unclear to the Applicant how its use of alternatives to permanent acquisition undermines its position that it is limiting its acquisition to that which is absolutely necessary. The Applicant is not clear what point the Interested Party is seeking to make on this issue.</p>                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>(f) None of the freehold land is exempted by agreement, by design</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>All land set out in the <b>Land Plans [REP3-002]</b> and <b>Book of Reference [REP3-012]</b>, is required by the Applicant, regardless of any agreement that has been reached. The</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>The proportion of the 1,727.66 hectares that genuinely requires compulsory acquisition, as distinct from land already secured by agreement, is not stated anywhere. It does not need to be, because the applicant has confirmed that the distinction makes no difference to the powers sought. Paragraph 6.2.9 of the Statement of Reasons:</p> <p>"All of the Order Land will be retained in the Order even where option agreements have been concluded with landowners. This is to ensure that the Scheme is not impeded by the subsequent discovery (despite diligent enquiries) of any interests or private rights in that land, or by the inability to exercise the option agreements that have been secured for any reason."</p> <p>The only exception is the Common Land at plots 1/A to 1/E, 2/A, 2/B and 3/A to 3/E. Every one of the 202 freehold plots — the whole 1,727.66 hectares — remains subject to compulsory acquisition powers regardless of whether agreement has been reached. Paragraph 13.1.8 records that the applicant has secured 25 Option Agreements with landowners where solar panels and supporting infrastructure are proposed, together with three agreed easements and one agreed set of Heads of Terms for the cable routes. Paragraph 4.1.1 of the Grid Connection Statement puts it more broadly still: voluntary option agreements for leasehold interests have been negotiated within all Panel Areas. The Funding Statement Revision 3 goes further. At paragraph 5.1.4 the applicant states that "in the event the Applicant had to utilise the compulsory acquisition powers provided for in the Draft DCO... to deliver the Scheme, which is not envisaged, the cost of acquiring the land within the Order Limits could be up to £100 million." The applicant therefore does not expect to use the powers it asks for. That is candid, and it is consistent with the option agreements already in place. But it is difficult to reconcile with paragraph 6.2.4, which says freehold acquisition has been limited to where it is absolutely necessary. Powers retained as a contingency against the discovery of unknown interests, or against the failure of options already concluded, are prudent commercial practice. They are not the same as a demonstrated requirement, which is what section 122(2) asks for. I invite the Examining Authority to ask the applicant to state, in hectares and as a percentage of the 1,727.66 hectares, how much of the freehold land is not already the subject of a concluded option agreement or Heads of Terms. That figure would show the true extent of the land for which compulsory powers are actually needed, and it is not in any application document</p> | <p>reasons for this are clearly set out at paragraph 4.4.1 of the <b>Statement of Reasons [REP4-007]</b>.</p> <p>The Applicant does not agree with the position set out by the Interested Party. The Examining Authority will note that the Applicant's approach to continuing to seek compulsory powers notwithstanding agreements is well precedented and has been endorsed by the Secretary of State on numerous solar and non-solar DCOs.</p> |
| <b>5. Section 127 — acquisition of statutory undertakers' land</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>Sections 127(2) and 127(5) permit compulsory acquisition of statutory undertakers' land and rights only where the Secretary of State is satisfied this can occur without serious detriment to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>The Applicant considers that the protective provisions included within the <b>draft DCO [REP6-002]</b> adequately provide the necessary protections to statutory undertakers to avoid serious detriment to their undertaking.</p>                                                                                                                                                                                                              |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant's Response                                                                                                                                                                                                                                                                                                                                                              |
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| <p>the undertaking. Paragraph 9.2.4 of the Statement of Reasons asserts that those tests are satisfied. The position at Deadline 5 does not support that assertion</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The Applicant refers the Examining Authority to the <b>Statutory Undertakers Position Statement [REP5-O22]</b> which accurately summarises the position with such parties.</p>                                                                                                                                                                                                 |
| <p><b>(a) No protective provisions for NGET are in the draft Order</b></p> <p>Paragraph 4.6 of the Justification for the Applicant's Preferred Protective Provisions Revision 2, filed at Deadline 5: "agreement has not been reached... The Applicant does not consider that there has been sufficient progress on the outstanding matters in Table 4 to justify inclusion of the protective provisions in the Draft DCO [Revision 8] at Deadline 5. The Applicant is committed to continued engagement with NGET and will include the protective provisions in the Draft DCO at Deadline 6." The same applies to Northern Powergrid, National Highways and the Internal Drainage Boards. At the final substantive deadline, therefore, the draft Order contains no protective provisions for the transmission owner, while permanent freehold is sought over plots containing NGET rights and assets associated with the existing ZDA 400kV overhead line.</p>                                                                                                                                                                                                                                                                    | <p>The Applicant refers the Examining Authority to the <b>Statutory Undertakers Position Statement [REP5-O22]</b> which accurately summarises the position with such parties. Protective provisions will be included in the draft DCO at Deadline 8, as set out at paragraph 4.17 of the <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b>.</p> |
| <p><b>(b) Six statutory undertakers have asked for a consent mechanism; all were refused</b></p> <p>Section 3 of the same document records that Cadent, the Canal &amp; River Trust, NGET, National Highways, Network Rail and Northern Powergrid have each requested a mechanism requiring their consent before compulsory acquisition powers are exercised over their land. The applicant's "firm position" is that this is "neither necessary nor justified". Six independent statutory undertakers seeking the same safeguard is itself evidence that the protective provisions as drafted are not regarded as adequate by those they are intended to protect</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The Applicant refers the Examining Authority to the <b>Statutory Undertakers Position Statement [REP5-O22]</b> and <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b> which accurately summarises the position with such parties.</p>                                                                                                         |
| <p><b>(c) The dispute concerns the Great Grid Upgrade</b></p> <p>Table 4 records that NGET seeks provisions covering apparatus for its North Humber to High Marnham project, and a term that the undertaker "must not unless otherwise agreed in writing acquire any land forming part of a NHHM Site". The applicant resists on the basis that NHHM remains at pre-application stage. North Humber to High Marnham forms part of the Great Grid Upgrade. It is strategic transmission reinforcement promoted by the licensed transmission owner, delivered under Ofgem's price control framework and recovered through network charges borne by electricity consumers. It is not a competing commercial development; it is the network on which schemes of this kind depend. The Examining Authority is therefore asked to authorise permanent private freehold acquisition over land which the transmission owner has expressly asked to be protected from acquisition because it may be needed for that reinforcement. If the freehold is acquired and NHHM later requires the same land, the transmission owner would be negotiating to buy back, or to compel, land which this Order will have placed in private ownership</p> | <p>The Applicant refers the Examining Authority to the <b>Statutory Undertakers Position Statement [REP5-O22]</b> and <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b> which accurately summarises the position with such parties.</p>                                                                                                         |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>— at a cost recovered from consumers. I make no wider point about how transmission investment is funded, which is not a matter for this examination. The point is confined to section 127: a statutory undertaker has identified a specific detriment to its undertaking, has asked for a specific protection against it, and has been refused. That is precisely the circumstance in which the Secretary of State must be satisfied of the statutory test rather than accept the applicant's assertion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>(d) The Statement of Common Ground remains open</b></p> <p>In Revision 3, filed at Deadline 5, matters 2, 3 and 4 — protection for retained and proposed NGET infrastructure, protection for NGET's rights of access to inspect and maintain its apparatus, and the protective provisions themselves — are all recorded as "Under discussion". The Justification document acknowledges that sections 127 and 138 are engaged and that agreement is required "in order to enable objections to be removed". Unless those objections are withdrawn, the section 127 tests cannot be discharged on the applicant's assertion alone</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>The Applicant refers the Examining Authority to the <b>Statutory Undertakers Position Statement [REP5-O22]</b> and <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b> which accurately summarises the position with such parties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>6. Acquisition in advance of a confirmed grid connection</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>The point of connection is not confirmed.</b></p> <p>The Grid Connection Agreement names the connection site as "Trent Valley North Connection Node B 400kV Substation" but, as the applicant told the Examining Authority at Q2.10.3, "the agreement does not define its geographical location". It is not known whether connection will be to a new or an existing substation. NGET "is not currently proposing to construct a new substation in this area". The export cable route cannot be defined and falls outside this Order. At Q2.4.2 the Examining Authority asked whether the draft Order would prevent the applicant acquiring land and rights before obtaining a grid connection. The applicant confirmed that it would not, and that it is declining to link compulsory acquisition powers to the discharge of Requirement 21, describing the alternative as "a radical and unjustified departure from established precedent". Article 25 allows five years from the making of the Order for those powers to be exercised. The connection window is 2031 to 2035 and the Gate 2 offer is not expected until January 2027. The final investment decision has not been taken. The freehold of 1,727 hectares could therefore vest before the applicant knows whether it can connect and before it has committed to build. I note also that the applicant sought a six-month pause in January 2026 so that "the viability of the project [could] be reconfirmed", warning that a 2035 date "could have very significant implications for the viability of the project" and that the review might "result in a requirement to withdraw the application". The document produced following</p> | <p>The Applicant consider that it would be inappropriate for the exercise of compulsory powers to be linked to the grid connection corridor, which is outside the scope of the Scheme for which development consent is being sought. The Applicant's rationale for this was set out in response to ExQ2.4.2 of the <b>Responses to ExA Written Questions 2 [REP4-O62]</b>. Requirement 21 of the <b>draft DCO [REP6-O02]</b> already provides that the authorised development must not commence until written evidence that consent is in place for the construction of electrical cable for the purposes of connecting the Scheme to the national electricity transmission, has been submitted to and approved by the relevant planning authority. This is sufficient.</p> <p>The Applicant separately does not consider a viability review to be necessary given the strong policy support for the Scheme. Nor has such a review been requested by the Examining Authority.</p> |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p>that pause, the Sensitivity Test Report [REP2–091], is an assessment of environmental effects under two construction programmes. No viability review has been placed before the examination</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>7. No reversion of the land after the operational period</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>The Outline Decommissioning Environmental Management Plan provides for 40 years of operation followed by approximately 24 months of decommissioning.</b></p> <p>The only obligation is to submit a Decommissioning Environmental Management Plan not less than six months before the 40th anniversary of final commissioning. Paragraph 3.2.9 provides that land will be reinstated “to conditions agreed with the local authorities and in consultation with the landowner”. Paragraph 3.2.4 provides for land to be “returned to the landowners in private ownership upon restoration”. Both provisions presuppose a landowner distinct from the undertaker. On the 202 plots to be acquired freehold, the undertaker is the landowner, and there is no person to whom the land can be returned. No provision in the draft Order or the outline plans requires the freehold to be sold, transferred or returned at any point. Development consent is time-limited; the land interest is not. I ask the Examining Authority to consider whether that asymmetry is proportionate, and whether a lease for the consented operational period would achieve the same delivery outcome without permanent alienation of 1,727 hectares of agricultural land. I note that Article 8 permits transfer of the benefit of the Order with the Secretary of State's consent, that Article 8(9)(c) applies the same obligations to a transferee, and that Article 47 requires a guarantee approved by the Secretary of State. Those are meaningful safeguards. However, at Issue Specific Hearing 2 the Examining Authority raised the position where the benefit is split between parties, expressing concern that in the event of a breach “there may be a risk of parties seeking to avoid responsibility”. The applicant's answer was that liability “would be determined on the facts of each case”. That was recorded as Action 3 and, so far as I can establish, remains unresolved.</p> | <p>The Examining Authority will be aware that the duration of land interests secured pursuant to compulsory powers is permanent. The Applicant cannot impose a lease on landowners pursuant to compulsory acquisition powers, but is seeking to voluntarily engage for options for leases (where not already agreed).</p> <p>Where permanent powers are exercised (notwithstanding existing option agreements), the Applicant would still need to reinstate land in accordance with the Environmental Management Plan (as agreed by the local planning authority).</p> <p>The Applicant responded to Action 3 of ISH2 at paragraph 4.26 of its <b>Written Summary of Oral Submissions made at Issue Specific Hearing 2 [REP3–047]</b>.</p> |
| <p><b>The Order's safeguards attach to the undertaking, not to the land</b></p> <p>I ask the Examining Authority to consider a structural point. Every control in the draft Order — the requirements, the protective provisions, the guarantee under Article 47, the Secretary of State's consent to transfer under Article 8 — regulates the benefit of the Order: the right to construct and operate the authorised development. None of them regulates the ownership of the land.</p> <p>The consequence is that the freehold outlasts every mechanism by which this consent is controlled. If the compulsory acquisition powers are exercised and the scheme is then not built, the land remains owned. If the Order lapses, the land remains owned. When the 40-year</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The Examining Authority will be aware that, if the Applicant acquires a freehold interest, it will still be subject to controls on how it operates the Scheme under the DCO, and landowners would be entitled to compensation for their interests in land affected by the Scheme.</p> <p>Tables 2 and 3 of the <b>Statement of Reasons [REP4–007]</b> set out clearly, on a plot-by-plot basis, how the Applicant meets the test under s122(2), namely, how the land is required for a specific work.</p>                                                                                                                                                                                                                               |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>operational period ends and the site is decommissioned, the land remains owned. At each of those points the requirements fall away, the protective provisions cease to bite, and the guarantee is spent — but the 1,727 hectares do not return, because no provision requires them to.</p> <p>I make no allegation about the applicant's intentions, and none is necessary. The point is one of structure rather than motive: the freehold is the single element of this application that, once granted, passes permanently beyond the reach of the consenting regime. Everything else the Examining Authority authorises can be conditioned, reviewed, enforced or brought to an end. Permanent ownership of the land cannot.</p> <p>That is why, in my respectful submission, the extent of freehold sought warrants closer scrutiny than any other power in the Order, and why the test at section 122(2) should be applied plot by plot rather than to the Order Land as a whole. Where a lease or a permanent right would deliver the scheme, it should be preferred — not because the applicant is not to be trusted, but because a lesser interest keeps the land within a framework that someone remains accountable to, and the freehold does not.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>8. Battery safety: superseded documents and gaps in emergency planning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>I raise this shortly. I note that the Statement of Common Ground with South Yorkshire Fire &amp; Rescue Service Revision 2 records every matter between those parties as agreed, and I do not suggest otherwise. I ask only that the Examining Authority consider what that agreement does and does not establish.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>As the Interested Party acknowledges, all matters within the <b>Statement of Common Ground with South Yorkshire Fire and Rescue Service [REP3-061]</b> are agreed.</p>                                                                                                                                                                                                                                                                                                              |
| <p><b>What the fire service agreement records</b></p> <p>The fire and rescue authority's recorded positions consist substantially of references to published national guidance rather than a site-specific assessment of this scheme. At item SYFR 1 the service “advises that the guidance in the following documents is considered as part of the design process”, listing the NFCC Grid Battery Energy Storage Systems Planning Guidance, NFPA 855 and FM Global Data Sheet 5-33. At SYFR 2 it asks the applicant to “ensure that suitable access roads are provided” and that there are no overhead obstructions. At SYFR 4 it records that “the NFCC guidance states at least 2 separate access points”. These are proper and useful contributions, but they are directions to standards, not confirmation that this design meets them. In several instances the matter recorded as “Agreed” is the applicant's own assertion of compliance, or an agreement in principle with the substance deferred:</p> <ul style="list-style-type: none"> <li>• SYFR 4 — “The Scheme is compliant with NFCC guidance as confirmed in the Outline BSMP”.</li> </ul>                                                                                                        | <p>The Applicant considers the positions in the <b>Statement of Common Ground with South Yorkshire Fire and Rescue Service [REP3-061]</b> agreed. Changes to document references (e.g. DCO revision number) do not impact the substance of the document. The Applicant does not agree with the request to obtain the sensitive receptor plan and the firewater containment strategy before the consent, as this has not been requested by South Yorkshire Fire and Rescue Service.</p> |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <ul style="list-style-type: none"> <li>• SYFR 3 — “The Applicant agrees in principle. The exact details of the proposals will be agreed post consent.”</li> <li>• SYFR 12 — “Specific plans for sensitive receptors for the BESS have not been prepared.” The record of engagement at Table 2-1 lists three contacts since 2023: a consultation response letter in November 2023, a further consultation response letter in May 2025, and an email in April 2026 in which the service confirmed it wished to engage in a Statement of Common Ground. No meeting, site visit or technical review is recorded. Most significantly, the document states of itself at paragraph 3.1.3 that it is a “live” document, that “there are some aspects that are still under discussion between the parties”, and that “the intention is to provide a final position in subsequent versions of the SoCG”. No subsequent version has been filed. The final position the parties intended to reach was never provided to the examination. The document also relies on the Draft Development Consent Order at APP-O16 — Revision 1, the application version — where Revision 8 was filed at Deadline 5. I therefore invite the Examining Authority to treat the Statement of Common Ground as an incomplete record of an engagement that both parties intended to continue, rather than as a settled verification that the scheme as now designed meets the standards to which the fire and rescue authority has directed the applicant.</li> <li>• At item SYFR 12 the fire and rescue service asked for a plan showing all sensitive receptors within a 1km radius, expressly including protected habitats, watercourses and groundwater, to allow appropriate emergency planning. The applicant's recorded response is that “specific plans for sensitive receptors for the BESS have not been prepared”</li> <li>• At item 10 of the Outline Battery Safety Management Plan Revision 3, on containment of firefighting water run-off, the applicant states that a drainage strategy will be developed in consultation with the Environment Agency and that “the detailed drainage strategy will be developed post consent”.</li> </ul> <p>The Order Limits include 0.53 hectares of Thorne Moor Special Area of Conservation and Thorne &amp; Hatfield Moors Special Protection Area, and the site lies within a drained lowland peat landscape managed by two Internal Drainage Boards. Given that context, I ask that the sensitive receptor plan and the firewater containment strategy be secured before consent rather than after it</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>The local wildfire record</b></p> <p>The Order Limits adjoin the Humberhead Peatlands National Nature Reserve, the largest area of lowland raised bog in England. That landscape has a documented and recent history of serious wildfire which does not appear in the Outline Battery Safety Management Plan or in the Statement of Common Ground with the fire and rescue service.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>As above, the Applicant does not consider these additional documents or controls necessary or proportionate. The SoCG with South Yorkshire Fire and Rescue Service is agreed and does not require these commitments. The agreed SoCG will be submitted at Deadline 8 and should be read as an up-to-date and final record of the Fire and Rescue Service’s position on the Scheme at the end of Examination, having considered all relevant submissions up to that point.</p> |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant's Response                                                                                                                                                                                                                                                                                                                    |
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| <ul style="list-style-type: none"> <li>• In May and June 2020 a wildfire on Hatfield Moors burned for 22 days. South Yorkshire Fire &amp; Rescue Service reported creating a perimeter of fire breaks and hose reels around a site covering nearly 16 square kilometres, then working methodically through each segment to ensure the deep seated fire was fully extinguished and did not reignite. National resources including high volume pumps and specialist advisors were deployed, and Natural England funded helicopter water bombing. The response involved 403 fire appliance movements across 523 hours.</li> <li>• Emergency services attended five separate fires on Hatfield Moors over ten years. The 2020 blaze alone cost the emergency services approximately £271,000.</li> <li>• The fire followed a record dry spell, and the peat itself was the fuel.</li> <li>• Natural England, Doncaster Council, South Yorkshire Fire &amp; Rescue Service and Humberside Fire &amp; Rescue Service subsequently formed a Wildfire Recovery Group and produced a multi-agency Wildfire Management Plan for the National Nature Reserve, including permanent fire breaks, joint training and improved emergency vehicle access.</li> <li>• Natural England has stated that its "ongoing water management of the peatland will also prevent the spread of fires across large areas of the site". The water table is identified as a control on fire spread in this landscape. I do not overstate the connection. The solar arrays would be built on arable farmland, not on the raised bog, and the National Nature Reserve is largely adjacent to rather than within the Order Limits. I make no assertion that the scheme would cause a peat fire. The relevance is threefold. First, this is a landscape in which the fire and rescue services have recently had to mount a 22-day multi-agency response to a deep-seated fire, and in which a formal Wildfire Management Plan is already in force. Second, four battery energy storage compounds are proposed within it, and lithium-ion thermal events present comparable difficulties of prolonged burning and reignition. Third, the drainage and water level regime across the Order Limits is identified by Natural England as material to fire spread, and control of that regime over 1,727 hectares would pass to the freeholder for the operational life of the scheme and thereafter. Against that background, the deferral of the firewater containment strategy to a post-consent document, and the absence of the sensitive receptor plan requested by the fire and rescue service, are matters I ask the Examining Authority to weigh. I also invite the Examining Authority to establish whether the existing Wildfire Management Plan for the Humberhead Peatlands has been considered in the preparation of the Outline Battery Safety Management Plan, and whether Natural England and the fire and rescue services have been asked how the scheme interacts with it</li> </ul> |                                                                                                                                                                                                                                                                                                                                         |
| <p><b>The fire service agreement predates the current design documents</b></p> <p>The Statement of Common Ground with South Yorkshire Fire &amp; Rescue Service is Revision 2, filed at Deadline 3 in June 2026. It has not been updated at Deadline 4 or Deadline 5.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>As above, the Applicant does not consider these additional documents or controls necessary or proportionate. The SoCG with South Yorkshire Fire and Rescue Service is agreed and does not require these commitments. The agreed SoCG will be submitted at Deadline 8 and should be read as an up-to-date and final record of the</p> |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>Throughout that document the fire service's agreed positions are recorded against the Outline Battery Safety Management Plan Revision 2, and against the Indicative Operational Layout Plans at CR1-O18 and CR1-O19 (Revision 2 of Figures 6.4.2.2a and 6.4.2.2b). Both have since been superseded:</p> <ul style="list-style-type: none"> <li>• The Indicative Operational Layout Plans were revised to Revision 3 at Deadline 4 [REP4-O37 and REP4-O38]. The Works Plans were revised to Revision 4 at Deadline 4 [REP4-002], and the Heights Parameters Zonal Plan to Revision 2 [REP4-O39].</li> <li>• The Outline Battery Safety Management Plan was revised to Revision 3 at Deadline 5 [REP5-O28], one full revision after the fire service recorded its agreement. The Outline Battery Safety Management Plan Revision 3, filed at Deadline 5, nonetheless continues to cross-refer to CR1-O18 for the location of the BESS — the layout figure superseded at Deadline 4. The current safety document therefore relies on a superseded drawing, and the fire service's agreement relies on a superseded safety document. Several of the matters agreed with the fire and rescue service depend directly on the geometry of the scheme: separation distances between BESS containers, spacing to boundaries and to the solar arrays, the provision of at least two separate access routes, and the availability of an adequate water supply within 90 metres. If the location, extent or spacing of the BESS compounds has changed, those agreed positions require re-testing against the current design. I make no assertion that the design has changed — I have not seen the revised drawings. The point is that the examination cannot presently tell whether it has, and the applicant can.</li> </ul> | <p>Fire and Rescue Service's position on the Scheme at the end of Examination, having considered all relevant submissions up to that point.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Whether the Scheme presently meets the guidance it was directed to</b></p> <p>Table 1-1 of the Outline Battery Safety Management Plan Revision 3 assesses the Scheme against thirteen National Fire Chiefs Council recommendations. The result divides cleanly in two.</p> <ul style="list-style-type: none"> <li>• Items 1 to 8 are recorded as "Compliant". They are access points, road and hardstanding construction, the internal perimeter road, distance from occupied buildings, BESS separation distances, the 3 metre fire paths, water supplies and hydrant flow rates, and signage positions. Every one of these is a question of layout and geometry — and they are assessed against the Indicative Operational Layout Plan at CR1-O18, the drawing superseded at Deadline 4.</li> <li>• Items 9 to 13 are recorded only as "Compliant at this juncture". These are the Emergency Response Plan, environmental impacts, system design, construction and monitoring, deflagration, and site plans. For each, the substance is deferred to a Detailed Battery Safety Management Plan to be prepared after consent.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>As above, the Applicant does not consider these additional documents or controls necessary or proportionate. The SoCG with South Yorkshire Fire and Rescue Service is agreed and confirms at SYFR8 that: " The Scheme is compliant with NFCC guidance as confirmed in the <b>Outline BSMP [Document Reference 7.4 Revision 2]</b> and the design principles are agreed."</p> <p>The agreed SoCG will be submitted at Deadline 8 and should be read as an up-to-date and final record of the Fire and Rescue Service's position on the Scheme at the end of Examination, having considered all relevant submissions up to that point.</p> |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>So on the eight geometric items the applicant asserts compliance against a superseded drawing, and on the remaining five it does not assert present compliance at all. In particular, item 10 records the NFCC requirement that containment capacity be sized on anticipated water application rates, and that sites located in flood zones should have details of flood protection or mitigation measures. The applicant's answer is that the drainage strategy "will be development post consent".</p> <p>The question I respectfully ask the Examining Authority to put is a simple one: can the applicant demonstrate that the Scheme, as presently designed, meets the National Fire Chiefs Council guidance to which the fire and rescue authority directed it — assessed against the current Works Plans and Indicative Operational Layout Plans rather than the superseded ones, and without deferral of five of the thirteen items to a document that does not yet exist</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>9. Inconsistencies between the application documents</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>Plots 6/2, 12/16 and 12/17 are listed for freehold in Statement of Reasons Table 2 but recorded in the Book of Reference as permanent acquisition of new rights only.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>The Applicant will update the Statement of Reasons at Deadline 8 to correct these references as they should appear in Table 3 of Appendix 3.</p>                                                                                                                                                                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>Plots 7/15, 9/23 and 11/26 are listed for freehold in Table 2 but carry no permanent acquisition entry in Book of Reference Part 1.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Plots 7/15 and 9/23 are listed in Table 2 (Compulsory Acquisition of Land) at Appendix 3 of the <b>Statement of Reasons [REP4-007]</b> and identified for permanent acquisition in the <b>Book of Reference [REP3-012]</b>. There is no error in relation to these plots. Plot 11/26 was removed from the Land Plans and Book of Reference at Deadline 1. Reference to plot 11/26 in the Statement of Reasons will also be removed at Deadline 8.</p> |
| <ul style="list-style-type: none"> <li>Plot 6/2 appears in both Table 2 and Table 3 of the Statement of Reasons.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>As noted above, the Statement of Reasons will be corrected at Deadline 8, as this plot should only appear in Table 3.</p>                                                                                                                                                                                                                                                                                                                             |
| <ul style="list-style-type: none"> <li>The on-site 400kV substation is Work No. 4H in the Statement of Reasons and Work No. 4G in the Grid Connection Statement, which also describes Work Nos. 4A to 4F as "the seven on-site 132kV Substations".</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The Grid Connection Statement will be updated at Deadline 8 to correct these references. The seven on-site substations comprise Works Nos. 4A – 4G in Schedule 1 to the <b>draft DCO [REP6-002]</b>. The 400kV on-site substation is Work No. 4H. The <b>Statement of Reasons [REP4-007]</b> is therefore correct; the Grid Connection Statement will be updated to be consistent with it.</p>                                                        |
| <ul style="list-style-type: none"> <li>Paragraph 2.1.5 of the Statement of Reasons states that output will be exported "to a new NGET substation"; the Grid Connection Statement states that connection may be to a new or existing substation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The Grid Connection Statement is correct and the Statement of Reasons will be updated at Deadline 8 for consistency.</p>                                                                                                                                                                                                                                                                                                                              |

