

Tween Bridge Solar Farm

8.32 Applicant Responses to Interested Party Responses to 3rd Written Questions

Planning Act 2008

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

Deadline 7 September 2026

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1 Introduction

- 1.1.1. This document has been prepared by RWE Renewables UK Solar and Storage Ltd (the Applicant) for submission to the Examining Authority (ExA). It provides the Applicant's response to Interested Party Responses to the 3rd set of the ExA's Written Questions. The **ExA's Written Questions (ExQ3) [PD-012]** can be seen within the Examination Library as well the **Applicant's Written Responses to ExQ3 [REP6-050]**.
- 1.1.2. The Interested Parties who have submitted responses to the ExQ3 are listed below and forms the order in which the Applicant has responded:
- Natural England **[REP6-093]**;
 - Environment Agency **[REP6-093]**;
 - North Lincolnshire Council **[REP6-090]**;
 - City of Doncaster Council **[REP6-091]**

2 Applicant's response to Interested Parties

Table 1: Applicant's response Interested Parties

Question Reference Number	3 rd Written Question and Interested Party Response	The Applicant
Natural England [REP6-093]		
Q3.1.3	Changes to layout: NE response: We have no comments to make on the layout changes.	The Applicant notes and welcomes this comment.
Q3.2.8	Great crested newts: NE response: We first note that Natural England's advice at Deadline 5 for key issue NE23d was the same advice as at Deadline 3. At Deadline 5 we acknowledged additional information had been provided by the Applicant following our Deadline 3 comments in an updated outline Ecological Construction	The Applicant has confirmed within the latest version of the Statement of Common Ground (SoCG) the latest position with Natural England on all points, including Great Crested Newts (GCN) and note that Natural England have confirmed that this point can now be marked as resolved. Please refer to the Natural England SoCG [REP6-077] at Ref NE23d protective species – Great Crested Newts for the Applicant's response.

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	Management Plan (oECMP) in relation to their approach to assessment of GCN. We noted we had consulted our relevant internal team on this additional information, but that due to limited specialist capacity we would need to provide further update at Deadline 6 (and we would submit an addendum to Deadline 5 sooner than this if advice was received). We apologise that specialist capacity did not allow an addendum to Deadline 5 to be provided. Please now refer to our full updated GCN advice in Section 2, Table A below. In Table A, we provide comments on the Applicant's approach, outline the risks around this, and provide advice around the information we recommend is provided prior to construction.	
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	We acknowledge the very advanced stage of the Examination, and that additional survey effort for GCN cannot be undertaken in the remaining Examination period and will instead be undertaken at the post consent/pre-construction stage. The commitments the Applicant has made regarding GCN, to be secured post-consent, are outlined in Rev 3 of the SoCG and further detailed in the oECMP. These will be secured through Requirement 8 (2b). The Applicant also commits to a precautionary approach for any ponds that remain inaccessible to survey efforts in the pre-construction surveys. Although Natural England considers that, wherever possible, such issues should be resolved prior to the granting of consent, in this case we consider that due to the post-consent commitments to further assess and determine need for a	
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	licence for GCN prior to construction, that this issue can be moved to a 'yellow'* issue and marked as resolved.	
Environment Agency [REP6-092]		
Q3.1.3	Changes to layout The EA welcomes the spatial refinements in respect of the 132kV substation and the 100MW BESS in relation to FZ3b. As confirmed in its Deadline 2 representation [REP2-102], the EA is satisfied that the Applicant has adequately demonstrated that there will be no increase in flood risk to third parties as a result of the proposed development. The design amendments do not alter the EA's view on this matter.	The Applicant notes and welcomes this comment.
Q3.7.1	Flood Plain Storage and Sequential / Exceptions Test	The Applicant notes and welcomes this comment.

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	The EA notes the revised layout and welcomes the removal of the 132kV substation from FZ3b. The EA has no objections or concerns relating to the revised layouts.	
Q3.14.1	Piling Method Statement The Environment Agency's original recommended wording for a separate requirement to secure a piling risk assessment and piling method statement is contained in our Relevant Representation [RR 009] at paragraph 3.9. We have since reviewed our recommended requirement and wish to update our suggested wording to the following: Piling and penetrative foundation design (1) No phase of the authorised development involving piling or penetrative foundation methods shall commence until a piling risk assessment and method statement has been submitted to and approved by the relevant planning	As confirmed in response to Q3.14.1 in Written Responses to ExQ3 [REP6-050], the Applicant's position is that the appropriate securing mechanism for this commitment is the Outline Construction Environmental Management Plan (CEMP) [REP6-032], 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. 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.

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	authority, following consultation with the Environment Agency. (2) The piling risk assessment must be informed by the contamination investigation and assessment report, and relevant hydrogeological information, and demonstrate that the proposed works will not give rise to an unacceptable risk to groundwater or other controlled waters. (3) All authorised piling and penetrative foundation works must be carried out in accordance with the approved method statement.	
City of Doncaster Council [REP6-091]		
Q3.1.1.	Closing Statements CDC will submit a closing statement at Deadline 8 which sets out the final position with regard to each of the issues identified in the initial assessment of principle issues [PD 005] and any other issues where there is a disagreement as to the	The Applicant notes this comment.

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	residual effects of the proposed development.	
Q3.1.2	Emerging Development Plan Policies The position in terms of Development Plan policy remains as set out in CDC's Relevant Representation [RR-006] and Local Impact Report [REP1-062] with the adopted development plan comprising the Doncaster Local Plan 2015-2035 ("DLP") (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan ("JWP") (adopted 2012). There have been no changes in the adopted development plan since the submission of the CDC's RR and LIR, and the development relevant policies identified. On 20 May 2026, Members of Doncaster's Cabinet resolved to commence work on a new Local Plan for Doncaster in line with the Government's new 34-	The Applicant notes this comment.

