City of Doncaster Council

Closing Statement

Project: Tween Bridge Solar Farm (EN010148)

Applicant: RWE Renewables UK Solar and Storage Limited

Interested Party Number: F2CFC15A3

6th October 2026

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1. Introduction:

1.1 This document set out the Closing Statement of City of Doncaster Council ("CDC" or "the Council") in response to the Tween Bridge Solar Farm Project ("the proposed development"). The proposed development has been progressed by an application for Development Consent by RWE Renewables UK Solar and Storage Limited ("the Applicant").

1.2 The submission follows on from the Issue Specific Hearings (ISHs) and Open Floor Hearings (OFHs) held during the course of the Examination and CDC's previous submissions to the Examining Authority's written questions and requests for information.

1.3 In accordance with the Examining Authority's Rule 6 Letter of 16th March 2026 [PD-005], this submission sets out CDC's Closing Statement. The Rule 6 Letter identifies that the Closing Statement "…should set out the final position with regard to each of the issues identified in the initial assessment of principal issues [PD-005] and any other issues where there is a disagreement as to the residual effects of the proposed development. Where the Councils dispute or disagree with any part of the applicant's assessment contained in the Environmental Statement (ES), they should set out an explanation as to why they disagree and confirm what they consider the effects to be (i.e. how do the Council's conclusions differ from the Applicant's).

1.4 The initial assessment of principal issues by the Examining Authority set out in the Rule 6 Letter of 16 March 2026 [PD-005], identifies the following matters, although these are stated as being indicative and do not preclude other sub-items being considered.

Biodiversity and Ecology

- The effect of the proposed development on biodiversity and ecology, including its effect on designated sites and protected species; and
- Biodiversity net gain (BNG).

Climate change

- The effect of the proposed development on climate change, including consideration of greenhouse gas assessment and climate change resilience.

Cultural heritage

- The effect of the proposed development on cultural heritage, including above and below ground heritage assets.

Flood risk, hydrology and water resources

- The effect of flood risk on the proposed development and the effect of the proposed development on flood risk, hydrology and water resources; and
- Application of the sequential and exception tests.

Landscape and Visual

- The landscape and visual effects of the proposed development;
- The effect of the proposed development on residential visual amenity;
- The glint and glare effects of the propose; and
- Application of good design principles.

Land use, soil and ground conditions

- The effect of the proposed development on land use, soil and ground conditions, including the effect on Best and Most Versatile (BMV) agricultural land.

Network connection

- Consideration of the grid-connection, with particular regard to the prospect of consent being granted separately for elements not included as part of the proposed development.

Noise and vibration

- The noise and vibration effects of the proposed development during construction, operation and decommissioning phases.

Socio-economic

- The effect of the proposed development on agricultural circumstances;
- The economic effects of the proposed development; and
- The social effects of the proposed development including effects associated with health and safety.

Transport and access

- The transport and access effects of the proposed development including the effects on the highway network, public rights of way, non-motorised road users and highway safety.

1.5 The Rule 6 Letter [PD-005] makes clear that matters relating to the draft Development Consent Order (DCO) whilst not listed as principal issues, have

formed an integral part of the Examination. Accordingly, this Statement also includes CDC's closing comments on the draft DCO.

2. Closing Comments on the Principal Issues

2.1 The following sections set out CDCs closing comments in relation to the each of the matters listed above.

Biodiversity and Ecology

2.2 The principal issues were identified in the ExA's Rule 6 Letter of 16th March 2026 [PD-005] as the effect of the proposed development on biodiversity and ecology, including its effect on designated sites and protected species and Biodiversity net gain (BNG).

Effects on biodiversity and ecology

2.3 CDC is satisfied that the proposals have considered the relevant ecological receptors and assessed the impacts of the proposed development on these. Discussions focused on skylarks, nightjar, reptiles and wintering birds. Plan for securing mitigation and monitoring have been agreed, where necessary, for the matters raised during the examination and no issues remain outstanding.

Biodiversity Net Gain

2.4 With respect to Biodiversity Net Gain CDC supports the commitment by the applicant to use the Statutory Biodiversity Metric to assess the impacts of the development and to achieve a net gain in biodiversity units exceeding 10% across the Order Limits. The DCO will include reference to a minimum 20% net gain in area Habitats, 100% in hedgerow units and 10% in watercourse units being achieved by the scheme. This gives room for slight changes in design if necessary but still secures strong measurable gains within each module of the net gain metric.

Climate change

2.5 The principal issues were identified as the effect of the proposed development on climate change, including consideration of greenhouse gas assessment and climate change resilience.

2.6 Paragraph 1.4 of CDC Relevant Representation [RR-006] acknowledges that there is a recognised need and support for renewable and low carbon energy technology through national planning policy and that the proposed development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from more renewable

sources. Equally, promotion of renewable and low carbon sources of energy in suitable locations across the City are central to achieving its commitments on both reducing carbon emissions and combating the effects of climate change.

2.7 There are no substantive matters of disagreement between the Applicant and CDC relating to the consideration of greenhouse gas assessment and climate change resilience.

Cultural Heritage

2.8 The principal issues were identified as the effect of the proposed development on cultural heritage, including above and below ground heritage assets.

Above Ground Heritage Assets

2.9 There are fundamental matters not agreed in terms of the cultural heritage content of the Environment Statement. The analysis undertaken in relation to defining or ascertaining Significance of Place fails to understand the extent of Significance and how this is relates to other issues included within the Environment Statement. Historic England in "Conservation Principles Policy and Guidance for the Sustainable Management of the Historic Environment" defines a most important conservation principle "Understanding Significance of place is Vital" Without understanding Significance there is much potential for permanent or irreversible harm to occur and the need to understand significance is underpinned by the need to document record and review outcomes.

2.10 In relation to the Environment Statement there has only been a very superficial analysis of Significance of place which has been simplified and grossly understated. There has been no attempt to provide analysis as to how significance is impacted by the proposals beyond this superficial level and much of the applicant's case appears to be based upon the availability of a flat landscape (for ease of construction) adjacent to a proposed point of connection into the National Grid (in an amended window provided in the time frame 2031-35) together with the overarching requirement of solar provision in the National Policy Statement for Energy (NPS). Most crucially on the basis of the information provided and superficial consideration of Significance, CDC is of the view the applicant has not in accordance with NPS demonstrated the wider benefits of the proposed solar farm outweigh the level of harm in relation to cultural heritage considerations. This stems from not understanding adequately Significance of place.

2.11 The Humberhead Levels is a place of many layers of complexity. Prior to Vermuyden's drainage works in the 17th century the area was mostly under water although some farming in part was possible in the summer growing

season. The only practical way of traveling between Thorne and The Isle of Axholme was by boat. This landscape was transformed by Vermuyden and later drainage works; to provide the current day distinctive historic landscape around 4 metres above sea level a flat area crisscrossed by ditches and drains and supplemented by a complicated system of drainage sluices and pumps to drain excess water into the River Trent at Keadby.