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <ul style="list-style-type: none"> <li>Paragraph 7.1.1 of the Funding Statement Revision 3, dated July 2026, states that "482 plots are subject to permanent acquisition (freehold and permanent rights)" and cites the current Book of Reference [REP3-012]. Statement of Reasons Revision 4 lists 202 freehold plots and 230 rights plots — 431 unique plots. The funding case is stated against a plot count some fifty higher than the applicant's own current land schedule.</li> </ul> | <p>The Funding Statement and Statement of Reasons will be updated for completeness at Deadline 8 to identify the correct figure, which is 416 plots. The Applicant can confirm that this update will have no impact on the substantive conclusions of the Funding Statement or Statement of Reasons, which will otherwise remain unchanged.</p>                                                                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>The Funding Statement Revision 3 cites the Draft DCO at Revision 7; the Statement of Reasons Revision 4 cites it at Revision 6. Revision 8 was filed at Deadline 5.</li> </ul>                                                                                                                                                                                                                                                                        | <p>This is correct because when the Funding Statement was last submitted to the examination at Deadline 4, the relevant version of the draft DCO was version 7. Revision 4 of the Statement of Reasons also correctly cross-referred to Revision 6 of the draft DCO. Nevertheless, as noted above, both the Funding Statement and Statement of Reasons are going to be updated at Deadline 8 to correct the minor points listed and these documents will refer to the most recent version of the draft DCO at Deadline 8 (which, for the avoidance of doubt, will be revision 10).</p> |
| <p>Individually these are small. Together they mean that an affected person reading the Statement of Reasons and the Book of Reference cannot reliably determine what interest is proposed to be taken in their land.</p>                                                                                                                                                                                                                                                                    | <p>The Interested Party has identified minor errors in respect of three plots, and these will be corrected. There are 416 plots identified for permanent acquisition (freehold and permanent rights) in the Book of Reference. No Interested Party has suggested they cannot reliably determine what interest is proposed to be taken in their land during the course of the examination. The Interested Party's claim is, with respect, meritless and should be dismissed accordingly.</p>                                                                                            |
| <p><b>10. Support for North Lincolnshire Council</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>I support and adopt the argument at paragraph 4.6 of North Lincolnshire Council's Local Impact Report [REP1-063] concerning the exclusion of the 400kV export connection cable from the application, and the Examining Authority's questions at Q2.10.1 and Q2.10.2. I do not repeat it here.</p>                                                                                                                                                                                         | <p>The Applicant does not consider there is any force in what North Lincolnshire Council (NLC) has said in respect of this matter. The Applicant's full response to NLC's response to ExQ2.10.1 and 2.10.2 is set out in response to ExQ3.10.1 of <b>Written Responses to ExQ3 [REP6-050]</b>.</p>                                                                                                                                                                                                                                                                                     |
| <p><b>11. Questions for the applicant</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1. What is the total area, in hectares, of land whose freehold is sought under Article 23, and does the applicant accept the figure of 1,727.66 hectares?</p>                                                                                                                                                                                                                                                                                                                             | <p>This information is set out in the <b>Book of Reference [REP3-012]</b>, however the Applicant can confirm that the total extent of freehold sought (i.e. the plots shown in blue on the <b>Land Plans [REP3-002]</b>) amounts to 1,735 hectares.</p>                                                                                                                                                                                                                                                                                                                                |
| <p>2. Given paragraph 4.1.1 of the Grid Connection Statement, why is freehold acquisition necessary over land already secured by voluntary leasehold option?</p>                                                                                                                                                                                                                                                                                                                             | <p>This information is set out in the <b>Statement of Reasons [REP4-007]</b> at paragraph 4.4.1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>3. Why is the freehold sought over the 39 plots whose only stated purpose is cabling, temporary laydown or access, when paragraph 7.4.4 states that the freehold of such land will not be acquired?</p>                                                                                                                                                                                                                                                                                   | <p>This is discussed above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                          | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 4. Why is the freehold sought over plots whose sole stated purpose is green infrastructure and habitat management?                                                                                                                                                                                                                   | This is discussed above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5. For which specific plots does the applicant contend that a lease, easement or permanent right would be insufficient, and on what basis?                                                                                                                                                                                           | Any plot subject to permanent acquisition in the <b>draft DCO [REP6-002]</b> , as set out in the <b>Book of Reference [REP3-012]</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6. Why is the freehold of the substation and BESS plots — 1/48, 1/56, 2/8, 3/8, 3/29, 3/33, 8/2, 9/20, 10/19 and 11/22, totalling 407.85 hectares — required, when no substation or BESS land anywhere in the Scheme is proposed to be taken by permanent rights, and when the applicant has negotiated leasehold options elsewhere? | This is discussed above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7. Following acquisition of the freehold, who will be responsible for the management of land drainage and water levels across the Order Limits during the operational period and after decommissioning, and what obligation will govern that management once the Order's requirements have ceased to have effect?                    | <p>Notwithstanding that the Applicant requires compulsory acquisition powers to be able to implement the Scheme, the Applicant anticipates that the majority of land within the Order Limits will be subject to voluntary grant of leases. In a voluntary lease scenario, the Applicant would be responsible for the management of land drainage across all of the solar land during the operation of the Scheme. The land would then be handed back to the relevant landowners following decommissioning for their management thereafter. Land drainage in the cable land would not require ongoing management by the Applicant in a voluntary scenario, as easements would be agreed whereby the existing landowner continues to own and manage their land throughout and beyond the operation of the Scheme.</p> <p>In a compulsory acquisition scenario, the Applicant would acquire and be responsible for the management of land drainage both during the operation of the Scheme and after it had been decommissioned (until such time as the Applicant disposed of the land). After the lifetime of the Scheme, the obligations in the DCO would cease to have effect and the land would not be subject to any obligations beyond those ordinarily required by law, as is the case for landowners generally.</p> <p>None of the above would affect the regulatory powers or duties of the Environment Agency, Internal Drainage Boards and Lead Local Flood Authorities for land drainage infrastructure within their respective remits.</p> |
| 8. Will the applicant proceed with the scheme if freehold powers are removed or restricted and replaced with leases and permanent rights? Is the final investment decision conditional on obtaining every freehold power presently sought?                                                                                           | The Applicant requires compulsory acquisition powers to be able to implement the Scheme without impediment, notwithstanding the anticipated voluntary grant of leases for the majority of land within the Order Limits. The final investment decision is conditional on obtaining a DCO decision in an implementable and acceptable form. The Examining Authority will note that numerous solar and other DCOs have obtained compulsory powers in the form requested by the Applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Applicant Responses to Deadline 6 Submissions

