

Tween Bridge Solar Farm

8.36 Closing Statement

Planning Act 2008

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

Deadline 8 October 2026

Document Reference: 8.36

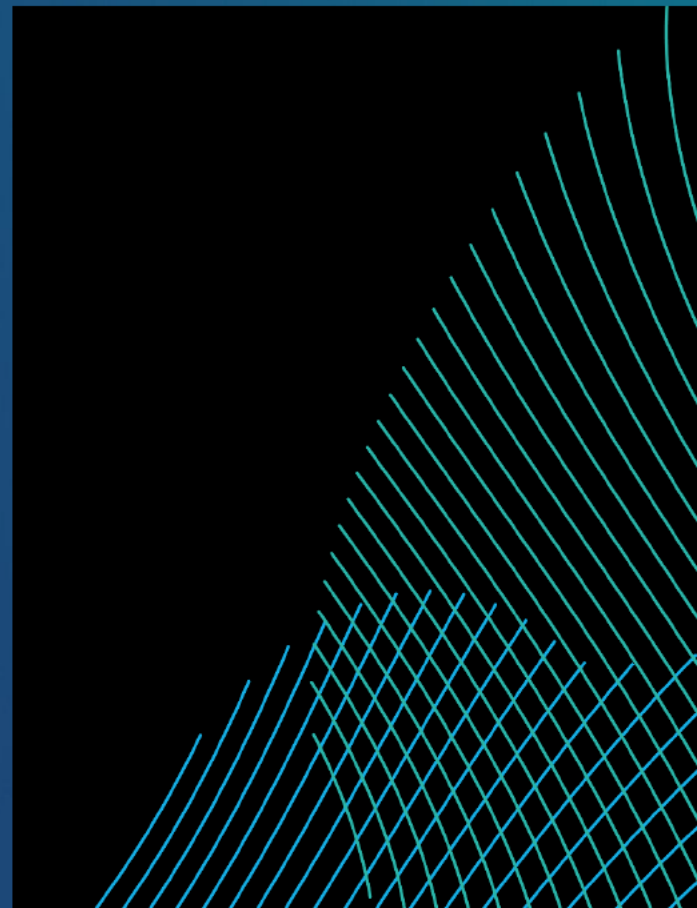


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1 Introduction

1.1. The purpose of this Closing Statement

- 1.1.1. This Closing Statement (the 'Statement') has been prepared on behalf of RWE Renewables UK Solar and Storage Ltd (the 'Applicant'), in response to ExQ3.1.1 **[PD-012]**, to set out the Applicant's final position on key planning matters in relation to the Development Consent Order (DCO) Application for the Scheme. Its purposes is to aid the Examining Authority (ExA) and the Secretary of State in their decision making.
- 1.1.2. In summary, this document demonstrates why there is a compelling case in favour of granting development consent for the Scheme. It then draws this information together and presents the overall planning balance and case for the Scheme.
- 1.1.3. This document provides a summary of the Applicant's position on key technical matters, as presented during Examination. The Statement does not introduce new material, instead, it draws together information already submitted for examination and seeks to provide clarity on the Applicant's final position on matters raised during the Examination, with reference to the previous submissions the Applicant has made. This document is not intended to set out in full the Applicant's final position on each of the matters addressed; the references provided are relied upon for this purpose.
- 1.1.4. This document signposts to the Applicant's submissions which have been made over the course of the Examination to assist the ExA and Interested Parties in accessing submissions the Applicant considers relevant to the technical matter(s) being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.
- 1.1.5. This Statement should be read alongside the DCO Application and all documents and statements submitted by the Applicant during the Examination. In particular, reference should be made to the **Planning Statement [Document 5.5 Reference Revision 3]** which sets out the assessment of the Scheme against all relevant planning policies.

1.2. The Scheme

- 1.2.1. The DCO Application seeks development consent to construct, operate (including maintain) and decommission Tween Bridge Solar Farm, a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure (the Scheme) which would allow for the generation and export of over 50MW of electricity to the national electricity transmission system. The Environmental Statement (ES) **Figure 1.1 Order Limits [APP-129]** shows the Order Limits (the Order Limits) for the Scheme, which is approximately 1,831 hectares of land located within the administrative areas of both City of Doncaster Council (CDC) and North Lincolnshire Council (NLC) (the Host Authorities).
- 1.2.2. The Scheme is a Nationally Significant Infrastructure Project for the purposes of section 14(1)(a) of the Planning Act 2008, as it includes a generating station capable of generating more than 50 megawatts (MW) of renewable energy.

1.3. The Examination Process

- 1.3.1. The Examination of the Scheme opened on 14 April 2026 and closes on 12 October 2026. Before and during the Examination, the Applicant has worked positively to address and resolve matters raised by statutory consultees, interested parties and members of the public. At each relevant Examination Deadline, the Applicant has provided comprehensive responses to submissions from these parties.

Change Request Application

- 1.3.2. On the 6 May 2026 the Applicant wrote to the ExA **[AS-028]** to notify the ExA of its intention to submit a request for changes to the DCO Application.
- 1.3.3. The Change Request was formally submitted to the ExA on 4 June 2026. The **Change Request Document [CR1-026]** set out the following changes to the DCO Application:
- 1.3.4. Removal of parcels 1/A, 1/B, 1/C, 1/D, 3/C, 3/D, and 3/E from the extent of land subject to works, compulsory acquisition and temporary possession powers under the DCO. This equates to a total area of 524 square metres.
- A minor modification to the proposed permissive path route through Mitigation Area M1(A) so that it would avoid encroaching upon parcel 2/A and remain wholly within the limits of parcel 2/16.

1.3.5. Fencing of the proposed permissive path route (as modified) within parcel 2/16.

- A minor modification to the extent of mitigation parcel M1(A) so that it would avoid the common land/CRoW access land in this area.

1.3.6. By Procedural Decision dated 16 June 2026 **[PD-009]**, the ExA confirmed that it had accepted the above changes for Examination.

Statements of Common Ground

1.3.7. The Applicant has agreed Statements of Common Ground (SoCGs) with key stakeholders. The positions are summarised in the **Statement of Commonality [Document Reference 9.1 Revision 7]**.

1.3.8. At Deadline 8, the Applicant submitted final and signed versions of the following SOCGs:

- **SoCG with City of Doncaster Council [Document Reference 9.1 Revision 6]**
- **SoCG with North Lincolnshire Council [Document Reference 9.3 Revision 6]**
- **SoCG with Environment Agency [Document Reference 9.4 Revision 5]**
- **SoCG with National Grid Energy Transmission [Document Reference 9.5 Revision 5]**
- **SoCG with Lincolnshire Wildlife Trust [Document Reference 9.6 Revision 3]**
- **SoCG with Natural England [Document Reference 9.9 Revision 5]**
- **SoCG with National Highways [Document Reference 9.10 Revision 6]**
- **SoCG with Canal and River Trust [Document Reference 9.12 Revision 4]**
- **SoCG with South Yorkshire Fire and Rescue Service [Document Reference 9.13 Revision 4]** (noting that the South Yorkshire Fire and Rescue Service have advised that they do not formally sign SoCGs; however, they have actively engaged with the Applicant throughout the process and confirmed in writing that they are content all matters are 'agreed' in the SoCG. This correspondence is provided at Appendix C of the **Statement of Commonality [Document Reference 9.1 Revision 7]**).

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- 1.3.9. The SoCGs with Network Rail, the Isle of Axholme and North Nottingham Water Level Management SoCG and Doncaster East IDB have been updated by the Applicant and are awaiting final review and signature by the relevant stakeholders. The Applicant hopes to receive signed copies of the SoCGs shortly and will submit these at Deadline 9 if possible. If signed copies are not received in advance of Deadline 9, the Applicant will submit the current version of the SoCG, unsigned by the stakeholder, as the Applicant's view of the final position at the end of the Examination.
- 1.3.10. The areas of agreement and disagreement between the Applicant and the various Interested Parties are set out in detail in the SoCGs. While the Applicant has been able to reach agreement with many of the Interested Parties, there remain some points of disagreement in respect of which it has not been possible to reach agreement during the Examination. The Applicant's position on these matters, as well as that of the relevant Interested Party, is set out in more detail in the relevant SoCGs, the **Justification for the Applicant's preferred protective provisions [Document Reference 8.23 Revision 4]** and the **Statutory Undertakers Position Statement [Document Reference 7.12 Revision 6]**.