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	month plan-making system. This decision also approved publication of the overall plan-making Timetable which sets out the key milestones of the process, including several stages of full public consultation, as well as a date for adoption of the Plan by Spring 2029. In the meantime, the Doncaster Local Plan 2015–2025 remains part of the development plan for Doncaster until fully replaced in time by the new Local Plan.	
Q3.1.3	Changes to Layout The proposed removal of solar panels from the layout on fields E19 and E20 is welcomed but it would have been useful to set out the specific reasons for this. The covering letter [REP4–001] states at the section Design Evaluation that changes to Fields 19 and 20 came about : “in response to matters raised at the Open Floor Hearing 2”	The Applicant wishes to direct the City of Doncaster Council (CDC) to the Design Evolution Document [REP4–063] which sets out the context and provides further detail for the design changes made by the Applicant and submitted at Deadline 4. The Applicant also confirms that the fields that are being retained and are no longer proposed for the installation on PV Solar Panels are currently arable fields, but they are proposed to be converted to species-rich grassland, although on a precautionary basis they have been recorded as modified grassland within the Statutory Biodiversity Metric Calculation Tool [REP3–085] . The Applicant considers that the provision of species-rich grassland in

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and CDC do not consider going through the transcript of the Hearing 2 to be a good use of time. Whatever the reason CDC will assume that the fields will be retained are arable land which will be an overall benefit when the small woodland on the southern boundary and the heavily vegetated lane to the northeast are taken into account. The spatial refinement of battery storage layout in Flood Zone 3b will have no ecological implications. No comment on the reconfiguration of solar panels within field E15. Where there are changes to solar panel layout and other amendments the applicants ecologists should clearly show such changes in a revised BNG baseline. The proposed amendments cover several hectares, and this will be of some significance to the BNG metric. The covering letter is dated 21st July 2026 and the last BNG	place of arable, will be ecologically beneficial as this habitat will be subject to less disturbance and chemical input compared to arable. The Applicant confirms that the Statutory Biodiversity Metric Calculation Tool [REP3-O85] and Figure 6.4 Landscape and Visual Mitigation Strategy (Rev 5) [REP4-O42] do not require any updates to reflect this, although Figure 2 within the Environmental Statement Appendix 7.12 Biodiversity Net Gain Assessment (Rev 3) will be updated at Deadline 8 to ensure consistency with the latest Scheme layout and Figure 6.4 Landscape and Visual Mitigation Strategy (Rev 5) [REP4-O42].
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	metric pre-dates this at 29th June 2026. It is important that any amendments to habitats/land use are included in an updated BNG metric	
Q3.2.2	Biodiversity Net Gain (BNG) The current biodiversity metric provides a 28.5% net gain in Area Habitats, 172.88% in hedgerows and 10.26% in watercourse units. We would therefore recommend that the dDCO includes reference to a minimum 20% net gain in area Habitats, 100% in hedgerow units and 10% in watercourse units. This gives some room for slight changes if necessary. We would suggest the following wording for the draft dDCO: (3) The landscape and ecological management plan for the relevant phase must include details of— (a) the extent to which the relevant phase contributes to ensuring that	The Applicant notes that Requirement 8 was updated in the draft DCO [REP6-002] at Deadline 6 to include the BNG percentages for each unit type as agreed between CDC and the Applicant ahead of Deadline 6. Requirement 8 now reads exactly as suggested by CDC in its response to Q3.2.2. Please see DCO.7.2 in the Applicant's Responses to ExA's Commentary on the dDCO [REP6-047] for a detailed response in respect of the incorporated BNG percentages for each unit type. It should also be noted that there was a minor inconsistency in CDC's Deadline 6 submission on this matter. In response to Q3.2.2, CDC states it "would ... recommend that the dDCO includes reference to a minimum 20% net gain in area Habitats". However, in the context of commenting on Requirement 8 (p21 of REP6-091), CDC says that it "would ... recommend that the dDCO includes reference to a minimum 25% net gain in area Habitats". To be clear, the former drafting was included in the Draft DCO at Deadline 6 and was agreed in advance with CDC. The Applicant has sought confirmation

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	the authorised development overall achieves a minimum of 20% biodiversity net gain in area habitat units 100% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units during its operational lifetime using the statutory biodiversity metric published by the Department of Environment, Food and Rural Affairs on 12 February 2024 to calculate those percentages; CDC consider that there should be a provision in the Order that secures a fee of £17,660 to cover CDC costs for the time taken to review the monitoring reports secured by the Landscape Ecological Management Plan. We would recommend that this fee is index linked and payable on submission of the first monitoring report.	from CDC in relation to this point, who has clarified that 20% is the correct and agreed percentage figure in respect of habitat units, and the 25% reference in its comments on Requirement 8 was an error. In relation to CDC's request for a monitoring fee, the Applicant refers to its response to DCO.7.2 in the Applicant's Responses to the ExA's Commentary on the dDCO [REP6-047]. For the reasons set out there, the Applicant does not consider it necessary or appropriate for the draft DCO or a section 106 agreement to secure a monitoring payment to CDC in relation to BNG. In summary: • The Scheme is not subject to the mandatory BNG regime established under the Environment Act 2021; • Notwithstanding this, the Draft DCO secures BNG commitments significantly in excess of the statutory minimum requirement for habitat and hedgerow units; • The Applicant, rather than CDC, is responsible for undertaking and reporting the monitoring required under the Landscape and Ecological Management Plan; and
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		Neither the Biodiversity Gain Statement for Energy NSIPs nor any other relevant policy or legislative requirement identifies a requirement for a monitoring payment to be made to the local planning authority not least of all in circumstances such as these where the Applicant is responsible for undertaking and reporting the BNG monitoring. Accordingly, the Applicant does not consider that there is a justification for securing a BNG fee for CDC.
Q3.2.4	Outline Ecological Construction Management Plan The responses from Natural England to the oECMP is noted. In the Draft DCO August 26 Revision 8 it Schedule 2 Part1 page45 [REP5-002], it states at "8.—(1) No phase of the authorised development may commence until a written landscape and ecology management plan for that phase has been submitted to and approved by the relevant	The Applicant welcomes CDC's confirmation that Requirement 8(1) together with paragraph 11.2 of the Outline Ecological Construction Management Plan [REP6-035] is sufficient to secure the measures contained within the Outline Ecological Construction Management Plan. In relation to CDC's comments regarding biodiversity net gain (BNG), the Applicant notes that the concern raised appears to relate to an earlier iteration of Requirement 8(2) of the Draft DCO [REP6-002], which referred only to a minimum 10% biodiversity net gain commitment.

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planning authority or both relevant planning authorities (as applicable) following consultation by the undertaker on that landscape and ecology management plan with the Environment Agency (in respect of its functions), Natural England (in respect of its functions) and National Highways (in respect of its functions)” CDC conclude that this requirement along with the wording of paragraph 11.2 of the (OECMP) [REP5-030] are sufficient to secure the measures set out in the OECMP. A further concern of CDC in the matter of the draft DCO Schedule 2 Part 1, 8(2) states: “The landscape and ecological management plan for the relevant phase must include details of— (a) the extent to which the relevant phase contributes to ensuring that the authorised development overall achieves a minimum of 10% biodiversity net gain during its operational lifetime using	As set out in the Applicant's response to DCO.7.2 in the Applicant's Responses to the ExA's Commentary on the Draft DCO [REP6-047] and in response to CDC's response to Q3.2.2, set out in this document, Requirement 8(2) was subsequently amended at Deadline 6 following discussions with CDC. The current drafting now secures a minimum biodiversity net gain of 20% in habitat units, 100% in hedgerow units and 10% in watercourse units, reflecting the position agreed between the Applicant and CDC. The Applicant therefore understands that CDC's concern regarding the previous 10% wording has been addressed through the amendments made to the Draft DCO at Deadline 6 and that there is no remaining disagreement between the parties on this issue.
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	the statutory biodiversity metric published by the Department of Environment, Food and Rural Affairs on 12 February 2024 to calculate those percentages;" CDC is concerned that this may militate against the proposed 20% biodiversity net gain as a requirement set at the Fenwick Solar Farm Order 2026.	
Q3.7.1	Flood Plain Storage and Sequential / Exceptions Test The floodplain storage requirements and compliance with the Sequential and Exception Tests were matters raised exclusively by North Lincolnshire Council, as these issues affect only the North Lincolnshire catchment, CDC LLFA has no comments to make. The Authority therefore maintains its position of having no objection in principle to the proposals.	The Applicant notes and welcomes this comment.

