

Application by Fenwick Solar Project Limited for an Order granting Development Consent for the Fenwick Solar Farm project.

Notification of the date, time, and venue for Issue Specific Hearing 1 on **Thursday 20 March 2025** was provided in Annex E of the [Rule 6 letter](#) dated 18 February 2025.

Agenda for Issue Specific Hearing 1

The Development Consent Order is the order which the Secretary of State would make if they decided to grant consent. This hearing will be of a technical nature and will consider the wording of the draft Development Consent Order, including provisions relating to compulsory acquisition. Affected person's individual concerns about their land and rights will be addressed in a compulsory acquisition hearing if one is required.

All references to the dDCO will be to revision 01 dated December 2024 [[APP-220](#)].

Issue Specific Hearing 1 regarding the draft Development Consent Order	
Date:	Thursday 20 March 2025
Seating available at venue for those attending at the physical venue in person	9.15am
Arrangements conference for those participating via Microsoft Teams	9.30am for 9.45am Arrive at 9.30am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team and given further instructions. The Arrangements Conference will start at 9.45am.
Hearing starts	10.00am
Venue and joining details	Doncaster Racecourse, Bawtry Road, Doncaster, DN2 6BB and via Microsoft Teams Full instructions on how to join will be provided to those who have had a request to register accepted by the ExA.

If you would like to participate in Issue Specific Hearing 1 and have not already submitted a request to participate, please contact the Case Team. Information about how to submit a request to register is provided in the [Rule 6 letter](#).

If you simply wish to observe the hearing, then you **do not** need to make a request to register as you will be able to either:

1. attend the physical venue in person to observe the proceedings

2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin, or
3. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished

Agenda for Issue Specific Hearing 1	
Item 1	<p>Welcome, opening remarks and introductions</p> <p>The Examining Authority (ExA) will welcome participants and lead introductions, and the public livestream and recording will start</p>
Item 2	<p>The purpose of the hearing and how it will be conducted</p> <p>The ExA will explain the purpose of the hearing, including that:</p> <ul style="list-style-type: none"> • it is for the ExA to examine the draft Development Consent Order (dDCO) and related matters, and invite certain parties to make oral representations about them • the hearing is subject to the powers of control of the ExA, as set out in the Planning Act 2008 and supporting legislation • the ExA will invite parties to speak and will ask questions at relevant points on the agenda and when it otherwise considers necessary • all comments, questions and answers are to be directed to the ExA and not directly to any other party
Item 3	<p>The purpose and overall structure of the dDCO</p> <p>The ExA will invite the Applicant to take up to 10 minutes to provide an overview of:</p> <ul style="list-style-type: none"> • its overall approach for the dDCO • a brief description of the structure of the dDCO, including the schedules, explaining why each section is required • the role of the Explanatory Memorandum • any novel provisions
Item 4	<p>Main discussion points</p> <ul style="list-style-type: none"> • Recitals – Please review the references to Section 105 PA 2008. Following the designation of the 2024 NPSs, this application will be decided under Section 104. • Article 2 – Interpretation <ul style="list-style-type: none"> - ‘authorised development’ – the applicant will be asked to review the definition of authorised development to ensure it is limited to the development listed in Schedule 1 (<i>which is</i> development within section 32 of the PA 2008). - ‘overarching WSI’ – this does not appear to be a Certified Document and is not used elsewhere in the dDCO.

Agenda for Issue Specific Hearing 1

- 'draft archaeological strategy' – inconsistent use of terms (eg. draft) (see also requirement 10 below)
- 'working day'. The definition given for "working day" in Article 2 does not include Saturdays. However, paragraph 4.2.7 of the Planning Statement says core construction hours including Saturday mornings up to 1pm. The Applicant will be asked to clarify.
- **Art 6(1)(f)** – this article disapplies the requirement to obtain an Environmental Permit. However, it appears that the Environment Agency does not agree to the disapplication of this requirement. The applicant will be asked to explain how it envisages this matter being resolved.
- **Article 12** – Permanent closure of PROWs. The applicant will be asked to explain the purpose of this novel provision, to identify any prior precedents in made DCOs and explain how it is intended to work. The Applicant may wish to review its drafting prior to the hearing.
- **Article 13** – use of private roads. This appears to be a rather broad power. The applicant will be asked to consider whether this power is required for all private roads within the order limits or whether can they be specified and the power limited accordingly.
- **Article 21** – The ExA notes that some novel wording has been added to this article. The Applicant will be asked to explain the need for this.
- **Schedule 2 - Requirements**
 - **Requirement 1** – use of the word 'begin'? Not defined. Should it be 'commence'?
 - **Requirement 7** – Biodiversity Net Gain. Please can the applicant explain how this requirement relates to Requirement 6 and also why it does not specify the expected BNG identified in the BNG report?
 - **Requirement 10** – this requires the submission of an archaeological mitigation strategy for approval. Subsection 2 refers to the WSI having to accord with the draft AMS. Please can the applicant review the drafting of this requirement in advance of the hearing (see also Art 2 interpretation above). The applicant will be asked to explain the language used and how this requirement is intended to work.
 - **Additional requirements proposed by the Environment Agency.** The ExA notes that the EA has requested the inclusion of a number of additional requirements in the dDCO. The ExA considers that a number of these can be dealt with by adapting some of the existing requirements or by securing other forms of mitigation in the various management plans. The applicant will be asked to provide details on how they

Agenda for Issue Specific Hearing 1

	<p>anticipate addressing the concerns raised by the EA. The EA will be asked to explain why they consider additional requirements are necessary and whether they consider some of the concerns raised can be addressed by adapting some of the existing requirements or securing compensation or mitigation in the proposed management plans. Both parties will be asked to work together to narrow the issues between them and to, wherever possible, agree the wording of any requirements and protective provisions for the benefit of the EA.</p> <ul style="list-style-type: none"> • Schedule 12 – Documents and Plans to be Certified. The applicant will be asked to explain its approach and to commit to updating this schedule throughout the Examination.
Item 5	<p>Schedule 14 – Protective Provisions</p> <p>The ExA will invite the Applicant to provide an update on protective provisions. The ExA will invite the Statutory Undertakers and other parties that would benefit from the protective provisions to comment.</p>
Item 6	<p>Opportunity for interested parties to comment on other aspects of the dDCO and raise any matters not covered in items 1-5 above.</p>
Item 7	<p>Any other matters</p>
<p>Close of Issue Specific Hearing 1</p>	

The agenda is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all invited parties.

The hearing will start at 10.00am irrespective of any late arrivals, for whom access may not be possible.

If you participate using Microsoft Teams, please join the virtual lobby promptly using the instructions which will be sent to you. It may take some time to admit participants from the virtual lobby into the Arrangements Conference. Your patience while you are waiting is appreciated.

Please contact the Case Team using the contact details at the top of the Rule 6 letter if you require any support to attend the hearing.

Procedure at the hearing

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to

ensure representations are adequately tested or that an interested party has had a fair chance to puts its case.