2.12 CDC has consistently maintained the view that that the cultural heritage and landscape issues are interwoven and cultural heritage has a much wider meaning than physical objects beneath the ground or buildings. It relates to a distinctive character to the landscape, or place, but moreover the largely man-made area of the Levels, a highly productive area of arable land, gives rise to a sense of identity or belonging to those associated with the land. It forms an integral part of the wider area to the west of the River Trent known as the Isle of Axholme which has a rich history and heritage associated with arable farming. Local distinctiveness and a sense of identity, bordering well beyond stubbornness / doggedness, derives initially from working the harsh landscape prior to the drainage works of Vermuyden and thereafter associated with maintaining the landscape in its existing state as a highly productive arable farming area. The contribution that the Isle of Axholme has made to British arable farming has been significant, particularly after 1875 when farming generally was in decline because of largely global economic reasons. This strong resilience and ability of the farming community to meet challenges was demonstrated in times of National emergencies in the 2 World Wars with the area contributing to innovative ways to increasing arable productivity at a time of great need. The process of innovation continues to the present day with farmers being able to optimise yields far beyond the casual references implied by the agricultural classification of land grading.

2.13 This area of many complexities has been the subject of much academic and field investigation by environmental scientists over the past 30-40 years. The interest initially related to the peat wetlands and onto the peat subsoil beneath very fertile topsoils which form in the land mainly affected by the proposed solar farm. The academic and scientific interest was attracted to the area because of the unique character of the area and its size /complexity to understand how the once flooded landscape and in particular peat soils have reacted to changing land uses over time. This ongoing research has particular relevance to the challenges of climate change and current investigations by multidiscipline experts from a number of UK Universities in part are funded by DEFRA and BBSCR (The Biotechnology and Biological science research Council of UK Research and Innovation, a non -departmental public body sponsored by the Department for science, Innovation and Technology .It is the largest UK public funder of non -medical bioscience).Members of the Team are also funded by the EU to carry out investigations to dry agricultural issues in Europe and Africa

as part of investigations to understand the implications of climate change but importantly to develop resilience to the impact of climate change in relation to manage landscapes and farming activities. Within the context of world-wide research it can therefore be seen that Humberhead Levels and in particular the area covered by the proposed solar farm has significant national if not international importance in terms of understanding climate change and developing resilience for land uses to be sustained. Details of the research are slowly coming into the public domain, but research work is very much ongoing.

2.14 Relating the importance of the area to the basic conservation principle of "understanding significance of place is vital" is very relevant in terms of understanding the impacts of a major intervention which would occur with the proposed solar farm taking around 1800 hectares of land out of an established arable farming use. Understanding significance of place is a key element of impact analysis which goes beyond the overarching emphasis solar provision given that there is a need to demonstrably show that public benefits outweigh the harm which may be caused by the scheme.

2.15 The proposal to change the use of such a large area of land which would make the proposed solar farm one of the largest solar farms in the country should really follow the scientific importance of the area. Acknowledging this importance would be a major starting point in understanding the wider significance of place and some acknowledgement that the scheme could without proper consideration and understanding of significance of place could result in outcomes which have long term negative consequences after the expiry of operations of the proposed solar farm. This is fundamental consideration that the applicant must demonstrably showing in accordance with NPS (and associated EN documents) that the wider public benefits outweigh harm. In this connection the only consideration to levels of harm given in the Environment Statement relates to the scheme having a temporary operational life and therefore any harm will only be temporary. This is a simplest view and defies the level of very detailed scientific interest that the area has attracted.

2.16 It is the view of CDC that a substantially greater level of impact analysis is required reflecting the importance of the area. Hydrology (the study of water) is a key factor concerning the Humber Levels and in understanding the impacts of the proposed solar farm on significance of place much more of a scientific approach needs to be undertaken by the applicant as part of the Environment statement. In particular the hydrology for the catchment area should be modelled with and without the solar farm to understand the impact that the new vegetation associated with the proposed solar farm will have in terms of both the overall hydrology for the area as well as adjacent areas of peatlands which have even greater levels of significance in terms of cultural and scientific

interest than the land over which the change of use is proposed This modelling will provide some understanding how the underlying buried peat might be impacted by the proposals.

2.17 There is great potential for irreversible damage to occur to the significance of place of Humberhead Levels if there is no scientific approach is adopted in analysis of impacts and hence the hydrology study /modelling should be a key element of helping to establish the impact of the proposal on the wider area beyond the confines of the affected area. This was point was alluded to in the during the Issue Specific and Open Floor Hearings by Mr & Miss Brooke whose families have farmed in the area for a number of generations.

2.18 Managing the historic environment in a responsible and sustainable manner is about taking the right levels of intervention when necessary and this can involve deciding upon different and competing land uses. As a general rule proposed regeneration or wholesale change of a large historic area is not encouraged from a conservation viewpoint particularly where the proposal has no links with the historic heritage of a place. In this case there is competition of uses between the long established highly acclaimed and productive arable agricultural use and the totally unrelated solar farm proposals. The choices therefore are the retention of the existing established use involving highly productive land against the proposed change of use having regard to the overarching requirements set out in NPS but also having regard to the criteria within APS and EN that public benefits outweigh levels of harm. Again, this is a simplistic approach, and the reality is much deeper. The existing use does have an important climate change quality which is revealed having regard to a greater understanding of significance of place. The subsoil of peat has the quality of natural carbon capture, and this relates very strongly to the academic and fieldwork which has taken place but also having regard to studying this quality in terms of importance to resilience to climate change. Consequently, the choice between the competing uses is more complicated since the existing use is already having a dual role function of contributing to mitigating climate control whilst being vitally important to high-quality arable food production. By contrast the solar farm proposal whilst providing more renewable energy into the grid subject to separate considerations of connection and upgrading of the National grid, will result in the loss of the arable food production for possibly more than 50 years but potentially that level of food production could be harmed or reduced after the solar farm ceases to operate. Furthermore, if the solar farm construction operation and restoration works is undertaken without proper regard to the significance of place including the emerging scientific evidence which is starting to come into the public domain there is very strong risk that considerable irreversible harm will occur to a much wider area than the physical land requirement of the proposed scheme. In terms of the planning examination for the proposal, it is incumbent on the examining body and the Secretary of

state to ensure that the determination of the DCO is on the basis that the final assessment when reviewing the outcome of the scheme looking back after the reinstatement works the decision was based on the public needs or benefits outweighing the level of harm. Based on the very limited understanding of Significance of place the applicant has not been able to demonstrate a surplus of public benefit over harm. CDC is of the view that further analysis as indicated is required as a minimum to understand the technical and scientific impacts on significance of Place.