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Q3.8.1	Residential Visual Amenity Assessment (RVAA) NLC and CDC note that the RVAA [REP4-028] has been updated to include involved properties as requested. This highlights that five additional properties have been added to the RVAA which are involved properties but tenanted. Significant effects have been identified for 2 of the properties, with significant effects continuing to year 15 for property 58 Belton Grange. Although significant effects have been identified for property 58, these are assessed as moderate/major at year 1 and moderate at year 15. It is a surprise that a property surrounded on all sides by solar panels and with a view of a substation would not experience a major adverse effect and trigger a	As noted in the updated RVAA [REP4-028], whilst Property 58 Belton Grange is located within the Scheme, with panels located on all sides of the property, the farm complex within which the residential property lies, benefits from substantial mature planting on all sides but particularly to the north, west and south, and along the access track to the north. The farm buildings in turn provide additional screening to several of the elevations. Existing vegetation would be supplemented with additional planting and maintained at 3m. The Substation and BESS compound are located approximately 600m to the south west beyond further vegetation and farm infrastructure and would in turn be in part screened by the intervening proposed panels. All property owners who requested a visit during the consultation process were met with at their properties. No such request was made by the owners of Belton Grange which is currently tenanted. A Step 4 assessment would only be required if the Scheme caused a 'Very High' level of change to the view. However, the RVAA [REP4-028], identifies the change as 'Medium/High' in Year 1, which is two levels below 'Very High'.
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	step 4 of the assessment process. Step 4 would have involved a detailed assessment of the property. Paragraph 1.2.9 of the RVAA details that fieldwork has not required visits to individual properties but a 'number of select properties were visited as part of the ongoing consultation process'. It should be clarified which properties were visited (supported by photographs) to demonstrate where sensitive locations have been considered in more detail and to demonstrate they do not trigger the stage 4 assessment. NLC and CDC note additional text has been added in to the RVAA following a more detailed review of the proposed hedge planting by the applicant. The acknowledgement of the maturing hedgerow planting in the text is welcomed and hedgerow planting is the most suitable form of	A 'Medium/High' change means the development would be highly noticeable and have a strong influence on the view. However, it would not be so significant that it becomes the dominant or overwhelming feature of the view, which is what would be expected for a 'Very High' level of change. Therefore, the applicant considers that the effects on residential visual amenity do not justify a Step 4 assessment. As regards mitigation planting, the applicant agrees with NLC and CDC that the mitigation planting proposed will serve to reduce the effects of the Scheme. Whilst the Scheme itself inherently reduces open views, as is acknowledged in the
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mitigation for this situation. However, we still feel that on occasion the proposed hedge planting has been recorded in the assessment as reducing the magnitude of change to a greater extent than is warranted. Examples would include properties 20, 21, 32, 36, 37 where we would have anticipated the effect to remain as major and significant (or higher), due to the enclosure of the properties on 3 or 4 sides by the development, rather than the magnitude and effect reducing due to hedge planting. The hedge planting is likely to obscure views of the proposed development but it is not anticipated this will reduce the magnitude of change as views will still be substantially altered by the development. Supporting visuals to demonstrate any reduction in the magnitude and effect would have helped to demonstrate the change in view. Confirmation that these	judgements at Year 1, the proposed mitigation planting would serve to reduce effects in terms of direct views of fencing, panels and other component parts of the Scheme by replacing them with locally appropriate vegetation including in the most part 3m high hedgerows, and hedgerow trees. The fundamental purpose of the mitigation planting is to further reduce effects once the embedded mitigation such as offsets and the layout has been considered. As regards the assessment of effects on the particular properties mentioned, many of these were visited by the Applicant, as NLC and CDC suggest: The curtilage of Property 20 was assessed from the immediately adjacent Clay Bank Road. The applicant has not been invited to visit this property by the property owner. The curtilage of Property 21 was visited following an invitation from the resident. The northern property in the group (Property 32) was visited early in the design process following an invitation from the residents. The southernmost properties have been visited more recently following an invitation from the residents.
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	properties have been visited to understand the effects from the curtilage rather than public locations is required. It is felt that the effects have not been described in sufficient detail to understand if the conclusions reached are accurate for these locations and based on the information provided, we would assume the effects are still significant at year 15 for these locations.	Property 36 was visited early in the design process following an invitation from the resident. Property 37 was visited early in the design process following an invitation from the previous residents.
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Q3.8.2	Landscape and Visual Mitigation Strategy (LVMS) NLC and CDC would wish to be involved in the preparation of the detailed landscape proposals and would wish to approve the detailed design at each phase of the development. The landscape and visual mitigation strategy currently prepared is very high level and NLC and CDC would wish to see more detail to understand how the landscape proposals to date have developed and how these will be evolved into the detailed design.	The Applicant would welcome the involvement of NLC and CDC in the preparation of the detailed landscape proposals. Whilst the proposals set out at Figure 6.4 Landscape and Visual Mitigation Strategy [REP4-O41] are at Masterplan stage these have been developed in partnership with the project ecologists and show the full intent of the Scheme. This includes the placement of grassland cover, proposed native scrub, proposed hedgerow planting, proposed woodland planting and individual hedgerow trees. What remains to be finalised at detailed design stage is the species mixes and specification in terms of sizes and densities to generate numbers for delivery with accompanying maintenance schedules. This work, particularly the grassland mixes would be informed by the results of soil testing and the species identified in the arboricultural and ecological surveys. The Outline Landscape Ecological Management Plan