2 Key Matters of Discussion during Examination

2.1. Overview

- 2.1.1. This section summarises, in Section 2.2, the key matters that were discussed and resolved during Examination. Section 2.3 then sets out the key matters that remain outstanding at the end of Examination and the Applicant's final position on those matters.

2.2. Key matters that were discussed and resolved during examination

- 2.2.1. The following key matters were discussed and resolved during the Examination.

Biodiversity

- 2.2.2. All biodiversity matters raised by North Lincolnshire Council (NLC), City of Doncaster Council (CDC) and Natural England (NE) have now been agreed. Key matters discussed and agreed during Examination included: impacts on nationally and internationally designated sites; potential impacts and appropriate mitigation for nightjar; sufficient mitigation land, management and monitoring secured for non-breeding and ground nesting birds; appropriate mitigation and enhancement measures for a range of protected species including badger and great crested newts (GCN); and agreement of the Biodiversity Net Gain (BNG) metric, which confirms that a minimum 10% BNG will be delivered through habitat creation and enhancement measures incorporated within the Proposed Development.
- 2.2.3. The Applicant has addressed the majority of matters raised by the Lincolnshire Wildlife Trust (LWT). Agreement has been reached on the proposed approach to statutory designated sites, skylark mitigation, non-breeding bird mitigation, Biodiversity Net Gain (BNG), priority species, the scope of invertebrate surveys, and the conclusion that new planting will not adversely affect peat deposits. The Applicant and LWT also agree that, with the implementation of appropriate construction mitigation measures, construction activities will not result in significant impacts on nightjar. The matters not agreed are detailed in Table 2.3.3 below.

Compulsory Acquisition and Related Matters

- 2.2.4. A summary of the key issues that were raised and resolved in relation to compulsory acquisition and related matters is provided in Section 3.

Cultural Heritage and Archaeology

- 2.2.5. The Applicant has broadly resolved matters relating to mitigation measures in the outline Archaeological Management Strategy with CDC and NLC. Matters not agreed include CDC's position on the potential effects on the setting of heritage assets, the need for fieldwalking and extent of pre-determination intrusive evaluation, such as trial trenching. Matters not agreed are set-out in more detail at section 2.3 of this document. The Applicant has also updated the **Outline Decommissioning Environmental Management Plan [REP5-026]** and **Outline Landscape and Ecology Management Plan [REP6-036]** to address matters including asset protection during decommissioning and avoidance of potentially harmful ecological groundworks occurring where archaeological remains are preserved in situ. The Applicant notes no representations have been received from Historic England during Examination.

Draft DCO

- 2.2.6. A summary of the key issues that were raised and resolved in relation to the **draft DCO [Document Reference 3.1 Revision 10]** is provided in Section 5, except for the Protective Provisions which are covered in Section 3.3.

Grid Connection

- 2.2.7. The Applicant continues to await confirmation from National Grid Electricity Transmission plc regarding the proposed location of the Scheme's point of connection to the national electricity transmission system. No substantive updates have been received, in this regard, during the course of Examination.
- 2.2.8. The Applicant has made a number of submissions on this matter during the course of the Examination (these are consolidated in **Annex to the Written Summary of Oral Submissions at the Issue Specific Hearing 1 [REP6-051]**). These submissions demonstrate emphatically that the Applicant's approach is consistent with the policy in paragraph 4.11.8 of NPS EN-1 and that development consent for the Scheme can accordingly be granted independently of the grid connection, in the knowledge that the necessary, associated network infrastructure can and will be

delivered separately in due course, reflecting the regulatory processes in place. NGET has also confirmed that it is subject to a legally binding obligation to provide a point of connection to the electricity transmission system network in this case.

Ground Conditions

- 2.2.9. The Applicant and Environment Agency are in agreement about future geo-environmental investigations, which are secured through Requirement 14 of the Draft DCO.

Landscape and Visual

- 2.2.10. The Applicant agreed to the inclusion of two additional landscape character assessments within ES Chapter 6 and has agreed with both CDC and NLC that the methodology applied to the assessment is in accordance with current guidance. NLC have additionally agreed to the methodology relating to production of photomontages. The Applicant and CDC also agreed that: the approach to soil testing is acceptable; hedgerow planting as an appropriate mitigation measure, and land used for the Scheme will be returned to the landowner at the point of decommissioning.

Noise and Vibration

- 2.2.11. During the examination, the ExA asked the Applicant questions to clarify the noise impacts associated with the HDD drilling outside work hours. The Applicant outlined their position to the ExA in response to ExQ3.11.1 **[REP6-050]**. The Applicant reiterates that HDD drilling would primarily be undertaken during daytime hours. Night-time drilling would be limited to situations where circumstances necessitate it i.e. over running daytime works or due to requirements of relevant authorities.
- 2.2.12. Paragraph 13.5.34 of **ES Chapter 13: Noise and Vibration [REP6-014]** identifies the potential for unmitigated HDD noise at drilling site 19 (Crow Tree Farm) to exceed the SOAEL criterion, resulting in a temporary moderate adverse effect. Where detailed assessments identify a potential exceedance, mitigation such as temporary acoustic barriers, secured through the **Outline CEMP [Document Reference 7.1 Revision 7]** and a Section 61 application under the Control of Pollution Act 1974, would reduce impacts to a temporary minor adverse effect. Any exceedance would be limited to the short duration of HDD works at this discrete crossing location and would not represent a continuous construction noise source.

Relevant ecological mitigation is secured through the **Outline Ecological Construction Management Plan [REP6-034]**, and ES Chapter 13 and the associated tables have been updated accordingly.

- 2.2.13. All matters relating to noise and vibration are agreed with NLC and CDC.

Other Environmental Matters (Major Accidents and Disasters, Waste, Electric and Electromagnetic Fields, Climate Change Resilience and Adaptation, Glint and Glare)

- 2.2.14. The Applicant confirmed that potential Glint and Glare impacts upon Doncaster Sheffield Airport have been assessed due to the possibility of it becoming operational in future, and that no significant impacts are anticipated.

Socioeconomics

- 2.2.15. There are no outstanding matters regarding socio-economics between the Applicant, CDC and NLC.

Transport and Access

- 2.2.16. The Applicant and NH agreed to the inclusion of a commitment regarding the progression of a construction interface agreement in the event that NH's M180 renewal works commence or are ongoing during the construction phase of the Scheme.

- 2.2.17. The Applicant agreed updates to the **Outline Construction Traffic Management Plan [REP6-040, REP6-042]** to address NLC's concerns regarding construction access points and the need to survey culvert crossings. NLC further agreed that staff travel by minibus could be effectively controlled by the **Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 7]** and Requirement 14 of the Draft DCO.

- 2.2.18. During the Examination and in response to CDC's relevant representation **[RR-006]** the Applicant updated the **Draft DCO [Document Reference 3.1 Revision 10]** to ensure the CDC permit scheme is appropriately accommodated within the existing controls secured by the Draft DCO. In this regard, the Applicant understands that article 12 (application of permit scheme) of the Draft DCO is acceptable to both CDC and NLC, except that CDC has confirmed that it opposes the inclusion of article 12(1)(d). The Applicant has provided its rationale for the

inclusion of this provision in **Applicant Responses to IP Comments on the ExA's Commentary on the dDCO [REP6-047]**, in response to CDC's response to DCO 3.2. All transport related matters are otherwise agreed with CDC.