2.19 The complexities of understanding significance of Place have an important human consideration in that human activity and a sense of identity and belonging to the wider area to include the Isle of Axholme and the CDC administrative is a strong feature of the distinctive area. Erosion of the arable agricultural heritage associated with the area is going to be affected by the proposed land use change taking such a large amount of arable land out of productive use for the period of operation of the solar farm. This could have a significant impact on the Ise of Axholme, but the extent of harm would be of catastrophic proportions if that harm proved to be irreversible.

2.20 As an alternative approach to wholesale change of land use, CDC have encouraged the promotion of the existing arable agricultural heritage of the wider area to develop ways of building up resilience to climate change using the least level of intervention. This has involved the promotion of the arable farming methods and encouraging works associated with the proposed biosphere which enable the farming operations to adapt to the challenges ahead. For example, the development of new crops which can adapt to wet and changing conditions and schemes to manage water are areas of work which will help to build resilience. It's a case of developing existing strengths of the area including a sense of belonging to a place which have endured since before the Vermuyden works. This approach contrasts directly with the proposed solar farm scheme and there is great potential for the proposed scheme to undermine the good work that has been undertaken and the potential that exists to build on the established distinctive strengths of the area to meet the challenges of climate change.

2.21 For the reasons set out above, there remain cultural heritage impacts on above ground heritage assets remain the most significant area of remaining disagreement between CDC and the Applicant, across a number of issues as set out in the final signed Statement of Common Ground between CDC and the Applicant (Document Ref. 9.2 Statement of Common Ground with City of Doncaster Council, Revision 8, Deadline 8, 6th October 2026).

Below Ground Heritage Assets

2.22 CDC's concerns during the Examination principally related to the level of confidence with which the archaeological significance of the site, the likely effects of the proposed development and the suitability of location-specific mitigation could be understood.

2.23 The archaeological zoning plan submitted at Deadline 6 has provided a spatial framework relating the currently available evidence for archaeological sensitivity to the anticipated impacts of the proposed development and the appropriate evaluation and mitigation measures. This has enabled discussions to address CDC's location-specific concerns and agreement has now been reached on the archaeological evaluation and mitigation approach.

2.24 Subject to the Outline Archaeological Mitigation Strategy and agreed archaeological provisions of the DCO being retained in the final documents and subsequently implemented through the approved archaeological strategies and written schemes of investigation, CDC considers that the proposed measures provide an appropriate framework for identifying and addressing effects on archaeological remains. CDC therefore has no outstanding disagreement with the Applicant regarding the residual archaeological effects of the Proposed Development.

2.25 CDC nevertheless considers that earlier use of a wider range of appropriate non-intrusive assessment techniques, together with earlier substantive engagement with the relevant local authority archaeological advisors, would have enabled the archaeological risks and appropriate mitigation measures to be established with greater confidence at an earlier stage of the application and Examination.

<u>Flood Risk, Hydrology and Water Resources</u>

2.26 The principal issues were identified as the effect of flood risk on the proposed development and the effect of the proposed development on flood risk, hydrology and water resources; and application of the sequential and exception tests.

2.27 The Lead Local Flood Authority (LLFA) is satisfied that the proposals accord with relevant flood risk and drainage policy, that all key design principles have been established, and that matters raised during the examination have been satisfactorily addressed. Accordingly, the LLFA maintains its position of no objection in principle to the Development Consent Order application.

Landscape and Visual

The Landscape and Visual Effects of the Proposed Development

2.28 The principal issues were identified as the landscape and visual effects of the proposed development; the effect of the proposed development on residential visual amenity; the glint and glare effects of the proposed development; and the application of good design principles.

2.29 CDC does not feel the Landscape assessment addresses the landscape effects sufficiently.

2.30 The landscape baseline is underplayed and does not take into account the individual qualities of each landscape character area to inform the sensitivity. For all character areas a medium sensitivity has been assessed which is at odds with the character area description for these areas which include 'internationally designated areas', 'important historic landscapes', and 'big skies' as examples. This is described in further detail in paragraph 3.4 of CDC's Deadline 5 submission [REP5-58] response. CDC would have expected a high sensitivity to these character areas as a minimum and a greater consideration as to if any part of the Order Limits fell within a valued landscape outside a designated landscape (TGN 02-21).

2.31 The landscape assessment does not thoroughly address the impact and effect of the development on the landscape character areas of the site. It focuses only on visual effects. This is not in accordance with GLVIA3 which states in par 5.1 'the concern here is with how the proposals will affect elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character'. Some individual elements are addressed as individual features but this is not carried through into the character assessment and how the changes will affect the characteristics of the character areas. A major/moderate (significant) effect is assessed on the character of the site itself and the immediate surroundings, with moderate (both significant and not significant) effects or less on the identified character areas. Whilst CDC agrees that the proposals are likely to result in a major significant effect on the site area and immediate surroundings, it is likely that this significant effect would also affect the local character areas within which the site lies. A more detailed study would have provided the evidence required to make the assessments stated.

2.32 CDC feels the visual assessment is very brief. It does not determine in the assessment in any detail what elements of the scheme are causing the visual change (be it panel, BESS, or substation) relying on a general description of 'the scheme'. It is therefore difficult to tell in places if the assessment is comprehensive in the outcomes stated. It does however identify some major significant adverse effects, which would be anticipated. Hedgerow planting is

the main form of mitigation used to reduce the effect of the development. The hedgerow planting may screen or soften views of the panels on occasion, but it is unlikely to alter the adverse effects of the development on the view.

The Effect of the Proposed Development on Residential Visual Amenity.

2.33 CDC feels the visual assessment, including the RVAA, underplays the effect of the development, particularly at year 15, reducing the magnitude of change due to maturing hedgerows to a greater degree than is warranted.

The glint and glare effects of the proposed development

2.34 The Glint and Glare Assessment [REP1-125] has not been referenced or referred to in the Landscape and Visual impact Assessment (LVIA) [REP4-021] or the Residential Visual Amenity Assessment (RVAA) [REP4-027]

2.35 It states 'A moderate impact is predicted on seven dwellings under baseline conditions due to the duration of effects (more than three months per year) in the absence of sufficient mitigating factors. Proposed vegetation planting is expected to screen panels from the ground floor once sufficiently matured, such that views of reflecting panels are not expected to be possible in practice. Further mitigation is not recommended.'

2.36 Therefore, it is assumed that an impact is still anticipated on views from upper windows of these seven properties. The impact and effect would be anticipated at year 1 before the vegetation has matured on ground floor views.

2.37 A significant effect in the RVAA is recorded at year 1 for three of these properties. This is reduced to not significant by year 15. The remaining three dwellings (or groups of dwellings) are recorded with a not significant effect (one property is not assessed in the RVAA as it is an involved property). Consideration of the glint and glare study in the LVIA and RVAA may have altered these outcomes.

