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# FENWICK SOLAR FARM

**Fenwick Solar Farm  
EN010152**

**Applicant's Response to Submissions Received at Deadline 2**  
Document Reference: EN010152/APP/8.30

Planning Act 2008  
The Infrastructure Planning (Examination Procedure) Rules 2010

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Prepared for:  
Fenwick Solar Project Limited

Prepared by:  
AECOM Limited

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# 1. Introduction

## 1.1 Purpose of this document

- 1.1.1 The purpose of this document is to provide Fenwick Solar Project Limited's (the Applicant) responses to the following:
- Interested Parties' Submissions to the Examining Authority's (ExA) first written questions submitted at Deadline 2 which include matters that have not been considered previously; and
  - Other submissions made by Interested Parties at Deadline 2 which include matters that have not been considered previously.
- 1.1.2 The Development Consent Order (DCO) application (the Application) for Fenwick Solar Farm was submitted on 1 November 2024 and accepted for Examination on 29 November 2024. Deadline 1 of Examination was on 30 April 2025 and Deadline 2 of Examination was on 28 May 2025.
- 1.1.3 A total of 77 submissions were submitted to the Examination at Deadline; 66 of these were from the Applicant, with 11 being from Interested Parties. To avoid repetition, the Applicant has focused on comments within those submissions that make points that have not been addressed previously, within the **Applicant's Response to Relevant Representations [REP1-031]**, **Applicant's Responses to Submissions Received at Deadline 1 [REP2-058]**, **Applicant's Response to the ExA's written questions [REP2-059]**, **Applicant's Response to the City of Doncaster Local Impact Report (LIR) [REP2-060]** or where the Applicant considers that further clarification may be useful.

## 1.2 Structure of this Document

- 1.2.1 This document provides responses from the Applicant to submissions received at Deadline 2, and is structured as follows:
- Table 1-3: Applicant's Responses to Interested Parties' Submissions to First Written Questions at Deadline 2.
  - Table 1-4: Applicant's Responses to Other Submissions made by Interested Parties at Deadline 2.
  - Table 1-5: Applicant's Responses to the City of Doncaster's (CDC) reply to the Applicant's Schedule of Changes to the draft DCO **[REP1-046]**.
- 1.2.2 Responses received by Interested Parties are presented as verbatim text (unless indicated otherwise) and are then responded to by setting out the Applicant's latest position on the matter.
- 1.2.3 The reference number column in the tables below refers to the reference given to the submissions made by Interested Parties.
- 1.2.4 The documents submitted with the Application are also referenced in this document, using the reference number [APP/x.y], where the last two/three numbers are the application document number, as set out in the Examination Library. All documents are also presented in numerical order in the **Guide to the Application [EN010152/APP/1.2]**.

**Table 1-1: List of Interested Parties that Submitted Responses at Deadline 2**

**RR/Examination Interested Party  
Reference  
Number**

REP2-067	City of Doncaster Council
REP2-068	City of Doncaster Council
REP2-069	Environment Agency
REP2-070	Natural England
REP2-071	Natural England
REP2-072	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited
REP2-073	Broadfield Law UK LLP on behalf of Able UK Ltd
REP2-074	Exolum Pipeline System Ltd
REP2-075	The Burnet Heritage Trust
REP2-076	The Burnet Heritage Trust
REP2-077	The Burnet Heritage Trust

1.2.5 For ease of reference, a table of acronyms used in this document is provided in Table 1-2 of this document.

**Table 1-2: Abbreviations**

<b>Abbreviation</b>	<b>Definition</b>
ALC	Agricultural Land Classification
ATC	Automatic Traffic Count
BNG	Biodiversity Net Gain
CAPS	Consents, Agreements and Position Statement
CDC	City of Doncaster Council
CQA	Construction Quality Assurance
DCO	Development Consent Order
EA	Environment Agency
EPR	Environmental Permitting (England and Wales) Regulations 2016
ES	Environmental Statement
ExA	Examining Authority
FCEMP	Framework Construction Environmental Management Plan
FCTMP	Framework Construction Traffic Management Plan

<b>Abbreviation</b>	<b>Definition</b>
FLEMP	Framework Landscape and Ecological Management Plan
FRA	Flood Risk Assessment
FRAP	Flood Risk Activities Permits
fSMP	Framework Soil Management Plan
fSSCEP	Framework Skills Supply Chain and Employment Plan
HGV	Heavy Goods Vehicle
MAFF	Ministry of Agricultural, Farming and Fisheries
NE	Natural England
NPS	National Policy Statement
NR	Network Rail
NSER	No Significant Effects Report
NSIP	Nationally Significant Infrastructure Project
PPA	Planning Performance Agreement
PRoW	Public Rights of Way
TIN	Technical Information Note
SAC	Special Area of Conservation
SMP	Soil Management Plan
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPI	Species of Principal Importance
SSSI	Site of Special Scientific Interest

1.3 Applicant’s Responses to Interested Parties’ Submissions to First Written Questions at Deadline 2

Table 1-3: Applicant’s Responses to Interested Parties’ Submissions to First Written Questions at Deadline 2

ExQ1	Respondent	Question	Response at Deadline 2	Applicant’s Response at Deadline 3
1.1.12	City of Doncaster Council	<p><b>Article 45 (Procedure in relation to certain approvals etc)</b></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 – “Save for applications made pursuant to Schedule 15 and where stated to the contrary if, within eight weeks (or such longer period as may be agreed between the undertaker and the relevant consenting authority in writing) 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 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>	<p>CDC provided a draft PPA to the Applicant to review on 5 June, to address the matter of fees between the parties. The Applicant reviewed this draft, and discussed it with CDC during the week of the hearings, providing written comments back on the draft to CDC on the 19 June. The Applicant understands CDC is still considering those comments, but it remains the priority of both parties to progress the PPA as soon as possible within the Examination, and therefore resolve the remaining resourcing matters CDC raises in this D2 response. The Applicant intends to provide an update to the Examining Authority on this matter at Deadline 4.</p>
1.1.21	City of Doncaster Council	<p><b>Schedule 15 (Procedure for discharge of requirements) –</b></p> <p>Please confirm that the Council is content with the eight-week period set out in Schedule 15, Paragraph 2(</p>	<p>Please see CDC’s response to 1.1.12 which applies here.</p>	<p>The Applicant refers to the response provided in the row above, which deals with this matter.</p>



ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
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 omitted from which assessments and explain why it consider they should be included.	The Council confirms that this is agreed.	The Applicant notes this comment.
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> <p>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.</p>	The Applicant notes these comments.
1.5.7	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.	The Applicant confirms that <b>ES Volume II Figure 10-9 Representative Viewpoint Locations (Rev.01) [REP2-012]</b> was submitted at Deadline 2 and that this matter is agreed between the Applicant and CDC as per section 12.9 of the <b>DRAFT Statement of Common Ground between Fenwick Solar Project Limited and City of Doncaster Council [EN010152/APP/8.5]</b> .



ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
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.	The Applicant notes this comment.
1.6.6	City of Doncaster Council	Protected Species. Please comment on: 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.  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.  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: 1. 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. 2. there being no territory mapping surveys for the grid connection corridor within ES Appendix 8- 7. 3. the extent of the limitations referred to in Section 3.5 of ES Appendix 8-7.	<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 Volume 1 Chapter 8. CDC is satisfied with the response to this issue.</p> <p>No comments from the Council to make on this.</p> <p>No comments from the Council to make on this.</p>	The Applicant notes these comments.
1.6.18	City of Doncaster Council	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	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 unusual post-industrial substrate is	The Applicant notes these comments.

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
		installation of the grid 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.	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 "River Went Corridor Land adjacent to the River Went to remain open and managed for the benefit of biodiversity". 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.	The Applicant notes these comments and can confirm that broadleaved woodland is not proposed within the River Went corridor.
1.6.23	City of Doncaster Council	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.	The Applicant notes these comments and will continue to work with CDC through the preparation of the Biodiversity Net Gain (BNG) strategy secured by Requirement 7 of Schedule 2 of the <b>draft DCO [EN010152/APP/3.1]</b> .
1.6.28	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 – modified grassland' rather than the strips of open habitat between the panels being recorded separately.	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%. 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 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 Applicant notes these comments and refers to section 11.3 of the <b>DRAFT Statement of Common Ground Between Fenwick Solar Project Limited and City of Doncaster Council [EN010152/APP/8.5]</b> which confirms agreement between the Applicant and CDC on the methodology used for calculating BNG.
1.7.1	City of Doncaster Council	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.	The Applicant notes this comment.

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
1.8.4	City of Doncaster Council	<p>Please comment on:</p> <p>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 175].</p> <p>b) The Framework Soil Management Plan (fSMP) [APP199] including the control mechanisms for safeguarding soils along the grid connection corridor</p>	<p>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 ('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>	The Applicant notes these comments.
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.	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. Specifically, CDC would note the importance of the pre- and postconstruction road conditions surveys and the need for any surfaces to be reinstated, in liaison with the local highway authority.	The Applicant notes these comments and confirms that pre and post condition surveys of the affected road network will be completed. This is in line with Section 5.2.3 of the <b>Framework Construction Traffic Management Plan [APP-206]</b> , which in turn is what the construction traffic management plan under Requirement 13 of Schedule 2 of the draft DCO must be substantially in accordance with.
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> <p>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.</p>	<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>	The Applicant notes these comments and confirms that the <b>Framework Construction Traffic Management Plan [APP-206]</b> provides details of the routes that will be used for construction vehicles and construction workers.