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 9. What mechanism, if any, requires the freehold to be sold, transferred or returned following decommissioning?                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | This is a commercial matter for the Applicant and landowners. Any land acquired freehold under the compulsory acquisition powers in the DCO will have been compensated for under standard compulsory acquisition principles.                                                                                                                                                                                                                                                            |
| 10. Will the applicant accept a provision preventing the exercise of compulsory acquisition powers over land containing or adjoining NGET apparatus without NGET's prior written consent?                                                                                                                                                                                                                                                                                                                                                                                                     | The Applicant refers the Examining Authority to the <b>Statutory Undertakers Position Statement [REP4-047]</b> and <b>Justification for the Applicant's Preferred Protective Provisions [REP6-045]</b> . The Examining Authority will be aware that there has been much discussion in relation to the issue of veto powers in favour of statutory undertakers, which are opposed by the Applicant for reasons which have been extensively covered during the course of the examination. |
| 11. When will the protective provisions for NGET, Northern Powergrid, National Highways and the Internal Drainage Boards be included in the draft Order, and what is the position if agreement is not reached before the examination closes?                                                                                                                                                                                                                                                                                                                                                  | Yes, these will be included. If agreement is not reached between the parties as to the precise form of the protective provisions, any points of disagreement will ultimately fall to the determination of the Secretary of State.                                                                                                                                                                                                                                                       |
| 12. Has any viability review been undertaken following the pause requested in January 2026, and if so will it be provided to the examination?                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The Applicant does not consider such viability review necessary.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 13. Have the location, extent, spacing or access arrangements of the BESS compounds changed between Revision 2 and Revision 3 of the Indicative Operational Layout Plans, or in the Works Plans Revision 4? If so, has South Yorkshire Fire & Rescue Service confirmed that the positions agreed in Statement of Common Ground Revision 2 remain valid against the current design, and will an updated Statement of Common Ground be provided before the examination closes, given that Revision 2 states at paragraph 3.1.3 that a final position would be provided in a subsequent version? | This is discussed above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 14. Has the multi-agency Wildfire Management Plan for the Humberhead Peatlands National Nature Reserve been taken into account in preparing the Outline Battery Safety Management Plan, and have Natural England, South Yorkshire Fire & Rescue Service and Humberside Fire & Rescue Service been consulted on the interaction between that plan and the Scheme?                                                                                                                                                                                                                              | This is discussed and addressed above.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 15. What provision of the draft Order, or of any other instrument, would regulate the applicant's ownership of the freehold land after the compulsory acquisition powers have been exercised, in the event that the Scheme is not constructed, or after the operational period ends and the site is decommissioned?                                                                                                                                                                                                                                                                           | This is discussed above and is a matter of commercial sensitivity.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>I respectfully ask the Examining Authority to:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| • Require the applicant to state the total hectarage subject to freehold acquisition, and to provide a schedule and plan separating outright freehold from permanent rights and temporary possession.                                                                                                                                                                                                                                                                                                                                                                                         | The Applicant notes that these points are addressed to the Examining Authority and does not respond to them here, noting also that there is significant overlap with the matters listed and responded to above.                                                                                                                                                                                                                                                                         |