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Aspects such as soil testing will need to be carried out to ensure the proposed habitat can be sustained on the soil type present. Evidence of this would need to be provided to NLC and CDC. The landscape and visual mitigation strategy should be secured as part of the proposals. In addition to the design, this should also include for the maintenance and management of the proposals to ensure they fulfil the proposed mitigation. The management strategy should be for the lifetime of the proposals. The proposals will require monitoring frequently in the first 5 years of the development to ensure they have established as proposed and subsequently for the following years to monitor and confirm they are still providing the landscape and visual mitigation proposed for the lifetime of the development. Should any	[REP6-036] would be developed into a finalised Landscape and Ecological Management Plan which would include prescriptions for monitoring of establishment, regular inspections and replacement each planting season of any failed material. As detailed within the Draft DCO [REP6-002] under Requirement 8, the Landscape Ecological Management Plan must be substantially in accordance with the Figure 6.4 Landscape and Visual Mitigation Strategy [REP4-041] therefore is secured as part of the DCO. Therefore, the details outlined within the Landscape and Visual Mitigation Strategy will be submitted to and approved by the relevant host authorities. The site fencing would double as tree protection fencing, the installation of which would be subject to a method statement to ensure the protection of all existing vegetation to be retained.
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	areas fail to thrive as anticipated, alternative proposals to provide appropriate mitigation should be submitted to NLC and CDC for approval. Any protection of retained trees and hedgerows should be secured as part of the LVMS. This is both during the phased construction and during any maintenance operations on site throughout the lifetime of the project.	
Q3.14.2	Fees Background It is essential that CDC's costs of discharging requirements (and of dealing with other applications for consent) are covered. CDC is not seeking to profit from providing the services demanded by the Applicant's Order, indeed it would be unlawful for it to seek to do so.	The Applicant does not agree with CDC's proposed amendments to paragraph 4 of Part 2 of Schedule 2 of the Draft DCO [REP6-002]. The fee regime included within Schedule 2, Part 2 of the Draft DCO [REP6-002] is heavily precedented and reflects the approach adopted in numerous recently made solar DCOs, including the recently made Beacon Fen Energy Park Order 2026, Springwell Solar Farm Order 2026, West Burton Solar Project Order 2025, Heckington Fen Solar Park Order 2025, Tillbridge Solar Project Order 2025, Cottam Solar Project Order 2024 and Mallard Pass Solar Farm Order 2024. In the