Water Resource

- 2.2.19. The Applicant and the EA agreed that: the metric used for watercourses properly accounted for culverts in the Watercourse Module; the Applicant had properly assessed Flood Zone 3b utilising the Torne 2025 model; using the 1 in 1,000 year flood level with an additional 100mm freeboard was an appropriate basis for designing mitigation measures, and; there should be no risk to third parties resulting from the Scheme.
- 2.2.20. All matters relating to water resources are agreed with CDC.
- 2.2.21. The Applicant agreed with NLC that it is acceptable to provide full site-specific surface water drainage calculations at the detailed design stage.

2.3. Key outstanding matters

- 2.3.1. The following subsections summarise the matters that have been discussed and which are outstanding at the end of Examination, together with the Applicant's position on those matters.

2.3.2. Biodiversity

#	Outstanding matter	Applicant's position
1	Lincolnshire Wildlife Trust consider there has been inadequate consultation and that there should be a post-development Nightjar monitoring strategy designed to evidence and demonstrate that active foraging occurs once the array is operational.	The Applicant confirms that extensive engagement was undertaken with statutory consultees and local authorities before the DCO application and during the examination period. A PEIR Chapter was prepared and published as part of the statutory consultation process, setting out the preliminary environmental assessment and proposed mitigation measures, and LWT had

#	Outstanding matter	Applicant's position
		the opportunity to review and comment on this information. In addition, regular engagement with LWT has occurred throughout the Examination. In addition, to avoid any inadvertent changes to LWT's content or its intended meaning, the Applicant has always sought and awaited LWT's confirmation of amendments to their content, completed by the Applicant on their behalf, before finalising and issuing the SoCG. The Applicant does not consider additional nightjar monitoring necessary. Natural England have agreed its position on nightjar and has not requested this type of monitoring survey. The proposed habitat monitoring strategy will assess the establishment and condition of the habitats provided, including their suitability to support nightjar foraging, while carcass monitoring is already committed to within Section 7 of the OLEMP, following consultation with Natural England and detailed in their Statement of Common Ground Point NE8a. The Applicant considers the existing monitoring commitments proportionate to the assessed effects and does not propose to

#	Outstanding matter	Applicant's position
		complete a separate nightjar foraging monitoring strategy.

2.3.3. Cultural Heritage and Archaeology

#	Outstanding matter	Applicant's position
1	CDC and NLC have concerns regarding the assessment of heritage significance and setting, specifically in relation to: - Significance of Isle of Axholme historic landscape which has been understated - Assessment is reliant on artificial and narrow settings - Insufficient weight given to landscape character - Effects of heritage in wider landscape - Degree of heritage harm (CDC considers the Scheme causes substantial harm).	The Applicant considers that the indirect effects of the Scheme upon heritage assets in the study area have been overstated by consultees because they place excessive weight on broad landscape change rather than the actual contribution that setting makes to the significance of individual heritage assets. The Applicant maintains that significant heritage assets can be preserved and protected, and that any residual harm is limited, reversible and clearly outweighed by the substantial public benefits of the Scheme. In specific response to CDC's contention that the Scheme would result in substantial harm to the historic environment, the Applicant fundamentally rejects this position. The Scheme: - does not remove built-heritage assets; - does not prevent an understanding of built-

#	Outstanding matter	Applicant's position
		heritage assets or the historic landscape; - does not permanently urbanise the landscape; and - is reversible following decommissioning The Applicant therefore considers that CDC's position that substantial harm would occur is unsupported by both the evidence base presented and the legal and policy meaning of substantial harm.
2	Archaeology NLC suggest that there is insufficient archaeological evidence base for determination and that further surveys should be completed prior to determination. In addition, both NLC and CDC have reservations relating to fieldwalking and the quantum of trial trenching undertaken to date.	The Applicant fundamentally disagrees with the position adopted by NLC and CDC that insufficient archaeological information exists to support determination. The Applicant's archaeological assessment is based on: • extensive desk-based assessment; • HER review; • LiDAR analysis; • geophysical survey; • geoarchaeological assessment; • targeted archaeological trial trenching; • targeted test-pitting survey; site inspections;

#	Outstanding matter	Applicant's position
		• historic mapping analysis; aerial photography review; and • evaluation of previously recorded archaeological datasets This work has resulted in the identification of: • 50 previously unrecorded heritage assets or anomalies; • 74 archaeological findspots from earlier Humberhead Levels work; • 46 Portable Antiquities Scheme finds; • prehistoric and Romano-British archaeological evidence; and; • important palaeoenvironmental features within the buried landscape The Applicant's detailed study to date has informed the Scheme design. By way of example, the Applicant highlights that in situ preservation of archaeological features is proposed, via Environmental Statement Appendix 8.6: Outline Archaeological Mitigation Strategy [REP6-O28], in relation to the area

#	Outstanding matter	Applicant's position
		immediately adjacent to Plains House Farm. The Applicant further rejects the contention that insufficient information exists for the Secretary of State to determine the effects of the Scheme upon the archaeological resource. The level of detail and survey coverage that NLC and CDC are seeking at the predetermination stage is disproportionate and is neither required by national policy set out in NPS EN-3, nor is it reflective of current good practice guidance such as Historic England Advice Note 15 and Historic England's Archaeology and Solar Farms Good Practice Guide (2026). Notably, Advice Note 15 specifically states in relation to solar development that <i>"the particular characteristics of these developments frequently allows the majority of targeted trial trenching to be done post-determination"</i>. In relation to fieldwalking, the Applicant has consistently set out why fieldwalking across the entirety of the Order Limits has not been undertaken to date noting that it would not have been a proportionate use of resource while being unlikely to materially alter the understanding of archaeological significance. However, the Applicant reiterates that future

#	Outstanding matter	Applicant's position
		targeted fieldwalking will be undertaken, where deemed proportionate based upon the results of previous investigations and where site conditions allow. The results of field walking will inform detailed design where deemed applicable. In relation to trial trenching the Applicant targeted areas of greatest archaeological potential with the objective to obtain meaningful information. The Applicant considers that any remaining ambiguity would be appropriately addressed through the oAMS, future WSIs and targeted investigations. CDC and NLC would have a vital role in relation to these as the discharging authority for specific WSIs. The Applicant reiterates that the archaeological evidence base is both robust and proportionate and subject to appropriate further controls at the post-consent stage, consistency with guidance and precedent.

2.3.4. Impact of Glint & Glare on Network Rail

#	Outstanding matter	Applicant's position
1	Network Rail consider that the Scheme may pose risks to the railway from glint and glare. Network Rail challenge the conclusions of the report because of the use vegetation as mitigation, on the basis that vegetation is seasonable and therefore does not provide all year screening and can be trimmed or removed at will without the effect being fully understood. More permanent shielding methods are stated as being required. Network Rail request that a full signal sighting report be completed by a competent signal sighting engineer. Network Rail say the report should assess the impact the solar farm will have on the sighting of signals and signage both in its final forms and the temporary work during construction. The report will have to account for how the solar farm will affect the driver of a train traveling along this line, any glint or glare causing a distraction. Network Rail say any identified issued will have to have appropriate mitigation application, as a	Network Rail raised this matter just before Deadline 6 (22 September 2026). The Applicant included this matter in the Network Rail Statement of Common Ground (SoCG) submitted at Deadline 6 [REP6-059] as matter 'under discussion'. At Deadline 8 the Applicant is awaiting a response from Network Rail regarding the SoCG, including on this matter. The Applicant hopes to confirm Network Rail's final position via a signed copy of the SoCG at Deadline 9. For completeness, the Applicant's position on this matter is summarised below. The Applicant disagrees with Network Rail. The Applicant has undertaken a Glint & Glare Assessment [APP-122 and REP-025] that considers the potential impacts on railway operations and infrastructure, including train drivers and railway signals. Where solar reflections are geometrically possible from inside a train driver's primary horizontal field of view, there are mitigating factors such as a significant separation distance to the closest reflecting panels and effects occurring within a

#	Outstanding matter	Applicant's position
	permanent solution that cannot be removed or altered.	few hours of sunrise/sunset when the Sun is low in the sky. With consideration of existing and proposed vegetation screening, no significant impacts are predicted on train drivers or railway signals. Accordingly, further mitigation is not recommended as detailed in the glint and glare assessment. The Applicant's position is that vegetation is a reliable form of mitigating glint and glare impacts towards ground-level receptors such as train drivers and railway signals. Although some vegetation screening can be seasonal, the majority of the predicted glint and glare occurs during the summer months when the vegetation would be fully in leaf. There are some reflections possible in late Spring and early Autumn, when vegetation may not be fully in leaf, but is expected to be sufficient to filter reflections if not fully screen views of reflecting panels. The vegetation screening proposed as part of the Scheme is secured as part of the DCO, and its trimming or removal will therefore be restricted to avoid significant glint and glare impacts. It is therefore considered to be a permanent shielding method through the lifetime of the solar development.