ExQ1	Respondent	Question	Response at Deadline 2	Applicant’s Response at Deadline 3				
		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.						
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.	The Applicant notes these comments.				
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.	<p>The Applicant confirms that the two slight accidents shown in <b>ES Volume II Figure 13-5: Traffic Accident Locations [APP-127]</b> at the Moss Road / Fenwick Common Lane junction are not shown in Table 5 of <b>ES Volume II Appendix 13-4: Transport Assessment [APP-179]</b>. Therefore, Table 5 should be read to include the following:</p> <table><tr><th>Link</th><th>Slight</th></tr><tr><td>Moss Road/ Fenwick Common Lane</td><td>2</td></tr></table> <p>The two slight accidents occurred in 2018 and 2020 and their inclusion in Table 5 does not alter the conclusions at paragraphs 4.4.6 and 11.1.3 of <b>ES Volume II Appendix 13-4: Transport Assessment [APP-179]</b>.</p>	Link	Slight	Moss Road/ Fenwick Common Lane	2
Link	Slight							
Moss Road/ Fenwick Common Lane	2							
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.	Section 5.3.8 of the <b>Framework Construction Traffic Management Plan [APP-206]</b> has been drafted to reflect a scenario whereby emergency works or incidents have required a diversion to be put in place. In these instances, construction vehicles will adhere to the diversion that have been agreed with the local highway authority.				
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> <p>a) for the diversion of Moss 6 and Fenwick 14 during the construction</p>	<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>	The Applicant notes these comments. Paragraph 4.1.3 of the <b>Framework Public Rights of Way Management Plan [REP2-040]</b> identifies the minimum widths that have been incorporated into the design, all of which exceed the widths cited in CDC’s response.				



ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
		<p>phase and their permanent diversion during the operational phase,</p> <p>b) for Fenwick 16 (Haggs Lane)</p> <p>to safeguard users of these PRow during the construction and operational phases.</p>	<p>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.</p>	
1.10.16	City of Doncaster Council	<p>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>	<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. 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>	<p>The Applicant notes these comments and also refers to section 1.10.17 of the <b>Applicant's Response to the ExA's written questions [REP2-059]</b> which responds to a similar question regarding Sykehouse 29 and Fenwick 12.</p>
1.10.20	City of Doncaster Council	<p>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>	<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> <p>The Council has no specific comments to make in this respect. The mechanisms set out in the fPROWMP are considered to be suitable.</p>	<p>The Applicant notes these comments.</p>
1.11.2	City of Doncaster Council	<p>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.</p>	<p>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.</p>	<p>The Applicant notes these comments.</p>
1.11.6	City of Doncaster Council	<p>ES Chapter 11: Noise and Vibration paragraph 4.2.1 [APP063]. Please comment on this paragraph with regards to:</p> <p>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.</p>	<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>	<p>The Applicant notes these comments.</p>

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
		b) the applicant's approach to the collection of the short-term noise measurements		
1.11.8	City of Doncaster Council	ES Appendix 11-4: Construction and Operation and Maintenance Noise Modelling [APP-172]. Please comment on the modelling and assumptions included in this appendix.	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 scenarios to enable the determination of mitigating measures to be applied during each phase for the control and management of noise on the receptors.	The Applicant notes these comments.
1.12.2		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>	The Applicant notes these comments and also refers to section 11.8 of <b>Applicant's Response to the City of Doncaster Local Impact Report (LIR) [REP2-060]</b> and section 14.1 of the <b>DRAFT Statement of Common Ground Between Fenwick Solar Project Limited and City of Doncaster Council [EN010152/APP/8.5]</b> which similarly confirm agreement between the Applicant and CDC that maximising the number of people employed locally during construction will be considered through the preparation of the Skills, Supply Chain and Employment Plan secured by Requirement 16 of Schedule 2 of the <b>draft DCO [EN010152/APP/3.1]</b> .
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.	The Applicant notes these comments and refers to the <b>DRAFT Statement of Common Ground Between Fenwick Solar Project Limited and City of Doncaster Council [EN010152/APP/8.5]</b> for the agreed position.
1.12.7	City of Doncaster Council	Are CDC satisfied that the applicant, through ES Appendix 12-2 Minerals Safeguarding Report [APP-174], have provided a mineral survey identifying the extent and quality of mineral and an estimate of the overall economic value.	<p>CDC can confirm that it is satisfied with ES Appendix 12-2 Minerals Safeguarding Report in all respects.</p> <p>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).</p>	The Applicant notes these comments.

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
1.2.8	Environment Agency	The ExA notes the EA's comments in its RR [RR-003] in relation to the applicant's Consent and Agreements Position Statement. In response [REP1-031], the applicant states that it considers the combination of the draft DCO powers and the consents listed in the CAPS [APP-017] are comprehensive. Please identify any consents or agreements you consider have been omitted	We are happy with the Consents and Agreements Position Statement. We note that Flood Risk Activity Permits have been included at p3.2.2.f.ii. The disapplication of FRAPs has not been granted.	<p>The Applicant notes the Environment Agency is largely satisfied with the Consents and Agreements Position Statement.</p> <p>The Applicant and the Environment Agency are continuing discussions in relation to the disapplication of Flood Risk Activities Permits (FRAP). The latest position regarding the disapplication of FRAP is set out in the first row of Table 1.4 below.</p>
1.7.1	Environment Agency	Paragraph 2.1.2 of ES Appendix 9-3: Flood Risk Assessment [APP158 & 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.	We are happy with the modelling approach taken by the applicant to determine flood risk to and from the proposed development. This included producing new detailed hydraulic modelling for the River Went and assessing flood risk from the River Don. The modelling has also included an assessment of residual risk to the development because of breaching of flood defences. In terms of the junction between the A19 and Station Road in Askern, this area is within Flood Zone 1 in the updated Flood Map for Planning which was published on the 25th March 2025 and is outside of the modelled flood extents for the River Went and the River Don. We note the area is shown to flood in a “Wet Day” reservoir scenario, but this is a residual risk scenario based on reservoir breach. Furthermore, we note that the junction falls within the British Geological Survey’s groundwater flood risk extents and falls within an area of potential ground water flooding below ground level. Considering there is no development proposed in this location we have no concerns.	The Applicant agrees with the conclusion reached by the Environment Agency regarding flood risk at the junction between the A19 and Station Road in Askern. As confirmed in Paragraph 2.1.2 of <b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> submitted at Deadline 2, there is no development proposed in this location, and the area is within Flood Zone 1 and outside the flood extents from the updated hydraulic modelling presented at Deadline 2. Whilst it is within a reservoir scenario and area of potential ground water flooding, the Applicant agrees that this is not of concern.
1.7.4	Environment Agency	The ExA notes that Annex A of ES Appendix 9-3: Flood Risk Assessment [APP-158 & APP-159] includes various assumptions and limitations (see Section 9). It indicates that the “with scheme” scenario has not been modelled for either the fluvial or breach models used because the presence of the panels and associated infrastructure in 4 the Solar PV Site (as the grid connection corridor is below ground and would therefore not pose an increase to flood risk) does not impact floodplain storage or flood water movement. Details on this are provided in paragraph 7.2.1 of the FRA. Please confirm that the EA is content with the approach adopted by the applicant.	We are happy with the approach of only modelling the baseline (existing) and future baseline (with climate change) flood risk to the proposed development area. Given the small size of the solar panel support frames this brings associated technical challenges when representing such features within flood risk hydraulic modelling. We have asked the applicant to quantify the loss of flood plain storage because of the solar panel supports and field stations which fall within the design flood extent and the applicant has committed to providing associated flood compensatory storage to account for this loss. We have asked the applicant to present these calculations within the Flood Risk Assessment. Additionally, as part of the proposed development the removal of a culvert on the Fleet Common Drain is proposed, and two culverts are proposed to be extended by 2 metres. The impact of these is being assessed using detailed hydraulic modelling for the culvert removal and hand calculations in line with CIRIA guidance on culverts, screens, and outfalls for the culvert extensions. We consider this to be reasonable.	<p>Flood plain loss and compensation has been confirmed by the Applicant in Section 7.2 of <b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> submitted at Deadline 2. This totals 255.2 m<sup>3</sup> which, as detailed in <b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> and the <b>Framework CEMP [EN010152/APP/7.7]</b>, will be compensated prior to the construction commencing and positioned in an appropriate location within the Order limits. Full details regarding the proposed flood plain storage compensation will be confirmed post-consent at the detailed design stage.</p> <p>The <b>Culvert Capacity Assessment [REP2-064]</b> presented at Deadline 2 demonstrates that there are no adverse impacts from modifications to culverts as part of the Scheme. The methodology used to inform the <b>Culvert Capacity Assessment [REP2-064]</b> was agreed with the Environment Agency in a meeting held on 28 February 2025 and is considered proportionate, given the size of the watercourses and limited changes proposed to the culverts as part of the Scheme.</p>



ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
1.7.10	Environment Agency	The ExA notes that the methodology of the hydraulic modelling undertaken as part of the FRA [APP-158 & APP-159] was agreed with the Environment Agency. We further note that the hydraulic modelling report (Annex A of the FRA) and model data was sent to the Environment Agency for review and approval but their comments and approval were still pending at the time of submission. Please provide an update.	We reviewed the hydraulic modelling and hydrological assessment for Fenwick Solar Farm in February 2025. As part of this review, we raised several comments the most notable of which were around how well the model outputs compare against historic recorded water levels at the Topham Ferry River Gauge. The design event water levels within the hydraulic model appeared to be lower than observed water levels for some notable flood events in June 2007, February 2021, and January 2024. Following our review of the modelling, the applicant has committed to undertake further testing with the hydraulic model to demonstrate the impact of potential underprediction in flood levels on flood risk outputs within the hydraulic model and flood risk to the proposed development. We are happy that the applicant is working towards addressing our initial comments on the hydraulic model and we await further information from the applicant on this which will be presented within the Flood Risk Assessment.	<b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> and <b>ES Volume III, Appendix 9-3 Flood Risk Assessment Annexes [REP2-017]</b> were updated at Deadline 2 to present the results of the revised hydraulic modelling undertaken for the Scheme. Changes to flood extents as a result of the revised hydraulic modelling have been considered by the Applicant and the Scheme design and mitigation updated, where required, and included within <b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> and <b>Framework CEMP [EN010152/APP/7.7]</b> .
1.7.12	Environment Agency	The EA published new flood and coastal erosion risk data on 25 March 2025. Are there any implications for the relevant assessments for the proposed development, as a result of these updated data sets?	<p>The new flood and coastal erosion risk data published by the Environment Agency between January 2025 and March 2025 has no impact on the proposed development when compared to the previous flood and coastal erosion risk datasets. For example, in the context of the Flood Map for Planning, there have been no changes in the extent of the Flood Zone 3 and Flood Zone 2 within the order limits for the development when comparing the pre–March 2025 and post March 2025 updates.</p> <p>Furthermore, the applicant has undertaken site specific detailed hydraulic modelling to assess flood risk to the development. This provides a more detailed assessment of flood risk to the development than the new flood and coastal erosion risk datasets and covers smaller watercourses which are not represented in this data. The applicant is considering the updated flood and coastal erosion risk data as part of their Flood Risk Assessment but fundamentally we have no concerns with regards to the publication of this new data. The site-specific analysis being undertaken by the applicant provides a more detailed assessment of flood risk in the context of the proposed development</p>	<p><b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> and <b>ES Volume III, Appendix 9-3 Flood Risk Assessment Annexes [REP2-017]</b> were updated at Deadline 2 to consider the latest Environment Agency flood mapping data available at the time. The Applicant can confirm there are no implications as a result of the updates published by the Environment Agency between January 2025 and March 2025.</p> <p><b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> and <b>ES Volume III, Appendix 9-3 Flood Risk Assessment Annexes [REP2-017]</b> were updated at Deadline 2 to present the results of the revised hydraulic modelling undertaken for the Scheme. Changes to flood extents as a result of the revised hydraulic modelling have been considered by the Applicant and the Scheme design and mitigation updated, where required, and included within <b>ES Volume III, Appendix 9-3: Flood Risk Assessment [REP2-015]</b> and <b>Framework CEMP [EN010152/APP/7.7]</b>.</p>
1.8.5	Environment Agency	The EA's RR [RR-003] notes that the fSMP [APP-199] does not include figures or supporting information and the final detailed SMP would require more information for it to serve as a functional product. Please provide clarification on what further detail the EA wishes to see within the fSMP.	<p>A list of the further detail required is given as Section 2.1.2; this is what the EA wishes to see for the final detailed SMP to be a functional product. We note that the detailed SMP will be a live document and subject to updates throughout the construction phase. We also acknowledge that other management and mitigation will be provided for in other plans, such as the CEMP; this is likely to include management of [potential] contamination and protection of surface and groundwater. As noted in Section 1.1.6, the “detailed SMP ... will be informed by information provided through detailed soil surveys completed within the Solar PV Site”. The detailed SMP cannot therefore be produced until after additional site-specific surveys are complete. For the most part, information within the SMP is not relevant to GWCL matters, providing that any necessary general management is detailed elsewhere.</p>	<p>The Applicant can confirm that, prior to the start of construction, a detailed SMP which must substantially accord with the <b>Framework SMP [REP2-033]</b> will be submitted to and approved by the relevant planning authority. This is secured by Requirement 15 of Schedule 2 of the <b>Draft DCO [EN010152/APP/3.1]</b>).</p> <p>As confirmed in Paragraph 1.1.6 of the <b>Framework SMP [REP2-033]</b> and Table 3-9 of the <b>Framework CEMP [EN010152/APP/7.7]</b>, the detailed SMP will consider any additional site-specific soils data complied via pre-commencement soil surveys and any other relevant data available at that time.</p>

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
			However, findings of the soil surveys including chemical composition and presence of groundwater may be relevant.	
1.13.8	Environment Agency	In your relevant representation [RR-003], you note that within ES Appendix 14-3: Phase 1 Preliminary Risk Assessment [APP-183] paragraph 12.1.3, the applicant states that the proposed ground investigation works can be used to allow for considering options for appropriate reuse. However, the Environment Agency also say the scope of the works suggested in paragraphs 12.1.1 and 12.1.2 are unlikely to be sufficient to inform assessments for reuse of material but that any additional sampling could be carried out at a later time when earthworks requirements are better understood. Please provide clarification on what further details would be required.	<p>The current proposed scope of intrusive works (sections 12.1.1 and 12.1.2) is only targeting selected areas of potential contamination. With respect to potential soil reuse, any results from this investigation can only be used to assess appropriate use of soil from the areas sampled. Sampling frequency in these areas must be sufficient to provide a representative model for the quantity of soil under consideration for reuse. Geotechnical testing may be necessary in addition to chemical testing.</p> <p>If the applicant proposes to use the intrusive works to characterise soils across the site, for reuse with reference to DoW:CoP (Section 12.1.3), the whole site should be sampled, and a greater sampling frequency should be considered. Targeted sampling of potentially contaminated areas is not suitable to create a model of character and variability of ground conditions across the site.</p> <p>In either circumstance, we would like to see further details about the scope of the proposed ground investigation works. Currently the applicant has identified targets for the investigation based on the Conceptual Site Model (Section 12.1.2 and Table 9-4) but provided no additional information. We would expect to see the proposed sampling methodology, indicative exploratory hole locations and target depths, soil and groundwater sampling strategy, proposal for any return monitoring visits, and an indication of chemical and geotechnical testing to be completed on soil and groundwater samples from each location. This will allow us to assess whether we consider the proposed scope to be sufficient.</p> <p>In addition to DoW:CoP, we recommend reference to BS 5930:2015+A1:2020 Code of practice for ground investigations and BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites – Code of Practice (ref's 9 and 10 in APP-183). Guidance on the scope of ground investigations and frequency of sampling and testing is given in these documents.</p>	<p>The requirement for the ground investigation is included in Section 3.13 of the <b>Framework CEMP [EN010152/APP/7.7]</b>. The Applicant will produce a detailed CEMP which must be substantially in accordance with the <b>Framework CEMP [EN010152/APP/7.7]</b> as secured by Requirement 11 of Schedule 2 of the <b>Draft DCO [EN010152/APP/3.1]</b>. Requirement 11 of Schedule 2 of the <b>Draft DCO [EN010152/APP/3.1]</b> was updated for Deadline 2 to include a requirement for consultation with the Environment Agency in relation to the discharge of the detailed CEMP.</p> <p>As confirmed in Paragraph 2.10.4 of the <b>Framework CEMP [EN010152/APP/7.7]</b>, a Materials Management Plan will be developed under the Contaminated Land: Applications in Real Environments DoW:CoP by the appointed construction contractor to support the reuse of excavated materials, minimise off-site disposal, and to demonstrate the necessary lines of evidence to support the proper reuse/off-site disposal of materials and ensure compliance with regulatory guidance.</p> <p>The Applicant has updated the <b>Framework CEMP [EN010152/APP/7.7]</b> at Deadline 3 to refer to BS 5930:2015+A1:2020 and BS 10175:2011+A2:2017 for guidance on ground investigation practices and sampling frequency.</p>
1.13.9	Environment Agency	The Environment Agency's relevant representation [RR-003] has stated that Thorpe Marsh Power Station is a permitted landfill and there are monitoring boreholes located within the former Thorpe Marsh Power Station. Please confirm which monitoring boreholes would be impacted by the proposal and what they monitor alongside what safeguards are expected from the applicant	<p>We consider that it is the applicant's responsibility to determine the impacts of their proposed work on existing monitoring wells. We are not aware of any request for this information being submitted to the Environment Agency by the applicant. The Environmental Permit (ref. EPR/CP3091SC/V002) and Construction Quality Assurance (CQA) Plan for Thorpe Marsh Landfill Site are in the public register and available upon request to the applicant via neyorkshire@environmentagency.gov.uk.</p> <p>We understand the site operators and their consultants are in the process of decommissioning and reinstating several boreholes. The Location Plan at p27 of the CQA Plan shows where the decommissioned and reinstated boreholes are proposed to be located. Note that that the CQA Plan is subject to change as the precise location</p>	<p>As stated in <b>Volume III, Appendix 14-4: Phase 1 PRA – Grid Connection Corridor [APP-185]</b>, there is record of a landfill site located within the Order limits at the Existing National Grid Thorpe Marsh Substation; however, the Applicant understood that the location of the landfill itself is located approximately 500 m west of the Order limits.</p> <p>Subsequently, the Applicant has reviewed the documentation provided by the Environment Agency regarding this landfill site (EPR/CP3091SC/V002), which includes plans and borehole and environmental monitoring locations. This documentation confirms that the planning boundary for the landfill site includes a small section of the Order limits within the southwest of the Existing National Grid Thorpe Marsh</p>