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant's Response                          |
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| <ul style="list-style-type: none"><li>• Require the applicant to state, in hectares and as a percentage of the 1,727.66 hectares, how much of the freehold land is not already subject to a concluded option agreement or Heads of Terms.</li><li>• Require the applicant to demonstrate compliance with the National Fire Chiefs Council guidance against the current layout drawings rather than the superseded CR1-018 and CR1-019.</li><li>• Consider whether the land drainage and water level regime across the Order Limits should be secured by requirement or obligation extending beyond the operational period, given the wildfire and designated site context.</li><li>• Require the applicant to justify each area of outright acquisition individually against the test in section 122(2), and in particular the 39 cable and access plots and the habitat plots.</li><li>• Remove freehold powers wherever a lease, easement or limited permanent right would be sufficient, having regard to the leasehold options the applicant states it has already secured.</li><li>• Decline to authorise acquisition of statutory undertakers' land under section 127 unless protective provisions are agreed and included in the Order before the examination closes.</li><li>• Consider requiring NGET's prior written consent to the exercise of compulsory acquisition powers over land containing or adjoining its apparatus.</li><li>• Consider whether the exercise of compulsory acquisition powers should be linked to the discharge of Requirement 21, given that the point of connection, cable route and connection date all remain unconfirmed.</li><li>• Secure the sensitive receptor plan sought by South Yorkshire Fire &amp; Rescue Service and the firewater containment strategy before consent rather than post consent.</li><li>• Require an updated Statement of Common Ground with South Yorkshire Fire &amp; Rescue Service confirming that its agreed positions hold against the current Works Plans, Indicative Operational Layout Plans and Outline Battery Safety Management Plan.</li><li>• Establish whether the Wildfire Management Plan for the Humberhead Peatlands National Nature Reserve has been considered, and whether the water level regime across the Order Limits is material to wildfire risk in the manner Natural England describes.</li><li>• Require correction of the inconsistencies at section 9 above between the Statement of Reasons, the Book of Reference and the Grid Connection Statement.</li></ul> |                                               |
| <b>13. What follows if the powers are granted as sought</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                               |
| I set out below what the applicant's own documents indicate would follow if the freehold powers are authorised in their present form. These are not predictions of bad faith. Each is a consequence of the drafting as it stands, and each could be avoided by a modest change to the Order.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The Applicant's responses are provided below. |