#	Outstanding matter	Applicant's position
		Notwithstanding the firm conclusions of the glint and glare assessment, which has been prepared by experienced consultants specialised in such assessments, the Applicant notes that any "specified works" in proximity to railway property would be subject to extensive and robust controls pursuant to the protective provisions for railway interests in Schedule 14, Part 8 of the Draft DCO [Document Reference 3.1 Revision 10], as well as Network Rail's asset protection agreement, which the Applicant would be obliged to enter into before commencing any specified works (see paragraph 101(6) of Schedule 14, Part 8 of the Draft DCO). The protective provisions ensure that the Applicant must not do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway network (see paragraph 101(4) of Schedule 14, Part 8 of the Draft DCO). In addition, the carrying out of all specified works would be subject to the prior approval of Network Rail's engineer, who may, when signifying approval, specify any temporary or permanent protective works to be undertaken by the Applicant to ensure the safety or stability of railway property or the continuation of safe and efficient

#	Outstanding matter	Applicant's position
		operation of the railways (see paragraph 102 of Schedule 14, Part 8 of the Draft DCO). The approval process for specified works under the protective provisions would also enable Network Rail's engineer to identify and require the production of any further information necessary to inform a decision to approve the works. This could include a sight signalling report. Together, these provisions ensure that any legitimate concerns which Network Rail may have with respect to impacts on train drivers and railway signals would be addressed in accordance with a structured and heavily precedented process at the post-consent stage. This is the intended function of protective provisions for statutory undertakers like Network Rail. No additional commitments beyond those already secured by the Draft DCO are therefore considered necessary.

2.3.5. Landscape and Visual

#	Outstanding matter	Applicant's position
1	CDC considers the landscape baseline, character assessment and visual assessment all understate effects. CDC believes year-15 mitigation benefits are overstated, the landscape design is insufficiently explained, and	The Applicant has maintained a clear position throughout Examination on all these matters. Whilst the Applicant added two additional Character Assessments to the Landscape Chapter, it maintains that its assessments are robust and,

#	Outstanding matter	Applicant's position
	overall landscape impacts remain understated.	as stated in Chapter 6 of the Environmental Statement [REP4-021], that the landscape assessment have been carried out in accordance with principles of best practice, as outlined in published guidance documents, notably the third edition of the Guidelines for Landscape and Visual Assessment (GLVIA3), (Landscape Institute and the Institute for Environmental Management and Assessment, 2013). The Applicant notes that: • sensitivity has been assessed as a function of landscape value and susceptibility to change; • the methodology is transparently set out in the submitted Environmental Statement; • additional assessment work was undertaken during examination in response to consultee comments; and • both CDC and NLC acknowledge that the methodology itself accords with current professional guidance. The Applicant considers that CDC and NLC place disproportionate weight on selected positive

#	Outstanding matter	Applicant's position
		characteristics of the landscape while underplaying existing detracting influences. The local landscape is not an untouched or pristine landscape. Indeed it is characterised by: • intensive agricultural management; • extensive drainage infrastructure; • major road infrastructure including the M180; • overhead electricity transmission lines; • wind turbines; • modern agricultural development; and • large-scale engineered landscape change dating back centuries The Applicant acknowledges the historic and ecological importance of the Humberhead Levels, Isle of Axholme and Hatfield Chase landscapes. However, the relevant guidance requires assessment of landscape as it currently exists rather than an idealised perception of it. The Applicant therefore considers that assigning medium levels of value and sensitivity to many landscape receptors in the context

#	Outstanding matter	Applicant's position
		of this landscape baseline represents a balanced judgement.
2	NLC and CDC both consider that there is a perceived loss of openness, wide-horizons and "big sky views". :	The Applicant's position is that: • landscape character is not defined solely by openness; • openness is only one of many factors contributing to landscape character; • openness already varies substantially across the study area; • existing hedgerows, woodlands, infrastructure corridors and built development already interrupt views in many locations; and • the landscape has historically evolved and continues to evolve. On the disagreement relating to Year 15 impacts, the Applicant strongly disagrees with CDC's position. The Applicant's position has been guided by and is consistent with accepted LVIA practice. The Applicant's Year 15 assessment assumes that: hedgerows have matured; grassland habitats have established; planting has become integrated into the landscape, and; mitigation management has been implemented.

#	Outstanding matter	Applicant's position
		Of critical importance is the position adopted by CDC and NLC that limited weight can be attached to the reversibility of the Scheme. While the Applicant acknowledges that the infrastructure will be in the landscape for a significant period of time, it nevertheless has a finite operational life; the land can be restored and agricultural use may resume; mitigation is also reversible; there is no permanent urbanisation, and the decommissioning of the Scheme is legally secured through Requirement 19 of the draft DCO [Document Reference 3.1 Revision 10]. The Scheme cannot therefore be viewed through the same lens as permanent development such as housing, industry or transport infrastructure. The Applicant maintains that the landscape and visual effects identified in the Environmental Statement are robustly assessed, that residual effects reduce substantially over time as mitigation matures, and that any remaining adverse effects are clearly outweighed by the Scheme's substantial renewable energy, climate change, biodiversity and wider public benefits.

2.3.6. Water resource

#	Outstanding matter	Applicant's position
1	NLC object to the location of infrastructure in Flood Zone 3b. NLC have particular concerns about the BESS areas in Flood Zone 3b due to the associated fire and pollution risk and the potential flood risk impact of the 300mm gravel bases for the BESS within Flood Zone 3b.	The Applicant's position on the location of infrastructure within Flood Zone 3b is set out in detail within the Statement of Common Ground with NLC [Document Reference 9.3 Revision 6], within item 2 of Table 3-8. The Flood Risk Assessment [REP5-014 and REP5-016] also emphasises the limited extent of infrastructure proposed within Flood Zone 3b and provides the operational reasons why this infrastructure is required to be located here. The operational reasons for locating infrastructure within Flood Zone 3b are also provided within the Applicant's Written Responses to ExQ1 [REP2-087]. This made clear that the BESS within field A20, which is located partially within Flood Zone 3b, is bound by several other constraints including peat to the east (peat ground conditions are not suitable for siting of a BESS) and wind turbine topple zones. In terms of the fire and pollution risks associated with BESS infrastructure, the Outline Surface Water Drainage Strategy included in the Flood Risk Assessment [REP5-014 and REP5-016] has been designed to fully mitigate the

#	Outstanding matter	Applicant's position
		pollution potential associated with the BESS during normal operating conditions and with any possible BESS fire (this information is also detailed within the NLC Statement of Common Ground [Document Reference 9.3 Revision 6]). With regards to flood risk, the Flood Risk Assessment [REP5-014 and REP5-016] confirms that "In all instances infrastructure operationally required to be located in Flood Zone 3b will be raised above the 1 in 1,000 year flood level plus 100mm of freeboard – this is a worst case design scenario, that would ensure the infrastructure also remains operational in any lesser flood event". The Flood Risk Assessment [REP5-014 and REP5-016] also provides an assessment of the impact on flood storage within the 2025 River Torne 1 in 100 year plus climate change extent, concluding that the Scheme has a negligible impact on existing flood storage (refer to paragraphs 5.33 to 5.38.

