



City of
Doncaster
Council

Answers to Examining Authority's Questions (ExQ1)

Project: Fenwick Solar Farm

Applicant: Fenwick Solar Project Limited

Unique Reference: B100000053

Ref:	Question to:	Question:	CDC Responses:
The draft Development Consent Order and other consents			
1.1.12	All IPs who fall within the definition of 'consenting authority' under Article 45(7)	<p>Article 45 (Procedure in relation to certain approvals etc)</p> <p>Please comment on the deemed consent provisions set out in Article 45(4) and confirm whether or not your organisation is content with the eight-week period for determination.</p>	<p>Article 45(4) states –</p> <p>“Save for applications made pursuant to Schedule 15 and where stated to the contrary if, within eight weeks (<u>or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing</u>) after the application or request has been submitted to a consenting authority it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request”. [Emphasis added].</p> <p>Owing to the deeming provision, dealing with any application for consent under art.45(4) will be a matter of high priority for CDC and it is likely that external help will be sought to ensure matters are dealt with on time. It will be noted that this DCO application is the first of three (known) DCO applications that will affect CDC's administrative area. It is likely that each DCO will include similar deeming provisions and so it is possible that CDC officers will have to deal with similar applications for up to 3 DCOs at the same time. In the light of this, it is essential that CDC is properly resourced to undertake this work. As explained in Item 6 paragraph (5) of CDC's post-hearing submission for ISH1 [REP1-047] the current fee regime (as set out in paragraph 5 of Schedule 15 (procedure for discharge of requirements)) is unsatisfactory and</p>

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			<p>CDC considers it should be replaced with a Planning Performance Agreement (“PPA”) which provides for the full recovery of CDC’s costs. CDC is finalising a draft PPA which it intends to share with the Applicant shortly after Deadline 2. CDC hopes that a satisfactory PPA can be agreed during the Examination.</p> <p>Regarding the 8-week determination period, CDC understands that an 8-week determination period (with the possibility of an extension) is often found in solar DCOs, though some include longer periods. (For example, the Gate Burton Energy Park Order 2024 (art.43(4)) and the Cottam Solar Project Order 2024 (art.45(4)) include a 10-week determination period (with the possibility of an extension)).</p> <p>Provided CDC is properly resourced, CDC considers the proposed 8-week determination period (with the possibility of an extension) is not unreasonable.</p>
1.1.21	City of Doncaster Council	Schedule 15 (Procedure for discharge of requirements) – Please confirm that the Council is content with the eight-week period set out in Schedule 15, Paragraph 2(2).	Please see CDC’s response to 1.1.12 which applies here.
Other projects and cumulative effects			
1.4.1	City of Doncaster Council	Does the Council agree with the identified cumulative developments assessed within each aspect chapter? If not, can it identify which cumulative developments have been	The Council confirms that this is agreed.

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		omitted from which assessments and explain why it consider they should be included.	
Landscape and visual, glint and glare, good design			
1.5.4	City of Doncaster Council	Does the Council consider that sufficient design content is secured to ensure its future consenting will meet the landscape, visual and good design objectives of the NPS?	<p>The Council is satisfied that the landscape and visual mitigation required, and the embedding of good design, is suitably secured through submitted documents and DCO requirements, in particular through:</p> <p>The Works Plan [APP-214] that secures the offsets required from sensitive landscape and visual receptors, particularly residential areas of Fenwick and Moss, and the River Went corridor, identifying these areas as being used for Work Number 9 only. The Works Plan also secures the location the project substation and BESS (Work Number 2 and 3) to be in less sensitive parts of the Order limits.</p> <p>The Outline Design Parameters Statement [APP-193] defines the parameters of the detailed design and therefore provides a control mechanism to ensure that the detailed design would not be of a lesser design quality, or result in a greater level of effect, than that detailed and assessed in the DCO submission.</p> <p>The FLEMP [REP1-029] that details the approach to planting and establishment of landscape and visual mitigation, including the identification of areas where more mature planting is required to provide effective mitigation sooner after planting.</p>