| <div></div> Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p><b>The land can be taken before anyone knows the Scheme will happen</b></p> <p>Article 25 allows five years from the making of the Order. The connection window is 2031 to 2035, the Gate 2 offer is not expected until January 2027, and the final investment decision has not been taken. The applicant has declined to link acquisition to Requirement 21. The freehold of 1,727 hectares can therefore vest while it is still unknown whether the Scheme can connect, and before the applicant has decided to build it. If it does not proceed, the land has been permanently alienated for nothing, and no provision returns it</p> | <p>This is the same point as that made above, expressed differently. The Applicant's response is the same – the Applicant has responded in detail to this matter in response to ExQ2.4.2 in <b>Responses to ExA Written Questions 2 [REP4-O62]</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Statutory undertakers may be left without the protections they asked for</b></p> <p>At Deadline 5 the draft Order contained no protective provisions for National Grid, Northern Powergrid, National Highways or the Internal Drainage Boards. If they are not agreed before the examination closes, the Secretary of State would be asked to authorise acquisition of statutory undertakers' land on an assertion that the section 127 tests are met, made by the party seeking the powers, and disputed by the undertakers themselves.</p>                                                                                          | <p>Protective provisions for National Grid and Northern Powergrid will be included in the draft DCO at Deadline 8. The Applicant has always been clear on this matter. Protective Provisions for National Highways and the drainage authorities have been included in the draft DCO from the outset. This submission is therefore plainly wrong.</p> <p>It is ultimately for the Secretary of State to determine whether the test in section 127 is met. The Applicant considers that the test is met, notwithstanding that protective provisions have not been agreed in all respects with every statutory undertaker, and this was set out in the <b>Justification for the Applicant's Preferred Protective Provisions [REP6-O45]</b> at Deadline 6.</p>        |
| <p><b>Land needed for the Great Grid Upgrade may pass into private ownership</b></p> <p>NGET has asked that the applicant not acquire land forming part of a North Humber to High Marnham site. If that protection is not included and the freehold is acquired, land the transmission owner may need for national network reinforcement will sit in private hands, recoverable only by purchase or by a further compulsory process.</p>                                                                                                                                                                                                    | <p>This is not a valid concern. The use of the word "recoverable" suggests the freehold interest in the land is currently owned by NGET. This is not the case. Crucially, NGET has not expressed any particular concerns on this point.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Nobody is accountable for the land after 2072</b></p> <p>Every control in the Order regulates the benefit of the Order, not the ownership of the land. When the operational period ends, the requirements fall away and the guarantee is spent. There is no obligation to sell, transfer or return the freehold, and no obligation governing how the land is managed thereafter – including the drainage and water level regime that Natural England identifies as a control on wildfire spread in this landscape</p>                                                                                                                 | <p>The Applicant's approach to this matter is consistent with that adopted by other solar developers in the context of past applications for development consent. The <b>draft DCO [REP6-O02]</b> requires the Scheme to be decommissioned no later than 40 years following the date of final commissioning and, via Requirement 19, regulates the manner in which this is to take place. Matters relating to the sale, transfer or return of land following decommissioning are commercially sensitive and private to the Applicant and the landowners concerned. They are not matters which are germane to the DCO application, or the Secretary of State's decision, and so no weight should be given to the Interested Party's submissions on this issue.</p> |
| <p><b>Fire safety is settled after consent, against drawings that have changed</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>There is no force in this point. The approach to dealing with matters concerning fire risk, via the battery safety management plan under Requirement 7 of the <b>draft DCO</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>Five of the thirteen National Fire Chiefs Council items are deferred to a document to be written after consent. The eight assessed as compliant are geometric, and are assessed against a layout drawing superseded at Deadline 4. The sensitive receptor plan the fire and rescue authority asked for has not been prepared, and the firewater containment strategy is post-consent. If consent is granted on this basis, the examination will never have tested whether the Scheme as built meets the guidance the fire authority directed it to.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>[REP6-002]</b>, is heavily precededented and the regulator – South Yorkshire Fire and Rescue – are content with it. The decision maker would be justified in attaching no weight to the Interested Party's comments on this basis.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>The record itself is unreliable</b></p> <p>The Funding Statement filed in July 2026 states a plot count fifty higher than the applicant's own land schedule. Three plots are freehold in one document and rights in another; three more have no area entry at all. The substation is Work No. 4H in one document and 4G in another. An affected landowner reading these documents cannot presently establish what is proposed to be taken from them. Each of these follows from the Order as drafted. Each is capable of being cured – by confining freehold to where it is shown to be necessary, by requiring the protective provisions to be in place, by linking the powers to the connection, and by securing the fire and drainage matters before rather than after consent. None of that would prevent this Scheme being built</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Applicant has provided a detailed response to the specific minor errors identified, which are few in number, and set out how its proposal to correct these at Deadline 8. The suggestion that the documents are "unreliable" is clearly overstated and misleading.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>14. Conclusion</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>The applicant seeks permanent ownership of approximately 94 per cent of an 1,831-hectare site for a development consent that is time-limited to 40 years, on land over which it states it has already secured voluntary leasehold options covering all scheme infrastructure, before its point of connection is confirmed, before its final investment decision is taken, and while protective provisions for the transmission owner and three other statutory undertakers are absent from the draft Order. Fifty-one of the 202 plots, covering 110.9 hectares, are proposed for outright purchase although no solar array is to be built on them. Thirty-nine of those are for cabling, laydown or access – the very land the applicant states at paragraph 7.4.4 will not be acquired freehold. On the evidence, the acquisition appears drawn to cover every eventuality rather than to meet a demonstrated requirement. I do not suggest that the applicant is acting improperly, nor that the scheme should be refused. I ask only that the land powers be scrutinised against the statutory tests, plot by plot; that the Examining Authority keep in mind that the freehold is the one thing granted here which no later mechanism can recall; and that it be granted only where the applicant demonstrates that no lesser interest will do.</p> | <p>The Applicant has provided responses to the specific points raised above.</p> <p>It is disappointing that the Interested Party has raised these matters only now, three weeks prior to the close of a six-month examination.</p> <p>The submissions raise numerous points relating to compulsory acquisition. To be clear, the party holds no interest in land affected by the Scheme, did not attend a compulsory acquisition hearing and has not sought to raise any of these points previously.</p> <p>The Applicant has nevertheless provided a detailed response.</p> <p>The Applicant notes that there are numerous errors contained throughout the submission and the following text is also included in the header on page 4 of the submission:</p> |