3 Compulsory Acquisition and Related Matters

3.1. Summary Statement

- 3.1.1. The Applicant requires powers of compulsory acquisition to ensure that the Scheme can be constructed, operated (including maintenance) and decommissioned and so that the Government's policies in relation to the timely delivery of new renewable energy generating capacity and achieving the UK's net zero targets are met. The Applicant considers that, in the absence of these powers, there would be an unacceptable risk that the Order land would not be fully assembled and the Scheme would not be delivered, meaning that Government policy objectives would not be achieved.
- 3.1.2. The Applicant has sought to acquire the necessary land and rights by agreement. The Applicant has engaged extensively with landowners across the Scheme throughout the pre-application and examination stages. As outlined in the **Statement of Reasons [Document Reference 4.1 Revision 5]**, the Applicant has worked collaboratively with those impacted by the proposals to identify specific areas of concern, amending the design to remove or mitigate these as far as reasonably possible, while still delivering the Scheme's objectives.
- 3.1.3. The **Statement of Reasons Appendix 2: Land and Rights Negotiations Tracker [Application Document 8.6 Revision 4]** reflects the most up to date position on negotiations with landowners impacted by the Scheme. The information in the Schedule makes clear that the Applicant has diligently pursued negotiations to acquire by agreement the interests required to deliver the Scheme over a considerable period of time, with voluntary agreements having been reached in relation to approximately 96% of the land within the Order Limits. There remains a small amount of land not yet subject to voluntary agreement, which the Applicant is still making progress to secure and will continue to attempt to secure voluntary agreements where possible. Whilst the Applicant is continuing to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in the Application in order to provide certainty that all the land required for the Scheme can be acquired in order to realise the Scheme's significant benefits. A full justification for the inclusion of compulsory acquisition powers in the draft DCO, notwithstanding the existence of voluntary land agreements in many cases, is set out in the Statement of Reasons, at section 4.4.

The Applicant's approach in this regard is consistent with the vast majority of solar precedent.

3.2. Special category land

- 3.2.1. Further to the changes to the Scheme described at section 1.3 of this document, the Applicant confirms that there is no special category land subject to compulsory acquisition, temporary possession or works powers (with the exception of biodiversity enhancement measures in respect of plots 1/E, 2/A, 3/A and 3/B) under the **draft DCO [Document Reference 3.1 Revision 10]**.
- 3.2.2. Accordingly, the tests in section 131 and 132 of the Planning Act 2008 are not engaged in this case.

3.3. Statutory Undertakers and Protective Provisions

- 3.3.1. Interests in the Order land which are held by statutory undertakers are identified in the **Book of Reference [Document Reference 4.3 Revision 6]**, to which section 127 and/or section 138 of the Planning Act 2008 apply. The Applicant has engaged with all relevant statutory undertakers to ensure the Scheme can be developed without serious detriment to any statutory undertaking, and has included a number of protective provisions within Schedule 14 to the **draft DCO [Document Reference 3.1 Revision 10]**.
- 3.3.2. The Applicant considers sufficient protections for the benefit of the Statutory Undertakers concerned are contained with the draft DCO and the relevant management plans secured by Schedule 2 to the draft DCO. Together, these ensure that land and rights in land can be acquired, as proposed, without serious detriment to the statutory undertakings concerned.
- 3.3.3. At Deadline 8, the Applicant submitted an updated version of the **Justification for the Applicant's Preferred Protective Provisions [Document Reference 8.23 Revision 4]**. This sets out the position, as at Deadline 8, in relation to all statutory undertakers with whom negotiations concerning protective provisions have taken place during the course of the Examination. This explains that agreement on protective provisions has been reached with the following parties:
- The Environment Agency; and

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- City of Doncaster Council and North Lincolnshire Council as local highway authorities ⁽¹⁾.

3.3.4. An agreement has not been reached on all aspects of the protective provisions for the protection of the following parties:

- The Drainage Authorities;
- The Canal & River Trust;
- Exolum Pipeline System Ltd;
- National Highways Limited;
- Network Rail;
- Cadent Gas;
- National Grid Electricity Transmission plc; and
- Northern Powergrid Limited.

3.3.5. The Applicant has engaged extensively with each of these parties and is grateful to them for the substantial progress that has been made in reducing the number of matters which are not agreed. This has meant that the number of items which are not agreed at Deadline 8 is, in each case, limited in number.

3.3.6. In the Justification for the Applicant's Preferred Protective Provision submitted at Deadline 8, the Applicant has set out in detail its position with respect to all matters where it has not been possible to reach agreement. This includes the Applicant's rationale for opposing provisions, insisted upon by a number of statutory undertakers, that would amount to an effective veto on the Applicant's ability to exercise compulsory acquisition and other powers under the draft DCO, without the consent of the statutory undertaker. Given the number of parties that have insisted on the inclusion of such provisions, this has necessarily limited the

⁽¹⁾ In relation to North Lincolnshire Council, discussions are ongoing with regard to the application of the North Lincolnshire Council permit scheme. In all other respects, the Applicant understands that the protective provisions for local highway authorities are agreed by North Lincolnshire Council.

extent to which it has been possible to reach agreement on all aspects of the protective provisions during the course of the Examination.

- 3.3.7. At section 3 of the **Justification for the Applicant's Preferred Protective Provisions [Document Reference 8.23 Revision 4]**, the Applicant sets out why it considers that the grant of veto powers in favour of statutory undertaker would not be appropriate or justified, having regard to recent guidance and policy.
- 3.3.8. Notwithstanding the Applicant's firm view that the protective provisions contained in the draft DCO at Deadline 8 are appropriate in every case, the Applicant has sought to assist the decision-maker by providing without prejudice versions of the protective provisions for parties with whom an agreement has not been reached by Deadline 8 in the **Annexes to Justification for the Applicant's Preferred Protective Provisions [Document Reference 8.23.1 – 8.23.8 Revision 1]**. These without prejudice versions clearly identify drafting, that is disputed by the parties, by reference to the matters set out in Tables 1 to 8 of the Justification for the Applicant's Preferred Protective Provisions.
- 3.3.9. The Applicant has taken this step to enable the decision maker to incorporate such drafting as it considers appropriate, to the extent this differs from the provisions to be included in Schedule 14 to the draft DCO, following consideration of the positions advanced by each party during the course of the examination. Further details are provided throughout the Justification for the Applicant's Preferred Protective Provisions, submitted at Deadline 8.

3.4. Site specific matters

- 3.4.1. The Applicant notes that very few submissions have been made by Affected Parties raising site specific objections to the compulsory acquisition of land or rights in land. This is a product of the very extensive progress made by the Applicant to secure land interests by agreement prior to the submission of the Application.
- 3.4.2. One objection has been raised by Mr Raymond Everatt Lindley. This relates to the Applicant's proposal to install cabling through plot 8/6, which Mr Lindley contends would have a significant detrimental impact on the development of the family agricultural business in the future.
- 3.4.3. The Applicant has addressed Mr Lindley's submissions in detail and these can be located in the Written Summary of Oral Submissions at the Compulsory

Acquisition Hearing [REP3-049], under Item 3b, the **Applicant Response to Deadline 5 Submissions [REP6-048]**, at Table 8, the **Applicant Responses to Deadline 6 Submissions [REP7-003]**, at Table 8, and the **Applicant Responses to Deadline 7 Submissions [Document Reference 8.34 Revision 1]**, at Table 8.