Application of Good Design Principles.

2.38 The primary landscape mitigation proposed is hedgerow planting which in general terms CDC agrees for most areas is the most appropriate form of landscape mitigation proposals within the site area and in relation to the proposals. However, it is felt that there is insufficient design information provided on the development of the landscape proposals and the design itself.

2.39 The site comprises various landscape character areas which are extensively described in recent character studies. These studies should be used to inform the emerging landscape proposals and to tailor the proposals to the various

character areas, rather than assume the same design fits all. This, alongside site surveys should be used to inform the detailed landscape proposals. The various character areas within which the scheme lies have different characteristics, extract from some relevant landscape strategies are stated below and should be used to inform the design:

North Lincolnshire Landscape Character Assessment (2021) :

Trent Levels -Flat Open Remote Farmland

- New hedgerow planting should look to reinstate historic field boundaries, in particular zone boundaries, in areas where hedgerow removal is still in evidence;
- A programme to replace existing non-native and incongruous tree planting, with species of local origin, around Crowle should be encouraged;
- The characteristic well-maintained drainage ditches of this landscape should be conserved and enhanced for ecological benefit. Where possible, a diverse range of aquatic and emergent plant species should be encouraged through sensitive management of drains and rivers. Farmland bird habitats, plants for pollinators and other arable conservation options should be targeted along field margins and drainage features, to provide more habitat that is better connected.'

Flat Drained Treed Farmland

- 'Hedgerow planting is not a dominant structural element of this landscape, however where present should be protected and strengthened. It is important that remaining boundary hedges are conserved, especially HLC zone boundary hedges in order to reflect the difference between the character of the medieval open fields, Early Enclosed Land and Recently Enclosed Land;
- Seek to enhance and conserve existing landscape features such as hedgerows, small areas of woodland cover, field drainage ditches etc. without damaging the loosely open character. Where possible, a diverse range of aquatic and emergent plant species should be encouraged through sensitive management of drains and rivers. Farmland bird habitats, plants for pollinators and other arable conservation options should be targeted along field margins and drainage features, to provide more habitat that is better connected.
- Reflect the existing patterns of cover through limited, new woodland planting with species of local origin, primarily deciduous. A proportion of broadleaved species from more southerly zones should be permitted to allow for climate change adaptation';

- Flat Wooded Farmland;
- ‘Due to its presence within the Isle of Axholme Area of Special Historic Landscape Interest, one of the primary guidelines for this LCT is to refer to the range of reports, studies and drawings on the Isle of Axholme Historic Landscape Character (HLC) to determine the appropriate approach;
- Enhance the existing structure of farmland through the replacement of lost hedgerow planting and the management and reinforcement of existing tree and hedgerow cover;
- New woodland planting should be of local origin to create consistent landscape character in terms of scale and size and to prevent incongruous planting, such as ornamental evergreen species and white poplar. A proportion of broadleaved species from more southerly zones should be permitted to allow for climate change adaptation. The latest Forestry Commission guidance should be applied at the time of planting;
- The use of local origin species should also be applied to industrial and agricultural development, which must have substantial screening and shelterbelt to integrate it into the landscape;
- Where possible, a diverse range of aquatic and emergent plant species should be encouraged through sensitive management of drains and rivers. Farmland bird habitats, plants for pollinators and other arable conservation options should be targeted along field margins and drainage features, to provide more habitat that is better connected.’

Isle of Axholme and Hadfield Chase Landscape Partnership Landscape Character Assessment (2014)

Thorne and Crowle Moors LCA Character Area

‘The site is hopefully now entering an era of positive management which will see restoration of its valuable habitats, including controlled re-wetting of its raised mire.’

2.40 There is currently insufficient detail provided as part of the design proposals to demonstrate all the design factors have been taken into consideration. Design factors should include, in addition to the above, habitat connectivity corridors, improvements to the public right of way network, retention of key views and species selection to reflect local area. This is required to understand if the applicant has address the key requirements of the area sufficiently, provided appropriate mitigation and to understand how proposals benefit and enhance the existing landscape.

2.41 Soil sampling has not been carried out to date and it has been agreed with CDC and NLC that this can be carried out at the detailed design stage. It should be

noted therefore that at this stage it is not possible to confirm that the grassland habitat proposed can be established on the heavily farmed soil of the scheme. Further detail is required at the detailed design stage setting out a clear strategy of how the habitat proposed can be achieved on the soil type.

2.42 All vegetation within the site boundary should be surveyed to ensure its protection during construction and the lifetime of the development. It is noted that small areas of vegetation have been omitted from the applicants plans and without any acknowledgment of their location within the scheme boundary they are at risk during construction and any ongoing maintenance works.

2.43 Maintenance, monitoring and management of the landscape proposals will be key to their success and this should be a key area for development and agreement within the detailed LEMP.

2.44 Land Use, Soil and Ground Conditions

2.45 The principal issues were identified as the effect of the proposed development on land use, soil and ground conditions, including the effect on Best and Most Versatile (BMV) agricultural land.

2.46 CDC as set out in paragraph 11.11 its Relevant Representation [RR-006] expressed concern that the project appears not to have taken the opportunity to limit the extent of agricultural land (much of which is classed as Best and Most Versatile (BMV) agricultural land being utilised by the Scheme since earlier pre-applications phases, but instead only details that the agricultural land has been assessed.

2.47 CDC acknowledges these areas only form a relatively small part of the overall scheme, it is nevertheless an important policy consideration and constitutes perhaps the most impactful part of the proposal.

2.48 Whilst CDC acknowledges the use of the land is 'temporary' for the majority of the elements i.e. in particular the solar panel arrays, other aspects of the development are considered to be more 'permanent'.

2.49 Measures to mitigate against damage to the structure, function and resilience of soil resources during construction and operation and maintenance are set out in the Outline Soil Management Plan oSMP [APP-183]. The Outline SMP has been expanded through an updated version of the Outline SMP [REP2-078] to include details of where these soils are located, and how they should be handled to minimise any impacts, which although CDC is agreeable to, it remains concerned about the impact on BMV agricultural land.

Network Connection

2.50 The principal issues were identified as the consideration of the grid-connection, with particular regard to the prospect of consent being granted separately for elements not included as part of the proposed development.

2.51 The grid connection and the prospect of consent being granted separately were discussed at Issue Specific Hearing 1 (ISH1) [EV3-003].

2.52 The Grid Connection Statement [APP-035] (paragraph 11.6 and 11.7) confirms that a connection to a new 400 kilovolt (kV) substation (the NGET 400kV Substation), which is to be consented and delivered separately by National Grid Electricity Transmission (NGET), will be provided via a 400kV export connection cable from a RWE on-site 400kV substation. The RWE on-site 400kV substation forms part of the Scheme and therefore will be consented and delivered by the Applicant under the DCO. However, the Grid Connection Statement also confirms that the location of the NGET 400kV substation is not yet confirmed.