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	However, CDC is seeking to ensure that it does not end up in a position where, because of an unsatisfactory fee regime, it is doing work at a loss and is effectively subsidising the Applicant's project. Any other approach is unfair. It will be appreciated this is an application for a nationally significant infrastructure project under the Planning Act 2008, and the fee should reflect the work involved. It will also be remembered that, by paragraph 1 of Schedule 2, the discharging authority will have a statutory deadline to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. The same applies in respect of consents sought under articles. Dealing with any application for consent under this Order will therefore be a matter of high priority	Applicant's view, these precedents demonstrate that the Secretary of State has consistently accepted that a fixed and transparent fee schedule represents an appropriate and proportionate mechanism for funding the discharge of requirements process under a DCO. As CDC itself acknowledges, the fee regime does not appear to have been opposed by local planning authorities in the context of past applications for development consent. This is telling. The Applicant notes that CDC's principal concern appears to be that the fixed fees specified within the Draft DCO may not fully recover all costs incurred by the authority in every circumstance. However, the Applicant does not consider that this concern justifies the introduction of an open-ended cost recovery mechanism of the type proposed by CDC. The purpose of the fee schedule is to provide certainty and transparency to both the undertaker and the discharging authority as to the fees payable for applications made pursuant to the Order. CDC's proposed amendments, in particular proposed paragraph 4(5), would fundamentally alter the nature of the regime by permitting additional fees to be levied whenever CDC considered that the prescribed fees were insufficient. In practice, this would result in a fee regime with no clear upper limit, creating uncertainty as to the costs of seeking approvals under the Order and undermining the
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	for the discharging authority, diverting officer resource from other matters. The inclusion of the deeming provision and its effects on local authority resourcing is another reason why the full cost of doing this work should be covered by the Applicant. CDC's original (and still preferred) position would be to secure the payment of its reasonable costs by way of post-consent planning performance agreement. That has not been possible and the Applicant has suggested, during the course of the Examination, a series of fees proposals. While the latest proposal is better than that originally proposed, it does not provide the certainty required by CDC that all their costs will be covered. CDC notes that the fees proposed are in line with recent solar DCO	purpose of specifying fixed fees within the DCO in the first place. The Applicant further notes that fixed fees are a well-established feature of planning and consenting regimes. The fact that a particular application may require more officer time than anticipated does not, of itself, justify the creation of an unlimited retrospective charging mechanism. If accepted, CDC's approach would create a materially different and substantially more onerous fee regime than that found in the numerous recent DCO precedents referred to above. This would in turn place the Applicant in a materially less favourable position than other promoters of nationally significant infrastructure. Notwithstanding this position, the Applicant has amended paragraph 4(1)(a) of Part 2 of Schedule 2 to the Draft DCO [Document Reference 3.1 Revision 10] which will be submitted at Deadline 8 to include requirements 3 (phasing of the authorised development and date of final commissioning) and 5 (approved details and amendments to them) within the higher fee category. The Applicant does not, however, consider it appropriate nor proportionate to include requirements 17 and 20 within paragraph 4(1)(a). The Scheme has a limited interface with the local public rights of way network and operational noise has not been identified as a substantial issue
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	precedents; however, having considered the Secretary of State's Decision Letters and ExA's Recommendation Reports for each precedent, CDC has not identified an instance where the fees were subject to analysis or discussion. It is also not clear how the fees have been calculated. CDC understands that the precedent projects are not yet at the stage of discharging requirements and so it has not been possible to test the robustness of the fee structure in any meaningful way. Despite the above, CDC wishes to seek to make the fee proposal work. It would propose to do this by amending paragraph 4 (fees) of Part 2 of Schedule 2 as follows – <u>Sub-paragraph (2)</u>	during examination. In the Applicant's view, neither requirement is likely to necessitate a level of scrutiny to warrant being included within the higher fee category. In this regard, the fees proposed by the Applicant have been developed having regard to the nature and anticipated complexity of applications likely to be made under each requirement. CDC has not provided any evidence demonstrating that the fee levels proposed by the Applicant would be insufficient to discharge the functions required under the Order for requirements 17 or 20, nor has it identified any made solar DCO in which equivalent requirements have been subject to the substantially enhanced charging regime now proposed. Similarly, the Applicant does not consider that there is justification for deleting the fee repayment provisions currently contained within paragraph 4, and notes that this paragraph is preceded in the recently made Beacon Fen Energy Park Order 2026. Those provisions appropriately incentivise the timely determination of applications and ensure that applicants are not required to bear the cost of applications that are either rejected as invalid or not determined within the statutory period. The Applicant notes that the relevant planning authority retains the ability to agree extensions of time with the undertaker where reasonably
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CDC considers that the work arising from each of requirements 3 (phasing of the authorised development and date of final commissioning), 5 (approved details and amendments to them) 17 (operational noise), and 20 (public rights of way) is likely to be substantial and so these requirements ought to be mentioned in this sub paragraph. <u>Deleted sub-paragraph (3)</u> This sub-paragraph is unreasonable. For example, if an application is rejected as invalid, the discharging authority will have done the work to reach that conclusion. Reaching this decision, based on the Applicant's inability to submit documents in a valid fashion, should not cost the discharging authority money. Similarly, it does not follow that it is the discharging authority's fault if it	required. The existing drafting therefore strikes an appropriate balance between the interests of the undertaker and the discharging authority. The Applicant also does not consider that CDC's proposed amendments concerning indexation are necessary. The Applicant's drafting (which it notes is preceded in the recently made Beacon Fen Energy Park Order 2026) already provides a reasonable mechanism for maintaining the real value of the prescribed fees whilst also ensuring that fee increases remain proportionate and predictable over the lifetime of the Order. By contrast, CDC's proposed amendment would expose the undertaker to potentially unlimited fee increases over time, without any corresponding justification. The Draft DCO already contains a comprehensive and self-contained fee regime which clearly identifies the circumstances in which fees are payable and the amounts that are payable. Introducing further broad and undefined cost recovery powers would create overlap with the existing provisions and uncertainty as to the fees ultimately payable by the undertaker.
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	has not discharged the application within the statutory timeframe. Again, the provision of unsatisfactory documents by an applicant can compromise the ability of the authority to work in an expeditious way. The discharging authority should not be punished for this. Sub-paragraph (3) should be deleted. <u>New sub-paragraph (3)</u> CDC does not understand why the adjustment of the Consumer Price Index value should randomly stop at 5%. If the index increases more than 5%, why shouldn't the percentage? CDC has also clarified sub-paragraph (3) to provide that any adjustment is upwards only, which CDC assume was the Applicant's original intention.	
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	<u>New sub-paragraphs (4) and (5)</u> These provisions are new and reflect the fact that CDC can now charge fees for providing relevant services in relation to DCO applications under the Infrastructure Planning (Fees) Regulations 2010. New sub-paragraph (4) is a statement of the law. New sub-paragraph (5) would allow the discharging authority to charge additional fees when the numbers cited in sub-paragraph (2) are insufficient. For example, CDC considers that subsequent work in relation to certain requirements (including requirements 6, 8 and 19 and which would give rise to a fee of £588) are unlikely to be significantly less time consuming than the original work arising from each requirement. New sub-paragraph (5)(a) would allow CDC to charge for any	
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	additional work not captured by the payment of £588. Similarly, new sub-paragraph (5)(b) would allow the discharging authority to charge for work demanded by the Order and which is not set out in sub-paragraph (2). This would allow the discharging authority to charge a fee for discharging other consents (e.g. under an article), provided there is no other mechanism in the Order for so charging. The proviso is included to prevent double charging and is consistent with CDC's ambition of making this exercise a cost-neutral one. In the light of the above, CDC considers paragraph 4 of Part 2 to Schedule 2 should be amended as follows – Fees	
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	4.—(1) Where an application is made to the relevant planning authority for written consent, agreement or approval in respect of a requirement, a fee is to apply and must be paid to the relevant planning authority for each application. (2) <u>Subject to sub-paragraph (5), the</u> The fee payable for each application under sub-paragraph (1) is as follows— (a) a fee of £2,578 for the first application for the discharge of each of the <u>requirements 3 (phasing of the authorised development and date of final commissioning), 5 (approved details and amendments to them), 6</u> (detailed design approval), 7 (battery safety management plan), 8 (landscape and ecology management plan), 10 (soil management), 11 (surface water and foul drainage), 12 (archaeology), 14 (construction environmental management plan), 15 (operational environmental management plan), 16	
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	(construction traffic management plan), 17 (operational noise), and 19 (decommissioning and restoration) and 20 (public rights of way). (b) a fee of £588 for each subsequent application for the discharge of each of the requirements listed in sub-paragraph (a) and any application under requirement 6 (detailed design approval) in respect of the requirements listed in paragraph (a); and (c) a fee of £298 for any application for the discharge of— (i) any other requirements not listed in paragraph (a); (ii) any application under requirement 5 (approved details and amendments to them) in respect of requirements not listed in paragraph (a); and (iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement. (3) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—	
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	(a) the application being rejected as invalidly made; or (b) the relevant planning authority failing to determine the application within the relevant period in paragraph 1(1) unless— (i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or (ii) a longer period of time for determining the application has been agreed pursuant to paragraph 1(1)(c) of this Schedule. (4) (3) The fees specified in sub-paragraph (2) shall be adjusted (upwards only) on each anniversary of the date this Order comes into force by a percentage equal to the index value of the Consumer Price Index (I) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%. (4) On and from 8 June 2026, the relevant planning	
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authority became entitled pursuant to the Infrastructure Planning (Fees) Regulations 2010 (as amended from time to time) ("the Fees Regulations") to charge fees for providing relevant services in relation to applications for development consent. (5) Nothing in this Order fetters the ability of the relevant planning authority to charge a fee for – (a) charging an additional fee where any fee mentioned in sub-paragraph (2) does not cover the cost of the relevant planning authority providing the service related to that fee; or (b) providing a relevant service pursuant to the Fees Regulations which is not mentioned in sub-paragraph (2) and which is not recoverable under another provision of this Order.

North Lincolnshire Council [REP6-090]

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Q3.1.1	Closing Statements Noted	The Applicant notes this comment.
Q3.1.2	Emerging development plan policies NLC set out its position on the emerging North Lincolnshire Local Plan at paragraphs 6.7 & 6.8 of its LIR. This position has been updated in that the emerging Local Plan will now be prepared under The Town and Country Planning (Local Planning) (England) Regulations 2026 (the 2026 Regulations). The Council undertook consultation under Regulation 20 of the 2026 Regulations (the Scoping Consultation), and this consultation ended on 1 September 2026. In accordance with the council's published timetable the statutory 30-month Local Plan timetable is due to comment on Monday 28th June 2027 with the consultation on	The Applicant notes this comment.