- 3.4.4. Whilst the Applicant acknowledges that there will be some interference with Mr Lindley's land interest as a result of cabling works proposed as part of the Scheme, this is a necessary and proportionate interference and for a legitimate purpose. The requirements of the Human Rights Act 1998 and the European Convention on Human Rights have therefore been fully taken into account and are satisfied in this case.
- 3.4.5. The Applicant also considers that Mr Lindley's concerns can be addressed through suitable terms in a voluntary agreement, which is currently under discussion between the parties. In this regard, legal representatives have been instructed and the Applicant is confident that negotiations can progress to a mutually satisfactory conclusion.
- 3.4.6. At Deadline 4 the Applicant set how they have kept the design of the scheme under review since submission and following the Examination hearings and discussions with the North Lincolnshire Council. **Design Evolution Document [REP4-063]** set out the details, which are summaries as follows:
- Removal of solar panels from Fields E19 and E20 in response to matters raised at the Open Floor Hearing 2, positively responding to comments from a local resident.
 - Refinement of 132kV Substation and 100MW BESS within Flood Zone 3b in response to matters raised at Issue Specific Hearing 3, positively responding to comments from the Council regarding flooding.
 - Reconfiguration of Solar Panels from Field E5 in response to matters raised through engagement with North Lincolnshire Council, positively responding to comments from North Lincolnshire Council regarding the Scheme's potential impact on views approaching the Grade II Listed Dirtiness Pumping Station.
- 3.4.7. No further site specific objections have been raised and are outstanding at the end of the Examination. In the small number of cases where agreement has not been reached with parties to secure the necessary land interests by agreement, the

status of negotiations is clearly set out in **Statement of Reasons Appendix 2: Schedule of Landowner Negotiations [Document Reference 8.6 Revision 5]**. The Applicant will continue to seek to engage with these parties following the close of the Examination.

3.5. Funding

- 3.5.1. During the course of the Examination the Applicant has responded to and clarified its position on certain matters in relation to funding. The Applicant confirms that its cost estimate of £820 million (real 2025) for the Scheme (inclusive of cable route cost) is based on empirical evidence of costs incurred in connection with other projects within the Applicant's portfolio. The costs represent a reasonable worst case, to accommodate unforeseen circumstances. The **Funding Statement [Document Reference 4.2 Revision 4]** clearly evidences that the Applicant has sufficient resources in place to fund the compulsory acquisition of land and rights in land under the DCO.
- 3.5.2. In response to the Examining Authority's First Written Questions, the Applicant clarified its procedure in relation to the financial investment decision making process, including the timing of such decisions. Where such significant capital outlay is required, it is essential that decisions are taken at a time which reflect the most up-to-date commercial and financial position of a project based on the prevailing market conditions. The significant investment made in the Scheme to date demonstrates a commitment to its delivery. In these circumstances, the decision maker would be justified in proceeding on the basis that there is a high degree of certainty that funding will be forthcoming in the event the DCO is made.

4 Other Matters

4.1. Need and Benefits

- 4.1.1. There is a clear and urgent need for energy NSIPs such as that applied for. This urgent need for energy generating infrastructure is set out in both NPS EN-1 and NPS EN-3. NPS EN-1 establishes a Critical National Priority (CNP) for nationally significant low-carbon infrastructure, the definition of which includes solar PV. Paragraph 3.2.6 of NPS EN-1 states that the Secretary of State should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent, with paragraph 3.2.7 continuing that the Secretary of State has determined that substantial weight should be given to this need when considering DCO applications. Government strongly supports the delivery of CNP infrastructure and it should be progressed as quickly as possible. These policies are central to the assessment of the Scheme and mean that the Scheme has very strong, in principle support.
- 4.1.2. The designation of new nationally significant renewable energy infrastructure as a CNP means that, subject to any legal requirements, the urgent need for solar for achieving the nation's energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Given the Scheme's limited residual impacts, the Applicant considers that EN-1 and EN-3 provide sufficient policy support for the granting of consent, without the need for the Secretary of State to apply the further test with regards to general outweighing as set out in Paragraph 3.3.36 of EN-1 in relation CNP.
- 4.1.3. The Scheme is a necessary part of the future generation mix, and as such will make a valuable contribution to delivering the key objectives of national policy in NPS EN-1 and NPS EN-3, in particular achieving energy security and net zero. The rapid deployment of a significant increase in solar capacity is also acknowledged as a fundamental part of NESO's and the UK Government's Clean Power 2030 advice and Action Plan.
- 4.1.4. In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, the Scheme will deliver wider benefits to the environment and the local community. The wider benefits of the Scheme include:

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- Provision of 1.72km of permissive paths
 - Retention and enhancement of the landscape fabric; rest to farmland; new accessible routes and open spaces
- 4.1.5. Minimum 10% biodiversity net gain as secured by Requirement 8 of the **Draft DCO [Document Reference 3.1 Revision 10]**
- 4.1.6. The combined nature of these additional benefits are considered to carry substantial weight in favour of the Scheme.
- 4.1.7. In addition to the environmental and recreational benefits set out above, the Applicant is committed to providing a Community Benefit Fund of approximately £12.8 million across the 40-year operational lifespan of the Scheme. It is recognised by the Applicant that the Community Benefit Fund sits outside of the DCO Application and, as such, should carry no weight and should not be taken into account as part of the overall planning balance to be considered by the ExA and Secretary of State.

5 Draft Development Consent Order

5.1. General position

- 5.1.1. The **Draft DCO [Document Reference 3.1 Revision 10]** has from the outset used precedent established in made solar DCOs, with departures from the same adopted only where necessary and justified in order to reflect the particular characteristics of the Scheme, to address issues raised by Interested Parties or to reflect recent policy and guidance relevant to the drafting of the Order.
- 5.1.2. The Draft DCO is in accordance with the recent guidance relating to the contents of a DCO, published in April 2026²
- 5.1.3. The **Explanatory Memorandum [Document Reference 3.2 Revision 8]** explains the justification for the inclusion of all the powers in the Draft DCO. The Schedule of Changes to the Draft DCO sets out all of the changes made to the Draft DCO during the examination process. The Applicant has also submitted a track changes

² [REF – Planning Act 2008: Guidance on preparing an application – Part 3: Contents of a draft Development Consent Order (July 2026)]

version of the Draft DCO compared against the Application version submitted in August 2025, so that all of the drafted changes incorporated during the course of the Examination can be seen in a single consolidated document.

5.1.4. Various points relating to the drafting of the Draft DCO were raised during the course of examination. The Applicant has captured these points and responded to them in the following documents:

- **Written Responses to ExQ1 [REP2-087];**
- **Written Summary of Oral Submissions made at Issue Specific Hearing 2 [REP3-047];**
- **Responses to ExA Written Questions 2 [REP4-062];**
- **Applicant Responses to ExA Commentary on the dDCO [REP6-047]; and**
- **Applicant Responses to Interested Party Comments on the Examining Authority's Commentary on the Draft DCO [REP7-005].**

5.1.5. As the Applicant's most recent submission on the draft DCO, it is considered that the **Applicant Responses to ExA Commentary on the dDCO [REP6-047]** provides the most comprehensive statement of the Applicant's position. Accordingly, that document, together with the relevant Statements of Common Ground with Interested Parties, has been used to identify the principal outstanding matters between the Applicant and the Interested Parties relating to the Draft DCO, as summarised below.

5.1.6. With the exception of the Protective Provisions in Schedule 14, only a small number of issues relating to the Draft are outstanding: These are set out below.

5.1.7. **City of Doncaster Council (CDC)** – the outstanding points of disagreement with CDC with regards to drafting relate to fees for applications to discharge requirements, time periods for the application of deemed consent provisions in articles 14(5), 16(9) and 17(2), 19(8), the inclusion of article 12(1)(d) (application of permit scheme), article 43 (trees subject to tree preservation orders), Requirement 3 (phasing of the authorised development and date of final commissioning) and Requirement 12 (archaeology). The Applicant's position on these outstanding drafting points is set out in the **City of Doncaster Council SoCG [Document Reference 9.2 Revision 6]**, the Applicant Responses to ExA

Commentary on the dDCO and the Applicant Responses to Interested Party Comments on the ExA's Commentary on the dDCO.