2.53 CDC expressed its concerns at ISH1 that the impacts of development as a whole have as a result been adequately assessed, and whether as consequence that local residents are fully able to understand the full impacts of the proposed development. CDC remains concerned that is this is still the case and that the point of connection into the National Grid has yet to be determined and until this detail is known changes may be required to the design of the proposal included in the application.

Noise and Vibration

2.54 The principal issues were identified as the noise and vibration effects of the proposed development during construction, operation and decommissioning phases.

2.55 CDC in it's Local Impact Report [REP1-062] (paragraph 14.3) expressed concern about ensuring that the applicant used the appropriate methodologies, and standards to measure the existing background noise, calculate the cumulative effects of the equipment when operational and model the resultant noise contours to show the impact on the nearest noise sensitive premises etc. CDCs acknowledged that its main concern is with the potential for noise during the construction phase.

2.56 As stated at paragraph 8.4 of CDC's Relevant Representation [RR-006] CDC considers that there is potential for the proposed development to give rise to noise impacts that could adversely affect the distinctiveness of the area, with an important characteristic associated with the isolation and remoteness of the

location and that changes to this will undoubtedly affect the enjoyment of the distinctive area for both residents and others seeking to enjoy its special qualities such as users of the public rights of way.

2.57 The Applicant has assessed the noise impact at the agreed assessment locations., as presented in the ES Volume 1, Chapter 13: Noise and Vibration [REP6-014]. CDC has confirmed that it is happy with the identified assessment locations including residential, heritage and ecological receptors.

Socio-Economic

2.58 The principal issues were identified as the effect of the proposed development on agricultural circumstances; the economic effects of the proposed development; the social effects of the proposed development including effects associated with health and safety.

2.59 CDC at paragraph 9.1 of its Relevant Representation [RR-006] identified that Doncaster has a relatively low proportion of people employed in highly skilled occupations and wage rates are significantly lower than the national average. Doncaster's economy is relatively reliant on lower skilled sectors that are more sensitive to changes in local demand. Compared to Yorkshire and Humber, its economy is relatively inward facing and more reliant on jobs in health, retail, transport, construction, and public administration. However, it does have significant jobs in several tradeable sectors, for example, manufacturing, engineering, and financial and professional services, which is acknowledged by the Applicant.

2.60 The Applicant engaged with Business Doncaster and presented a commitment to supply chain, employment, training, and educational opportunities associated with the construction, operation and decommissioning of the Scheme within the Outline Supply Chain, Employment and Skills Plan [REP1-039]. CDC is pleased to see that the Outline Supply Chain, Employment and Skills Plan [REP1-039] was updated in May 2026 to align with engagement with Business Doncaster.

Transport and Access

2.61 The principal issues were identified as the transport and access effects of the proposed development including the effects on the highway network, public rights of way, non-motorised road users and highway safety.

The Effects on the Highway Network and Highway Safety

2.62 CDC's Coordination Licencing & Compliance team is content with the submitted drafts and current versions of documents, in relation to the highway network. The two main areas of focus the team were concerned with were:

1. Ensuring that Doncaster Permit Scheme be recognised within the DCO, allowing CDC to fully coordinate works on the highway; and
2. Ensuring that construction traffic routing acknowledged restrictions that would apply to construction vehicles were adhered to.

2.63 The Applicant has agreed to work within the CDC permit scheme and agreement of submissions of Appendix E when booking the road space for works. This is agreed in Parts 6 & 7 of Table 3-5 in the Draft CDC Statement of Common Ground. The Applicant will ensure any movement of vehicles for construction or otherwise will abide by existing Traffic Regulation Orders (such as weight restrictions) when accessing site. This is agreed in Part 11 of Table 3-5 in the Draft CDC Statement of Common Ground.

2.64 In Part 8 of Table 3-5 there is still a point under discussion regarding a Section 278 agreement for the access points, and whilst this has some overlap onto the public highway and managing the highway network, it would not be for the CDC Coordination Licencing & Compliance team to resolve these issues. Similarly in Part 3 of Table 3-11 the matter of time periods for deemed consent is still not agreed; however again it is a matter for CDC Coordination Licencing & Compliance team to resolve. The team would support any agreement to extend the notice period from 28 days to 56 days.

The Effects on Public Rights of Way

2.65 Within the CDC area the two main Public Rights of Way that are affected by the development are public footpath No.15 Thorne, which runs outside the most north-western boundary of Land Parcel A, with an additional permissive path linking the end of Thorne 15 with Thorne Moors and public footpath No.19 Thorne which runs through Land Parcel A.

2.66 CDC has no outstanding issues affecting these public rights of way.

3. Closing Comments on the Draft Development Consent Order

3.1 The Applicant has made several amendments to the draft DCO suggested by CDC and CDC is grateful for these. CDC's remaining concerns with the draft DCO are set out in Table 1 below, together with references to previous submissions which set out each concern in detail.

3.2 In addition, the Annex to this submission sets out CDC's reply to certain DCO responses included in *Applicant Responses to IP Comments on the ExA's*

Commentary on the dDCO [REP7-005] and in *Applicant Responses to Interested Party Responses to 3rd Written Questions* [REP7-004].

Table 1: CDC's Remaining Concerns with the draft DCO

Concern	CDC submission
Deletion of article 3(2) (development consent etc. granted by this Order)	Comments on responses to ExQ3 etc. [REP7-007] (DCO 2.1).
Amendment of article 11(1) (street works)	Comments on responses to ExQ3 etc. [REP7-007] (DCO 3.1).
Deletion of article 12(1)(d) (application of permit scheme)	See Annex below.
Insufficiency of 28-day period for determining consents (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))	• Local Impact Report [REP1-062] Appendix 2 (row 6). • Table 1 (unresolved comments on the draft DCO) of Written summary of oral submissions made at hearings in w/c 22 June 2023 [REP3-081] (row 6, from page 14). • Responses to ExQ3 [REP6-091] (Table 1, DCO 3.3). • Proposed drafting also included in Schedule to the Statement of Common Ground [REP6-064]. • Comments on responses to ExQ3 etc. [REP7-007] (DCO 3.6) • See Annex below.
Removal of "such consent not to be unreasonably withheld or delayed" (article 16(5)(b) (temporary closure or restriction of streets and public rights of way) and article 50(1) Requirements, appeals, etc.)	• Appendix 2 (row 9, from page 7) of CDC's Local Impact Report [REP1-062]. • Table 1 (unresolved comments on the draft DCO) of CDC's Written summary of oral submissions made at hearings in w/c 22 June 2023 [REP3-081] (row 9, from page 20). • Responses to ExQ3 [REP6-091] at Table 1, DCO3.5 (pages 20/45 and 21/45).