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
			of new boreholes could be altered in response to operational factors such as ground conditions encountered when drilling starts. Emission limits and monitoring requirements for each Emission Point are given in Schedule 3 of the environmental permit.	Substation. However, the environmental permit boundary and any associated boreholes are located approximately 520 m west. It is recognised the precise location of new boreholes could be altered in response to operational factors, such as ground conditions when drilling, but as the Order limits are over 500 m from the nearest borehole being reinstated, this is not considered to present a risk. The Applicant can therefore confirm no boreholes or environmental monitoring locations are located within the Order limits and would be impacted by the Scheme. Ground investigation works will be undertaken prior to construction commencing, as outlined in Table 3-13 of the <b>Framework CEMP EN010152/APP/7.7]</b> . Should previously unidentified boreholes be encountered, the Grid Connection Cables in this area would be rerouted to avoid them. The Applicant will produce a detailed CEMP which must be substantially in accordance with the <b>Framework CEMP [EN010152/APP/7.7]</b> as secured by Requirement 11 of Schedule 2 of the <b>Draft DCO [EN010152/APP/3.1]</b> .
1.6.1	Natural England	Burnet Heritage Trust candidate SSSI Please comment on where in the designation process the candidate SSSI is (as referred to in the Burnet Heritage Trust relevant representation [RR-011]). Please confirm what status a candidate SSSI holds and how much weight should be attributed to this designation.	<p>Natural England has a published list of sites being considered for SSSI designation (Natural England designations programme for areas, sites and trails - GOV.UK) and are not taking any additional sites further at this time.</p> <p>Natural England has informed the Burnet Heritage Trust that we are not taking forward any investigation into the designation of this land as a SSSI at this point. We have neither investigated nor confirmed whether any of the habitats or species would meet the qualifying criteria. Therefore, the site does not have any SSSI designation status at this time.</p> <p>However, the ecological value of the area and potential impacts to habitats and species present should be adequately addressed within the application; we would defer to City of Doncaster's advice on this matter as it falls outside Natural England's statutory remit for NSIPs.</p>	<p>The Applicant notes that Natural England are not taking forward any investigation into the designation of the Burnet Heritage Trust's and wider land in the northeast of the Order limits as a SSSI and, therefore, this area is not designated as a SSSI at this point. Furthermore, "candidate" SSSI is not a formally recognised designation status. As such, the Applicant considers that the Burnet Heritage Trust's comment on this matter is not applicable.</p> <p>The Applicant refers to the assessment presented in <b>ES Volume I, Chapter 8: Ecology [APP-060]</b> which considers the impacts on all relevant habitats and species that would likely comprise the proposed SSSI. Therefore, while no assessment of the proposed SSSI itself is presented, the impacts to the relevant component features, have been appropriately assessed (where located within a potential zone of influence of the Scheme). The Applicant also refers to its Summary of Oral Submissions at the Issue Specific Hearing 3 on Environmental Matters and Post Hearing Notes <b>[EN010152/APP/8.33]</b> in which this matter was discussed.</p>
snip1.6.6	Natural England	Protected Species. Please comment on: 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	<p>Natural England has no comments to make on these questions as they do not fall within our remit as set out in Advice on working with public bodies in the infrastructure planning process, Annex C: Natural England and the Planning Inspectorate. We defer to City of Doncaster's advice on these matters.</p> <p>Natural England's standing advice for protected species can be found here: Protected species and development: advice for local planning authorities - GOV.UK.</p>	The Applicant notes that Natural England does not have any further comments regarding this matter.



ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
		<p>outcomes described in paragraphs 3.5.2 – 3.5.8 in the Reptiles Report.</p> <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. 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> <p>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.</p> <p>ii. there being no territory mapping surveys for the grid connection corridor within ES Appendix 8-7.</p> <p>iii. the extent of the limitations referred to in Section 3.5 of ES Appendix 8-7</p>		
1.6.18	Natural England	<p>Open Mosaic Habitat</p> <p>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 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.</p>	<p>Natural England has no comments to make on the Open Mosaic Habitat impacts, reinstatement and proposed mitigation as this does not fall within our remit as set out in Advice on working with public bodies in the infrastructure planning process, Annex C: Natural England and the Planning Inspectorate. We defer to City of Doncaster's advice on this matter.</p>	<p>The Applicant notes that Natural England does not have any further comments regarding this matter.</p>
1.6.23	Natural England	<p>Biodiversity Baseline</p> <p>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</p>	<p>Natural England retains the opinion that the full red-line boundary should be used to determine the biodiversity baseline, in line with best practice for BNG. However, it should be noted that BNG is not yet mandatory for NSIPs and guidance on the required approach to BNG for NSIPs has not yet been agreed. Therefore, our comments are advisory only at this stage.</p>	<p>This methodology for the BNG Assessment <b>[REP2-035]</b> has only been applied in relation to the Grid Connection Corridor, with the approach being to focus on the Cable Construction Corridor. The full boundary for the Solar PV Site has been used.</p> <p>The reasoning behind this is that the Order limits in relation to the Grid Connection Corridor are larger than the eventual impact will be in order to allow for flexibility in design route optioneering for the Grid Connection Cables. This approach</p>

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		relation to the grid connection corridor. Please comment on this approach.		<p>has been accepted within other DCO applications that have been examined by the Planning Inspectorate, such as the East Yorkshire Solar Farm (which has now been granted) and the Tillbridge Solar Project. The full boundary for the Solar PV Site has been used.</p> <p>As is discussed in Section 2.2, Paragraph 2.2.1 of the <b>BNG Assessment [REP2-035]</b>, <i>“this approach is designed to focus on areas and habitats that are to be directly impacted by the Scheme and ensure that the proposed mitigation is proportionate to that impact. Therefore, areas that are not to be impacted will be excluded from the assessment (i.e. those areas where trenchless crossing methodology has been used to avoid impacts). This prevents the baseline habitat unit score from being inflated by areas of habitat that are not to be impacted and, therefore, does not disproportionately increase the required mitigation.”</i></p> <p>The Applicant will continue to explore ways to maximise the potential biodiversity outcomes of the Scheme throughout the detailed design process.</p>
1.6.26	Natural England	<p>Open Mosaic Habitat</p> <p>The applicant's Response to Relevant Representations [REP1-031] (page 92) notes that whilst there is a failure to meet the trading rules for OMH, it is not considered significant due to the potential that temporary disturbance could be beneficial. Please comment on this approach.</p>	Natural England does not oppose the applicant's approach in this case.	The Applicant notes that Natural England does not oppose the Applicant's approach regarding this matter.
1.6.28	Natural England	<p>UKHab Guidance</p> <p>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 – modified grassland' rather than the strips of open habitat between the panels being recorded separately.</p>	Natural England can confirm that the applicant's approach to this matter is considered reasonable and that we have no objections to the footprint of the Solar PV panel being categorised as 'Grassland – modified grassland'.	The Applicant notes that Natural England considers the Applicant's approach is reasonable and has no further comments on this matter.
1.1.2	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited (NR)	<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>	This Article raise significant concerns for NR, as NR operates under a Network Licence granted by the Office of Rail and Road (ORR). Under the Network Licence, NR is obliged to ensure compliance with a wide number of standards imposed by the Rail Safety and Standards Board that pertain to maintaining the safe and efficient running of trains on the railway.	The Applicant notes that Network Rail has, since its submission at Deadline 2, written to the Planning Inspectorate to confirm that: (1) Network Rail and the Applicant have agreed a form of protective provisions; (2) these protective provisions have been included in the draft DCO; (3) these protective provisions are satisfactory to Network Rail; and (4) Network Rail will be able to withdraw