- 5.1.8. **North Lincolnshire Council (NLC)** – the outstanding points of drafting in the **Draft DCO [Document Reference 3.1 Revision 10]** with NLC relate to fees for applications to discharge requirements and Requirement 14 (Construction Environmental Management Plan) in respect of contamination issues. The Applicant's position on these outstanding drafting points is set out in the **North Lincolnshire Council SoCG [Document Reference 9.2 Revision 6]**, the Applicant Responses to ExA Commentary on the dDCO and the Applicant Responses to Interested Party Comments on the ExA's Commentary on the dDCO.
- 5.1.9. **Environment Agency (EA)** – the outstanding points of drafting in the **Draft DCO [Document Reference 3.1 Revision 10]** with the EA relate to article 20(10) (discharge of water) regarding deemed consent provisions and requirement 14 (Construction Environmental Management Plan) in respect of contamination issues. The Applicant's position on of these outstanding drafting points is set out in the Applicant Responses to **ExA Commentary on the dDCO [REP6-046]** and the **Applicant Responses to Interested Party Comments on the ExA's Commentary on the dDCO [REP7-005]**.
- 5.1.10. The Applicant has taken the opportunity to confirm its position below on certain matters within the **Draft DCO [Document Reference 3.1 Revision 10]** that were raised during the examination process, some of which relate to the outstanding points of drafting detailed above with Interested Parties.

Article 11 (Street works)

- 5.1.11. The Applicant has maintained its position on the drafting of Article 11 throughout the examination. In summary, the Applicant does not consider that it should be required to obtain approval from the street authority in order to exercise the powers set out in paragraph (1) of article 11. The Applicant maintains this position, not least due to the weight of solar precedent in support of the drafting adopted, but also because it considers the powers in paragraph (1) are adequately controlled by reference to "the streets specified in Schedule 4". In other words, the power only applies to specific streets, listed in Schedule 4 and shown on the accompanying plans, which have been considered as part of the six month examination process.

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- 5.1.12. Further, the Applicant has provided appropriate and proportionate controls for the local highway authorities. These include the Applicant's commitment to comply with the City of Doncaster permit scheme, under Article 12 of the **draft DCO [Document Reference 3.1 Revision 10]**, and the inclusion of protective provisions at Schedule 14, Part 10 of the Draft DCO for the benefit of City of Doncaster Council and North Lincolnshire Council. Please see the Applicant's response to DCO.3.1 in the **Applicant Responses to ExA Commentary on the dDCO [REP6-047]** which provides further reasoning and a comprehensive list of precedents for the drafting in this article.

Deemed consent provisions in articles 14(5), 16(9), 17(2), 19(8)

- 5.1.13. The Applicant has engaged with the City of Doncaster throughout the examination regarding the deemed consent periods in articles 14(5) (Power to alter layout, etc. of streets), 16(9) (Temporary closure or restriction of streets and public rights of way), 17(2) (Access to works) and 19(8) (Traffic regulation measures). The Applicant maintains its position that a 28-day deemed consent period is appropriate for these articles. The Applicant considers the substantial body of DCO precedent supporting this approach to be particularly persuasive and notes that extending the period beyond 28 days would risk introducing unnecessary delay, contrary to the objective of facilitating the timely delivery of nationally significant renewable energy infrastructure.
- 5.1.14. The Applicant has nevertheless sought to address other concerns raised in relation to the drafting of these provisions. In response to requests from both the Council and the Examining Authority, the Applicant has amended the relevant articles so that an application may only benefit from deemed consent where it is accompanied by a statement confirming that the relevant deeming provision applies. Where no such statement is provided, deemed consent will not apply.
- 5.1.15. The Applicant therefore considers that it has made appropriate amendments to ensure that the deemed consent provisions are proportionate, clear and reasonable. In those circumstances, the Applicant does not consider that any further extension to the 28-day period is justified.

Requirement 14 (Construction Environmental Management Plan) of Part 1 of Schedule 2

- 5.1.16. Throughout the examination, the Environment Agency has sought the inclusion of a standalone requirement in the **Draft DCO [Document Reference 3.1 Revision 10]** to address land contamination risks. The Applicant has maintained that such a requirement is unnecessary, as contamination risks can be appropriately and robustly managed through the **Outline Construction Environmental Management Plan (Outline CEMP) [Document Reference 7.1 Revision 7]**. The Outline CEMP sets out a clear framework for the identification, assessment and management of contamination risks and is secured through Requirement 14 of the Draft DCO. Requirement 14 requires a detailed CEMP, substantially in accordance with the Outline CEMP, to be submitted to and approved by the relevant planning authority before commencement of the relevant phase of the authorised development. The Applicant therefore considers that this mechanism provides an effective and legally enforceable means of controlling contamination risks and is no less robust than a standalone requirement dealing expressly with contamination. The Applicant's position is precedented, in this regard. Precisely the same point arose in the context of the Springwell Solar Farm Order 2026 and the Secretary of State in that case concluded that it was appropriate for contamination risks to be addressed via a construction environment management plan.
- 5.1.17. Furthermore, at Deadline 4 the Applicant amended Requirement 14(4) of the **Draft DCO [REP4-003]** to clarify that, for the purposes of Requirement 14(1), the term "commence" includes any permitted preliminary works involving remediation of contamination. This amendment provides additional assurance that contamination risks will be properly addressed prior to the undertaking of any such activities.
- 5.1.18. Further justification for the Applicant's position is provided in the **Applicant Responses to Interested Party Comments on the ExA's Commentary on the dDCO [REP7-005]**, including the responses to North Lincolnshire Council's comments on DCO.7.4 (page 83) and the Environment Agency's comments on DCO.7.4 (page 34), as well as paragraphs 4.71 to 4.72 of the **Written Summary of Oral Submissions for Issue Specific Hearing 2 [REP3-047]**.

Paragraph 4 (Fees) of Part 2 of Schedule 2

- 5.1.19. The Applicant has engaged with the City of Doncaster Council and North Lincolnshire Council throughout the Examination in relation to the fees payable for applications to discharge requirements. The proposed fee levels are set out in paragraph 4 of Part 2 of Schedule 2 to the **Draft DCO [Document Reference 3.1 Revision 10]**.
- 5.1.20. The Applicant's position is that the proposed fees are appropriate, proportionate and consistent with established practice for solar NSIPs. The fee levels are directly preceded in a number of recently made solar DCOs, including the Springwell Solar Farm Order 2026, the West Burton Solar Project Order 2025, the Heckington Fen Solar Park Order 2025, the Tillbridge Solar Project Order 2025, the Cottam Solar Project Order 2024 and the Mallard Pass Solar Farm Order 2024. The existence of a substantial body of recent precedent adopting equivalent fee levels provides strong support for the approach proposed by the Applicant.
- 5.1.21. The Applicant also considers that the proposed fees are commensurate with the scope and complexity of the post-consent documentation that will require consideration by the City of Doncaster Council and North Lincolnshire Council in their roles as discharging authorities.
- 5.1.22. Further justification for the Applicant's position is provided in its response to City of Doncaster Council's answer to Question 3.14.2 in **Applicant's Responses to Interested Party Responses to Third Written Questions [REP7-005]** and in the **City of Doncaster Council Statement of Common Ground [Document Reference 9.2 Revision 6]**.

Schedule 12 (Documents and plans to be certified) at Deadline 8

- 5.1.23. Schedule 12 of the **Draft DCO [Document Reference 3.1 Revision 10]** lists the documents and plans that form part of the application for development consent and which need to be certified by the Secretary of State. The Applicant has ensured that Schedule 12 is up to date with the most recent document versions and relevant date at each deadline of the examination, where an updated copy of the Draft DCO has been submitted and has at Deadline 8 also added a fifth column to reflect each document's examination library reference number.
- 5.1.24. The Applicant has carried out a thorough review of Schedule 12 ahead of Deadline 8 to ensure that the final version of the Draft DCO reflects an accurate

representation of the documents requiring certification before the examination closes. The Applicant notes that there are some empty boxes in column (5) of Schedule 12, Parts 1 and 2, against the **Book of Reference [Document Reference 4.3 Revision 6], Outline Construction Environmental Management Plan [Document Reference 7.7 Revision 5]** and **ES Appendix 7.12: Biodiversity Net Gain [Document Reference 6.3.7.2 Revision 4]**. These documents have been updated at Deadline 8 and do not yet have an updated examination library reference. This will need to be inserted following the close of examination.