	• Proposed drafting also included in Schedule to the Statement of Common Ground [REP6-064]. • Comments on responses to ExQ3 etc. [REP7-007] (DCO 3.6 and DCO 4.2) • See Annex below.
Article 43 (Trees subject to tree preservation orders)	• Appendix 2 (row 13, from page 10) of CDC's Local Impact Report [REP1-062]. • Table 1 (unresolved comments on the draft DCO) included in CDC's Written summary of oral submissions made at hearings in w/c 22 June 2023 [REP3-081] (row 13, from page 25). • Proposed drafting also included in Schedule to the Statement of Common Ground [REP6-064].
Deletion of / amendment of article 49 (planning permission)	Comments on responses to ExQ3 etc. [REP7-007] (DCO 6.4)
Need for a construction timetable and plans Requirement 3 (phasing of the authorised development and date of final commissioning)	• Appendix 2 (row 14, from page 10) of CDC's Local Impact Report [REP1-062] and • Table 1 (unresolved comments on the draft DCO) included in CDC's Written summary of oral submissions made at hearings in w/c 22 June 2023 [REP3-081] (row 14, from page 27).
Payment of a monitoring fee Requirement 8(3) (landscape and ecology management plan)	• Responses to ExQ3 [REP6-091] (DCO 7.2) (pages 21 and 22 of 45). • Comments on responses to ExQ3 etc. [REP7-007] (DCO 7.2). • See Annex below.
Requirement 12 (archaeology)	• Responses to ExQ3 [REP6-091] (DCO 7.3) (pages 22 and 23 of 45). • Comments on responses to ExQ3 etc. [REP7-007] (DCO 7.3). • See Annex below.

The need for and reasonable fee regime Schedule 2, Part 2, Paragraph 4 (Fees) / Planning Performance Agreement (PPA)	• Appendix 2 (row 19, from page 12) of CDC's Local Impact Report [REP1-062] • Table 1 (unresolved comments on the draft DCO) included its Written summary of oral submissions made at hearings in w/c 22 June 2023 [REP3-081] (row 19, from page 29). • Comments on responses to ExQ2 REP5-058 (paragraph 3.26). • Responses to ExQ3 [REP6-091] (Q3.14.2). • SOCG [REP6-064]. • See Annex below.

Annex to CDC's Closing Submission

Table A1 replies to certain of the responses included in *Applicant Responses to IP Comments on the ExA's Commentary on the dDCO* [REP7-005] which are relevant to CDC. The responses relevant to CDC are: DCO 3.2, DCO 3.3, DCO 3.4, DCO 3.5, DCO 7.2, DCO 7.3, DCO 9.1 and DCO 9.2.

Table A1 includes replies to DCO 3.2, DCO 3.3, and DCO 3.5. It does not comment on the following responses –

- DCO 3.4 (article 14(2)(c)) – because the provision has been removed from the draft DCO;
- DCO 7.2 (requirement 8(3)(a)) – CDC does not agree with the Applicant and maintains the position set out in its Deadline 6 reply [REP6-091] (pages 21/45 and 22/45)
- DCO 7.3 (requirement 12) – CDC does not agree with the Applicant and maintains the position set out in its Deadline 6 reply [REP6-091] (pages 22/45 and 23/45)
- DCO 9.1 and 9.2 – these responses concern the local highway authority protective provisions. On 6 October 2026, CDC and the Applicant agreed a form of protective provisions to be included as part 10 of schedule 14 to the draft DCO that will be submitted at Deadline 8.

Table A1

Doc. reference	CDC's response (D6)	Applicant's response (D7)	CDC's reply (D8)
DCO 3.2	**Article 12: Please could CDC and NLC confirm whether article 12 of the dDCO [REP5-002] is acceptable? If not, please provide alternative wording or modifications by deadline 6. The ExA notes that in the SoCG [REP5-047] between the applicant and CDC this matter is identified as 'agreed'.**	Article 12(1)(d) of the draft DCO [REP6-002] confirms that "a permit may not be refused on grounds relating to the proposed location of any part of the authorised development". The CDC permit scheme confirms that "the Permit Authority may refuse to issue a Permit due to the proposed location of activity". The Permit Scheme notes that this power of refusal might	CDC disagrees with the Applicant's response and considers article 12(1)(d) should be deleted. It is appropriate for CDC to refuse a permit on the basis of the location of the proposed works in this case. An application would not be refused without good reason and the Applicant's response gives examples of good reasons.

	CDC welcomes the Applicant's commitment to use its permit scheme. The drafting of article 12 is largely consistent with that included in article 9 of the Fenwick Solar Farm Order 2026; however, CDC notes that article 12(1)(d) is new. The Explanatory Memorandum [REP5-004] does not explain why article 12(1)(d) is needed and CDC would welcome confirmation from the Applicant of its position.	be exercised where "a proposed activity is unacceptable to the authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function". The Applicant does not consider that it would be appropriate for CDC to refuse a permit on the basis of the location of proposed works in this case. The Applicant is seeking powers to undertake works in the specific locations listed in the schedules to the draft DCO and shown on the accompanying DCO plans. These have been subject to a thorough environmental impact assessment process, extensive pre-application engagement and an examination process which is now approaching 6 months in duration. CDC would have a number of related controls at its disposal, including the construction traffic management plan which it would approve pursuant to Requirement 16 of the draft DCO and the	Reasons for refusal are often linked to safety. For instance, if it would be unsafe to issue a permit for a particular location because another permit has already been issued for that location for the period required by an applicant, CDC would not want its ability to refuse to be constrained in any way. Safety must trump the risk of a slight delay to an applicant's programme of works. CDC would also refuse an application for a particular location if an effect of issuing the permit scheme would be to prevent persons from accessing a diversion. For instance, if a permit has already been issued and an effect of that issue is that people must use a diversion, CDC would not want the diverted route to be the subject to a permit. In the light of the above, CDC would wish to preserve its ability to refuse an application for a permit on the basis of location.