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			The various requirements in Schedule 2 of the draft DCO [REP01-015] which provides control mechanisms to ensure that the design objectives of the Scheme and that of the NPS are carried forward into the detailed design and CDC welcomes the Applicant's commitments to continue the engagement with CDC during that design process.
1.5.7	Applicant/City of Doncaster Council	The ExA notes that an updated representative viewpoint plan is currently being agreed [REP1-032]. The parties are asked to work together to agree a plan for submission at deadline 2.	Noted. The Council understands that the Applicant will submit this at Deadline 2 and has no further comments to make in this respect.
1.5.8	City of Doncaster Council	Please identify any outstanding concerns in relation to the methodology, scope or process of the applicant's assessment of landscape and visual amenity.	The Council has no outstanding concerns in these respects.
Biodiversity (including HRA and Biodiversity Net Gain)			
1.6.6	Natural England, City of Doncaster, Yorkshire Wildlife Trust	<p>Protected Species. Please comment on:</p> <p>a) the reptile survey methodology (ES Appendix 8-2: Reptiles Report [APP-146]). In particular, that only 2.32 hectares of the suitable habitat were surveyed, that no areas within the grid connection corridor were surveyed and the limitations and outcomes described in paragraphs 3.5.2 – 3.5.8 in the Reptiles Report.</p>	The Council has no concerns to raise in this respect as it concurs with the approach to the survey method undertaken. The grid connection corridor between the substation in solar panel plot SW8 and the grid connection line drop compound in solar panel adjoining plot SE2 has been looked at in the field. The corridor was noted to be as described in the reptile survey report and an assumption of the likely presence of grass snakes in low numbers can be safely accommodated in the proposed mitigation within ES Volume1 Chapter 8. CDC is satisfied with the response to this

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		<p>b) the Aquatic Ecology Report (ES Appendix 8-6: Aquatic Ecology Report [APP-151]) not providing mitigation measures during the operational phase and whether such mitigation measures should be provided.</p> <p>c) ES Appendices 8-7: Breeding Bird Report [APP-152 and APP-153] and 8-8: Non-breeding Bird Report [APP-154]. In particular, please comment:</p> <ul style="list-style-type: none"> i. on the breeding bird and non-breeding bird survey methodology with regards to the baseline for breeding birds and the extent of the survey in particular on Marsh Harrier, Grasshopper Warbler, Marsh Warbler and Garganey. ii. there being no territory mapping surveys for the grid connection corridor within ES Appendix 8-7. iii. the extent of the limitations referred to in Section 3.5 of ES Appendix 8-7. 	<p>issue.</p> <p>No comments from the Council to make on this.</p> <p>No comments from the Council to make on this.</p>
1.6.18	Natural England, City of Doncaster	ES Chapter 8: Ecology Table 8-10 (page 8-93 OMH on PDL Priority Habitat) [APP-060] and fLEMP paragraphs 7.3.18 – 7.3.25 [REP1-029]. Given OMH is a Priority Habitat and substrate is to be removed during the installation of the grid	The Council does not have concerns with the methodology set out within paragraphs 7.3.18 – 7.3.25 for the mitigation and reinstatement of the OMH that is proposed. OMH is an early successional habitat and can benefit from disturbance. The

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	Council, Yorkshire Wildlife Trust	connection corridor, do you have any concerns with the methodology set out within paragraphs 7.3.18 - 7.3.25 for its reinstatement and mitigation proposed.	unusual post-industrial substrate is important for allowing OMH interest to arise, and this will be retained and reinstated once the cable is installed.
1.6.19	City of Doncaster Council	Please comment on the range of proposed habitats across the solar PV site as shown on the Indicative Landscape Masterplan in Appendix A of the fLEMP [REP1-029] and the suitability of broadleaved woodland along the River Went corridor.	The Council has no specific comments to make in this respect but understands that the Indicative Landscape Masterplan does not indicate woodland in the areas adjoining the River Went, with the riparian areas described as “ <i>River Went Corridor Land adjacent to the River Went to remain open and managed for the benefit of biodiversity</i> ”. It would assume if woodland were to be introduced into the river corridor would it be for the purpose of screening, rather than necessarily having specific habitat value.
Biodiversity Net Gain			
1.6.23	Natural England, City of Doncaster	The applicant has stated [REP1-031] that it is adopting a deviation to the approach taken for other types of development, including under the TCPA 1990, for the biodiversity baseline by not including all land within the development’s order limits in relation to the grid connection corridor. Please comment on this approach.	CDC has no specific comments to make in this respect and understands it has been an approach used elsewhere. It would however make a general request that the Applicant continue to explore ways to maximise the potential biodiversity gains delivered through the Scheme where possible to do so.
1.6.28	Natural England, City of Doncaster Council	Page 15 of the applicant’s Response to Relevant Representations [REP1-031] . Please comment on the applicant’s response that they challenge the UKHab guidance with regards to the categorisation of all of the Solar PV panel footprint being categorised as ‘Grassland –	<p>The UKHab guidance would represent a more precautionary approach but ultimately regardless of the approach to mapping, the Council acknowledges that gains will exceed 10%.</p> <p>Paragraph 9.5 of CDC’s Local Impact Report [REP1-048] states that in respect of biodiversity net gain, there had been some debate between the Council and Applicant concerning how habitat below</p>