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
			<p>In order to regulate its ability to comply with such standards, NR must retain stringent restrictions, controls and procedures over any interferences with the railway by third parties. NR imposes such restrictions through a requirement to obtain its prior consent before rights are compulsorily acquired or railway land is temporarily used and by requiring third parties to enter into an asset protection agreement.</p> <p>Accordingly, we would propose that NR's standard Protective Provisions, are included at Part 4 of Schedule 14 to address such concerns set out above. A copy of the protective provisions is attached at Schedule 1 to this Letter. These have been provided to the Promoter, and NR has requested the Promoter agree to the inclusion of NR's standard Protective Provisions in the form attached but continue to discuss the same with the Promoter.</p> <p>Further, NR are a public body, as such they cannot allow their discretion to be fettered. If circumstances under the Order arose that triggered the deemed consent provisions, this could fetter NR's discretion potentially risking granting approval of an application which is detrimental to maintaining the safe and efficient running of trains on the railway. To conclude, we do not agree that the deemed consent provisions should apply to approvals to be given by NR.</p>	<p>its objection to the Scheme once the corresponding side agreement between the parties has been entered into.</p> <p>This reflects the Applicant's understanding of the position and the Applicant is grateful to Network Rail for making this clarificatory submission after Deadline 2. The Applicant also notes that there is only one outstanding matter in relation to the side agreement, which the Applicant anticipates being resolved shortly.</p>
1.1.3	Broadfield Law UK LLP on behalf of Able UK Ltd	Article 13 (Use of private roads) - The ExA notes that the applicant updated Article 13 at deadline 1 to limit the scope of this power. Please comment on the updated article and whether or not it addresses the concerns raised in relation to this article as set out in your deadline 1 submission [REP1-057].	<p>Able agrees with the amendment to Article 13 to tie the use of private roads only to those marked on the streets, rights of way and access plans.</p> <p>The Applicant has provided a proposed update to the relevant page of the plans with fewer private roads within Able's land being subject to this power, but Able considers that there are still more roads subject to the power than necessary. Furthermore, the southern half of the land is leased to National Grid and it would be for them to comment on whether construction vehicles travelling on the roads within their leaseholding would interfere with their operations.</p> <p>Able confirms that it is now in discussion with the Applicant to secure the use of its land by agreement and is hopeful that this will be concluded by the end of the examination</p>	<p>Following this response at Deadline 2, the Applicant reached out to Able to confirm what changes they would want to the private roads shown on the updated plans. They have not yet provided any further details on those roads. They have also not yet provided the draft terms of the property agreement for their land. Once received, the Applicant will progress these with Able as soon as possible.</p> <p>The Applicant can confirm that protective provisions have been agreed with National Grid in respect of any impacts on them by the Scheme, and they have not raised any concerns in respect of the use of private roads. National Grid have since removed their objection to the application <b>[REP1-051]</b>.</p>
1.6.1	Burnet Heritage Trust	For Natural England- Please comment on where in the designation process the candidate SSSI is (as referred to in the Burnet Heritage Trust relevant representation [RR-011]). Please confirm what status a candidate SSSI holds and how much weight should be attributed to this designation.	<p>In response to the Trust's submission for SSSI status at Topham, Natural England has confirmed that they "are not taking any additional sites further at this time."</p> <p>The Trust's ecologists have presented data to show that the proposed SSSI meets the criteria set out by Natural England for SSSI designation and believe that the land should be treated as such in this situation. BOOM's Ecology Chapter details that candidate Local Wildlife Sites</p>	<p>The Applicant notes Natural England's response at Deadline 2 <b>[REP2-070]</b>, which in particular states "<i>We have neither investigated nor confirmed whether any of the habitats or species would meet the qualifying criteria. Therefore, the site does not have any SSSI designation status at this time.</i>"</p> <p>As set out in the Applicant's previous responses at Deadline 1 <b>[REP1-031]</b> and Deadline 2 <b>[REP2-059]</b>, information on any potential SSSI designation was not available at the time</p>

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
			<p>which have not yet been designated are included as they are being considered for designation and may become so within the lifetime of the Scheme; it therefore follows that candidate SSSIs should also be assessed as such.</p> <p>Natural England's lack of resources and their inability to process new submissions should not be a reason to disregard sites that meet the given criteria (based on evidence submitted by qualified ecologists) when those sites are potentially at risk, and ignoring the data would be neglectful.</p>	<p>of submission of the Application, a position confirmed by Natural England in their response at Deadline 2 <b>[REP2-070]</b>. Irrespective of this, and as detailed in the Applicant's response at Deadline 2 <b>[REP2-059]</b>, where relevant, the assessment presented in the Ecology chapter of the ES <b>[APP-060]</b> has considered all the bird species relevant to the habitat types 'Lowland Damp Grassland' and 'Lowland Open Waters and their margins'. Additional clarification on specific individual species was also provided by the Applicant at Deadline 2 <b>[REP2-059]</b>.</p> <p>As such, the Applicant has suitably assessed the impacts on the proposed bird assemblages, where relevant, which may, in the future, form part of a SSSI citation.</p> <p>The Applicant would also highlight that the scope of designated sites considered in the Ecology chapter of the ES reflected guidance provided by Natural England during the scoping stage of the Application <b>[APP-231]</b>.</p> <p>The Applicant also refers to its Summary of Oral Submissions at the Issue Specific Hearing 3 on Environmental Matters and Post Hearing Notes <b>[EN010152/APP/8.33]</b> in which this matter was discussed.</p>
1.6.2	Burnet Heritage Trust	Please provide a plan showing the exact location of the candidate SSSI as referred to within your relevant representation [RR-011] and [RR-019].	<p>The Burnet Heritage Trust's SSSI submission was placed before the Examining Authority, along with additional relevant representation, before Deadline 1 [REP1-054]. Page two of this document sets out the proposed boundary of the candidate SSSI, and details as follows: "The current potential designation application consists of 289 acres of lowland riparian grassland along the River Went, together with a series of small ponds and wetlands between the Fleet Drain and disused railway embankment at Topham. The areas form a single contiguous unit of habitat, where sympathetic management has been ongoing for more than two decades, resulting in a particularly well-preserved biodiversity. "</p> <p>Figure 1. Map showing the location of proposed SSSI, to the North-west of Sykehouse village (53.6489755,- 1.0640457</p>	<p>This comment is noted by the Applicant.</p> <p>The Applicant notes Natural England's response at Deadline 2 <b>[REP2-070]</b>, which in particular states "<i>We have neither investigated nor confirmed whether any of the habitats or species would meet the qualifying criteria. Therefore, the site does not have any SSSI designation status at this time.</i>"</p>
1.6.8	Burnet Heritage Trust	For the Applicant- The Burnet Heritage Trust have commented [RR-011] there are a number of species that have not been surveyed or included within ES Appendices 8-7 [APP-152 and APP-153] and 8-8 [APP-154] as follows: • Table 4 of ES Appendix 8-7 states that Marsh Harrier is not within the order limits. As Marsh Harrier is identified within Annex 1 Birds of Conservation Concern (BoCC) Amber list, please confirm survey distance for this species given the	<p>The Burnet Heritage Trust welcomes the Examining Authority's queries regarding the thoroughness of bird surveys. The Trust has provided information to direct interested parties to the sources of the relevant data (REP1-054).</p> <p>The Trust would again query the omission of curlew records from the applicant's surveys and the species listed above (1.6.8). The Trust has provided records on numerous occasions, and a recent EIR data request confirmed that Natural England also accepts the presence of</p>	<p>The Applicant has provided a detailed response on this matter at Deadline 2 <b>[REP2-059]</b>.</p> <p>The Applicant would also refer the BHT to its response to Relevant Representations at Deadline 1 <b>[REP1-031]</b>.</p> <p>As stated in <b>Volume III, Appendix 8-7 Breeding Bird Report [APP-152]</b>, a single Curlew was recorded within the Order limits in April 2023; however, no further observations were made during surveys between May and July 2023. This suggests either that individual had established a breeding territory early on in the breeding season and either failed to</p>



ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
		<p>methodology set out within Section 3 of ES Appendix 8-7 and given the ecological protection afforded this species.</p> <ul style="list-style-type: none"><li>• Grasshopper Warbler have not been surveyed. Given this species is a Species of Principal Importance (SPI) and is listed on the BoCC Red list, please confirm the extent of the surveying distance for this species given the methodology set out within Section 3 of ES Appendix 8-7.</li><li>• Marsh Warbler have not been surveyed. Please confirm if this species was surveyed and if not, why not.</li><li>• Garganey have not been surveyed. Please confirm if this was surveyed and if not, why not.</li></ul>	<p>curlew in the area. See attached documents: EIR202504725_24-01-24_email_Redacted EIR202504725_EIA letter_Redacted</p> <p>In correspondence with the landowner, NE asked the landowner to confirm in which of the land parcels under investigation, curlews had attempted to breed. In their letter to the landowner regarding the outcome of their investigation, they state "...we found evidence of curlew breeding in the vicinity...".</p> <p>As the Government's own conservation agency is satisfied that there is evidence of Curlew in the area, the Trust would ask that the presence of Curlew be accepted and for the Impact Assessment to be reviewed to provide the necessary mitigation</p>	<p>attract a mate or was possibly breeding within the wider landscape. No indication of a breeding attempt was noted on subsequent visits. Irrespective of this the provision of extensive areas of undeveloped land consisting of neutral grassland specifically managed for ground-nesting birds and management of riparian grasslands and creation of scrapes along the River Went corridor will provide a consistent nesting resource preserving Curlew nesting habitat within the Order limits for the design life of the Scheme, something that is currently absent as evidenced by the change in land use from grassland to arable.</p> <p>Therefore, the Applicant has fully acknowledged the presence of Curlew both within the Order limits and the wider landscape and mirrors Natural England's comment in their correspondence with the landowner presented in <b>[REP2-077]</b>, namely that "<i>although we found evidence of curlew breeding in the vicinity, there were no specific records on your land</i>".</p>
1.6.9	Burnet Heritage Trust	<p>For the Applicant- The Burnet Heritage Trust relevant representation [RR-011] raises concerns that inclusion of fields SE6 and SE7 would result in a disproportionately negative effect on biodiversity including the isolation of broadleaf woodland from adjoining woodland areas. Please explain the rationale for inclusion of fields SE6 and SE7 and in particular:</p> <p>a) how it represents good design?</p> <p>b) the ecological impacts that result from the inclusion of these fields.</p> <p>Please also explain how the removal of these fields would impact on the significant effects identified in the ES Chapter 8: Ecology [APP-060] (including residual significant effects) and how their removal would affect the likely generation capacity of the project.</p>	<p>The Trust welcomes further examination of the value of fields SE6 and SE7 to both the solar project and biodiversity.</p> <p>The Trust has previously drawn attention to the fact that an area of Coastal/ Floodplain and Grazing Marsh, within the development area, was sprayed and ploughed by the landowner in September 2023. The Trust would like to draw attention to the fact that Natural England investigated this matter concerning the Environmental Impact Assessment Regulations 2006. Natural England chose to take no action against the landowner on this occasion but confirmed that "the project carried out and the type of land affected would most probably have fallen within the scope of the Regulations, requiring a screening application by you [landowner] prior to work being started.". The area has therefore already suffered habitat loss, making robust mitigation measures even more important, particularly for the curlew, now confirmed by a Statutory Body to be in the area.</p>	<p>The Applicant would like to clarify that whilst Natural England did state in <b>[REP2-077]</b> that "<i>the project carried out and the type of land affected would most probably have fallen within the scope of the Regulations, requiring a screening application by you [landowner] prior to work being started</i>", it was also the case that '<i>If a screening decision had been submitted, Natural England would not have required you to obtain consent from us before carrying out the work</i>' and '<i>it would appear that the work carried out has not had a significant effect on the environment</i>'.</p>
1.6.18	Burnet Heritage Trust	<p>For Natural England, City of Doncaster Council, Yorkshire Wildlife Trust- 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 connection corridor, do</p>	<p>To date, the Trust has limited its comments to the actual PV site at Fenwick, but we support YWT's concerns about the scope of the surveys undertaken on the grid connection corridor to Thorpe Marsh and the protection of Bunfold Shaw Ancient Woodland in the event that the grid connection line drop is utilised. The corridor covers over 100 hectares and a mosaic of habitats. Inadequate mitigation along this corridor would compound the already poor mitigation being offered for</p>	<p>The Applicant has no further comment to make on this matter to that which has been set out in previous submissions, but would refer the BHT to the submissions provided by both Natural England <b>[REP2-070]</b> and CDC <b>[REP2-068]</b> at Deadline 2. CDC, in particular, state that '<i>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.</i>'</p>

ExQ1	Respondent	Question	Response at Deadline 2	Applicant's Response at Deadline 3
		you have any concerns with the methodology set out within paragraphs 7.3.18 - 7.3.25 for its reinstatement and mitigation proposed.	other areas within the development boundary, and the loss of the Floodplain Grazing marsh that has already occurred.	
1.6.20 and 1.6.21	Burnet Heritage Trust	<p>For the Applicant- The ExA notes that Thorne Moor Special Area of Conservation (SAC), Thorne and Hatfield Moors Special Protection Area (SPA) and Hatfield Moor SAC have been scoped in for the assessment of construction and decommissioning effects within the No Significant Effects Report (NSER) [REP1-025], however, these designated sites are not included in the list of relevant habitat sites in Table 6. Please update Table 6 to reflect all relevant habitat sites included in the assessment.</p> <p>For the Applicant- Footnote 7 of the NSER [REP1-025] refers to Skipwith Common SAC. The ExA notes that Skipwith Common SAC was not identified in paragraph 4.2.6 as being within 20km of the proposed development and has not been illustrated in Figure 2 or assessed in the NSER. Please clarify the status of the Skipwith Common SAC in relation to the proposed development. For example, if Skipwith Common SAC is located within 20km of the application site, clear reasoning should be provided to explain why it has been scoped out of further assessment. However, if its inclusion in the NSER is an error, then the applicant should submit a revised version of the NSER which doesn't make reference to the Skipwith Common SAC.</p>	Several of the questions within ExQ1 relate to the lack of assessment or acknowledgement of the cumulative impact of the development on key areas of functionally linked land. Representation from Natural England raises concerns about the loss of functionally linked land for Humber Estuary SPA and RAMSAR birds, foraging nightjars around Thorne and Hatfield Moors, and numerous SSSIs in the vicinity of the development area. Natural England recommends that further information be sought in the assessment of the loss of functionally linked land, including justification for screening species out of the assessment where relevant. The trust would echo these concerns and recommendations, as we feel the importance of the habitats within and adjacent to the development area, as functionally linked land to key national sites, has been dismissed by the applicant	<p>The Applicant provided a detailed response on this matter at Deadline 2 <b>[REP2-059]</b>.</p> <p>The Applicant would also refer the BHT to Natural England's Deadline 1 submission <b>[REP1-052]</b> and its signed Statement of Common Ground with the Applicant <b>[REP1-035]</b>, which confirm that there are no outstanding matters within the No Significant Effects Report <b>[REP2-038]</b>. This concludes that there will be no Likely Significant Effects of the Scheme on European sites, either alone or in combination with other plans/projects.</p>

1.4 Applicant’s Responses to Other Submissions made by Interested Parties at Deadline 2

Table 1-4: Applicant’s Responses to Other Submissions made by Interested Parties at Deadline 2

Examination Library Ref.	Name	Comment	Applicant’s Response
REP2-069	Environment Agency	<p>The Environment Agency does not agree to disapply Flood Risk Activity Permits for the Fenwick Solar Farm scheme.</p> <p>Whilst we assess each scheme under its own merits, the principal area of concern relates to the requirement for a flood risk activity permit for the cable corridor as it is in close proximity to Environment Agency flood storage assets and main river defences. We may be able to agree disapplication for other areas of the proposals, subject to further discussion.</p> <p>We require close regulatory control within the EA's Yorkshire area, given that the work in question is to be undertaken in and around Thorpe Marsh reservoir (which is registered under the Reservoir Act 1975 as a high risk, Cat A – ‘large raised reservoir’). Via permitting, we will require to control the following aspects:</p> <ul style="list-style-type: none"><li>• Access to our defences and the main river channel</li><li>• Maintaining standard of protection during and post-works</li><li>• Repair of any damage is completed as per the Environment Agency’s specifications</li><li>• Reservoir safety and the strict statutory obligation to maintain it (Cat A – large raised reservoir).</li><li>• Agreed designs, risk assessments and working methods to ensure the above risked are mitigated effectively.</li></ul> <p>The permit process also assures us certain powers, should the work result in any damage or require changes during construction. Furthermore, the permit process gives us powers to compliance check an Operator and ensure the work is being completed to the agreed standard. We are then able to issue remediation notices and escalate through the enforcement process, should works be found noncompliant. This is the level of control that we feel we would lose should the permit regulations be disapplied in this instance. Therefore, we do not agree to disapplication.</p>	<p>The Applicant acknowledges the Environment Agency’s original position as set out in its Relevant Representation, specifically in relation to the disapplication of flood risk activity permitting requirements under the Environmental Permitting (England and Wales) Regulations 2016 (EPR 2016), and the concerns raised regarding the proximity of the cable corridor to Environment Agency flood storage assets and main river defences, including the Thorpe Marsh Reservoir.</p> <p>Following ongoing engagement and a constructive meeting held on 1 July 2025, the Applicant welcomes the updated position from the Environment Agency and the clarification provided regarding the management of high-risk flood risk assets through the DCO process.</p> <p>In line with this updated position, the Environment Agency has confirmed that:</p> <ul style="list-style-type: none"><li>• It does not support the disapplication of EPR 2016 in relation to high-risk assets, including the Thorpe Marsh Reservoir (also referred to as the WSA), which is classified as a Category A large raised reservoir under the Reservoirs Act 1975.</li><li>• It has no outstanding technical concerns regarding the proposed works within the Thorpe Marsh Reservoir, and the approach to those works is agreed between the parties.</li><li>• It is content to agree to the disapplication of EPR 2016 permitting requirements for all other works within the Order limits, subject to the inclusion of its standard protective provisions within the DCO.</li></ul> <p>In response, the Applicant confirms that it will not seek disapplication of the flood risk activity permitting requirements for any works taking place within the Thorpe Marsh Reservoir, which comprises the following land parcels as identified on the <b>Land Plan [APP-006]</b>: 9/09, 9/12, 9/13, 9/14, 9/15, 10/01, 10/02, 10/03, 10/04, 10/05, 10/06, 10/07, 10/08, 10/09, 10/10, 10/11, 10/12, 10/13, and 10/14.</p> <p>The Applicant further confirms that it will continue to seek disapplication of EPR 2016 in relation to all other land parcels within the Order limits, excluding those listed above. These works will instead be subject to the Environment Agency’s standard protective provisions, as included in the <b>Draft DCO [EN010152/APP/3.1]</b>.</p> <p>The Applicant is continuing dialogue with the Environment Agency to agree appropriate revisions to the drafting of the DCO to reflect this position, and ensure the approach is clear and enforceable.</p>

Examination Library Ref.	Name	Comment	Applicant's Response
REP2-071	Natural England	<p>Natural England will not be attending Issue Specific Hearing 3 (ISH3). As detailed in our Rule 6 response letter, Natural England will only attend hearings by exception, targeting those ISH that have the greatest likelihood of resolving significant environmental risks.</p> <p>In this case, we consider that the environmental topics relevant to our statutory remit for NSIPs have been addressed, in line with our Written Representations (dated 23 April 2025) and response to the Examining Authority's first written questions and requests for information (dated 28 May 2025). The outstanding recommendations are advisory only.</p>	The Applicant notes these comments.
REP2-074	Exolum Pipeline System Ltd	We are writing to inform you that we are withdrawing our client's letter of objection dated 11 September 2024 submitted by our client's authorised agent, Fisher German LLP, relating to the Scheme. This withdrawal is subject to the inclusion of our client's protective provisions set out in Part 6 of the 3.1 Draft Development Consent Order (document reference: EN010152/APP/3.1) in the final Development Consent Order for the Scheme.	The Applicant is grateful to Exolum for withdrawing its objection to the Scheme.