6 Overall Planning Balance and Conclusion

6.1. Overall Planning Balance

- 6.1.1. Recent Government policy has been increasingly clear that mitigating the effects of climate change and ensuring UK energy security, resilience and affordability is a top priority, including through affording relevant infrastructure a Critical National Priority status.
- 6.1.2. NPS EN-1, NPS EN-3 and NPS EN-5, the NPPF, and the Government's Clean Power 2030 Action Plan all highlight the importance of the urgent delivery of new low-carbon and renewable energy infrastructure. Solar is identified as being at the heart of the Government's Clean Power 2030 mission and is a key player in delivering low-cost, effective energy solutions. Coupled with strategic planning and enhanced grid infrastructure, the updated NPS EN-1, NPS EN-3, and NPS EN-5 show continued strong governmental support for scaling up renewable energy, aligning with net-zero commitments. The **Planning Statement [Document Reference 5.5 Revision 3]** sets out the key points for consideration by the Secretary of State, with regards to these matters within NPS EN-1, NPS EN-3 and NPS EN-5.
- 6.1.3. The Applicant has sought to work collaboratively with key stakeholders to develop and secure a comprehensive suite of measures that seek to avoid, minimise and, where necessary, mitigate and compensate for any significant effects of the Scheme. However, as is recognised by paragraph 3.1.2 of the NPS EN-1 'it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts'. Paragraph 3.3.63 goes on to state: "Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation Overarching National Policy Statement for Energy (EN-1) hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."
- 6.1.4. NPS EN-1 Paragraph 4.1.7 states that where 'there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the Scheme. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This

presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk’.

6.1.5. The residual effects in the ES in this case are limited to the following:

Landscape and Visual impacts: relating to ground cover; landscape character of the site and immediate surroundings during construction and operation; some residential receptors, some users of the public rights of way network and canal corridor and some users of the transport network

6.1.6. As set out in Chapter 8 of the Planning Statement, the Applicant considers that the reported LVA effects should be afforded moderate negative weight in the planning balance taking into account the time limited nature of the Scheme and the localised and limited residual effects on the landscape.

6.1.7. As set out in the Planning Statement, good design has been at the heart of the development of the Scheme from its outset. There are no national or local landscape designations which would be impacted by the Scheme and the Applicant has embedded a comprehensive package of mitigation measures within the Scheme itself while also securing measures throughout the suite of management plans designed to mitigate and minimise impacts where it is appropriate to do so. The Applicant acknowledges, however, that the Proposed Development represents an intrusion into the existing rural landscape and while the presence of other energy related infrastructure remains a prominent feature of that landscape, the impact is nonetheless significant.

6.1.8. In this regard NPS EN-1, paragraph 4.7.2 of NPS EN-1 recognises that the nature and extent of large scale energy infrastructure is such that the extent to which it can contribute to the enhancement of the quality of an area is limited. Paragraph 4.7.12 requires the SoS in their decision making to take into account the ultimate purpose of the infrastructure. Paragraph 5.10.5 acknowledges that *“virtually all national significant energy infrastructure projects will have adverse impacts on the landscape”* while 5.10.13 considers the visual impact, stating that *“all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites”*. In setting the context for SoS decision making, paragraph 5.10.36

advises the SoS to weigh up whether the benefits of adverse landscape impact would be so great that they are not offset by the benefits of the project. Paragraphs 5.10.36 – 5.10.38 provide further guidance for SoS decision making, including considerations such as the temporal and reversible nature of a development, and the degree which a project has been carefully designed with impacts mitigated.

- 6.1.9. The Applicant considers that it has demonstrated a careful and well thought out approach to design with appropriate mitigation in place which responds to the Scheme as well as the existing character of the landscape. In addition, while the Scheme is proposed to be in situ for a temporary, albeit lengthy, period of time, it is predominantly reversible.

Agricultural Circumstances: Agricultural land relating to temporary use of BMV during the operational phase of the Scheme and the potential permanent loss of agricultural land (note that this potential permanent loss is recorded on the worst-case basis of landowners retaining all internal access tracks. Should the tracks be removed, no adverse effects are anticipated).

- 6.1.10. The adverse effect associated with the permanent loss of agricultural land is afforded limited negative limited weight in the planning balance. The quantum of land potentially impacted is up to 9.1ha (approximately 0.5% of the total site area or 1% of the BMV) which, when considered in the context of the cumulative BMV total within North Lincolnshire and Doncaster (approximately 87,000ha) represents a potential permanent loss of approximately 0.01%. This weighting reflects the SoS consideration of the loss of agricultural land in the recently granted Springwell Solar Farm DCO where little negative weight was attributed to the permanent loss of 98ha of agricultural land (noting in the instance of Springwell that 77ha was utilised for green infrastructure purposes and 21ha would be permanently sealed over).
- 6.1.11. The thrust of NPS policy in relation to agricultural land is that applicants should seek to avoid its use, preferring non or lower quality agricultural land to be utilised in the first instance (paragraphs 5.1.12 and 5.11.34 of NPS EN-1). NPS EN3 offers a more solar specific approach whereby it is acknowledged that at utility scale it is likely that some developments will include agricultural land (paragraph 2.10.23). Of particular relevance, however, is paragraph 2.10.21 which states that *“land type should not be a predominating factor in determining the suitability of the site location”* while 2.10.22 advises that *“the development of ground mounted solar*

arrays is not prohibited on Best and Most Versatile agricultural land". It is noted that both of these statements are made in the context of a similar approach to NPS EN-1 i.e. a preference for the use of non-agricultural (particularly Best and Most Versatile) land.

- 6.1.12. Chapter 7.14 of the **Planning Statement [Document Reference 5.5 Revision 3]** sets out in detail the Applicant's approach to impacts on agricultural land as well as soil resource. It highlights the importance of the contextual nature of any temporary and permanent loss and the negligible impact of such loss on the regional and national resource. Importantly it is noted that while there is a potential significant adverse effect as a result of the access tracks being permanently retained, this should be balanced against the operational agricultural benefits that such tracks would offer. Chapter 7.14 of this Planning Statement demonstrates that, although approximately 813ha of BMV land lies within the Order Limits, this land would be affected only temporarily during the life of the Scheme and restored following decommissioning. Potential permanent loss is limited to up to 9.1ha, representing a very small proportion of the BMV land resource within the Order Limits, the wider host authority areas, and at a national scale. Chapter 7.14 clearly demonstrates how and why the Applicant's approach to site selection is robust and how it has sought to minimise impacts on higher quality agricultural land throughout the Scheme's development. On the basis of the limited and localised significant adverse residual effects the Scheme may produce and the relative weight afforded to such impacts in the Planning Balance, the Applicant considers that, for the reasons set out in Section 4 above and clearly articulated in Chapter 8 of the Planning Statement, the benefits of the Scheme heavily outweigh any impact. The Applicant considers that NPS EN-1 and EN-3 strongly support the granting of consent.

6.2. Conclusion

- 6.2.1. The Scheme complies with the relevant planning policy and other matters that the Applicant considers may be both important and relevant to the Secretary of State's decision on whether to grant development consent. The Scheme is a well-considered and efficiently designed proposal that responds to the urgent and unprecedented need for low-carbon infrastructure development and is sensitive to the local environment.
- 6.2.2. The benefits of the Scheme have been set out in section 4 of this document and carry substantial weight.

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- 6.2.3. While the Applicant has worked hard to avoid, minimise and mitigation/compensate any significant adverse effects, it is accepted that a project of this scale would have some residual effects, and this is recognised in the NPS. The residual impacts of the Scheme are not unacceptable in terms of NPS EN-1.
- 6.2.4. Overall, the urgent need for the Scheme, which attracts substantial weight, and the very limited number of residual significant adverse impacts which have been mitigated appropriately in accordance with policy, result in the planning balance being overwhelmingly in favour of the grant of development consent.