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		modified grassland' rather than the strips of open habitat between the panels being recorded separately.	the solar panels is recorded, (as set out in the Council's Relevant Representation). However, at the time the Local Impact Report was submitted, CDC accepted that there will be a significant gain in the conversion of cropland to grassland regardless of how this is calculated. This was also reflected in the Statement of Common Ground submitted at Deadline 1 [REP1-031] .
The water environment			
1.7.1	The Environment Agency and the Lead Local Flood Authority	Paragraph 2.1.2 of ES Appendix 9-3: Flood Risk Assessment [APP-158] & APP-159 notes that the order limits include a section of highway at the junction of the A19 and Station Road but explains that as no development is planned along this route, it has not been considered as part of the FRA. It is, however, noted that for some of the modelling, the relevant extent of the modelling includes this area. Please confirm whether your organisation is content with this approach to modelling.	The Council, in its role as Lead Local Flood Authority, confirms agreement with the approach to modelling.
Soils and agriculture			
1.8.4	City of Doncaster Council	Please comment on: <ul style="list-style-type: none"> a) the methodology and findings used for the assessment of soils and BMV land and the use of the Ministry of Agricultural, Farming and Fisheries guidance as set out within the ALC Report [APP- 	The use of Ministry of Agricultural, Farming and Fisheries ('MAFF') guidance for the methodology and findings for the assessment of soils and BMV is accepted by the Council. CDC note that recent DCO consent for the Cottam Solar Project used Natural England

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		<p>175].</p> <p>b) The Framework Soil Management Plan (fSMP) [APP-199] including the control mechanisms for safeguarding soils along the grid connection corridor.</p>	<p>(‘NE’) Technical Information Note (TIN) 049 ‘TIN049’. However, both MAFF and NE adopt the same strategy for determining soil quality - in terms of the use of 1.2m deep augurs and pits at a sample of one boring per hectare. The results are likewise assessed and compared to other climatic data sources to provide an overall grading of the soil resource from Grade 1 through to Grade 5 soils.</p> <p>CDC have agreed that the soils in the grid connection corridor will only be impacted temporarily during the laying of cables and the approach is to reinstate these as soon as practically possible for beneficial farming practices. There will be no above ground infrastructure and subject to the measures outlined within the fSMP to deal with soil removal, storage and restoration – the soils will be replaced post-construction and be able to be utilised without any degradation to the soils. The detailed SMP, based on the fSMP, will provide industry standard good practice measures for this work and will be considered a ‘live document’ to be updated as required. Paragraph 4.10.4 of the fSMP states: ‘The main objective for the restoration of agricultural land is to reinstate the land to its original (pre-development) Agricultural Land Classification (ALC) grade. This will primarily be achieved by ensuring the full soil profile is restored in the correct sequence of horizons and is in a state where good soil profile drainage and plant root development are achieved, and this will ensure the reinstatement works cause minimum damage to soil structure.</p>

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Transport and access, highways and public rights of way			
1.10.3	City of Doncaster Council	Please comment on whether the Highway Authority are concerned with the proposed increase in HGV movements along the local highway network including Moss Road, Trumfleet Lane, Marsh Road, Brick Kiln Lane and Thorpe Bank including the access required for transportation of equipment for the horizontal directional drilling.	<p>Provided the provisions contained within the Framework Construction Management Plan [APP-206 & APP-207] are carried forward in the details submitted pursuant to Requirement 13 of Schedule 2, as set out in the draft DCO [APP-220], CDC is satisfied.</p> <p>Specifically, CDC would note the importance of the pre- and post-construction road conditions surveys and the need for any surfaces to be reinstated, in liaison with the local highway authority.</p>
1.10.4	City of Doncaster Council	<p>ES Appendix 13-4:Transport Assessment [APP-179] paragraphs 10.5.6 and 10.5.8. Please comment on:</p> <ul style="list-style-type: none"> a) Paragraph 10.5.6 that Automatic Traffic Count (ATC) 9, 10, 11, 12, 13 and 14 has sufficient capacity on the road network to accommodate the addition trips generated by workers accessing the Solar PV site during the construction phase. b) Paragraph 105.8 that the development would extend the peak hour and the hour affected would generally be no worse than current peak hour and if there are concerns with extending peak hour. 	<p>The Council is comfortable that the ATC sites have sufficient capacity to accommodate the additional trips by workers, the trips are outside the traditional highway peak hours. CDC would require Fenwick Common Lane to be used by workers to access the Site, not Fenwick Lane.</p> <p>CDC do not have concerns with extending the peak hours.</p>