1.5 Applicant’s Responses to the City of Doncaster’s (CDC) reply to the Applicant’s Schedule of Changes to the draft DCO [REP1-046]

Table 1-5: Applicant’s Responses to the City of Doncaster’s (CDC) reply to the Applicant’s Schedule of Changes to the draft DCO [REP1-046]

Note: Where CDC agreed with, or had no comments on, amendments made in its Deadline 2 response, these have not been included in the table below on the basis those changes are now accepted.

Reference	Change	Reason for Change	CDCs Reply	Applicant’s Response
Table of Contents	Various amendments in line with new Article 8A and protective provisions added to Order.	See discussion below at substantive articles.	CDC’s comments are also set out below at the substantive articles.	See discussion at substantive articles below.
Preamble	Amends to preamble paragraph: The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017and has had regard to the documents and matters referred to in section <del>105</del> 104(2)(c) of the 2008 Act.	Amendment to correct cross reference to Planning Act 2008 per discussion at ISH1.	The fourth recital refers to “section 104(2)(c) of the [Planning Act 2008]”. CDC wonders whether the reference should be to “section 104(2)” because the SoS will have had regard to all the documents referred to in subparagraphs (a) to (d) and not just the one mentioned in subparagraph (c). CDC notes that while recently made solar farm orders refer to section 105 in the corresponding recital, they refer to section 105(2) and not to a sub-paragraph under that provision. Examples include – the Cleve Hill Solar Park Order 2020 (SI2020/547), the Longfield Solar Farm Order 2023 (SI2023/734), the Mallard Pass Solar Farm Order 2024 (SI2024/796), the Gate Burton Energy Park Order 2024 (SI2024/807), and the Cottam Solar Project Order 2024 (SI2024/943)	The Applicant agrees with this comment and has made the associated change in the <b>draft DCO [EN010152/APP/3.1]</b> at Deadline 3.
Article 2 (interpretation)	<p>Deletion and introduction of new definition: <del>“draft archaeology mitigation strategy” means the plans of that name identified in the table at Schedule 12 (documents and plans to be certified), including Part 1 and Part 2, and which are certified by the Secretary of State as the archaeology mitigation strategy for the purposes of this Order;</del></p> <p>[...]</p> <p><del>“framework archaeological mitigation strategy” means the plans of that name identified in the table at Schedule 12 and which is certified by the Secretary of State as the framework archaeological mitigation strategy for the purposes of the Order;</del></p> <p>[...]</p> <p><del>“overarching written scheme of investigation” means the document of that name identified in the table at Schedule 12</del></p>	Consequential amendments to definitions to align with updated Requirement 10 (Archaeology) as per discussion at ISH1.	CDC wonders whether the reference to “the plans” should be to “the strategy” or, for consistency with most definitions of control documents in art.2, to “the document”. (See, for example, the definitions of “book of reference”, “environmental statement”, “framework construction environmental management plan”, “framework construction traffic management plan”, “framework drainage strategy”, “framework landscape and ecological management plan”, “framework operational environmental management plan”, “framework public rights of way management plan”, “framework soil management plan”, “outline design parameters statement”, and “traffic regulation measures plan”).	The Applicant agrees with this comment and has made the associated change in the <b>draft DCO EN010152/APP/3.1]</b> at Deadline 3.

Reference	Change	Reason for Change	CDCs Reply	Applicant's Response
	<del>and which is certified by the Secretary of State as the overarching written scheme of investigation for the purposes of this Order;</del>			
Article 2 (interpretation)	New definition: “permit scheme” means The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 which are made under Part 3 of the Traffic Management Act 2004, as applicable for the location of the relevant street works;	Consequential amendment to add definition confirming relevant permit scheme for the purpose of new Article 8A.	There is no definition of “relevant street works” and CDC wonders whether there should be. (This comment is subject to CDC’s comments on Article 8A below).	The Applicant has amended the definition to refer simply to “relevant works”, noting the amendment to Article 8A acknowledging the scheme may apply more broadly than just to streetworks as defined under the Order. The Applicant considers that in conjunction with Article 8A and this change, the definition is sufficiently clear, and based on current discussions with CDC understands that the definition (as further amended to refer to the updated Permit Scheme Order 2019) is agreed between the parties.
Article 2 (interpretation)	Amendments to definition: “permitted preliminary works” means all or any of— (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) removal of plant and machinery; (c) above ground site preparation for temporary facilities for the use of contractors during construction; (d) remedial work in respect of any contamination or other adverse ground conditions; (e) diversion and laying of apparatus; (f) the provision of temporary means of enclosure and site security for construction; (g) the temporary display of site notices or advertisements; (h) site clearance (including vegetation removal, demolition of existing buildings and structures); or (i) advanced planting to allow for an early establishment of protective screening;	Amendments to definition per requests by City of Doncaster Council (CDC) to: • In respect of (c), make it clear these facilities are only for use during construction. • In respect of (h), confirm no buildings are being removed.	CDC agrees with these amendments. CDC would welcome confirmation regarding which “existing structures” are proposed to be demolished.	The Applicant welcomes the agreement. The reference to structures is to capture any miscellaneous man-made structures which may need to be removed within the site, for example fencing.
Article 8A (Application of permit scheme)	Addition of new Article: Application of permit scheme 8A.—(1) The permit scheme applies with the modifications set out in this article to street works carried out under the power conferred by article 8 (street works) of this Order. (2) For the purposes of this Order—	Amendment to add new article prescribing the interaction between CDC’s existing permit scheme for street works with the management of street works under the Order. This drafting is based largely on the example provided by CDC from the	CDC would welcome an explanation why the permit scheme is proposed to apply to article 8 (street works) only. CDC considers it should have wider application. For instance, by article 12(1) of the Bramford to Twinstead DCO (SI 2024/958) the permit schemes mentioned in that order “apply to the construction of the authorised development	The Applicant has discussed this with the Council and updated the Article to further refer to article 9 (power to alter layout, etc., of streets) 10 (construction and maintenance of altered streets) and article 14 (access to works), acknowledging works under these articles will also be subject to the permit scheme.

Reference	Change	Reason for Change	CDCs Reply	Applicant’s Response
	<p>(a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria;</p> <p>(b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions through the exercise of the powers conferred by this Order;</p> <p>(c) a permit may not be refused where the proposed reason for refusal is the inability to impose a condition which will not comply with paragraph (b); and</p> <p>(d) where a provisional advance authorisation has been granted to the undertaker in advance of the grant of a permit in relation to the construction of the authorised development, the highway authority may not grant a permit for any other works in the location during the time period to which that provisional advance authorisation relates save that nothing will restrict the ability of the highway authority to grant a permit for immediate works.</p> <p>(3) Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to streetworks carried out under article 8 (street works) of this Order subject to proposed conditions and the highway authority wishes for different conditions to be imposed on the permit, the highway authority must seek to reach agreement with the undertaker on the conditions subject to which the permit is to be granted and provide alternative permit conditions, as appropriate, to the undertaker within ten working days following the date on which the application for the permit is made by the undertaker and must not refuse an application for a permit before the end of the period which is five working days following the date on which the alternative permit conditions are provided to the undertaker.</p>	<p>National Grid Bramford to Twinstead Reinforcement Order 2024, with some amendments to align to:</p> <ul style="list-style-type: none"><li>• Definitions in the Order for “highways authority” and “permit scheme”.</li><li>• Clear linkage of the permit scheme application to the relevant power in the Order (Article 8 – Streetworks). This drafting has also been used in the recent Tillbridge Solar and Springwell Solar draft DCOs (both still in Examination).</li></ul>	<p>and will have effect in connection with the exercise by the undertaker of any powers conferred by this Part” [i.e. the powers conferred by articles 11 to 18 of Part 3 (Streets)].</p>	