		protective provisions for its benefit. If CDC was able to refuse to issue a permit on grounds relating to the location of an activity, this could result in delay to the delivery of the Scheme, because an alternative location for the relevant works would need to be identified and these works would need to be both consentable and deliverable in that alternative location.	
DCO 3.3	**Articles 14, 16, 17, 19: (Deemed consent period) CDC is advised to review the equivalent provisions in the recently made Peartree Solar DCO, which all seem to include the same 28 deemed consent period. Could CDC please advise why a different approach should be taken for the proposed development.** **Background** CDC has reviewed the equivalent provisions in the Peartree Hill Solar Farm Order 2026 (SI2026/869) and agrees that the 28-	The Applicant does not agree that a 56-day determination period is justified in this case. The Project is a nationally significant infrastructure project and, as such, there is a clear public interest in ensuring that post-consent approvals are dealt with efficiently and without unnecessary delay. CDC's response to the 28-day period approved in the Peartree Hill Solar Farm Order 2026 appears to be based on the fact that the highway authority in that case did not object to the time period, whereas CDC does so object here. The Applicant does not	CDC agrees that post-consent approvals should be dealt with efficiently and without delay and notes that for other nationally significant infrastructure (solar) projects the Secretary of State considered a period greater than 28 days, and sometimes substantially greater than 28 days, was considered to meet those criteria. For example – • Cottam Solar Project Order 2024 (SI 2024/943) – 10 weeks • Gate Burton Energy Park Order 2024 (SI 2024/807) – 10 weeks • Mallard Pass Solar Farm Order 2024

	day period appears in them; however, CDC considers the Peartree example is of limited relevance in respect of this aspect of the instant application. **Peartree Solar DCO** The Peartree Solar DCO will be constructed within the administrative area of East Riding of Yorkshire Council ("ERYC"). CDC has considered each of the documents submitted by ERYC into the Peartree Examination1 and notes that ERYC did not raise the 28-day period as a point of concern in any of them. A different approach should be taken here because the position is different here: CDC has expressed its concerns with the proposed timeframe from the outset and considers a more reasonable period is 56 days / 8 weeks (or such longer period as may be agreed between the undertaker and CDC); presumably, ERYC was content with the proposed timeframe.	accept this. The Secretary of State can and routinely does implement changes to DCO drafting in making an Order, whether or not these changes relate to matters taken by Interested Parties during the course of an examination. The Secretary of State could have amended the period if it considered 28 days was insufficient. However, the Secretary of State did not do so. The Applicant notes that the 28-day period is also precedented in the recently made Dean Moor Solar Farm Order 2026, the Helios Renewable Energy Project Order 2025, the Oaklands Farm Solar Part Order 2025 and the Heckington Fen Solar Park Order 2025, in equivalent articles to articles 14, 16, 17, 19 of the Draft DCO [REP6-002]. The Applicant notes that the recently published, Nuclear Regulatory Review 2025 produced by a Taskforce led by John Fingleton, recommended that model provisions for DCO drafting should be reinstated to help solve	(SI 2024/796) – 8 weeks • Longfield Solar Farm Order 2023 (SI 2023/734) – 8weeks CDC further notes that, for the most recently made solar DCO - One Earth Solar Farm Order 2026 (SI 2026/934) – a period of 13 weeks was considered reasonable. As mentioned before, the Secretary of State's decision in respect of the Fenwick Solar Farm Order is the most relevant because it will be constructed within CDC's administrative area. The period in that Order is eight weeks (or such longer period as may be agreed between the undertaker and CDC). So far as possible, CDC considers consistency is essential to allow it to provide an excellent post-consent service to each DCO applicant. (It will be remembered that another solar DCO which will be located within its administrative area is at pre-examination

	CDC does not understand why, in this regard, the Peartree Solar DCO should be the key precedent when, earlier this year, the Fenwick Solar Farm Order, which will be constructed within CDC's administrative area, was made. The equivalent timeframe in the Fenwick Order is eight weeks (or such longer period as may be agreed between the undertaker and CDC) (see article 46(4) (procedure in relation to certain approvals etc.). Owing its location within CDC's administrative area, Fenwick is a more persuasive precedent. Consistency with the timeframe in the Fenwick Order is attractive because it will ensure CDC is not subject to a patchwork of different DCO determination periods. As explained previously, CDC considers 28 days will not be enough time to determine an application and, in	common problems occurring in the consenting of NSIPs. One of the model provisions included in the Review is the inclusion of 28-day decision making period with deemed consent applying at the end of this. On 26 November 2025, the Prime Minister fully endorsed the recommendations of the Review, accepting "*the principle of all the recommendations it has set out*" and in March 2026, the Government published its Implementation Plan and its formal response to the Nuclear Regulatory Review which includes a statement that the Government is "committed to implementing these recommendations as quickly as possible". The publishing of the Implementation Plan was accompanied by a statement from the Chancellor as follows: "I can announce today that we will legislate to implement the Fingleton review in the next Session, and I recently wrote to industry and regulators to get them to set out their plans to fast-track that implementation in	stage). A patchwork of different deadlines will assist no one. Moreover, the risk with a deadline which is too short is that an application will be refused, leading to an appeal and greater inefficiency and delay than would have been the case if a reasonable timeframe had been provided in the first place. It will be remembered that CDC officers will likely be dealing with multiple post-consent applications from multiple DCO projects (on top of the team's usual TCPA work) in an environment when DCO applications will have to be prioritised because of the deeming provision, but for which the Applicant does not propose to fund officers' work. In this context, the need for a reasonable timeframe is even starker. Regarding Fingleton, CDC notes that the One Earth decision was made after the publication of the Fingleton review and after the publication of the Government's Implementation Plan. Including reasonable

	those circumstances, there is a risk that applications will have to be refused. This will not aid the Applicant in delivering its scheme expeditiously. CDC would prefer not to risk having to refuse an application because of a time limit which is too short. It would be preferable to build in additional time. Providing a reasonable timeframe will assist with that aim and CDC considers 8 weeks (capable of extension, by agreement) is such a timeframe. If the Peartree DCO is being cited for relevance because of its recency, CDC notes that more recently made DCOs have included longer periods for determining non requirement applications. For example, in the One Earth Solar Farm Order 20262 (SI2026/934) the equivalent period is 13 weeks (see article 44(4) (procedure in relation to certain approvals etc.).	full". The Applicant therefore considers the inclusion of this article entirely appropriate and necessary to align with the current industry approach. In the Applicant's view, the proposed 28-day period reflects the Government's current policy direction of streamlining and accelerating the delivery of nationally significant infrastructure projects. The matters subject to approval under this article should be capable of being considered within that timeframe, particularly where the discharging authority is engaged with the Applicant during the preparation of the relevant submission and is able to request further information where reasonably necessary. The Applicant therefore considers that a 28-day determination period, together with deemed consent in the absence of a decision, is appropriate and proportionate. Extending the determination period to 56 days would introduce unnecessary delay and would be	timeframes for post-consent applications cannot therefore be considered inconsistent with these documents.