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	proposed Local Plan content and evidence under Regulation 23. In this context, it is considered that the emerging Local Plan is not a relevant consideration in the determination of this DCO application.	
Q3.1.3	Changes to layout In respect of the removal of panels from fields E19 and E20, NLC notes the removal of panels in close proximity to Property 44 New Plains House and Plains House Farm and that the impact of the proposals on it would be reduced as set out in the revised ES Appendix 6.2 Residential Visual Amenity Assessment [Document Reference 6.3.6.2 Revision 2]. Please see NLCs response to Q3.8.1 below in respect of the RVAA and impacts on existing properties.	The Applicant notes and welcomes North Lincolnshire Council's (NLC) acknowledgement that the removal of solar panels from Fields E19 and E20 reduces the visual effects experienced at New Plains House and Plains House Farm, as identified within the updated Residential Visual Amenity Assessment [REP4-028]. The Applicant also welcomes NLC's acknowledgement that the relocation of the 132kV substation outside Flood Zone 3b is a positive amendment to the Scheme. In relation to flood risk and the location of infrastructure within Flood Zone 3b, the Applicant respectfully disagrees with NLC's conclusion that the proposed layout has not been robustly justified. As set out in the Flood Risk Assessment [REP5-014] at paragraph 5.29, the Scheme seeks to direct infrastructure towards areas of lower flood risk where reasonably practicable, whilst recognising the significant

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	The relocation of the 132kV substation outside of flood zone 3b is noted and welcomed. It remains NLCs position that it objects to the location of infrastructure in FZ3b without robust justification and NLC has particular concerns about the impact of BESS areas within Flood Zone 3b due to associated fire and pollution risk and about the potential local flood risk impact of the proposed 300mm gravel base for BESS, inverters and spare containers within Flood Zone 3b. NLC does not consider that the Applicant has adequately demonstrated that there are clear operational reasons requiring elements of the development to be located within Flood Zone 3b.	extent of flood risk constraints present across the Order Limits. The Applicant has demonstrated that the Scheme would remain safe for its operational lifetime, would not increase flood risk elsewhere and would incorporate appropriate mitigation measures. The Applicant also notes that matters relating to battery safety, pollution prevention and detailed surface water management would be secured through the proposed requirements within the Draft DCO [REP6-002] and respective management plans. The Applicant further notes NLC's acknowledgement that the reconfiguration of panels within Field E5 has reduced effects on the setting of Dirtiness Pumping Station and that any remaining harm would be at the lower end of the less than substantial range. The Applicant welcomes NLC's conclusion that such harm would be clearly outweighed by the public benefits of the Scheme.
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	Whilst it is acknowledged that the wider site is constrained by flood risk, the applicant has not robustly demonstrated through the design or layout that the most vulnerable or highest risk infrastructure, such as BESS facilities, cannot all be located within areas of lower flood risk within the Order Limits, particularly having regard to the extent of overplanting proposed. NLC welcomes the reconfiguration of solar panels within field E5 and considers that the impacts of the panels in field E5 on the setting of Dirtiness Pumping Station is reduced. NLC considers that the proposals would still result in less than however this would be at the lower end of less than substantial as a result of the changes in the layout of the panels. NLC considers that this harm would be clearly outweighed by the public	
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	benefits of the scheme (subject to NLCs overall position on the weight to be afforded to the benefits of the proposal).	
Q3.2.2	Biodiversity Net Gain (BNG) NLC confirms that it does intend to be involved in the monitoring of new habitats in relation to BNG on land within its administrative boundary. NLC considers that the DCO should include a provision for BNG monitoring fees.	The Applicant notes NLC's intention to be involved in the monitoring of new habitats in relation to BNG on land within its administrative boundary. However, the Applicant would note that NLC's involvement in the monitoring of BNG is not proposed to be an active one. The monitoring of BNG delivered through the Scheme is the responsibility of the Applicant and is set out in the Outline Landscape Ecological Management Plan (LEMP) [REP6-036] to ensure that the delivery of BNG is in line with the commitments in the Outline LEMP. Section 7 of the Outline LEMP sets out the monitoring arrangements for habitats created and enhanced as part of the Scheme. Paragraph 7.16 confirms that monitoring reports will be prepared by the Applicant and submitted to the relevant local planning authorities in years 2, 5, 10, 15, 20, 25, 30 and 35 following commencement of development. These reports will assess habitat condition and progress towards target outcomes, identify any areas where habitats are not meeting management objectives, and set out any remedial measures or revised management prescriptions required. The Outline LEMP is secured through Requirement 8 of Schedule 2

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	to the draft DCO [REP6-002] which requires a detailed LEMP to be substantially in accordance with the Outline LEMP. Accordingly, as per paragraph 7.16, NLC role is limited to receiving monitoring information prepared by the Applicant. The draft DCO does not require NLC to undertake habitat surveys, produce monitoring reports, review ecological data, certify compliance or carry out any other active monitoring function. Please see the Applicant's detailed submissions in respect of the monitoring of BNG in its response to DCO.7.2 in the Applicant Responses to ExA's commentary on the dDCO [REP6-047]. In respect of BNG monitoring fees, please refer to the Applicant's response to CDC on this matter in the Applicant's Responses to Interested Party Comments on the Examining Authority's Commentary on the Draft DCO [Document Reference 8.33 Revision 1] and the Applicant's response to DCO.7.2 in the Applicant Responses to ExA's commentary on the dDCO [REP6-047]. In respect of the BNG percentages to be secured under the Order, the Applicant updated Requirement 8 of the Draft DCO [REP6-002] at Deadline 6 to include specific biodiversity net gain (BNG) commitments for each habitat unit type.
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		Requirement 8(3)(a) now secures a minimum BNG of 20% in habitat units, 100% in hedgerow units and 10% in watercourse units. The Applicant notes that these percentage figures were agreed with CDC ahead of Deadline 6 and welcomes NLC's confirmation of the same.
Q3.2.4	Outline Ecological Construction Management Plan NLC notes the updated content of Requirement 8(2)(b) and is satisfied that this would give the necessary control alluded to in the OECMP.	The Applicant notes and welcomes NLC's confirmation in this regard.
Q3.4.1	NLC The land in question is currently registered at the Land Registry to National Highways Limited under Title No. SYK558485. State for Transport/Highways Agency. This particular parcel of land was, at the time, within the County of West Yorkshire but became included in North Lincolnshire after County Boundary changes. Upon detrunking,	The Applicant is engaging with NLC in relation to this matter, which has been raised very late in the examination by NLC despite a number of efforts by the Applicant to engage. National Highways (NH) communicated its position regarding this plot (plot 10/12) in its written representation [REP1-O67], where NH said: <i>"This part of the highway has been de-trunked, meaning it has been vested in and is the responsibility of the local highway authority pursuant to section 265 of the Highways Act 1980. NH therefore has no further comments or concerns in respect of this plot at this stage and would request that the Book of</i>

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	the land forming the highway should have passed back to the relevant councils, but that has not yet happened. In 2010 it is understood that the Highways Agency (as it then was), was going through the process of registering such land in order to make the transfer of the highway back to the council a more straightforward process but no further progress, after registration, appears to have been made.	<i>Reference is updated to remove reference to NH having an interest in this plot. The Applicant should contact the local highway authority".</i> This is the basis on which the Applicant approached NLC to initiate negotiations for a land agreement in relation to plot 10/12. The Applicant has replied to NLC, referencing NH's submission above and the Applicant is now awaiting NLC's response.
Q3.7.1	Flood Plain Storage and Sequential/Exceptions Test Please see NLCs response on this matter at Q3.1.3 above. For the avoidance of doubt, NLC does not consider that the Applicant has adequately demonstrated that there are clear operational reasons requiring elements of the development to be located within Flood Zone 3b. It is NLCs view that this is a matter that weighs heavily	The Applicant notes NLC's concerns regarding the location of infrastructure within Flood Zone 3b, including the 100MW BESS within Field A20, and the justification for locating infrastructure within the higher-risk areas of the Order Limits. The Applicant has sought through the design development process to minimise the extent of infrastructure within Flood Zone 3b where practicable. This is reflected in the latest indicative layout, including the relocation of the proposed 132kV substation within Field A20, which reduces the extent of proposed development within Flood Zone 3b (refer to