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1.10.11	City of Doncaster Council	Table 4: Summary of PIC Data by Road of ES Appendix 13-4: Transport Assessment [APP-179] . Please confirm if the collisions on Moss Road are in one location or spread along the length of Moss Road.	The collisions are not concentrated at one location on Moss Road, they are spread across a number of locations and junctions between Kirkhouse Green Road and Fenwick Common Lane.
1.10.12	City of Doncaster Council	Table 5: Summary of PIC Data by Junction of ES Appendix 13-4: Transport Assessment [APP-179] . Please comment on the PIC Data presented and confirm there is no PIC Data for the junctions of Moss Road/ Fenwick Common Lane; and Moss Road/ Trumfleet Lane.	Having reviewed the data sent previously, there are 2 “slight” collisions on Moss Road J/W Fenwick Common Lane, but they do not appear to be included in the Table. There’s a “slight” at the junction with Trumfleet Lane and a “serious” on Trumfleet Lane itself which are included.
1.10.14	City of Doncaster Council	The fCTMP [APP-251] & [APP-252] paragraph 5.3.8 states that HGVs would be redirected via an alternative route if access to the Solar PV site is compromised due to an incident or road closure. Please comment on whether the fCTMP should include a notification process to CDC highway department for such circumstances.	The Council would require a notification process in place if HGVs were redirected away from the designated route, whatever the circumstances.
1.10.15	City of Doncaster Council	<p>Please comment on the proposed embedded mitigation measures for Public Rights of Way (PRoW) as set out in the ES Chapter 12: Socio-Economics and Land Use [REP1-013] and the Framework Public Rights of Way Management Plan (fPRoWMP) [REP1-027] in particular:</p> <ul style="list-style-type: none"> a) for the diversion of Moss 6 and Fenwick 14 during the construction phase and their permanent diversion during the operational phase, b) for Fenwick 16 (Haggs Lane) 	<p>The Council agrees that the proposed embedded mitigation measures are reasonable.</p> <p>Both Moss 6 and Fenwick 14 have a recorded width on the definitive statement of 3 feet. Temporary fencing installed alongside to separate and safeguard users should provide a path that is wider than the legal minimum. Similarly, Fenwick 16 has a recorded width of 4 feet, and wider width should be provided, particularly as pedestrians will be moved adjacent to the hedge throughout the construction phase.</p>

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		to safeguard users of these PRow during the construction and operational phases.	The diversion of Moss 6 and Fenwick 14 during construction will segregate users from construction traffic. Traffic movements along the diverted route during the operational phase will be minimal and should not pose any issues to users of the path.
1.10.16	City of Doncaster Council	Please provide an update on the progress of the application to upgrade Sykehouse 29 and Fenwick 12 to bridleways, including its expected timescale for determination.	<p>To clarify, this application was added to the Council's register, but it is not fully compliant with Schedule 14 of the Wildlife and Countryside Act 1981. So, the investigation of potential higher rights is not a progress of the application itself, rather it is to try and avoid the situation whereby the footpaths are diverted should the Fenwick scheme be consented and then they are subsequently found to have carried higher rights.</p> <p>CDC is unable to provide an expected timescale for determination but hopes that it would be able to determine within six months whether to make a modification order. If an order is made, objections would be likely, resulting in the order being passed to the Planning Inspectorate to decide. In our experience, this could then take a further 18 months approximately.</p>
1.10.20	City of Doncaster Council	Are CDC content with the applicant's definition of 'importance' in the context of PRow within ES Chapter 12: Socio-Economics and Land Use [REP1-013] . Please explain why the usage of a rural PRow is comparable to an urban PRow when they are a different setting and may have different purposes and also different populations in the locality using them.	<p>The Council confirms that it is content with the definition provided.</p> <p>By way of explanation, the rights of way network in rural areas and in the area around the proposed solar farm is different to that in urban and urban fringe areas and is used differently. The Council's experience is that rural paths have lower use compared to urban paths. Ultimately, and irrespective of the amount of use or location, the Council has a duty to assert and protect the rights of the public to the use and enjoyment of the whole public rights of way network.</p>