| Comment | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                       |
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|         | <p><i>"DRAFT for review. Check every figure and reference against the source documents before submitting. Delete this box before sending".</i></p> <p>The Applicant would note that, if the Interested Party has made use of AI in the drafting of its representation, it should include a short statement to that effect, in line with the Planning Inspectorate's guidance on use of AI in casework evidence (2024).</p> |

Table 7: Applicant's response to Elizabeth Thompson

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| To the Examining Authority, I am writing to share my deep personal concerns about the overwhelming scale of the Tween Bridge Solar Farm. While I understand the national drive toward green energy, I believe this specific project will cause long-term, irreversible damage to our homes, our safety, and the daily lives of everyone living in our community.                                                               | The Applicant acknowledges this comment and has provided a response to the detailed concerns that have been raised below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| This project is not being built out of sight in an isolated area; it wraps directly around the edges of our community and encroaches right up to the doorsteps of local families. Many of us face having our homes permanently blighted by a sprawling sea of security fencing, CCTV poles, and dark glass panels. The quiet, open rural views that made us choose to live here will be completely destroyed for a generation. | The Applicant does not agree that the area will be “permanently blighted” by the Scheme, which has been developed in line with the mitigation hierarchy to ensure the design is sensitive to its environment and that potential effects are appropriately avoided, minimised and mitigated. A landscape and visual mitigation strategy is provided as <b>Figure 6.4 of the Environmental Statement [REP4-042]</b> and secured via Requirements 6 and 8 of the <b>draft DCO [REP6-002]</b> in relation to the final design of the Scheme. The visual impacts of the Scheme have been assessed within <b>Environmental Statement Chapter 6 Landscape and Visual [REP4-021]</b> . |
| Beyond the visual damage, the threat to our quality of life is exhausting to contemplate. We face years of relentless construction noise, dust, and heavy truck traffic passing right outside our windows. Simple daily tasks like driving to work, doing the school run, or getting into town will become a stressful logistical nightmare, trapping local families inside an industrial construction zone.                   | The <b>Outline Construction Environmental Management Plan (CEMP) [REP6-033]</b> and <b>Outline Construction Traffic Management Plan (CTMP) [REP6-038, REP6-040, REP6-042]</b> contain a comprehensive suite of measures to ensure potential noise, dust and construction traffic effects are appropriately mitigated and managed. A final CEMP and a final CTMP would be submitted for the approval of the relevant local planning authority prior to the commencement of construction, pursuant to Requirements 15 and 16 of the <b>draft DCO [REP6-002]</b> and would be in substantial accordance with the outline plans submitted into examination.                        |
| I am also incredibly worried about the heightened flood risk this development brings to our doorsteps. The low-lying land west of Crowle and around the Stainforth and Keadby Canal is                                                                                                                                                                                                                                         | A <b>Flood Risk Assessment</b> has been carried out for the Scheme <b>[REP5-014, REP5-016, REP2-051]</b> , which concludes that the Scheme accords with the requirements of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| <div></div> Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p>historically reclaimed marshland. Ever since the complex drainage works initiated by Cornelius Vermuyden in the seventeenth century, the entire Isle of Axholme has relied on an incredibly delicate, artificial system of drainage ditches, dikes, and pumps to keep our homes and roads dry. Covering thousands of acres of this unique lowland with millions of solid solar panels ignores this fragile history. The heavy machinery used during construction will severely compact the soil, destroying its natural ability to absorb water. Instead of sinking into open fields, rainwater will sheet off millions of impervious glass panels, overwhelming the historical boundary ditches. Any failure in this delicate system directly threatens to back water up into our residential properties and close vital local roads that are already prone to pooling</p>                                                                                                                                                                                                                                                       | <p>the relevant National Policy Statements (NPSs) and National Planning Policy Framework (NPPF) with residual flood risk to the Site assessed to be fully mitigated, and as such considered low risk. The Applicant's firm position is that the Scheme should not be precluded on flood risk grounds.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>It feels as though our region is being treated as an easy target for giant utility companies, and the sheer volume of projects currently targeting our area has reached a breaking point. We are not just dealing with Tween Bridge; we are being squeezed by the proposed Fenwick Solar Farm pipeline, the nearby Little Crow Solar Park, the Mareham Lane development, and the massive Drax Bioenergy with Carbon Capture and Storage project. To facilitate all this generation, National Grid is imposing massive infrastructure upgrades across our landscape, including a new substation to tie into the Drax to Keadby overhead line and the extensive industrialisation of the Mareham to Little Steeping grid transmission corridor. Taken together, these overlapping energy proposals and sprawling grid infrastructure projects will wipe out close to ten percent of our region's finest agricultural land. Our village infrastructure and narrow local roads simply cannot cope with the noise, environmental pressure, and traffic gridlock of multiple massive developments happening at the exact same time.</p> | <p>The Applicant notes this comment and would highlight that an assessment of the cumulative effects of the Scheme in combination with other committed developments has been carried out and is reported within <b>Environmental Statement Chapter 17 Cumulative Impacts [REP6-016]</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>These fields are not empty space; they are actively farmed, highly productive arable land that helps feed the country. Covering this beautiful countryside with solar panels for the next forty years is a massive blow to our local farming economy and UK food security. The developer claims the impact is low because they might put sheep under the panels, but sheep grazing cannot replace high-yield food crops.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>The Applicant has sought to minimise the effects of the Scheme on land of Best and Most Versatile (BMV) quality through the evolution of the Scheme design and has provided an assessment of the effects of the Scheme on agricultural land within <b>Environment Statement Chapter 15 Agricultural Circumstances [REP3-022]</b>. Amongst other potential effects, this assessment considers the effects of the Scheme on the rural economy, including on food production. The assessment confirms at paragraph 15.5.85 that:</p> <p><i>"There is no concern from Government about food security, and no requirements or incentives to manage land for food production. The temporary land use change from agriculture (only some of which is for food) to a mix of energy production and agriculture will not result in any significant adverse environmental or economic effects."</i></p> |