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	against the proposals, but that it is ultimately a matter for the SoS as to the degree of weight to be attached to it in the overall planning balance.	paragraph 1.17 of the Flood Risk Assessment (Revision 4) [REP5-014 to REP5-017]). The Applicant has also considered whether the 100MW BESS within Field A20 can be relocated outside Flood Zone 3b. As set out at paragraph 5.31 of the Flood Risk Assessment (Revision 4), this has not been possible having regard to the operational requirements and configuration of the Scheme, including the need to provide the necessary electrical infrastructure and connections within the available land. The presence of lower-risk areas within the Order Limits does not, in itself, demonstrate that the BESS can practicably be relocated to those areas without affecting the functionality and deliverability of the Scheme. The Applicant notes NLC's concerns regarding the potential fire and pollution risks associated with the BESS within Flood Zone 3b. The detailed design, construction and operation of the BESS will be subject to the relevant fire safety, pollution prevention and environmental control requirements. In relation to flood risk, the BESS containers will be raised above existing ground levels on isolated supports over a 300mm gravel base. The gravel base will remain permeable, allowing floodwater to pass beneath and around the infrastructure, and will not result in a loss of floodplain storage.
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		The effect of the Scheme on floodplain storage is assessed in detail at paragraphs 5.36 to 5.41 of the Flood Risk Assessment (Revision 4) [REP5-014 to REP5-017], having regard to the latest indicative layout and the 2025 River Torne 1 in 100-year plus climate change flood extent. The Flood Risk Assessment concludes that, with the proposed mitigation measures in place, the effect of the Scheme on floodplain storage is negligible. This conclusion remains unchanged following the latest indicative layout amendments. It is also relevant that Item 9, "Loss of Floodplain Storage", within the Environment Agency Statement of Common Ground [REP6-067] is agreed between the Environment Agency and the Applicant. The Applicant has outlined the methodology within the Flood Risk Sequential Test [REP4-043] and provided their position regarding the approach to the Sequential Test, and any updates required in their response to ExQ3.7.1, made at Deadline 6 [REP6-050].
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Q3.8.1	Residential Visual Amenity Assessment (RVAA) NLC notes that the RVAA has been updated to include involved properties as requested. This highlights that five additional properties have been added to the RVAA which are involved properties but tenanted. Significant effects have been identified for 2 of the properties, with significant effects continuing to year 15 for property 58 Belton Grange. Although significant effects have been identified for property 58, these are assessed as moderate/major at year 1 and moderate at year 15. It is a surprise that a property surrounded on all sides by solar panels and with a view of a substation would not experience a major adverse effect and trigger a step 4 of the assessment process. Step 4 would have involved a detailed assessment of the property.	As noted in the updated RVAA [REP4-O28] whilst Property 58 Belton Grange, is located within the Scheme, with panels located on all sides the property, the farm complex within which the residential property lies benefits from substantial mature planting on all sides but particularly to the north, west and south and along the access track to the north. The farm buildings in turn provide additional screening to several of the elevations. Existing vegetation would be supplemented with additional planting and maintained at 3m. The Substation and BESS compound is located approximately 600m to the south west beyond further vegetation and farm infrastructure and would in turn be in part screened by the intervening proposed panels. All property owners who requested a visit during the consultation process were met with at their properties. No such request was made by the owners of Belton Grange which is currently tenanted. A Step 4 assessment would only be required if the Scheme caused a 'Very High' level of change to the view. However, the RVAA [REP4-O28], identifies the change as 'Medium/High' in Year 1, which is two levels below 'Very High'.
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	Paragraph 1.2.9 of the RVAA details that fieldwork has not required visits to individual properties but 'number of selected properties were visited as part of the ongoing consultation process'. The should be clarified which properties were visited (supported by photographs) to demonstrate where sensitive locations have been considered in more detail and to demonstrate they do not trigger the stage 4 assessment. NLC notes additional text has been added in to the RVAA following a more detailed review of the proposed hedge planting by the Applicant. The acknowledgement of the maturing hedgerow planting in the text is welcomed and hedgerow planting is the most suitable form of mitigation for this situation. However, it is still considered that, on occasion, the proposed hedge	A 'Medium/High' change means the development would be highly noticeable and have a strong influence on the view. However, it would not be so significant that it becomes the dominant or overwhelming feature of the view, which is what would be expected for a 'Very High' level of change. Therefore, the applicant considers that the effects on residential visual amenity do not justify a Step 4 assessment. The Applicant considers that the mitigation planting serves to reduce the effects of the scheme. Whilst the Scheme itself
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	planting has been recorded in the assessment as reducing the magnitude of change to a greater extent than is warranted. Examples would include properties 20, 21, 32, 36, 37 where we would have anticipated the effect to remain as major and significant (or higher), due to the enclosure of the properties on 3 or 4 sides by the development, rather than the magnitude and effect reducing due to hedge planting. The hedge planting is likely to obscure views of the proposed development but it is not anticipated this will reduce the magnitude of change, as views would still be substantially altered by the development. Supporting visuals to demonstrate any reduction in the magnitude and effect would have helped to demonstrate the change in view. Confirmation that these properties have been visited to understand the	inherently reduces open views, as is acknowledged in the judgements at Year 1, that the mitigation planting would serve to reduce effects in terms of direct views of fencing, panels and other component parts of The Scheme by replacing them with locally appropriate vegetation including in the most part 3m high hedgerows, and hedgerow trees. The fundamental purpose of the mitigation planting is to further reduce effects once the imbedded mitigation such as offsets and the layout has been considered. The curtilage of Property 20 was assessed from the immediately adjacent Clay Bank Road, the applicant has not been invited to visit this property by the property owner. The curtilage of Property 21 was visited following an invitation from the resident. The northern property in the group Property 32 was visited early in the design process following an invitation from the residents. The southernmost properties have been visited more recently following an invitation from the residents. Property 36 was visited early in the design process following an invitation from the resident.
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	effects from the curtilage rather than public locations is required. It is considered that the effects have not been described in sufficient detail to understand if the conclusions reached are accurate for these locations and based on the information provided, we would assume the effects are still significant at year 15 for these locations.	Property 37 was visited early in the design process following an invitation from the previous residents.
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Q3.8.2	Landscape and Visual Mitigation Strategy (LVMS) [REP4-042] NLC would wish to be involved in the preparation of the detailed landscape proposals and would wish to approve the detailed design at each phase of the development. The landscape and visual mitigation strategy currently prepared is very high level and NLC would wish to see more detail to understand how the landscape proposals to date have developed and how these will be evolved into the detailed design. Aspects such as soil testing will need to be carried out to ensure the proposed habitat can be sustained	XXX The Applicant would welcome the involvement of NLC in the preparation of the detailed landscape proposals. Whilst the proposals set out at ES Figure 6.4 Landscape and Visual Mitigation Strategy [REP4-041] are at Masterplan stage these have been developed in partnership with the project ecologists and show the full intent of the scheme. This includes the placement of grassland cover, proposed native scrub, proposed hedgerow planting, proposed woodland planting and individual hedgerow trees. What remains to be finalised at detailed design stage is the species mixes and specification in terms of sizes and densities to generate numbers for delivery with accompanying maintenance schedules. This work, particularly the grassland mixes would be informed by the results of soil testing and the species identified in the arboricultural and ecological surveys. The Outline Landscape Ecological Management Plan [REP6-