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1.10.24	City of Doncaster Council	For PRow along the grid connection corridor, please comment on the trigger points and mechanisms set out in the fPROWMP [REP1-027] and how they safeguard users of these PRow.	The Council has no specific comments to make in this respect. The mechanisms set out in the fPROWMP are considered to be suitable.
Noise, vibration, air quality, and nuisance			
1.11.2	City of Doncaster Council	Please comment on the methodology used within the ES Chapter 11 [APP-063] alongside the LOAEL and SOAEL thresholds used for all phases of the development proposed.	The methodologies chosen and applied to provide the baseline sound levels and calculated impact of the noise from the phases of the development are suitable and sufficient for these purposes. The representative threshold values for LOAEL, SOAEL and UEAL indicated in table 11-4 of Chapter 11 Noise and vibration are appropriate.
1.11.6	City of Doncaster Council	ES Chapter 11: Noise and Vibration paragraph 4.2.1 [APP-063] . Please comment on this paragraph with regards to: <ul style="list-style-type: none"> a) potential for noise generating operations to occur outside of daytime working hours and that no unattended 24-hour noise monitoring was carried out with regards to potential noise impacts for HDD operations. b) the applicant's approach to the collection of the short-term noise measurements 	<p>The Council recognises that the potential for noise generating operations to occur outside of the agreed working hours is suitably addressed by the stated policy to utilise an application under section 61 of Control of Pollution Act 1974.</p> <p>No concerns are raised in respect of this approach.</p>
1.11.8	City of Doncaster Council	ES Appendix 11-4: Construction and Operation and Maintenance Noise Modelling [APP-172] . Please comment	The Council is satisfied that the modelling and assumptions are appropriate using recognised standards. The results have fed into the Framework CEMP [APP-196] providing for suitable worst-case

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		on the modelling and assumptions included in this appendix.	scenarios to enable the determination of mitigating measures to be applied during each phase for the control and management of noise on the receptors.
Socio-economics, tourism, and recreation			
1.12.2	City of Doncaster Council	The Local Impact Report [REP1-048] paragraph 11.8 comments that the fSSCEP [APP-204] could be more ambitious in respect of the number of people employed during construction within a 60-minute drive time. Please provide clarification on what further detail the CDC would wish to be included within this strategy.	<p>The Council has no specific further detail that can be quantified in this respect, other than a general expectation to maximise the number of people employed locally during the construction phase, and to ensure construction activity takes place using local firms wherever possible. The Council has dedicated teams that support residents to access local training and employment opportunities and can help them to upskill.</p> <p>CDC recognises that this can be suitably secured insofar as reasonably possible within the details provided pursuant to Requirement 16 of Schedule 2 of the DCO [APP-220] should consent be given.</p>
1.12.3	City of Doncaster Council	The SoCG between CDC and the applicant [REP1-032] does not include Chapter 12: Socio-economics [APP-064] within those chapters that are acceptable for the assessment methodology or baseline assessment. Please comment on why this chapter has not been included within these parts of the SoCG.	This matter has been agreed and the Council understands that this was reflected in the SOCG submitted at Deadline 1 [REP1-031]. For the avoidance of any doubt, CDC confirms that these matters are agreed and has no further comments to make in these respects.
1.12.7	City of Doncaster Council	Are CDC satisfied that the applicant, through ES Appendix 12-2 Minerals Safeguarding Report [APP-174], have	CDC can confirm that it is satisfied with ES Appendix 12-2 Minerals Safeguarding Report in all respects.

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		provided a mineral survey identifying the extent and quality of mineral and an estimate of the overall economic value.	Whilst the estimate of the overall economic value of the mineral has proved to be difficult to assess (although information on the potential mineral resource is given), the conclusions in the report confirm that CDC has an adequate landbank (which is agreed), that the impact of the development on the potential resource is very limited due to the width of the cable trench (also agreed), and importantly that non mineral development can take place without preventing any potential economically viable mineral resource from being extracted in the future, as the Grid Connection Corridor is only located approximately 1.2 to 1.4m below ground level and could be diverted should economically viable mineral be identified by a potential mineral operator (also agreed).