Reference	Change	Reason for Change	CDCs Reply	Applicant’s Response
	<p>(4) Where the undertaker confirms its agreement to the alternative permit conditions provided by the relevant highway authority pursuant to paragraph (3) before the expiry of five working days following the date on which any such alternative permit conditions are provided to the undertaker, the relevant highway authority must grant the permit subject to those conditions.</p> <p>(5) Any alternative permit conditions provided by the highway authority in accordance with paragraph (3) must comply with paragraph (2).</p> <p>(6) References to moratoria in paragraph () mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.</p> <p>(7) Reference to immediate works in paragraph (2)(d) means emergency works as that term is defined in section 52 of the 1991 Act and urgent works as that term is defined in regulation 3(1) of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.</p> <p>(8) Without restricting the undertaker’s recourse to any alternative appeal mechanism which may be available under the permit scheme or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit scheme in accordance with the mechanism set out in Schedule 15 (Discharge of Requirements) of this Order.</p>			
Article 12 (Permanent closure of public rights of way)	Amendments to Article: 12.—(1) Subject to the provisions of this article, the undertaker <del>may, in connection with the construction of the authorised development, close any public right of way and without prejudice to the generality of this provision the undertaker</del> may close the public rights of way shown on the rights of	Amendments to this Article arising from the discussion at ISH1, including: • At (1), deletion of the general power for the closure of public rights of way beyond those specified in Schedule 6. This has been accompanied by	(i) Art.12(1) - after “undertaker” insert “may”. (While “may” is included in the Schedule of Changes [REP1-046], it is not included in art.12(1) of the latest versions of the draft Order [REP1-005] and [REP1-006]).	The Applicant has updated Article 12 to address CDCs concerns in the version of <b>the draft DCO [EN010152/APP/3.1]</b> submitted at Deadline 3. These pick up the comments made here as well as other consequential changes. The wording of Article 12 is now agreed with CDC.

Reference	Change	Reason for Change	CDCs Reply	Applicant's Response
	<p>way and access plans and specified in Schedule 6, Part 6 to the extent specified and described in column (3) of that Part of that Schedule.</p> <p>(2) Public rights of way are not to be wholly or partly closed under this article unless— <del>(a)</del> the new public rights of way to be constructed and substituted for a closed public right of way have been completed to the reasonable satisfaction of the street authority and are open for use, which for those public rights of way specified in columns (1) and (2) of Schedule 6, Part 6 are diverted as specified in column (4) of that Part of that Schedule; <del>or</del>.</p> <p><del>(3)(b)</del> Where the new permanent route for the new public right of way cannot be provided on the initial temporary closure and/or restricted use of the public right of way, a temporary alternative route for the passage of traffic as could have used the public right of way <del>to must be closed is</del> first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the closure of the public right of way until the completion and opening of the new public right of way in accordance with sub-paragraph <del>(a)</del>(2).</p> <p><del>(4)(3)</del> Where a public right of way has been <del>closed under this article</del> permanently closed and the new permanent route completed under sub-paragraph (2)—</p> <p>(a) all rights of way over or along the public right of way so closed are extinguished; and</p> <p>(b) the undertaker may appropriate and use for the purposes of the authorised development <del>so much of</del> the site of the <del>street or private means of access as</del> public right of way only where that public right of way is bounded on both sides by land owned by the undertaker.</p> <p><del>(5)(4)</del> Following the opening for public use of a public right of way that has been permanently closed and diverted under the</p>	<p>amendments to Schedule 6 to capture the minor closures of parts of PRoW Fenwick 10 and Sykehouse 29.</p> <p>• At (2) – (4), amendments to address comments from the ExA at ISH1 for clearer drafting to ensure the trigger for the final closure of a public right of way under subparagraph (4) cannot be met by the temporary diversion of routes as enabled under sub-paragraph (3).</p> <p>• Amendments throughout to utilised consistent language in respect of “closure” vs “diversion”</p>	<p>(ii) ( Art.12(1) – CDC considers the formulation “Part 6 of Schedule 6 (streets and public rights of way” be used, instead of “Schedule 6, Part 6”.</p> <p>(iii) Art.12(2) and (3) – CDC considers these provisions should be recast as follows – “No public right of way specified in Part 6 of Schedule 6 is to be wholly or partly closed under this article unless –</p> <p>(a) the new public right of way to be constructed and substituted for it, which is specified in column (4) of that Part has been completed to the reasonable satisfaction of the street authority and is open for use; or</p> <p>(b) a temporary alternative route for the passage of such traffic as could have used the public right of way is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the public right of way until the completion and opening of the new public right of way in accordance with subparagraph (a).”</p> <p>CDC notes this drafting is closer to that of the precedents cited in paragraph 5.3.9 of the EM [RE1-008] (i.e. the Drax Power (Generating Stations) Order 2019 (SI2019/1315) and the A66 Northern Trans-Pennine Development Consent Order 2024 (SI2024/360)).</p> <p>(iv) Art.12(4) – since subparagraph (2) refers to the whole closure of PROW, rather than to the permanent closure, CDC wonders whether article 12(4) should be</p>	

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	<p>powers conferred by this article the undertaker must supply the surveying authority with plans showing that public right of way as permanently <b>closed and</b> diverted together with a statement of the modifications required to the definitive statement.</p> <p><del>(6)(5)</del> The plans and statement of modifications to the definitive statement referred to in paragraph <del>(4)(5)</del> are deemed to be an order modifying the definitive map and statement made under section 53(3)(a) (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981.</p> <p><del>(7)(6)</del> This article is subject to article 32 (apparatus and rights of statutory undertakers in closed streets).</p> <p><del>(8)(7)</del> In this article “surveying authority” has the meaning given to it by section 66(1) (interpretation of Part III) of the Wildlife and Countryside Act 1981.</p>		<p>recast as follows – “Where a public right of way has been wholly closed under sub-paragraph (2)(a) – ...”</p> <p>Alternatively, should “stopped up” be used instead of “wholly closed” or “permanently closed”? (If so, this change would need to be made elsewhere in in the article).</p> <p>(v) Article 12(5) refers to “the opening for public use of a public right of way that has been permanently closed and diverted ...”. CDC does not consider this drafting works and considers it should be recast.</p>	
Article 21 (Time limit for exercise of authority to acquire land compulsorily)	<p>Amendment to article: [...]</p> <p>(3) The authority conferred by article 29 (temporary use of land for constructing the authorised development) must not be used after the end of the applicable period referred to in paragraph (1), save that if an application is made under section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) the applicable period is to be extended by—</p> <p>(a) a period equivalent to the period beginning on the day the application is made and ending on the day it is withdrawn or finally determined; or</p> <p>(b) <del>if one year, where the period specified in sub-paragraph (3)(a) is shorter, than</del> <b>if one year, where the period specified in sub-paragraph (3)(a) is shorter, than</b> one year.</p>	<p>Amendment per discussion with ExA at ISH1 to clarify the application of this paragraph.</p>	<p>CDC considers the extension provided under art.21(3)(a) is satisfactory and there is no need for art.21(3)(b). Owing to this, CDC considers art.21(3) should be recast as follows –</p> <p>“The authority conferred by article 29 (temporary use of land for constructing the authorised development) must not be used after the end of the applicable period referred to in paragraph (1), save that if an application is made under section 118 of the 2008 Act (legal challenges relating to applications for orders granting development consent) the applicable period is to be extended by a period equivalent to the period beginning on the day the application is made and ending on the day it is withdrawn or finally determined”</p>	<p>The Applicant disagrees with CDC, and considers that Article 21 should provide for the “if short, one year” wording so as to appropriately align with the current approach in compulsory purchase legislation and regulation. As discussed at ISH2, this wording has been reverted to align with the legislation in the <b>draft DCO [EN010152/APP/3.1]</b> at Deadline 3.</p>
Schedule 2, Requirement 10 (Archaeology)	<p>Amendment to requirement:</p> <p>10.—(1) No part of the authorised development may commence, and no part of the permitted preliminary works for that part <del>comprising the intrusive</del></p>	<p>Amendments per discussion with ExA at ISH1 to clarify the relevant documents as to be submitted at Deadline 1.</p>	<p>As mentioned during ISH1, CDC considers R10(1) should require CDC to consult with the South Yorkshire Archaeological Service (or whichever body is CDC’s archaeological</p>	<p>The Applicant does not agree with this amendment for the reasons set out at ISH1 and ISH2, and understands that CDC is no longer pursuing this amendment.</p>

Reference	Change	Reason for Change	CDCs Reply	Applicant's Response
	<p><del>archaeological surveys may start, until an archaeology mitigation strategy</del>may commence, until the final Archaeological Mitigation Strategy and site-specific written scheme of investigation for that part <del>has</del>have been submitted to and approved in writing by the relevant planning authority. (2) The Final Archaeological Mitigation Strategy and site-specific written scheme of investigation must be substantially in accordance with the <del>Draft Archaeology Framework</del> Archaeological Mitigation Strategy and must be implemented as approved.</p>		<p>adviser at the relevant time) and would suggest R10(1) is amended as follows –</p> <p>“No part of the authorised development may commence, and no part of the permitted preliminary works for that part may commence, until the final Archaeological Mitigation Strategy and site-specific written scheme of investigation for that part have been submitted to and approved in writing by the relevant planning authority, <b>in consultation with that authority’s archaeological advisers”</b>.</p>	