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on the soil type present. Evidence of this would need to be provided to NLC. The landscape and visual mitigation strategy should be secured as part of the proposals. In addition to the design, this should also include for the maintenance and management of the proposals to ensure they fulfil the proposed mitigation. The management strategy should be for the lifetime of the proposals. The proposals will require monitoring frequently in the first 5 years of the development to ensure they have established as proposed and subsequently for the following years to monitor and confirm they are still providing the landscape and visual mitigation proposed for the lifetime of the development. Should any areas fail to thrive as anticipated, alternative proposals to provide appropriate mitigation should be submitted to NLC for approval. Any protection of	036] would be developed into a finalised Landscape and Ecological Management Plan which would include prescriptions for monitoring of establishment, regular inspections and replacement each planting season of any failed material. As detailed within the Draft DCO [REP6-002] under Requirement 8, the Landscape Ecological Management Plan must be substantially in accordance with the Figure 6.4 Landscape and Visual Mitigation Strategy [REP4-041] therefore is secured as part of the DCO. Therefore, the details outlined within the Landscape and Visual Mitigation Strategy will be submitted to and approved by the relevant host authorities. The site fencing would double as tree protection fencing, the installation of which would be subject to a method statement to ensure the protection of all existing vegetation to be retained.
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	retained trees and hedgerows should be secured as part of the LVMS. This is both during the phased construction and during any maintenance operations on site throughout the lifetime of the project.	
Q3.14.2	Fees NLC does not agree with the approach to fees set out in Schedule 2 of the draft DCO. A copy of NLCs suggested fee schedule for the discharge of requirements is attached at Appendix 2. It is essential that NLC's costs of discharging requirements (and of dealing with other applicants for consent) are covered. NL to seek to do so. However, the Council is seeking to ensure that it does not end up in a position where, because of an unsatisfactory fee regime, it is doing work at a loss and effectively	The Applicant's response to CDC on this matter applies equally here (see the Applicant's response to CDC's response to Q3.14.2 set out in this document). The Applicant notes that NLC's submissions in relation to fees are the same as CDC's in all material respects.

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	subsidising the Applicant's project. Any other approach is unfair. It will be appreciated this is an application for a nationally significant infrastructure project under the Planning Act 2008, and the fee should reflect the work involved. It will also be remembered that, by paragraph 1 of Schedule 2, the discharging authority will have a statutory deadline to make its decision on any application and if no decision is made within that period, consent will be deemed to have been granted. The same applies in respect of consents sought under articles. Dealing with any application for consent under this Order will therefore be a matter of high priority for the discharging authority, diverting officer resource from other matters. The inclusion of the deeming provision and its effects on local authority resourcing is another	
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	reason why the full cost of doing this work should be covered by the Applicant. NL-consent planning performance agreement however it is understood that the Applicant does not support this approach through their discussions with CDC. NLC notes that the fees proposed are in line with recent solar DCO precedents; however, having considered the Secretary of State's decision letters and ExA's Recommendation Reports for each precent, NLC has not identified an instance where the fees were subject to analysis or discussion. It is also not clear how the fees have been calculated. It is understood that the precedent projects are not yet at the stage of discharging requirements and so it has not been possible to test the robustness of	
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	the fee structure in any meaningful way. The suggested amendments set out at Appendix 2 are explained as follows– <u>Sub-paragraph (2)</u> NLC considers that the work arising from each of requirements 3 (phasing of the authorised development and date of final commissioning), 5 (approved details and amendments to them) 17 (operational noise), and 20 (public rights of way) is likely to be substantial and so these requirements ought to be mentioned in this sub-paragraph. <u>Deleted sub-paragraph (3)</u> This sub-paragraph is unreasonable. For example, if an application is rejected as invalid, the discharging authority will have done the work to reach that conclusion. Reaching this decision, based on the Applicant’s inability to submit documents in a valid fashion	
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	should not cost the discharging authority money. Similarly, it does not follow that it is the discharging fault if it has not discharged the application within the statutory timeframe. Again, the provision of unsatisfactory documents by an applicant can compromise the ability of the authority to work in an expeditious way. The discharging authority should not be punished for this. Sub-paragraph (3) should be deleted. <u>New sub-paragraph (3)</u> NLC does not understand why the adjustment of the Consumer Price Index value should randomly stop at 5%. If the index increases more than 5%, why shouldn't the percentage? NLC has also clarified sub-paragraph (3) to provide that any adjustment is upwards only, which NLC assume was the Applicant's original intention.	
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	<u>New sub-paragraphs (4) and (5)</u> These provisions are new and reflect the fact that NLC can now charge fees for providing relevant services in relation to DCO applications under the Infrastructure Planning (Fees) Regulations 2010. New sub-paragraph (4) is a statement of the law. New sub-paragraph (5) would allow the discharging authority to charge additional fees when the numbers cited in sub paragraph (2) are insufficient. For example, NLC considers that subsequent work in relation to certain requirements (including requirements 6, 8 and 19 and which would give rise to a fee of £588) are unlikely to be significantly less time consuming than the original work arising from each requirement. New sub-paragraph (5)(a) would allow NLC to charge for any additional work not captured by the payment of £588. Similarly, new sub-paragraph (5)(b) would allow the	
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	discharging authority to charge for work demanded by the Order and which is not set out in sub-paragraph (2). This would allow the discharging authority to charge a fee for discharging other consents (e.g. under an article), provided there is no other mechanism in the Order for so charging. The proviso is included to prevent double charging and is consistent with NL-neutral one	
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