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant’s Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Furthermore, decades of heavy construction traffic and deep cable trenching will severely degrade the soil quality, meaning it may never be easily farmed again even after the project is decommissioned. Finally, it feels completely counterproductive to call a project green when there is no clear plan for what happens to the equipment at the end of its life. In their own paperwork, the developers admit they are just expecting a panel recycling industry to exist in forty years. Passing the buck like this is irresponsible and risks leaving a legacy of thousands of tons of electronic waste right here on our doorstep. | <p>The Applicant strongly refutes that it is “passing the buck” on the decommissioning the Scheme in a responsible manner.</p> <p>On the contrary, an <b>Outline Decommissioning Environmental Management Plan (DEMP) [REP5-026]</b> has been provided, which sets out a comprehensive suite of measures committed to in relation to the decommissioning stage of the Scheme. If approved, it would be a legal requirement under Requirement 19 of the <b>draft DCO [REP6-002]</b> for a final DEMP in substantial accordance with the Outline DEMP to be submitted for the approval of the relevant local planning authority prior to the commencement of decommissioning. It would also be a legal requirement under Requirement 19 for decommissioning work to be carried out in compliance with the approved DEMP.</p> <p>Further, an <b>Outline Soil Management Plan (SMP) [REP2-078]</b> has been provided, which outlines the principles and measures that will apply throughout the life of the Scheme to ensure soil is managed appropriately and the land under the panels is restored back to agricultural use following decommissioning of the Scheme. As with the Outline DEMP, the final SMP would be for the approval of the relevant local planning authority post-consent and compliance with the approved SMP would be a legal requirement under Requirement 10 of the <b>draft DCO [REP6-002]</b>.</p> |
| Furthermore, importing millions of panels manufactured using carbon-heavy energy grids abroad and shipping them thousands of miles completely undermines the project's environmental claims. If the developer cannot guarantee a transparent, low-carbon supply chain and a legally binding recycling plan today, this project should not go ahead.                                                                                                                                                                                                                                                                                         | <p>The greenhouse gas (GHG) effects of the Scheme have been assessed within <b>Environmental Statement Chapter 14: Air Quality &amp; Greenhouse Gases [REP2-026]</b>. This chapter concludes that the Scheme will lead to residual GHG emissions during the construction phase, however, once operational, the Scheme will generate electricity with a lower carbon factor than other non-zero fuels, such that its operation will lead to net reductions in GHG emissions, and facilitate a transition to net-zero. The overall GHG effects are judged to be beneficial and significant in EIA terms.</p> <p>The <b>Outline Construction Environmental Management Plan (CEMP) [REP6-033]</b> and <b>Outline Decommissioning Environmental Management Plan (DEMP) [REP5-026]</b> include measures to reduce carbon and promote recycling during the construction and decommissioning stages. This includes on decommissioning, a commitment that the primary choice during decommissioning will be to reuse materials, and where that is not possible, to recycle materials to ensure that as much material as reasonably practicable can be diverted from landfills (see paragraph 3.8.2 of the <b>Outline DEMP [REP5-026]</b>). Under the DCO, it would be a legal requirement for</p>                                                                                                                                  |

| Comment                                                                                                                                                                                                                                                                                                                                           | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                                                                                                                                                                                                                                                                                                   | a final DEMP in substantial accordance with the Outline DEMP to be prepared, approved by the relevant local planning authority and then implemented in relation to the decommissioning stage.                                                                                                                                                                                                                                                                                                                                                                        |
| I ask the Planning Inspectorate to look past the corporate green branding and protect the real people who live here. Please take a stand against the saturation of energy projects and endless grid expansions in this specific region, protect our homes from catastrophic runoff and visual blight, and reject this application in its current. | The Applicant strongly refutes the assertion of "corporate green branding" and does not agree that the DCO Application should be refused. Government has already concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure such as the Scheme, as confirmed in NPS-EN1, and the Applicant's position is that the potential adverse effects associated with bringing it forward have been appropriately avoided, minimised and mitigated via the measures proposed within the DCO Application. |

Table 8: Applicant's response to Mr Raymond Lindley

| Ref                                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Purpose of this Submission</b>                        |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1                                                        | This statement provides my formal comments on the Applicant's Response to Deadline 4 (which itself was submitted at Deadline 5) [document 8.26] and specifically the responses provided by the Applicant in Table 3 of that document.                                                                                                                                                   | No response required.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2                                                        | I retain my position challenging the Applicant's generic assertion that the project represents a "limited physical interference" to my land, as is supported by the detail set out further in this representation.                                                                                                                                                                      | The Applicant has responded to the individual matters raised in detail below.                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Corridor Width – Cable</b>                            |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3                                                        | The Applicant has confirmed the Easement Strip for the cable will be 30m in width, this is excessive and not in any way 'limited'. I also note that it is way beyond normal easement strips sought for utilities that are between 6m and 10m in width.                                                                                                                                  | The Easement Strip proposed within the Heads of Terms is aligned to the Order Limits, which are 30m wide. The Applicant confirmed in a meeting on 24 July 2026 that the Easement Strip width will be kept under review. The Applicant expects that the final width of the easement can be reduced at completion of the Easement and has confirmed this to the Interested Party via separate commercial discussions in the context of the Heads of Terms negotiations. |
| 4                                                        | The Applicant states that they will keep the easement width "under review," however, there is no requirement on the Applicant to do so, and I consider it highly unlikely they will reduce the Easement Strip width. Further, the suggestion of keeping the Easement Strip width under review is only applicable to a voluntary agreement, not the rights being sought under the Order. | The Applicant remains committed to negotiating a voluntary agreement with Mr Lindley, with discussions in this regard ongoing, and would note that there is no operational nor commercial incentive for the Applicant to agree an easement that is wider than is operationally required.                                                                                                                                                                              |
| 5                                                        | Accordingly, my position remains that the Easement Strip width of 30m, whether pursuant to a voluntary deal or the Order is unacceptable as it results in an excessive restriction upon my property that will permanently devalue it and restrict my ability to develop it in the future.                                                                                               | The Applicant maintains that the cable represents "limited physical interference" and considers the terms of the proposed restrictive covenant to be appropriate and proportionate.                                                                                                                                                                                                                                                                                   |
| <b>Interference with Planning and Future Development</b> |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 6                                                        | The Applicant's Response to Deadline 4 suggests that it has been agreed between the parties that the Full Planning Decision of 2016 does not affect the Order Limits or Easement Strip. However, this remains subject to confirmation by my surveyor.                                                                                                                                   | The Applicant was of the understanding that this matter had been agreed between the parties in a meeting on 24 July 2026, as set out in the <b>Applicant Response to Deadline 4 Submissions [REP5-042]</b> however notes Mr Lindley's position that they await confirmation by their surveyor.                                                                                                                                                                        |
| 7                                                        | With regards to my concerns regarding the level of impact the Easement Strip will have on my ability to continue agricultural operations and the potential future expansion of the family agricultural business, the Applicant states it will include a 'lift and shift' clause                                                                                                         | The Applicant has offered a 'lift and shift' clause in the event of any future consented development on the Interested Party's land. The Applicant's position is that the                                                                                                                                                                                                                                                                                             |

## Applicant Responses to Deadline 6 Submissions

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|                                                 | in the event of any future consented development on my land. However, what the Applicant fails to mention is that they have only offered on a conditional basis. As the offer was made Without Prejudice it is not possible to confirm the conditions. However, I note that the conditions proposed by the Applicant would result in a significant detriment to myself and my ability to develop the family agricultural business in the future, that is, if they can even be satisfied in the first place, given the stringent nature of the conditions the Applicant is seeking to impose.                                                                                                                                                                                                                                                                                                    | conditionality on the clause is entirely reasonable, and commensurate to the fact that any future development would take place once the cable for the Scheme is in place.                                                                                                                                                                                                |
| 8                                               | This again re-iterates my position that the Easement Strip sought by the Applicant directly impacts the potential expansion of my agricultural sheds and the conditions of the 'lift and shift' are unworkable. Additionally, this offer for a 'lift and shift' only relates to a voluntary agreement for the acquisition of rights, if a voluntary agreement cannot be reached and the Order is granted as drafted, the Applicant will benefit from powers of compulsory acquisition which do not provide any ability for me to seek to have the cable removed should this conflict with any future development of my land.                                                                                                                                                                                                                                                                    | Please refer to the Applicant's response to ref. 7 immediately above.                                                                                                                                                                                                                                                                                                    |
| 9                                               | The Applicant's Response to Deadline 4 also suggests that, subject to a Risk Assessment Method Statement (RAMS), concrete hard standing could be laid within the Easement Strip. However, again, the restrictive and conditional nature of what the Applicant has offered (i.e. the need to carry out RAMS and seek its approval) is not sufficient to reduce the impact the project has on my ability to continue carrying out agricultural operations and or developing the land, as this will still result in a restriction upon constructing hard standing or access tracks over the Easement Strip. Again, as with the points above, this only relates to the terms of a voluntary agreement and if the Order is granted, as drafted, there is no ability for me to seek to install any hard standing or access tracks on my land, which is subject to the rights sought by the Applicant. | The Applicant requires the submission of a RAMS for works below 0.6m to ensure adequate protection for the cable once in place, however the Applicant would not unreasonably withhold consent for work beyond this depth. The Applicant considers that this is an entirely reasonable and standard provision that would be in place for a development of this nature.    |
| <b>Depth of Cultivation and Drainage issues</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                          |
| 10                                              | The Applicant states that cultivation depths can be increased from 0.5m to 0.6m (beyond which a RAMS will be required to be approved by the Applicant) and that it considers this matter is now agreed. However, no such agreement has been reached and I have significant concerns that the Applicant is misrepresenting the true position to the Examining Authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The Applicant notes the confirmation from Mr Lindley at ref 11 below that the 0.6m is agreed "in relation to routine agricultural operations" and that the outstanding point of contention relates to land drainage, which is consistent with the Applicant's understanding and what was represented in <b>Applicant Response to Deadline 4 Submissions [REP5-042]</b> . |
| 11                                              | Whilst 0.6m is agreed in relation to routine agricultural operations, this limit is not workable for the land drainage, which regularly requires digging to depths between 1.0 and 1.5m. The Applicant's cable trench will inevitably sever my active field drainage system and whilst the Applicant relies on its requirement to carry out repairs under its Outline CEMP, there is no denying that this will have an impact on my ongoing agricultural operations. Furthermore, I should not have to carry out a risk assessment and seek the Applicant's consent on the same, every time I need to clear or repair a                                                                                                                                                                                                                                                                         | Please refer to the Applicant's response to ref. 9 in this table above.                                                                                                                                                                                                                                                                                                  |