		inconsistent with the wider objective of facilitating the timely delivery of nationally significant infrastructure. In addition, the drafting includes a practical mechanism to assist CDC in identifying applications to which the deemed consent provisions apply. The Applicant has included qualifying provisions within the deemed consent provisions within articles 14, 16, 17 and 19. These provide that any application intended to benefit from a deemed consent provision must include a statement confirming that the relevant deeming provision applies to the application. Where no such statement is included, the deemed consent provision will not apply. Furthermore, the operation of deemed consent in any case would not override the need for a permit to be secured separately for activities covered by CDC's Permit Scheme. This is secured by article 12 of the draft DCO [REP6-002].	
DCO 3.5	**Article 16: CDC has outlined that it is**	The Applicant does not consider CDC's	CDC's point underscores the folly

	not content with the wording at article 16(5)(b) which states in part that 'such consent not to be unreasonably withheld or delayed but which may be given subject to reasonable conditions'. However, could CDC please refer to Article 14(5)(b) of the made Peartree DCO for recent precedent and provide a justification for a different approach? Article 14(5)(b) of the Peartree DCO states – "The undertaker must not temporarily close, alter, divert, prohibit the use of, authorise the use of, or restrict the use of— … (b) any other street or public right of way without the consent of the street authority, which may attach reasonable conditions to the consent, **such consent not to be unreasonably withheld".** [Emphasis added].	objection to be justified on this matter. CDC's submissions only underscore the need for the provision by acknowledging, as CDC does, that it is conceivable that an authority could unreasonably delay the giving of consent pursuant to these provisions. This is not acceptable, especially where the delivery of critical national priority infrastructure is concerned. CDC would be required to exercise its functions under the Order lawfully and in accordance with public law principles. The inclusion of an express requirement that consent is not to be unreasonably withheld or delayed is therefore appropriate and provides additional certainty to both parties regarding the standard to be applied when exercising approval functions under the Order. The Applicant does not agree that the existence of enforcement provisions under the Planning Act 2008 justifies the removal of this safeguard. Whether	of including a criminal offence in circumstances where the prospect of enforcement is (to put it at its highest) vanishingly small. If CDC has taken X-days to make a decision and CDC does not consider that X is an unreasonable period and does not constitute an unreasonable delay, CDC is not going to take enforcement action against itself. To bring forward enforcement proceedings, the enforcing body must be satisfied there is sufficient evidence to provide a realistic prospect of conviction and, if that evidential test is passed, the enforcement body must decide whether prosecution is required in the public interest. It is not clear how either test could be met in these circumstances. In the light of the deeming provision, these provisions are neither reasonable nor proportionate.

	The Peartree drafting is cast narrower than the drafting in the instant Order which demands, in several articles, that certain applications for consent must not be unreasonably withheld **or delayed.** CDC has made its case in respect of the unsuitability "unreasonably withheld or delayed" in several representations, including: Annex 2 to CDC's Local Impact Report [REP1-062], row 9 (pages 7 and 8) and in its Written summary of oral submissions made at hearings in w/c 22 June 2023 [REP3-081] (see row 9 of Table 1, pages 20 to 23). CDC maintains its position and does not propose to repeat each point here. CDC has considered each of the documents submitted by ERYC into the Peartree Examination and it does not appear that "unreasonably withheld or delayed" was raised by ERYC	consent had been unreasonably withheld or delayed would not be a matter for the Applicant to determine unilaterally. Any dispute would be determined via independent scrutiny through the appropriate legal processes and would need to be properly substantiated. The Applicant therefore considers that the potential consequences of a breach provide no basis for disapplying a requirement which is both reasonable and proportionate in the context of a nationally significant infrastructure project. The provision simply seeks to ensure that approval functions are exercised reasonably and without unnecessary delay, thereby supporting the timely delivery of nationally significant infrastructure whilst preserving CDC's ability to refuse consent where there are proper and justified grounds for doing so.	

	or that it was considered in any detail during the Peartree Examination (or subsequent determination by the Secretary of State). The position is different here where CDC has raised this drafting as a point of concern. One of CDC's main points of concern is that, by section 161(1)(b) of the Planning Act 2008, it is an offence – without reasonable excuse – for a person to fail to comply with the terms of a DCO. By section 161(4)(a) a person guilty of an offence under section 161 is liable, on summary conviction, to a fine not exceeding £50,000. As mentioned previously, it is conceivable that somebody could say that if a discharging authority, subject to the provision as currently drafted, acts unreasonably in withholding or delaying their		

	actions, they are committing a criminal offence. And that is a very good reason why this provision should not be included. CDC is not persuaded by the need for an additional criminal sanction to regulate local authority behaviour and is unaware of evidence of dilatory behaviour by local authorities in dealing with applications for consent arising from DCOs. The words should be omitted from the Order.		

Table A2 replies to Q3.14.2 of the Applicant's *Commentary on the dDCO* [REP7-005] and in *Applicant Responses to Interested Party Responses to 3rd Written Questions* [REP7-004].

Table A2

Question	3rd Written Question and Interested Party Response	The Applicant	CDC's reply
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	CDC welcomes the proposed amendments to paragraph 4(1)(a) of Part 2 of Schedule 2 to the Draft DCO to include requirements 3 (phasing of the authorised development and date of final commissioning) and 5 (approved details

	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 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	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 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	and amendments to them) within the higher fee category; however, CDC is concerned this amendment does not go far enough. CDC maintains the position set out in its Deadline 6 submission [REP6-091] (Q3.14.2). In addition, CDC would emphasise – • By section 120(2)(b) of the Planning Act 2008, a requirement may be approved by the Secretary of State "or any other person". It does not follow, therefore, that CDC had to be the discharging body for the requirements. CDC is, of course, expert in discharging planning conditions and so it is sensible that the Applicant has chosen CDC to discharge requirements. • In addition to relying on CDC's expertise, the Applicant has drafted a bespoke regime for itself to which CDC is unfamiliar. It includes a provision which

	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 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>**	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	deems consent granted in circumstances where a decision is not made within a certain period. • The Applicant considers this is acceptable because of the national significance of the project. In the light of the above, it is only fitting that CDC can cover its costs. CDC is not seeking to make a profit, merely cover its costs in assisting the Applicant with the Applicant's project. To achieve this, CDC wishes for paragraph 4 of Part 2 of Schedule 2 to be amended to reflect the situation where the Applicant's fee regime – which is untested in practice – does not do this. This is reasonable and proportionate.

	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. **Deleted sub-paragraph (3)** 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 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.	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 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	

	New sub-paragraph (3) 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 subparagraph (3) to provide that any adjustment is upwards only, which CDC assume was the Applicant's original intention. **New sub-paragraphs (4) and (5)** 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 subparagraph (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	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	

	allow CDC to charge for any 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 – 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) **Subject to sub-paragraph (5), the** ~~The~~ fee payable for each application under sub-paragraph (1) is as follows— (a) a fee of £2,578 for the first	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 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	

		application for the discharge of each of ~~the~~ **requirements 3 (phasing of the authorised development and date of final commissioning), 5 (approved details and amendments to them)**, 6 (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 (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 subparagraph (a) and any application under requirement 6 (detailed design	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 precedented 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	

	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—~~ ~~(a) the application being rejected as invalidly made; or~~ ~~(b) the relevant planning authority failing to~~	time with the undertaker where reasonably 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 precedented 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	

	~~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 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**	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.	

	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.**		