## Applicant Responses to Deadline 6 Submissions

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|                                       | drain. To do so is completely unreasonable, unworkable and places a significant burden on a small family agricultural business. Furthermore, as per the points above, the change from 0.5m to 0.6m again is only relevant to a voluntary agreement, not the rights sought under the Order.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12                                    | The Applicant's Response to Deadline 4 also states that it will employ a land drainage consultant to address my concerns regarding the impacts to the drainage network and that this matter is now agreed. However, I have seen nothing to suggest that a Land Drainage Consultant has been employed by the Applicant to consider this matter, which is of significant concern.                                                                                                                                                                                                                                                                                                                                                                                                                                      | As set out in the Applicant Response to Deadline 4 Submissions <b>[REP5-O42]</b> , the Applicant agreed to employ a specialist land drainage consultant to design land drainage by the installation of cut off drains if required where the proposed cable crosses existing land drains and for the works to be undertaken by a specialist land drainage contractor. This would be carried out at the detailed design stage, which would take place post-consent should the DCO be granted. Hence the Applicant considers that the appointment of the specialist land drainage consultant at this stage, ahead of a decision being taken on the DCO, would be premature. |
| <b>Route Selection and Engagement</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 13                                    | The Applicant provides an explanation for reverting to the A-B route and whilst this position is noted, it still raises a number of concerns. Additionally, the Applicant has not satisfactorily addressed the consultation concerns (or lack of consultation) given the omission of providing details of the A-B route to those representing me. As such, there was a clear failure to communicate the final iteration of the project with those representing me to allow time for full and proper consideration of the A-B route ahead of the Order being submitted for Examination.                                                                                                                                                                                                                               | The Applicant refers to <b>Written Summary of Oral Submissions made at Compulsory Acquisition Hearing [REP4-O60]</b> for a detailed response to this matter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 14                                    | Accordingly, I was denied the opportunity to put forward concerns regarding the route chosen. Had I been given this opportunity, it may have impacted the Applicant's route selection or indeed may have resulted in consideration of a variation of Route A-B, which would have a lesser impact on my land and agricultural operations. To suggest this is now all too late and or would cost the Applicant more money is completely unsatisfactory. Commercial cost-saving for a private developer does not justify stripping a private landowner of property rights. As I have previously noted, the Applicant is simply shifting engineering difficulties away from public highways and placing the disruption and impact onto my land, which as detailed in this representation, is in no way a limited impact. | The Applicant refers to <b>Written Summary of Oral Submissions made at Compulsory Acquisition Hearing [REP4-O60]</b> for a detailed response to this matter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Human Rights Implications</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 15                                    | It should be noted that the draft Order provides for Cable Rights, a Cable Restrictive Covenant and Drainage Rights for the Applicant over my land. Absent any voluntary agreement, should the Order be granted, these rights are wide reaching and go far beyond the installation of a cable across my land, preventing any future ability to erect buildings or lay foundations across my own land, including preventing anything to be                                                                                                                                                                                                                                                                                                                                                                            | These rights are necessary to ensure that cabling works can be effectively constructed, operated and maintained within plot 8/6, as shown on the <b>Land Plans [REP3-002]</b> . The working width of the cable corridor would be 30m, but the Applicant expects that the final easement width could be reduced as set out in ref. 3 above. The restrictions imposed on the land by virtue of the proposed cabling works are                                                                                                                                                                                                                                              |

## Applicant Responses to Deadline 6 Submissions

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|    | done by way of hard standing and even includes a catch all ‘prevents anything being done in or on the land or any part thereof which will or which the undertaker can reasonably foresee, may interfere with the exercise of other rights in this Schedule...’                                                                                                                                                                                                                                                                                                                                                                                  | therefore geographically limited in scope and would not prevent future development of other land within the Interested Party's ownership. The Applicant has set out in detail in previous submissions why this cable route was selected and maintains its view that this route was, and remains, the most appropriate and that no reasonable alternative to the same exists (see in particular the <b>Applicant Responses to Deadline 5 Submissions [REP6-048]</b> ). |
| 16 | This clearly provides the Applicant with a complete veto to any works I may wish to carry out on my own land if the Applicant considers there may be an issue. This is completely unacceptable and will result in a significant impact on my ability to land rights under Article 1 of the First Protocol to the European Convention on Human Rights, which caters for the protection of property for both companies and individuals. The Human Rights Act 1998 incorporated the European Convention on Human Rights into domestic law.                                                                                                         | The Applicant acknowledges that there will be some interference with the party's land interest as a result of cabling works proposed as part of the Scheme. However, this is a necessary and proportionate interference directed towards a legitimate purpose. Any infringement with Convention rights is therefore justified in this case, as set out in detail in section 10 of the <b>Statement of Reasons [REP4-007]</b> .                                        |
| 17 | The interference with my rights would not be reasonable and proportionate, given the grant of the rights pursuant to the Order would prevent any future ability to develop my land for my family agricultural business.                                                                                                                                                                                                                                                                                                                                                                                                                         | The Applicant does not accept that this is the case, for the reasons which are set out in detail in section 10 of the <b>Statement of Reasons [REP4-007]</b> and in previous responses to the Interested Party (see in particular the <b>Applicant Responses to Deadline 5 submissions [REP6-048]</b> )                                                                                                                                                               |
| 18 | Finally, the Examining Authority is asked to note that as highlighted in my submissions at previous deadlines no genuine attempts to acquire the rights, sought under the Order, by voluntary agreement were made prior to the submission of the Order for Examination and only limited engagement has taken place during the Examination period. Overall, this very limited meaningful engagement is contrary to guidance in the use of compulsory purchase powers. The powers sought in the Order are excessive and are therefore not reasonable or proportionate, as such the Order is not fully compliant with legislation on Human Rights. | The Applicant does not accept that there has been limited engagement. Significant attempts were made to engage with the landowner during the preparation of the application as detailed within <b>REP4-060</b> and these have continued in an effort to reach a voluntary agreement as regards the proposed cable works and associated rights. As noted, the Applicant firmly rejects that the powers sought are excessive, unreasonable or disproportionate.         |

Table 9: Applicant's response to Karen Howell

| <div> <div></div> <div>Comment</div> </div>                                                                                                                                                                                                                                                                                                                                            | Applicant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Marsh Road is not a suitable route for heavy traffic. It has already caused expenses and distress to residents needing to use the road and access for land owners needing to tend livestock along the road. Damage and continued use of road by Severn trent water. Unless the road is totally renewed it can never be suitable for more traffic to and from industrial vehicle</p> | <p>The Applicant notes that Marsh Road is an adopted highway maintained by North Lincolnshire Council (NLC). The existing nature and condition of the road, including any defects, and its use by Severn Trent, are existing issues which should be raised with NLC as highway authority.</p> <p>The transport impacts on Marsh Road are considered in the Transport and Access ES chapter [REP6-012], where it is identified as Link 19:</p> <ul style="list-style-type: none"> <li>• Table 12-12 of the ES chapter [REP6-012] confirms an existing baseline daily flow of 119 vehicles on Marsh Road, of which 15.9% is heavy goods vehicles (HGVs).</li> <li>• Table 12-14 [REP6-012] confirms that the Scheme will be associated with an average of 11 vehicle movements per day on Marsh Road, of which five could be HGVs. This equates to a medium magnitude of change in HGVs and therefore Marsh Road has been subject to further assessment.</li> <li>• This shows that, following the implementation of mitigation measures including a Construction Traffic Management Plan (CTMP), there would be no significant effects on Transport and Access on Marsh Road.</li> </ul> <p>As regards the physical impact on Marsh Road, the <b>Outline CTMP [REP6-038]</b> confirms that the Applicant commits to undertaking condition surveys of the highway network in advance of construction activities and following completion, with any remedial works identified and agreed with NLC. This is secured by Requirement 16 of the <b>draft DCO [REP6-002]</b>.</p> |